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DISCRIMINATIVE TREATMENT POLICY AND CONSTITUTIONAL RIGHTS VIOLATION OF FORMER PKI POLITICAL PRISONERS AND THEIR FAMILIES DURING THE NEW ORDER IN INDONESIA

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The events of 1965 related to the suppression of “The Thirtieth of September Movement” and the prohibition of the Indonesian Communist Party (PKI) were a very heart breaking tragedy for the journey of national and state life in Indonesia. Hundreds of thousands and even millions of lives became victims of these events. The tragedy created a deep trauma for the Indonesian nation. The authoritarian regime of the New Order Regime implemented discriminatory policies against political prisoners who were members of the PKI and their families, who were considered traitors to the nation and state. This policy was set forth in the form of laws and regulations that violated the rights of former political prisoners and their families. The paper is a normative legal research that examines the legal rules issued by the New Order regime which shackled the constitutional rights of Indonesian citizens who were involved in “The Thirtieth of September Movement”, both the rebels and their families. The results of this study indicate that the discriminatory policies carried out by the Government in the New Order regime against former PKI political prisoners and their families were violations of human rights and were not in accordance with the Indonesian Constitution.

Keywords: discriminatory policies, constitutional rights, Indonesian Communist Party, political prisoners, New Order, Indonesia.

**ПОЛИТИКА ДИСКРИМИНАЦИИ И НАРУШЕНИЯ
КОНСТИТУЦИОННЫХ ПРАВ БЫВШИХ
ПОЛИТЗАКЛЮЧЕННЫХ КПИ И ЧЛЕНОВ ИХ СЕМЕЙ
В ПЕРИОД НОВОГО ПОРЯДКА В ИНДОНЕЗИИ**

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События 1965 г., связанные с подавлением «Движения 30 сентября» и запретом Коммунистической партии Индонезии (КПИ), стали душераздирающей трагедией для всей национальной и государственной жизни Индонезии. Жертвами этих событий стали сотни тысяч и даже миллионы людей. Трагедия нанесла глубокую травму индонезийской нации. Авторитарный режим Нового порядка проводил дискриминационную политику в отношении политических заключенных, являвшихся членами КПИ, и членов их семей, которые считались предателями нации и государства. Эта политика была изложена в виде законов и постановлений, которые поражали в правах бывших политических заключенных и их семьи. Статья является нормативно-правовым исследованием, в котором рассматриваются правовые нормы, принятые режимом Нового порядка, которые ограничивали конституционные права граждан Индонезии, участвовавших в «Движении тридцатого сентября», как самих мятежников, так и членов их семей. Результаты данного исследования свидетельствуют о том, что дискриминационная политика, проводившаяся правительством в эпоху Нового порядка в отношении бывших политических заключенных КПИ и членов их семей, нарушала права человека и не соответствует Конституции Индонезии.

Ключевые слова: дискриминационная политика, конституционные права, Коммунистическая партия Индонезии, политические заключенные, Новый порядок, Индонезия.

Introduction

Communism was developed by Karl Marx, where this ideology is wrong as one of the developing ideologies in the world in addition to other ideologies.

Communism was born as a reaction against capitalism in the 19th century, where the ideology of capitalism prioritizes individual owners of capital and excludes workers.

Communist teachings emphasize equity in the field of economic resources, goods and production are controlled by the state and distributed equally among all citizens, excluding individual interests. Communism rejects private ownership of the means of production and places all results of labor solely for the welfare of all people. Profit as a result of work is rejected if it only means personal gain and it is not permissible to accumulate wealth for personal gain [q.v.: 4].

The existence of communist ideology in Indonesia has been going on for a long time, namely since the Dutch colonial period in Indonesia, at that time a Dutch communist named Josephus Franciscus Mari'e Sneevlet founded a group of 60 social democrats called Indische Social Democratische Vereniging (ISDV), this occurred on May 9, 1914 in Surabaya. This ISDV became the forerunner to the development of communism in Indonesia. In May 1920 this organization changed its name to the Communist Union in the Indies and in 1924 the name changed again to the Indonesian Communist Party (PKI) [13].

