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**Considering the Feasibility of Suharto's Heroic Title: A Historical,
Juridical Analysis, and the International Court of Justice Decision on the
1965-1966 PKI Massacre Tragedy**

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Article	Abstract
<p>Received: Des 02, 2025; Reviewed: Jan 07, 2026; Accepted: Feb 09, 2026; Published: Feb 26, 2026.</p>	<p><i>This study examines the feasibility of awarding the national hero title to Suharto according to the provisions of Law No. 20 of 2009 and Government Regulation No. 35 of 2010, the historical 1965- 1966 massacre tragedy, and the verdict of the International People's Court. The qualitative approach as the method with normative legal research and historical studies used. The study shows that the tragedy of 1965-1966 was a systematic larga scale of PKI members' massacre and sympathizers without a fair judicial process. Suharto is the central of military command with significant responsibility for the crime. The 1965 International People's Court concluded that the Indonesian state was responsible for crimes against humanity, while supported by Komnas HAM report and international human rights institutions. The juridical analysis shows the mass murder is a despicable act that is different with the national hero conferment. The study concluded that Suharto did not require as a national hero with the gross human rights violations involvement that could not be erased by his services in other fields. The hero title to human rights violators disregard justice for victims and undermine Indonesia's commitment to the rule of law and human rights.</i></p> <p>Keywords: National Hero Title, Suharto, Tragedy 1965-1966, Human Rights Violations, International People's Court.</p>

A. INTRODUCTION

The debate on the granting feasibility as national hero to Suharto, the second Indonesian President who ruled for 32 years (1966-1998), continues to be a discourse that causes opposition in Indonesian society. Meanwhile, several groups stated that Suharto is vital to save the country from communism during Gerakan 30 September 1965 (Leriadi, 2025). Furthermore, the opposing groups highlight the dark record on the leadership, especially the serious human rights

violations in 1965-1966 with millions of peoples and sympathizers of the Indonesian Communist Party (PKI) were massacred without a legal judicial process (BBC, 2025).

The awarding of national hero title is not a simple matter to determined according subjective views or political interests, which the title is the highest honor from the state to citizens with extraordinary contributions for the nation and state. Therefore, the determination must require comprehensive, objective, and based on the applicable law provisions. Law No. 20 of 2009 about Titles, Marks of Merit, and Marks of Honor and Government Regulation No. 35 of 2010 regulated the conditions to be fulfilled by a person as a national hero (BPK, 2009).

One of the fundamental requirements outlined in the laws and regulations is that the candidate for national heroes must have a clean track record, refrain form acts that degrade the dignity and humanity degree, and not violate human rights (BPK, 2009). It is relevant to examine Suharto's case in the 1965-1966 mass massacre tragedy. The tragedy in various literature and victim confessions is the one of the largest mass massacres in mankind history of 20th century, which become a dark chapter in Indonesian history that has not been resolved legally and justly (Roosa, 2008, hlm. 3).

The 1965-1966 tragedy in history not only became a national concern, but also received international attention. The tragedy examined by international human rights institutions, independent researchers, and international legal mechanisms. Several studies concluded that the tragedy requires the crimes elements against humanity and genocide in international law (Melvin, 2018, hlm. 1). International People's Tribunal/IPT (Pengadilan Rakyat Internasional) 1965 in Den Haag, Netherlands at 2015 concluded that the Indonesian state in Suharto regime is responsible for the crimes against humanity in that period (Wieringa dkk., 2019, hlm. 3-4).

Based on this background, this study analyzes several main problems, there are: (1) What are the juridical provisions regarding the requirements for the appointment of a person as a national hero based on Law No. 20 of 2009 and Government Regulation Number 35 of 2010? (2) What are the historical facts about Suharto's role in the massacre of PKI members and sympathizers' tragedy in the period 1965-1966 that carried out without a judicial process? (3) What are the decisions and determinations of the international court and international human rights institutions regarding the 1965-1966 tragedy in Indonesia? and (4) Is Suharto eligible to be the national hero if measured through applicable law provision and the historical human rights violations record?

According to the problem statements, this study aims to: (1) analyze the juridical provisions regarding the appointment of national heroes based on applicable laws and regulations, (2) elaborate on historical facts related to Suharto's involvement in the 1965-1966 tragedy, (3) examine the verdicts and considerations of international institutions regarding these events, and (4) assess the feasibility of awarding the title of national hero to Suharto based on legal and human rights aspects.

