The handle http://hdl.handle.net/1887/22838 holds various files of this Leiden University dissertation.

**Author:** Setiawan, Ken Marijtje Prahari  
**Title:** Promoting human rights : National Human Rights Commissions in Indonesia and Malaysia  
**Issue Date:** 2013-12-12
REFERENCES

Aliran (11 April 2008). ‘New Selangor govt halts evictions of urban pioneers’.


Bernama News (16 February 2005). ‘Selangor to demolish all squatter houses starting July’.

Bernama News (8 July 2008). ‘1,535 Deaths in Custody in Malaysia between 2003 and last year’.


Forum Keadilan (8 July 1993). ‘Mengotak-atik yang Tak Kasat Mata’.


Kompas (22 October 2007). ‘Sekjen Komnas Diberhentikan’.
Kompas (17 March 2008). ‘Purnawirawan TNI Cukup Jawab Tertulis ke Komnas HAM’
Koran Tempo (23 November 2006). ‘Komnas HAM Minta Dukungan DPR’.

Lindsey, Tim (2010). ‘Blasphemy, Persecution and Law in Indonesia: How Muslim conservatives use the Criminal Code against Religious Minorities’. Seminar at the University of New South Wales, Canberra (15 June 2010).

Malaysiakini (6 November 2000a). ‘Probe police conduct in reformasi gathering, Suhakam told’.
Malaysiakini (6 November 2000b). ‘Tear gas canister fired at me, says Wan Azizah’.
Malaysiakini (23 August 2001). ‘Appy local not international standards, Suhakam told’.
Malaysiakini (9 September 2001). Suhakam’s report “biased and idealistic”: Pak Lah’.
Malaysiakini (2 April 2002). ‘Five Suhakam commissioners dropped, seven reappointed: source’.
Malaysiakini (17 April 2002). ‘Kg Medan victim files RM50mil suit against Suhakam’.
Malaysiakini (23 April 2002). ‘Abu Talib’s controversial past casts doubts on Suhakam future’.
Malaysiakini (17 February 2003). ‘RM50mil suit against Suhakam struck out’.
Malaysiakini (22 May 2003). ‘Malaysia’s security law critiqued’.
Malaysiakini (9 September 2003). ‘Rais: Suhakam’s proposals on ISA and other security laws being reviewed’.
Malaysiakini (19 December 2003). ‘Repeal of ISA unlikely for now, says Najib’.
Malaysiakini (29 July 2005). ‘Suhakam puts off visit to Sky Kingdom’.
Malaysiakini (9 August 2005). ‘Suhakam is “prejudiced” against Sky Kingdom’.
Malaysiakini (8 December 2005). ‘Grrrr... Suhakam wants to bark and bite!’.
Malaysiakini (29 December 2005). ‘Move on, Everest hero’s family told’.
Malaysiakini (4 January 2006). ‘Moorthy issue turns “racial” at Suhakam’.
Malaysiakini (27 February 2006). ‘Suhakam: No need to amend Article 121(1A)’.
Malaysiakini (27 March 2006). ‘Govt: we don’t intend to give Suhakam teeth’.
Malaysiakini (1 April 2006). ‘Suhakam: Nazri’s statement “shameful”’.
Malaysiakini (13 April 2006). ‘Suhakam commissioner wants three year terms’.
Malaysiakini (3 May 2006). ‘Hamdan’s out of Suhakam’.
Malaysiakini (7 June 2006). ‘Temple caretakers take case to Suhakam’.
Malaysiakini (7 July 2006). ‘Ex-right commissioner Anuar slams Suhakam’.
Malaysiakini (27 July 2006). ‘Article 11 – Setting the record straight’.
Malaysiakini (31 July 2006). ‘Allow forums to continue’.
Malaysiakini (14 December 2007). ‘Kg Berembang Site “doesn’t belong to developer”’.
Malaysiakini (20 December 2007). ‘Khir Toyo: I cry for the squatters too’.
Malaysiakini (7 April 2008). ‘Selangor land-title move lauded’.
Malaysiakini (19 November 2008). ‘Nazri explains why Suhakam was downgraded’.
Malaysiakini (24 December 2009). ‘ISA amendments to be tabled at next sitting’.
Malaysiakini (1 April 2010). ‘Suhakam replacements shrouded in secrecy’.
Malaysiakini (17 May 2010). ‘M’sia’s human rights “hypocrisy”’.
Malaysiakini (7 June 2010). ‘Hasmy Agam new Suhakam chairperson’.
Malaysiakini (8 June 2010). ‘Suhakam selection process flawed: Suaram’.
Malaysiakini (16 June 2010). ‘NGOs slam Suhakam’s flawed appointments’.
Media Indonesia (10 March 2007). ‘Lima Fraksi Setuju Bentuk Pengadilan’.


Pos Kota (13 October 2010). ‘Satpol PP Usul Perda Tibum Direvisi’.


Sinar Harapan (6 January 2006). ‘RUU Administrasi Kependudukan’.


Suara Karya (4 August 2006). ‘PN Jakpus Tolak Panggil Paksa 6 Jenderal’.


SUHAKAM (2002b). *Inquiry on its Own Motion into the November 5th Incident at the Kesas Highway*. Kuala Lumpur: SUHAKAM.


