

Politicos: Jurnal Politik Dan Pemerintahan



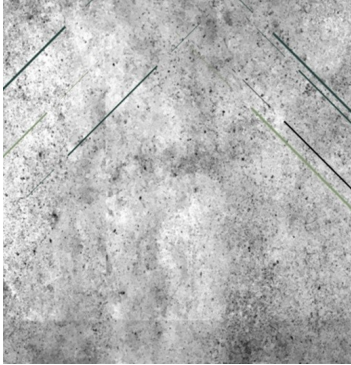
ISSN PRINT : 2776-8031
ISSN ELECTRONICS : 2776-8023

Volume 4, Number 1, 2024

ISSN: 2776-8031 (Print) | 2776-8023 (Electronics)

Publication details, Including author guidelines

Visit URL: <https://www.ejournal.warmadewa.ac.id/index.php/politicos/onlinesubmissionandauthorguideline>



Efforts of the Government and the National Commission on Human Rights in dealing with the Paniai Case: Problems of the Unfinished Grassroots

Juan Carlos Christfandy Hutahaeen, Christian H. J. de Fretes, and Suryo Sakti Hadiwijoyo

Universitas Kristen Satya Wacana, Salatiga, Indonesia

Article History

Received : August 30, 2023

Revised : December 7, 2023

Accepted : January 19, 2024

How to cite this article (APA)

Hutahaeen, J. C. C., Fretes, C. H. J., & Hadiwijoyo, S. S. (2024). Efforts of the Government and the National Commission on Human Rights in dealing with the Paniai Case: Problems of the Unfinished Grassroots. *Politicos: Jurnal Politik Dan Pemerintahan*, 4(1), 1-10. <https://doi.org/10.22225/politicos.4.1.2024.1-10>

Universitas Warmadewa (as publisher) makes every effort to ensure the accuracy of all the information (the "Content") contained in the publications. However, we make no representations or warranties whatsoever as to the accuracy, completeness, or suitability for any purpose of the Content. Any opinions and views expressed in this publication are the opinions and views of the authors and are not the views of or endorsed by Universitas Warmadewa. The accuracy of the Content should not be relied upon and should be independently verified with primary sources of information. Universitas Warmadewa shall not be liable for any losses, actions, claims, proceedings, demands, costs, expenses, damages, and other liabilities whatsoever or howsoever caused arising directly or indirectly in connection with, in relation to, or arising out of the use of the content.

Politicos: Jurnal Politik Dan Pemerintahan is published by Universitas Warmadewa comply with [the Principles of Transparency and Best Practice in Scholarly Publishing](#) at all stages of the publication process. Politicos: Jurnal Politik Dan Pemerintahan also may contain links to web sites operated by other parties. These links are provided purely for educational purpose.



This work is licensed under a [Creative Commons Attribution-ShareAlike 4.0 International License](#).

Efforts of the Government and the National Commission on Human Rights in Dealing with the Paniai Case: Problems of the Unfinished Grassroots

Juan Carlos Christfandy Hutahaean, Christian H. J. de Fretes*, Suryo Sakti Hadiwijoyo

Universitas Kristen Satya Wacana, Salatiga, Indonesia

Abstract

This article discusses the roles of the government and the National Commission on Human Rights (Komnas HAM) in handling severe human rights violation cases in Paniai, Papua. The purpose of this article is to determine whether the National Commission on Human Rights handled the severe human rights violations in Paniai optimally. The article employs a qualitative research method as a research procedure that generates descriptive data in the form of written or oral words from individuals or things observed. For gathering information, interviews were used along with different types of literature, like journals, to look at the steps that the National Commission on Human Rights took and news stories from different media outlets about how they dealt with serious human rights violations in Paniai. This article uses the theory of institutional and institutional roles to examine the roles played by the National Commission on Human Rights. The research findings indicate that handling the severe human rights violation cases in Paniai creates problematic situations between the government and civilians. First, the National Commission on Human Rights attempts to adapt to external and social expectations. Second, the formation of an order between the majority and minority in the uniformity pattern of witness elements during the investigation stage conducted by the Attorney General. Other challenges include the back-and-forth return of investigation files, which hinders the process of handling the Paniai case by the National Commission on Human Rights.

