

CHAPTER I

INTRODUCTION

A. Background

Indonesia as a legal state has the regulates a variety of basic things, fundamentally as a nation in the constitution. As a legal state and as a democratic country, respect for human rights is one of its fundamental characteristics. Recognition of these human rights can be seen from the constitutional guarantees and existing laws and regulations.¹

In order to ensure the protection of human rights, the international community has already agreed to adhere to international human rights law. This is demonstrated by the creation of the Universal Declaration of Human Rights 1948 (UDHR), which shows that the enjoyment of human rights has become a matter of great concern across the globe. Here, UDHR fundamentally built based on four pillars which represents an ideal and essential to the enjoyment of individual life. Those pillars are dignity, liberty, equality and brotherhood.²

On the other hand, UDHR as a legal umbrella for human rights is considered non-binding, because it is "soft law" At the heart of all human rights is that every individual should have the opportunity to develop according to their talents and aspirations.

From the 1948 Universal Declaration of Human Rights ('UDHR'), a soft law document, today there are many treaties guaranteeing human

¹ Winner Agustinus Siregar, lin Karita Sakharina, Human Rights Protection Policy in Freedom Violations of Religion and Belief. Vol.9, No.4, 2019.

² Ishay, M. "What are Human Rights? Six Historical Controversies." Journal of Human Rights. Vol. 3(3). 2004. page. 3

rights. The term 'core human rights treaties' refers to at least 9 international treaties, starting from the 1965 International Convention on the Elimination of All Forms of Racial Discrimination ('ICERD'), followed by the 1966 International Covenant on Civil and Political Rights ('ICCPR'), Declaration on the Protection of all Persons from Enforced Disappearance and Economic, Social and Cultural Rights ('ICESCR'), to the most recent: ICPPED 2006.

Previously, International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) 2006 was drafted based on the need for a binding legal instrument at the international level on enforced disappearances. To an independent expert appointed by the UN Human Rights Commission to conduct a study on the normative framework on enforced disappearance, he stated that there are three options to address the need: (i) the creation of a separate human rights treaty; (ii) a new Optional Protocol of the 1966 ICCPR; and (iii) a new Optional Protocol of the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).³

Then, ICPPED as a human rights treaty that regulates the prohibition and prevention of enforced disappearance has not been ratified. Actually, Indonesia has signed ICPPED during the presidency of Susilo Bambang Yudhoyono, dated September 27, 2010.⁴

Enforced disappearance itself is a complex human rights violation. Looking back, the first case heard by the IACtHR, *Velásquez Rodríguez v. Honduras*, stated that enforced disappearance is a 'multiple and continuous' violation.⁵ Enforced disappearances violate various rights guaranteed under international human rights law, inter alia: the right to be recognized as a

³ UNCHR, Report submitted by Mr. Manfred Nowak, Op.Cit., para. 97-102.

⁴ Human Rights Watch, "Indonesia: Signing 'Disappearances' Convention an Important Step," <https://www.hrw.org/news/2010/10/12/indonesiasigning-disappearances-convention-important-step>, 12/10/2010, Accessed on 11 July 2024.

⁵ IACtHR. *Case of Velásquez Rodríguez v. Honduras*. Judgement of July 29, 1988 (*Merits*), page. 155.

person before the law; the right to security and liberty; the right to be free from torture; and - in the case of death - the right to life.⁶

With the entry into force of ICPPED 2006, the 'right not to be subjected to enforced disappearance' has finally become a stand-alone right, which is also regulated as a right that cannot be diminished under any circumstances.