The Jakarta Post (5 November 2003). ‘City, Komnas HAM to set up team on evictions’.
The Jakarta Post (7 November 2003). ‘Evictees sue rights body for failing to act’.
The Jakarta Post (7 June 2004). ‘Komnas HAM last resort for justice seekers’.
The Jakarta Post (11 June 2004). ‘Court orders rights body to act against evictions’.
The Jakarta Post (29 July 2004). ‘Evictees told it’s time to vacate Komnas premises’.
The Jakarta Post (10 December 2011). ‘Ahmadiyah Bans: Legal justification for intolerance?’.
The Malaysian Insider (16 April 2012). ‘Najib: ISA repeal will not affect current detainees’.
The Star (22 April 2012). ‘End to detention without trial’.
The Sun (7 November 2000). ‘Opposition to raise political abuse to Suhakam’.


List of References and Interviews


INTERVIEWS - INDONESIA

Ahmad Baso, KOMNAS HAM commissioner, 7 May 2008.
Ahmad Nurcholish, representative of the NGO ICRP, 22 April 2008.
Agung Putri, chairperson of the NGO ELSAM, 29 August 2006.
Albert Hasibuan, former KOMNAS HAM commissioner, 8 September 2006.
Anshari Thayib, KOMNAS HAM commissioner, 26 September 2006.
Asmara Nababan, former KOMNAS HAM commissioner, 28 August 2006.
Azas Tigor Nainggolan, representative of the NGO FAKTA, 19 May 2008.
Chandra Setiawan, KOMNAS HAM commissioner, 21 September 2006.
Enny Soepapto, KOMNAS HAM commissioner, 26 September 2006.
Habib Chirzin, KOMNAS HAM commissioner, 29 August 2006.
Heru W. Susanto, KOMNAS HAM staff member, 19 September 2006.
Ifdhal Kasim, chairperson of the NGO Reform Institute, 20 September 2006.
Ilma Sovri Yanti, representative of the NGO ICRP, 16 April 2008.
Ita F. Nadia, KOMNAS Perempuan commissioner, 26 September 2006.
M.M. Billah, former KOMNAS HAM commissioner, 26 April 2008.
Mugiyanto, chairperson of the NGO IKOHI, 16 October 2006.
Ratih Rosmayuani, KOMNAS HAM staff member, 11 May 2004.
Ruswiati Suryasaputra, KOMNAS HAM commissioner, 29 August 2006.
Saparinah Sadli, former KOMNAS HAM commissioner, 27 May 2004.
Satjipto Rahardjo, former KOMNAS HAM commissioner, 9 May 2008.
Siti Aminah, victim of forced eviction in Jakarta, 22 May 2008.
Soetandyo Wignjosoebroto, former KOMNAS HAM commissioner, 19 November 2003.
Uli Parulian Sihombing, former director of the NGO LBH Jakarta, 16 May 2008.
Usman Hamid, chairperson of the NGO KontraS, 9 October 2006.
Wardah Hafidz, representative of the NGO UPCR, 16 May 2008.
List of References and Interviews

INTERVIEWS – MALAYSIA

Abu Talib Othman, SUHAKAM chairperson, 3 January 2007.
Ahmad Yusuf Ngah, SUHAKAM Secretary, 20 November 2006.
Arutchelvan Subramaniam, representative of the NGO coalition JERIT, 23 November 2006.
Chin Oy Sim, representative of the NGO WAO, 27 November 2006.
Colin Nicholas, coordinator of the NGO COAC, 22 December 2006.
Enalini Elumalai, representative of the NGO SUARAM, 22 January 2009.
Hamdan Adnan, former SUHAKAM commissioner, 16 January 2009.
Hirman Ritom Abdullah, SUHAKAM commissioner, 21 November 2006.
John Liu, representative of the NGO SUARAM, 12 January 2009.
Josef Roy Benedict, representative of Amnesty International Malaysia, 16 November 2006.
Khoo Kay Kim, SUHAKAM commissioner, 20 December 2006.
Musa Hitam, former SUHAKAM chairperson, 13 January 2009.
Nurul Hasanah, SUHAKAM staff member, 23 November 2006; 14 December 2006; 8 January 2009.
Ramon Navaratnam, former SUHAKAM commissioner, 22 January 2009.
Simon Karunagaram, SUHAKAM staff member, 22 January 2009.
Simon Sipaun, SUHAKAM vice-chairperson, 15 November 2006.
Yap Swee Seng, coordinator of the NGO SUARAM, 14 November 2006; 18 December 2006.
Zaid Ibrahim, Member of Parliament and former Minister of Law, 21 January 2009.
Appendices
I  Recommendations

1. Recommendations for KOMNAS HAM

To establish action programmes based on-for instance- the National Action Plan on Human Rights (RANHAM) and the National Legislation Programme (PROLEGNAS)

In Chapters 3 it became evident that KOMNAS HAM’s performance has been influenced positively by individual initiatives. It has been argued that the individual approach had many advantages: without it, KOMNAS HAM would not have addressed important yet controversial issues (interreligious marriage), or those which were considered to be of a low priority (adequate housing and public order regulations). While KOMNAS HAM’s report on the National Civil Registry also came about due to personal initiative, the report also resonated with existing legislative concerns, which had a positive effect on the Commission’s effectiveness. In order to increase its chances of success, KOMNAS HAM should continue to identify areas of opportunity. This can, for instance, be done by looking at priorities set out by the government, such as in the RANHAM or PROLEGNAS.