Keywords: Paniai, Government, Human Rights Commission, Supreme Prosecutor Office

Introduction

In 2014, a bloody Paniai incident occurred in Papua. On December 7, the Indonesian National Armed Forces, or TNI (*Tentara Nasional Indonesia*), carried out a case of persecution, and on December 8, clashes between citizens and the government reached their peak. The National Commission on Human Rights found that 21 people were injured and four people were killed in the clashes. The Indonesian government has not yet finished its investigation of serious human rights cases in Paniai since 2014. In fact, Paniai's bloody case has been officially established as a serious human rights violation since February 3, 2020, by the Indonesian National Commission on Human Rights as a human rights institution that holds a mandate as a case investigator in accordance with Law 26/2000, Section 18, on Human Rights Courts (Elsam, 2020). It should be noted that the formation of the Indonesian National Commission on Human Rights or Komnas HAM ad hoc team was carried out in 2015, and a series of investigations were carried out from the formation of the ad hoc team until 2019 (Weruin, interview, January 20, 2022).

So far, in the process of dealing with serious human rights violations by Paniai, the Indonesian government has shown good faith in seeking to deal with the case of Paniai. Although there are no apologies from the government in connection with severe human rights abuses in the past, at least President Joko Widodo has acknowledged and regretted the occurrence of severe human rights violations in various events (Rizqo, 2023). The statement can be seen in the statement of

*Corresponding author: Christian H. J. de Fretes. Universitas Kristen Satya Wacana
Jalan Diponegoro No. 52-60, Kel. Salatiga, Kec. Sidorejo, Kota Salatiga, Jawa Tengah 50711, Indonesia
Email: christian.defretes@uksw.edu

the President of the Republic of Indonesia concerning serious human rights violations, as follows (Kementerian Sekretariat Negara Republik Indonesia, 2023):

“With a clear mind and a sincere heart, I, as the Head of State of the Republic of Indonesia, acknowledge that serious human rights violations have indeed occurred on various occasions, and I deeply regret the occurrence of such serious violations.” – Joko Widodo.

In connection with the press statement, the good faith of the Indonesian government can also be seen in the government's seriousness in dealing with Paniai's heavy human rights. Efforts have been made to deal with the case as it has been handed over to the National Commission on Human Rights, and on the way to investigating the serious human rights cases, the Paniai Human Rights Council has conducted a series of investigations. In investigating, the National Commission on Human Rights has tested various things, requesting evidence from various parties, including the victims, the victim's families, and the security apparatus, up to the central level. (Weruin, interview, January 20, 2022). In a statement, Commissioner Mohammad Choirul Anam also mentioned that, in addition to asking for testimony from witnesses, the National Commission on Human Rights has also examined some documents, checked the location, verified the relevant information, inspected some videos, and so on (Humas Komnas HAM Republik Indonesia, 2020).

The evidence of the relevant investigation has been collected and submitted to the Prosecutor General as the state institution responsible for carrying out the investigation of serious human rights cases in accordance with the instructions of Law 26/2000, Article 21, Paragraph 1. If the relevant evidence is considered sufficient and intended to continue to the stage of investigation, then the Prosecution General will undertake the process of investigating the violations of Paniai's serious rights (Komisi Untuk Orang Hilang dan Korban Tindak Kekerasan, 2022). Based on the above explanation, the crucial problem in understanding the context of the role of the Human Rights Commune in dealing with the sustainability of the heavy human rights case in Paniai is the human rights commune itself. It's been a long time since the Indonesian state's Human Rights Chamber advocated for the human rights issues that have taken place in Paniai. Therefore, this article is trying to find out whether the National Commission on Human Rights's handling of Paniai's serious human rights case can be said to have been performed to the maximum. As far as it is known, there have been previous studies related to human rights violations in Papua by Huda et al. (2022). However, there has been no in-depth discussion of serious human rights violations or the role of the National Commission on Human Rights in the investigation of Paniai's serious humanitarian case.

Method

In producing descriptive data in written words about the observed problem, the researchers used qualitative research methods (Moleong, 1998). The research also uses the type of data source, i.e., secondary data sources obtained through the study of the library or literature review with the help of print media and internet media, by looking at the sources on research topics. In addition, the researchers also conducted data collection techniques in the form of interviews with the source, the Chief of the Sub-Division of Services and Complaints of the National Commission of Human Rights of the Republic of Indonesia, Representative of Papua, with the parties connected with the topic. The study examines the context of the role the National Commission on Human Rights played in the case of Paniai while conducting the analysis using the theory of institutional and institutional roles. The researchers also use the concept of human rights along with the concepts of the social and political movement to investigate matters more deeply related to the private and public spheres as well as the majority and minority in the handling of the serious human rights cases that occurred in Paniai.

