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Eradicating Impunity for Gross Human Rights Violations in Aceh through the Framework of State Responsibility and International Penal Accountability

Teuku Muhammad Al Arkhan[1*], Yasir Munir[2]

[1] Islamic University of Indonesia, Indonesia
[2] MY School of Law MY University Islamabad, Pakistan
*Corresponding author: teukuarkhann@gmail.com

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Abstract

This study analyzes systemic impunity in resolving cases of gross human rights violations in Aceh as a severe breach of international penal obligations and examines the consequences of state responsibility. The persistence of impunity regarding historical atrocities reflects a systemic state failure to provide effective prosecutorial mechanisms to establish the truth and deliver absolute criminal justice. Relying solely on nonjudicial reconciliation mechanisms, such as the Aceh Truth and Reconciliation Commission and the Helsinki Memorandum of Understanding, fails to extinguish the state's binding jus cogens obligations to ensure strict penal accountability. This research employs a normative legal method using statutory and conceptual approaches to prescriptively analyze international human rights instruments and the Articles on the Responsibility of States for Internationally Wrongful Acts. The findings indicate that failing to ensure effective forensic investigation and prosecution constitutes an internationally wrongful act and a deliberate obstruction of justice. This persistent prosecutorial failure qualifies as a continuing breach under the law of state responsibility. Resolving these human rights violations must mandate that the state end the situation of impunity and provide absolute guarantees of non-repetition alongside effective reparations by forcing systemic violence to face ultimate penal scrutiny.

Keywords: Continuing Breach; Gross Human Rights Violations; Impunity; Penal Accountability; State Responsibility.

INTRODUCTION

Gross human rights violations concern individual penal accountability and raise absolute legal obligations for the state. International law mandates that states respect, protect, and fulfill human rights by preventing, investigating, prosecuting, and providing effective remedies for atrocities within their jurisdiction. Failure to fulfill these obligations transcends mere administrative negligence and raises severe issues of international responsibility. The framework of state responsibility under international law requires an act or omission attributable to the state that violates a binding international obligation. The International Law Commission, through the Articles on Responsibility of States for Internationally Wrongful Acts, affirms that every internationally wrongful act entails absolute international responsibility. State responsibility materializes through active conduct and deliberate prosecutorial omissions when governments fail to execute legally mandated protective penal measures (Hearty, 2021).

Impunity actively obstructs the fulfillment of these peremptory international obligations. Impunity reflects a systemic state failure to provide effective legal mechanisms to establish forensic truth, deliver criminal justice, and grant remedies to victims. The United Nations identifies the right to truth, the right to justice, the right to reparation, and guarantees preventing repetition as essential elements in eradicating systemic impunity. International legal principles strictly distinguish impunity from state immunity. State immunity dictates procedural limits on jurisdiction over sovereign entities, whereas impunity involves the complete and malicious absence of penal accountability (Gilmore & Moffett, 2021). Sovereignty arguments cannot eliminate or suspend a state's obligation to protect and provide remedies to victims of gross human rights violations involving fundamental jus cogens norms of international law.

These profound international legal issues apply directly to the Indonesian penal context in Aceh. The prolonged armed conflict in Aceh generated numerous documented incidents of systemic violence and allegations of gross human rights violations, which remain deliberately unresolved by the state apparatus. The National Human Rights Commission conducted formal forensic *pro justitia* inquiries into several historical atrocities, including Rumoh Geudong Simpang KKA Jambo Keupok and systemic cases of enforced disappearance. The resulting inquiry dossiers were formally submitted to the Attorney General for subsequent judicial actions under applicable legal mechanisms (Van Noorloos, 2021). The continuous refusal of the prosecutorial authority to advance these cases exposes a catastrophic failure of the national criminal justice system and actively sustains a culture of systemic impunity.

Aceh represents a complex empirical example of addressing severe human rights violations following the cessation of armed conflict through the often-flawed

paradigm of transitional justice. Conflict resolution in Aceh involves formal legal mechanisms alongside truth and reconciliation frameworks developed within the peace context. While peace creates favorable conditions for societal reconciliation, true justice demands coercive mechanisms to establish the forensic truth and ensure strict penal accountability. The Aceh Truth and Reconciliation Commission is part of a transitional justice mechanism intended to document violations and recommend remedies. The existence of such nonjudicial mechanisms absolutely does not resolve questions concerning perpetrator accountability or extinguish the overarching state obligation to ensure effective criminal proceedings. Referring to truth commissions as an institutional protection against criminal prosecution effectively transforms transitional justice into a mechanism of state-sanctioned pacification.

Elizabeth examines impunity and transitional justice within the Indonesian context by observing the enduring socio-political impacts of historical atrocities (Drexler, 2022). Her research shows that impunity goes beyond judicial failure and actively shapes victims' ongoing struggles to seek accountability. She uses the experiences of the Aksi Kamisan movement to show how persistent impunity continues to affect transitional justice processes and the fulfillment of victims' rights. This socio-political perspective emphasizes victims' lived realities as they confront systemic state inaction. Drexler illustrates that impunity creates a circular temporal experience where past violations remain present through ongoing systemic denials of justice.