To increase its institutional cooperation with state agencies and civil society organisations

KOMNAS HAM’s reliance on individual initiative is also reflected in its relationships with other organisations, which are dependent on personal ties. The use of personal networks has its advantages: in the past this has greatly facilitated KOMNAS HAM’s access to high-ranking officers in the security forces. However, the dependency on personal connections also means that these relationships are often not sustained when the composition of the commission changes. Since 2007, this has been particularly noticeable in the Commission’s relationship with the military, as this period has coincided with no former members of the security forces being elected to KOMNAS HAM. Institutional cooperation

1  See 3.2.2.
2  See 3.4.4.
3  See 3.2.3.
4  See 2.2.3 and 2.3.3.
5  See 2.5.2.
does not only need to be fostered with state agencies, but also with independent state bodies (in particular, KOMNAS Perempuan and KOMNAS Anak), and human rights NGOs.

To promote the establishment of regional offices in order to alleviate the workload

One of the challenges KOMNAS HAM faces is that it does not seem to have enough personnel or resources to deal with the vast and increasing number of cases. Rather than increasing personnel and resources (and thereby expenditures), it is recommended that the Commission takes advantage of the provision in the 1999 Human Rights Law, which provides for the establishment of regional offices. KOMNAS HAM is recommended to encourage the establishment of these offices by lobbying local governments, which play a key role in regional office formation. An increased number of regional offices – at least one per province – would also enhance access to the Commission, which is particularly necessary in areas outside Java and urban areas. In addition, the Commission can ease its workload by making a clear division between the cases addressed by the regional offices and those addressed by head office. This could, for instance, include a division whereby regional offices focus on the tasks included in the 1999 Human Rights Law, while head office could concentrate predominantly on investigations under the 2000 Human Rights Courts Law and matters with a national character, such as national legislation.

To strictly implement the provisions of the Ethical Code in order to minimise the negative effects of the politicisation of KOMNAS HAM’s membership

In recent years, the performance of KOMNAS HAM has been negatively influenced by the politicisation of its membership, which has been a direct result of the Commission’s election procedure. This research does not call for this procedure to be changed, as it is in accordance with international guidelines, provides for the participation of the public and civil society, enhances transparency of the election process, and ensures pluralist representation. Nevertheless, the negative influences of the politicisation of the Commission’s membership can be limited when KOMNAS HAM’s leadership takes on a more proactive role in demanding compliance with the Ethical Code. The Code stipulates that members who are in any way associated with a particular case must not take part in deliberations about the action to be taken on the matter.

6 See 2.4.3.
7 See 2.3.1.
8 See 2.4.1.
9 As in the Ahmadiyah case and the investigation into the 1997/1998 disappearance of activists, see 2.4.1.
To continue efforts to call for the amendment of the 2000 Human Rights Courts Law

External factors have played a major role in limiting the effectiveness of KOMNAS HAM. Despite the many positive changes in the field of human rights which have taken place in Indonesia since 1998, KOMNAS HAM’s recommendations are rarely followed. This can be attributed to ongoing resistance to human rights implementation and reform at the political level, where remnants of the New Order regime remain dominant influences.\(^\text{10}\) This has led to recurring calls to give KOMNAS HAM implementation or prosecuting powers; however, this would be in contradiction to the very nature of NHRIs, which are meant to be advisory bodies, and would also create conflicts of jurisdiction with other agencies, both in the executive branches of government and in the Attorney General’s office. Improvements to KOMNAS HAM’s performance, and therefore potentially its effectiveness, can be made by amending the 2000 Human Rights Courts Law. KOMNAS HAM’s performance and effectiveness in its investigations into gross violations of human rights has been compromised by a lack of clarity in this law.\(^\text{11}\) It is therefore recommended that KOMNAS HAM, in coordination with NGOs, lobby the government and parliament to amend this Law as soon as possible; at the very least to include the power of summons for KOMNAS HAM in a comparable manner to the provision on the power of summons in the 1999 Human Rights Law.

2. **RECOMMENDATIONS FOR SUHAKAM**

To further develop structural and long-term approaches towards human rights issues

SUHAKAM’s key concerns have generally reflected those that are dominant in Malaysia’s civil society and attract relatively little societal controversy.\(^\text{12}\) In these matters, SUHAKAM has used a structural and long-term approach, which in the case of fair trial and the Internal Security Act has been successful.\(^\text{13}\) Moreover, through its work SUHAKAM has given valuable support to the Malaysian human rights movement, which is commendable in the country’s political climate. This strategy of identifying opportunities is therefore one that the Commission should maintain and develop as much as it can, including in areas that are more controversial, in order to enhance its performance.\(^\text{14}\)

---

\(^{10}\) See 2.6.

\(^{11}\) See 2.4.2 and 2.5.2.

\(^{12}\) See 5.5.

\(^{13}\) See 5.3.2 and 5.3.3.

\(^{14}\) For instance freedom of religion (see 5.2.3) as well as the right to adequate housing (see 5.4.3).
To allow individual commissioners to conduct preliminary research into matters of personal interest

SUHAKAM’s reluctance to address the freedom of religion has attracted criticism from Malaysian human rights NGOs. While there is some merit in the Commission’s reasoning that addressing such cases might jeopardise SUHAKAM’s position, it would be better if some action is taken. Some commissioners have expressed their concern for these issues, and have appeared willing to address them, only to be held back by the opinion of the majority. SUHAKAM could consider giving these commissioners the opportunity to conduct preliminary research in these areas. This would mean SUHAKAM’s work processes would allow for both a structural approach, and individual initiative. This would serve several purposes. First, SUHAKAM would answer to pressing issues within society and among human rights organisations, which may contribute to the Commission’s legitimacy. Second, it is particularly in more sensitive areas that SUHAKAM may be able to fulfil a bridging function between state and society, as well as between various societal groups.