Results

The bloody Paniai tragedy in 2014 was one of the major human rights violations that occurred in Indonesia. For the people of Papua, this bloody Paniai incident is part of the many human human rights violations that the Indonesian government must deal with seriously. After be-

ing appointed the seventh President of Indonesia in 2014, the President also responded to the Paniai case by saying that he would resolve the case as soon as possible. (Humas Sekretariat Kabinet Republik Indonesia, 2014). Let us look at the chronology of the serious human rights violations that took place in Paniai on December 7–8, 2014, and became the first serious humanitarian violations in the era of the 7th Indonesian President, Joko Widodo.

Background of Human Rights Violations Against Paniai Society

Papua has long been experiencing strange dynamics that can be seen in several events that occurred in Papua, and one of them came from human rights events. Human rights violations in Papua must be narrowed to be seen as a form of seriousness by the Indonesian government in guaranteeing the human rights of every citizen of its country. The human rights violations that occurred in Paniai on December 7–8, 2014, are one of the many human rights abuses that attracted public attention and sympathy. In the records of the National Commission on Human Rights, the events of December 7–8 began with the turmoil that took place on the 7th night. At that time, the children in the East Paniai District, in the Christmas hut on the hill of Togokotu, Ipakiye village, were gathering to celebrate the Christmas atmosphere.

In Papua, setting up a Christmas hut has become a tradition of celebrating the Christmas atmosphere, so the enthusiasm of the Papua community is so great, and the enthusiasm also comes from among the children. The children who were gathered together to decorate the hut that night were: Abimelech Pigai, Aniken Pigai, Amishon Mote, Athen Mote, Oktopince Yeimo, Viktor Yeimo, Yeri Gobai, Pelian Gobai, Athen Gobai, and Benjamin Giyai (You, 2016).

Figure 1. Christmas Hut on Mount Togokotu



Source: Secretariat for Justice, Peace, and Integrity of the Papuan Franciscan Creation

While decorating and gathering, some people who are supposed to be TNI men crossed by using motorcycles to perform surveillance or perform their duties related to the security and public order situation (Weruin, interview, January 20, 2022). It was also mentioned in the Papua special edition of the Human Rights Journal that some of them did not turn on the motorcycle lights even though the time had already indicated the night. Children stepped on some of the cracks that crossed this area, which is dangerous, causing a commotion. When he returned to the place of the turmoil with his companions, there was persecution against the children in front of the Christmas hut. The TNI are the people who were suspected of harassing children that night.

According to the information, the Human Rights Command has several pieces of data that qualify the passing person, and indeed, there is a TNI number from the unit Special Team 753/AVT in the incident (Weruin, interview, January 20, 2022). This record is also reinforced by the visa results mentioned in the Papua special edition of the Human Rights Journal, where a child suffered trauma from a long-control weapon shooting with YY initials. So, if it's calculated, there are 11 children who were the victims of persecution by the TNI in the Christmas hut on December 7th. Hearing the news of the persecution that took place on the 7th night, the people who lived around the Christmas hut crowded to the streets to express their dissatisfaction and demand

accountability from the perpetrators by paving or blocking the road at Km 4 Poros Madi-Enarotali Road, East Paniai District. After this roadblock action was carried out, the crowd that still did not accept it then walked on foot to Karel Gobay's field. When they got there, they danced the waita, and there were some incidents that caused the situation to get warmer, so the people threw stones (Weruin, interview, January 20, 2022).

Figure 2. Demonstration of Paniai Society



Source: Tabloid Daerah News

Karel Gobay's square is close to Sub-Sector Military Command, Police Sector Office, and the East Paniai District Office, so the direction of stone-throwing in an uncontrollable situation leads to the offices. In response to the stone-throwing action, there were attempts to control the situation or to stop it forcibly by the Military-Police joint apparatus, so that the shooting occurred (Weruin, interview, January 20, 2022).

Figure 3. Civilian Shooting



Source: Suara Papua

This record is also reinforced in the Papua special edition report of the Human Rights Journal, which mentions that when people gathered in the Karel Gobay field, civilians were hanged with unclear shots from where they were heading. The impact was four teenage victims who died because of a gunshot, and a dozen others were injured. Regarding the incident, there were two witnesses who saw some police officers hit a civilian before they opened fire close range after he fell to the ground (Amnesty International Indonesia, 2018). Based on the data above, the researchers judged that people protested in the Karel Gobay field because it was in a very strategic position, right between the Military Sub-District Command, the Sector Police Office, and the Paniai District Office. These citizens' protests took the form of a traditional dance, or waita.