Renée Jeffery analyze the critical function of national human rights institutions in securing accountability and combating impunity across various transitional justice settings (Jeffery & Dannhauer, 2024). Their study employs comprehensive data from numerous national institutions to evaluate their capacity to investigate historical human rights violations and manage victim reparations. The research indicates that eradicating impunity requires robust institutions that can preserve evidence and oversee accountability processes rather than merely establishing legal norms. This institutional analysis aligns directly with the National Human Rights Commission's investigative role in Indonesia. The findings demonstrate that effective institutional oversight remains fundamental to ensuring state compliance with human rights obligations and securing tangible victim rights.

Kevin Hearty critiques transitional justice approaches that restrict accountability exclusively to direct perpetrators of violence. His research emphasizes the necessity of comprehensive truth recovery and broader conceptualizations of moral responsibility beyond the immediate actors. Hearty draws upon human rights violations in Northern Ireland to argue that legal truth often possesses severe limitations in delivering holistic justice. His analysis advocates transitional justice frameworks that address systemic responsibilities rather than reducing accountability to individual offenders (Hearty, 2021). This broader understanding of responsibility

underscores the inadequacy of narrow criminal prosecutions in resolving systemic human rights violations.

Existing academic literature extensively examines state responsibility for human rights protection alongside victims' rights to reparation and transitional justice mechanisms in Indonesia. Recent scholarly contributions link systemic impunity with state responsibility across diverse jurisdictions, including Argentina and Thailand. A critical research gap persists because existing studies have not explicitly framed persistent impunity for gross human rights violations in Aceh as a manifestation of state complicity and a serious state responsibility issue under peremptory jus cogens norms. The academic discourse lacks a rigorous penal evaluation of this specific regional impunity through the international legal concepts of an internationally wrongful act and a continuous prosecutorial breach. The current literature catastrophically fails to explain the exact nexus between deliberate domestic impunity, transitional justice illusions, and the emergence of absolute state responsibility under international criminal law.

This study critically analyzes systemic impunity in resolving gross human rights violations in Aceh strictly from the perspective of state responsibility and international penal accountability. The research seeks to identify the specific international legal consequences arising from the state prosecutorial apparatus's deliberate failure to fulfill its binding obligations to victims of systemic atrocities. The analysis explains the causal relationship between persistent impunity and state responsibility by utilizing the rigorous framework of an internationally wrongful act and a continuing prosecutorial breach. Positioning the rights to forensic truth, absolute penal justice, and comprehensive reparation as nonderogable binding international obligations provides a definitive jurisprudential blueprint for eradicating historical atrocities and ensuring strict accountability in Aceh.

METHODS

This study employs a rigorous normative legal research method employing statutory, conceptual, and case-based approaches (Marzuki, 2019). The research analyzes state responsibility under international law for state complicity and systemic impunity in cases of gross human rights violations in Aceh. The statutory approach examines binding peremptory international frameworks and national penal legislation. The conceptual approach explores underlying legal doctrines concerning state responsibility, jus cogens norms, and the absolute necessity of penal accountability within transitional justice mechanisms. The case-based approach evaluates specific historical incidents of severe atrocities to contextualize the deliberate prosecutorial failure and systemic obstruction of domestic legal accountability (Efendi, 2022).

The legal materials consist of primary and secondary sources, meticulously gathered to support a comprehensive analysis of international criminal law. Primary legal materials include the Articles on the Responsibility of States for Internationally Wrongful Acts, binding international human rights treaties, and relevant national criminal legislation. Secondary legal materials incorporate authoritative academic books, national and international journal articles, and recognized expert opinions on transitional justice and state complicity. These comprehensive legal materials were collected to ensure a robust jurisprudential foundation for evaluating the critical intersection of domestic prosecutorial paralysis and absolute international legal obligations (Rizkia & Fardiansyah, 2023).

Data analysis proceeds qualitatively and prescriptively to rigorously evaluate the collected legal materials. The analysis seeks to determine whether the deliberate maintenance of impunity for gross human rights violations in Aceh constitutes a continuous prosecutorial breach and a definitive internationally wrongful act. The prescriptive evaluation aims to establish the precise consequences of state responsibility under international criminal law. This systematic methodological framework enables the formulation of binding legal arguments regarding the absolute necessity of eradicating institutional impunity, securing strict penal accountability, and ensuring comprehensive victim reparations.

RESULT AND DISCUSSION

Impunity as a Continuing Breach of International Legal Obligations in Aceh

Establishing the foundation of state responsibility requires identifying an internationally wrongful act attributable to the state. The prolonged armed conflict in Aceh witnessed numerous documented instances of severe systemic violence (Torres, 2021). The National Human Rights Commission conducted formal *pro justitia* investigations into several historical atrocities, including the Rumoh Geudong tragedy, the Simpang KKA incident, and the Jambo Keupok massacre. These institutional investigations collected substantial forensic evidence indicating gross human rights violations amounting to crimes against humanity. The resulting investigative dossiers were formally submitted to the Attorney General to initiate criminal prosecutions under the domestic human rights court mechanism. The Attorney General's persistent refusal to proceed with judicial prosecutions creates profound legal paralysis within the national penal system. This administrative inaction transcends mere procedural delay and constitutes a deliberate state complicity. International law dictates that state organs incur international responsibility when they fail to fulfill specific mandates of human rights protection. The deliberate failure to investigate and prosecute these atrocities effectively transforms a domestic procedural deadlock into a substantive breach of peremptory international legal obligations.