To continue efforts to amend the Human Rights Commission of Malaysia Act, in order to comply fully with international guidelines

The effectiveness of SUHAKAM is influenced strongly by its external environment. Human rights reforms in Malaysia, including the implementation of the Commission’s recommendations, remain minimal. Nevertheless, some important concessions have been made, most notably in the government’s announcement to repeal the ISA. Similarly it is promising that some state governments, particularly those controlled by the Pakatan Rakyat coalition, appear to be becoming more responsive towards human rights issues and SUHAKAM. While such external factors cannot be directly influenced by SUHAKAM, the Commission can continue to contribute to human rights awareness and support the domestic human rights movement. Together, these can place increasing pressure on the government to continue reforms. Part of these reforms is also the strengthening of SUHAKAM, which can be done through further amendment of the Human Rights Commission of Malaysia Act. This review should take into account the fact that international standards for NHRIs require an appointment procedure that is transparent and one that ensures pluralism.

15 See 5.2.3.
16 See 5.2.2.
17 See 4.3.3.
18 See 4.3.4.
To enhance the relationship with civil society, in particular human rights NGOs

While there is much contact between SUHAKAM and civil society organisations, the Commission’s relationship with human rights NGOs has been tense at times, due in part to the often contrasting backgrounds between commissioners and NGO representatives. Structural cooperation between SUHAKAM and civil society is, however, crucial for both parties. It is therefore recommended that SUHAKAM continues to develop these relationships. This would strengthen ties between SUHAKAM and civil society, which in turn will have a positive impact on the Malaysian human rights movement.

3. RECOMMENDATIONS FOR NATIONAL STAKEHOLDERS, IN PARTICULAR GOVERNMENTS AND NGOs

For NGOs to work structurally with and monitor NHris

Both NHris and NGOs are important organisations in the process of human rights realisation. Whereas NGOs often have specialised knowledge on a particular human right or issue and have relatively easy access to communities, NHris often have more financial and human resources, as well as invaluable access to the state apparatus. The characteristics and roles of NGOs and NHris thus complement each other, and both can benefit from continuing structural cooperation and engagement. NGOs should also continue to play an important role in monitoring NHris and therefore their accountability, which in turn is important for an NHRI’s legitimacy.

For governments to ensure the independence of NHris

Both the Malaysian and Indonesian Governments have an important role to play in ensuring that SUHAKAM and KOMNAS HAM can operate freely and without constraints. This includes providing NHris with sufficient financial means to operate; the freedom to consider any questions within their jurisdiction; and sufficient access to individuals and other organisations, at both state and societal levels. It can be expected that NHris which have a high degree of independence will be better able to perform their tasks.

---

19 See 4.3.3.
20 For examples of the roles of NGOs and NHris and how they complement each other see 3.2.2. (KOMNAS HAM report on Interreligious Marriage and the role of the NGO ICRP), 3.4.3 (KOMNAS HAM and the Kemayoran case and the role of the NGO FAKTA), and 5.3.3 (SUHAKAM’s report on the ISA and the wider Malaysian movement against the Act).
21 See 1.1.3 and 1.1.4.
For governments to consider and comply with the recommendations of NHRIs

Both SUHAKAM and KOMNAS HAM struggle to have their recommendations considered, let alone followed, by their respective governments. The consideration of the NHRIs recommendations would not only have a positive impact on the organisation, but also enhance the government’s credibility in terms of human rights, including at the international level.

For the Indonesian and Malaysian governments to amend legislation affecting KOMNAS HAM and SUHAKAM

In order to enhance the performance of KOMNAS HAM and SUHAKAM, the Indonesian and Malaysian governments should consider amending the laws affecting the NHRIs. In the case of KOMNAS HAM this is the Human Rights Courts Law; and in the case of SUHAKAM, the Human Rights Commission of Malaysia Act. This will allow for greater transparency in the appointment procedure, and active participation for members of civil society.\(^\text{22}\)

4. RECOMMENDATIONS FOR INTERNATIONAL STAKEHOLDERS

For international guidelines – most notably the Paris Principles – to give more consideration to the specific circumstances in which NHRIs operate

This research has shown that the performance and effectiveness of NHRIs do not depend on factors related to mandate and composition alone. The performance of an NHRI is also determined by the personal views of its members regarding a particular human rights issue and what the role of their organisation should be,\(^\text{23}\) as well as strategic opportunities in response to its socio-political environment, and the relationship of other state bodies to the organisation.\(^\text{24}\) These findings indicate that international stakeholders should be sensitive to these specific circumstances in which NHRIs operate, which should be given more prominence in the assessment of NHRIs.

For international stakeholders to provide NHRIs with specific assistance

In addition, this research has shown that both the performance and effectiveness of NHRIs can differ depending on the particular human right at issue.

\(^\text{22}\) Also see above recommendations to KOMNAS HAM and SUHAKAM.
\(^\text{23}\) For example, see both SUHAKAM and KOMNAS HAM’s approaches to freedom of religion and adequate housing (3.2, 3.4, 5.2, 5.4).
\(^\text{24}\) For example, see how both Commissions have approached the right to a fair trial (3.3 and 5.3).
For international stakeholders, this means that before providing assistance (whether financial or material) to an NHRI, the stakeholder must consider what they hope to achieve by providing this support, and relate this to the specific circumstances of the NHRI, to consider the extent to which the organisation may be successful in the matter at hand. International stakeholders may wish to consider directing their assistance to a particular task or human rights issue, depending on the result they hope to attain. Once again, this calls for greater sensitivity towards and knowledge about the socio-political environment of a particular NHRI.

