

No. 29, November 2005

ISSN 1410-895X

**ARAH REFORMASI INDONESIA**  
**Politik, Hukum, dan Pendidikan**

**Collective Cambodian Memories of Pol Pot  
Khmer Rouge Regime**  
Yoseph Yapi Taum

**Penegakan Hukum dalam Satu Tahun  
Pemerintahan SBY**  
A. Kardiyat Wiharyanto

**Domestikasi Arah Politik Pendidikan  
& Profesionalisme Pendidik  
di Abad Pengetahuan**  
Y.M.V. Mudayen



**LEMBAGA PENELITIAN  
UNIVERSITAS SANATA DHARMA  
YOGYAKARTA**



# ARAH REFORMASI INDONESIA

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**Politik, Hukum, dan Pendidikan**

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## KATA PENGANTAR

Jurnal *Arah Reformasi Indonesia* nomor 29 ini menyajikan artikel tentang politik ingatan, penegakan hukum, dan pendidikan. Artikel pertama yang berjudul "Collective Cambodian Memories of Pol Pot Khmer Rouge Regime" yang ditulis oleh Yoseph Yapi Taum mengemukakan pengalaman Kamboja dalam mengelola politik ingatan mereka akan tragedi tiran despotik Pol Pot dengan mesin pembunuh Khmer Merahnya. Dalam ingatan kolektif bangsa Khmer, kepentingan regim Samdech Hun Sen yang berkuasa tampak lebih menonjol sementara hak-hak historis dan kemanusiaan masyarakat Khmer yang lebih luas dikorbankan. Alhasil, berbagai monument, hari peringatan, buku teks, film, dan karya seni lainnya menjadi beban historis daripada sarana pembebasan. Moral penulisan ini adalah agar arah reformasi Indonesia perlu menyentuh yang substansial, termasuk ingatan kolektif, rasa kemanusiaan dan keadilan bangsa.

Artikel kedua yang berjudul "Penegakan Hukum dalam Satu Tahun Pemerintahan SBY" yang ditulis A. Kardiyat Wiharyanto menyoroti pelaksanaan penegakan hukum selama satu tahun pemerintahan yang dipimpin oleh Susilo Bambang Yudhoyono. Dikemukakan bahwa usaha-usaha yang telah dilakukan oleh pemerintahan pimpinan SBY dalam penegakan hukum telah menunjukkan keberhasilan dan juga kegagalan. Yang jelas usaha pemerintahan SBY dalam penegakan hukum selama satu tahun ini belum optimal. Namun, sebagian rakyat masih yakin akan kemampuan pemerintahan SBY dalam menegakkan hukum di tanah air tercinta ini.

Artikel ketiga yang berjudul "Domestikasi Arah Politik Pendidikan & Profesionalisme Pendidik di Abad Pengetahuan" yang ditulis oleh Y.M.V. Mudayen menguraikan bahwa kemerosotan pendidikan bukan hanya diakibatkan oleh kurikulum tetapi juga diakibatkan oleh kurangnya kemampuan profesionalisme guru dan keengganan belajar



siswa. Guru yang profesional pada dasarnya ditentukan oleh sikapnya yang berarti pada tataran kematangan yang mempersyaratkan *willingness* dan *ability*.

Demikianlah artikel-artikel yang disajikan dalam *Arah Reformasi Indonesia* edisi ini. Diharapkan pemikiran-pemikiran yang disajikan bermanfaat bagi kehidupan bangsa Indonesia

Yogyakarta, November 2005

I. Praptomo Baryadi

DAFTAR ISI

<b>KATA PENGANTAR</b> .....	iii
<b>DAFTAR ISI</b> .....	v
<b>COLLECTIVE CAMBODIAN MEMORIES OF POL POT KHMER ROUGE REGIME</b> .....	1
Abstract .....	1
A. Introduction .....	2
B. Theoretical Framework .....	4
C. Making and Evoking Memory .....	6
D. Concluding Remarks .....	16
Notes .....	18
References .....	18
<b>PENEGAKAN HUKUM DALAM SATU TAHUN PEMERINTAHAN SBY</b> .....	21
A. Pendahuluan .....	21
B. Upaya Pemberantasan Korupsi .....	25
C. Usaha Pembangunan Bidang Hukum .....	29
D. Penutup .....	31
<b>DOMESTIKASI ARAH POLITIK PENDIDIKAN &amp; PROFESIONALISME PENDIDIK DI ABAD PENGETAHUAN.</b> .....	35
Abstrak .....	35
A. Pendahuluan .....	36
B. Domestikasi Arah Politik Pendidikan .....	38
C. Pendidikan di Abad Pengetahuan .....	40
D. Gambaran Pembelajaran di Abad Pengetahuan .....	42
E. Profesionalisme Guru .....	44
F. Penyebab Rendahnya Profesionalisme Guru .....	47
G. Tantangan Profesionalisme Guru di Masa Depan .....	48
H. Upaya Meningkatkan Profesionalisme Guru .....	50
I. Penutup .....	52
Daftar Pustaka .....	54