At the time of the public's wait, as previously shown, there were several incidents. The National Commission on Human Rights did not mention in detail what incident triggered the heat of the situation in the Karel Gobay field that caused the people to carry out stone-throwing actions. However, starting with the action, the Indonesian National Armed Forces-Indonesian National Police (TNI-Polri) joint apparatus tried to control the situation or force it to stop, and there was a shooting that caused the deaths of the victims. To explain Waita's dance, Weruin (2022) said:

"...they're not seen to burn their emotions to do something bad. Waita should be seen as part of a culture. Waita is their way of bonding brotherhood while also burning the spirit between them to fight to demand something. The Waita was their greatest dance. So, don't look at Waita as a scapegoat to commit evil. Waita is a good thing, and in this context, Waita uses them to move together in expressing injustice."

Although it has not been explained in detail why this case is classified as a serious human rights violation, the Human Rights Chamber notes that the events of Paniai on December 7-8, 2014, were included in the serious human rights violations. It was marked by the persecution and murder of crimes against humanity, in which 21 people were wounded and four died (Humas Komnas HAM Republik Indonesia, 2020). Of the two incidents, three police officers and seven members of the police were wounded by the throwing of stones. Starting from the background of the human rights issue in Paniai as described, the National Commission on Human Rights continues to strive to fight for human rights through the handling of the heavy human rights case in Paniai.

Role and Involvement of the National Commission on Human Rights in Human Rights Issues in Paniai

The involvement of the Indonesian National Commission on Human Rights becomes one of the important elements in investigating and dealing with the forms of human rights violations that occurred in Paniai. The investigator will outline the stages of the HAM Commission's investigation in accordance with its tasks and duties. The stage is to form an investigation team (ad hoc team), conduct a search for the facts of the existence or absence of human rights violations, and collect the evidence obtained to be submitted to the Supreme Prosecutor's Office for investigation. In response to the case, the National Commission on Human Rights has investigated based on the mandate of Law No. 26/2000 and concluded that in the Paniai 7-8 December events, there was a suspected serious human rights violation. The National Commission on Human Rights then formed an ad hoc team to investigate serious human rights violations. The investigation carried out by the National Commission on Human Rights involves testing various things and requiring evidence from various parties, including the victims, the victim's families, and the security apparatus, up to the central level (Weruin, interview, January 20, 2022).

In a statement, Commissioner Mohammad Choirul Anam also mentioned that, in addition to asking for testimony from witnesses, the National Commission on Human Rights has examined some documents, checked the location, verified the relevant information, inspected some videos, and so on (Humas Komnas HAM Republik Indonesia, 2020). In addition, the National Commission on Human Rights has also gathered evidence of the forensic test of firearm projectiles, both the procedure for the use of weapons and forensics. Scoot, in his work entitled *Institutions and Organizations: Ideas, Interests, and Identities*, deals with the concept of institutional roles by stating that individuals in such institutions not only perform the roles established in the structure or rules of the relevant institutions but also contribute to the interpretation, creation, and birth of the meaning of such roles (Scoot, 2013). In this case, the National Commission on Human Rights is not only carrying out its duties according to the rules in the same chamber but also performing its duty in interpreting the law relating to the case of Paniai. The interpretation is based on Law No. 26/2000, Section 18-19, to investigate of serious human rights violations in the case.

In an interview with the Chief of the Subdivision of Services and Complaints of the National Commission on Human Rights Papua Representatives on January 20, 2022, the case that occurred in Paniai in 2014 could be classified as a serious human rights violation through a series of investigations carried out by the ad hoc team of the Human Rights Committee that has been formed since 2015, and the series was conducted until 2019. After the National Commission on Human Rights handed over the investigative file to the Supreme Prosecutor's Office, Paniai's case was officially declared a serious human rights violation on February 3, 2020 (Weruin, interview, January 20, 2022). Ashworth et al (2009) explains that institutional theory is one of the success factors for organizations in achieving legitimacy (Ashworth et al., 2009). Ridha and Basuki (2012) also explain

that organizations that prioritize legitimacy tend to adapt to external and social expectations (Pradita et al., 2019). Its link with the role of the National Commission on Human Rights in achieving legitimate recognition of the National Commission on Human Rights is trying to adapt to the external expectations of the other government agencies, such as the Supreme Prosecutor's Office.

The role and authority of the National Commission on Human Rights in investigating the serious human rights case of Paniai can be clearly observed by collecting several pieces of evidence from the investigation of the case. The investigation evidence that has been consolidated into the investigative file of the events of the Paniai case by the ad hoc team of the human rights commission was first handed over to the Supreme Prosecutor's Office on February 11, 2020. On March 19, 2020, the investigating file was returned to the National Commission on Human Rights because it was deemed to be substantially inadequate. Then the completed investigation file was handed over again to the Supreme Prosecutor's Office on April 14, 2020, for the second time (Halim, 2020). On May 20, 2020, the file was once more returned to the National Commission on Human Rights with the same justification as the initial file return.

