Social Movement in Advocating Transitional Justice Agenda in Aceh, Indonesia: Political Opportunities and Challenges

Gerakan Sosial dalam Advokasi Agenda Keadilan Transisi: Peluang Politik dan Cabaran

DANIL AKBAR TAQWADIN*, KARTINI ABOO TALIB @KHALID &
NIDZAM SULAIMAN

ABSTRACT

Aceh has a long history of conflict, most notably the Free Aceh Movement (GAM) insurgency from 1976 to 2005. This period marked by three peace agreements, culminating in the 2005 Memorandum of Understanding (MoU) Helsinki 2005, which incorporated transitional justice mechanisms to address human rights violations and ensure justice for victims. However, implementing these mechanisms in post-conflict settings is fraught with challenges due to political instability and competing interests. This study investigates the political opportunities and challenges that shape social movements advocating for transitional justice in Aceh's fragile post-conflict environment. Using the political opportunities framework of social movements, the study examines the openness of political systems, elite interactions, the facilitation or repression by powerholders, and the presence of allies or opposition. This framework helps to understand how social movements navigate political landscapes to promote transitional justice. A case study approach was employed, involving in-depth interviews with human rights activists, government representatives, and former commissioners of Aceh's Truth and Reconciliation Commission (Aceh' TRC). The study also utilized secondary data from academic articles and studies, with thematic analysis applied to interpret the data. The findings highlight four key points: the political system's openness facilitated by two critical moments marked by the fall of Soeharto in 1998 and the 2005 MoU Helsinki, dynamic relationships between new elites, low-facilitation yet a very small act of repression by powerholders, and the presence of trusted allies and a very small opposition party against the movement. The study underscores the importance of understanding political dynamics to effectively promote justice and peace, providing insights and valuable lessons for similar contexts globally. It emphasizes the need for tailored strategies in politically unstable and vulnerable post-conflict environments, contributing to the broader literature on social movements and transitional justice.

Keywords: social movement; political opportunities and challenges; transitional justice; Aceh post-conflict

ABSTRAK

Aceh memiliki sejarah panjang konflik, terutama sekali pemberontakan Gerakan Aceh Merdeka (GAM) dari tahun 1976 hingga 2005. Periode ini ditandai dengan tiga perjanjian damai, yang berpuncak pada Nota Kesepahaman (MoU) Helsinki 2005, yang memasukkan mekanisme keadilan transisi untuk menangani pelanggaran hak asasi manusia dan memastikan keadilan bagi mangsa. Namun, pelaksanaan mekanisme ini dalam situasi pascakonflik penuh dengan cabaran kerana ketidakstabilan politik dan kepentingan para pihak yang bersaing. Kajian ini meneroka peluang dan cabaran politik yang mempengaruhi gerakan sosial dalam memperjuangkan agenda keadilan transisi pada persekitaran pasca-konflik Aceh yang rapuh. Dengan menggunakan kerangka peluang politik dalam gerakan sosial, kajian ini mengkaji keterbukaan sistem politik, interaksi elite, pemudahcaraan atau penindasan oleh penguasa, serta kehadiran sekutu atau penentang. Kerangka ini membantu memahami bagaimana gerakan sosial mengadvokasi lanskap politik untuk mempromosikan keadilan transisi. Pendekatan kajian kes digunakan, melibatkan wawancara mendalam dengan aktivis hak asasi, wakil kerajaan, dan bekas pesuruhjaya Komisi Kebenaran dan Rekonsiliasi Aceh (KKR Aceh). Kajian ini juga menggunakan data sekunder dari artikel dan kajian akademik, dengan analisis tematik diterapkan untuk menginterpretasikan data. Penemuan kajian menyoroti empat poin utama: keterbukaan sistem politik yang difasilitasi oleh dua momen kritikal yang ditandai dengan jatuhnya Soeharto pada tahun 1998 dan MoU Helsinki 2005, wujudnya hubungan dinamik antara elite baru dalam memandang agenda keadilan transisi, pemudahcaraan rendah namun dengan tindakan penindasan yang sangat kecil oleh penguasa, serta kehadiran sekutu terpercaya dan penentang yang sangat kecil terhadap gerakan ini. Kajian ini menegaskan pentingnya memahami

dinamik politik untuk secara efektif mempromosikan keadilan dan perdamaian, menyediakan wawasan dan pelajaran berharga bagi konteks serupa di seluruh dunia. Kajian ini menekankan perlunya strategi yang diubahsuai dalam persekitaran pascakonflik yang tidak stabil dan rentan, menyumbang kepada literatur yang lebih luas mengenai hubungan antara gerakan sosial dan keadilan transisi.

Kata kunci:Gerakan sosial; kerangka peluang dan cabaran politik; keadilan transisi; Aceh pascakonflik

INTRODUCTION

Aceh is a region of Indonesia with a long history of conflicts and violence. It dates back from the Aceh War (1873-1911), the occupation by the Dutch (1911-1942) and Japan (1942-1945), the *cumbok* war and social revolt (1946-1947), Dutch military aggression (1946-1949), the DI/TII (*Darul Islam/Tentara Islam Indonesia*) Insurgency (1953-1962), mass killings of member and sympathizers of Indonesian Communist Party (*Partai Komunis Indonesia*) (1965-1966), and the Free Aceh Movement (*Gerakan Aceh Merdeka,* GAM) insurgency (1976-2005).