The research expected to contribute on academic heroic discourse in Indonesia like a consideration for policy makers to evaluate the awarding of the title of national hero in a more objective, transparent, and fair manner. Theoretically, this research enriches the heroism concept from public law and human rights perspectives. Meanwhile, the research practically can be a reference for the government through the Council of Titles, Marks of Merit, and Marks of Honor implement a more comprehensive evaluation of prospective national heroes like to provide more

objective understanding to the public about the history of the nation, especially 1965-1966 tragedy to encourage just reconciliation efforts.

B. MATERIALS AND METHODS

This research uses a qualitative approach with normative legal research methods combined with historical research (Christiani, 2016; Majeed dkk., 2023). A normative legal approach used to analyze the laws and regulations provision regarding the national heroes appointments with historical approach to examine historical facts regarding Suharto's role in the 1965–1966 tragedy through documents sources, victims' testimonies, and published academic literature.

The data used in this study is secondary data including primary, secondary, and tertiary legal materials. Primary legal materials include Law No. 20 of 2009 concerning Titles, Marks of Merit, and Marks of Honor, Government Regulation No. 35 of 2010 and the 1965 International People's Court decision document. Secondary legal materials obtained from documents, scientific journals, research results, and reports from international human rights institutions including Amnesty International and Human Rights Watch. The tertiary legal materials are relevant legal dictionaries and encyclopedias.

Data collection was carried out through literature studies with various literature review that directly related to the research topic (Anggito & Setiawan, 2018, hlm. 28). Historical data were collected from national archives, official government documents which officially published for public, including documented testimonies of victims and eyewitnesses. In addition, academic research from independent researchers from regional or international is a reference in strengthening the historical analysis carried out.

The data generally were analyzed qualitatively with content analysis and comparative analysis methods (Hardani dkk., 2020, hlm. 35). Content analysis aims to identify and interpret the legal provisions and historical documents meaning, while comparative analysis aims to compare historical facts regarding Suharto's role with the juridical requirements to obtain the national hero title. According to the analysis, it concluded that the feasibility of granting Suharto as national hero.

C. RESULT AND DISCUSSION

1. Juridical Provisions for the Appointment of National Heroes

a. Legal Basis and Definition of National Heroes

The granting title of national hero in Indonesia is regulated in Law No. 20 of 2009 about Titles, Marks of Merit, and Marks of Honor and Government Regulation No. 35 of 2010 concerning Marks of Honor of Marks of Merit (BPK, 2009). According to the provisions, national hero is a title given for Indonesian citizen or a person who fought against colonialism in the territory which is now the Unitary State of the Republic of Indonesia who died or died to defend the nation and state, acts as heroism in their life or produced extraordinary achievements and works for the development and progress of the nation and Indonesia.

The title of national hero is the highest award from the country to its citizens (Marwan dkk., 2017, hlm. 2). The title requirement as the highest award require caution in the determination process. The appointment of a person as a national hero is not only a services recognition, but also the state official statement that the person deserves as an example for the

entire Indonesian nation, both the current and future generations. In this context, the state effectively defines the moral and ethical standards that expected to guide the citizens.

Therefore, the appointment must go through a rigorous process and related to objective criteria. It is crucial to maintain the title dignity and ensure that only those who are genuinely meritorious and have high integrity. Neglecting strict standards affect the value degradation and fundamental questions about the state's commitment to the values as the cornerstone of the nation's life.

Furthermore, the appointment of person as a national hero has a very strong pedagogical dimension. The national hero figure will be taught to children in schools, enshrined in history books, and will be remembered in various state ceremonies. Thus, the mistake to determine national heroes will not only affect on the present, but will also continue to have consequences for the formation of the nation's character in the future. Children who are taught to emulate figures who turn out to have a record of human rights violations will experience moral confusion after learn facts about contradict the heroic narrative.

b. Requirements for the Appointment of National Heroes

According to the Government Regulation No. 35 of 2010, the requirements as a national hero are divided into two categories, there are general and special requirements (BPK, 2010).

General Terms:

- 1) Indonesian citizens who have died and during their lifetime:
 - Have a high patriotism and nationalism spirits
 - Have integrity and noble personality
 - Have a high dedication and commitment to the nation and state
 - Have fought to defend the interests of the nation and the country
 - Never surrender to enemies or opponents in the struggle to defend the nation and state
 - In his struggle, he never committed despicable acts that are contrary to the noble values of the nation
- 2) Made extraordinary contributions for the nation and state
- 3) Have a positive impact on the community, nation, and state welfare

Special Requirements:

- 1) Have died for at least 5 years, except in certain circumstances
- 2) Widely recognized as a meritorious figure and exemplary by the community
- 3) Accomplished monumental works that contributed to the nation and state or engaged as heroic deeds
- 4) Showed consistency in their struggle and devotion

From the above provisions, it seems clear that the requirements as the national hero are not only related to merits or achievements, but underline the great emphasis on personal integrity, noble personality, and not committing reprehensible acts aspects. It shows that the national hero title should not be granted for someone who have merits, but the life record marked by human rights violations or actions that against the human values.