In the previous year, the House of Representatives (DPR) in the 2004-2009 period made several recommendations regarding the resolution of the 1997-1998 enforced disappearance cases, one of which was the ratification of the Convention Against Enforced Disappearances as a form of commitment and support to stop the practice of enforced disappearances.⁷ Moreover, the ratification of ICPPED has been included in the political blueprint document of human rights law through the National Action Plan for Human Rights 2011-2014, and even included in the Main Program.⁸

Meanwhile, enforced disappearances have a parallel impact on both the disappeared person and their family. The disappeared victims will be in a helpless situation with the absence of legal protection. Typically, the practice of torture and secret executions occur simultaneously with enforced disappearances. On the other hand, families experience emotional suffering due to the absence of a definitive 'truth' regarding the fate and whereabouts

⁶ Deklarasi 1992. Daftar hak yang terlanggar dapat lebih panjang, dengan meliputi berbagai hak di bidang Ekonomi, Sosial, dan Budaya, seperti hak atas pendampingan keluarga, hak atas standar penghidupan yang layak, hak atas kesehatan, sampai dengan hak atas pendidikan. OHCHR, *Enforced or Involuntary Disappearances: Fact Sheet No. 6/Rev.3*, 3-4.

⁷ DPR RI, "Laporan Panitia Khusus Penanganan Pembahasan atas Hasil Penyelidikan Penghilangan Orang secara Paksa Periode 1997-1998," <https://kontras.org/home/WPKONTRAS/wpcontent/uploads/2018/09/LAPORANREKOME NDASI-PANSUS-ORANG-HILANG-DPR.pdf>, 28/9/2009, Accessed on 11 July 2024.

⁸ Peraturan Presiden No. 23 Tahun 2011 tentang Rencana Aksi Nasional Hak Asasi Manusia Indonesia Tahun 2011 - 2014.

of their loved ones.⁹ The history shows that cases of enforced disappearance are characterized by the removal of material evidence of the act of deprivation of liberty, namely the victim's own body, which thus has the potential to guarantee impunity for the perpetrators.¹⁰

Describing the Sukarno era, this issue focuses on the events of 1965-1966, which were marked by the September 30th Movement. It consists of four parts focusing on the events of 1965-1966 as a result. First, Indonesia as envisioned by Sukarno through his administration by examining the context of foreign policy in the cold war era related to sending Indonesian students abroad. Secondly, the events of 1965 and their impact on students studying abroad which resulted in the emergence of Indonesian exiles.

This political stance resulted in many people losing their passports, which meant that their identity as Indonesian citizens and the rights they had were revoked, and they were unable to return to Indonesia.¹¹

However, on the 1965 exiles and their strong social activities regarding Indonesia, to borrow Benedict Anderson's (1994) term, is referred to as a community of long-distance nationalism. Thus, in addition to making important contributions related to their nationalistic attitudes, the presence of the 1965 exiles also provides an expansion of academic studies in the social sciences regarding diaspora on what is called "being Indonesian" abroad, where their change of citizenship is not due to economic or social issues or efforts to ask for protection, but because of political issues that change the landscape of building Indonesia after the New Era. changed the

⁹ Dalam formulasi Ps. 24(1) ICCPED 2006, 'korban' tak terbatas pada orang yang secara langsung dihilangkan. Namun juga termasuk siapa saja yang terdampak dari penghilangan paksa itu. Demikian jelaslah bilamana sanak keluarga tergolong sebagai korban.

¹⁰ Velásquez Rodríguez v. Honduras, Op.Cit., paragraf. 157.

¹¹ Wahyudi Akmliah, *Indonesia yang dibayangkan: Peristiwa 1965-1966 dan kemunculan Eksil Indonesia*, page. 71.

landscape of Indonesia after the events of 1965-1966.¹²

The 1965 exiles lived without citizenship in countries such as the Netherlands, Russia, Romania, Albania, China and Cuba. Around 1980, some of them migrated to Germany, Belgium and the Netherlands, and applied for citizenship there. As most of these exiles were born before 1945, the Dutch government considers the Dutch citizen because they were born in the Netherlands-Indonesian region before Indonesia became independent.¹³

Enforced disappearances occurred in Indonesia in 1965-1966, following the fall of the New Order regime. In addition to the enforced disappearance of 13 activists, according to National Commission of Human Rights records, it is suspected that as many as 32,774 victims disappeared in the 1965/1966 incident. In the case of the enforced disappearances of pro-democracy activists in 1997/1998, political steps have been taken in Parliament.¹⁴ Practically, the obligation and responsibility is under the control of President Jokowi to resolve it. That is, by issuing a Presidential Decree on the Establishment of an Ad Hoc Human Rights Court so that the truth and justice longed for by the victims and their families can be realized immediately.