Throughout the series of conflict and violence, four (4) peace agreements were ever recorded in Aceh, namely: (1) Lamteh Agreement (*Ikrar Lamteh*) (mid-April, 1957); (2) Humanitarian Pause (May 12, 2000); (3) Cessation of Hostilities Agreement (December 9, 2002); (4) Memorandum of Understanding of Helsinki (August 15, 2005). The first peace agreement was signed during an ongoing armed conflict between DI/TII and the Government of Indonesia (1953-1962), while the other three were signed amid the conflict between the GAM and the Government of Indonesia. Of these agreements, only the MoU Helsinki 2005 regulated provisions for the transitional justice mechanism for the conflict victims. This mechanism comprises human rights trials, a truth and reconciliation commission, reparations programs, and alternative mechanisms to prevent violent relapse, including institutional and security sector reforms (KKR Aceh 2023). The MoU Helsinki was ratified into the Law on Governing of Aceh (*Undang-Undang Nomor 11 Tahun 2006 tentang Pemerintahan Aceh*, UUPA) as a reference for peacebuilding after conflict.

Transitional justice mechanisms have become integral to post-authoritarian regimes and post-conflict peacebuilding agendas, influenced by peacebuilding practices within democratic frameworks that emphasize human rights compliance. Transitional justice encompasses processes and mechanisms employed by the state, society, and conflicted parties to ensure accountability and justice for conflict victims, reconstruct social cohesion, and prevent violence recurrence (Pugh 2019). It includes retributive justice, which involves prosecution through trials, and restorative justice, which aims to address victims' needs (Haldemann 2023).

However, enforcing human rights values and principles in post-authoritarian or post-conflict settings is particularly high risk. Governments or powerholders often face a dilemma between pursuing justice for human rights perpetrators, which can cause political instability, or neglecting justice to facilitate peace and reconciliation (Duthie 2021). Alternatively, they may focus on restoring victims' losses while avoiding accusations against conflict parties to prevent further violence (Hayner 2011, Cubillos-Vega et al. 2022). This dilemma affects government policymaking and socio-political dynamics, potentially causing social problems due to perceived injustice and unfair treatment of victims, often by state apparatus. Governments or conflicted parties may respond with repression or violence to protect their interests (Sriram 2004).

In response, social movements, as part of civil society, have emerged to advocate for transitional justice in various regions, including Argentina, South Korea, Spain, Nepal, Indonesia, and so on (Hayner 2011). However, the study does not specifically apply the political opportunities

framework to analyze social movements' involvement in advocating transitional justice in these regions.

Conceptually, the study of political opportunities and challenges influencing the roles of social movements has been extensively explored by scholars such as Tilly (1978), McAdam (1996), and Tarrow (2011). The political opportunities framework significantly shapes the emergence and development of social movements, affecting their power and resource mobilization (Kriesi et al. 1995), behavior and identity construction (McAdam 1996), the repertoire of contention (Kischelt 1986), and overall impact (Desposato & Wang 2020).

However, most research on social movements puts too much focus on dynamics within stable political systems and often neglects politically precarious and challenging situations, such as those in post-conflict or post-authoritarian regimes. This oversight is particularly evident in the context of advocating for a transitional justice agenda. While a few studies, such as Banks (2007) and Kirkpatrick (2017), have analyzed the involvement of social movements in transitional justice advocacy using the political opportunity approach, this area remains underexplored.

In her research, Banks (2007) examines how the political landscape of post-genocide Rwanda influenced the rise, sustainability, and success of social movements advocating for constitutional processes in the transitional justice agenda. She argues that these movements capitalized on political opportunities beyond the constitution-making process, focusing on increasing access to political institutions dominated by the elites which rose from armed victories or peace settlements. By leveraging support from influential allies outside the government, exploiting elite divisions, and benefiting from shifting political alignments, the movements effectively mobilized resources to advance their advocacy. Meanwhile, Kirkpatrick (2017) investigates the role of international actors in shaping social movements and political contexts in post-conflict Afghanistan and Kosovo. Using Tilly's (1978) and McAdam's (1996) framework, she finds that international actors significantly affects political opportunities despite such challenges like a poor security and low development. Her analysis focuses on Civil Society Organizations (CSOs) and identifies four key points: First, political openness. International presence facilitated the gradual opening of political systems in Afghanistan and Kosovo, aiding the establishment of democratic institutions, albeit imperfectly implemented. Second, the coherence of elites. Both domestic and international elites, despite internal divisions and conservative tendencies, created political opportunities for social movements. The shared goals among international actors further supported these opportunities. Third, allies and oppositions. International actors generated potential allies and opposition for movements, providing material and technical support. However, movements in both countries preferred to maintain independence over their political agendas, including transitional justice. Fourth, facilitation and repression. International actors' support often led to the professionalization and depoliticization of CSOs, sidelining them from core movements. Repression varied, with Kosovo witnessing activist arrests and Afghanistan facing threats from non-state actors like the Taliban.