To encourage the establishment and strengthening of NHris

This research into KOMNAS HAM and SUHAKAM has demonstrated that while both organisations face many challenges, they have been able to perform reasonably well, and in some areas have made important contributions to the realisation of human rights.25 As such, international organisations should continue to encourage the establishment and strengthening of NHris, including in authoritarian regimes; as these organisations can play an important role in strengthening the domestic human rights movement.

---

25 See the conclusions of Chapters 2, 3, 4, 5 and 6.
II Suggestions for Future Research

Existing research on NHRI\textcent{s} focuses predominantly on the assessment of these organisations based on features of their mandate and composition, often using the Paris Principles as a benchmark. However, such research tells us very little about how NHRI\textcent{s} actually operate and why. This can only be achieved by observing NHRI\textcent{s} in their day-to-day operations, and by relating these to their respective socio-political contexts. By combining an assessment of mandate and composition with actual functioning, a more complete and nuanced image of the NHRI will emerge, which will generate a better understanding about the organisation’s (potential) success and challenges.

Further nuance in research on NHRI\textcent{s} can be achieved by considering performance and effectiveness as two different concepts. This research has shown that in most cases, good performance does not mean that an NHRI has been effective. Separating the two concepts creates a more accurate view of an NHRI, and allows for a more complete and precise analysis of the factors that encourage or obstruct the organisation’s performance and/or effectiveness, which in turn provides us with more information about the NHRI as an organisation.

This research has shown that the extent to which an NHRI addresses an issue (and therefore its effectiveness) is dependent on how a particular right is perceived within the Commission, often reflecting dominant views on the matter in society. This means that to be able to assess the performance (and effectiveness) of an NHRI adequately, it is necessary to include an analysis of that particular right, including both a legal analysis and an analysis of societal perceptions. Similarly, the effectiveness of NHRI\textcent{s} can only be understood by taking into account the socio-political environment and the various factors that affect the organisation.

Current assessments of NHRI performance and effectiveness are increasingly based on lists of indicators. While these are a useful starting point, the appraisal of NHRI\textcent{s} should include the specific characteristics and historical background of a country, particularly with regard to human rights. This includes an analysis of how different human rights or issues are perceived within society, and to what extent this influences an NHRI. NHRI\textcent{s} should thus be considered as organisations which are constantly in motion, and which respond to human rights issues in ways which can only be understood through an analysis of context. This approach to NHRI\textcent{s} will enrich existing research and inevitably tell us more about how these organisations actually work, and
the extent to which they are able to make a substantial contribution to the realisation of human rights.
A
Abolish ISA Movement (GMI) | 154-155
Angkatan Bersenjata Republik Indonesia (ABRI) | 52
Angkatan Belia Islam Malaysia | 155
Accountability | 7-8, 66, 184
Adequate housing | 18, 28, 72, 93-95, 98-99, 109-112, 141-142, 161-174, 175, 178, 180, 182
Abas, Salleh | 12, 132
Abidin, Anuar Zainal | 122, 131
Aceh | 11, 87
Adnan, Hamdan | 131, 146
Agam, Hasmy | 113, 137
Ahmadiyah | 28, 55-56, 64, 178-179, 181
Alas Tlogo | 65
Alatas, Ali | 35, 37
Albar, Syed Hamid | 116
Aliansi Tolak PERDA Tibum | 103
Amidhan | 55
Annan, Kofi | 1
Anwar, Zainah | 119, 124
Asia Pacific Forum on NHRIs | 5
Appropriation | 19-20, 130, 173, 176
Asian Values | 34, 37, 116, 133
Aswidah, Roichatul | 44, 53
Ayah Pin | 146
Aziz, Mohd Nazri Abdul | 131, 136, 140
Azizah, Wan | 121-122

B
Badan Penelitian dan Pengembangan Nasional (Balitbang) | 106
Badawi, Abdullah | 130, 139, 144
Bahar, Saafroedin | 44, 53
Bangkok Declaration | 34
Barisan Alternatif | 114
Barisan Nasional | 119, 124-125, 133, 172
Baso, Ahmad | 84
Billah, M.M. | 55
Bow, Fauzi | 106-107

C
Catholicism | 78-79
Cengkareng Timur | 99-100
Choo Siew Kioh | 124
Christianity | 75, 77, 79, 114, 141, 144, 149, 156
Cold War | 3, 11, 34
Confucianism | 78
Constitutional Court | 11, 88
Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment (CAT) | 28, 46, 152, 156
Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) | 13, 17, 28, 46, 161, 165
Convention on the Rights of Migrant Workers (CMW) | 46
Convention on the Elimination of Racial Discrimination (CERD) | 46
Convention of the Rights of Persons with Disabilities | 17
Convention on the Rights of the Child (CRC) | 13, 17, 28, 46, 161, 165
Criminal Procedure Code | 152

D
Democratic Action Party | 114, 116, 149-150, 154-155, 158
Directorate General for Human Rights | 11, 46
<table>
<thead>
<tr>
<th><strong>Index</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Directorate for the Managing of the Development of the Kemayoran Complex (DP3KK)</td>
</tr>
<tr>
<td>Dwifungsi</td>
</tr>
</tbody>
</table>