As a left-leaning organization, there were many actions from the ISDV to the PKI against the policies of the Dutch East Indies government such as the rural disturbances in Surakarta led by Haji Misbach in 1919, the strike of the pawnshop trade union led by Abdul Muis in 1922, the 1925 rebellion and the rebellion in Batavia, Banten and Priangan in 1926. After the rebellion that occurred in Java was crushed by the Dutch East Indies government at that time, a rebellion broke out in Sumatra on 1 January 1927, although the fighting here was more difficult but the rebellion was put down on 4 January 1927 [9, p. 1-16]

All rebellions carried out by the PKI were thwarted by the Dutch East Indies government until they finally disappeared from Indonesian political circulation at that time. About 13,000 people were arrested, several people were shot. About 4,500 people were thrown into prison and 1,308 people were sent to the notorious prison camp in Boven Digul, Papua, which was specially built in 1927 to lock them up.

After more than 20 years of disappearance on September 18, 1948 in Madiun PKI figures proclaimed the founding of the Indonesian Soviet Republic and a PKI rebellion broke out in Madiun. With the outbreak of the PKI rebellion in Madiun, the government immediately took steps to quell it. With the movement of Military Operation 1 launched by the Armed Forces, on September 30, 1948 at 16.15 the city of Madiun was recaptured.

The success in thwarting the PKI rebellion carried out by the government did not mean stopping the existence of the communist-leaning party. PKI leaders who were not caught before December 19, 1948 remained free, even after the Round Table Conference they were free to rebuild their party. The new leadership of the PKI implemented a new strategy of struggle, namely the National United Front, with the consequence that the PKI had to accept cooperation with other parties, one of which was the Indonesian National Party (PNI), which was formerly anti-PKI. In addition to the National United Front strategy the PKI also formed mass organizations that were not officially communist in character but were officially under the control of the PKI, such as the *All-Indonesian Workers' Organization Central* (SOBSI), *Indonesian Farmers' Front* (BTI), *People's Cultural Institute* (Lekra), *People's Youth* (PR) and the *Indonesian Women's Movement* (Gerwani) [5].

The development of the PKI was so rapid, all of this can be seen from the results of the 1955 elections. The PKI was able to win 6,176,914 votes and won 39 out of 257 seats in the DPR. The results of the PKI's vote acquisition were very surprising because after 20 years of disappearance this party was able to stand on an equal footing with big parties such as PNI, Masyumi and NU in only 7 years. The results of the 1955 election showed that there was a lot of popular support for the PKI so that President Sukarno himself now preferred the PKI to the PNI [21].

Sukarno's closeness to the PKI influenced his policies in leading Indonesia. One of the proofs is the emergence of the doctrine of *Nationalism, Socialism and Communism* (NASAKOM). This doctrine ensured that President Sukarno began to convert to the Communists so that many began to stay away and oppose him. The army was the most prominent opponent of Sukarno's closeness to the PKI. The

climax was the kidnapping and murder of 5 army officers who were anti-Communist in the Crocodile Hole area. This event is known as the 30 September 1965 *Movement of the Indonesian Communist Party* or G.30.S/PKI. So that hatred began to appear against the Indonesian Communist Party and that was the beginning of the collapse of the Communist Party [7. p. 30-43].

Finally, on February 22, 1967 the Provisional People's Consultative Assembly issued TAP XXXIII/MPRS/1967, the essence of which was to revoke President Sukarno's powers, prohibit the Indonesian Communist Party from participating in the next election and appoint Suharto as President. Followed by the issuance of TAP XLI/MPRS/68 one of the contents of which was to restore security and public order by erasing away the remnants of the G 30S/PKI, suppressing any irregularities.

After the PKI carried out the activities mentioned above which were considered traitors to the nation and state, the *New Order Regime* under President Soeharto continued to discriminate against former PKI political prisoners and their families in the form of prohibitions from entering the government bureaucracy both as the Armed Forces of the Republic of Indonesia (ABRI) members and civil servants. Civilians, or other government employees and this lasted until the New Order collapsed in 1998, only after the reformation period and amendments to the 1945 Constitution, discrimination against former PKI political prisoners and their families was removed after a Constitutional Court decision was made because it was not in line with or contrary to the 1945 Constitution of the Republic of Indonesia related to equality of citizens in the eyes of law and government.

Methodology

The research method used in writing this article is a normative legal research method, which is based on juridical analysis and sociological analysis as stipulated in Presidential Decree No 16 of 1990 concerning Special Research for Civil Servants of the Republic of Indonesia, in this provision Indonesian civil servants must be environmentally clean, meaning that the country is not from a family environment of former political prisoners of the Indonesian Communist Party.