Overall, both studies underscore the complex relationship between political opportunities and social movements in transitional contexts, highlighting the crucial influence of both internal and external political dynamics on advocacy agenda. They share a conceptual framework that utilizes political opportunities concepts to examine how social movements can promote the transitional justice agenda in post-conflict scenarios.

However, there remains a gap in research regarding the political opportunities affecting social movement advocacy for transitional justice agenda in vulnerable and unstable post-conflict regimes. This study aims to fill this gap by analyzing the political opportunities that influence

social movements advocating for a transitional justice agenda in the fragile and unstable early post-conflict environment of Aceh, Indonesia.

CONCEPTUAL FRAMEWORK

Since the end of the Cold War, the integration of transitional justice into peacebuilding and democratization agendas has become widespread. The concept of transitional justice encompasses a wide range of procedures and mechanisms employed by both governmental and non-governmental actors to establish accountability and achieve justice for victims of violent conflict or human rights abuses. Its primary objectives are to restore social cohesion, facilitate reconciliation, and reduce the likelihood of future violent conflicts (Pugh 2019, Duthie 2021). This approach is used in unconventional situations to pursue justice for conflict victims during transitional phases (Pugh 2019), whether during ongoing conflict (paradigmatic transition) or in the early post-conflict period (conflicted democracy), where the risk of relapse into violence remains high (Taqwadin 2024).

Traditionally, transitional justice consists of two (2) grand mechanisms: retributive and restorative justice (Pugh 2019). Retributive justice relies on the formal legal system, using trials and prosecution to hold individuals accountable for acts of violence, aiming to restore the moral order between wrongdoers and victims. In contrast, restorative justice focuses on repairing the harm done to victims, emphasizing the restoration of their losses and honor to rebuilding trust and responsibility, which facilitates a full recovery (Hayner 2011). Restorative justice mechanisms include truth-seeking or truth-recovery, reparations, institutional reform, security sector reform, vetting, and reconciliation (Hayner 2011, Pugh 2019).

However, several scholars argue that the use of retributive justice during transitional periods can threaten political stability. Transitional governments often face a dilemma between pursuing justice, which may lead to instability, and maintaining peace by preserving political stability. Consequently, they tend to favor restorative justice over retributive approaches, particularly in post-conflict transitions resolved through peace agreements (Sriram 2004, Hayner 2011).

Effectively executing a transitional justice agenda in a comprehensive, victim-centered, and conciliatory manner is a significant challenge for transitional governments (Hayner 2011). Thus, social movements often become the primary advocates for transitional justice. The importance of social movements in this matter has been extensively explored, leading to the concept of the "Transitional Justice movement" (Rowen 2017). Empirical research shows the involvement of social movements in various regions, including Argentina, South Africa, Nepal, Lebanon, and Guatemala. Additionally, other studies have focused on local regions within a country, such as those in Greensboro, United States, and Jeju, South Korea (Hayner 2011).

Several scholars, including Tilly (1978), McAdam (1996) and Della Porta & Diani (2006), have contributed to define a social movement, which encompasses several key components. Firstly, the social movement is characterized by informal networks that lack a strict hierarchical structure but often involve individuals who manage organizational roles or oversee the coordination of activities. Secondly, the social movement comprises various elements, including both individuals and organizations. Thirdly, the social movement possesses a shared identity or common interests among participants, spanning social, economic, and political dimensions. Fourthly, resistance is a fundamental aspect of the social movement as they pursue their goals,

manifesting in various forms such as conflict (contention) or consensus, and aiming to alter or maintain the current state of affairs. This includes both overt opposition to current conditions and latent or imminent obstacles to future change. Lastly, the social movement employs alternative methods, strategies, tactics, or modalities, in addition to the usual platforms established by the government, to express its thoughts and aims.

To examine the political opportunities influencing social movements in the vulnerable and fragile post-conflict setting of Aceh, this study employs a theoretical framework developed by Kirkpatrick (2017), based on her research in Afghanistan and Kosovo. Kirkpatrick's framework draws from Tilly (1978) and McAdam (1996) and includes several components. Firstly, it considers the degree of openness or closedness of the political system or domestic governance structures. The relative openness of the political system can impact the opportunities for social movements to advocate for their demands (Tarrow 2011). In post-conflict settings, this involves the authority of post-conflict leaders, dynamics among former conflict actors, power balances among new elites, possibilities for political changes, and safe opportunities to engage as political opposition. McAdam (1996) cautions against easily categorizing political systems as open or closed, suggesting instead that these systems exist on a spectrum that can shift over time. Open political systems may allow for a broad presence of social movements, even if authorities reject their demands (Kischelt 1986) or attempt to de-securitize the issues (Pia & Diez 2011). Conversely, closed political systems may respond with repression, intimidation, or violence (Kischelt 1986).