¹² Budiawan, 2004, *Mematahkan Pewarisan Ingatan: Wacana Anti Komunis dan Politik Rekonsiliasi Pasca-Suharto*, Jakarta: Elsam, page. 2

¹³ National Geographic Indonesia, *Kehidupan para eksil*, diakses dari <http://nationalgeographic.co.id/berita/2014/09/kehidupan-para-eksil>, pada tanggal 20 Nov 2024.

¹⁴ Komnas HAM RI, *Ratifikasi Konvensi Anti Penghilangan Paksa (Hari Anti Penghilangan Paksa Internasional)*. <https://www.komnasham.go.id/index.php/news/2016/8/30/150/ratifikasi-konvensi-anti-penghilangan-paksa-hari-anti-penghilangan-paksa-internasional.html>. Diakses 5 Februari 2025.

Well, in international human rights law, the concept of the 'right to truth' has been recognized in line with the progressive development of international human rights law itself.¹⁵

This paper will present language on human rights that occurred before the New Order. Against the existence of human rights violations, namely enforced disappearances of victims. This paper concludes that the state's obligation to uphold the right to truth should be pursued through the conduct of investigations, either by judicial or non-judicial means, in order to ascertain the fate of the disappeared victims and reveal any facts of 'truth' in relation to the cases of enforced disappearance.

B. Research Questions

Based on the background description above, the following problem formulation can be formulated:

1. How is the involvement of international institutions in protecting the rights of victims of political exile in Indonesia?
2. What is the state policy regarding human rights violations in the right to truth regarding enforced disappearances?

C. Research Objectives and Benefit

The Purpose of this research, namely:

1. To know about the involvement of international institutions in protecting the rights of victims of political exile in Indonesia
2. To know about the state policy regarding human rights violations in the right to truth regarding enforced disappearances.

¹⁵ Abdul Munif A, Abdul Maasba M, Iin Karita S, Ha katas kebenaran bagi korban penghilangan orang secara paksa Periode 1997-1998. Jurnal Jentera, 2021. page. 497.

Moving for the purpose of this research, it is expected to provide the theoretical and practical benefit, namely:

1. This research is expected to be a source of information, knowledge, and understanding for the working of Hasanuddin University towards the development of international law, especially, related for human right for the victim after there are the political Exiles 1965.
2. This research to contribute to public understanding of the international human rights and the obligation the UN Charter to handle the rights for the victims after there are the violation human rights.

D. Research Originality

This International Law Review on Human Rights for Victims of 1965 Political Exile Exile is a research that has never been done before. Based on the author's analysis to provide a comparative picture, the results of previous research regarding freedom of movement are presented, the authors attach previous research as comparison material for this paper:

1. Research conducted by students from Sebelas Maret University Surakarta

Author	: Muhammad Faisal Reza Irfani
Title of the article	: Eksil Politik 1965 dalam Prespektif Hukum Internasional dan Kebebasan Politik-Konstitusional
Category	: Thesis
Year	: 2016
College	: Universitas Sebelas Maret Surakarta

Previous Research	Research Plan
<p>Isues dan Problems:</p> <p>This research focuses on the existence of 1965 political exiles who are abroad whose emergence occurred due to domestic problems at that time, initially they were sent to become Indonesian delegates but instead led to the inability of the exiles to return home, from these problems the position of political exiles in two perspectives First, in a legal perspective, international refugees with their two instruments, namely the 1951 Vienna Convention and the 1967 Protocol. second using the perspective of political rights - constitutional</p>	<p>This research focuses on the Human Rights of Victims of political exiles in 1965 Whether recent international measures in terms of recognition and reconciliation for victims of political exiles in 1965 are in accordance with international human rights standards.</p>
<p>Research Methods :</p> <p>Normative Legal Research</p>	<p>Normative Legal Research</p>
<p>Result and Discussion :</p> <p>The results of the study show that the existence of exiles is in accordance with the definition of refugees based on the 1951 Vienna Convention and the</p>	

1967 Protocol, besides that, as a result of government policies in the past, the fulfillment of political-constitutional rights of exiles as citizens has not been fulfilled properly in accordance with the 1945 Constitution.