This research also examines sociological analysis using a qualitative juridical approach regarding discriminatory legal rules, especially for former political prisoners and their families. This is related to groups that agree and groups that do not agree in society regarding the repeal of discriminatory legal rules, because there are some people who are worried that the danger of communism will reappear in Indonesia, because the communist Indonesian Communist Party has carried out a coup movement, who failed to take over the legitimate government in Indonesia in 1965.

Descriptive analysis used in the discussion of this article, according to Arkunto, descriptive analysis is to investigate the circumstances, conditions or other things that have been mentioned, the results of which are presented in the form of research reports. In this researcher does not change, add, or manipulate the object or object of research. In this research activity the researcher only describes what happened to the object under study, then explained what happened in the form of a research report in a straightforward manner, as it is [q.v.: 19].

Likewise, what was stated by Lexy Moleong, who stated that the implementation of the descriptive method does not only come to data collection, but includes analysis and interpretation of the meaning of the data, besides that everything that has been collected becomes the topic of what we will examine. While the design used in this paper is the design of library studies, where the author conducts a search of the literature which in the end conducts a scientific study [q.v.: 6].

Results and discussion

The PKI carried out treason/coups to seize power legal in Indonesia

The events of the September 1965 Thirty Movement of the Indonesian Communist Party (G.30.S/PKI) incident was a tragic event for the Indonesian nation which brought prolonged trauma and tore apart a sense of humanity in which many victims died, both from the military and especially civilians and is a dark history for the Indonesian nation. Actually, the Indonesian Communist Party (PKI) has long been blowing an air of resistance and rebellion against Indonesia. This group insisted

on changing the basis of the Republic of Indonesia, namely Pancasila, into a state based on communist principles. The PKI's resistance, which was not accepted by every group, made this group plan a big plan, namely rebellion to take over the legitimate government.

Since a D.N. Aidit was elected chairman of the Communist Party in 1951, he quickly rebuilt the PKI which was devastated by the failure of the 1948 rebellion. Efforts made by D.N. Aidit succeeded well, so that in the 1955 general election, the PKI won the support of the people and positioned itself as one of the four major parties in Indonesia, namely PNI, Masyumi and Revival of the Ulama (NU) [2].

It seems that the PKI wanted to seize power through parliament during the Guided Democracy period. Apart from that, they also seem to be preparing themselves to achieve their goal, which is to rule over the territory of the Republic of Indonesia. For this reason, a special bureau was formed which was secretly tasked with preparing cadres in various political organizations, including within the Armed Forces. The PKI also tried to influence President Soekarno to get rid of and eliminate his political opponents. This can be seen from the disbandment of the Masyumi Party, PSI, and the Murba Party by the President. The PKI also succeeded in splitting the PNI into two groups. This effort was taken by the PKI by infiltrating Ir. Surachman (a PKI figure) into the PNI. After the PKI felt strong enough, rumors were raised that the leadership of the Indonesian Army had formed a Council of Generals who would carry out a coup against President Soekarno at the time of ABRI's birthday on 5 October 1965. The PKI also stated that the members of the Council of Generals were agents of the Nekolim (United States or English). The army rejected this accusation, in fact the army immediately accused the PKI of planning to seize power. However, in commemoration of ABRI's birthday on October 5, 1965, tens of thousands of troops had gathered in Jakarta since the end of September 1965, so that the suspicions of a coup d'etat grew [12, p. 220].

Prior to the G30S/PKI incident, news spread that the President's health had begun to decline and based on the diagnosis and the team of doctors from the People's Republic of China, there was a possibility that President Soekarno would be

paralyzed or die. After learning about President Soekarno's condition, D.N. Aidit immediately made a decision to start the movement. The movement plan was submitted to Kamaruzaman who was appointed as Chairman of the PKI Special Bureau and approved by D.N. Aidit. The Special Bureau contacted its cadres within the Indonesian Armed Forces, such as Brigadier General Supardjo, Lieutenant Colonel Untung from Cakrabirawa, Colonel Sunardi and the Indonesian National Armed Forces-Navy, Marshal Madya Omar Dani and the Indonesian National Armed Forces-Air Force and Colonel Anwar and the Police [20, p. 1-11].