The Articles on Responsibility of States for Internationally Wrongful Acts provide the definitive legal framework for evaluating this deliberate prosecutorial sabotage. Article 1 explicitly states that every internationally wrongful act of a state entails the absolute international responsibility of the state (Yahaya, 2025). Article 2 establishes two fundamental elements for determining an internationally wrongful act consisting of conduct attributable to the state and conduct constituting a breach of an international obligation. The continuous refusal of the Attorney General to elevate the National Human Rights Commission findings to the prosecution stage satisfies both requirements. The Attorney General acts as an official organ of the Indonesian government exercising absolute prosecutorial authority. International human rights law compels states to ensure effective remedies and combat systemic impunity for gross human rights violations. The deliberate administrative stagnation effectively nullifies the legal authority of the initial forensic investigative findings. This systemic omission violates the binding international duty to investigate, prosecute, and punish perpetrators of severe atrocities (Page & King, 2022).

This institutional inaction actively constructs a systemic culture of state-sponsored impunity. Impunity in Aceh is not a mere administrative delay but a malicious structural failure to deliver penal justice. Legal doctrines emphasize that systemic impunity arises when state institutions deliberately avoid fulfilling their prosecutorial mandates to protect systemic abusers. The victims of the Rumoh Geudong and Simpang KKA tragedies remain completely deprived of their fundamental right to forensic truth and their absolute right to criminal justice. The failure to prosecute direct perpetrators and command structures demonstrates a profound state complicity designed to shield those responsible for systemic violence from penal accountability (Alviar García, 2021). International law treats this deliberate obstruction of justice as a direct violation of the state obligation to protect human dignity. This persistent impunity actively undermines the rule of law and denies victims their legally guaranteed access to judicial remedies. The ongoing suffering of the communities suffering as victims is directly perpetuated by the deliberate state refusal to activate the human rights court mechanism.

The temporal dimension of this institutional failure introduces the critical concept of an ongoing prosecutorial breach under international law. Article 14 of the Articles on Responsibility of States for Internationally Wrongful Acts addresses the extension in time of a breach of an international obligation. The legal concept distinguishes between instantaneous violations and continuing violations. An instantaneous violation occurs and concludes at a specific moment in the past. A continuing breach involves an ongoing failure to comply with an international obligation where the wrongful act extends over an entire period of non-compliance. The persistent refusal to prosecute the Aceh atrocities perfectly illustrates a continuing

breach of the absolute obligation to ensure penal accountability. The initial acts of systemic violence occurred during the armed conflict in the past, but the state obligation to investigate and prosecute remains permanently active. The state continuously commits an internationally wrongful act every single day the prosecutorial authorities refuse to initiate criminal proceedings (Edwards, 2001).

The continuing nature of the prosecutorial breach becomes profoundly evident in the systemic cases of enforced disappearances documented throughout the Aceh conflict. International human rights jurisprudence consistently characterizes enforced disappearance as a continuous international crime. The crime begins with the initial abduction and persists until the fate and whereabouts of the disappeared person are officially clarified through forensic investigation. The National Human Rights Commission identified numerous unresolved cases of enforced disappearances across Aceh. The state bears an absolute and continuous legal duty to investigate these disappearances, identify the perpetrators, and inform the families of the absolute truth. The prolonged deliberate inaction of the prosecutorial authorities amplifies the continuing breach by simultaneously violating the rights of the disappeared individuals and the rights of their families. The ongoing mental anguish experienced by the families of the disappeared constitutes a continuous form of torture directly attributable to state complicity. This specific context demonstrates how state-sponsored impunity actively generates new and ongoing human rights violations.

International tribunals provide authoritative jurisprudential support for classifying systemic impunity as a continuous prosecutorial breach. The Inter-American Court of Human Rights consistently rules that states commit continuing violations when they fail to investigate historical atrocities and prosecute perpetrators. The court emphasizes that the passage of time never extinguishes the absolute state duty to uncover the forensic truth and punish those responsible for gross human rights violations. The European Court of Human Rights similarly affirms that states hold a continuous procedural obligation to investigate unlawful deaths and disappearances (Gallen, 2025). These established international precedents directly apply to the deliberate institutional paralysis characterizing the Aceh situation. Indonesia cannot utilize the temporal distance from the original conflict period as a deceptive legal justification for abandoning prosecutorial efforts. The passage of time actually aggravates the continuing breach because the prolonged delay intentionally destroys critical evidentiary trails and diminishes the likelihood of successful penal prosecutions. The continuing breach ceases only when the state takes definitive judicial action to establish absolute criminal accountability.

Addressing absolute state responsibility requires establishing a strict demarcation between the procedural legal doctrine of state immunity and the substantive reality of systemic impunity. State immunity is a procedural principle of international law designed to protect the sovereign equality of states (Gardbaum,

2008). This doctrine traditionally restricts foreign domestic courts from exercising jurisdiction over another state's sovereign acts. However, impunity represents the complete and malicious absence of substantive penal accountability for severe international crimes. The fundamental distinction lies in their legal nature and application. State immunity operates as a procedural shield against external interference, while impunity represents an internal structural failure to uphold criminal justice. Governments often conflate these concepts to justify domestic complicity regarding past atrocities. The assertion of sovereign authority can never legitimize the systemic denial of penal justice to victims of gross human rights violations.

