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Promoting Human Rights: National Human Rights Commissions in Indonesia and Malaysia

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*Promoting Human Rights
National Human Rights Commissions in Indonesia and Malaysia*

Promoting Human Rights

National Human Rights Commissions in Indonesia and Malaysia

PROEFSCHRIFT

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de graad van Doctor aan de Universiteit Leiden,
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in 1981

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My first visit to Indonesia's National Human Rights Commission and the Women's Rights Commission was in 2002. This was a short visit during which I witnessed not only the tireless efforts of the people working there, but also a violent attack by *preman* (hoodlums) on the organisations and the people seeking refuge there. The image of an old woman fainting in front of me, while desperately asking why the attack happened, has been etched into my memory. Little did I know back then that a few years later, Indonesia's National Human Rights Commission, together with its Malaysian counterpart, would become central to my work. I gratefully acknowledge the generous grant from the Netherlands Organisation for Scientific Research (NWO), which made this research financially possible.

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Glossary

Where relevant, the glossary includes a reference to the country or NHRC to which the term applies.

ABRI	Indonesian Armed Forces
<i>Aliansi Tolak PERDA</i>	
<i>Tibum</i>	Alliance Rejecting the Regional Regulation on Public Order (Indonesia)
APF	Asia Pacific Forum of NHRIs
BALITBANG	Office of Human Rights Research and Development (Indonesia)
<i>Barisan Alternatif</i> (BA)	Alternative Front, coalition of Malaysian opposition parties
<i>Barisan Nasional</i> (BN)	National Front, coalition of Malaysian government parties
<i>Bersih</i>	Coalition for Clean and Fair Elections (Malaysia)
BOP	Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment
<i>Bulubulu</i>	Fijian customary practice
<i>Bumiputera</i>	Malay and indigenous population (Malaysia)
<i>Bupati</i>	District Head (Indonesia)
CAT	Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CDC	Community Development Centre (Malaysia)
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CERD	Convention on the Elimination of Racial Discrimination
CHU	Complaint Handling Unit (CHU)
CMW	Convention on the Rights of Migrant Workers and their Families
CPM	Communist Party of Malaya (Malaysia)
CRC	Convention on the Rights of the Child
DAP	Democratic Action Party (Malaysia)
<i>Defensor del Pueblo</i>	Type of NHRI, commonly found in Latin America
<i>Demokratisasi</i>	Democratisation
<i>Direktorat Jenderal Hak Asasi Manusia</i>	Directorate General for Human Rights (Indonesia)
DP3KK	Directorate for the Managing of the Development of the Kemayoran Complex
<i>Dwifungsi</i>	Dual role of the military (Indonesia)
ECHR	European Court of Human Rights

ERA Consumer	Education and Research Association for Consumers (Malaysia)
FAKTA	Jakarta City Residents Forum
<i>Fatwa</i>	Religious opinion given by Islamic authorities
GANDI	Movement for the Struggle Against Discrimination (Indonesia)
<i>Garis Panduan Perancangan</i>	Universal Guidelines on Planning and Development <i>dan Pembangunan Sejahtera</i> (Malaysia)
GHR	Regulation on Mixed Marriages (Indonesia)
GMI	Abolish ISA Movement (Malaysia)
HAKAM	National Human Rights Society of Malaysia
<i>Hak asasi manusia</i>	Human rights
HINDRAF	Hindu Rights Action Front (Malaysia)
HRCL	Human Rights Courts Law (Indonesia)
HRCMA	Human Rights Commission of Malaysia Act
HRL	Human Rights Law (Indonesia)
ICC	International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICRMW	International Convention on the Rights of Migrant Workers and Members of their Families
ICRP	Indonesian Conference on Religion and Peace
ICRPD	International Convention on the Rights of Persons with Disabilities
IFC	Interfaith Commission (Malaysia)
IMF	International Monetary Fund
ISA	Internal Security Act (Malaysia)
ISJ	Jakarta Social Institute
<i>Isbat nikah</i>	Authority of courts to rule a marriage valid (Indonesia)
JAC	Judicial Appointments Commission (Malaysia)
JERIT	Oppressed People Network (Malaysia)
<i>Kampung</i>	Village, urban settlement
<i>Kantor Perwakilan</i>	Representative Office of KOMNAS HAM
KCS	Civil Registry Office (Indonesia)
<i>Kejaksaan Agung</i>	Attorney General's Office (Indonesia)
<i>Kepercayaan</i>	Mystic religion (Indonesia)
<i>Keputusan Presiden or Keppres</i>	Presidential Decree (Indonesia)
<i>Keterbukaan</i>	Openness (Indonesia)
<i>Ketertiban Umum</i>	Public Order
KHI	Compilation of Islamic Law (Indonesia)
KOMDA HAM Maluku	Regional Human Rights Commission of the Moluccas
<i>Komisi III DPR</i>	Third Parliamentary Commission (Indonesia)