**E**

- East Timor | 11, 34, 42, 45, 50-53, 87, 89 |
- ECOSOC Committee | 165 |
- Effectiveness | 23-27 |
- Effendy, Wahyu | 86 |
- Efficiency | 25 |
- Essential (Clearance of Squatters) Regulation | 162 |
- ERA Consumer | 135 |
- European Court of Human Rights (ECHR) | 104, 156, 159 |
- Evictions
  - in Indonesia | 99-102 |
  - in Malaysia | 164-170 |

**F**

- Fair trial | 18, 28, 70-72, 87-93, 110, 112, 148, 152-153, 159, 172-178, 183 |
- FAKTA | 96, 100-102, 106-107 |
- Fatwa | 55, 77, 146 |
- Federal Territory Islamic Affairs Council | 146 |

**G**

- Gore, Al | 116 |

**H**

- Habibie, Baharuddin Jusuf | 45-46 |
- HAKAM | 123 |
- Hasanah, Nurul | 133 |
- Hasibuan, Albert | 50 |
- Hendry, S. | 129 |
- High Court | 119, 124, 143-146, 151 |
- Hindu Rights Action Front (HINDRAF) | 155 |
- Hinduism | 20, 28, 75, 78, 79, 141, 146-147, 149, 155 |
- Hitam, Musa | 113, 115, 119, 121, 124, 132 |
- Human Rights (concept) | 14-20, 187-188 |
- Human Rights Commission of Malaysia Act (HRCMA) | 118-119, 137-138 |
- Hussein, Hishamuddin | 160 |
- Ibrahim, Anwar | 13, 113-115, 117, 121-122, 138, 155 |
- Ikatan Relawan Rakyat Malaysia see RELA |
- Indonesian Conference on Religion and Peace (ICRP) | 77-80, 84 |
- Interfaith Commission (IFC) | 143-144 |
- International Coordinating Committee (ICC) | 6, 48, 135-137 |
- International Covenant on Civil and Political Rights (ICCPR) | 11, 27-28, 71, 76, 87, 103, 129, 142, 152, 256 |
- International Covenant on Economic, Social and Cultural Rights (ICESCR) | 12, 28, 93, 95, 98, 103, 161, 165 |
- Inputs | 21, 23, 25, 26, 177 |
- Indonesia
  - Constitution | 11, 27-28, 47, 70-72, 80-82, 87, 94-95, 105-106 |
  - cultural background | 9 |
  - history | 9-11 |
  - legal system | 9 |
- Interreligious marriage | 73-77 |
Index

Irsan, Koesparmono | 53
Isbat nikah | 82-83
Islam | 9, 13, 28, 36, 55, 74-75, 77, 78-79, 82-83, 103, 114, 119, 137, 141, 143-146, 148-151, 155
Islamic Courts | 74, 82, 144-146
Islamic law see Sharia

J
Jakarta | 34, 45, 51, 62, 72, 75, 94-103, 105-109
Jaringan Rakyat Tertindas (JERIT) | 163, 167, 172
Jayasooriya, Denison | 125
Joy, Lina | 144-145
Judicial Commission | 88, 92

K
Karunagaram, Simon | 128
Kampung Berembang | 167-169, 171
Kampung Chubadak | 169-171
Kampung Medan | 123-124, 139
Kantor Catatan Sipil (KCS) | 74-76, 78-80
Kantor Urusan Agama (KUA) | 74, 78-79
Kasim, Ifdhal | 64-65
Kemayoran | 99, 101-102, 109
Kesas Highway | 121, 128, 130-131, 138
Keterbukaan | 35
Kompilasi Hukum Islam (KHI) | 74, 79-80, 82-83
Khoo Kay Kim | 134, 149
Kitab Undang-Undang Hukum Acara Pidana (KUHAP) | 71, 87, 88
KLCC Indicent | 129-130, 135
KOMNAS Anak | 11
KOMNAS HAM
- Complaint Handling Unit (CHU) | 57
- division within | 44, 55
- effectiveness of | 44, 66-68, 81-83, 90-93, 107-112, 177-187
- establishment | 34-38
- funding | 39, 48
- general secretary | 40, 58, 64
- investigations | 41, 50-53, 61
- leadership | 42-43, 53, 60, 64
- mandate | 38, 47, 48-49
- membership | 39, 48, 54
- politicisation of | 55
- relationship with
  - attorney general | 49, 60-63
  - NGOs | 38, 41, 44, 63, 77-78, 81, 100-101
  - parliamentary committee | 48, 63
  - security forces | 50, 65-66
  - restructurisation | 57
  - staff | 58-59
  - subcommissions | 40, 57
  - tasks | 38, 47, 49
KOMNAS Perempuan | 11, 46
KORPRI | 59
Kua Kia Soong | 158
Kuala Lumpur | 12, 28, 120, 123-124, 129, 142, 145-146, 150, 155, 163-164, 167, 169
Kundasang | 168, 170

L
Land Acquisition Act (LAA) | 162
Law on the Administration of the Population | 85, 110
Legitimacy | 7-8, 18, 36, 42, 45, 48, 109, 121, 151, 160, 175, 184
Lembaga Bantuan Hukum (LBH) | 36, 39, 41, 89, 91
Lim Guan Eng | 117
Lim Kit Siang | 116-117
Liquisa | 41
Liu, John | 135, 137
Liu, Ronnie | 172
Lopa, Baharuddin | 43-44
Lubis, Todung Mulya | 34, 37