The evolution of international penal law firmly establishes that state immunity cannot shield governments from accountability regarding peremptory jus cogens norms. Gross human rights violations such as torture, crimes against humanity, and enforced disappearances constitute direct violations of supreme norms of general international law. Jus cogens norms hold absolute hierarchical superiority over all other international legal principles, including procedural state immunity. The commission of crimes against humanity in Aceh breached non-derogable international obligations owed to the international community as a whole. The state has an absolute legal duty to investigate and prosecute these violations, regardless of internal political considerations or deceptive sovereignty arguments. Allowing systemic impunity to persist under the guise of sovereign prerogative effectively degrades the fundamental nature of jus cogens norms. International legal doctrine insists that prohibiting impunity is inextricably linked to the strict enforcement of peremptory norms. The systemic refusal to activate the human rights court mechanism in Indonesia directly contravenes these supreme principles of international penal law (Komarek, 2014).

The Indonesian legal framework includes specific domestic mechanisms to prosecute gross human rights violations under Law Number 26 of 2000 concerning Human Rights Courts. This statutory framework demonstrates only formal compliance with the international obligation to establish domestic judicial mechanisms. Formal legislative compliance entirely fails to satisfy the substantive requirements of international penal law when the mechanism is deliberately not put into practice. The legal evaluation of state responsibility focuses on the actual coercive effectiveness of domestic remedies rather than their mere theoretical existence. The continuous administrative blockade maintained between the National Human Rights Commission and the Attorney General renders the Human Rights Court practically inaccessible for the victims of the Aceh conflict. This deliberate structural dysfunction proves that the state is actively sabotaging its obligation to guarantee effective penal remedies. International law requires domestic mechanisms to operate with genuine

independence, impartiality, and prosecutorial effectiveness to combat systemic impunity. The deliberate, enduring paralysis of the Indonesian judicial mechanism illustrates a substantive and continuous breach of this absolute requirement (Posada Tellez, 2025).

The establishment of the Aceh Truth and Reconciliation Commission introduces a nonjudicial dimension to the regional transitional justice framework. Truth commissions perform extraordinary functions in documenting historical narratives and facilitating localized social healing processes. Truth-seeking bodies must never serve as a deceptive legal pretext for suspending formal criminal accountability. International legal doctrine explicitly prohibits substituting judicial prosecutions with nonjudicial reconciliation approaches when dealing with gross human rights violations (Wolfe, 2022). The truth commission's mandate operates on a complementary axis, parallel to the Attorney General's absolute prosecutorial duties. Institutional actors repeatedly invoke the truth commission to rationalize the ongoing, deliberate delay in human rights court proceedings. This deceptive administrative logic fatally misinterprets the fundamental model of international human rights obligations. The right to forensic truth and the absolute right to penal justice are mutually reinforcing legal entitlements requiring simultaneous state action across both judicial and nonjudicial sectors. The state remains in a condition of continuous prosecutorial breach as long as the judicial component remains paralyzed, regardless of any successful truth commission operations.

The jurisprudence surrounding the right to an effective remedy further solidifies the characterization of systemic impunity as a continuing prosecutorial breach of international obligations. The International Covenant on Civil and Political Rights establishes an absolute state obligation to ensure that any person whose rights are violated shall have an effective remedy determined by competent judicial authorities (Jones et al., 2023). The structural inability of victims in Aceh to force prosecutorial action against identified perpetrators directly violates this fundamental treaty provision. Domestic legal mechanisms currently provide no procedural space for victims to challenge the deliberate inaction of the Attorney General regarding human rights atrocities. This complete absence of judicial review over prosecutorial discretion in human rights cases formally institutionalizes the continuing breach. The state effectively insulates its own organs from legal scrutiny while simultaneously denying victims their guaranteed access to penal justice (Mata, 2023). Fulfilling the right to an effective remedy requires aggressively dismantling these structural immunities and compelling the state prosecution apparatus to execute its absolute legal mandate.

The persistence of state-sponsored impunity in Aceh fundamentally destabilizes the domestic rule of law while triggering direct and severe international legal consequences. The framework of state responsibility mandates that the

responsible state must immediately cease the internationally wrongful act and offer appropriate assurances of non-repetition. The only legally valid way to end the ongoing prosecutorial breach of impunity is to commence independent, transparent criminal prosecutions based on the existing forensic investigative dossiers. The state must proactively dismantle the administrative barriers preventing the Attorney General from executing their absolute prosecutorial mandate. Achieving full compliance with international obligations demands the total eradication of institutional impunity (Carter, 2023). Victims have absolute, non-derogable rights to see perpetrators face strict judicial scrutiny in a competent penal tribunal. The continued denial of these rights sustains the internationally wrongful act and perpetuates Indonesia's absolute state responsibility under international criminal law.

Systemic impunity regarding the Aceh atrocities transcends a simple domestic administrative dispute and assumes the character of a severe continuous international legal violation. Integrating the continuing breach doctrine with the absolute principles of state responsibility reveals the precise juridical nature of this ongoing, deliberate failure. The state actively commits an internationally wrongful act every single moment it refuses to deliver penal justice for victims of gross human rights violations. The absolute demarcation between procedural sovereign immunity and structural state complicity confirms that no legal justification exists for abandoning these cases. The failure to prosecute crimes against humanity constitutes a continuous assault on peremptory jus cogens norms and the fundamental principles of international penal law. Resolving this continuous prosecutorial breach requires immediate judicial intervention and the absolute rejection of the current state-sanctioned prosecutorial paralysis.