# COLLECTIVE CAMBODIAN MEMORIES OF POL POT KHMER ROUGE REGIME

Yoseph Yapi Taum

### Abstract

*Wilayah ingatan kolektif kurang mendapat perhatian dari para sarjana Indonesia sehingga sejarah kekerasan, teror, perang, kelaparan, ketakutan yang banyak melanda negeri ini dan meninggalkan warisan yang kompleks dan dramatis jarang ditransendensikan untuk mengupayakan "the future of never again". Ingatan kolektif bangsa kita yang centang perentang akan tragedi nasional pembantaian para pengikut/simpatizan PKI pasca kudeta 1965, misalnya, mencerminkan masih dominannya penguasa dalam menentukan arah reformasi bangsa kita. Kegagalan mengadili satupun pemimpin militer pasca kudeta 1965 dan banyaknya rekayasa politik ingatan atas kudeta itu membawa dampak yang buruk: sejarah menjadi "unreal" bagi generasi muda dan keadilan menjadi "invisible."*

*Tulisan ini mengemukakan pengalaman Kamboja dalam mengelola politik ingatan mereka akan tragedi tirani despotik Pol Pot dengan mesin pembunuh Khmer Merahnya. Dalam ingatan kolektif bangsa Khmer, kepentingan regim Samdech Hun Sen yang berkuasa tampak lebih menonjol sementara hak-hak historis dan kemanusiaan masyarakat Khmer yang lebih luas dikorbankan. Alhasil, berbagai monumen, hari peringatan, buku teks, film, dan karya seni lainnya lebih menjadi beban historis daripada sarana pembebasan. Moral penulisan ini adalah sebuah harapan agar arah reformasi Indonesia perlu menyentuh hal yang lebih substansial, termasuk ingatan kolektif, rasa kemanusiaan dan keadilan bangsa.*

Guru yang profesional pada dasarnya ditentukan oleh sikapnya yang berarti pada tataran kematangan yang mempersyaratkan kemampuan dan ability.

Demikianlah artikel-artikel yang disajikan dalam Aras Reformasi Pendidikan yang narik-narik dan menarik ini. Di dalam artikel ini disajikan DATA

Yogyakarta, November 2002

J. Praptomo Satrio

KATA PENGANTAR

DAFTAR ISI

COLLECTIVE CAMBODIAN MEMORIES OF POL POT

KHMER ROUGE REGIME

Abstract

A. Introduction

B. Theoretical Framework

C. Making and Evoking Memory

D. Concluding Remarks

Notes

References

PERBAGAN HUKUM DALAM SATU TAHUN

PERMINTAHAN SBY

A. Pendahuluan

B. Uraian Perkembangan Korupsi

C. Uraian Perkembangan Bidang Hukum

D. Penutup

DOMESTIKASI ARAB POLITIK PENDIDIKAN

& PROFESSIONALISME PENDIDIK DI ABAD PENGANTARAN

Abstrak

A. Pendahuluan

B. Domestikasi Arab Politik Pendidikan

C. Pendidikan di Abad Pengantaran

D. Gambaran Perkembangan di Abad Pengantaran

E. Profesionalisme Guru

F. Penyebab Rendahnya Profesionalisme Guru

G. Tantangan Profesionalisme Guru di Masa Depan

H. Uraian Meningkatkan Profesionalisme Guru

I. Penutup

Daftar Pustaka



## A. Introduction

April 17, 1975 was *day zero* for Cambodia. Two thousand years of Khmer history were immediately meaningless. That was the time Khmer Rouge (hereinafter KR) regime forces marched unopposed into central Phnom Penh. Within hours, KR began to implement their barbarous plan for a utopian communist society. The KR attempted to completely transform Cambodia overnight, by organizing the country into farming cooperatives, demanding total devotion to the state and wiping out any remnants of the old regime. That meant shutting off all contact to the outside world, eliminating loyalty to friends or family, emptying the cities, eliminating the Buddhist religion, and creating a fearsome central authority, the "*Angkar*," that punished any deviation with torture and death.

The military leader of the KR, Pol Pot (born Saloth Sar), became the new government's prime minister and establishing a radical Maoist regime, Democratic Kampuchea (DK), whose political and social policies devastated Cambodia. Pol Pot revolutionary regime saw themselves as introducing change and civilization to the region. They claimed that Cambodians were asleep or enslaved for two thousand years. As was often said by the KR, two thousand years of Cambodian history had now come to an end; April 17 was the beginning of Year Zero for the new Cambodia.

A political goal of the KR was to wipe out not only any opposition but also any potential opposition. Almost immediately upon taking control of Phnom Penh, the KR ordered the evacuation of Phnom Penh and all other cities. The city dwellers were forced to migrate to the countryside with little or no preparation. The KR economic program involved an all out push to build capacity for growing rice. The people of the countryside and the evacuees from the city were set to work clearing land, planting crops and building canals, all under the supervision of armed KR, as they began to implement their lethal project of social engineering intent upon making the utopian communist society.

Human cost during the 3 years, 8 months, and 20 days reign of the Pol Pot KR communists' regime is difficult to grasp on a human level: more than 2 million people were killed, died of overwork, starvation, malnutrition. Many thousands were executed for having western influence. KR turned the country to be a chamber of terror.