The results show that the existence of exiles is in line with the definition of refugees as stipulated in the 1951 Vienna Convention and the 1967 Protocol. In addition, past government policies have caused the fulfillment of political and constitutional rights of exiles as citizens to not be fully implemented in accordance with the provisions of the 1945 Constitution.

2. Research conducted by students from Syiah Kuala Darussalam University, Banda Aceh.

Author	: M. Ghoher Azizi Nasution	
Title of the article	: Implikasi Hukum Pengungsi Internasional Bagi Warga Negara Indonesia Yang Menjadi Eksil Politik	
Category	: Thesis	
Year	: 2014	
College	: Universitas Syiah Kuala Darussalam Banda Aceh	
Previous Research	Research Plan	
Isues dan Problems: Article 34 of the 1951 Refugee Convention states that	How the citizenship status of victims of 1965 political exiles is treated in international law, and whether there	

<p>“States parties shall as far as possible facilitate the assimilation and naturalization of refugees. States parties shall in particular make every effort to expedite the process of naturalization and to reduce as far as possible the charges and costs of the process.”</p> <p>Despite the existence of a governing article, in the case of political exiles there are still problems in getting citizenship from recipient countries which are states parties to the 1951 Refugee Convention and the 1967 Refugee Protocol. In this research, the problem lies in the position of international refugee political exiles according to the legal perspective and the flow of political exile settlement.</p>	<p>have been efforts by the Indonesian government or other countries to restore their status What impact loss of citizenship has on their human rights, and how international law can protect those rights.</p>
<p>Research Methods :</p> <p>Normative Legal Research</p>	<p>Normative Legal Research</p>

Result and Discussion :

The research results of the position of political exiles according to international refugee law according to both instruments are that political exiles can be categorized as international refugees on the grounds that they leave Indonesia not from personal desire, recognition that differences in political views are the main reason, and situations that force or threaten their lives, Settlement process of political exiles in seeking asylum involves the process of filing an asylum application in the country of their destination. Once the application is submitted, there is an assessment and vetting process to determine if a person meets the criteria of a refugee. If accepted, the refugee will be granted protection and rights provided by law.

Political exiles are categorized as refugees under legal instruments because they left Indonesia not on their own volition, but due to serious threats that forced them to leave. The main reason for this displacement is not only because of their professed political differences, but because of situations that threaten their safety. In the asylum seeking process, refugees have to apply in the country of destination, which then goes through an assessment and vetting process. If the asylum application is accepted, they will get the protection and rights guaranteed by international refugee law.

E. Theoretical Foundation

In terms of human rights, it is defined as a right that is inherent in human dignity as a creature of God, the right is brought since humans came to earth so that the right is fithri (nature) and not a gift from

humans or the state. The definition of human rights according to Leah Levin is “human rights meaning moral claims which are inalienable and inherent in all human individuals by virtue of their humanity alone”.¹⁶

In addition, some terms commonly used in academia are relevant to the definition of human rights. These terms may include natural rights, human rights. They include natural rights, human rights, civil rights, and others.

Well, the act of enforced disappearance is characterized by arrest, detention, abduction against their will, deprivation of liberty by government officials or organized groups acting with the authority and approval of the government followed by the refusal to disclose the fate of the disappeared.

Following that, The sources of international human rights law are the legal instruments that form the basis for the protection and enforcement of human rights at the international level. These sources include international treaties, international policies, general principles of law, and recognized decisions and expert opinions that guide the application of international law.¹⁷

The sources of international human rights law, usually referred to as IHRs, generally have something in common with the sources of international law. According to J.G. Starke, the general classification of international law into five categories, namely:¹⁸

a. Custom

¹⁶ Leah Levin, Human Rights Question and Answer, National Book Trus, India, 1998, page. 3

¹⁷ Boer Mauna, 2013, Hukum Internasional Edisi ke-5, Bandung, Bandung : Alumni, 2015, page 112-115.