M
Mahathir | 13, 113-116, 119, 122-123, 130-131, 135, 139, 143
Majelis Ulama Indonesia (MUI) | 55-56, 77
Index

Malaysia
- Constitution | 13, 27-28, 133, 138, 141, 143-145, 147, 149-150, 152-153, 161
- cultural background | 9
- history | 9-12
- legal system | 9
Malaysian Bar Council | 123, 133, 141, 143-144, 156, 159
Malaysian Chinese Association (MCA) | 149
Malaysian Indian Congress (MIC) | 149
Malaysian Judicial Crisis | 12
Marriage Law | 70, 73-77, 79, 82-84, 112
Marsinah | 33, 41, 91
May 13 (1969) Incident | 12, 123, 149-150
May 1998 | 11, 45, 61, 178
Melaka | 127-128, 143
Ministry of Foreign Affairs
- Indonesia | 35
- Malaysia | 113, 120
Ministry of Home Affairs
- Indonesia | 74, 79, 81, 83, 105-107
- Malaysia | 153, 156
Ministry of Justice and Human Rights | 11, 46, 79, 85, 90, 105-106
Ministry of Religion | 74, 79
Moerdani | 52
Mohamad, Goenawan | 37
Moluccas | 52
Moorthy, M. | 146, 148, 150-151
Mysticism | 70, 78-79, 103

N
Nababan, Asmara | 37, 40, 52-53
National Civil Registry | 81-87, 110-112, 178-179, 185
National Human Rights Institutions (NHRIs)
- accountability | 7-8, 184
- historical background | 3-4
- independence | 7
- legitimacy | 7-8, 184
- mandate | 2
- position | 2
- research on | 6-8
- types of | 4
National Human Rights Society of Malaysia see HAKAM
National Land Code (NLC) | 163
Navaratnam, Ramon | 131
New Economic Policy (NEP) | 163
Non-discrimination | 3, 27
Non-governmental Organisations (NGOs) | 16, 20, 24, 29
- in Indonesia | 40, 49, 51, 55, 63-65, 67, 68, 78, 84, 94, 96, 100, 102-104, 106-107, 109-110, 186, 188
- in relation to NHRIs | 2, 6-7, 186, 188
Nor, Salleh Mohd | 131
Nusantara, Abdul Hakim Garuda | 39, 60, 90, 92

O
Office of the High Commissioner for Human Rights (OHCHR) | 14
Omar, Noh | 122, 130
Ombudman | 11, 47
Operasi Lalang | 154
Organisational tasks | 132, 134-135, 137, 150
Organisational goals | 33, 40, 42, 44, 45, 46, 49, 59, 67, 71, 83, 88, 90, 106, 182-183, 186
Outcomes | 23-24, 67, 71, 110, 140, 182
Outputs | 22-26, 177

P
Pancasila | 37
Papua | 42, 87
Pakatan Rakyat (PR) | 132-133, 172
Index

Paris Principles | 5-6, 22, 38-39, 47, 117-118, 120, 135, 184

Parti Keadilan Nasional (PKN) | 115, 122

Parti Keadilan Rakyat (PKR) | 138, 155

Parti Se-Islam Malaysia (PAS) | 114, 138, 154-155

Parti Sosialis Malaysia (PSM) | 167

Paul, Augustine | 122

PDI Affair | 41-42

Penal Code | 147, 160

PERDA see Regional Regulation

Pengadilan Tata Usaha Negara (PTUN) | 36

Performance | 22-27

Prasetyo, Stanley | 103, 106

Presidential Decree 50/1993 | 38-40

Princen, Poncke | 42

Printing Presses and Publication Act (PPPA) | 119

Priyono, Gembong | 58

Program Legislasi Nasional (PROLEGNAS) | 110

Public order | 94-98, 100, 102-104, 109, 112, 129, 143, 145

Razak, Najib Abdul | 139, 160-161

Reformasi

- Indonesia | 9, 45, 83, 90, 185
- Malaysia | 9, 114, 121-122, 139, 155, 185

Regional Regulation (PERDA) 11/1988 | 94, 98, 100

Regional Regulation (PERDA) 1/1996 | 95, 98, 100

Regional Regulation (PERDA) 18/2002 | 95, 98, 100

- KOMNAS HAM report on | 102-107

Regulation on Mixed Marriages (GHR) | 73-74

REL A | 127-128, 168

Rencana Aksi Nasional Hak Asasi Manusia (RANHAM) | 46, 105-106, 110

Rukunegara | 134

Rus, Nazihah Tunku Mohamed | 124

Sabah | 9, 120, 124, 169, 170, 171

Said, Ali | 38-39, 42-43

Samad, Iskandar Abdul | 172

Samah, Asiah Abu | 124

Sarawak | 9, 120, 124, 138, 171

Sarwar, Malik Imtiaz | 133

SATPOL Pamong Praja | 96, 105

Sedition Act | 123-124

Selangor | 133, 163-164, 167-168, 170, 172

Sense of mission | 24, 176

Setiadi, Wicipto | 85

Setriawan, Chandra | 77, 81, 85-86, 110

Sharia | 13, 137, 145, 151

Sihombing, Uli Purulian | 91

Singh, Karpal | 12

Sipau, Simon | 120, 166

Siracus Principles | 104

Siraj, Mehrun | 131

Sky Kingdom | 145-146, 148, 150, 181

Soegianto, Djoko | 53

Soegondo, Soelistyowati | 76, 81, 83, 86, 91, 110

Suara Rakayat Malaysia (SUARAM) | 121, 134-135, 137, 154-155

Subramaniam, Arutchelvan | 163

Subramaniam, Siva | 124, 150, 168-169, 171

Sudarsono, Juwono | 65-66

SUHAKAM

- effectiveness of | 130, 139-140, 148-152, 158-161, 170-174, 184-187
- establishment of | 114-118
- funding | 120
- inquiries | 121-124, 128-129
- leadership | 113, 119, 124, 132, 137
- mandate | 118, 136-137

