



Universiteit
Leiden
The Netherlands

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

Setiawan, K.M.P

Citation

Setiawan, K. M. P. (2013, December 12). *Promoting Human Rights: National Human Rights Commissions in Indonesia and Malaysia*. Meijers-reeks. Leiden University Pres, Leiden.
Retrieved from <https://hdl.handle.net/1887/22838>

Version: Corrected Publisher's Version

License: [Licence agreement concerning inclusion of doctoral thesis in the Institutional Repository of the University of Leiden](#)

Downloaded from: <https://hdl.handle.net/1887/22838>

Note: To cite this publication please use the final published version (if applicable).

Cover Page



Universiteit Leiden



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

Author: Setiawan, Ken Marijtje Prahari

Title: Promoting human rights : National Human Rights Commissions in Indonesia and Malaysia

Issue Date: 2013-12-12

List of References and Interviews

REFERENCES

- Abdul Kader, Sharifah Zubaidah (2011). 'Eviction of Unlawful Occupiers of Land in Malaysia'. Available at SSRN: <http://ssrn.com/abstract=2199758>, last accessed September 2013.
- Abdullah, Kamarulnizam (2003). *The Politics of Islam in Contemporary Malaysia*. Bangi: Penerbit Universiti Kebangsaan Malaysia.
- Abuza, Zachary (2007). *Political Islam and Violence in Indonesia*. London and New York: Routledge.
- Adil, Mohamed Azam Mohamed (2007). 'Law of Apostasy and Freedom of Religion in Malaysia'. *Asian Journal of Comparative Law*, vol. 2, no. 1, p. 1-36.
- Alatas, Syed Farid (1997). *Democracy and Authoritarianism in Indonesia and Malaysia. The Rise of the Post-Colonial State*. London and New York: MacMillan Press Ltd.
- Ali, Syed Husin (1998). 'Forced Eviction of Squatters in Malaysia'. *Human Rights Solidarity*, vol. 8, no. 2, n.p.
- Alias, Anuar and M.D. Nasir Daud (2006). 'Payment of Adequate Compensation for Land Acquisition in Malaysia'. *Pacific Rim Property Research Journal*, vol. 12, no. 3, p. 326-349.
- Aliran (11 April 2008). 'New Selangor govt halts evictions of urban pioneers'.
- Alston, Philip and Rosemary Robinson (eds.) (2005). *Human Rights and Development. Towards Mutual Reinforcement*. Oxford and New York: Oxford University Press.
- Amnesty International (8 August 2000). 'Anwar Ibrahim Continues Campaign Despite Questionable Charges'.
- Amnesty International (2001). *National Human Rights Institutions. Amnesty International's recommendations for effective protection and promotion of human rights*. AI index: IOR 40/007/2001.
- Amnesty International (2006). *Indonesia: Comments on the draft revised Criminal Procedure Code*. AI index: ASA 21/005/2006.
- An-Na'im, Abdullahi A. (1992). 'Towards a Cross-Cultural Approach to Defining International Standards of Human Rights: The Meaning of Cruel, Inhuman, or Degrading Treatment or Punishment'. In: Abdullahi Ahmed An-Na'im (ed.). *Human Rights in Cross-Cultural Perspectives. A Quest for Consensus*. Philadelphia: University of Pennsylvania Press, p. 19-43.
- Antons, Christoph (2003). 'Introduction'. In: Christoph Antons (ed.). *Law and Development in East and Southeast Asia*. London and New York: Routledge Curzon, p. 3-24.
- Arnscheidt, Julia (2009). *'Debating' Nature Conservation: Policy, Law, and Practice in Indonesia. A discourse analysis of history and present*. Leiden: Leiden University Press.
- Aspinall, Edward (2005). *Opposing Suharto. Compromise, Resistance, and Regime Change in Indonesia*. Stanford: Stanford University Press.

- Aspinall, Edward (2010). 'The Irony of Success'. *Journal of Democracy*, vol. 21, no. 2, p. 20-34.
- Badan Pembinaan Hukum Nasional (1996). *Analisis dan Evaluasi Hukum tentang 20 Tahun Pelaksanaan Undang-Undang Perkawinan*. Jakarta: Departemen Kehakiman.
- BBC News (9 August 2000). 'Gore: Anwar Trial a Mockery'.
- Bedner, Adriaan (2001). *Administrative Courts in Indonesia. A Socio-Legal Study*. The Hague and Boston: Kluwer Law International.
- Bedner, Adriaan (2010). 'An Elementary Approach to the Rule of Law'. *The Hague Journal on the Rule of Law*, vol. 2, no. 1, p. 48-74.
- Bedner, Adriaan and Stijn Van Huis (2010). 'Plurality of law and marriage registration for Muslims in Indonesia: a plea for pragmatism'. *Utrecht Law Review*, vol. 6 no. 2, p. 175-191.
- Bernama News (16 February 2005). 'Selangor to demolish all squatter houses starting July'.
- Bernama News (8 July 2008). '1,535 Deaths in Custody in Malaysia between 2003 and last year'.
- Biro Hukum Provinsi DKI Jakarta (2008). 'Tak Ada Perubahan Substantif dalam Revisi Perda Tibum'.
- Boyne, George, Julian Gould-Williams, Jennifer Law and Richard Walker (2002). 'Plans, Performance Information and Accountability: The Case of Best Value'. *Public Administration*, vol. 80, no. 2, p. 691-710.
- Braadbaart, Okke, Niels van Eybergen and Jan Hoffer (2007). 'Managerial Autonomy: Does It Matter For The Performance of Water Utilities?'. *Public Administration and Development*, no. 27, p. 111-121.
- Bourchier, David and Vedi Hadiz (eds.) (2003). *Indonesian Politics and Society: A Reader*. New York: Routledge.
- Brems, Eva (2001). *Human Rights. Universality and Diversity*. The Hague and Boston: Kluwer Law International.
- Brems, Eva (2003). 'Inclusieve Universaliteit. Een theoretisch en methodologisch kader om inzake mensenrechten universaliteit te verzoenen met diversiteit'. *Nederlands Tijdschrift voor Rechtsfilosofie en Rechtstheorie*, no. 2, p. 139-161.
- Burdekin, Brian (2007). *National Human Rights Institutions in the Asia-Pacific Region*. Leiden and Boston: Martinus Nijhoff Publishers.
- Butt, Simon (2008). 'Polygamy and Mixed Marriage in Indonesia: Islam and the Marriage Law in the Courts'. In: Tim Lindsey (ed.), *Indonesia: Law and Society. 2nd Edition*. Annandale: The Federation Press, p. 266-287.
- Cardenas, Sonia (2003). 'Emerging Global Actors: The United Nations and National Human Rights Institutions'. *Global Governance*, no. 9, p. 23-42.
- Cardenas, Sonia (2004). 'Adaptive States. The Proliferation of National Human Rights Institutions'. Carr Center for Human Rights Policy Working Paper T-01-04.
- Cardenas, Sonia (2007). *Conflict and Compliance: State Responses to International Human Rights Pressure*. Philadelphia: University of Pennsylvania Press.
- Carver, Richard (2010). 'A New Answer to an Old Question: National Human Rights Institutions and the Domestication of International Law'. *Human Rights Law Review* vol. 10, no. 1, p. 1-32.

- Case, William (2002). *Politics in Southeast Asia. Democracy or Less*. Richmond: Curzon.
- Case, William (2004). 'Testing Malaysia's Pseudo-democracy'. In: Terence Gomez (ed.), *The State of Malaysia: Ethnicity, Equity, and Reform*. London: Routledge, p. 29-48.
- Centre for Human Rights (1995). *National Human Rights Institutions. A Handbook on the Establishment and Strengthening of National Institutions for the Promotion and Protection of Human Rights*. New York and Geneva: United Nations.
- Cholil, Suhadi (2009). 'The Politico-Religious Contestation: Hardening of the Islamic Law on Muslim-non-Muslim Marriage in Indonesia'. In: Gavin W. Jones, Chee Heng Leng and Maznah Mohamad (eds.). *Muslim-Non-Muslim Marriage: Political and Cultural Contestations in Southeast Asia*. Singapore: ISEAS, p. 139-158.
- Connolly, Jennifer (2009). 'Forbidden Intimacies: Christian-Muslim Inter-marriage in East Kalimantan, Indonesia'. *American Ethnologist* vol. 36, no. 3, p. 492-506.
- Cowan, Jane K., Marie-Bénédicte Dembour and Richard A. Wilson (eds.) (2001). *Culture and Rights. Anthropological Perspectives*. Cambridge and New York: Cambridge University Press.
- Crouch, Harold (1996). *Government and Society in Malaysia*. Ithaca and London: Cornell University Press.
- De Beco, Gauthier (2007). 'National Human Rights Institutions in Europe'. *Human Rights Law Review*, vol. 7, no. 2, p. 331-370.
- Dembour, Marie-Bénédicte (2001). 'Following the movement of a pendulum: between universalism and relativism'. In: Jane K. Cowan, Marie-Bénédicte Dembour and Richard A. Wilson (eds.). *Culture and Rights. Anthropological Perspectives*. Cambridge and New York: Cambridge University Press, p. 56-79.
- Dewan Perwakilan Rakyat [Indonesia] (13 November 2006). 'Risalah Resmi'.
- Dewan Rakyat Malaysia (15 July 1999). 'Jawapan-Jawapan Lisan Bagi Pertanyaan-Pertanyaan'.
- Dewan Rakyat Malaysia (25 March 2009). 'Dewan Rakyat Parlimen Kedua Belas, Penggal Kedua, Mesyuarat Pertama'.
- Donnelly, Jack (1989). *Universal Human Rights in Theory and Practice*. Ithaca: Cornell University Press.
- Durbach, Andrea, Catherine Renshaw and Andrew Brynes (2009). "'A tongue but no teeth'? The emergence of a regional human rights mechanism in the Asia-Pacific'. *Sydney Law Review*, vol. 31, no. 2, p. 211-238.
- Elfira, Mina (2009). "'Not Muslim, not Minangkabau': Interreligious Marriage and Its Cultural Impact in Minangkabau Society'. In: Gavin W. Jones, Chee Heng Leng and Maznah Mohamad (eds.). *Muslim-Non-Muslim Marriage: Political and Cultural Contestations in Southeast Asia*. Singapore: ISEAS, p. 161-189.
- Effendy, Bachtiar (2003). *Islam and the State in Indonesia*. Singapore: ISEAS.
- Eldridge, Philip (2002). 'Human Rights in Post-Suharto Indonesia'. In: *The Brown Journal of World Affairs*, vol. 9, no. 1, p. 127-139.
- FAKTA [Forum Warga Kota Jakarta] (2006). *Alternatif Penyelesaian Sengketa Pemukiman Miskin Kota*. Jakarta: Forum Warga Kota Jakarta.