As the leader of the 30 September 1965 Movement, Lieutenant Colonel Untung made a decision and ordered all members of the movement to be ready and start moving in the early hours of 1 October 1965. In the early hours of that day, they carried out a series of kidnappings and killings of six high-ranking officers. First Army officers were tortured and then killed. They were taken to Crocodile Hole, which is a place south of the main Halim Perdana Kusuma air base. Furthermore, the victims were put into an old well, then covered with garbage and soil. The seven victims and the Indonesian National Armed Forces (TNI) are as follows:

1. Letnan Jenderal Ahmad Yani (Menteri/Panglima Angkatan Darat atau Men Pangad).
2. Mayor Jenderal R. Soeprapto (Deputy II Pangad).
3. Mayor Jenderal Haryono Mas Tirtodarmo (Deputy III Pangad).
4. Mayor Jenderal Suwondo Parman (Asisten I Pangad)
5. Brigadir Jenderal Donald Izacus Panjaitan (Asisten IV Pangad).
6. Brigadir Jenderal Soetojo Siswomiharjo (Inspektur Kehakiman / Oditur).
7. Letnan Satu Pierre Andreas Tendean [17, p. 129-138].

The failure of the PKI in carrying out a coup against the legitimate government in Indonesia

The operation to crush the G30S/PKI that was launched on October 1, 1965 was tried as much as possible not to cause clashes of arms. The first step taken was to neutralize the troops around Merdeka Square that were used or used by the 30 September Movement. The troops came from members of the Battalion

503/Brawijaya troops and members of the Battalion 545/Diponegoro troops. Members of the Battalion 503/Brawijaya troops were made aware of their involvement in the September 30th Movement and then they were withdrawn to the Kostrad Headquarters in Medan Merdeka Timur. Meanwhile, members of the Battalion 545 / Diponegoro troops were successfully withdrawn at around 17.00 by the September 30th Movement to Halim Perdana Kusuma Airfield [q.v.: 18].

The military operation to crush the September 30th Movement began in the afternoon October 1, 1965 at 19.15. Meanwhile, the Special Forces group (RPKAD) troops succeeded in reoccupying the Central RRI building, the telecommunications building and securing the entire Merdeka Square area without any armed clashes or bloodshed. Also Battalion 238 Kujang/Siliwangi troops succeeded in controlling Banteng Field and securing the V/Jaya Military Command Headquarters and its surroundings. Battalion I Cavalry succeeded in securing BNI Unit I and the printing of state currency in the Kebayoran area. Thus, in a very short time, namely on October 1, 1965, the city of Jakarta was again controlled by ABRI and the forces of the rebellious G.30.S/PKI were successfully paralyzed [16, p. 75-84].

To calm the people's anxiety and make the troops involved in the G.30.S/PKI aware, various efforts were made. Among them, through the Radio Republic Indonesia (RRI) broadcast at 20.00 Major General Suharto as the interim leader of the Army announced that there was an attempt to seize power and the Coordinating Minister for Defense and Security/KASAB are safe and sound. It was also stated that there had been mutual understanding between the Army, Navy and Police to work together to quell G.30.S/PKI. Major General Suharto also advised the Indonesian people to remain calm and alert. After it was discovered that the main base of the G.30.S/PKI was around the Halim Perdana Kusuma airfield then the next step is to try to free the base and the hands of G.30.S/PKI. President Soekarno was urged to leave the Halim Perdana Kusuma area. It is intended to maintain their safety in the event of a physical clash between TNI troops and G.30.S/PKI supporting troops hiding around the Halim Perdana Kusuma airbase [14, p. 1-12].

Then President Soekarno left Halim Perdana Kusuma for the Bogor Palace. Meanwhile, the RPKAD troops assisted by Battalion 238 Kujang/Siliwangi and Battalion 1 Cavalry were ordered to move towards the target. Three companies of reconnaissance cavalry combat troops were also brought in, led by the Cavalry Welfare Commander (Dansenkav) Colonel Subiantoro. They arrived in Cijantung and were immediately involved in the movement to close the Cililitan, Kramat Jati and Lanuma Halim Lubang Buaya intersections without encountering any difficulties. At 06.10 on 2 October 1965 the Halim Perdana Kusuma air base area was successfully controlled, although there was little resistance and there was armed contact. Gunfire also occurred when a clean-up movement was carried out which continued to the villages around the Crocodile pit, because previously it was alleged that these areas were used as military training grounds for the People's Youth and Gerwani [11].