Suharto, Soeharto | 3, 83, 139, 172

Soe 

Siraj, Mehrun | 131

Sky Kingdom | 145-146, 148, 150, 181

Soegianto, Djoko | 53

Soegondo, Soelistyowati | 76, 81, 83, 86, 91, 110

Suara Rakayat Malaysia (SUARAM) | 121, 134-135, 137, 154-155

Subramaniam, Arutchelvan | 163

Subramaniam, Siva | 124, 150, 168-169, 171

Sudarsono, Juwono | 65-66

SUHAKAM

- effectiveness of | 130, 139-140, 148-152, 158-161, 170-174, 184-187
- establishment of | 114-118
- funding | 120
- inquiries | 121-124, 128-129
- leadership | 113, 119, 124, 132, 137
- mandate | 118, 136-137

Suharto, Soeharto | 3, 83, 139, 172

Soe
Index

- membership | 118-119, 124-127, 131, 136-137
- performance of | 130, 139-140, 148-152, 158-161, 170-174, 177-184
- relationship with
  · federal government | 130-132, 139
    · judiciary | 123
  · NGOs | 133-135
  · state governments | 132-133
- general secretary | 120
- staff | 120, 125-127
- tasks | 118
- working groups | 119, 128, 131, 133-134
Suharto | 10-11, 35-36, 39-40, 43, 45, 65, 67, 74, 115-116, 178
Supreme Court
  - of Indonesia | 43, 74, 79, 80, 88, 143
  - of Malaysia | 12, 119, 143
Sutiyoso | 95, 98, 100, 107
Sutrisno, Try | 35, 52
Sutoyo | 59, 64

T
Talangsari | 64-65
Tanjung Priok | 52, 89
Teluk Gong | 99
Terengganu | 145
Terengganu Fatwa Council | 146
Terengganu Islamic Affairs Department | 145-146
Tikamdas, Ramdas | 123
Timika | 41
Toyo, Mohd Khir | 163
Tramtiq | 106
Translation | 19-21, 78, 80, 176, 183
Trisakti, Semanggi I and II (TSS) | 45, 61, 89

U
United Malays National Organisation (UMNO) | 13, 114, 119, 149, 154
United Nations (UN) | 1, 3-5, 14, 34, 37, 115
United Nations Commission on Human Rights (UNCHR) | 34, 115
United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief | 142
United Nations Declaration on the Rights of Indigenous Peoples | 17
United Nations Habitat Agenda | 164-165
United Nations Human Rights Council (UNHRC) | 6, 34, 66
United Nations Working Group on Arbitrary Detentions | 138
Universal Declaration of Human Rights (UDHR) | 15, 27, 47, 71, 79, 80, 87, 93, 128, 142, 147, 152, 156, 157, 158, 159, 161, 165
Urban Poor Consortium (UPC) | 108
Uripno, Teguh | 89

V
Vernacularisation | 19-20, 176
Vienna Declaration | 3, 82
Vienna World Conference on Human Rights | 3, 37

W
Wahid, Abdurrahman | 46, 48, 51
Wawasan 2020 | 163
Wignjosoebroto, Soetandyo | 37, 43-44
Wijaya, Firman | 101
Wiranto | 50-51, 56, 65
Wirayuda, Hassan | 35

Y
Yap Swee Seng | 121
Yatim, Rais | 160

Z
Zero Squatter Policy | 163, 166
Curriculum vitae

Ken Marijtje Prahari Setiawan was born in Jakarta on 9 December 1981. In 1999, she completed her secondary education at the Rijksscholengemeenschap Broklede, Breukelen, the Netherlands. She obtained a master’s degree in Southeast Asian Languages and Cultures from Leiden University in 2004. As part of her study, in 2000 Ken attended a summer course on the Indonesian language in Yogyakarta at PURI Institute. In 2002, she studied at Monash University, Melbourne, Australia. She wrote her master’s thesis on the educational work of the Indonesian National Human Rights Commission (KOMNAS HAM), and for that purpose spent two months researching at the Commission. In 2005, Ken worked at the Van Vollenhoven Institute (VVI) at Leiden University as secretary in the INDIRA (Indonesian-Netherlands studies of Decentralisation of the Indonesian 'Rechtsstaat' [Negara Hukum, Rule of Law] and its impact on Agraria) project, and as a researcher in the VVI's research project on sharia and national law in Muslim countries. In September 2005, she was awarded a Mozaïek scholarship from the Dutch Organisation for Scientific Research (NWO) and started working at the VVI as a PhD researcher. She is currently a member of staff at the Australian Catholic University (ACU), Melbourne, Australia.
In the range of books published by the Meijers Research Institute and Graduate School of Leiden Law School, Leiden University, the following titles were published in 2012 and 2013:


MI-208  A.M. Reneman, EU asylum procedures and the right to an effective remedy, (diss. Leiden), Leiden 2012


For the complete list of titles (in Dutch), see: www.law.leidenuniv.nl/onderzoek/publiceren