- Faruqi, Shad Saleem (2000). 'Constitutional Perspective'. In: ERA Consumer, *Proceedings of Forum on Understanding the Human Rights Commission Act 1999*. Kuala Lumpur: ERA Consumer, p. 11-15.
- Faundez, Julio (ed.) (1997). *Good Government and Law. Legal and Institutional Reform in Developing Countries*. Houndmills: MacMillan Press.
- Flibbert, Andrew (2005). 'National Human Rights Institutions in the Middle East'. *The Middle East Journal*, vol. 52, no. 3, p. 411-436.
- Fitzpatrick, Daniel (1999). 'Culture, Ideology and Human Rights: the Case of Indonesia's Code of Criminal Procedure'. In: Tim Lindsey (ed.), *Indonesia: Law and Society. 2nd Edition*. Annandale: The Federation Press, p. 499-514.
- FORUM-ASIA [Asian Forum for Human Rights and Development] (2006). *Performance of National Human Rights Institutions in Asia 2006: Cooperation with NGOs and Relationship with Government: India, Indonesia, Malaysia, the Maldives, Mongolia, Nepal, the Philippines, South Korea, Sri Lanka and Thailand*. Bangkok: FORUM-ASIA.
- Forum Keadilan (8 July 1993). 'Mengotak-atik yang Tak Kasat Mata'.
- Ghai, Yash (2000). 'Human Rights and Governance: The Asia Debate'. *Asia-Pacific Journal on Human Rights and the Law*, no. 1, p. 9-52.
- Glasius, Marlies (1999). *Foreign Policy on Human Rights. Its Influence on Indonesia under Soeharto*. Antwerpen, Groningen, Oxford: Intersentia-Hart.
- Gomez, Edmund Terence (2004). *The State of Malaysia: Ethnicity, Equity and Reform*. London: RoutledgeCurzon.
- Gomez, Mario (1995). 'Social Economic Rights and Human Rights Commissions'. *Human Rights Quarterly*, vol. 17, no. 1, p. 155-69.
- Gomez, Mario (1998). 'Sri Lanka's New Human Rights Commission'. *Human Rights Quarterly*, vol. 20, no.2, p. 281-302.
- Goodale, Mark (2009). *Surrendering to Utopia. An Anthropology of Human Rights*. Stanford: Stanford University Press.
- Grindle, Merilee S. (1997). 'Divergent Cultures? When Public Organizations Perform Well in Developing Countries'. *World Development*, vol. 25, no. 4, p. 481-495.
- Guillermo, Mariano J. (2008). *Measuring Municipal Performance and Forecasting Budgetary Requirements: The Tuba Experience*. Pasay City: Local Government Development Foundation.
- Harakah (27 March 2005). 'The IFC Bill: An Anti-Islam Wish List'.
- Harding, Andrew (1990). 'The 1988 Constitutional Crisis in Malaysia'. *International and Comparative Law Quarterly*, vol. 39, no. 1, p. 57-81.
- Harding, Andrew (1996). *Law, Government and the Constitution in Malaysia*. The Hague: Kluwer Law International.
- Harding, Andrew (2006). 'Thailand's Reforms: Human Rights and the National Commission'. *Journal of Comparative Law*, no. 1, p. 88-100.
- Harding, Andrew (2010). 'Sharia and National Law in Malaysia'. In: Jan Michiel Otto (ed.), *Sharia Incorporated. A Comparative Overview of the Legal Systems of Twelve Muslim Countries in Past and Present*. Leiden: Leiden University Press, p. 491-528.

- Harding, Andrew and Azmi Sharom (2007). 'Access to Environmental Justice in Malaysia'. In: Andrew Harding (ed.). *Access to Environmental Justice: a Comparative Study*. Leiden and Boston: Martinus Nijhoff Publishers, p. 125-156.
- Hassan, Asan Ali Golam (2004). *Growth, Structural Change and Regional Inequality in Malaysia*. Aldershot: Ashgate.
- Herbert, Jeff (2008). 'The legal framework of human rights in Indonesia'. In: Tim Lindsey (ed.). *Indonesia. Law and Society. 2nd Edition*. Annandale: The Federation Press, p. 456-482.
- Heryanto, Ariel and K. Sumit Mandal (2003). 'Challenges to authoritarianism in Indonesia and Malaysia'. In: Ariel Heryanto and Sumit K. Mandal (eds.). *Challenging Authoritarianism in Southeast Asia: comparing Indonesia and Malaysia*. London: RoutledgeCurzon, p. 1-23.
- Hickling, R.H. (1989). 'The Malaysian Judiciary in Crisis'. *Public Law*, vol. 1, p. 20-27.
- Hooker, Virginia Matheson (2003). *A Short History of Malaysia. Linking East and West*. Crows Nest: Allen & Unwin.
- Horowitz, Shale and Albrecht Schnabel (2004). *Human rights and societies in transition: Causes, consequences, responses*. Tokyo etc.: United Nations University Press.
- Hossain, Kamal, Leonard F.M. Besselink, Haile Selassie Gebre Selassie and Edmond Völker (eds.) (2000). *Human Rights Commissions and Ombudsman Offices. National Experiences throughout the world*. The Hague: Kluwer Law International.
- HRW [Human Rights Watch] (1990). *Prison Conditions in Indonesia*. New York: Human Rights Watch.
- HRW (1994). *The Limits of Openness. Human Rights in Indonesia and East Timor*. New York: Human Rights Watch.
- HRW (2001). *Protectors or Pretenders? Government Human Rights Commissions in Africa*. New York: Human Rights Watch.
- HRW (2004a). *Aceh at War. Torture, Ill-Treatment and Unfair Trials*. New York: Human Rights Watch.
- HRW (2004b). *In the Name of Security. Counterterrorism and Human Rights Abuses Under Malaysia's Internal Security Act*. New York: Human Rights Watch.
- HRW (2006). *Condemned Communities. Forced Evictions in Jakarta*. New York: Human Rights Watch.
- Hucker, John (2001). 'Antidiscrimination Laws in Canada: Human Rights Commissions and the Search for Equality'. *Human Rights Quarterly*, no. 19, p. 547-571.
- ICHRP [International Council for Human Rights and Policy] (2000). *Performance & Legitimacy: National Human Rights Institutions*. Versoix: ICHRP.
- ICHRP (2004). *Performance & Legitimacy: National Human Rights Institutions. Second Edition*. Versoix: ICHRP.
- ICHRP (2005). *Assessing the Effectiveness of National Human Rights Institutions*. Versoix: ICHRP.
- Ignatieff, Michael (2001). *Human Rights as Politics and Idolatry*. Princeton: Princeton University Press.
- Indrayana, Denny (2007). *Amandemen UUD 1945. Antara Mitos dan Pembongkaran*. Bandung: Mizan.
- ISJ [Institut Sosial Jakarta] (2003). *Jakarta Bukan Untuk Orang Miskin*. Jakarta: Institut Sosial Jakarta.

- Jetschke, Anja (1999). 'Linking the unlinkable? International norms and nationalism in Indonesia and the Philippines'. In: Thomas Risse, Stephen C. Ropp & Kathryn Sikkink (eds.), *The Power of Human Rights. International Norms and Domestic Change*. Cambridge: Cambridge University Press, p. 134-171.
- Kerrigan, Fergus and Lone Lindholt (2001). 'General Aspects of Quasi-Judicial Competencies of National Human Rights Institutions'. In: Birgit Lindsnaes, Lone Lindholt and Kirstine Yigen (eds.). *National Human Rights Institutions. Articles and Working Papers*. Copenhagen: the Danish Centre for Human Rights, p. 91-112.
- Khoo Boo Teik (1999). 'Between Law and Politics: the Malaysian Judiciary since Independence'. In: Kanishka Jayasuriya (ed.). *Law, Capitalism and Power in Asia*. London: Routledge, p. 205-232.
- Kjaerum, Morten (2001). 'Preface'. In: Birgit Lindsnaes, Lone Lindholt and Kirstine Yigen (eds.). *National Human Rights Institutions. Articles and Working Papers*. Copenhagen: the Danish Centre for Human Rights.
- Kleinfeld, Rachel (2006). 'Competing Definitions of the Rule of Law'. In: Thomas Carothers (ed.). *Promoting the Rule of Law Abroad. In Search of Knowledge*. Washington D.C.: Carnegie Endowment for International Peace.
- Koh Swe Yong (2004). *Malaysia: 45 Years Under the Internal Security Act*. Petaling Jaya: SIRD.
- KOMNAS HAM (1995). *Laporan Tahunan 1995*. Jakarta: KOMNAS HAM.
- KOMNAS HAM (1996). *Laporan Tahunan 1996*. Jakarta: KOMNAS HAM.
- KOMNAS HAM (1997). *Laporan Tahunan 1997*. Jakarta: KOMNAS HAM.
- KOMNAS HAM (1998). *Laporan Tahunan 1998*. Jakarta: KOMNAS HAM.
- KOMNAS HAM (1999). *Laporan Tahunan 1999*. Jakarta: KOMNAS HAM.
- KOMNAS HAM (2000). *Laporan Tahunan 2000*. Jakarta: KOMNAS HAM.
- KOMNAS HAM (2001). *Laporan Tahunan 2001*. Jakarta: KOMNAS HAM.
- KOMNAS HAM (2002). *Laporan Tahunan 2002*. Jakarta: KOMNAS HAM.
- KOMNAS HAM (2003). *Laporan Tahunan 2003*. Jakarta: KOMNAS HAM.
- KOMNAS HAM (2004). *Laporan Tahunan 2004*. Jakarta: KOMNAS HAM.
- KOMNAS HAM (2005). *Pokok-Pokok Pikiran dan Paradigma Baru Catatan Sipil Nasional*. Jakarta: KOMNAS HAM.
- KOMNAS HAM (2006). *Laporan Tahunan 2005*. Jakarta: KOMNAS HAM.
- KOMNAS HAM (2007). *Laporan Tahunan 2007*. Jakarta: KOMNAS HAM.
- KOMNAS HAM (2008). *Laporan Tahunan 2008*. Jakarta: KOMNAS HAM.
- KOMNAS HAM (2009). *Kajian Komnas HAM terhadap Peraturan Daerah DKI Jakarta No. 8 Tahun 2007 tentang Ketertiban Umum*. Jakarta: KOMNAS HAM.
- KOMNAS HAM and ICRP [Indonesian Conference on Religion and Peace] (2005). *Pernikahan Beda Agama. Kesakian, Argumen Keagamaan & Analisis Kebijakan*. Jakarta: KOMNAS HAM.
- Kompas (19 December 2006). 'Admindak dan Kriminalisasi Penduduk'.
- Kompas (22 October 2007). 'Sekjen Komnas Diberhentikan'.
- Kompas (17 March 2008). 'Purnawirawan TNI Cukup Jawab Tertulis ke Komnas HAM'.
- Kompas (10 April 2008). 'Menhan: Silakan Bawa ke Dewan HAM PBB'.
- Kompas (24 April 2008). 'Komnas HAM Tetap akan Panggil Purnawirawan TNI POLRI'.