During my first mission to Cambodia (September 2003) it immediately became clear to me that the KR crimes in the 1970's still cast a paralysing shadow over Cambodian society. The killings of all educated professionals had left gaps that still crippled the judiciary, the government administration, including the health and education structures. The moral impact was even more profound. The fact that no one had been held accountable for the mass killings and other atrocities had clearly contributed to the culture of impunity which was still pervasive in Cambodia.

Wherever I went in Phnom Penh or in the provinces, one message became clear: the crimes were not forgotten. Almost everyone I met was personally affected, had suffered badly and/or had close relatives who died. From a survey of Documentation Center of Cambodia (DC Cam) presented on their web-site ([www.dccam.org](http://www.dccam.org)), it is known that percentage of those who losing their relatives during KR regime is 89.42%, whereas those no losing just 1.30%. Even now, more than two decades later, the overwhelming majority wanted those responsible to be tried and punished. The only argument against arrests and trials was the risk of further unrest and civil war.

However, with the death of Pol Pot in 1998 and the fall of the last stronghold Khmer Rouge (hereinafter KR) zones' of Pailin and Anlong Veng, Cambodia is nearing the endgame of the epic tragedy of long history of civil war. Peace seems has come to this beautiful land after three decades of civil war. Visitors can quickly develop the image of an idyllic, antiquated, and unhurried country of mystical jungle temples and Buddhist serenity (see also Elliot, 2002). Seanglim Bit (1994) words aptly describe Cambodia as a "*Gentle Land of Smiling People*" inhabited by nonviolent Buddhists who were always courteous, friendly, and ready with a smile.

Nevertheless, behind the Khmer smile there is a history of almost constant warfare. Since the 15<sup>th</sup> century, Cambodia has more often been known chaos than tranquility. As Yves Ramousse notes (see Ponchaud, 1990: 7), the joy of being Cambodian owes very little to the gifts of history. Pol Pot and his KR regime, a radical communist movement, has been one of the most cruelty regimes who turned Cambodia into a chamber of terror. It is a complex legacy with dramatic effect across the entire range of Cambodian realities-economics, military, social,



political and legal up to now (see Etcheson, 2000: 42-46). For many among the Cambodian, the image of peace is a thin veneer.

If we examine closely to the effects of twenty-five years of war and political violence on social relationships and social processes in Cambodia up until now, we realized that we are involved into the dark heart of Cambodia's tragic history. From this it follows some problematical questions. How Cambodian people and government involved in the making and evoking memories of Pol Pot KR regime? How their memory is shaped and codified by the information they received from history and through their own interest?

The main purpose of this research is to investigate collective Cambodian memories of the atrocities of Pol Pot KR regime. My objective is to observe a variety of Cambodian collective memories around the core question of how and why the society constructs its dark past in selective ways. My task is to discover strategies used by the state and community in remembering of their dark past.

## B. Theoretical Framework

The study of collective memory has a long and interdisciplinary history. The concept, which was emerged in the mid seventies, rose when the legacies of the past become a central to sociological, historical, political and linguistic research. Collective memory essentially carried by the tide of thought of historians on the relativity of knowledge in history and on the conflict of interpretations (see Lavabre, 2003; Aquilar, 1999).

Collective memory, as Markovits and Simon Reich (1977) assert, "is the lens through which the past is viewed, to help both masses and elites interpret the present and decide on policy." But as these authors also underline, it is needs to distinguish between *history* as a set of objectively definable events and *collective memory*, the subjective attribution of meaning to those key events. Collective memory becomes the more formidable influence over time, due to "its multiplicity, its murkiness, and its malleability." There are several collective memories, whereas there is only one unitary history (Aharony, 2004).

It is in society that people normally acquire their memories. As Halbwachs points out, the individual memory is socially constructed.

Hence, the distinction between individual and collective memory is not necessarily a sharp one. Both reflect first and foremost the conditions of the present in which they originate (Holtorf, 1993).

Scholars in the humanities have argued that memory of the past is not only influenced but constituted by social contexts of the present. This position is expressed by David Bakhurst (see Holtorf, 2000) who claims that to remember is always to give a reading of the past. According to Halbwach, collective memory is a "reconstruction of the past achieved with data borrowed from the present" (see Aharony, 2004). Therefore, in order to understand how collective memory works, we have to take into account not only historical knowledge or narratives but also, as Aharony stresses, "the construction of our emotional and moral engagement with the past." Some collective memory, consequently, can be easily manipulated.

There are two different kind of collective memories. The distinct are established in a study by Walton (2001) who explores the difference between theories of cultural hegemony (or cultural domination) and social memory. Walton points out that the theory of *cultural hegemony* generally understand collective memory as a tool of social control, control that may be contested but is typically possessed and managed by powerful groups (elites, class fractions, parties) for their own purposes as an imposed consensus. Domination of cultural meanings in the interests of a few, hegemony, is the core proposition, although the theory recognizes struggles for cultural power, contested meanings, and the possibility of "counter hegemony." The victors in social struggles write history in a variety of textual forms (monuments, museums, architecture, books, etc) that celebrate their interests and support their continuing domination.