¹⁸ J.G Starke, 2014, *Pengantar Hukum Internasional*, 10th edition, Translated by Bambang Iriana Djajatmaja, Sinar Grafika, Jakarta, page. 42

Customary international law is law that develops from the practices or customs of states.

b. Treaty

International treaties have a very important role in international law.

c. Court decision or arbitration decision;

International Arbitration aims to resolve disputes between countries by judges of their choice and on the basis of legal provisions. Settlement through arbitration means that the parties must implement the decision in good faith.

d. Juristic works;

Juristic works, in particular, do not have authority but when incorporated into customary rules of international law can become authoritative.

e. International organization decisions.

Decisions or determinations of the organs of international institutions which apply as customs or which regulate provisions and agreements between countries.

Instrument International Human Rights, there are international treaties: Includes charters, conventions, covenants and protocols made by states to regulate rights and obligations related to human rights. Key examples are the Declaration of Universal Declaration of Human Rights (UDHR), International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), a new Optional Protocol of the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).¹⁹ followed by the 1966 International

¹⁹ UNCHR, Report submitted by Mr. Manfred Nowak, Op.Cit., para. 97-102.

Covenant on Civil and Political Rights ('ICCPR') and Economic, Social and Cultural Rights ('ICESCR'), to the most recent: ICPPED 2006.

Then, The concept of forced exiles is paired with torture. Enforced disappearance as a specific subject in international human rights law only began to be conceptualized in line with the practice of repression that occurred in authoritarian regimes in several countries in the 1960s and 1970s. According to Antonio Cassese, that practice refers to the 'underground' operations intensified by the Argentine Military Junta government. These operations involved a network of secret detention centers or places that operated outside of any legal system, whether criminal procedure law or military manuals, with the aim of cracking down on 'subversive' movements, obtaining information from the movement's networks, and spreading fear.²⁰ Prior to the UN General Assembly's adoption of the ICPPED on December 20, 2006, there was still no consistent, final and universally binding definition of enforced disappearance. In addition, the IACtHR has issued a judgment in *Velásquez Rodríguez v. Honduras* (1988) outlining the complex crime of enforced disappearance, as cited that.²¹

“.....The phenomenon of enforced disappearance is a complex form of human rights violation that must be understood and dealt with in an integral way.”

At the regional level, the Organization of American States (OAS) in 1994 adopted the Inter-American Convention on Forced Disappearance of Persons (IACFDP 1994)²². The definition of disappearance is set out in Article II of the convention, which states that:

²⁰ Antonio Cassese, 2005, *Hak Asasi Manusia di Dunia yang Berubah*, translate by A. Rahman Zainuddin, Yayasan Obor, Jakarta, page. 182-183.

²¹ IACtHR, *Velásquez Rodríguez v. Honduras*, Judgement of July 29, 1988 (*Merits*), page. 150

²² Tullio Scovazzi & Gabriella Citroni, 2007, *The Struggle against Enforced Disappearance and the 2007 United Nations Convention*, Martinus Nijhoff Publishers, Leiden page. 63.

“For the purposes of this Convention, forced disappearance is considered to be the act of depriving a person or persons of his or their freedom, in whatever way, perpetrated by agents of the state or by persons or groups of persons acting with the authorization, support, or acquiescence of the state, followed by an absence of information or a refusal to acknowledge that deprivation of freedom or to give information on the whereabouts of that person, thereby impeding his or her recourse to the applicable legal remedies and procedural guarantees.”

It was not until the ICPPED was adopted in late 2006 and became binding four years later that the definition of enforced disappearance was finally outlined.

The elements of enforced disappearance can be described cumulatively, namely:

- A. there is arrest, detention, abduction or other forms of deprivation of liberty
- B. The acts are committed by state agents or persons or groups acting with the authority, support or consent of the state;
- C. The act is followed by refusal to recognize the existence of the deprivation of liberty or concealment of the fate or whereabouts of the disappeared person.