This emphasis on general and noble personality actually contains a profound philosophy. Lawmakers recognize the significant contribution of a person for the nation and state must be balanced with high moral qualities. A leader who succeeds build infrastructure

or improve the economy, while commits actions that violate human rights should not be the example. Furthermore, if such a figure honored as a hero, then the message conveyed to future generations is that the end can justify the means, and that physical development is more important than humanity.

The problem becomes more complicated when the contribution forms a person are impactful and real in some perspectives, while there is strong evidence on human rights violations involvement. In such situations, policymakers mostly facing strong political and social pressure to ignore or minimize such violations. However, the existing legal provisions have actually provided clear guidelines: there are no exceptions for those who commit reprehensible acts, no matter how impactful the contribution was.

Furthermore, the requirement for candidate to be national hero must widely be recognized as a meritorious figure, exemplified by the community and require its own problems. Public recognition of a person's merit is often influenced by the dominant historical narrative that does not necessarily reflect the historical truth. The Indonesian official historical narrative taught for decades, which oftenly ignores or covers up the dark tragedy in certain power leader. As a result, the public perception that forms is a confession based on incomplete or even misleading information (Herlambang, 2013, hlm. 13–14).

Therefore, the appointment process of national heroes must not depend solely on public perceptions or recognitions that may have been distorted by propaganda or historical silencing. The process should involve in-depth, objective, and courageous historical research to reveal the aspects of the future hero's life, including unpleasant or controversial. The approach ensures that the title of national hero is granted for those who deserve it, not for who have simply mastered the historical narrative.

c. Interpretation of the element "not to commit a reprehensible act"

One of the very important elements in the requirements for the appointment of national heroes is "never to commit reprehensible acts that are contrary to the noble values of the nation (tidak pernah melakukan tindakan tercela yang bertentangan dengan nilai-nilai luhur bangsa)" The element interpretation must be implemented comprehensively into generally applicable human rights principles.

Reprehensible acts in this context interpreted as acts that violate the rule of law, religious rules, moral rules, and human rights rules. In world law context, where acts like mass killings, torture, enforced disappearances, and other crimes against humanity create grave violations which can not be forgiven or ignored, even if committed in the political upheaval context or power (Martiar, 2025).

However, the despicable acts interpretation in reality is often serves for highly political discourse. People who support the national hero title, even if the person recorded has human rights abuses, often seek to redefine or narrow the meaning of "despicable acts". The common used argument is that such actions occurred within an extraordinary political context, aimed to save the nation from certain threats, or recent human rights standards should not be applied retroactively to the past (Leriadi, 2025).

This kind of argument is actually very dangerous and unacceptable from the human rights law perspectives. The basic principles of human rights, including the right to life, the right not to be tortured, and the right to a fair trial, are absolute rights and cannot be diminished

under various circumstances. This principle stated as as irreducible rights (Arifin, 2019, page. 41). This shows that there is no justification for any reason like an emergency, a threat to national security, or any other political interest used as an excuse to violate the rights.

Furthermore, the argument that recent human rights standards cannot be applied to evaluate past actions is also inappropriate. The basic human rights principles actually been recognized in various world legal documents, including the 1948 Universal Declaration of Human Rights and various other human rights treaties that existed since the middle of the 20th century. Indonesia has ratified various world human rights treaties, where it has committed itself to respecting and protecting these rights (Manurung dkk., 2025, hlm. 477). Therefore, human rights violations that occurred after Indonesia's independence, especially after Indonesia had bound itself to various human rights treaties, could not be justified on the grounds that these standards had not yet applied at that time.

The noble values of the Indonesian nation as stated in Pancasila and the 1945 Constitution serve respect for human rights as a fundamental principle. The preamble to the 1945 Constitution expressly states that independence is the right of all nations, and Articles 28A to 28J of the 1945 Constitution (as amended) regulate in detail the protection of human rights (Hukumonline, 2025). Therefore, any act that violates human rights, including murder without law process must be categorized as a despicable act that is contrary to the noble values of the nation.

It is crucial to underline that the values of Pancasila as the fundamental of Indonesian philosophy emphasize a just and civilized human as its second principle. This is not a coincidence, but it shows that the nation founders are well aware of the importance of respect for human dignity as the nation and state foundation. When Pancasila underline a just and civilized humanity, which means respect for every human being without exception, including those who are considered political or ideological enemies.