Exposing the Illusion of Transitional Justice and State-Sanctioned Pacification

The model of transitional justice in Aceh incorporates the establishment of the Aceh Truth and Reconciliation Commission as a primary institutional response to historical atrocities. This regional commission operates under a specific mandate to document severe human rights violations and facilitate localized social healing. The institutional framework emphasizes recovering the truth and acknowledging victims' suffering during the prolonged armed conflict. Truth commissions are nonjudicial investigative bodies designed to produce authoritative historical records of systemic violence. This commission represents a significant regional effort to address the painful legacy of the conflict through structured dialogue and forensic documentation. Fulfilling the right to truth constitutes a fundamental element of any comprehensive transitional justice strategy (Ferrara, 2026).

Establishing nonjudicial truth-seeking mechanisms raises profound legal questions about the state's overarching obligation to conduct formal criminal prosecutions. Domestic political actors frequently utilize the existence of the truth

commission to justify the permanent suspension of judicial accountability processes. International human rights law strictly prohibits substituting criminal prosecutions with truth and reconciliation initiatives when addressing gross human rights violations. The state bears a dual and indivisible obligation to guarantee both the right to forensic truth and the absolute right to penal justice for victims of atrocities. The Aceh Truth and Reconciliation Commission must function as a complementary mechanism, operating in parallel with the state apparatus's prosecutorial duties. Using a truth commission as an institutional shield against criminal accountability violates the fundamental principles of international penal law and turns the commission into an instrument of state complicity.

Academic literature examining impunity and transitional justice in Indonesia reveals the severe socio-political consequences of abandoning judicial accountability (de Sousa, 2024). Previous research shows that ongoing impunity goes beyond administrative failure and actively shapes the lived experiences of victims seeking penal justice. The persistent denial of legal accountability creates a temporal disruption where historical violations remain a continuous present reality for victim communities. The experiences of victims engaging in advocacy demonstrate that symbolic truth-telling without concurrent prosecutorial action fails to resolve systemic injustices. This ongoing impunity actively perpetuates the trauma of the atrocities and deliberately undermines the stated goals of the transitional justice agenda. The absolute failure to initiate formal prosecutions against perpetrators ensures that the legacy of violence continues to dictate the terms of post-conflict recovery.

The structural refusal to enforce penal accountability highlights the critical need to empower national human rights institutions within the transitional justice framework. Comprehensive analysis of human rights commissions across various transitional contexts confirms their essential role in preserving forensic evidence and overseeing accountability processes. Eradicating impunity demands institutional mechanisms that go beyond normative declarations and enable tangible prosecutorial oversight. The investigative authority of the National Human Rights Commission in Indonesia requires binding legal force to compel prosecutorial action from the Attorney General. The current structure deliberately reduces the national commission to a purely advisory body, stripped of the coercive power needed to dismantle systemic impunity. Effective transitional justice demands a direct, seamless institutional transmission connection between initial fact-finding investigations and formal criminal indictments.

Evaluating the limitations of current transitional mechanisms requires a fundamental reassessment of how the legal system conceptualizes penal accountability. A critical study emphasizes the strong limitations of legal truth when judicial processes focus exclusively on direct perpetrators of violence while granting

de facto amnesty to military personnel. Transitional justice frameworks must expand their analytical scope to capture the broader command structures and systemic institutional responsibilities underlying gross human rights violations (Skaar, 2023). The legal approach to resolving the atrocities in Aceh often suffers from a deliberately narrow conceptualization of individual criminal liability. Holding only subordinate actors accountable while protecting those causing systemic violence represents a severe distortion of penal justice. Comprehensive forensic truth recovery must identify the institutional networks and policy decisions that facilitated the systemic human rights abuses during the armed conflict.

Addressing absolute moral and command accountability alongside strict legal liability exposes the structural inadequacies of the current domestic approach to historical atrocities. A robust transitional justice strategy must confront the systemic nature of the violence rather than treating individual atrocities as isolated criminal acts. Relying solely on either a paralyzed human rights court or a nonjudicial truth commission fragments the holistic nature of state responsibility (Moyo-Kupeta, 2024). The state must integrate the regional commission's truth-telling function with a rejuvenated judicial mandate targeting the highest levels of command responsibility. Protecting the integrity of the transitional justice process requires aggressively dismantling the systemic legal immunities shielding political and military leaders from prosecution. International legal standards demand that penal accountability mechanisms reflect the extreme gravity and systemic nature of the underlying international crimes.

The legal doctrine of state responsibility reinforces the absolute obligation to hold individuals criminally accountable for crimes against humanity. International tribunals consistently affirm that states cannot invoke domestic reconciliation policies to extinguish criminal liability for gross human rights violations. Amnesty provisions and de facto pardons disguised as political reconciliation directly contravene the non-derogable obligations set out in international human rights treaties. The ongoing prosecutorial paralysis in Indonesia effectively operates as a blanket amnesty for the perpetrators of the Aceh atrocities. This structural reality fundamentally undermines the defensive claims domestic authorities make about their compliance with international penal law. The international community recognizes strict criminal prosecution as the only legally valid mechanism to break the cycle of impunity and deter future systemic violence (K. Whigham et al., 2024).