The objective consequence of enforced disappearance is the placement of the disappeared victims outside the protection of the law. The special characteristic of the practice of enforced disappearance is the continuous construction of the crime. Enforced disappearance is a crime or offense that is instantaneous in nature, and it cannot be constructed that it has stopped at the moment of arrest, detention, abduction or other forms of deprivation of liberty to the victim. It is precisely the momentum when the victim's freedom is deprived that

becomes the starting point of enforced disappearance. When the fate or whereabouts of the victim has not been ascertained by the competent authority - whether dead or alive - the crime of enforced disappearance is still constructed as ongoing.²³

²³ Scivazzi & Citroni, 2007, Op.Cit., page. 309-310.

Enforced disappearance has attracted international attention by categorizing it as a serious crime. The UN Commission on Human Rights established a Working Group on Enforced or Involuntary Disappearances (WGEID) consisting of five expert members.²⁴ According to Article 8(1) ICCPED reaffirms the continuing character of the crime of enforced disappearance, with its norm formulation which outlines that the application of statute of limitations by state parties must refer to two strict requirements, namely: (a) long and proportional to the extreme seriousness of the crime; and (b) starting from the moment the crime of enforced disappearance ceases, taking into account its continuing nature.²⁵

Based on the issue, The ratification of ICCPED is a meaningful step and should be considered as a state obligation to prevent the recurrence of the practice of enforced disappearance. It is suspected that enforced disappearances did not only occur in the final years of the New Order. The crime has been widely practiced long since the New Order power began to be established, as Nasional Commission of Human Rights itself revealed that as many as 32,774 people were victims of enforced disappearance in the events of 1965-1966.

²⁴ Antonio Cassese, 2005, *Op.Cit.*, page. 190-191.

²⁵ Amnesty International, *Jangan Ada Impunitas*, *Op.Cit.*, page. 23.

Indonesia signed the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) on September 27, 2010, but has yet to ratify it. Nevertheless, this convention is important for Indonesia because enforced disappearance has been one of the gross human rights violations in the nation's history, especially during the New Order era. As explained by Huala Adolf, the ratification of international instruments such as ICPPED is an important step to strengthen domestic legal commitment to the enforcement of human rights, especially in cases of enforced disappearance which has become a global concern since the Universal Declaration of Human Rights was passed.²⁶ Future perpetrators of enforced disappearances, as well as providing justice for victims and their families.²⁷

Based on the results of Nasional Commission of Human Rights investigation into the enforced disappearances of 1965-1966, it is estimated that 32,774 people have disappeared and there are several places known as the location of the massacre of victims. Then in the 1982-1985 mysterious shootings there were about 23 people who became victims of enforced disappearance, there were 15 victims of enforced disappearance in the 1984 Tanjung Priok incident, 235 people died and their whereabouts were unknown in the 1989 Talangsari incident, 23 activists were kidnapped in the 1997-1998 period of which 13 people are still missing to date, 18,600 people disappeared in the East Timor 1975-1999 incident, Ruth Sitepu and her husband who became victims of enforced disappearance in 2016, and these numbers do not include other events such as the Aceh conflict and the Papua conflict.²⁸

²⁶ Huala Adolf, *Hukum Perjanjian Internasional: Pengantar untuk Praktisi dan Mahasiswa* (Rajawali Pers, 2017), page. 112

²⁷ Philip Alston, *International Human Rights in Context: Law, Politics, Morals* (Oxford University Press, 2013), page. 675.

²⁸ KontraS, KontraS. 2020b. "The 1965 - 1966 Tragedy." Retrieved December 26, 2023(<https://kontras.org/kasus65/>). Accessed September 24, 2024.

The events of 1965 became one of Indonesia's black records. In that year, many citizens experienced violence, both from the military and civilian elements sponsored by the military. This event began with the abduction and murder of generals on September 30, 1965 (G30S). The Indonesian Communist Party (PKI) was strongly accused of being the perpetrator of the kidnappings and killings.²⁹

It began with the kidnapping that led to the assassination of six high ranking officers and a middle-ranking Army officer whose bodies were later found in Lubang Buaya. The kidnappings and killings were carried out by a group of troops who claimed to be loyal and aimed to protect President Sukarno from a plot to carry out a coup attempt. They named the movement the September 30 Movement or can be abbreviated as G-30-S.