- Koran Tempo (23 November 2006). 'Komnas HAM Minta Dukungan DPR'.
- Koran Tempo (6 September 2007). 'Ifdhal Kasim Pimpin Komnas HAM'.
- Kumar, C. Raj (2006). 'National Human Rights Institutions and Economic, Social and Cultural Rights: Toward the Institutionalization and Developmentalization of Human Rights'. *Human Rights Quarterly*, vol. 28, no.3, p. 755-779.
- Lay, Cornelis and Pratikno (2002a). *Komnas HAM 1993-1997. Pergulatan dalam Otoritarianisme*. Yogyakarta: Fisipol UGM.
- Lay, Cornelis and Pratikno (2002b). *Komnas HAM 1998-2001. Pergulatan dalam Transisi Politik*. Yogyakarta: Fisipol UGM.
- Lee, H.P. (1990). 'A Fragile Bastion Under Siege – 1988 Convulsion in the Malaysian Judiciary'. *Melbourne University Law Review*, vol. 17, no. 3, p. 386-417.
- Lerner, Natan (1996). 'Religious Human Rights and the United Nations'. In: Johan D. van der Vyver and John Witte, Jr. (eds.), *Religious Human Rights in Global Perspective: Legal Perspectives*. Boston: Martinus Nijhoff Publishers, p. 79-134.
- Lev, Daniel S. (1972). *Islamic Courts in Indonesia: A Study in the Political Bases of Legal Institutions*. Berkeley: University of California Press.
- Lev, Daniel S. (2000). *Legal Evolution and Political Authority in Indonesia: Selected Essays*. The Hague and Boston: Kluwer Law International.
- Lim Kit Siang (1999). 'Will the Human Rights Commission be Irrelevant?'. In: S. Sothi Rachagan & Ramdas Tikamdas (eds.), *Human Rights and the National Commission*. Kuala Lumpur: HAKAM, p. 111-126.
- Lindsey, Tim (2008). 'Constitutional Reform in Indonesia: Muddling towards Democracy'. In: Tim Lindsey (ed.), *Indonesia: Law and Society*. 2nd Edition. Sydney: The Federation Press, p. 23-47.
- Lindsey, Tim (2010). 'Blasphemy, Persecution and Law in Indonesia: How Muslim conservatives use the Criminal Code against Religious Minorities'. Seminar at the University of New South Wales, Canberra (15 June 2010).
- Lindsey, Tim and Mas Ahmad Santosa (2008). 'The trajectory of law reform in Indonesia: A short overview of legal systems and change in Indonesia'. In: Tim Lindsey (ed.), *Indonesia Law and Society*. 2nd Edition. Annandale: The Federation Press, p. 2-22.
- Lindsnaes, Birgit and Lone Lindholt (2001). 'National Human Rights Institutions: Standard-setting and Achievements'. In: Birgit Lindsnaes, Lone Lindholt and Kirstine Yigen (eds.), *National Human Rights Institutions. Articles and Working Papers*. Copenhagen: the Danish Centre for Human Rights, p. 1-48.
- Lindsnaes, Birgit, Lone Lindholt and Kirstine Yigen (eds.) (2001). *National Human Rights Institutions. Articles and Working Papers*. Copenhagen: the Danish Centre for Human Rights.
- Liow Joseph Chinyong (2009). *Piety and Politics. Islamism in Contemporary Malaysia*. Oxford etc.: Oxford University Press.
- Lubis, Todung Mulya (1993). *In Search of Human Rights. Legal-Political Dilemmas of Indonesia's New Order, 1966-1990*. Jakarta: PT Gramedia Pustaka Utama.
- Malaysiakini (6 November 2000a). 'Probe police conduct in reformasi gathering, Suhakam told'.
- Malaysiakini (6 November 2000b). 'Tear gas canister fired at me, says Wan Azizah'.

- Malaysiakini (23 August 2001). 'Appy local not international standards, Suhakam told'.
- Malaysiakini (9 September 2001). Suhakam's report "biased and idealistic": Pak Lah'.
- Malaysiakini (31 October 2001). 'Government uses Sept 11 Attacks to Justify ISA'.
- Malaysiakini (2 April 2002). 'Five Suhakam commissioners dropped, seven reappointed: source'.
- Malaysiakini (17 April 2002). 'Kg Medan victim files RM50mil suit against Suhakam'.
- Malaysiakini (23 April 2002). 'Abu Talib's controversial past casts doubts on Suhakam future'.
- Malaysiakini (17 February 2003). 'RM50mil suit against Suhakam struck out'.
- Malaysiakini (22 May 2003). 'Malaysia's security law critiqued'.
- Malaysiakini (9 September 2003). 'Rais: Suhakam's proposals on ISA and other security laws being reviewed'.
- Malaysiakini (19 December 2003). 'Repeal of ISA unlikely for now, says Najib'.
- Malaysiakini (27 July 2005). 'Ayah Pin followers seek Suhakam intervention'.
- Malaysiakini (29 July 2005). 'Suhakam puts off visit to Sky Kingdom'.
- Malaysiakini (9 August 2005). 'Suhakam is "prejudiced" against Sky Kingdom'.
- Malaysiakini (8 December 2005). 'Grrrr... Suhakam wants to bark and bite!'.
- Malaysiakini (29 December 2005). 'Move on, Everest hero's family told'.
- Malaysiakini (4 January 2006). 'Moorthy issue turns "racial" at Suhakam'.
- Malaysiakini (23 January 2006). 'Religious conversion: Suhakam still undecided'.
- Malaysiakini (27 February 2006). 'Suhakam: No need to amend Article 121(1A)'.
- Malaysiakini (27 March 2006). 'Govt: we don't intend to give Suhakam teeth'.
- Malaysiakini (1 April 2006). 'Suhakam: Nazri's statement "shameful"'.
- Malaysiakini (13 April 2006). 'Suhakam commissioner wants three year terms'.
- Malaysiakini (3 May 2006). 'Hamdan's out of Suhakam'.
- Malaysiakini (7 June 2006). 'Temple caretakers take case to Suhakam'.
- Malaysiakini (7 July 2006). 'Ex-right commissioner Anuar slams Suhakam'.
- Malaysiakini (27 July 2006). 'Article 11 – Setting the record straight'.
- Malaysiakini (31 July 2006). 'Allow forums to continue'.
- Malaysiakini (14 December 2007). 'Kg Berembang Site "doesn't belong to developer"'.
- Malaysiakini (20 December 2007). 'Khir Toyo: I cry for the squatters too'.
- Malaysiakini (7 April 2008). 'Selangor land-title move lauded'.
- Malaysiakini (19 November 2008). 'Nazri explains why Suhakam was downgraded'.
- Malaysiakini (25 March 2009). 'Nazri: Opposition wants Suhakam downgraded'.
- Malaysiakini (24 December 2009). 'ISA amendments to be tabled at next sitting'.
- Malaysiakini (1 April 2010). 'Suhakam replacements shrouded in secrecy'.
- Malaysiakini (17 May 2010). 'M'sia's human rights "hypocrisy"'.
- Malaysiakini (7 June 2010). 'Hasmy Agam new Suhakam chairperson'.
- Malaysiakini (8 June 2010). 'Suhakam selection process flawed: Suaram'.
- Malaysiakini (16 June 2010). 'NGOs slam Suhakam's flawed appointments'.
- Malaysian Bar (9 August 2000). 'Anwar Ibrahim dan Sukma Darmawan Sasmitaat Madja'.
- Media Indonesia (10 March 2007). 'Lima Fraksi Setuju Bentuk Pengadilan'.
- Media Indonesia (26 March 2007). 'Jumlah Anggota Komnas HAM akan Dikurangi'.