In this context, the mass murder of members or persons accused of being members of a particular political organization without a fair judicial process is clearly a violation of just and civilized human values. There is no reason to justify mass killings, including the grounds that the victim was a member of an organization that was considered a danger to the state. Furthermore, even those who are guilty have the right to be tried fairly and have the opportunity to defend themselves.

Furthermore, it should be understood that in large-scale humanitarian tragedies, where the victims are often not only those who are actually involved in the organization or which they are accused, but also many innocent people, who are victims due to misidentification, personal grudges, or simply because the victims are in the wrong place at the wrong time. In mass killings, individual justice becomes impossible, and the tragedy is indiscriminate murder based on mere categories or accusations (Roosa, 2008, hlm. 34). It is the most basic form of injustice and violates the most fundamental principles of law.

Thus, the element interpretation of not committing reprehensible acts in the appointment of national heroes must be strictly implemented and leave no place for moral or political relativism. Person who found guilty of human rights violations, regardless of other services is not eligible to a national hero. This is not only important from a legal perspective, but also on a moral and pedagogical perspective, where the person appointment with human rights

violations record as a national hero show a very dangerous message to future generations about the values that this nation embraces.

2. Historical Facts of Suharto's Role in the 1965-1966 Tragedy

a. Historical Context in 1965

Understanding the Suharto's role in the 1965-1966 tragedy, it is necessary to understand the political context of Indonesia. In the mid-1960s, Indonesia was in a very turbulent political situation with sharp political competition among various political forces, including the Indonesian Communist Party that became the largest communist parties outside the Soviet bloc and China.

The political dynamics of Indonesia in this period cannot be separated from the recent Cold War at the world level. The Western bloc war led by the United States and the Eastern bloc led by the Soviet Union has penetrated into various developing countries, including Indonesia. In the domestic context, political tensions have increased according to President Sukarno's policy to get closer with the Communist Party of Indonesia and China that sparked anxiety among the military and Islamic groups (Green, 1990, hlm. 1–2).

On September 30, 1965, there is a tragedy that became known as the *Tragedi 30 September* or G30S, where seven high-ranking officers of the Indonesian National Army were killed. The tragedy used as an excuse to purge the PKI and groups that were considered affiliated or sympathetic to communism. Major General Suharto as the Commander of the Army's Strategic Command that time took over the military leadership and led the operation to suppress the PKI (Green, 1990, hlm. 51–52).

Until today, the Tragedi 30 September 1965 still uphold various questions that have not been fully answered. Various versions of the real mastermind behind the tragedy gradually debated among historians. However, regardless of who was responsible for the murder of seven generals, the clear response from the military under Suharto's leadership went far beyond legal and humanitarian boundaries. The tragic murder of seven generals cannot justify the massacre of hundreds of thousands or even millions of people carried out without legal process. Moreover, that political tensions cannot be used as a justification without any excuses for the occurrence of mass killings. In the law rule, the resolution of political conflicts must be carried out through legal and judicial mechanisms, not through mass violence. The existence of the Indonesian Communist Party as a legal political party at that time with millions of members and sympathizers should be protected by the constitution and applicable laws, as long as the party was not proven to have committed a crime through a fair judicial process.

It is also important to underlining that the propaganda built after the 1965 tragedy, which portrayed the PKI as a very dangerous group and must be exterminated, has shaped public perception for decades. This narrative is systematically constructed through formal education, state-controlled mass media, and various state ceremonies that repeatedly instill hatred of communism. It resulting on many Indonesian citizens grew up with the understanding that the 1965-1966 massacre was a justifiable and even heroic act (Herlambang, 2013, hlm. 10–11). In fact, if examined objectively with human rights principles and the rule of law, the massacre is clearly a crime that cannot be justified for any reason.

b. Scale of Slaughter and Method of Execution

Various studies and documentation conducted by independent researchers, human rights institutions, and truth commissions show that the massacres that occurred in the period 1965- 1966 were on a very large scale. The estimated number of casualties varies from 500,000 to over half a million people based on the source and the calculation method (Roosa, 2008, hlm. 30–31). The large people were killed in short period of time make it as the one of the largest mass massacres in modern history.

This variation in victims estimates reflects difficulty of recording accurately document crimes against humanity that occur in a mass and coordinated manner. Many victims were buried in unrecorded places, dumped into rivers or seas, or even burned without leaving a clear trace. The absence of legal efforts by the Indonesian government to conduct thorough investigation and open relevant archives further complicates efforts to determine the true number of victims. However, uncertainty regarding the exact numbers does not detract from the fact that crimes against humanity have occurred on a very large scale.