The interplay between forensic truth recovery and criminal justice requires meticulous legal recalibration within Indonesia's domestic penal system. The Aceh Truth and Reconciliation Commission's findings hold significant evidentiary value for future criminal proceedings. The current legal structure deliberately fails to establish a mandatory procedural pathway transferring these nonjudicial findings into formal

prosecutorial dossiers. This structural disconnect ensures that these extensive truth-recovery efforts remain legally sterile for the purposes of imposing criminal liability. The state must establish binding statutory mechanisms that ensure institutional findings of systemic violence automatically trigger independent judicial investigations. Bridging this legal chasm constitutes an absolute prerequisite for establishing a credible and effective transitional justice framework capable of delivering penal accountability.

Victims of gross human rights violations possess an inalienable entitlement to witness the prosecution and punishment of their abusers within a competent legal forum. International human rights jurisprudence defines the absolute right to justice as an enforceable legal guarantee requiring active state compliance. The permanent suspension of the human rights court mechanism actively deprives the Aceh conflict victims of this fundamental non-derogable right. Nonjudicial acknowledgment of suffering provides crucial psychological validation but remains entirely insufficient to satisfy the strict requirements of international penal justice. The state continuously violates its binding international obligations every single day and refuses to activate the judicial components of the transitional justice agenda. Translating historical truth into binding legal verdicts remains the only way to fully vindicate victims' rights and restore domestic rule of law (Sunga, 2024).

The concept of transitional justice originally emerged to facilitate societies' transition from periods of systemic violence toward democratic governance and the rule of law. This foundational objective fundamentally requires the dismantling of the coercive apparatus responsible for historical atrocities. The persistent failure to prosecute perpetrators in Indonesia allows the actors of past violence to retain significant influence within the contemporary state structure. This entrenched institutional power actively obstructs the consolidation of democratic principles and perpetuates a latent threat of recurring violence. True societal transformation remains utterly impossible when the legal system implicitly endorses the actions of those who orchestrated gross human rights violations. Criminal accountability is the essential mechanism for removing systemic abusers from positions of public authority and restoring the structural integrity of state institutions.

The International Covenant on Civil and Political Rights imposes mandatory prosecutorial obligations on state parties for severe human rights violations. State obligations extend far beyond the mere theoretical provision of legal remedies within domestic statutes (Sikkink et al., 2024). The Human Rights Committee consistently affirms that administrative stagnation in prosecuting systemic crimes constitutes an independent, continuous violation of the Covenant. The Indonesian government cannot rely on the establishment of truth commissions to deflect international scrutiny of its deliberate failure to activate the human rights court. Customary international law strictly prohibits the application of statutory limitations or domestic political

amnesties to crimes against humanity. These absolute legal standards invalidate any domestic policy attempting to replace strict criminal accountability with localized reconciliation dialogues.

The conceptual separation of truth recovery from criminal prosecution inflicts profound secondary trauma upon the victim communities in Aceh. Victims participate in truth commission hearings with the legitimate expectation that their testimonies will eventually trigger formal legal accountability. The subsequent refusal of the state prosecution apparatus to utilize these documented narratives betrays the fundamental trust of the victims. This institutional betrayal transforms the transitional justice mechanism into an instrument of state-sanctioned pacification rather than a vehicle for genuine penal justice. Comprehensive reparations under international law require the state to guarantee non-repetition through the active prosecution and penalization of the perpetrators. Providing financial compensation or symbolic apologies without concurrent criminal trials completely fails to satisfy the rigorous demands of international human rights jurisprudence (Belgorodski, 2024).

The absolute obligation of criminal accountability anchors the entire normative structure of international human rights law. The systemic atrocities committed in Aceh demand a judicial response commensurate with their extreme gravity and widespread nature. Indonesia's current transitional justice model remains fatally compromised by the deliberate absence of a functioning judicial enforcement mechanism. Remedying this structural failure requires immediate legislative and executive action to empower the human rights court and compel prosecutorial engagement. The state must abandon the legally flawed paradigm that positions truth recovery as a substitute for criminal liability. Securing genuine penal justice for the victims of the Aceh conflict ultimately depends on the absolute willingness of the state to subject systemic human rights violators to the full coercive power of the law.

Enforcing Penal Accountability and Ending Prosecutorial Monopoly

The establishment of an internationally wrongful act triggers profound legal consequences mandating immediate state action. The continuing breach of international obligations in Aceh generates an absolute duty for Indonesia to cease the violation and provide full reparations to the victim communities. State responsibility requires the government to definitively eradicate the structural impunity protecting the military and political perpetrators of historical atrocities (Jespersgaard Jakobsen, 2024). Terminating this ongoing international violation will involve immediately activating the human rights court mechanism to initiate formal criminal prosecutions. Ceasing the wrongful act constitutes the primary prerequisite before the state can adequately address the extensive damages inflicted upon the victims of the armed conflict. The international penal framework strictly binds the government to restore

the situation to the exact condition existing before the commission of the severe crimes against humanity.