Secondly, the interaction among elites in post-conflict environments can significantly shape political opportunities or challenges, often depending on the openness of the political system. Fragmentation within elite groups can be crucial for the success or decline of social movements (Kirkpatrick 2017). Such divisions can create opportunities for movements to align with specific elites, especially when it supports their political objectives (Banks 2007, Tarrow 2011). Various factors can influence this alignment, including the ideological stance of those in power (Kriesi et al. 1995), the timing of elections following transitions (Kirkpatrick 2017), and the ability of legislative or executive bodies to independently develop relevant policies (Kischelt 1986). However, the social movement typically aligns with the interests of new elites in post-conflict scenarios. This alignment is more feasible for movements with moderate aims, rather than those that might challenge the interests of new elites or former conflict actors, such as initiatives for transitional justice. New elites or ex-conflict actors often oppose transitional justice efforts because these could reveal past atrocities, damage their reputations, and destabilize the fragile peace (Duthie 2021). Nonetheless, fragmentation among ex-conflict actors can create a complex situation, potentially aiding the promotion of transitional justice or leading to a relapse of political instability and violence (Kirkpatrick 2017).

Thirdly, the influence of elites and society can either facilitate or repress the social movement. Facilitation occurs through the support of various allies, including new elites, former conflict participants, political parties, organizations, and a wide range of societal groups (Kriesi et al. 1995). From a resource mobilization perspective, facilitative actions reduce the costs of mobilization, while repression increases the costs of collective action (Tilly 1978). According to Tarrow (2011), repression is more likely when the movement's aims are perceived as threats by those in power. Conversely, a movement that demands low-radical changes and does not threaten powerholders' interests is less likely to face repression, even in an authoritarian or conflict environment. However, repressive actions may lead to disengagement from the movement, or, if

they do not impact the engagement levels, they might even enhance members' commitment to the cause (Desposato & Wang 2020).

Fourthly, the presence of allies or opposition significantly affects the social movement, particularly in post-conflict settings. Allies can offer support in finance, expertise, office space, and publicity. Political allies can also advance the movement's goals into the real-politic and legal realm. However, reliable allies are often scarce due to the stringent control exerted by the government or powerholders in post-conflict scenarios. The presence of other movements or counter-movements also influences the political landscape (Tarrow 2011). While some individuals or organizations maintain beneficial relationships with movements, others in civil society might feel neglected or threatened by the powerholders due to their association with these movements. This dynamic can lead to parts of civil society colluding with powerholders to delegitimize and oppose the movements, providing a rational basis for the powerholders to counter them. Ultimately, this interaction can result in an ideal form of de-securitizing the issues advocated by the movement (Pia & Diez 2011).

Lastly, by employing this analytical framework, the study will examine the political opportunities and challenges encountered by the social movement in advocating for the transitional justice agenda within the fragile and unstable post-conflict context of Aceh.

METHODOLOGY

This study employs a case study methodology to explore the political opportunities and challenges faced by social movements advocating for transitional justice in post-conflict Aceh. The research integrates both primary and secondary data sources. Primary data were collected through in-depth interviews with informants selected based on their networks, experiences, and knowledge related to Aceh's conflict and victim advocacy. The informants included three directors of local human rights CSOs, four independent human rights activists, one representative from the Government of Aceh, two former commissioners of Aceh's Truth and Reconciliation Commission (Aceh TRC) for the 2016-2021 term, and one current commissioner of Aceh TRC for the 2021-2026 term. Secondary data were derived from various articles and academic studies. A thematic analysis was utilized to process and interpret both primary and secondary data. The data analysis commenced with data reduction to refine the raw materials, followed by coding using NVivo, which facilitated the extraction and analysis of the data.

ANALYSIS

Aceh, one of Indonesia's provinces, had experienced an extended period of violent conflict spanning from 1976 to 2005. Initially framed as a struggle between the Free Aceh Movement (*Gerakan Aceh Merdeka*) and the Indonesian Armed Forces/Indonesian Police (*Tentara Nasional Indonesia/Kepolisian Republik Indonesia*, TNI/Polri). The conflict involved additional participants, including CSOs activists, international entities, militias, and civilian support agents (*Tenaga Pembantu Operasi*, TPO). Regrettably, this prolonged conflict was marked by numerous human rights violations, including acts of intimidation, abductions, extrajudicial arrests, torture, homicides, forced disappearances, property damage, sexual assault, and rape (KPK Aceh 2007, KKR Aceh 2023).

Ironically, comprehensive data on the number and nature of victims during the conflict in Aceh is lacking. Through several sources, Taqwadin (2024) noted there were around 2,000 to 10,000 victims of human rights abuses between 1990 and 1992, while 3,800 to 5,000 victims (primarily cases of enforced disappearance) from 1991 to 1998. However, Aceh Reintegration Agency (*Badan Reintegrasi Aceh*, BRA) showed there are 62,000 victims covered under a reparation plan of conflict settlement. As a result, confusion has appeared due to an inconsistent number of victims and lacking an ideal alternative to settle this problem. Consequently, several local CSOs, with backing from national and international communities, endeavored to promote transitional justice initiatives as part of post-conflict peacebuilding efforts to unveil the number, causes, and patterns of violence, along with the alternative forms of settlement for the victims.