KOMNAS Anak	National Commission for the Protection of Children (Indonesia)
KOMNAS HAM	National Commission on Human Rights (Indonesia)
KOMNAS Perempuan	National Commission on Violence Against Women (Indonesia)
<i>Konsortium Catatan Sipil Nasional</i>	Consortium on the National Civil Registry (Indonesia)
KORPRI	Indonesian Civil Servants Corps
KK	Family Card (Indonesia)
KLCC	Kuala Lumpur Convention Centre
KTP	Identity Card (Indonesia)
KUA	Office of Religious Affairs (Indonesia)
KUHAP	Criminal Procedure Code (Indonesia)
<i>Kumpul kebo</i>	Cohabitation
KY	Judicial Commission (Indonesia)
LAA	Land Acquisition Act (Malaysia)
LBH	Legal Aid Institute (Indonesia)
LINMAS	Community Protectors (Indonesia)
MCA	Malaysian Chinese Association
MIC	Malaysian Indian Congress
MK	Constitutional Court (Indonesia)
MP	Member of Parliament
MUI	Indonesian Council of Ulama
<i>Musyawarah mufakat</i>	Consultation and consensus-making (Indonesia)
NAM	Non-aligned Movement
NEP	New Economic Policy (Malaysia)
NGO	Non-governmental Organisation
NHRC	National Human Rights Commission
NHRI	National Human Rights Institution
NJOP	Sales Value of Tax Object (Indonesia)
NLC	National Land Code (Malaysia)
NRD	National Registration Department (Malaysia)
OHCHR	Office of the High Commissioner on Human Rights
OPM	Free Papua Movement (Indonesia)
<i>Operasi Lalang</i>	Mass arrest of dissidents (1987, Malaysia)
OSA	Official Secrets Act (Malaysia)
<i>Orang Asal</i>	Indigenous peoples of Sabah and Sarawak
<i>Orang Asli</i>	Indigenous peoples of the Malaysian Peninsula
<i>Pancasila</i>	Indonesian state ideology
PAS	Islamic Party of Malaysia
PAWANG	Alliance of Residents Against Evictions (Indonesia)
<i>Partai Hati Nurani Rakyat</i>	People's Conscience Party (Indonesia)
PDI	Indonesian Democratic Party
<i>Pegawai Negeri Sipil</i>	Civil servant (Indonesia)
<i>Pembangunan</i>	Development
<i>Pelatihan Hak Asasi Manusia Dasar</i>	Basic human rights training (KOMNAS HAM)

<i>Pelecehan terhadap agama</i>	Insult to religion
<i>Penduduk Kekal</i>	Permanent residents (Malaysia)
<i>Pengadilan Negeri</i>	District Court (Indonesia)
<i>Penggusuran</i>	Eviction (Indonesia)
<i>Penghayat</i>	Followers of animistic religions (Indonesia)
<i>Peraturan Tata Tertib</i>	Rules of Procedure (KOMNAS HAM)
PERDA	Regional Regulation (Indonesia)
<i>Perkawinan campuran</i>	Mixed marriages
<i>Pernikahan beda agama</i>	Interreligious marriage
<i>Perwakilan</i>	Representation (form of regional office of KOMNAS HAM)
PKI	Indonesian Communist Party
PKN	National Justice Party (Malaysia)
PKR	People's Justice Party (Malaysia)
PPP	Unity and Development Party (Indonesia)
PPPA	Printing Presses and Publication Act (Malaysia)
PR	Pakatan Rakyat (Malaysia)
<i>Preman</i>	Hoodlums (Indonesia)
PRM	Malaysian People's Party
PROLEGNAS	National Legislation Program (Indonesia)
<i>Provedor</i>	Type of NHRI, commonly found in Latin America
PSM	Socialist Party of Malaysia
PTUN	Administrative Court (Indonesia)
PUSHAM	Human Rights Study Centre (Indonesia)
<i>Rancangan Undang-Undang Catatan</i>	Draft Law on the National Civil Registry (Indonesia) <i>Sipil Nasional</i>
RANHAM	National Action Plan on Human Rights (Indonesia)
<i>Reformasi</i>	'Reform', motto of domestic opposition in Indonesia and Malaysia, particularly in 1998
RELA	Association of Volunteers of the Malaysian People
RPJMN	Medium Term National Development Plan (Indonesia)
RPJPN	Long Term National Development Plan (Indonesia)
RSS	Very Simple House (Indonesia)
SATPOL PP	Municipal Police Unit (Indonesia)
SMR	Standard Minimum Rules for the Treatment of Prisoners
SNAP	Sarawak National Party (Malaysia)
<i>Staf Fungsional</i>	Functional staff (KOMNAS HAM)
<i>Staf Struktural</i>	Structural staff (KOMNAS HAM)
SUARAM	Voice of the Malaysian People
SUHAKAM	Human Rights Commission of Malaysia
<i>Surat Edaran Menteri Dalam Negeri</i>	Circular Letter of the Minister of Home Affairs
<i>Surat Tugas</i>	Task Letter, official document required to commence a task (KOMNAS HAM)
TRAMTIB	Police Unit for Peace and Order (Indonesia)
UDHR	Universal Declaration on Human Rights

UMNO	United Malays National Organisation (Malaysia)
UN	United Nations
UNCHR	United Nations Commission on Human Rights
UNHRC	United Nations Human Rights Council
UPC	Urban Poor Consortium (Indonesia)
<i>Warung</i>	Shop on the side of the street (Indonesia)
<i>Wawasan 2020</i>	Vision 2020, Malaysian development policy