Well, we can conclude that the gross human rights violations that occurred in 1965/1966 in Indonesia certainly cannot be separated from the September 30 Movement that occurred at that time. In the historical narrative that researchers know, the movement began with a kidnapping that led to the murder of six high-ranking officers and an Army mid-level officer whose bodies were later found in Lubang Buaya. The kidnappings and killings were carried out by a group of troops who claimed to be loyal and aimed to protect President Sukarno from a plot to carry out a coup attempt. They named the movement the September 30 Movement or can be abbreviated as G-30-S.

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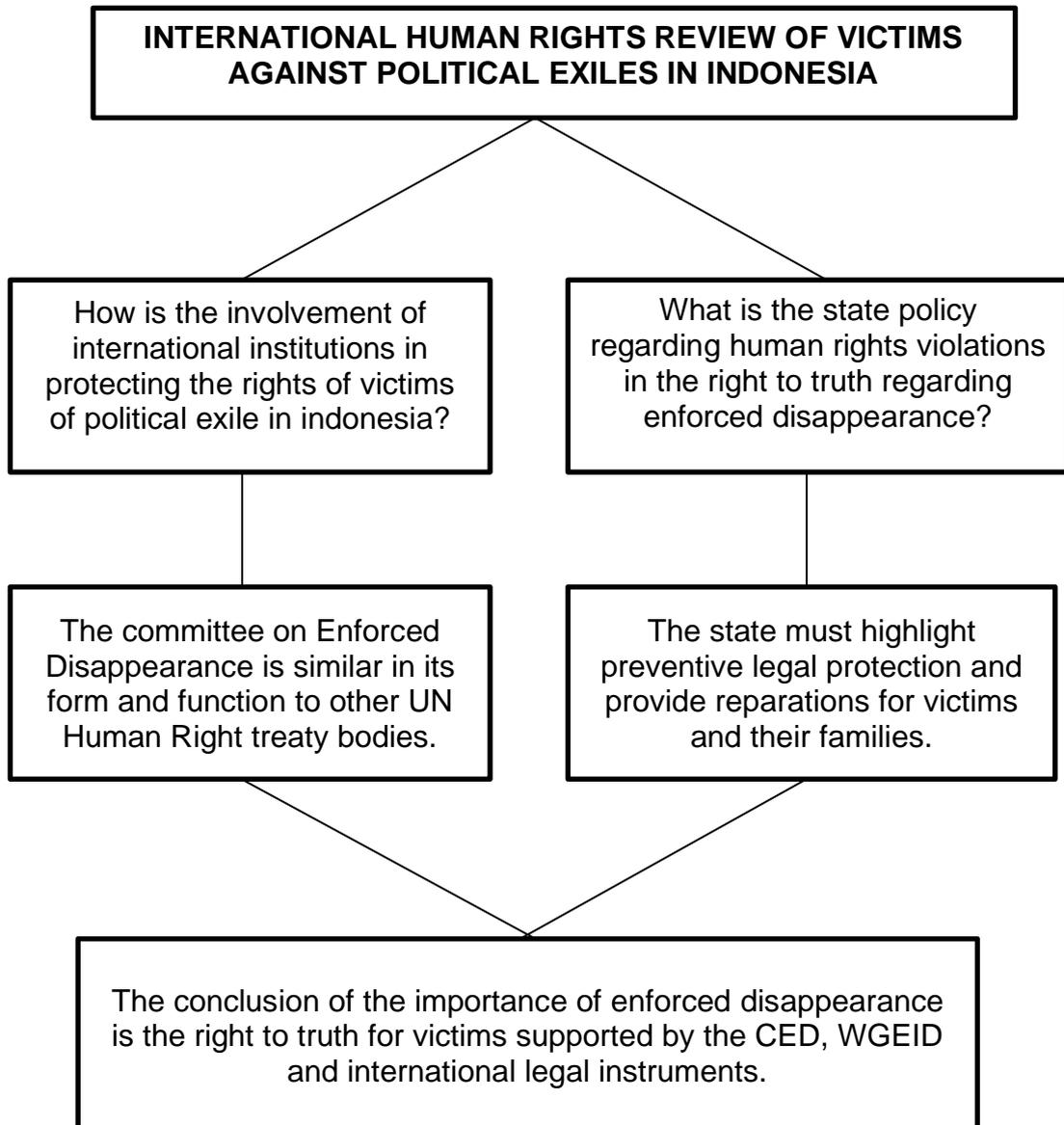
²⁹ Komnas HAM, 2020, Questioning gross human rights violations in 1965-1966. <https://www.komnasham.go.id/index.php/news/2020/10/6/1587/menyoal-pelanggaran-ham-yang-berat-peristiwa-1965-1966.html>. Accessed September 24, 2024.