After completing the returned investigative file, on June 19, 2020, for the third time, the National Commission on Human Rights handed over the investigation file of the Paniai case to the Supreme Prosecutor's Office. The National Commission on Human Rights' Commissioner Amiruddin Al Rahab confessed that the investigation into the events took place four times, and that in September 2021, the National Commission on Human Rights sent the finished files back to the High Prosecutors' Office (Wisanggeni, 2021). In the case of the return of the prosecutor's file to the National Commission on Human Rights, there is a coherent isomorphism between the National Human Rights Commission and the Prosecution. The National Commission on Human Rights, which prioritizes the legitimacy of the public in dealing with the Paniai case, has been forced to comply with the rules for the return of the Supreme Prosecutor's Office's files provided for in Article 20 of Act 26/2000 to refine the incomplete Paniai investigation files.

Although there are weaknesses in the stages of dealing with the serious Paniai human rights case, as the researchers have found, it will not change the fact that the Indonesian government has good faith and seriousness in dealing with the case. An important indicator of the government's good faith begins with the submission of the Paniai case to the National Commission on Human Rights. The National Commission on Human Rights has formed an ad hoc team to conduct a series of investigations as a way of handling serious human rights violations in Paniai. The ad hoc team investigation has been conducted from 2015 to 2019. Based on the investigation, the National Commission on Human Rights identified Paniai's case as a serious human rights violation. The serious human rights violations were established by the investigation of the National Commission on Human Rights and then proceeded to the stage of investigation by the Supreme Prosecutor's Office on September 28, 2022.

A year after the stage of the investigation, Jokowi, as Head of State, also regretted the serious human rights violations that occurred in Indonesia. The National Commission on Human Rights has done the investigation well, but it hasn't done the most given that there have been several returns of investigative files carried out by the Supreme Prosecutor's Office to the National Commission for Human Rights. The handling efforts put by the government before the National Commission on Human Rights can clearly be seen to have been carried out. The government has been trying to deal with the Paniai case, but there are some obstacles that are challenging the handling of the case. Then, the obstacles that are challenging the handling of the Paniai case will be discussed in the next section.

Discussion

It is important to emphasize that states and governments do not grant people their human rights. Human rights are a right that must be protected, respected, and protected by every individual, society, and even the State. The government is part of the state, and in carrying out its duties, the government has been serious about dealing with serious human rights violations in Paniai, as has been proven since it sent the task to the National Commission on Human Rights to

conduct a case investigation. However, the National Commission on Human Rights's investigation is still inefficient and rough when it is passed to the stage of investigation by the Supreme Prosecutor's Office. If reversed, the return of files that have discussed in the previous section is another challenge that the National Commission on Human Rights has to face.

It is mentioned that the court course is a possible path if traced into the legal framework, in particular Law No. 26/2000. But if you consider the timing of events and the length of the time of human rights violations, then the court path is a heavy process. Huda et al (2022) in their research also mentioned that in the handling of investigators and investigators of serious human rights violations cases written in Law No. 26/2000 on the human rights courts, namely the National Commission on Human Rights and the Supreme Prosecutor's Office, it is not an easy thing if the various positions and roles instead create ambiguity that results in differences of view in the investigation (Huda, 2022). So, these differences of opinion are obstacles and cause the investigation process to be less effective.

As for Young explaining that it is impossible to unite feelings between private and public spaces (Young, 1990). This can happen because the private space has a boundary with the public space. On its journey, the role of the Human Rights Commission also has limitations in expressing human rights issues because there are boundaries between the private and public spheres. Here, the researchers see the serious human rights violations that occurred in Paniai, one of the private areas of the Human Rights Commission that is not "so easy" to publish to the public. The National Commission on Human Rights could not explicitly provide information about the Paniai case because of its sensitive nature. Young also stated public and private, as an indivisible need and interest, which means the investigation of serious human rights violations in Paniai on the one hand is a need of the community, but on the other hand, this issue is also an interest of the indivisibility of the National Commission on Human Rights.