As for *social memory*, Walton asserts that the theory centers on the idea that groups form distinct memories through the agency of formative class, ethnic, gender, educational, occupational, spatial, and generational experiences. Social memory is less a matter of instrumental and ruling ideas than it is a plurality of mental worlds that may exist in conflict with or insularity from competing ideas. Halbwachs (see Feichtinger, 2002) coined the term "collective memory" which he understood as prior to and the source of individual memories. Memory is socially derived and as coherent or segmented as the groups that



comprise society. Group memories are selective readings of historical fact that change as groups themselves are reconstituted over time. As Walton (2001) suggests, social memory deals less with power and manipulation, more with social bases and diversity.

The collective memory is conveyed in myriad forms of remembrance including historical texts (both popular and academic), commemorative ceremonies (festivals, rituals, parades), public displays (museums, monuments, expositions), as well as in works of art and architecture (Walton, 2001). Those strategies, examining in this study, express Cambodian accumulated and shared experience.

## C. Making and Evoking Memory

Examining several categories of significant collective memories, I have recognized that previous categories are insufficient to elucidate Cambodian collective memories. Hence, while receiving sense from Walton (2001) and Chen (2003), I introduce three main categories of the construction of Cambodian collective memories: *cultural hegemony*, *social memory*, and *natural representation*.

*The cultural hegemony* is described as state sponsored representation which is regards to power choice of remembering and forgetting, including considerations of how the specific period should be remembered. Collective memory subsequently used as a tool of social control possessed and managed by powerful groups (elites, class fractions, parties) to celebrate their interests and support their continuing domination (Walton, 2001). *Social memory* is community representation of the particular historical events which expressed freely, privately, and in some ways deal less with power and manipulation, more with social bases and diversity. The new category of *natural representation* or *natural memory* is needed since the two categories are insufficient to understand the politics of memory in Cambodian context. The representation of natural remembrance have another important characteristic: they are, by definition, anonymous. They are not vivified by names or formal signs which we can intimately bind to which elicit unmistakable sentiments and emotions in us. Nevertheless, they transmit a past. *The natural memory* attributes to the natural displays of the *silence* memories.

## C.1 Cultural Hegemony

### C.1.1 Public Displays

#### a. Genocidal Tuol Sleng Museum (S-21)

Genocidal Tuol Sleng Museum has become the central site for the construction of memories of Pol Pot KR regime. The prisoner became museum as a public and state-sponsored representation of the DK years. Before the wars of the last twenty-five years in Cambodia, Tuol Sleng was primary school and a lycee (Tuol Svay Prey). Step into the museum, we still imagine the milieu of a school. But inside, the presentation of horrors of DK, the years of KR control in Cambodia, are so vivid and ghastly. Tuol Sleng became a major place of torture and death and became sites of unspeakable brutalities to the perhaps 14,400 prisoners who passed through its gates.<sup>1</sup>

S-21 was an important secret prison operated by the KR in the capital city of Phnom Penh from mid-1975 through the end of 1978. Prison S-21 was the most primitive cells and facilities, where they imprisoned, tortured, interrogated, raped and killed thousands of innocent people, including, in their final paranoid phase, members of their own cadres.<sup>2</sup> Prisoners were shackled and in many cases 20-30 were shackled to an iron bar. The guards had been indoctrinated from childhood and were vicious and sadistic.

S-21 was only an *anteroom to death*—as Chandler (2000) labels it, where a prisoner forced to follow the bureaucracy of death (Barnett, 1980). Upon arrival at S-21, the prisoners were photographed, tortured until they confessed to whatever crimes their captors charged them with, and then executed. The prisoners' photographs and completed confessions formed dossiers that were submitted to the KR authorities as proof that the "traitors" had been eliminated. Of the 14,400 people who were imprisoned at S-21, there are only seven known survivors. S-21 was known simply as *konlaenh choul min dael chneh* - "the place where people go in but never come out."

#### b. The Killing Fields of Choeung Ek Memorial

Horrific episodes in the KR experience in Tuol Sleng and Choeung Ek became cornerstones in the making and evoking collective memory of Cambodian. The site is a collection of mounds, mass graves, and a



towering monument of catalogued human remains. The site has been made famous by the film "Killing Fields."

Killing Fields of Choeng Ek is now a place of pilgrimage. It was a place where more than 17,000 civilians: peasants, intellectuals, ministers, diplomats, foreigners, women, and children were killed and buried in mass graves. Many of them transported here for liquidation after detained and tortured during interrogating at Tuol Sleng. This place is a chilling reminder of the brutalities of the genocidal KR regime. In the center of the area is a 17 story glass stupa which houses 8,985 skulls exhumed from mass graves, thatch as a lasting reminder of the KR period of terror. The stupa is built in traditional pagoda style, striking in its tall narrow shape and bright white, grey and yellow paint. The entire remains are neatly stacked on shelves and sorted and labeled according to sex and age. Many of them have gaping holes at the back where they were struck in life with a hoe, cane, or heavy stick.

Up until 2003, the Document Center of Cambodia (DC-Cam) has identified 348 burial pits site, 19,471 mass graves, 169 prisons which operated during the Pol Pot regime, and 77 memorials constructed by survivors of the Pol Pot regime. They are located throughout 170 Cambodian district and all of 20 Cambodians provinces (DC-Cam, 2003).