The customary international law principle of full reparation encompasses multiple complementary components designed to holistically repair the harm suffered by victims. These essential components include restitution, compensation, rehabilitation, satisfaction, and absolute guarantees of non-repetition. Unfortunately, financial compensation often dominates domestic political discourse on post-conflict recovery in Indonesia. Disbursing monetary relief without concurrently pursuing strict criminal accountability fundamentally perverts the core doctrine of comprehensive reparations. The state cannot purchase absolution from its international human rights obligations through arbitrary financial settlements disguised as humanitarian aid. Authentic reparations require a synergistic application of all legal components to validate victims' suffering and restore their fundamental human dignity (Dancy & Thoms, 2025).

The right to an effective remedy functions as the central pillar supporting the execution of state responsibility for victim reparations. The persistent prosecutorial paralysis directly obstructs the ability of victims to access court-ordered restitution and compensation mechanisms. Indonesian domestic legislation structurally links legal reparations to the successful conviction of perpetrators in the human rights court. The Attorney General's deliberate administrative blockade effectively neutralizes this statutory guarantee and serves as a mechanism of state sabotage. Victims remain entirely deprived of their legal entitlements because the state aggressively prevents the judiciary from examining the forensic investigative dossiers. This institutional sabotage transforms the theoretical right to a remedy into a cruel legal illusion, actively perpetuating the marginalization of the victim communities.

Fulfilling the satisfaction requirement within the reparations framework demands official recognition of the atrocities and public disclosure of the truth. The Aceh Truth and Reconciliation Commission performs a vital role in documenting the historical narratives of systemic violence and identifying the patterns of abuse (Ben-Josef Hirsch & Dixon, 2025). The establishment of authoritative truth commission reports partially satisfies the state obligation to acknowledge the profound suffering of the victimized populations. However, truth recovery initiatives must eventually translate into concrete legal facts recognized by competent judicial authorities. Relying solely on truth commissions to provide satisfaction while suppressing criminal trials severely distorts transitional justice principles. Genuine satisfaction requires the state to publicly dismantle the entrenched narratives of denial through rigorous judicial scrutiny and formal penal verdicts.

The state's obligation to provide rehabilitation requires comprehensive interventions addressing the enduring physical and psychological trauma afflicting

the survivors of the conflict. Victims of atrocities, such as the Rumoh Geudong torture camps and the Simpang KKA massacre, continue to endure profound medical and emotional distress. International human rights law categorizes victim rehabilitation as a strict legal entitlement entirely distinct from discretionary social welfare programs (Southey, 2025). The government must deliver specialized psychological care and medical treatments customized to the unique vulnerabilities of torture survivors and the families of the disappeared. Withholding essential rehabilitative services pending the commencement of criminal trials constitutes an unacceptable continuation of state violence and an aggravation of victim suffering. The absolute state responsibility requires the immediate and unconditional deployment of comprehensive medical and psychosocial support systems across the affected regions.

Providing absolute guarantees of non-repetition forms the most critical institutional requirement to prevent the recurrence of gross human rights violations. This vital component of state responsibility demands radical structural reforms within the national security apparatus and the broader penal system. The ongoing deliberate failure to prosecute those responsible for the Aceh atrocities allows individuals implicated in severe crimes to maintain positions of authority and influence (K. E. Whigham, 2025). The continuous presence of suspected perpetrators within state institutions actively undermines the credibility of any government pledges regarding future human rights compliance. Eradicating the structural capacity for future violence requires comprehensive vetting procedures designed to purge human rights violators from the military and police forces. Absolute criminal accountability serves as the ultimate guarantee of non-repetition by establishing an undeniable legal precedent demonstrating that state-sponsored violence carries severe judicial consequences.

Evaluating the domestic execution of state responsibility requires exposing the profound statutory limitations embedded within Law Number 26 of 2000 concerning Human Rights Courts (Molloy, 2025). The current legislative model concentrates absolute prosecutorial authority within the Office of the Attorney General. This monopolistic institutional design creates an insurmountable conflict of interest when the state must investigate the lethal actions of its own security forces. The complete absence of independent oversight mechanisms allows the Attorney General to arbitrarily reject the National Human Rights Commission's *pro justitia* findings without facing legal repercussions. Overcoming this structural paralysis requires targeted legislative reforms to democratize and decentralize the prosecutorial process. The execution of state responsibility remains permanently stalled until the national parliament forcefully dismantles this arbitrary administrative bottleneck.

Aligning domestic justice mechanisms with international penal compliance standards requires the immediate intervention of the highest executive authority. The

President of the Republic of Indonesia possesses the constitutional mandate to resolve the institutional deadlock paralyzing the human rights court system. The executive branch must issue binding administrative directives compelling the Attorney General to immediately advance the investigations into the Aceh atrocities. Political leadership bears ultimate moral and legal responsibility for ensuring that state organs fulfill their binding international obligations to combat systemic impunity. The continued silence of the executive leadership effectively endorses the ongoing denial of justice and deepens the international legal liability of the state. Decisive presidential action remains absolutely essential to force the prosecutorial apparatus to execute its statutory mandate and initiate criminal proceedings.

Legislative interventions must complement executive directives by amending the fundamental structure of the domestic human rights legal framework. The national parliament must urgently revise Law Number 26 of 2000 to introduce mechanisms authorizing the appointment of independent special prosecutors. Empowering independent legal professionals to pursue penal charges when the Attorney General refuses to act would effectively neutralize the current institutional paralysis (Szoke, 2025). The revised statutory framework must set strict time limits requiring prosecutorial authorities to either accept the National Human Rights Commission's findings or provide publicly justifiable legal reasons for rejection. Creating a transparent mechanism for judicial review over prosecutorial discretion represents a mandatory structural reform to guarantee victims their fundamental right to an effective penal remedy. These legislative modifications will ensure the domestic legal system has the institutional resilience needed to genuinely execute state responsibility.