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Thus, there is currently no serious effort taken by the government regarding the return of citizenship of 1965 exile victims. As it stands, there is no justice for the exile victims who have regained their citizenship status. This requires fair action for the victims because every human being has human rights both regionally and internationally.

³⁰ Septi Anggraini, 2020, Analisis Wacana Kebijakan Kewarganegaraan Republik Indoensia (Studi Pengembaloan Kewarganegaraan Korban Orde Baru Melalui Kewarganegaraan Ganda), Universitas Islam Riau, page. 11.

F. Framework



CHAPTER II

RESEARCH METHOD

A. Type of Research

This research is legal research using normative legal research as an approach that the author uses in conducting research in completing his writing, namely:

1. The statutory approach is an approach that uses legal material in the form of laws and regulations as the main legal material in the basic reference of this research. This research is carried out by reviewing, analyzing and / or examining all laws and regulations that have a relationship to the legal issues that have been studied and researched.³¹The research ends with a study of library materials or secondary data to understand the applicable legal norms or provisions.³²
2. Conceptual approach is an approach from doctrines and views that develop in legal science. This approach is used for researchers to put forward ideas in the form of legal concepts that are relevant to the legal issues that have been studied.³³

B. Type and Source

This research concentrates on three types of data: primary legal materials, secondary legal materials, and tertiary legal materials.

a. Type of Legal Material

Type of Legal Material is legal material that is authoritative which

³¹ Kadaruddin, 2021, *Penelitian di bidang Ilmu Hukum (sebuah pemahaman awal)*, Semarang;formaci, page. 106.

³² Peter Mahmud Marzuki, 2005, *Penelitian Hukum*, PT Kencana, page. 47

³³ *Ibid*, page.10.

means it has authority.³⁴ In this case, primary legal materials consist of laws and regulations, official records, or minutes in making laws and regulations and judges' decisions.

b. Sources of Legal Materials

Sources of Legal Materials is legal material that can help analyze and understand primary legal materials. Secondary legal materials can also be interpreted as publications about law that are not official documents. The types of secondary legal materials are in the form of textbooks, legal dictionaries, legal journals and comments on court decisions.³⁵

c. Tertiary sources are usually not credited to a particular author. The types of tertiary sources Dictionaries/encyclopedias (may also be secondary), almanacs, fact books, Wikipedia, bibliographies (may also be secondary), directories, guidebooks, manuals, handbooks, and textbooks (may be secondary), indexing and abstracting sources.

Legal Materials that is legal materials that are complementary in nature which provide additional guidance or explanation of the material. Primary and secondary law. Tertiary legal materials contained in the research include legal dictionaries, Indonesian dictionaries.

³⁴ *Ibid.* page. 67

³⁵ *Ibid.* page. 68

C. Legal Material Collection Techniques

The author will conduct a thorough search of relevant literature by actively gathering information from books, law journals and other publications, using predetermined terms and criteria. In addition, the author will utilize certain keywords and phrases related to this research in online databases and search engines. Finally, the author will analyze relevant legal cases by reviewing opinions and data relating to problem-solving methods related to the research.

D. Legal Material Analysis Techniques

Legal materials in legal research obtained from primary, secondary, and tertiary legal materials relevant to legal problems will be analyzed using a prescriptive analysis approach. The legal materials that have been collected will be selected and classified through logical and systematic arrangements, so that they can provide descriptive conclusions of this research.