The massacre was not only carried out by the military apparatus, but involved civilian groups that were mobilized and given logistical support and justification by the military. The execution methods were cruel, including beheadings, burning alive, dumping into rivers, and various of cruel torture forms. The victims were not only limited to active members of the PKI, but wider into the sympathizers, families, and even people accused or suspected related to the PKI without sufficient evidence (Roosa, 2008, hlm. 31).

The civilian groups involvement in this massacre raises serious questions about the strategy used by the military. The civilian masses mobilization to commit murder, where the military not only shifted some of the responsibility to civil society, but created a horizontal division in society with impact that is still felt today. The massacre caused collective trauma with neighbors turning against neighbors, families betraying families, and communities destroyed from within and social bonds shattered are deeply wounds that are difficult to heal. This strategy shows a planned level and systematic atrocities as not a spontaneous reaction to political threats.

The survivors; perspectives and eyewitnesses show the terrible the tragedy. Many of the victims were tortured before being killed which aim to gain recognition or information about other PKI members. The torture included brutal beatings, electric shocks, immersion in water, and various forms of sexual violence. Women are victims of multi-layered violence that is not only because the political affiliation or families, but because of gender as targets of systematic sexual violence (Herlambang, 2013, hlm. 105–106).

The important note is that this massacre was carried out without going through a fair judicial process. The victim was not given the opportunity to defend himself, there was no evidentiary process, and no legal mechanism was implemented. This is a fundamental violation of the most basic principles of the rule of law and human rights, namely the right to life and the right to a fair trial.

Even in the war or emergency context, humanitarian law and human rights law require minimal processes to ensure that punishment is given only to those who are truly guilty after a fair trial. In the case of the 1965-1966 massacre, while there was no such process at all. People are killed solely based on accusations, suspicions, or even out of personal grudges

wrapped up in political reasons. It is the most extreme form of injustice and violates all the principles of civilization and humanity.

c. Suharto's Role and Responsibilities

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d. Systematic and Widespread Patterns: Indication of Crimes Against Humanity

According to Rome Statute of the International Criminal Court, crimes against humanity is acts committed as part of widespread or systematic attacks directed directly against the civilian population. Crimes against humanity elements include murder, extermination, slavery, forced displacement, torture, and other inhumane acts (Begem dkk., 2019, page. 1).

The 1965-1966 massacre fulfilled these elements. First, the attacks were directed against certain civilian groups, namely PKI members and sympathizers like those accused of being affiliated with communism. Second, the attacks were carried out widely, covering almost the entire territory of Indonesia, from Sumatra to Bali, with high concentrations in Central Java, East Java, and Bali. Third, attacks are systematic, organized through a clear coordinated military command structure (Melvin, 2018, page. 4).

The characteristics of systematic attacks can be seen from various aspects: the existence of a pre-prepared list of names, the coordinated mobilization of civilian groups, the provision of logistical support by the military, and a uniform pattern of killings in various areas. These show that the massacre was not a spontaneous action, but part of a policy that was planned and implemented in an organized manner.

Evidence of the systematic nature of the massacre can be found in various testimonies and documents. In many areas, the military rounds up people accused of being members or sympathizers of the PKI, then detains them in a camps, and kills them in groups. The same pattern is repeated in different regions, where the existence of uniform guidance or orders from the central level. It is impossible for a massacre on such a large scale and with such a uniform pattern to occur without the coordination and planning of the highest level of command.

Furthermore, the systematic nature showed from the existence of an organized victim identification mechanism. The list of names used to arrest and kill people accused of being members of the PKI was compiled with the help of military intelligence and sometimes also with information from parties with personal grudges. After being arrested, victims were often tortured to provide information about other PKI members, who then added to the list of names to be arrested and killed. It is an organized and sustained cycle of violence, not just a spontaneous act of revenge.

The widespread aspect of the attack is evident from the very wide geographical coverage. Almost no region in Indonesia is free from violence, although the intensity varies. In Central Java, East Java, and especially Bali, massacres reached very high levels, with thousands or even tens of thousands of people killed in a short period of time. In other areas, although the scale may be smaller, the same pattern of violence persists. The breadth of this geographic coverage once again shows that the massacre is part of national policy, not just a discrete local incident (Brown, 2003, page. 98–99; Herlambang, 2013; Roosa, 2008).