Drawing from Kirkpatrick's (2017) framework, various elements contributed to the political opportunities and challenges, affecting the involvement of social movements in advocating the transitional justice agenda in Aceh.

First, opened/closed political system. The political landscape in Indonesia, particularly Aceh, underwent significant shifts, characterized by transitions from authoritarianism to democracy and from conflict to post-conflict settings. The demise of the New Order regime under Soeharto in 1998 and the subsequent signing of the peace agreement (MoU Helsinki) in 2005 marked these pivotal moments. Amidst these changes, efforts to address human rights violations commenced in 1999 during President Habibie's tenure, coinciding with the broader democratization of the state initiated by the reformation movement since 1998. This period witnessed legislative reforms aimed at bolstering human rights protections, including the enactment of laws pertaining to respect the human rights values, human rights trials, truth commissions, witness and victim protection agencies, and security sector reforms (Taqwadin 2024).[1]

This phase, termed as a "paradigmatic transition" for Aceh, whereas marked by the establishment of the Independent Commission to Investigate Acts of Violence in Aceh (*Komisi Independen Pengusutan Tindak Kekerasan di Aceh*, KIPTKA) in 1999, mandated for fact-finding on human rights abuses during the military operation zone (*Daerah Operasi Militer*, DOM) from 1989 to 1998.[2] The commission's findings, unveiled in November 1999, highlighted approximately 5,000 cases of human rights violations during the DOM period, prompting reparation initiatives by Habibie in the form of compensation and restitution for victims and their families (Prang 2008).

Along with fact-finding and reparations programmes, legislative measures were pursued, including by the enactment of the Law on privileges rights for Aceh in 1999 (*Undang-Undang Nomor 44 Tahun 1999 tentang Keistimewaan Aceh*, UU No. 44/1999), intended to address past grievances and fulfill historical promises to Aceh. However, these efforts fell short of satisfying the demands of the GAM for independence and social movement's calls for demilitarization, political stability, and comprehensive justice for human rights victims. Both groups (GAM and social movement) faced repression by security forces aiming to maintain control in Aceh (Prang 2008).

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[1] While the Government initiated the transitional justice agenda in 1999, efforts to advocate for victims commenced as early as the 1980s. Organizations such as YLBHI/LBH (*Yayasan Lembaga Bantuan Hukum Indonesia/ Lembaga Bantuan Hukum*) and WALHI (*Wahana Lingkungan Hidup Indonesia*) spearheaded these endeavors. However, their activities were largely clandestine, focusing on data collection for international advocacy campaigns and employing covert methods to evade the repressive measures of the authoritarian regime under Soeharto, which restricted Aceh's access to the global community. Furthermore, YLBHI/LBH's legal representation of individuals accused of involvement in GAM activities underscored the risks associated with challenging the status quo of the regime (Taqwadin 2024).

[2] The establishment of KIPTKA was suggested by Advisory board for Aceh's problem which had established by President Habibie through *Instruksi Presiden Nomor 74/M/1999 tentang Pembentukan Tim Penasihat Presiden Urusan Aceh*, TPPUA (Prang 2008).

As the conflict intensified, progress on the justice agenda stalled until its resolution in 2005. Subsequent attempts to address compensation for victims, such as the proposed "compensation act as a *diyat*" by acting Governor of Aceh, Azwar Abubakar, in 2004, encountered implementation challenges due to budgetary constraints. Despite a reintroduction of the *diyat* program in 2010, financial limitations prevented its execution (Hadi 2022).

Furthermore, the MoU Helsinki of 2005 marked a crucial juncture in Aceh's transitional phases, transitioning from a "paradigmatic transition" to a period characterized as "conflicted democracy" (Taqwadin 2024). This phase, following the cessation of armed conflict, was marred by political instability and awkward relationship among ex-conflicted parties (Nurzahri 2022). Consequently, policymaking processes necessitated meticulous navigation to prioritize sustainable peace, which entailed navigating the transitional justice agenda for conflict victims. Despite these challenges, the MoU Helsinki agreement, later enacted into the Law on Governing Aceh (*Undang-Undang Nomor 11 Tahun 2006 tentang Pemerintahan Aceh*, UUPA), endorsed traditional transitional justice mechanisms, including human rights trials, reparations programs, truth and reconciliation commissions, and institutional and security sector reforms.

This phase witnessed the second opening up of Aceh's political system, yielding more democratic values than the period following Soeharto's regime collapse after 1998 to 2005. Alongside transitional justice mechanisms, the peace agreement facilitated the establishment of local political parties, electoral regimes, governance reforms, security sector reforms, reintegration programs, and equitable distribution of natural resource revenues between Aceh and Jakarta. Additionally, the early post-conflict era was also shaped by post-tsunami reconstruction efforts, attracting substantial external funds and technical assistance (Prang 2008).