In explaining the interests of the National Commission on Human Rights, Weruin, Sub-Head of Service and Complaints (2022), said:

"First of all, it has to be realized that this is not a case of ordinary social conflict that we can blow up at any time; this is actually a legal case. This case can only be published extensively when there's a verdict. At least it's just a chronology of the case; if the data's like, who's the culprit? Who's the victim? How's the wound? It's not supposed to be posted publicly because it hasn't been tested. We have the data, the photos, and the testimonies of the members of the Military Rayon Command, the people who were at the time at the military Rayon Commander's headquarters, even the District Police Chief. We called and asked for testimony. The Deputy Chief of the Police of the Republic of Indonesia, whom we met there directly, was asked for testimony. We also have a test report that contains testimony from some victims, but why not blow it up because this is a legal case and their testimonies have not yet been tested in court? If the judgement is readable from the beginning to the end, including the testimony of the witnesses and the presumption of the perpetrator, it will be clear. That's why it wasn't blown up by the National Commission on Human Rights because once again, there's something we can open to submit, but in this context, this case hasn't been settled."

It can be seen clearly how the private sphere of the National Commission on Human Rights plays its role in the case of Paniai. The National Commission on Human Rights cannot publish the case explicitly to the public because there is an interest in the privacy of the information, they have collected in the process of the ad hoc team investigation. Meyer and Rowan discuss in their work "Institutionalized Organizations: Formal Structure as Myth and Ceremony" how coercive isomorphism, especially in the form of rules and external pressure from authorities, can play an important role in influencing the structure and practice of organizations. Organizations tend to adopt certain structures and practices in response to pressure to maintain their legitimacy (Meyer & Rowan, 1977). In many contexts, including within the framework of public institutions, when there is external pressure or demands from the public to be more transparent, organizations tend to adapt to meet those demands. Transparency here is part of an effort to build and main-

tain legitimacy in front of authorities and the public. Nevertheless, the National Commission on Human Rights cannot fully comply with external (public) requests to provide case transparency because there are provisions in Law 39/1999 article 92, paragraphs 2 and 3, that regulate the confidentiality of information in cases of human rights violations. One small example is if the National Commission on Human Rights gives transparency of information to the public in a clear way, it would endanger security and public order considering the Paniai case is a very sensitive case that is special for the people in the Papua region.

Young also said, "Diversity in policy creates order between majority and minority into a hegemonic political product" (Young, 1990). The government should be able to make a more neutral policy in policy making. It's not only for the majority; it's also for the minority. No other wise form of policy can meet the needs of all layers of society without exception (Young, 1990). Otherwise, it would create a gap between the major and the minor itself. The researchers judge that the actual policy problem is not with the government. Once again, the government has the urgency to deal with serious human rights violations. However, on his journey, the handling of the Paniai case did not go as far as possible. It should be remembered that the role of the National Commission on Human Rights in the investigation and the Prosecutor General's Office as an investigator is not simple when different roles lead to different perspectives in dealing with the Paniai case.

Let's go over a portion of the Supreme Prosecutor's Office investigation into the Paniai case. The National Commission on Human Rights handed over the Paniai file to the Supreme Prosecutor's Office and conducted a phase of investigation on September 28, 2022, at the Makassar State Court. A suspect named Isak Sattu has been identified. At the time of the incident, Army Major Infantry (Ret.) Isak Sattu served as a liaison officer in the Military District Command. His detention as a suspect was established through the Suspect Identification Letter No. TAP-01/A/Fh.1/04/2022, dated April 1, 2022 (Martiar, 2022). Since January–March 2022, the Supreme Prosecutor's Office has investigated at least 61 witnesses in alleged serious human rights violations in Paniai as part of the investigation. Six of them were expert witnesses, such as a ballistic gun test expert, a humanitarian lawyer, a military legal professional, a forensic who took the victim's post-mortem from Paniai Public Hospital, a heavy human rights expert, and a criminal legal expert. Meanwhile, 55 witnesses came from various elements: 24 from the TNI, 17 from the police, 8 from civilians, and 6 from the Coordinating Ministry for Political, Legal, and Security Affairs investigation team (Martiar, 2022).

At the first trial, only seven out of eight people were from civilian backgrounds (Purnamasari, 2022). However, at the second indictment hearing, no civilian witnesses were present (Komisi Untuk Orang Hilang dan Korban Tindak Kekerasan, 2022). It can be observed that the trial of the alleged serious human rights violations in Paniai went less than maximum because of the lack of involvement of victims and witnesses from civilians in the investigation stage. The Supreme Prosecutor's Office indirectly forms an order between the majority and the minority on the pattern of consistency of witness elements in the investigation phase. The majority are the TNI and the police, while the minority are civilians. Young (2000) also mentions "exclusion because the aggregate majority is the basis of the consensus, and they (the minority) are forced into the consensus of the majority" Indirectly, the strong (major) constraints isolate civilians, making them the basis of the rule and forcing the weak (minor) civilians to abide by the harsh punishment rules. As also observed by Arman, Isak Sattu, the suspect was sentenced to a freedom sentence by the HAM court judge's assembly on December 8, 2022 (Arman, 2022). Regarding the ruling of the law, the civilians are finally desperate to agree to the decision of the Assembly of Judges of the Human Rights Court on Isak Sattu.