The recognition of the 1965-1966 tragedy as a crime against humanity is not only

important from a historical justice perspective, but also has significant legal implications. Crimes against humanity have no time limit for prosecution, meaning perpetrators can be prosecuted at any time, even decades after the crime has been committed. This is different from ordinary crimes that have an expiration date. This principle reflects the international community's awareness that crimes against humanity constitute a very serious violation of the conscience of humanity, and therefore cannot be left unaccountable, no matter how much time has passed.

In the context of the appointment of national heroes, the recognition that the tragedy of 1965-1966 constituted a crime against humanity has clear consequences: those involved in such crimes, especially those in positions of command and with the greatest responsibility, cannot be raised as national heroes. Elevating the perpetrators of crimes against humanity as national heroes is not only contrary to the law and human rights principles, but also the most cruel insult to the victims and their families, as well as to the values of humanity itself.

3. Judgments and Determinations of the International Court of Justice

a. International People's Court (IPT) 1965 and the Report of the National Commission on Human Rights

On November 10-13, 2015, the International People's Tribunal for Crimes 1965 in Indonesia was held in The Hague, Netherlands. Although this court is not a formal court whose verdict is legally binding, its proceedings and verdicts have important moral and political significance. The panel of judges is made up of international legal experts, including former judges of the International Court of Justice, who listen to the testimony of victims, historians, and examine available documents.

In its ruling issued in 2016, the tribunal concluded that the Indonesian state was responsible for ten serious human rights violations that occurred between October 1965 and March 1966. These violations include mass murder, extermination, slavery, torture, deportation, and sexual crimes. The Tribunal specifically stated that the crimes were committed as part of a widespread and systematic attack on the civilian population, thus meeting the definition of crimes against humanity.

The tribunal importantly concluded that the United States, Britain, and Australia had political and moral responsibility for providing support to the Indonesian military in carrying out the massacre, even though they knew or should have known that crimes against humanity were taking place (Wieringa dkk., 2019, page. 3–4).

At the national level, Indonesia's National Human Rights Commission (Komnas HAM) has conducted an investigation into the events of 1965-1966. In its report submitted to the Attorney General's Office in 2012, Komnas HAM concluded that there had been gross human rights violations during that period. The report recommends that the case be followed up to the investigation and prosecution stage through the *Ad Hoc Human Rights Court* (Mastura, 2016, hlm. 66).

However, recently the recommendation has not been followed up by the Attorney General's Office. This shows a political unwillingness to resolve cases of past human rights violations, which in turn perpetuates impunity for the perpetrators.

b. The Position of International Human Rights Institutions and the Concept of Crimes against Humanity in International Law

Various international human rights institutions have long highlighted the 1965-1966 case in Indonesia. Amnesty International, Human Rights Watch, and the International Commission of Jurists have consistently urged the Indonesian government to conduct independent investigations, prosecute perpetrators, and provide reparations to victims. The United Nations through its various human rights mechanisms, including the Special Rapporteur for Truth, Justice, Reparation and Non-Recurrence, has also made recommendations to the Indonesian government to resolve past human rights abuses, including the 1965-1966 tragedy (Angkasa & Fathonah, 2024, page. 53–54).

International human rights law and international humanitarian law have evolved to recognize that certain crimes that are serious and violate human dignity cannot be forgiven or absolved for any reason, including political or ideological reasons.

The principle of command accountability in international law states that a military commander or political leader can be held accountable not only for his immediate actions, but also for actions committed by his subordinates if he knows or should have known that a crime is about to be committed and he does not take the necessary steps to prevent or stop it (Fani, 2020, page. 47).

In the context of Suharto, his position as the holder of military command at the time of the tragedy of 1965-1966 and as President for the next 32 years without ever initiating a fair legal process, placed him in a position that was morally and juridically accountable for the crimes committed.

4. Analysis of Suharto's Feasibility as a National Hero

a. The General Evaluation and Special Requirements

If we evaluate Suharto on the general conditions for the appointment of national heroes, there are several fundamental problems that cannot be ignored.

First, it is related to integrity and noble personality. Although Suharto with stabilizing security and economic development early in his reign, but the he historical record shows the methods to achieve such stability involved very serious human rights violations. The undue process of hundreds of thousands of people, torture and other human rights violations cannot be categorized as acts that reflect integrity and noble personality.

Second, related to the condition of never committing reprehensible acts that are contrary to the noble values of the nation. The mass murder without is clearly the most serious despicable act. The noble values of the Indonesian nation according to Pancasila and the 1945 Constitution place respect for the right to life and the right to a fair trial as fundamental principles.

Third, regarding the positive impact on community welfare. Although the New Order regime recorded economic growth in a certain period, but it was accompanied by political oppression, silencing of freedom of opinion, systemic corruption, and social injustice (Hardewita, 2025, hlm. 114). Furthermore, the trauma caused by the tragedy of 1965-1966 to hundreds of thousands of victims' families is a suffering that continues to the next generation.

