

## Chapter 24

# Legal responses to violence in post-Soeharto Indonesia

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In the end, nothing which the ethnic Chinese themselves do can fully account for the feeling against them; nothing they can do can fully counteract that sentiment.

(Somers Heidhues, 1974)

This chapter is concerned with the possible legal responses of Indonesians who are victims of violence, as individuals or as an ethnic group as a whole. The discussion begins with a brief investigation of anti-Chinese violence in Indonesia in recent times before then considering the legal options available to ethnic Chinese and other victims of violence and reviewing actions undertaken to date. This leads into a broader consideration of how the state has dealt legally with violence in the post-Soeharto era.

### **Ethnic Chinese Indonesians and violence**

Violent acts towards ethnic Chinese in Indonesia can be traced back through its colonial past. Killings at Kudus in 1918 are frequently cited as the first example of anti-Chinese violence, followed by violence in Tangerang in the late colonial period in 1945; in West and Central Java in the early 1960s; and wide-scale expulsions of ethnic Chinese from Aceh in north Sumatra and from rural areas in west Kalimantan in the late 1960s. More recently an increase in the number of incidents and the severity of violence against ethnic Chinese Indonesians during the period beginning 1996-1997 occurred within the context of widespread escalation in violent conflict among civilians, between civilians and the state and extrajudicial violence or state-led terrorism in Indonesia (Coppel, 1983; Mackie, 1976; Somers, 1974; The Siauwi Giap, 1966). Escalating conflicts of various types across Indonesia such as those in West Kalimantan, Aceh, Papua, East Timor, East Java and Maluku reveal that anti-Chinese violence was not taking place in a vacuum. The range of violent acts perpetrated by the state, including extrajudicial kidnappings, torture, and killings, shows also that the sources of violence are often to be found among the nation's elite. Less obvious or overt forms of violence, such as psychological violence or trauma, economic deprivation or poverty, displacement and domestic violence likewise mark this period of Indonesia's history as a time of tremendous suffering. Anti-Chinese violence needs to be viewed in this wider context, nonetheless it stands apart from these other cases mentioned, in that the limits to it are unlike those on other forms of

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