During the clean-up movement in the villages around Lubang Buava, Adjunct Police Brigadier (Abriptu/Corporal One) Sukitman, who had been held captive by the kidnapping team, Brigadier General DI Pandjaitan, managed to escape. Then on October 3, 1965 they managed to find the bodies of high-ranking army officers who were buried in an old well. The removal of the new body was successfully carried out on October 4, 1965 by members of the RPKAD and KKOAL (marines). All the bodies were brought to the Central Army Hospital (now the Gatot Subroto Army Hospital) to be cleaned and then buried at the Army Headquarters. The next day, coinciding with ABRI's birthday on October 5, 1965 the bodies of these high-ranking army officers were buried at the Kalibata Heroes Cemetery. They were awarded the title of Hero of the Revolution and given a posthumous promotion to a higher rank [q.v.: 15].

While at Halim Perdana Kusuma on October 1, 1965 President Soekarno issued an order aimed at all levels of the Armed Forces. President Soekarno asked to increase preparedness and to remain in their respective posts and only move if there was an order all people to remain calm and increase vigilance and maintain national unity and unity. In addition, it was announced that the leadership of the Army was temporarily held by the President/Supreme Commander of the Armed Forces and to

carry out daily tasks in the Army, Major General Pranoto Reksosamudro, Assistant to the Men/Army Commander, was temporarily appointed. The order was not immediately known by ABRI members who were outside Halim. Therefore, on the same day in accordance with the procedures in force Major General Suharto announced that he would temporarily take over the leadership of the Army.

The birth of the New Order and discriminatory treatment policies against former PKI political prisoners and their families

The victory of the New Order which was marked by the issuance of the March Eleventh Order (Supersemar) was the initial stage in the birth of the New Order in organizing the life of the nation and state based on the purity of the implementation of Pancasila and the 1945 Constitution from various forms of irregularities and abuses that occurred during the Old Order era which needed to be straightened out return. The first step taken by the New Order was to issue laws and regulations whose material discredited the Indonesian Communist Party and the mass organizations under its auspices, including the following:

1. Presidential Decree No.1/3/1966 the contents of which dissolved the PKI and the organizations under it and were banned organizations throughout the territory of the Republic of Indonesia.

2. Provisional People's Consultative Assembly Decree No. IX/MPRS/1966, regarding the confirmation of the March 11, 1966 Warrant (Supersemar).

3. Provisional People's Consultative Assembly Decree No. XIII/MPRS/1966, regarding the Ampera Cabinet. General Suharto as Supersemar bearer was given the task of forming the Ampera Cabinet.

4. Provisional People's Consultative Assembly Decree No. XXV/MPRS/1966, regarding the dissolution of the Indonesian Communist Party as a banned organization throughout Indonesia [10, p. 54-70].

The Fourth General Session of the Provisional People's Consultative Assembly, which was successfully held, issued important decisions, so the position of the New Order in restructuring the order of life as a nation and state in Indonesia was getting stronger.

Until 1979 there was pressure from the international community, especially from Amnesty International and countries that provided financial assistance to Indonesia. They urged Indonesia to release political prisoners from detention camps as a precondition for the disbursement of international assistance to the Indonesian government. In 1979 political prisoners were formally released. The release letter stated that they were not involved in the G.30.S/PKI incident. In reality, release does not mean unconditional freedom for former political prisoners, they are still subject to “mandatory reporting” to military officials and institutions in the vicinity of their residence [3, p. 35-50].

Circular of the State Personnel Administration Agency No. 02/SE/1975 concerning not requiring a Certificate of Not Involved in G.30.S/PKI for applicants for civil servant candidates who on October 1, 1965 the candidates concerned had not yet reached the full 12 years.

Presidential Decree No. 28/1975 concerning the Treatment of those involved in the Indonesian Communist Party Group C. which is divided into Groups C1, C2 and C3. Administrative measures against employees are as follows: Class C1 is dishonourably dismissed as a civil servant; Groups C2 and C3 are subject to other administrative actions taking into account the severity of their involvement.

Decree No. 32/ABRI/1977 concerning dismissal as a TNI employee for being accused of being involved in the PKI. Instruction of the Minister of Home Affairs No. 32/1981 concerning guidance and supervision of G.30.S/PKI former detainees and former convicts. Prohibition from becoming civil servants, members of the TNI, teachers, pastors and so on for those who are not environmentally clean. The KTP of former political prisoners includes the ET code or former political prisoner.