While the TNI/Polri forces were instructed to withdraw, this period seen as the emergence of new political, economic, and social elites comprising former GAM combatants, civil society activists, religious scholars, and a new generation of businessmen (Taqwadin 2024). Despite limited involvement of TNI/Polri in the political landscape, Jakarta retained considerable power in orchestrating post-conflict peacebuilding efforts, creating a dilemma in pursuing the ideal transitional justice agenda for victims, as it has to protect the interests and reputation of security forces. Amidst this challenge, several CSOs formed the Coalition of Aceh' Truth Recovery (*Koalisi Pengungkapan Kebenaran Aceh*, KPK Aceh) to advocate for transitional justice mechanisms despite the precarious post-conflict situation. The coalition comprised various organizations and individuals, including LBH Banda Aceh (*Lembaga Bantuan Hukum Banda Aceh*), Kontras Aceh (*Koalisi untuk Orang Hilang dan Tindak Kekerasan Aceh*), Koalisi NGO HAM, AJMI (Aceh Judicial Monitoring Institute), RPuK (*Relawan Perempuan untuk Kemanusiaan*), AI (The Aceh Institute), BSuIA (*Balai Syura ureung Inong Aceh*), Tikar Pandan, Flower Aceh, SMuR (*Solidaritas Mahasiswa untuk Rakyat*), PHIA (*Pemberdayaan Harkat Inong Aceh*), PASKA Aceh, ACSTF (Acehnese Civil Society Task Force), JKMA Aceh (*Jaringan Komunitas Masyarakat Adat Aceh*), PP-HAM Aceh (*Program Penyelesaian Hak Asasi Manusia Aceh*), SP (*Solidaritas Perempuan*), Aceh Kita, ISMAHI Aceh (*Ikatan Senat Mahasiswa Hukum Indonesia-Aceh*), and LeuHAM Aceh (*Lembaga untuk Hak Asasi Manusia-Aceh*). Moreover, numerous scholars and practitioners, specifically individuals possessing proficiency in human rights, jurisprudence, governmental affairs, and social studies, engaged in this campaign (KPK Aceh 2007). The alliance was established upon principles of voluntarism, lacking a pre-determined membership count, adopting a non-hierarchical framework, and devoid of any obligatory organizational setup. The KPK Aceh solely appoints a coordinator responsible for coordinating initiatives among CSOs and affiliated individuals involved in the advocacy (Muhammad 2022).

On the early stage, facing with the dilemma of implementing retributive mechanisms, the social movement strategically shifted towards advocating restorative justice, urging the establishment and support for the Aceh' TRC as the cornerstone of justice for victims (Darmi 2022). However, challenges persisted, particularly regarding the alignment of the truth commission in Aceh with national-level "to-be" counterparts, leading to debates regarding its independent establishment versus awaiting national-level enactment (Nurzahri 2022).[3] Ultimately, as had pushed by the movement along with a limited parliamentary and executive affiliations, the bylaw establishing the Truth and Reconciliation Commission was passed in 2013 (*Qanun Aceh Nomor 17 Tahun 2013 tentang Komisi Kebenaran dan Rekonsiliasi Aceh*, *Qanun Aceh tentang KKRA*), formally implemented in 2016 by the establishment of the Aceh' TRC agency.

Second, the dynamic relationship between new elites. The complex interplay between emerging elites in a post-conflict society significantly shapes the constructed knowledge paradigm. This dynamic shows a clash of interests between those advocating for peace at the cost of justice for victims and those emphasizing sustainable peace through transitional justice. On one side, influential civilian groups, including former GAM combatants and their allies, champion pragmatic peace efforts. Conversely, state entities such as the Central Government, TNI/Polri, and civil servants prioritize national interests, often rejecting transitional justice, especially through retributive means. In the other side, former civil society activists, religious leaders, and businessmen navigate between these opposing stances. Despite apparent conflicts stemming from overlapping authorities in Aceh's governance (Matsyah & Abdul Aziz 2021), their interests ultimately align with the transitional justice agenda (Zain E.N. 2022).

Despite both former conflicting parties' rejection of prosecution (retributive justice), they were relatively open to restorative mechanisms for victims, provided these mechanisms did not significantly disrupt political stability or challenge their amnesty (Darmi 2022). This relative acceptance was facilitated by both a similar of chain-of-command systems of ex-GAM combatants as well as TNI/Polri (Nurzahri 2022). However, Darmi (2022) points out that the implementation of transitional justice also depends on the individuals in command, with the TNI/Polri's rotational system leading to fluctuating support for truth and reconciliation initiatives. For instance, a TNI commander's support for transitional justice could vary greatly over time due to changes in leadership. To address this, the social movement sought to forge stronger and more consistent alliances, including connections with the government elites (Sahputra 2022). Notably, several individuals in Aceh's executive chairs and provincial parliament members from various political parties – many of whom were part of social movements during the armed conflict, sympathizers of conflict victims, or victims themselves – were willing to collaborate with the movement to advocate the enactment of the Law and its implementation (Darmi 2022, Nurzahri 2022). Negotiations with several political party powerholders proved more effective than relying on one of the conflicted parties to support the advocacy agenda (Sahputra 2022).