- Merry, Sally Engle (2001). 'Changing rights, changing culture'. In: Jane K. Cowan, Marie-Bénédicte Dembour and Richard A. Wilson (eds.), *Culture and Rights, Anthropological Perspectives*. Cambridge etc.: Cambridge University Press, p. 31-55.
- Merry, Sally Engle (2006). *Human Rights & Gender Violence. Translating International Law into Local Justice*. Chicago: The University of Chicago Press.
- Mertus, Julie A. (2009). *Human Rights Matters. Local Politics and National Human Rights Institutions*. Stanford: Stanford University Press.
- Mohamad, Marzuki (2008). 'Religion, Human Rights and Constitutional-Contract Politics in Malaysia'. *Intellectual Discourse*, vol. 16, no. 2, p. 155-186.
- Mulia, Siti Musdah (2009). 'Promoting gender equity through interreligious marriage. Empowering Indonesian women'. In: Gavin W. Jones, Chee Heng Leng and Maznah Mohamad (eds.). *Muslim-Non-Muslim Marriage : Political and Cultural Contestations in Southeast Asia*. Singapore: ISEAS, p. 251-281.
- Murray, Rachel (2007a). 'National Human Rights Institutions. Criteria and Factors for Assessing their Effectiveness'. *Netherlands Quarterly of Human Rights*, vol. 25, no. 2, p. 189-220.
- Murray, Rachel (2007b). *The Role of National Human Rights Institutions at the International and Regional Levels: The Experience of Africa*. Oxford: Hart Publishing.
- New Straits Times (27 February 2005). 'Commission Idea Dropped'.
- Okafor, Obiora Chinedu and Agbakwa, Shedrack C. (2002). 'On Legalism, Popular Agency and Voices of Suffering: The Nigerian National Human Rights Commission in Context'. *Human Rights Quarterly*, vol. 24, no. 3, p. 662-720.
- O'Sullivan, Maria (2000). 'National Human Rights Institutions: Effectively Protecting Human Rights?'. *Alternative Law Journal*, vol. 25, no. 5, p. 236-240.
- Otto, Jan Michiel (1999). Jan Michiel (1999). *Lokaal Bestuur in Ontwikkelingslanden. Een leidraad voor lagere overheden in de ontwikkelingssamenwerking*. Bussum: Coutinho.
- Pfeffer, Jeffrey (1997). *New Directions for Organizational Theory. Problems and Prospects*. New York etc.: Oxford University Press.
- Poister, Theodore H. (2003). *Measuring Performance in Public and Nonprofit Organizations*. San Francisco: Jossey-Bass.
- Pompe, Sebastiaan (1988). 'Mixed Marriages in Indonesia: some comments on the law and the literature'. *Bijdragen tot de Taal-, Land- en Volkenkunde*, vol. 144, no. 2-3, p. 259-275.
- Pompe, Sebastiaan (1991). 'A short note on some recent developments with regard to mixed marriages in Indonesia'. *Bijdragen tot de Taal-, Land- en Volkenkunde*, vol. 147, no. 2-3, p. 261-272.
- Pompe, Sebastiaan (1994). 'Human Rights in Indonesia. Between Universal and National, between State and Society'. *Leiden Journal of International Law*, vol. 7, no. 2, p. 85-98.
- Pompe, Sebastiaan (2005). *The Indonesian Supreme Court. A Study of Institutional Collapse*. Ithaca: Cornell Southeast Asia Program.
- Pos Kota (13 October 2010). 'Satpol PP Usul Perda Tibum Direvisi'.

- Reerink, Gustaaf (2011). *Tenure Security for Indonesia's Urban Poor. A socio-legal study on land, decentralisation and the rule of law in Bandung*. Leiden: Leiden University Press.
- Reif, Linda C. (2000). 'Building Democratic Institutions: The Role of National Human Rights Institutions in Good Governance and Human Rights Protection'. *Harvard Human Rights Journal*, vol. 13, p. 1-71.
- Renshaw, Catherine Shanahan (2012). 'National Human Rights Institutions and Civil Society Organisations: new dynamics of engagement at domestic, regional and international levels'. *Global Governance*, vol. 18, no. 3, p. 299-316.
- Roosa, John (2006). *Pretext for Mass Murder. The September 30th Movement & Suharto's Coup d'État in Indonesia*. Madison: The University of Wisconsin Press.
- Riggs, Fred (1964). *Administration in Developing Countries*. Boston: Houghton Mifflin Company.
- Risse, Thomas, Stephen C. Ropp and Kathryn Sikkink (eds.) (1999). *The Power of Human Rights. International Norms and Domestic Change*. Cambridge: Cambridge University Press.
- Risse, Thomas and Kathryn Sikkink (1999). 'The Socialization of International Human Rights Norms into Domestic Practice: Introduction.' In: Thomas Risse, Stephen C. Ropp and Kathryn Sikkink. *The Power of Human Rights. International Norms and Domestic Change*. Cambridge: Cambridge University Press, p. 1-38.
- Schwarz, Adam (2004). *A Nation in Waiting. Indonesia's Search for Stability*. Singapore: Talisman.
- Seidman, Ann and Robert B. Seidman (1994). *State and Law in the Development Process. Problem Solving and Institutional Change in the Third World*. New York: St. Martin's Press.
- Sekolah Tinggi Filsafat Drikarya (2003). 'Menata Kembali Hak Warga Negara: Belajar dari Kasus Penggusuran di DKI Jakarta'. Report of discussion forum. On file with author.
- Sen, Amartya (1999). *Development as Freedom*. New York: Alfred A. Knopf.
- Sen, Krishna (1996). 'Human what?'. *Inside Indonesia*, no. 46, p. 5-8.
- Simarmata, Rikardo (2012). *Indonesian law and reality in the Delta: a socio-legal inquiry into laws, local bureaucrats and natural resources management in the Mahakam Delta, East Kalimantan*. Leiden: Leiden University Press.
- Sinar Harapan (6 January 2006). 'RUU Administrasi Kependudukan'.
- Smith, Anne (2006). 'The Unique Position of National Human Rights Institutions: A Mixed Blessing?'. *Human Rights Quarterly*, vol. 28, p. 904-946.
- Smith, Carel (2009). 'Preadvies: Het normatieve karakter van de rechtswetenschap: recht als oordeel'. *Rechtsfilosofie & Rechtstheorie*, no. 3, p. 202-225.
- Smith, Jessica M. Ramsden (1998). *Komnas HAM and the Politics of Human Rights in Indonesia*. Unpublished M.A. thesis, Australian National University.
- Smith, Rhona K.M. (2003). *Textbook on International Human Rights*. 2nd ed. Oxford and New York: Oxford University Press.
- Sosmeña, Gaudioso C. Jr., Mariano J. Guillermo and Samuel E. Sapuay (2008). *A Handbook on Measuring Local Government Performance*. Pasay City: Local Government Development Foundation.

- Steiner, Henry J. and Philip Alston (2000). *International Human Rights in Context. Law, Politics, Morals. Second Edition*. Oxford: Oxford University Press.
- Stokke, Hugo (2007). *Taking the Paris Principles to Asia. A Study of Three Human Rights Commissions in Southeast Asia: Indonesia, Malaysia and the Philippines*. Bergen: Chr. Michelsen Institute.
- Sufian, Azlinor and Nor Asiah Mohamad (2009). 'Squatters and Affordable Houses in Urban Areas: Law and Policy in Malaysia'. *Theoretical and Empirical Researches in Urban Management*, vol. 4, no. 13, p. 108-124.
- Suara Karya (4 August 2006). 'PN Jakpus Tolak Panggil Paksa 6 Jenderal'.
- Suara Pembaruan (6 September 2007). 'Hubungan Masyarakat dan Komnas HAM Agak Jauh'.
- SUARAM [Suara Rakyat Malaysia] (2006). *Malaysia Human Rights Report 2005. Civil and Political Rights*. Petaling Jaya: SUARAM.
- SUARAM (2007). *Malaysia Human Rights Report 2006. Civil and Political Rights*. Petaling Jaya: SUARAM.
- SUARAM (2008). *Malaysia Human Rights Report 2007. Civil and Political Rights*. Petaling Jaya: SUARAM.
- Suara Pembaruan (10 March 2007). 'Golkar Dinilai Tak Dukung Penuntusan Kasus HAM Berat'.
- Suara Pembaruan (6 September 2007). 'Hubungan Masyarakat dan Komnas HAM Agak Jauh'.
- SUHAKAM [Suruhanjaya Hak Asasi Manusia Malaysia] 2000. *Annual Report 1999*. Kuala Lumpur: SUHAKAM.
- SUHAKAM (2001). *Annual Report 2000*. Kuala Lumpur: SUHAKAM.
- SUHAKAM (2002a). *Annual Report 2001*. Kuala Lumpur: SUHAKAM.
- SUHAKAM (2002b). *Inquiry on its Own Motion into the November 5th Incident at the Kesan Highway*. Kuala Lumpur: SUHAKAM.
- SUHAKAM (2002c). *Freedom of Assembly*. Kuala Lumpur: SUHAKAM.
- SUHAKAM (2003a). *Annual Report 2002*. Kuala Lumpur: SUHAKAM.
- SUHAKAM (2003b). *Review of the Internal Security Act 1960*. Kuala Lumpur: SUHAKAM.
- SUHAKAM (2004a). *Annual Report 2003*. Kuala Lumpur: SUHAKAM.
- SUHAKAM (2004b). *Adequate Housing: A Human Right. A Report of SUHAKAM's Seminar on Human Rights Pertaining to Basic Needs*. Kuala Lumpur: SUHAKAM.
- SUHAKAM (2005). *Annual Report 2004*. Kuala Lumpur: SUHAKAM.
- SUHAKAM (2006). *Report of SUHAKAM Public Inquiry into the Death in Custody Of S. Hendry*. Kuala Lumpur: SUHAKAM.
- SUHAKAM (2007a). *Report of SUHAKAM Public Inquiry into the Incident at KLCC on 28 May 2006*. Kuala Lumpur: SUHAKAM.
- SUHAKAM (2007b). 'Demolition of places of Worship', press statement, August 1, 2007.
- SUHAKAM (2007c). *Annual Report 2006*. Kuala Lumpur: SUHAKAM.
- SUHAKAM (2008). *Annual Report 2007*. Kuala Lumpur: SUHAKAM.
- SUHAKAM (2009). *Annual Report 2008*. Kuala Lumpur: SUHAKAM.
- SUHAKAM (2010a). 'Fundamental Rights to Freedom of Religion'. Press statement, 12 January 2010.