Presidential Decree No. 16/1990 concerning Special Research which is not only aimed at direct victims but also applies to the children and/or grandchildren of victims who are accused of being involved in the G.30.S/PKI.

Decree of the Minister of Home Affairs No. 24/1991 concerning the validity period of KTP for residents aged 60 years and over. KTP for life is not enforced for

Indonesian citizens who are directly or indirectly involved with Prohibited Organizations (OT).

Regulation of the Minister of Home Affairs No. 1.A/1995 concerning implementation of population registration in the framework of the Population Management Information System. Identity cards that are valid for life are only valid for Indonesian citizens who have permanent residence and are not involved directly or indirectly with Prohibited Organizations (OT).

Instruction of the Minister of Home Affairs No. 10/1997 concerning guidance and supervision of G.30.S/PKI former detainees and former convicts. This replaces the Instruction No. 32/1981. Provisions and prohibitions are still the same as the Instruction No. 32/1981. The change is that the ET code is no longer listed on the KTP of former political prisoners, but the ET code is still listed on the KK (Family Card).

Law Number 12/2003 concerning the General Election of Members of the People's Representative Council, Regional Representative Council, Provincial/District/City Regional People's Representative Council. Requirements for members of the People's Legislative Assembly, Regional Representatives Council, Provincial/District/City Regional People's Legislative Council not to be former members of the banned Indonesian Communist Party including its mass organizations or not to be directly involved in the G.30.S/PKI.

Structural violence in the form of discriminatory regulations was not only aimed at former political prisoners who were victims of the 65/66 Tragedy but also towards their children and grandchildren. Such treatment has shattered the hopes and future of millions of Indonesian citizens, including thousands of Indonesian citizens abroad whose passports were forcibly revoked by the local Indonesian Embassy. The impact of this incident was felt by the victims of the 65/66 Tragedy in the form of stigmatization as people who were not "environmentally clean" or discrimination in terms of political, social and economic rights [8, p. 197].

Regional Government through Regional Regulations limits the political rights of former political prisoners and their families, especially for political participation at

the local level. The position of Village Head to regional level legislature requires that the candidate be “free of G.30.S/PKI”.

After the Suharto regime was no longer in power several regulations and policies that discriminated against former political prisoners and their families were repealed. The Coordinating Agency for National Security and Stability (Bakorstanas), the replacement agency for Kopkamtib in the administration of President Abdurrahman Wahid was disbanded by Presidential Decree No. 38/2000. The Social and Political Service, a civil institution that was given the authority to carry out a special research process on civil society, has been abolished [1, p. 221-243].

The regulations that the author mentioned above as evidence that the New Order regime’s government policies carried out discriminatory policies against former political prisoners of the Indonesian Communist Party and their descendants where the policy was contrary to the 1945 Constitution which respects all citizens have an equal position in the eyes of the law and government and these regulations are no longer valid after the Constitutional Court granted a judicial review of discriminatory laws and regulations.

Conclusion

The communist ideology that has developed in Indonesia since the Dutch colonial period in Indonesia in its further development brought a humanitarian disaster in Indonesia. The Indonesian Communist Party carried out a rebellion to seize legitimate power with the result that thousands and even millions of Indonesian human lives became victims of this event, the saddest of which was that the wounds and grudges continued to be brought into the realm of constitutional politics in Indonesia. The transition of the government regime from the Old Order to the New Order required a lot of casualties, the New Order came to power after successfully crushing the coup movement of the Indonesian Communist Party or what is commonly called the failed G.30.S/PKI, which then carried out a policy of discrimination against former political prisoners of the Indonesian Communist Party and their families by making discriminatory legal rules. And it was only after the New Order collapsed and there was a change of government that these rules were no

longer enforced. The elimination of discriminatory treatment of former political prisoners and their families was carried out by revoking discriminatory laws and regulations by the government of President Abdurachman Wachid and a Constitutional Court decision that granted the petition for the constitutional rights of former political prisoners and their families for the sake of the unity of the Indonesian nation.