In the process, the movement pushed a little responsibility for this advocacy towards these several governmental elites to engage in the political dynamics involving ex-GAM combatants, the Government, and TNI/Polri, who frequently disregarded the transitional justice agenda, especially related to the drafting process of the bylaw regarding Aceh' TRC. After extensive legal

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[3] The regulation regarding the National Truth and Reconciliation Commission (*Komisi Kebenaran dan Rekonsiliasi Nasional*) was previously enacted in 2004 (*Undang-Undang No. 27/2004 tentang Komisi Kebenaran dan Rekonsiliasi*). However, this Law was revoked by the Constitutional Court of the Republic of Indonesia in 2006. Coinciding with this, in the same year, the Law on the Governance of Aceh was passed, with one of its articles affirming that the Aceh Truth and Reconciliation Commission is an integral part of the National Truth and Reconciliation Commission (Article 229 (2) of UUPA).

consultations with both Aceh's legislative and executive bodies, as well as the Ministry of Law and Human Rights representing the Central Government, the Government of Aceh passed the bylaw regarding Aceh' TRC in 2013 (*Qanun Aceh Nomor 27 Tahun 2013 tentang Komisi Kebenaran dan Rekonsiliasi Aceh*) (Nurzahri 2022, Darmi 2022, Hadi 2022).

Third, facilitation or repression by powerholders has been a critical factor. Surprisingly, the social movement's advocacy for transitional justice has not encountered significant direct resistance from the Government and former conflicting parties. Following the peace agreement, the Central Government initiated a reparation program for victims through the Aceh Reintegration Agency (*Badan Reintegrasi Aceh*, BRA) in 2006. According to Avonius (2010), 36,574 out of 62,000 identified victims received compensation and rehabilitation from 2006-2009. However, this program has faced criticism due to an inadequate victim database, undefined victim criteria, lack of comprehensive program plans, ambiguous reparation mechanisms, and unclear outcomes (Muhammad 2022). Moreover, this program was funded by the Central Government budgets (*Anggaran Pendapatan dan Belanja Negara*, APBN) as the Government of Aceh – through *Anggaran Pendapatan dan Belanja Aceh*, APBA – was reluctant to allocate funds (Fajri 2022, Zain E.N. 2022). Muhammad (2022), the KPK Aceh's coordinator, argues that a truth-seeking mechanism would better determine reparation needs based on the extent of violations and damages experienced by victims, unlike the initial approach by BRA.

Despite the reparation program which has been carried on by the BRA, the overall support from the Government, both Aceh and Central Government, and former conflicting parties for the movement's broader transitional justice agenda – which includes reparation programs, human rights trials, truth-seeking mechanism, and mechanisms to prevent future conflicts – has been minimal. Instead of repressing the movement, the Government and powerholders largely ignored demands, especially regarding the establishment of Aceh's TRC. Former GAM elites feared the truth-seeking mechanism might damage their reputation in the eyes of Acehnese, while the Government of Aceh was concerned about the financial implications (Fajri 2022). TNI/Polri worried it would tarnish the army's image by portraying them as human rights violators (Darmi 2022). Nonetheless, the truth-seeking mechanism is legally mandated by the Law on Governing Aceh (UUPA), forcing the Government and former conflicting parties to find a strategy to sideline the agenda politically. Fortunately, several parliament members (DPRA) and executive officials with ties to human rights activists facilitated the movement's interests, leading to the establishment of Aceh's TRC agency in 2016.

Post-establishment of Aceh' TRC, threats emerged, such as a verbal threat in 2018 from unknown individuals against voluntary staff of PASKA Pidie while collecting victim statements in *Kabupaten* (District) Pidie Jaya for the Aceh' TRC. This incident forced the KPK Aceh provided the temporary evacuation of the statement-takers to Jakarta. However, such threats were isolated and did not recur (Fajri 2022).

Overall, despite the unstable post-conflict environment, the transitional justice advocacy did not face significant repression or substantial government support. The Government mostly ignored the advocacy efforts, with support coming from sympathetic individuals within the government rather than from official channels. Repression was limited and sporadic, originating from unidentified sources.

Fourth, the presence of allies and opposition. The agenda of transitional justice has faced opposition from both former conflict parties. The ex-GAM members, now dominating the legislative and executive branches, and the Central Government, intent on protecting the image of the TNI/Polri and maintaining post-conflict political stability, have both neglected this agenda.

Although the MoU Helsinki and the UUPA included a consensus on transitional justice, its initiation stemmed from international participants' advice – during negotiation process towards the signing of MoU Helsinki 2005 – rather than the conflicted parties themselves (Zain 2022). Jiwon (2015) argues that the agenda was adopted by the ex-conflicted parties as a strategy to mitigate international pressure rather than a genuine intention to implement policies addressing human rights abuses. Accordingly, the implementation of the reparation program by BRA aimed de-securitizes the focus on truth-seeking mechanisms and human rights trials, which could potentially disrupt the interests of former conflicting parties. Several KPK Aceh' members have concurred that early reparation programs rendered the transitional justice agenda meaningless (Zain 2022, Muhammad 2022), and some victims' groups have expressed skepticism about achieving justice through these means (Fajri 2022).

