

# Hukum, jagal, dan asal-usul kekerasan banalisasi kekerasan dalam pembantaian massal 1965-1966 melalui sistem hukum dan penghukuman = The law, the killers, and the origin of violence the banalization of violence in the mass killings of 1965-1966 through the legal system and punishment

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## Abstrak

Penelitian ini menyingkap peran sistem hukum dalam melegitimasi pembantaian massal 1965-1966 sehingga pelaku menganggap tindakannya wajar bahkan heroik. Menurut Hannah Arendt, banalitas tindakan adalah kondisi di mana tindakan tak memiliki makna, dilakukan secara spontan, dan nyaris tanpa refleksi. Banalitas terjadi karena seseorang tak memiliki kemampuan untuk merefleksikan (lewat proses penilaian) tindakannya akibat kekacauan sosial, dan ekonomi di dalam masyarakat modern. Ketiadaan refleksi membuat tindakan menjadi tanpa makna, seperti Eichmann. Orang dengan mudah mencari alasan (i.e. 'kewajiban warga negara', 'tugas negara', 'pernyataan ulama', dll.) bagi setiap pembantaian yang dilakukannya tanpa mau (dan mampu) mengevaluasi kerangka bagi tindakannya. Di sisi lain, kehadiran sistem hukum menyediakan makna: bahwa tindakan kekerasan adalah tindakan yang taat hukum. Maka, pembantaian massal terhadap ratusan ribu hingga jutaan orang-orang (terduga) komunis mencerminkan tindakan warga negara yang taat hukum. Kerangka bagi tindakan pembantaian massal (patriotisme, sikap religius, sikap kultural) menjadi cerminan heroisme pelaku. Misalnya, 'ikut ambil bagian dalam pembantaian berarti ikut ambil bagian dalam peperangan melawan kaum komunis yang berniat menghancurkan NKRI' merupakan contoh narasi yang diciptakan oleh Orde Baru yang memberi kerangka bagi heroisme pelaku dan narasi-narasi semacam ini menjadi norma dalam peraturan hukum seperti TAP MPRS, Keppres, Inpres, dll.

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This thesis examines the role of legal system in legitimizing the mass killings of 1965-1966 so that the perpetrators proudly and patriotically deemed their deed as daily life activity like drinking a cup of tea in the morning or clapping a mosquito. Hannah Arendt states that banality is a condition in which the action is meaningless and spontaneously manifested in the absence of reflection. It occurs when men have no capability to 'think' (through assessment process) of their deeds caused by the social and economic collapse of modern society. The inability to think (or reflect) is caused by the absence of the meaning in action as Adolf Eichmann had done. Men justify themselves 'in the name of country', 'state duty', or 'clerical order' as their motivation to slaughter in the inability to evaluate the way they act, both before and after. Furthermore, the presence of a legal system provides legitimation, that: violence as a legal action. Thus, the extermination of the PKI members had become the duty of citizens guaranteed by the law. The motivations of the killings (e.g. patriotism, religious outlook, and cultural background), in turn, reflect the killers heroism. For instance, 'taking a part in the extermination of PKI members means taking a part in the war against communists who intend to destroy NKRI (The Republic of Indonesia)' was the one of propagandas, which was disseminated by the New Order regime, providing the normative framework of State regulations such as TAP MPRS (The Decision of Provisional People's Consultative Assembly), Presidential Decree, Presidential Instruction, etc.