- SUHAKAM (2010b). 'Arbitrary Detention is an Infringement to the Principle of Human Rights'. Press statement, 24 June 2010.
- SUHAKAM (2010c). 'Suhakam Urges Respect for Freedom of Media'. Press statement, 21 July 2010.
- SUHAKAM (2010d). 'The Rights of the Indigenous Peoples to Life, Physical and Mental Integrity And Security Should Be Uphold'. Press statement, 21 July 2007.
- Sutiyoso (2007). *Megapolitan. Pemikiran tentang Strategi Pengembangan Kawasan Terpadu dan Terintegrasi Jakarta, Bogor, Depok, Tangerang, Bekasi dan Cipayung*. Jakarta: PT. Elex Media Komputindo.
- Talbot, Colin (1999). 'Public Performance – Towards a New Model?'. *Public Policy and Administration*, vol. 14, no. 3, p. 15-34.
- Tapol Bulletin (October 1993). 'A leading human rights activist under attack', no. 119, p. 17-18.
- Tempo Interaktif (4 November 2002). 'Komnas HAM Tunggu Surat Jawaban Kejaksaan Agung'.
- Tempo Interaktif (30 January 2004). 'Komnas HAM Bentuk Tiga Subkomisi Baru'.
- Tempo Interaktif (1 July 2005). 'Komnas HAM: Wiranto Mengatakan 14 Orang Itu Sudah Meninggal'.
- The Jakarta Post (5 November 2003). 'City, Komnas HAM to set up team on evictions'.
- The Jakarta Post (7 November 2003). 'Evictees sue rights body for failing to act'.
- The Jakarta Post (7 June 2004). 'Komnas HAM last resort for justice seekers'.
- The Jakarta Post (11 June 2004). 'Court orders rights body to act against evictions'.
- The Jakarta Post (29 July 2004). 'Evictees told it's time to vacate Komnas premises'.
- The Jakarta Post (10 December 2011). 'Ahmadiyah Bans: Legal justification for intolerance?'.
- The Malaysian Insider (16 April 2012). 'Najib: ISA repeal will not affect current detainees'.
- The Star (22 April 2012). 'End to detention without trial'.
- The Sun (7 November 2000). 'Opposition to raise political abuse to Suhakam'.
- Thio Li-Ann (2006). 'Apostasy and Religious Freedom: Constitutional Issues Arising from the Lina Joy Litigation'. *The Malayan Law Journal*, March-April 2006, vol. 2, p. i-xxii.
- Thio Li-Ann (2009). 'Panacea, Placebo or Pawn? The Teething Problems of the Human Rights Commission of Malaysia Suhakam'. *George Washington International Law Review*, vol. 40, no. 4, p. 1271-342.
- Tikamdas, Ramdas (2002). 'Evaluation of SUHAKAM'. In: ERA Consumer. *SUHAKAM: After 2 Years*. Petaling Jaya: ERA Consumer, p. 35-44.
- Tikamdas, Ramdas and S. Sothi Rachagan (1999). 'Introduction'. In: S. Sothi Rachagan & Ramdas Tikamdas (eds.), *Human Rights and the National Commission*. Kuala Lumpur: HAKAM, p. 1-8.
- Tomuschat, Christian (2001). 'Clarification Commission in Guatemala'. *Human Rights Quarterly*, vol. 23, no. 2, p. 233-258.
- Tomuschat, Christian (2003). *Human Rights. Between Idealism and Realism*. Oxford etc.: Oxford University Press.
- Trindade, Francis A. (1990). 'The Removal of the Malaysian Judges'. *Law Quarterly Review*, vol. 106, no. 1, p. 51-86.

- Trisnarningsih, Mudiarti (2007). *Relevansi Kepastian Hukum Dalam Pengaturan Perkawinan Beda Agama di Indonesia*. Bandung: CV. Utomo.
- Uhlin, Anders (1999). 'Asian Values Democracy: Neither Asian nor Democratic'. Occasional Papers, Center for Pacific Studies at Stockholm University no. 39, p. 1-26.
- US Department of State (2009a). *International Religious Freedom Report 2009 [Indonesia]*. Available at <http://www.state.gov/g/drl/rls/irf/2009/127271.htm>, last accessed January 2011.
- US Department of State (2009b). *International Religious Freedom Report 2009 [Malaysia]*. Available at <http://www.state.gov/g/drl/rls/irf/2009/127277.htm>, last accessed January 2011.
- Vickers, Adrian (2005). *A History of Modern Indonesia*. Cambridge: Cambridge University Press.
- Weiss, Meredith (2006). *Protest and Possibilities. Civil Society and Coalition for Political Change in Malaysia*. Stanford: Stanford University Press.
- Wetzel, Amanda Lee (2007). 'Post Conflict National Human Rights Institutions: Emerging Models from Northern Ireland and Bosnia & Herzegovina'. *The Columbia Journal of European Law*, vol. 13, no. 2, p. 427-470.
- Whiting, Amanda (2003). 'Situating Suhakam: Human Rights Debates and Malaysia's National Human Rights Commission'. In: *Stanford Journal of International Law*, vol. 39, p. 59-98.
- Whiting, Amanda (2006). 'In the Shadow of Developmentalism: the Human Rights Commission of Malaysia at the Intersection of State and Civil Society Priorities'. In: C. Raj Kumar and D.K. Srivastava (eds.), *Human Rights and Development: Law, Policy and Governance*. Hong Kong: LexisNexis Buttersworth, p. 383-407.
- Whiting, Amanda (2008). 'Desecularising Malaysian Law?'. In: Penelope (Pip) Nicholson and Sarah Biddulph (eds.), *Examining Practice, Interrogating Theory: Comparative Legal Studies in Asia*. Leiden and Boston: Martinus Nijhoff Publishers, p. 223-266.
- Wilson, James Q. (1989). *Bureaucracy. What Government Agencies Do and Why They Do It*. New York: Basic Books.
- Wilson, Richard A. (ed.) (1997). *Human Rights, Culture and Context. Anthropological Perspectives*. London: Pluto Press.
- Wong, Elizabeth (2000). 'The NGO Perspective'. In: ERA Consumer. *Proceedings of Forum on Understanding the Human Rights Commission Act 1999*. Petaling Jaya: ERA Consumer. P. 16-20.
- Wu Min Aun (1999). 'The Malaysian Judiciary: Erosion of Confidence'. *Australian Journal of Asian Law*, vol. 1, no. 2, p. 124-153.
- Yamamoto, Kiyoshi (2006). 'Performance of Semi-Autonomous Public Bodies: Linkage between Autonomy and Performance in Japanese Agencies'. *Public Administration and Development*, no. 26, p. 35-44.
- Yatim, Rais (1995). *Freedom under Executive Power in Malaysia: a Study of Executive Supremacy*. Kuala Lumpur: Endowment.

Zweigert, Konrad and Hein Kötz (1998). *Introduction to Comparative Law*. Oxford etc.: Clarendon Press.

INTERVIEWS - INDONESIA

- Abdul Hakim Garuda Nusantara, former KOMNAS HAM chairperson, 25 April 2008.
 Ahmad Baso, KOMNAS HAM commissioner, 7 May 2008.
 Ahmad Nurcholish, representative of the NGO ICRP, 22 April 2008.
 Agung Putri, chairperson of the NGO ELSAM, 29 August 2006.
 Albert Hasibuan, former KOMNAS HAM commissioner, 8 September 2006.
 Anshari Thayib, KOMNAS HAM commissioner, 26 September 2006.
 Asmara Nababan, former KOMNAS HAM commissioner, 28 August 2006.
 Azas Tigor Nainggolan, representative of the NGO FAKTA, 19 May 2008.
 Chandra Setiawan, KOMNAS HAM commissioner, 21 September 2006.
 Enny Soeprapto, KOMNAS HAM commissioner, 26 September 2006.
 Habib Chirzin, KOMNAS HAM commissioner, 29 August 2006.
 Heru W. Susanto, KOMNAS HAM staff member, 19 September 2006.
 Ildhal Kasim, chairperson of the NGO Reform Institute, 20 September 2006.
 Ilma Sovri Yanti, representative of the NGO ICRP, 16 April 2008.
 Ita F. Nadia, KOMNAS Perempuan commissioner, 26 September 2006.
 M.M. Billah, former KOMNAS HAM commissioner, 26 April 2008.
 Mugiyanto, chairperson of the NGO IKOHI, 16 October 2006.
 Ratih Rosmayuani, KOMNAS HAM staff member, 11 May 2004.
 Ridha Saleh, KOMNAS HAM vice-chairperson, 26 May 2008.
 Roichatul Aswidah, KOMNAS HAM staff member, 18 May 2004; 25 September 2006; 16 May 2008.
 Ruswiyati Suryasaputra, KOMNAS HAM commissioner, 29 August 2006.
 Saafroedin Bahar, KOMNAS HAM commissioner, 25 August 2006; 28 August 2006.
 Saparinah Sadli, former KOMNAS HAM commissioner, 27 May 2004.
 Satjipto Rahardjo, former KOMNAS HAM commissioner, 9 May 2008.
 Siti Aminah, victim of forced eviction in Jakarta, 22 May 2008.
 Soelistyowati Soegondo, KOMNAS HAM commissioner, 11 September 2006, 17 October 2006, 16 May 2008 (former commissioner at the time of the last interview).
 Soetandyo Wignjosoebroto, former KOMNAS HAM commissioner, 19 November 2003.
 Stanley Prasetyo, KOMNAS HAM commissioner, 26 May 2008.
 Uli Parulian Sihombing, former director of the NGO LBH Jakarta, 16 May 2008.
 Usman Hamid, chairperson of the NGO KontraS, 9 October 2006.
 Wardah Hafidz, representative of the NGO UPC, 16 May 2008.
 Wicipto Setiadi, Director for the Harmonisation of Legislation at the Ministry of Justice and Human Rights, 27 May 2008.
 Zoemrotin K. Susilo, KOMNAS HAM vice-chairperson, 13 October 2006.