Bibliography:

1. Ashri A.M. Potret Hukum Diskriminatif Orde Baru: Tinjauan Hukum Dan Politik Atas Diskriminasi Terhadap Eks Tahanan Politik Pki // Jurnal Poros Hukum Padjadjaran. 2023. No 2. Vol. 4. P. 221-243.
2. Dewanthi A. Merangkak di Bawah Bendera Merah Sejarah Perkembangan Partai Komunis Indonesia Tahun 1948 sampai Tahun 1955. Yogyakarta: Universitas Sanata Dharma, 2007. XVII, 167 p.
3. Husain S.B. Menjemput Kerinduan Keluarga' Penyelesaian Dan Pengembalian Tahanan Politik Pulau Buru Ke Masyarakat, 1965-1979 // Lensa Budaya: Jurnal Ilmiah Ilmu-Ilmu Budaya. 2019. No 2. Vol. 14. P. 35-50.
4. Kattsoff L. Pengantar Filsafat. Yogyakarta: Tiara Wacana Yogya, 1992. IX, 259 p.
5. Moedjanto G. Indonesia Abad ke-20: Dari Perang Kemerdekaan Pertama Sampai Pelita III. Yogyakarta: Kanisius, 1991. 181 p.
6. Moleong L.J. Metodologi Penelitian Kualitatif. Bandung: PT Remaja Rosdakarya, 2017. XIV, 410 p.
7. Mungsi H. Dari Masa Lalu ke Masa Kini: Memori Kolektif, Konstruksi Negara Dan Normalisasi Anti-Komunis // Jurnal Etnosia J. 2016. No 1. Vol. 1. P. 30-43.
8. Nabilah N.R. Denasionalisasi Eksil 1965 Dalam Novel Pulang Karya Leila S. Chudori: Perspektif Giorgio Agamben // Pujangga. 2023. No 2. Vol. 9. P. 197-216.

9. Nami N.I.B. Faktor-Faktor Penyebab Kegagalan Gerakan Pemberontakan Partai Komunis Indonesia (PKI) 1926-1927 // *Politeia: Jurnal Ilmu Politik*. 2022. No 1. Vol. 14. P. 1-16.
10. Patra H., Narny Y, Studi P., Sejarah P., Budaya F.I. Kata Kunci // *Criksetra: Jurnal Pendidikan Sejarah*. 2022. No 1. Vol. 11. P. 54-70.
11. Peristiwa Pembontakan G 30 S/PKI [Web resource] // Scribd Inc. 2025. URL: <https://goo.su/Iz5V9> (reference date: 11.01.2025).
12. Permata H. Gerakan 30 September 1965 Dalam Perspektif Filsafat Sejarah Marxisme // *Jurnal Filsafat*. 2016. No 2. Vol. 25. P. 220-251.
13. Ricklefs M.C., Nugraha M.S. *Sejarah Indonesia modern 1200-2008*. Jakarta: Serambi Ilmu Semesta, 2008. XX, 865 p.
14. September G., et al. Kontroversi Keterlibatan Soeharto Dalam Penumpasan G30S/PKI 1965 // *Kalpataru: Jurnal Sejarah Dan Pembelajaran Sejarah*. 2013. No 2. Vol. 2. P. 1-12.
15. Shahdeini S.R. *Sejarah Hukum Indonesia*. Jakarta: PT Kencana, 2021. XXIII, 437 p.
16. Sholehah F. Strategi Soeharto dalam Pemberontakan PKI 1965 // *Journal of Islamic Interdisciplinary Studies*. 2023. No 1. Vol. 2. P. 75-84.
17. Soedarmo R., Ginanjar. Perkembangan Politik Partai Komunis Indonesia (1948-1965) // *Jurnal Artefak*. 2014. No. 1. Vol. 2. P. 129-138.
18. Soedarmo R., Muslimin R.S. Peranan Sjam Kamaruzzaman Dalam Gerakan 30 September Tahun 1965 // *Jurnal Artefak*. 2014. No. 1. Vol. 2. P. 59-76.
19. Suharsimi A. *Prosedur Penelitian: Suatu Pendekatan Praktik*. Jakarta: Rineka cipta, 2010. XI, 413 p.
20. Syahbuddin. Upaya Soeharto Memotong Pilar-Pilar Kekuasaan Soekarno // *Jurnal Pendidikan IPS*. 2017. No 1. Vol. 7. P. 1-11.
21. Wirawan W. Aksi partai komunis indonesia 1926-1965 [Web resource] // Scribd Inc. 2025. URL: <https://goo.su/Q3OvXUv> (reference date: 11.01.2025).

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