In special conditions, where Suharto has been dead for more than 5 years, and perhaps some people recognize his services in economic development, the aspect of *"has been widely recognized as a meritorious and exemplary figure (telah diakui secara luas sebagai tokoh yang berjasa dan diteladani)"* is problematic. Recognition of a person as a hero must be

substantive and based on the totality of his track record, not just on certain aspects by ignoring the serious offenses he has committed.

Furthermore, imitating Suharto with the totality of his historical record, including his human rights violations, will actually endanger the nation's character education process. True exemplary should include consistency between goals and means, between the results achieved and the methods used. Economic development achieved through oppression and slaughter cannot be used as an example for future generations.

b. Compression and Implications

To clarify the analysis, it is necessary to make a comparison with figures who have been designated as national heroes. Figures such as Soekarno, Mohammad Hatta, Tan Malaka, Cut Nyak Dien, and other heroes have similarities in terms of sacrifice and struggle for independence and the interests of the nation. What differentiates them from Suharto is the absence of a record of gross human rights violations in their track record.

Even if there is controversy in the policies taken by certain national heroes, none of them have a record of mass murdering hundreds of thousands of people without due process. The standard of eligibility to be a national hero must be applied consistently and objectively, not based on political interests or the subjective views of a particular group (BPK, 2009).

Awarding the title of national hero to someone who is proven to be involved in gross human rights violations will have serious negative consequences for the nation and state. First, in terms of justice for the victims. Hundreds of thousands of victims and their families who are still demanding justice will feel that the state has betrayed their cause. This will further deepen the wounds of history that have not yet healed and hinder the process of national reconciliation (KontraS, 2025).

Second, in terms of the rule of law and human rights. Indonesia has ratified various international conventions on human rights and has amended the 1945 Constitution to include comprehensive guarantees of human rights protection. Awarding the title of hero to a serious human rights violator would send a very bad message that the state is inconsistent with its commitment to respect for human rights.

Third, in terms of education and character development. National heroes should be role models for the younger generation. If the state elevates gross human rights violators as heroes, then indirectly the state teaches that the goal can justify the means, that mass killings can be forgiven if the perpetrators are considered meritorious in other aspects. This is a very dangerous lesson for the future of the nation.

Fourth, in terms of Indonesia's reputation in the international world. In the era of globalization and information transparency, a country's record of human rights violations has become a concern for the international community. Giving the title of hero to human rights violators will damage Indonesia's image as a country committed to democracy and human rights.

c. The Principle of Non-Impunity in International Law

One of the fundamental principles in international human rights law is the principle of non-impunity, which is the prohibition of granting immunity or pardon to perpetrators of gross human rights violations. This principle is based on the belief that crimes against humanity are very serious crimes that should not be left unaccounted for (Wieringa dkk., 2019, hlm. 37).

Awarding the title of national hero to someone responsible for gross human rights abuses, while not technically a form of legal amnesty, has substantially the same effect. The title of hero gives moral and political legitimacy to actions committed by the person, including actions that violate human rights.

In cases in other countries that have experienced a dark past of human rights abuses, such as Argentina, Chile, South Africa, and Cambodia, the judicial process and accountability of perpetrators are an important part of the transition to democracy and national reconciliation. None of these countries award awards or honorary degrees to perpetrators of gross human rights violations, although they may be considered meritorious in other aspects (Lutz & Sikkink, 2000, page. 644).

d. The Problem of Relevance and Moral Ethics

The actions defense often taken in 1965-1966 is based on the argument that they were necessary to save the nation from the threat of communism in the context of the Cold War (Leriadi, 2025). However, this argument cannot be used as a justification from a legal and human rights perspective.

First, human rights law and international humanitarian law do not permit the killing of civilians under any circumstances, including in the context of ideological conflict or war. The principle of proportionality and differentiation between combatants and non-combatants must still be respected in every situation. *Second*, even if we accept the premise that there was a real threat to communism at the time, a proportionate and lawful response would be through a fair judicial process, not through mass murder. A civilized state of law has a mechanism to prosecute those deemed to have committed rebellion or crimes against the state, without having to violate human rights. *Third*, historical facts show that many of the victims were not active members of the PKI or even had no connection whatsoever to communism (Roosa, 2008, page. 36–37). They were killed solely because of accusations, prejudices, or even because of personal conflicts that had nothing to do with political ideology. This shows that the massacres that occurred were not a measured response to a specific threat, but rather widespread and uncontrollable violence.