INTERVIEWS – MALAYSIA

- Abu Talib Othman, SUHAKAM chairperson, 3 January 2007.
Ahmad Yusuf Ngah, SUHAKAM Secretary, 20 November 2006.
Asiah Abu Samah, SUHAKAM commissioner, 4 January 2007.
Arutchelvan Subramaniam, representative of the NGO coalition JERIT, 23 November 2006.
Chin Oy Sim, representative of the NGO WAO, 27 November 2006.
Colin Nicholas, coordinator of the NGO COAC, 22 December 2006.
Enalini Elumalai, representative of the NGO SUARAM, 22 January 2009.
Hamdan Adnan, former SUHAKAM commissioner, 16 January 2009.
Hirman Ritom Abdullah, SUHAKAM commissioner, 21 November 2006.
John Liu, representative of the NGO SUARAM, 12 January 2009.
Josef Roy Benedict, representative of Amnesty International Malaysia, 16 November 2006.
Khoo Kay Kim, SUHAKAM commissioner, 20 December 2006.
Malik Imtiaz Sarwar, human rights lawyer, 20 March 2006.
Musa Hitam, former SUHAKAM chairperson, 13 January 2009.
Nurul Hasanah, SUHAKAM staff member, 23 November 2006; 14 December 2006; 8 January 2009.
Ramon Navaratnam, former SUHAKAM commissioner, 22 January 2009.
Simon Karunagaram, SUHAKAM staff member, 22 January 2009.
Simon Sipaun, SUHAKAM vice-chairperson, 15 November 2006.
Siva Subramaniam, SUHAKAM commissioner, 21 November 2006; 28 January 2009.
Yap Swee Seng, coordinator of the NGO SUARAM, 14 November 2006; 18 December 2006.
Zaid Ibrahim, Member of Parliament and former Minister of Law, 21 January 2009.

Appendices

I | Recommendations

1. RECOMMENDATIONS FOR KOMNAS HAM

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

In Chapters 3 it became evident that KOMNAS HAM's performance has been influenced positively by individual initiatives. It has been argued that the individual approach had many advantages: without it, KOMNAS HAM would not have addressed important yet controversial issues (interreligious marriage),¹ or those which were considered to be of a low priority (adequate housing and public order regulations).² While KOMNAS HAM's report on the National Civil Registry³ also came about due to personal initiative, the report also resonated with existing legislative concerns, which had a positive effect on the Commission's effectiveness. In order to increase its chances of success, KOMNAS HAM should continue to identify areas of opportunity. This can, for instance, be done by looking at priorities set out by the government, such as in the RANHAM or PROLEGNAS.

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

KOMNAS HAM's reliance on individual initiative is also reflected in its relationships with other organisations, which are dependent on personal ties. The use of personal networks has its advantages: in the past this has greatly facilitated KOMNAS HAM's access to high-ranking officers in the security forces.⁴ However, the dependency on personal connections also means that these relationships are often not sustained when the composition of the commission changes.⁵ Since 2007, this has been particularly noticeable in the Commission's relationship with the military, as this period has coincided with no former members of the security forces being elected to KOMNAS HAM. Institutional cooperation

1 See 3.2.2.

2 See 3.4.4.

3 See 3.2.3.

4 See 2.2.3 and 2.3.3.

5 See 2.5.2.

does not only need to be fostered with state agencies, but also with independent state bodies (in particular, KOMNAS Perempuan and KOMNAS Anak), and human rights NGOs.

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

One of the challenges KOMNAS HAM faces is that it does not seem to have enough personnel or resources to deal with the vast and increasing number of cases.⁶ Rather than increasing personnel and resources (and thereby expenditures), it is recommended that the Commission takes advantage of the provision in the 1999 Human Rights Law, which provides for the establishment of regional offices.⁷ KOMNAS HAM is recommended to encourage the establishment of these offices by lobbying local governments, which play a key role in regional office formation. An increased number of regional offices – at least one per province – would also enhance access to the Commission, which is particularly necessary in areas outside Java and urban areas. In addition, the Commission can ease its workload by making a clear division between the cases addressed by the regional offices and those addressed by head office. This could, for instance, include a division whereby regional offices focus on the tasks included in the 1999 Human Rights Law, while head office could concentrate predominantly on investigations under the 2000 Human Rights Courts Law and matters with a national character, such as national legislation.

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

In recent years, the performance of KOMNAS HAM has been negatively influenced by the politicisation of its membership, which has been a direct result of the Commission's election procedure.⁸ This research does not call for this procedure to be changed, as it is in accordance with international guidelines, provides for the participation of the public and civil society, enhances transparency of the election process, and ensures pluralist representation. Nevertheless, the negative influences of the politicisation of the Commission's membership⁹ can be limited when KOMNAS HAM's leadership takes on a more proactive role in demanding compliance with the Ethical Code. The Code stipulates that members who are in any way associated with a particular case must not take part in deliberations about the action to be taken on the matter.

⁶ See 2.4.3.

⁷ See 2.3.1.

⁸ See 2.4.1.

⁹ As in the Ahmadiyah case and the investigation into the 1997/1998 disappearance of activists, see 2.4.1.

To continue efforts to call for the amendment of the 2000 Human Rights Courts Law

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

2. RECOMMENDATIONS FOR SUHAKAM

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

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

¹⁰ See 2.6.

¹¹ See 2.4.2 and 2.5.2.

¹² See 5.5.

¹³ See 5.3.2 and 5.3.3.

¹⁴ For instance freedom of religion (see 5.2.3) as well as the right to adequate housing (see 5.4.3).

To allow individual commissioners to conduct preliminary research into matters of personal interest

SUHAKAM's reluctance to address the freedom of religion has attracted criticism from Malaysian human rights NGOs.¹⁵ While there is some merit in the Commission's reasoning that addressing such cases might jeopardise SUHAKAM's position, it would be better if some action is taken. Some commissioners have expressed their concern for these issues, and have appeared willing to address them, only to be held back by the opinion of the majority.¹⁶ SUHAKAM could consider giving these commissioners the opportunity to conduct preliminary research in these areas. This would mean SUHAKAM's work processes would allow for both a structural approach, and individual initiative. This would serve several purposes. First, SUHAKAM would answer to pressing issues within society and among human rights organisations, which may contribute to the Commission's legitimacy. Second, it is particularly in more sensitive areas that SUHAKAM may be able to fulfil a bridging function between state and society, as well as between various societal groups.

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

The effectiveness of SUHAKAM is influenced strongly by its external environment. Human rights reforms in Malaysia, including the implementation of the Commission's recommendations, remain minimal. Nevertheless, some important concessions have been made, most notably in the government's announcement to repeal the ISA. Similarly it is promising that some state governments, particularly those controlled by the Pakatan Rakyat coalition, appear to be becoming more responsive towards human rights issues and SUHAKAM.¹⁷ While such external factors cannot be directly influenced by SUHAKAM, the Commission can continue to contribute to human rights awareness and support the domestic human rights movement. Together, these can place increasing pressure on the government to continue reforms. Part of these reforms is also the strengthening of SUHAKAM, which can be done through further amendment of the Human Rights Commission of Malaysia Act.¹⁸ This review should take into account the fact that international standards for NHRIs require an appointment procedure that is transparent and one that ensures pluralism.

¹⁵ See 5.2.3.

¹⁶ See 5.2.2.

¹⁷ See 4.3.3.

¹⁸ See 4.3.4.

To enhance the relationship with civil society, in particular human rights NGOs

While there is much contact between SUHAKAM and civil society organisations, the Commission's relationship with human rights NGOs has been tense at times, due in part to the often contrasting backgrounds between commissioners and NGO representatives.¹⁹ Structural cooperation between SUHAKAM and civil society is, however, crucial for both parties. It is therefore recommended that SUHAKAM continues to develop these relationships. This would strengthen ties between SUHAKAM and civil society, which in turn will have a positive impact on the Malaysian human rights movement.

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

For NGOs to work structurally with and monitor NHRIs

Both NHRIs and NGOs are important organisations in the process of human rights realisation. Whereas NGOs often have specialised knowledge on a particular human right or issue and have relatively easy access to communities, NHRIs often have more financial and human resources, as well as invaluable access to the state apparatus.²⁰ The characteristics and roles of NGOs and NHRIs thus complement each other, and both can benefit from continuing structural cooperation and engagement. NGOs should also continue to play an important role in monitoring NHRIs and therefore their accountability, which in turn is important for an NHRI's legitimacy.

For governments to ensure the independence of NHRIs

Both the Malaysian and Indonesian Governments have an important role to play in ensuring that SUHAKAM and KOMNAS HAM can operate freely and without constraints. This includes providing NHRIs with sufficient financial means to operate; the freedom to consider any questions within their jurisdiction; and sufficient access to individuals and other organisations, at both state and societal levels.²¹ It can be expected that NHRIs which have a high degree of independence will be better able to perform their tasks.

¹⁹ See 4.3.3.

²⁰ For examples of the roles of NGOs and NHRIs and how they complement each other see 3.2.2. (KOMNAS HAM report on Interreligious Marriage and the role of the NGO ICRP), 3.4.3 (KOMNAS HAM and the Kemayoran case and the role of the NGO FAKTA), and 5.3.3 (SUHAKAM's report on the ISA and the wider Malaysian movement against the Act).

²¹ See 1.1.3 and 1.1.4.

For governments to consider and comply with the recommendations of NHRIs

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

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

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

4. RECOMMENDATIONS FOR INTERNATIONAL STAKEHOLDERS

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

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

For international stakeholders to provide NHRIs with specific assistance

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

²² Also see above recommendations to KOMNAS HAM and SUHAKAM.

²³ For example, see both SUHAKAM and KOMNAS HAM's approaches to freedom of religion and adequate housing (3.2, 3.4, 5.2, 5.4).

²⁴ For example, see how both Commissions have approached the right to a fair trial (3.3 and 5.3).

For international stakeholders, this means that before providing assistance (whether financial or material) to an NHRI, the stakeholder must consider what they hope to achieve by providing this support, and relate this to the specific circumstances of the NHRI, to consider the extent to which the organisation may be successful in the matter at hand. International stakeholders may wish to consider directing their assistance to a particular task or human rights issue, depending on the result they hope to attain. Once again, this calls for greater sensitivity towards and knowledge about the socio-political environment of a particular NHRI.

To encourage the establishment and strengthening of NHRIs

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

25 See the conclusions of Chapters 2, 3, 4, 5 and 6.

II | Suggestions for Future Research

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

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

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

Current assessments of NHRI performance and effectiveness are increasingly based on lists of indicators. While these are a useful starting point, the appraisal of NHRIs should include the specific characteristics and historical background of a country, particularly with regard to human rights. This includes an analysis of how different human rights or issues are perceived within society, and to what extent this influences an NHRI. NHRIs should thus be considered as organisations which are constantly in motion, and which respond to human rights issues in ways which can only be understood through an analysis of context. This approach to NHRIs will enrich existing research and inevitably tell us more about how these organisations actually work, and

the extent to which they are able to make a substantial contribution to the realisation of human rights.