### c. Former KR Strongholds

Ministry of Tourism of Cambodia established Anlong Veng and Pailin, former KR strongholds, as historical tourist area. The hard liners including Ta Mok and Pol Pot made the Dangrek escarpment and the town of Anlong Veng their last headquarters and base. It is often referred to as their "jungle hideout." Ideally located on the border of Thailand and Cambodia, it allowed them easy access to Thailand. The area consists of four zones dealing with KR history: a military management base, economic activities, a political meeting point, including Pol Pot cremated venue.

Pailin became the final stronghold of Ieng Sary, Brother Number 2, when he and 10,000 soldiers and civilians defected to the government in August 1996. His defection triggered the collapse of the remnants of the KR. The regions are all situated around the northwest to southeast edge of Battambang province. Pailin is trying to become a tourist center, as well as Anlong Veng. Until late 1996, Pailin was a stronghold of the KR under Brother Number Three, Ieng Sary.

## C.1.2 Arts and Visual Representation

### a. Vann Nath Paintings at Tuol Sleng Museum

What actually had happened in the KR's secret prison S-21? Vann Nath, one of the seven survivors of Tuol Sleng provides the horrifying answers with his touching paintings displaying in Tuol Sleng museum.

In 1979 Vann Nath was asked by the new government to paint pictures of the prison tortures for the world to know the secret horrors of the KR.<sup>3</sup> These heartbreaking works hang in the Tuol Sleng Museum now, and are unforgettable for all visitors. These displays would provide other statuary and decorations spirit to the silence of museums within the buildings, which, along with the paintings, evoke the horror and brutality of the KR.

### b. Poster, Image of Remembrance

At the National Route Number 6, about 46 km from Phnom Penh in front of Police Military office in Baray District, Kampong Thom Province, authority exhibits a poster of historical consciousness of peace and war. The poster image aims at teaching Cambodian desirable character traits, and providing a positive sense of heritage and identity for their future. The poster divided into two sides of pictures: left and right which drawing very contrasts situation of peace and war with some messages in Khmer.

## C.1.3 Commemorative Ceremonies

### a. National Rebirth Day of January 7<sup>th</sup>

*Pram Pi Makara* (January 7<sup>th</sup>) in Cambodia is renowned as the Rebirth Day of the Nation or the Day of Liberation. This state-sponsored representation of the KR is national holiday to commemorate the fall of the KR regime, when Phnom Penh was liberated by the Vietnamese army. At earlier period of 1980s, almost all Cambodian engages fervently in this commemorative ceremony.

In existing society, Cambodian people have various perceptions about "*the day of liberation*." For some part of new generation and opposition party, *Pram Pi Makara* was "*the day of Vietnamese invasion*," something that not necessary to be celebrated. At the 7 January 2004 ceremony, there was still a rally of Anti-Jan 7<sup>th</sup> by student activist



group. The rally was crackdown by police, even journalist also threatened by police officer if they did not stop reporting on their crackdown (Samean, 2003).

**b. The Day of Anger of May 20<sup>th</sup>**

The may twentieth day is “*Tivea Chong Kamheung*” (Day of Anger), also known as Day of Hatred. It is the day set aside by People’s Republic of Kampuchea – PRK and later government of Cambodia to commemoration the heinous crime committed by Pol Pot KR Regime (see Hinton, 2001 and Hughes, 2000). During the PRK period (1979-1991), the day of anger was a prominent and well-organized public holiday with significant ceremonies held in Phnom Penh, provincial cities and villages throughout the country. But after the Peace Accord in Paris in 1991, the May 20<sup>th</sup> commemoration was no longer formally promoted by Cambodian government (see Hughes, 2000).

The national holiday was popularly known as the “Day to Remain Tied in Anger” or “Day of Hate.” In each district, people would gather at the local DK killing field to listen to government officials and victims speak about the atrocities that had occurred under the KR regime. Villagers often carried knives, axes, clubs, or placards saying things like, “*Defeat the Pol Pot, Khieu Samphan, Ieng Sary Clique*” or “*Remember Life under Pol Pot who tried to Destroy the Cambodian Lineage.*” The holiday served as an effective device to keep many people “tied in anger” against the KR who were still engaged in guerrilla warfare against the government at the time. The ceremony continues in a more modest form into the present.

**C.1.4 Historical Text**

**a. Student “Social Study” Textbooks**

In this report, I refer to the article of Bun Sou Sour who translated information pertaining to the history education of the KR regime and aftermath from the Cambodia’s social study textbooks. The textbooks issued by Ministry of Education Youth and Sports of the Royal Government of Cambodia.

Since a textbook itself is a social product, the information that it contains and the way that the history is narrated are always influenced by the political and social context in which the sources are written. It is

clear that the information about KR regime is very partial in the ‘social study’ textbooks and curriculum in Cambodia, from which the development of collective memories of the KR atrocities couldn’t be mediated through. The table illustrates how the curriculum for students in Cambodia was and remains dominated by the issues focusing upon the victory of the current regime.