Beyond juridical considerations, there are moral and ethical dimensions that are very important in determining a person's eligibility to be appointed as a national hero. Heroes are symbols of the highest values embraced by a nation. By elevating a person as a hero, the nation declares that the person's life and actions are worthy of emulation and pride.

From an ethical perspective, there is a fundamental question: is it appropriate for the Indonesian people to be proud and emulate someone who is responsible for the murder of hundreds of thousands of his own citizens? Can services in the field of economic development compensate for or eliminate moral responsibility for crimes against humanity? Universal moral and ethical philosophy show that the right to life is the most fundamental, inviolable right. The violation of the right to life of hundreds of thousands of people is a very serious moral sin that cannot be eliminated by achievements in other fields, no matter how great the achievements may have been.

Indonesia as a nation still has a lot of homework to do in resolving various cases of past human rights violations, including the 1965-1966 tragedy. Various efforts have been made, ranging from investigations by Komnas HAM, the establishment of various truth

commissions at the regional level, to advocacy by civil society organizations. However, these efforts will be in vain if the state gives the highest reward to those responsible for such violations. True reconciliation must be built on a foundation of truth, justice, and recognition of the suffering of victims. Without these elements, reconciliation is just an empty rhetoric that perpetuates impunity and injustice.

The other countries experiences that have successfully transitioned from authoritarian regimes to democracy shows that acknowledging past wrongdoings, holding perpetrators accountable, and providing reparations to victims are important steps in the reconciliation process. The granting of the title of national hero for perpetrators of gross human rights violations will actually step back from the reconciliation effort.

D. CONCLUSION

Based on the historical, juridical analysis, and considerations of international court decisions that have been outlined in this study, it can be concluded that several important things regarding the feasibility of awarding the title of national hero to Suharto.

First, from a juridical perspective, the provisions stipulated in Law No. 20 of 2009 and Government Regulation No. 35 of 2010 expressly require that prospective national heroes must have integrity and noble personality and never commit reprehensible acts that are contrary to the noble values of the nation. The massacre of large people without a fair judicial process in 1965-1966 is the most serious and clearly reprehensible act that contrary to the noble values of the Indonesian nation based on Pancasila and the 1945 Constitution, especially the values of a just and civilized humanity.

Second, from a historical perspective, the history documentation facts show that Suharto as the holder of military command during the tragedy of 1965-1966 had significant responsibility for the mass massacre that occurred. Systematic and widespread killings of PKI members and sympathizers and people accused as affiliated with communism applied without due process of law. During his 32 years of leadership, Suharto never initiated legal proceedings to prosecute the perpetrators or provide justice for the victims, even the regime continued to systematically discriminate against the victims and their families.

Third, the 1965 International People's Court ruling held in Den Haag, while not legally binding, has important moral and political significance. A tribunal composed of credible international legal experts has concluded that the Indonesian state is responsible for crimes against humanity that occurred in the period 1965-1966. A similar conclusion was also conveyed by Komnas HAM in its 2012 report, as well as various international human rights organizations such as Amnesty International and Human Rights Watch.

Fourth, the granting of the title of national hero to Suharto would have serious negative consequences, including: (a) ignoring the sense of justice for hundreds of thousands of victims and their families; (b) undermining Indonesia's commitment to the rule of law and respect for human rights; (c) set a bad example for the younger generation that goals can justify the means; and (d) damage Indonesia's reputation in the eyes of the international world.

The problem statement answers in this study showed that Suharto was not qualified to be appointed as a national hero. While there may be certain services that can be attributed to his name, particularly in the stabilization of security and economic development in the early

period of his reign, they cannot eliminate or offset his responsibility for the gross human rights violations that occurred during the period 1965-1966 and continued throughout his reign.

The granting of the title of national hero is the highest award given from the state to its citizens. Therefore, it must be carried out with the utmost care related to objective and consistent standards, taking into account the totality of a person's track record and not just certain aspects by ignoring the serious offences he has committed.

This study suggests that the Indonesian government, especially the Council of Titles, Marks of Merit, and Marks of Honor should not give the title of national hero to Suharto. Furthermore, the government immediately follow up on Komnas HAM's recommendation to establish an Ad Hoc Human Rights Court to prosecute the perpetrators of human rights violations in 1965-1966 who are still alive includin provide appropriate reparations to the victims and their families.

The cases solution of past human rights violations completely related to the principles of truth, justice, and recognition of the suffering of victims make Indonesia move forward as a truly democratic nation that respects human rights. True reconciliation can only be achieved if it is built on a solid foundation of justice, but not on the abolition or abandonment of past crimes.

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