Index

A

Abolish ISA Movement (GMI) | 154-155
Angkatan Bersenjata Republik Indonesia (ABRI) | 52
Angkatan Belia Islam Malaysia | 155
Accountability | 7-8, 66, 184
Adequate housing | 18, 28, 72, 93-95, 98-99, 109-112, 141-142, 161-174, 175, 178, 180, 182
Abas, Salleh | 12, 132
Abidin, Anuar Zainal | 122, 131
Aceh | 11, 87
Adnan, Hamdan | 131, 146
Agam, Hasmy | 113, 137
Ahmadiyah | 28, 55-56, 64, 178-179, 181
Alas Tlogo | 65
Alatas, Ali | 35, 37
Albar, Syed Hamid | 116
Aliansi Tolak PERDA Tibum | 103
Amidhan | 55
Annan, Kofi | 1
Anwar, Zainah | 119, 124
Asia Pacific Forum on NHRIs | 5
Appropriation | 19-20, 130, 173, 176
Asian Values | 34, 37, 116, 133
Aswidah, Roichatul | 44, 53
Ayah Pin | 146
Aziz, Mohd Nazri Abdul | 131, 136, 140
Azizah, Wan | 121-122

B

Badan Penelitian dan Pengembangan Nasional (Balitbang) | 106
Badawi, Abdullah | 130, 139, 144
Bahar, Saafroedin | 44, 53
Bangkok Declaration | 34

Barisan Alternatif | 114

Barisan Nasional | 119, 124-125, 133, 172

Baso, Ahmad | 84

Billah, M.M. | 55

Bowo, Fauzi | 106-107

C

Catholicism | 78-79

Cengkareng Timur | 99-100

Choo Siew Kioh | 124

Christianity | 75, 77, 79, 114, 141, 144, 149, 156

Cold War | 3, 11, 34

Confucianism | 78

Constitutional Court | 11, 88

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment (CAT) | 28, 46, 152, 156

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) | 13, 17, 28, 46, 161, 165

Convention on the Rights of Migrant Workers (CMW) | 46

Convention on the Elimination of Racial Discrimination (CERD) | 46

Convention of the Rights of Persons with Disabilities | 17

Convention on the Rights of the Child (CRC) | 13, 17, 28, 46, 161, 165

Criminal Procedure Code | 152

D

Democratic Action Party | 114, 116, 149-150, 154-155, 158

Directorate General for Human Rights | 11, 46

Directorate for the Managing of the
Development of the Kemayoran
Complex (DP3KK) | 102
Disappearance of activists 1997/1998
| 56, 61-62, 89, 178
Dwifungsi | 46

E

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

F

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

G

Gore, Al | 116

H

Habibie, Baharuddin Jusuf | 45-46
HAKAM | 123
Hasanah, Nurul | 133
Hasibuan, Albert | 50
Hendry, S. | 129
High Court | 119, 124, 143-146, 151
Hindu Rights Action Front
(HINDRAF) | 155
Hinduism | 20, 28, 75, 78, 79, 141,
146-147, 149, 155

Hitam, Musa | 113, 115, 119, 121, 124,
132
Human Rights (concept) | 14-20, 187-
188
Human Rights Commission of
Malaysia Act (HRCMA) | 118-119,
137-138
Human Rights Courts Law
(HRCL) | 11, 48-50, 54-55, 60-63,
65-67, 186
Human Rights Law (HRL) | 11, 28,
47-50, 54, 57-58, 62, 65, 67, 101
Hussein, Hishamuddin | 160

I

Ibrahim, Anwar | 13, 113-115, 117,
121-122, 138, 155
Ikatan Relawan Rakyat Malaysia *see*
RELA
Indonesian Conference on Religion
and Peace (ICRP) | 77-80, 84
Interfaith Commission (IFC) | 143-144
Internal Security Act (ISA)
- Advisory Board | 154
- application | 154-155
- conditions of detention | 154
- detaining authorities | 153
- historical background | 152
- SUHAKAM report | 155-158
International Coordinating Committee
(ICC) | 6, 48, 135-137
International Covenant on Civil and
Political Rights (ICCPR) | 11, 27-
28, 71, 76, 87, 103, 129, 142, 152,
256
International Covenant on Economic,
Social and Cultural Rights
(ICESCR) | 12, 28, 93, 95, 98, 103,
161, 165
Inputs | 21, 23, 25, 26, 177
Indonesia
- Constitution | 11, 27-28, 47, 70-
72, 80-82, 87, 94-95, 105-106
- cultural background | 9
- history | 9-11
- legal system | 9
Interreligious marriage | 73-77

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

J

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

K

Karunagaram, Simon | 128
 Kampung Berembang | 167-169, 171
 Kampung Chubadak | 169-171
 Kampung Medan | 123-124, 139
 Kantor Catatan Sipil (KCS) | 74-76, 78-80
 Kantor Urusan Agama (KUA) | 74, 78-79
 Kasim, Ihdhal | 64-65
 Kemayoran | 99, 101-102, 109
 Kesas Highway | 121, 128, 130-131, 138
 Keterbukaan | 35
 Kompilasi Hukum Islam (KHI) | 74, 79-80, 82-83
 Khoo Kay Kim | 134, 149
 Kitab Undang-Undang Hukum Acara Pidana (KUHP) | 71, 87, 88
 KLCC Indicent | 129-130, 135
 KOMNAS Anak | 11
 KOMNAS HAM

- Complaint Handling Unit (CHU) | 57
- division within | 44, 55
- effectiveness of | 44, 66-68, 81-83, 90-93, 107-112, 177-187
- establishment | 34-38
- funding | 39, 48
- general secretary | 40, 58, 64

- investigations | 41, 50-53, 61
- leadership | 42-43, 53, 60, 64
- mandate | 38, 47, 48-49
- membership | 39, 48, 54
- performance of | 40-42, 66-68, 81-83, 90-93, 107-112, 177-187
- politicisation of | 55
- relationship with
 - attorney general | 49, 60-63
 - NGOs | 38, 41, 44, 63, 77-78, 81, 100-101
 - parliamentary committee | 48, 63
 - security forces | 50, 65-66
- restructurisation | 57
- staff | 58-59
- subcommissions | 40, 57
- tasks | 38, 47, 49

KOMNAS Perempuan | 11, 46

KORPRI | 59

Kua Kia Soong | 158

Kuala Lumpur | 12, 28, 120, 123-124, 129, 142, 145-146, 150, 155, 163-164, 167, 169

Kundasang | 168, 170

L

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

M

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

Malaysia

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

N

- Nababan, Asmara | 37, 40, 52-53
- National Civil Registry | 81-87, 110-112, 178-179, 185
- National Human Rights Institutions (NHRIs)
 - accountability | 7-8, 184
 - historical background | 3-4
 - independence | 7
 - legitimacy | 7-8, 184

- mandate | 2
- position | 2
- research on | 6-8
- types of | 4

National Human Rights Society of Malaysia *see* HAKAM

National Land Code (NLC) | 162

Navaratnam, Ramon | 131

New Economic Policy (NEP) | 163

New Order | 11, 33, 35-36, 40, 42, 44, 45, 46, 49, 59, 67, 71, 83, 88, 90, 106, 182-183, 186

Non-discrimination | 3, 27

Non-governmental Organisations (NGOs) | 16, 20, 24, 29

- in Indonesia | 40, 49, 51, 55, 63-65, 67, 68, 78, 84, 94, 96, 100, 102-104, 106-107, 109-110, 186, 188
- in Malaysia | 115-116, 118, 120-123, 127, 133-135, 137-139, 141-143, 148, 150-151, 154-155, 158-159, 163-165, 168, 171-173, 188
- in relation to NHRIs | 2, 6-7, 186, 188

Nor, Salleh Mohd | 131

Nusantara, Abdul Hakim Garuda | 39, 60, 90, 92

O

Office of the High Commissioner for Human Rights (OHCHR) | 14

Omar, Noh | 122, 130

Ombudsman | 11, 47

Operasi Lalang | 154

Organisational tasks |

Organisational goals |

Othman, Abu Talib | 113, 124, 131-132, 134-135, 137, 150

Outcomes | 23-24, 67, 71, 110, 140, 182

Outputs | 22-26, 177

P

Pancasila | 37

Papua | 42, 87

Pakatan Rakyat (PR) | 132-133, 172

- Paris Principles | 5-6, 22, 38-39, 47, 117-118, 120, 135, 184
- Parti Keadilan Nasional (PKN) | 115, 122
- Parti Keadilan Rakyat (PKR) | 138, 155
- Parti Se-Islam Malaysia (PAS) | 114, 138, 154-155
- Parti Sosialis Malaysia (PSM) | 167
- Paul, Augustine | 122
- PDI Affair | 41-42
- Penal Code | 147, 160
- PERDA *see* Regional Regulation
- Pengadilan Tata Usaha Negara (PTUN) | 36
- Performance | 22-27
- PNSisasi | 59
- Prasetyo, Stanley | 103, 106
- Presidential Decree 50/1993 | 38-40
- Princen, Poncke | 42
- Printing Presses and Publication Act (PPPA) | 119
- Priyono, Gembong | 58
- Program Legislasi Nasional (PROLEGNAS) | 110
- Public order | 94-98, 100, 102-104, 109, 112, 129, 143, 145
- R**
- Razak, Najib Abdul | 139, 160-161
- Reformasi*
- Indonesia | 9, 45, 83, 90, 185
 - Malaysia | 9, 114, 121-122, 139, 155, 185
- Regional Regulation (PERDA) 11/1988 | 94, 98, 100
- Regional Regulation (PERDA) 1/1996 | 95, 98, 100
- Regional Regulation (PERDA) 18/2002 | 95, 98, 100
- Regional Regulation (PERDA) 8/2007 | 94, 98, 105, 107, 108-109, 112
- KOMNAS HAM report on | 102-107
- Regulation on Mixed Marriages (GHR) | 73-74
- RELA | 127-128, 168
- Rencana Aksi Nasional Hak Asasi Manusia (RANHAM) | 46, 105-106, 110
- Rukunegara | 134
- Rus, Nazihah Tunku Mohamed | 124
- S**
- Sabah | 9, 120, 124, 169, 170, 171
- Said, Ali | 38-39, 42-43
- Samad, Iskandar Abdul | 172
- Samah, Asiah Abu | 124
- Sarawak | 9, 120, 124, 138, 171
- Sarwar, Malik Imtiaz | 133
- SATPOL Pamong Praja | 96, 105
- Sedition Act | 123-124
- Selangor | 133, 163-164, 167-168, 170, 172
- Sense of mission | 24, 176
- Setiadi, Wicipto | 85
- Setiawan, Chandra | 77, 81, 85-86, 110
- Sharia | 13, 137, 145, 151
- Sihombing, Uli Parulian | 91
- Singh, Karpal | 12
- Sipaun, Simon | 120, 166
- Siracusa Principles | 104
- Siraj, Mehrun | 131
- Sky Kingdom | 145-146, 148, 150, 181
- Soegianto, Djoko | 53
- Soegondo, Soelistyowati | 76, 81, 83, 86, 91, 110
- Suara Rakyat Malaysia (SUARAM) | 121, 134-135, 137, 154-155
- Subramaniam, Arutchelvan | 163
- Subramaniam, Siva | 124, 150, 168-169, 171
- Sudarsono, Juwono | 65-66
- SUHAKAM
- effectiveness of | 130, 139-140, 148-152, 158-161, 170-174, 184-187
 - establishment of | 114-118
 - funding | 120
 - inquiries | 121-124, 128-129
 - leadership | 113, 119, 124, 132, 137
 - mandate | 118, 136-137