Conclusion

The handling of serious Paniai human rights violations creates a problematic situation between the government and civilians. In fact, the government has had good faith in dealing with the case. The good faith of the government can be seen from some important indicators that have been taken. The National Commission on Human Rights received the Paniai case investigation,

which demonstrates the government's good faith. A series of investigations conducted by the Human Rights Commission through an ad hoc team from 2015–2019 found indications of serious human rights violations in Paniai. A year after the investigation on February 3, 2020, the Paniai case was found to be a serious human rights violation by the National Commission on Human Rights. Through a long process of completion of Paniai's case, the prosecution's investigation on September 28, 2022, has been continued. In 2023, Jokowi, as President of Indonesia, issued a statement of regret over the serious human rights violations in Indonesia.

The research also resulted in the finding that, in its investigation, the National Commission on Human Rights sought to adjust in line with external expectations, such as those of the government and the expectations of the public. The National Commission on Human Rights was forced to adjust to the rules of returning the archives of the Supreme Prosecutor's Office and supplementing the incomplete Paniai files. On the other hand, in terms of meeting public expectations, the National Commission on Human Rights is required to provide information in a transparent manner, but the National Human Rights Commission is limited to expressing Paniai's human rights issues because of the boundaries between the private and public spheres. As for another factor that creates a problematic situation and becomes an obstacle in the handling of the Paniai case, namely the gap that arises between the majority and minority. This gap is indirectly arising because the policy carried out by the Supreme Prosecutor's Office is a complex thing, which creates differences in perspective in the treatment of the Paniai case. So, the government, the National Commission on Human Rights, and the Attorney-General need other alternatives to resolve the problems in the handling of the Paniai case. For example, a dialogue approach is needed between the three parties to at least find the middle point in the differences of opinion and eliminate the domination of perspective between one side.

References

- Amnesty International Indonesia. (2018). *Sudah, Kasi Tinggal Dia Mati: Pembunuhan Dan Impunitas Di Papua* [white paper]. Amnesty International Indonesia. <https://www.amnesty.org/download/Documents/ASA2181982018INDONESIAN.PDF>
- Arman, R. S. A. (2022, December 8). Terdakwa Kasus Paniai Divonis Bebas. Kompas. <https://www.kompas.id/baca/nusantara/2022/12/08/terdakwa-kasus-paniai-divonis-bebas>
- Ashworth, R., Boyne, G., & Delbridge, R. (2009). Escape from the Iron Cage? Organizational Change and Isomorphic Pressures in The Public Sector. *Journal of Public Administration Research and Theory*, 9(1), 165-187.
- Elsam. (2020, June 6). *Masa Depan Penyelesaian Peristiwa Paniai Berada di Tangan Presiden Jokowi Harus perintahkan Jaksa Agung Melakukan Penyidikan*. Elsam. <https://www.elsam.or.id/bisnis-dan-ham/masa-depan-penyelesaian-peristiwa-paniai-berada-di-tangan-presiden-presiden-jokowi-harus-perintahkan-jaksa-agung-melakukan-penyidikan>
- Halim, D. & Meiliana, D. (2020, June 4). *Berkas Paniai Dikembalikan untuk Kedua Kalinya, Komnas HAM: Substansi Argumentasinya Sama*. Kompas. <https://nasional.kompas.com/read/2020/06/04/22465211/berkas-paniai-dikembalikan-untuk-kedua-kalinya-komnas-ham-substansi?page=all>
- Huda, M. M., Suwandi, & Rofiq, A. (2022). Implementasi Tanggung Jawab Negara Terhadap Pelanggaran HAM Berat Paniai Perspektif Teori Efektivitas Hukum Soerjono Soekanto. *In Right: Jurnal Agama dan Hak Azazi Manusia*, 11(1), 115-134.
- Humas Komnas HAM Republik Indonesia. (2020, February 20). *Bukti Kasus Paniai Layak Jadi Pelanggaran HAM Berat. Komnas HAM Republik Indonesia*. Kompas. <https://www.komnasham.go.id/index.php/news/2020/2/20/1325/bukti-kasus-paniai-layak-jadi-pelanggaran-ham-berat.html>