**Table 1: Cambodian Student Textbook**

No	Edition	Grade	Lesson	Topics
1.	2000	9	12	Democratic Kampuchea (one paragraph).
2.	2001	12	14	Cambodia in the 1980’s and in the Twentieth Century (The Khmer Republic, Bitterness of the 1970-1975 war, Consequences of the 1970-1975 war, Democratic Kampuchea Regime, Economy and Population of the Democratic Kampuchea.
3.	2001	12	5	People Republic of Kampuchea (1979-1989) (Forming the United Front for the National Salvation of Kampuchea (UFNSK), The Victory of January 7, 1979, Khmer social situation 1979-1989.

Source: Compiled by the author based on the article by Bun Sou Sour.

**b. Poetry: Looking into the Khmer Land**

In August 1980, a year following the toppled of the KR regime, Ministry of Propaganda, Cultures and Information PRK published an anthology of poetries entitled “Looking into the Khmer Land in the Times of Pol-Pot-Ieng Sary.”<sup>4</sup> The anthology written in Khmer by Chuon Mem consists of 138 couplet of Khmer traditional poetry.

What is important to note here is that the great suffering and terrible painful of Khmers during the KR regime were described vividly. Here is an example.

“The vultures and gibbons were crying a long the valley of mountains seeing brutal tortures, pile bodies increasing in number for great leap forward, flies and mosquitoes felt shivered for fear of ghosts haunting.” (Couplet 14)



## C.2 Social Memory

All Cambodian has a story to tell dealing with the KR. There are still hundred of thousand of living narratives that will never be told. From a survey of DC-Cam presenting on their web-site, it is known that percentage of those who losing their relatives during KR regime is 89.42%, whereas those no losing just 1.30%. The same survey give data about what come to people mind when they start to talk about the KR regime: killing (63,28%), food (31,53%), hard labor (29,80%), living separately (23,11%), and other (12,31%). In light of this, many people expressed their memory freely and privately without power (politics) manipulation.

### C.2.1 Public Displays<sup>5</sup>

#### a. Multimedia Representation

Considering the fact that KR regime is one of the fiercest and most consuming in this century of revolution, there are numerous filmmakers produced films pertaining to this maniacal regime, including documentary films for television programs. According to DC-Cam, up to 2003, there are about 290 title of the film related to the KR regime (DC-Cam, 2003). Only three of the best known movies will be described briefly below.

#### The Killing Fields

Based on the article *The Death and Life of Dith Pran*' by Sydney Schanberg. In 1973, reporter Schanberg arrives in Cambodia. He is assisted by Dith Pran, a Cambodian and they become friends. After the fall of Phnom Penh, Dith Pran is imprisoned by the KR, along with Schanberg and other journalists who are released by his intervention. The film directed by Rolland Joffe, is one of the very well known film stories about personal memorial of Dith Pran, who fled Cambodia in the 1980s. This is the true story of the brutality of the KR.

#### S21: The Khmer Rouge Killing Machine

(Written and Directed by Rithy Panh)

This is a painful history with this extraordinary documentary based at S21, now a genocide museum. Van Nath was one of the death camp's few survivors. A painter whose experience at S21 has informed his work,

he returns with Panh to the rooms where he was beaten and starved. Also returning are a number of S21 prison guards, the men who tortured Van Nath and thousands of others. Van Nath gets to confront his former captors, still trying to come to terms with what he was put through nearly thirty years ago.

#### b. Rapp Songs by Prach Ly

*The End'n is Just The Beginnin* written by Prach Ly is a Rapp songs album, contain of 17-rapp songs reflects on the years in the 1970s when 1.7 million people died in the communist KR attempt to turn Cambodia into large agrarian commune. The songs have a big impact and very popular in Cambodia. Three of the songs are in Khmer language and the rest are in English interspersed with Khmer. At parties, in bars and in homes around Phnom Penh, the album has teen-agers buzzing about songs on death, forced labor and broken families.

### C.2.2 Arts and Visual Representation:

#### Pagoda and the Arts of Remembrance

Buddhism is the heart and soul of Cambodian culture. For century's Cambodian life centered around the pagoda. Pagoda occurred as the center of excellent of knowledge, culture and religion. Buddha life story and his moral lessons can be found at almost every pagoda in Cambodia. But at Wat Kampong Thom, besides the lavish paintings teach the visitors about the life and virtues of Lord Buddha, they also have remembrance paintings of the Pol Pot KR regime. These depict the horrors of the Pol Pot regime, contrasted with the glee and serenity of the Heng Samrin times. While pagoda is the sacred space, revealing historical consciousness of the atrocities of the KR becomes particularly interesting. The pagoda also becomes a backdrop for a ritual of remembrance, can be able to invoke tradition to offer a space that is socially memorable, spiritual, and even iconic. These paintings potentially offer a fine reading about how people are thinking about their collective pasts, and thus how they seek to position themselves for the future.

### C.2.3 Historical Text<sup>6</sup>

The scope of what constitutes as historical text is intentionally narrow. Essentially, I have included academic text and autobiographical



memory which describes vivid personal or professional account that characterize the sense of the past in Cambodia during and preceding KR time (1975-1979).