- membership | 118-119, 124-127, 131, 136-137
- performance of | 130, 139-140, 148-152, 158-161, 170-174, 177-184
- relationship with
 - federal government | 130-132, 139
 - judiciary | 123
 - NGOs | 133-135
 - state governments | 132-133
- general secretary | 120
- staff | 120, 125-127
- tasks | 118
- working groups | 119, 128, 131, 133-134

Suharto | 10-11, 35-36, 39-40, 43, 45, 65, 67, 74, 115-116, 178

Supreme Court

- of Indonesia | 43, 74, 79, 80, 88, 143
- of Malaysia | 12, 119, 143

Sutiyoso | 95, 98, 100, 107

Sutrisno, Try | 35, 52

Sutoyo | 59, 64

T

Talangsari | 64-65

Tanjung Priok | 52, 89

Teluk Gong | 99

Terengganu | 145

Terengganu Fatwa Council | 146

Terengganu Islamic Affairs

Department | 145-146

Tikamdas, Ramdas | 123

Timika | 41

Toyo, Mohd Khir | 163

Tramtib | 106

Translation | 19-21, 78, 80, 176, 183

Trisakti, Semanggi I and II (TSS) | 45, 61, 89

U

United Malays National Organisation (UMNO) | 13, 114, 119, 149, 154

United Nations (UN) | 1, 3-5, 14, 34, 37, 115

United Nations Commission on

Human Rights (UNCHR) | 34, 115

United Nations Declaration on the

Elimination of All Forms of Intolerance and of Discrimination

Based on Religion or Belief | 142

United Nations Declaration on the

Rights of Indigenous Peoples | 17

United Nations Habitat Agenda | 164-165

United Nations Human Rights Council (UNHRC) | 6, 34, 66

United Nations Working Group on

Arbitrary Detentions | 138

Universal Declaration of Human

Rights (UDHR) | 15, 27, 47, 71, 79,

80, 87, 93, 128, 142, 147, 152, 156,

157, 158, 159, 161, 165

Urban Poor Consortium (UPC) | 108

Uripno, Teguh | 89

V

Vernacularisation | 19-20, 176

Vienna Declaration | 3, 82

Vienna World Conference on Human Rights | 3, 37

W

Wahid, Abdurrahman | 46, 48, 51

Wawasan 2020 | 163

Wignjosoebroto, Soetandyo | 37, 43-44

Wijaya, Firman | 101

Wiranto | 50-51, 56, 65

Wirayuda, Hassan | 35

Y

Yap Swee Seng | 121

Yatim, Rais | 160

Z

Zero Squatter Policy | 163, 166

Curriculum vitae

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

In the range of books published by the Meijers Research Institute and Graduate School of Leiden Law School, Leiden University, the following titles were published in 2012 and 2013

- MI-200 F. Schonewille, *Partijautonomie in het relatievermogensrecht*. (diss. Leiden), Apeldoorn/Antwerpen: Maklu-Uitgevers 2012, ISBN 978 94 466 0492 2
- MI-201 R.P. Orij, *Societal Determinations of Corporate Social Disclosures. An International Comparative Study*, (diss. Leiden), Leiden: Leiden University Press 2012, ISBN 978 90 8728 162 5, e-ISBN 978 94 0060 088 1
- MI-202 K.J.O. Jansen, *Informatieplichten. Over kennis en verantwoordelijkheid in contractenrecht en buitencontractueel aansprakelijkheidsrecht*, (diss. Leiden), Kluwer 2012, ISBN 978 90 1310 434 9
- MI-203 T. Barkhuysen, W. den Ouden & M.K.G. Tjepkema (red.), *Coulant compenseren? Over overheidsaansprakelijkheid en rechtspolitiek*, Deventer: Kluwer 2012, 978 90 1310 377 9
- MI-204 A.G. Castermans, K.J.O. Jansen, M.W. Knigge, P. Memelink & J.H. Nieuwenhuis (eds.), *Foreseen and unforeseen circumstances*, BWKJ nr. 27, Deventer: Kluwer 2012, ISBN 978 90 1310 959 7, eISBN 978 90 1310 960 3
- MI-205 A. Eleveld, *A critical perspective on the reform of Dutch social security law. The case of the life course arrangement*, (diss. Leiden) Leiden University Press 2012, ISBN 978 90 8728 174 8, e-ISBN 978 94 0060 112 3
- MI-206 C.P.M. Cleiren, M.J. Kunst, J.L. van der Leun, G.K. Schoep, J.M. ten Voorde, *Criteria voor strafbaarstelling in een nieuwe dynamiek. Symbolische legitimiteit versus maatschappelijke en sociaalwetenschappelijke realiteit*, Den Haag: Boom Lemma Uitgevers 2012, ISBN 978 90 5931 921 9
- MI-207 B.P. ter Haar, *Open Method of Coordination. An analysis of its meaning for the development of a social Europe*, (diss. Leiden), Amsterdam 2012, ISBN 978 94 6190 174 3
- MI-208 A.M. Reneman, *EU asylum procedures and the right to an effective remedy*, (diss. Leiden), Leiden 2012
- MI-209 C. de Kruif, *Onderlinge overheidsaansprakelijkheid voor schendingen van Europees recht. De complexiteit van het adagium 'de veroorzaker betaalt' in een veellagige rechtsorde*, (diss. Leiden), Apeldoorn/Antwerpen: Maklu-Uitgevers 2012, ISBN 978 90 466 0570 7
- MI-210 R. Simarmata, *Indonesian Law and Reality in the Delta. A Socio-Legal Inquiry into Laws, Local Bureaucrats and Natural Resources Management in the Mahakam Delta, East Kalimantan*, (diss. Leiden), Leiden: Leiden University Press 2012, ISBN 978 90 8728 184 7, e-isbn 978 94 0060 131 4, e-pub: 978 94 0060 132 1
- MI-211 P.J.P.M. van Lochem, *Rechtsrelativering. Een verkenning op het terrein van het overheidshandelen*, (diss. Leiden), Den Haag: Boom Juridische uitgevers 2012, ISBN 978 90 8974 729 7
- MI-212 J.E. van den Brink, *De uitvoering van Europese subsidieregelingen in Nederland. Juridische knelpunten en uitdagingen*, (diss. Leiden), Deventer: Kluwer 2012, ISBN 978 90 13 10886 6
- MI-213 F.M.J. den Houdijker, *Afweging van grondrechten in een veellagig rechtssysteem. De toepassing van het proportionaliteitsbeginsel in strikte zin door het EHRM en het HvJEU*, (diss. Leiden), Nijmegen: Wolf Legal Publishers 2012, ISBN 978 90 5850 880 5
- MI-214 C.M. Smyth, *The Common European Asylum System and the Rights of the Child: An Exploration of Meaning and Compliance*, (diss. Leiden), Leiden 2013
- MI-215 A.F. Mollema, *Het beperkte recht. Een analyse van zijn theoretische constructie, zijn plaats in het systeem van het vermogensrecht en zijn mogelijke inhoud*, (diss. Leiden), Leiden: Uitgeverij BOXPress 2013, ISBN 978 90 8891 597 0
- MI-216 V.S. Bouman, *De baai geblokkeerd: piraten in het nauw? Een onderzoek naar de toelaatbaarheid en het effect van het blokkeren van The Pirate Bay*, (Jongbloed scriptieprijs 2012), Den Haag: Jongbloed 2013, ISBN 978 90 7006 268 2
- MI-217 C.G. Breedveld-de Voogd, A.G. Castermans, M.W. Knigge, T. van der Linden, J.H. Nieuwenhuis & H.A. ten Oever (red.), *Rechtsvinding in een meerlagige rechtsorde*. BWKJ nr. 28, Deventer: Kluwer 2013, ISBN 978 90 1311 482 9

- MI-218 J.M. ten Voorde, C.P.M. Cleiren & P.M. Schuyt, *Meerdaadse samenloop in het strafrecht. Een onderzoek naar doel, grondslag, karakter, strekking en functie van de wettelijke regeling van meerdaadse samenloop (artikel 57-63 Sr)*, Den Haag: Boom Juridische uitgevers 2013, ISBN 978 90 8974 843 0
- MI-219 J. Nijland, *De overheidsonderneming. Overheidsinvloed in kapitaalvennootschappen nader beschouwd*, (diss. Leiden), Leiden: Uitgeverij BOXPress 2013, ISBN 978 90 8891 719 6
- MI-220 K.M.P. Setiawan, *Promoting Human Rights. National Human Rights Commissions in Indonesia and Malaysia*, (diss. Leiden), Leiden: Leiden University Press 2013, ISBN 978 90 8728 203 5, e-isbn 978 94 0060 166 6 (pdf), e-isbn 978 94 0060 167 3 (ePub)

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