Integrating the Aceh Truth and Reconciliation Commission findings into the formal judicial process is another necessary prescriptive recommendation. The domestic legal system currently has no dedicated statutory bridge connecting regional truth recovery efforts with national criminal prosecutions. The government must enact specialized regulations mandating that the Attorney General officially receive and process the documented evidence gathered by the truth commission. Elevating the institutional status of these nonjudicial reports forces the state prosecution apparatus to confront the extensive catalog of systemic violence (Arizona et al., 2026). Formalizing the evidentiary value of truth commission archives ensures that the immense localized efforts to document atrocities directly contribute to the eventual imposition of criminal accountability. This legal integration eliminates the false dichotomy between truth-seeking and criminal justice within Indonesia's transitional governance structure.

The implementation of state-sponsored nonjudicial reparations programs requires rigorous legal calibration to prevent the commodification of victim suffering. Recent government initiatives attempting to distribute financial assistance to victims

must operate strictly as supplementary humanitarian measures. The state must legally guarantee that accepting nonjudicial economic support never extinguishes the victim's fundamental right to pursue formal criminal justice. Administrative guidelines governing the distribution of reparations must explicitly declare that financial compensation does not equate to a waiver of prosecutorial demands. Ensuring the absolute separation between economic assistance and legal accountability protects the integrity of the transitional justice framework. State responsibility demands that reparations empower victim communities rather than serving as a transactional tool to purchase collective silence (Sodik, 2025).

The execution of state responsibility fundamentally relies upon the continuous active engagement of civil society organizations and international penal monitoring bodies. The protracted struggle for justice in Aceh demonstrates that domestic political actors rarely initiate accountability mechanisms without sustained external pressure. Empowering local human rights defenders and victim advocacy groups provides the necessary socio-political friction to counter the prevailing culture of state denial. The international community must consistently remind the Indonesian government of its binding obligations under the Articles on Responsibility of States for Internationally Wrongful Acts (Yusuf et al., 2025). Diplomatic engagement must prioritize resolving historical atrocities as a central benchmark for assessing the state's democratic maturity and penal integrity. The synergistic collaboration between domestic advocates and international institutions remains vital to dismantling the entrenched structure of impunity.

The resolution of the Aceh atrocities serves as the ultimate test of Indonesia's commitment to the international rule of law. Fulfilling state responsibility transcends theoretical legal debates and directly impacts the lived realities of thousands of survivors demanding historical penal vindication. The continuing prosecutorial breach of international obligations will persist until the state activates the judicial mechanisms necessary to prosecute the perpetrators of gross human rights violations. Delivering comprehensive reparations encompassing restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition remains the absolute legal duty of the government. Implementing the prescribed structural reforms will dismantle the prosecutorial monopoly shielding human rights violators from justice. Indonesia can restore its international legal standing and secure genuine societal reconciliation only by unequivocally fulfilling its responsibility to protect human dignity and enforce absolute criminal accountability.

CONCLUSION

The persistence of state-sponsored impunity regarding gross human rights violations in Aceh constitutes a severe and continuous prosecutorial breach of

international penal obligations. The institutional sabotage deliberately maintained by the state prosecutorial apparatus transforms an internal administrative failure into a definitive internationally wrongful act of state complicity. The continuous refusal to elevate the forensic *pro justitia* investigations of the National Human Rights Commission to formal criminal trials actively violates peremptory jus cogens norms of international law. The Indonesian government cannot invoke sovereign immunity or domestic political constraints as legitimate legal shields to protect the military perpetrators of systemic atrocities. The passage of time endlessly aggravates this ongoing structural violation and systematically deepens the trauma experienced by the affected communities while granting de facto amnesty to the perpetrators.

Establishing the Aceh Truth and Reconciliation Commission provides essential non-judicial documentation of historical narratives but fails to meet the absolute requirement of strict penal accountability. International human rights jurisprudence strictly prohibits using localized transitional justice mechanisms as pretexts for permanent judicial amnesties or state-sanctioned pacification. The state bears an indivisible dual obligation to secure the right to forensic truth while guaranteeing the fundamental right to penal justice for all victims of the armed conflict. Reconciling these localized healing initiatives with formal legal verdicts remains the only legally valid pathway to dismantle the deeply entrenched structure of institutional impunity. The credibility of the entire transitional justice framework depends entirely on the state's willingness to subject perpetrators to the full coercive power of penal law.

Executing absolute state responsibility demands the immediate activation of the human rights court mechanism to end the continuous prosecutorial breach and deliver comprehensive victim reparations. Survivors of the systemic violence possess inalienable legal entitlements to receive restitution, compensation, rehabilitation, satisfaction, and absolute guarantees of non-repetition. Fulfilling these complex obligations requires decisive executive intervention and targeted legislative reforms designed to permanently dismantle the arbitrary prosecutorial monopoly and blockade. True societal healing and democratic consolidation remain structurally impossible while the perpetrators of historical atrocities evade formal judicial scrutiny. Indonesia must unequivocally restore its international legal standing by forcing all systemic human rights violators to face ultimate criminal accountability.

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