### 3.2.2.1. Academic Text

**Chandler, David P. *Brother Number One: A Political Biography of Pol Pot*. Chiang May: Silkworm Books, 2000.**

This is more than a biography of enigmatic KR leader Pol Pot. It traces the Cambodian communist movement throughout the 1950s and 1960s up until the end of Pol Pot's life in 1998. This book is the first comprehensive, scholarly analysis of the biography of KR enigmatic leader. Using hundreds of interviews with survivors, Chandler, the leading authority on Cambodia history, meticulously examines Pol Pot's biography and clears up many misconceptions about Pol Pot.

**Chandler, David P. *Voices from S-21: Terror and History in Pol Pot's Secret Prison*. Chiang Mai: Silkworm Books, 2000a.**

Chandler gives a remarkably deep analysis of Pol Pot's secret prison S-21, which within the auto-genocide of the Cambodian people stands out as a haunting symbol. David Chandler has made extensive use of the archives of S-21, with photographs and "confessions" to show the absurd paranoia of the leaders in Democratic Kampuchea. This book provides important insights into the purges during the KR period. It takes a historian's approach to exploration of the questions many Cambodians struggle with: "how and why did all the killing and suffering happen?" described in scholarly and well-written detail.

### C.2.3 Autobiographical Text

**Szymusiak, Molyda. *The Stones Cry Out: A Cambodian Childhood, 1975-1980*. New York: Hill and Wang, 1986.**

Molyda Szymusiak (adoptive name of Buth Keo) the daughter of a high Cambodian official, was born in Phnom Penh on October 19, 1962. After the 1975, she and her family were driven from the capital into the countryside. Molyda and the three surviving members of her family went to Paris in 1981, where they were adopted by Polish exiles Jan Szymusiak. *The Stones Cry Out*, a powerful and compelling story of

terror, struggle and death sprinkled with moments of tenderness, is startlingly good as literature.

**Nath, Vann. *A Prison Portrait: One Year in the Khmer Rouge S-21*. Bangkok: White Lotus, 1999.**

Vann Nath is a prime eye-witness of the unimaginable hardship and horror at the KR secret prison of Tuol Sleng. He survived the bloodshed because as a painter he could provide useful paintings of Pol Pot. A touching memoir from one of only seven known prisoners to survive S-21 out of more than 14,400 inmates of the infamous interrogation and extermination center of the Pol Pot KR regime.

### C.3 Natural Representation

The natural representation of the KR plays essential roles. They serve to awaken people memory of the genocide. Two sites of natural memory will be described below: Ang Trapeang Thmaw and Kamping Puoy reservoir.

**Ang Trapeang Thmaw Reservoir** situated just across the border in Banteay Meanchey Province in the Phnom Srok region, about 100 km from Siem Reap. This place is now one of the three biospheres on Tonle Sap Lake, and the establishment of the bird sanctuary under the supervision of the Wildlife and Forestry Department (WFD) of the Cambodian government. This is one of only two places in the world where it is possible to see the extremely rare sarus crane, as depicted on bas relief at Angkor. This reservoir created by forced labor during the KR regime. Thousands were killed or perished from disease and starvation in building this reservoir.

**Kamping Puoy Reservoir** is described as the "Killing Dam," where thousands of people were worked or starved to death in its construction. These days there are no monuments or relics to remind the visitor of what occurred there, but the large lake, located an hour and a half from Battambang, are a popular picnic spot on weekends. This reservoir fascinates some tourists because it was the scene of much misery and death during the KR regime.



#### D. Concluding Remarks

The bloodiest revolution that swept through Cambodia between 1975 and 1979 was one of the fiercest which has made Pol Pot as one of this century's worst mass murderers. Pol Pot led the KR in a reign of violence, terror, fighting, famine, fear, and brutality over Cambodia and turned the country into one vast labor camp in their effort to create a model of agrarian collective. The human costs of the revolution were horrific. More than 1.7 million people - or roughly one seventh of the country's population- killed. Pol Pot KR reign of violence left the very complex legacy with dramatic effect across the entire range of Cambodian daily life.

The Cambodia nation's souls deserve healing after so much suffering. Up to now, the KR regimes still an unresolved and tremendously painful trauma as the head of state and KR high rank officer still life freely, untouchable, and impunity. The fallout of not having even single one of KR crimes trial after 26 years has a bad effect. Future generations are seriously at risk of losing knowledge of their history -or at best, the history will come to be seen unreal. Justice has been invisible to them. As such, one of the most difficult things is to distinguish between genuine anti KR sentiments and manipulated (politics) arguments. All these developments form part of the political and cultural discourse of a society that has not yet been able to agree on its collective identity.

Most forms of the remembrance in Cambodia are *state-sponsored representation*, meaning that they are deliberately created by the recent authorities to gain political supports. Two central sites for the construction of memories: Genocidal Tuol Sleng Museum and Choeung Ek Killing Fields Memorial displaying skulls and bones of the KR victims and two commemorative ceremonies (January 7<sup>th</sup> - *Prampi Makara* and May 20<sup>th</sup> -*Day of Hatred*) are state-sponsored representation of the KR years. The representations of the KR regime are by design resembling the memorializing Holocaust of Hitler Nazi's Germany and the "sinister charisma" of the Auschwitz (Chandler, 2000: 5-6). This raised a question of Khmer belief. Cambodians believe that souls of the tortured continue to linger because their remains have not received a proper cremation according to Buddhist rites. Since remains are used by the current regime in official propaganda, it is hard to escape the conclusion that the memory of the atrocities of the KR regime is an

endeavor caught between the push of politics and the pull of people emotion. As the result, the tragedy of Cambodian history, to use Chandler words (1999: 314), refused to end.