- Humas Sekretariat Kabinet Republik Indonesia. (2014). Pidato Presiden Joko Widodo Pada Perayaan Natal Bersama Nasional 2014, di Stadion Mandala, Jayapura, Papua, 27 Desember 2014. Sekretariat Kabinet Republik Negara. <https://setkab.go.id/pidato-presiden-joko-widodo-pada-perayaan-natal-bersama-nasional-2014-di-stadion-mandala-jayapura-papua-27-desember-2014/>
- Kementerian Sekretariat Negara Republik Indonesia. (2023). Pernyataan Pers Presiden RI tentang Pelanggaran HAM Berat. Sekretariat Negara. https://www.setneg.go.id/baca/index/ Pernyataan_pers_presiden_ri_tentang_pelanggaran_ham_berat
- Komisi Untuk Orang Hilang dan Korban Tindak Kekerasan. (2022, September 28). Sidang Pemeriksaan Saksi Pertama Pengadilan HAM atas Peristiwa Paniai 2014: Nihil Profesionalitas dan Keberpihakan Kejaksaan. Kontras. <https://kontras.org/2022/09/28/sidang-pemeriksaan-saksi-pertama-pengadilan-ham-atas-peristiwa-paniai-2014-nihil-profesionalitas-dan-keberpihakan-kejaksaan/>
- Martiar, N. A. D. (2022, March 25). *Sudah 61 Saksi Diperiksa, Tersangka Kasus Paniai Diumumkan Awal April*. Kompas. <https://www.kompas.id/baca/hukum/2022/03/25/periksa-61-saksi-tersangka-kasus-paniai-akan-segera-diumumkan>
- Meyer, J. W., & Rowan, B. (1977). Institutionalized Organizations: Formal Structure as Myth and Ceremony. *The American Journal of Sociology*, 83(2), 340–363.
- Moleong. (1998). *Metodologi Penelitian Kualitatif*. Bandung. Remaja Rosdakarya
- Pradita, K. D., Hartono, A., & Mustoffa, A. F. (2019). Pengaruh Tekanan Eksternal, Ketidakpastian Lingkungan, Dan Komitmen Manajemen Terhadap Penerapan Transparansi Pelaporan Keuangan. *ISOQUANT: Jurnal Ekonomi, Manajemen, dan Akuntansi*, 3(2), 87–100.
- Purnamasari, D. D. (2022, November 3). *Sidang Kasus Paniai Dinilai Minim Libatkan Korban dan Saksi Sipil*. Kompas. <https://www.kompas.id/baca/polhuk/2022/11/03/sidang-kasus-paniai-dinilai-minim-libatkan-korban-dan-saksi-sipil>
- Rizqo, K. A. (2023, Mei 2). *Pemerintah Tak Minta Maaf soal Pelanggaran HAM Berat Masa Lalu*. Detiknews. <https://news.detik.com/berita/d-6700058/mahfud-pemerintah-tak-minta-maaf-soal-pelanggaran-ham-berat-masa-lalu>
- Undang-Undang Republik Indonesia Nomor 39 Tahun 1999 Hak Asasi Manusia. 23 September 1999. Lembar Negara Republik Indonesia Tahun 1999 Nomor 165. Jakarta.
- Undang-Undang Republik Indonesia Nomor 26 Tahun 2000 Pengadilan Hak Asasi Manusia. 23 November 2000. Lembar Negara Republik Indonesia Tahun 2000 Nomor 208. Jakarta.
- Scoot, W. R. (2013). *Institution and Organizations: Ideas, Interests, and Identities* (P. Quinlin (ed.); Fourth edi). Thousand Oaks, California: SAGE Publications, Inc, 2014.
- Wisanggeni, A. (2021, December 4). *Tim Penyidik Kejaksaan Agung untuk kasus Paniai harus bekerja transparan*. Jubi. <https://arsip.jubi.id/papua-tim-penyidik-kejaksaan-agung-untuk-kasus-paniai-harus-bekerja-transparan/>
- You, A. (2016, February 14). *Siapa Penembak Empat Siswa Dan Satu Warga Sipil Di Paniai?* Jubi. <https://arsip.jubi.id/siapa-penembak-empat-siswa-dan-satu-warga-sipil-di-paniai/>
- Young, I. M. (1990). Difference and the Politics of Difference. In *International Encyclopedia of Human Geography*, Second Edition. <https://doi.org/10.1016/B978-0-08-102295-5.10172-6>