However, various foreign, national, and local CSOs, along with several countries, have continued to support the advocacy for ideal transitional justice in Aceh. Muhammad (2022) suggests that, in the eyes of those supporters, establishing Aceh's TRC is more feasible than creating a national institution, given that the Law of National TRC was revoked in 2006.[4] Consequently, substantial financial and technical support has been directed toward this advocacy in Aceh, both before and after the establishment of Aceh's TRC. Success in implementing the truth-seeking mechanism in Aceh could potentially influence national policymakers to re-establish the institution on a national scale. Victim groups have actively supported this movement, participating in demonstrations and large gatherings to pressure the government for justice (Sahputra 2022, Hadi 2022). Yet, since 2012, the decline of post-tsunami and post-conflict rehabilitation programs have challenged local CSOs' sustainability, leading to unequal donor access and internal friction over the support for truth and reconciliation process's implementation (Muhammad 2022).

CONCLUSION

Social movements often emerge from societal dilemmas or anxieties regarding issues that challenge the status quo, both in the present and future. These movements seek to either promote or resist social change (Della Porta & Diani 2006, Tarrow 2011). For instance, advocating for transitional justice agenda can address the need for justice for conflict victims, but it may also tarnish the image of former conflicting parties by labeling them as human rights violators, potentially causing political instability or even recurrence violence. The progress and impact of social movements are significantly influenced by political opportunities within a specific state or region (Tarrow 2011). This is particularly evident in the advocacy for transitional justice in post-conflict areas characterized by political vulnerability and instability, such as Aceh, following the early peace established after the MoU Helsinki 2005.

This study, identify several key findings: First, Opened/closed political system. There were two (2) momentums of opening up political system that affects political opportunities for transitional justice advocacy. Firstly, the fall of Soeharto in 1998, spurred by a significant reform movement led by majority of civil society and activists, marked the beginning of a "paradigmatic transition" or reform era. President Habibie, in response, established a foundation for respecting human rights and addressing state violations. In Aceh, Habibie formed a special advisory team (*Tim Penasihat Presiden Urusan Aceh*, TPPUA), initiated a fact-finding commission (*Komisi*

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[4] Please refer to the *Putusan Mahkamah Konstitusi – Republik Indonesia Nomor 006/PUU-IV/2006*.

Independen Pengusutan Tindak Kekerasan di Aceh, KIPTKA), launched a reparation program, and proposed the Law on Privileges for Aceh in 1999 (*Undang-Undang Nomor 44 Tahun 1999 tentang Keistimewaan Aceh*). However, the conflict in Aceh intensified from the end of Habibie's tenure until the 2004 tsunami. Secondly, the MoU Helsinki 2005 between GAM and the Indonesian government, aimed at sustainable peace, which resulted the Law on Governing Aceh (*Undang-Undang Nomor 11 Tahun 2006 tentang Pemerintahan Aceh*, UUPA). This law became a cornerstone for transitional justice in Aceh' post-conflict, encompassing reparations, human rights trials, truth-seeking, and other mechanisms to prevent future conflict, such as institutional and security sector reforms, and reconciliation measures. Second, the dynamic relationship between new elites. Former conflict actors and human rights violators continued to dominate post-conflict political power. While they rejected prosecution as a main instrument, they were relatively accepting restorative mechanisms for victims, as long as it doesn't influence their image within post-conflict society. The social movement capitalized this political opportunity, supported by sympathetic parliament members and executive officials, leading to the establishment of Aceh's TRC in 2016. Third, facilitation/repression by powerholders. The advocacy for transitional justice by the social movement faced no significant direct opposition from ex-conflict actors. Instead of repression or facilitation, the powerholders largely ignored the movement. Fourth, allies/opposition. The social movement received substantial support from civil society at local, national, and international levels, as well as from victim groups and several governments. Conversely, former conflict parties saw the agenda as may damage their image but opted to ignore the advocacy led by a social movement rather than suppress it. Some criticism emerged from certain civil society and victim group members, who doubted the effectiveness of further transitional justice efforts, given the existing reparation programs by BRA and skepticism about the government's commitment to deliver the rights of the victims.

In the end, this study aspires to address an academic gap, generally in the study of political contentious and particularly in social movement research, which focuses on the dimension of political opportunities that affect the movement's existence in advocating a sensitive issue such as transitional justice agenda in the setting of vulnerable and unstable post-conflict conditions.

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Danil Akbar Taqwadin (Corresponding author)
Institut Kajian Etnik – KITA
Universiti Kebangsaan Malaysia
43600 Bangi, Selangor, Malaysia
&
Fakultas Ilmu Sosial & Ilmu Pemerintahan
UIN Ar-Raniry Banda Aceh
23111, Banda Aceh, Aceh, Indonesia
Email: danylabay@gmail.com

Kartini Aboo Talib @Khalid
Institut Kajian Etnik – KITA
Universiti Kebangsaan Malaysia
43600 Bangi, Selangor, Malaysia
Email: kartinikhalid@gmail.com

Nidzam Sulaiman
Faculty of Human Ecology
Universiti Putra Malaysia
43400 Serdang, Selangor, Malaysia
Email: nizamm01@hotmail.com