Memory of the past is not a fixed and independent entity but a construction - the way an individual or collective remember what has happened to them or around them. The excess of what Rigby (2003) called 'the wrong kind of memory' is one of the biggest obstacles to reconciliation. I want to sum up by underlining the theory of Halbwachs (1992) that memory needs continuous feeding from collective sources. If certain memories are inconvenient or burden them, they can always oppose to them —the sense of reality inseparable from their present life. Cambodians are free to choose.

#### Acknowledgements

This paper is a short version of the research supported by a grant from Asian Scholarship Foundation (ASF), Bangkok. To Dr. Lourdes Salvador Gloria the Director of the ASF and Ms. Somkamol Yongkrittaya, the program officer of the ASF, I offer my warmest thanks. They have presented me unfailing support and wise advice such an open mind and lively curiosity that have contributed to the success of this project.

I am especially grateful to Sr. Denise Coghlan (Director of Jesuit Service Cambodia) and Fr. Hery Bratasudarma, SJ (staff of Jesuit Service Cambodia) for their generous to host me. Warm thanks are also expressed to Mr. Sambath Sovany, my Khmer language teacher, Yuth Sunheang, my foster sister who offered warm hospitality and assistance during my staying in Cambodia, and Him Thonglim, my reliable friend who performed as my talented research assistant during my research. Many thanks are also expressed to Dr. Henri Locard for his critical and invaluable comments on the proposal and on the specific points.

In particular I would like to thank Dr. Paul Suparno, SJ, the Rector of Sanata Dharma University who allowed me to undertake nine-month field-research in Cambodia. I am grateful to Dr. Melani Budianta for giving me not only initial information of ASF Foundation but also encouragement to undertake this research.

Finally, and perhaps most importantly, many thanks to Khmer people who have shared many intimate and often painful experiences. My hope and prayer is that the truth and justice will enhance Cambodia.



**Notes**

- <sup>1</sup> We do not know precisely the number prisoners detained at the Tuol Sleng. The lowest estimate is 10,000 and the highest more than 20,000. An official leaflet launched by the museum figures 12,499 prisoners including 2,000 children and 79 former workers at the prison. Moderate figure used in this report is 14.400.
- <sup>2</sup> Author's interview with Vann Nath (21 February 2004). For details, see also his book *A Prison Portrait: One Year in the Khmer Rouge's S-21*, published by White Lotus Press 1998).
- <sup>3</sup> I am grateful to Henri Locard for giving me the book, and to my friends Nop Polin and Noy Choumneanh for translating the book from Khmer into English.
- <sup>4</sup> Internet based representation (Online resources) have been omitted from this summary.
- <sup>5</sup> This paper is only a summary of a larger report covering all aspect of Cambodian collective memories. As such, not all texts –academic and autobiographical— are included.

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## **PENEGAKAN HUKUM DALAM SATU TAHUN PEMERINTAHAN SBY**

A. Kardiyat Wiharyanto

### **A. Pendahuluan**

Sewaktu Jenderal (Pur) Susilo Bambang Yudhoyono (SBY) disumpah menjadi Presiden pada tanggal 20 Oktober 2004, kita menyikapinya dengan penuh optimisme. Pemerintahan RI pimpinan SBY itu kita yakini bisa membawa kita menuju sebuah Indonesia Baru.

Optimisme sangatlah wajar karena terlalu lama rakyat hidup dalam situasi serba krisis. Perbaikan ekonomi yang diharapkan masyarakat sejalan dengan keinginan Presiden mengurangi kemiskinan dan pengangguran. Stabilitas ekonomi yang ditinggalkan pemerintah Megawati Soekarnoputri juga sangat menunjang untuk munculnya harapan itu. Itu tercermin dari nilai tukar rupiah yang relatif stabil, tidak terlalu fluktuatif dan tingkat suku bunga rendah.

Masa bulan madu ditandai dengan angka pertumbuhan yang fantastis di kuartal keempat tahun 2004 dan kuartal pertama 2005. Bencana tsunami di akhir 2004 memang memukul kita semua. Tetapi itu tidak menyurutkan kita untuk bisa membawa bangsa dan negara keluar dari krisis ini.

Berbagai upaya peningkatan investasi terus dibukukan. Upaya penegakan dan pembangunan bidang hukum terus dicanangkan. Rekonsiliasi politik di upayakan. Keamanan terus coba ditegakkan. Kebebasan berekspresi dan berkesenian terus ditumbuhkan.

Dalam kurun waktu enam bulan pertama pemerintahannya, pemerintahan SBY cukup menggembirakan. Namun kegembiraan tersebut tidak berlanjut, bahkan mengikis kepercayaan. Ketidakmampuan merealisasikan berbagai rencana yang sudah dibuat secara