

## Transitional Justice: What are the Reality and its Concept?

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### ABSTRACT

**Background.** Transitional justice is an important framework that addresses the ongoing impact of human rights violations and systemic injustice during significant political transitions.

**Purpose.** From the results of this study, it was found that the reality or facts that exist in transitional justice have several existing challenges, besides that there are also several ideal concepts in implementing transitional justice.

**Method.** This research examines the reality and the actual concept of Transitional Justice. In fixing the problem, the researcher uses normative (doctrine) research methods with library data sources as secondary data.

**Results.** includes a comprehensive, victim-centered, and transformative approach. The advice obtained for this research is that it is important to find innovative solutions and involve all stakeholders.

**Conclusion.** includes a comprehensive, victim-centered, and transformative approach. The advice obtained for this research is that it is important to find innovative solutions and involve all stakeholders.

### KEYWORDS

Justice, Transitional, Concept

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### INTRODUCTION

The problem of the conception of justice in the period of political transition has not been fully answered (Kampf dkk., 2020). Debates about “transitional justice” are generally framed by the normative proposition that various legal responses should be evaluated on the basis of their prospects for democracy. Within the prevailing debate about the relationship of law and justice to liberalization, there are two competing ideas in general, realist versus idealist about the relationship that law brings with the development of democracy (Zhou dkk., 2019). Either political change is assumed to precede the establishment of the rule of law or, conversely, certain legal measures are assumed to precede political transition. The idiosyncrasy of one developmental sequence or other stems either from disciplinary bias or from the generalization of certain national experiences to universal norms. Transitional justice, both as a concept and as a reality, is an important framework that seeks to address legacies of human rights violations and systemic injustice in societies experiencing

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significant political transitions (Walsh dkk., 2020). It includes a range of processes, mechanisms and institutions aimed at achieving community accountability, justice, reconciliation and healing (Cheng dkk., 2020). This multifaceted field recognizes the need to confront past mistakes, protect human rights, and build the foundations for sustainable peace and democratic governance. The concept of transitional justice emerged as a response to the challenges faced by societies experiencing transition from authoritarian rule, armed conflict, or other forms of severe oppression. It is recognized that the wounds inflicted on individuals and communities during periods of violence or repression cannot be ignored or forgotten (Z. Wang dkk., 2019). Instead, they must be properly recognized, corrected and transformed to prevent future cycles of violence and to promote a just and inclusive society.

Transitional justice includes a variety of mechanisms and processes, including truth commissions, criminal prosecutions, reparations programs, institutional reforms, and memorialization initiatives (Ali dkk., 2019). Truth commissions play a critical role by investigating and documenting human rights violations, offering victims a platform to share their stories, and uncovering the truth about past atrocities (Zhang dkk., 2020). Criminal prosecution, whether through domestic or international courts, holds perpetrators accountable for their crimes and sends a strong message that impunity will not be tolerated.

The reparations program is designed to recognize the harm suffered by victims and provide them with material, symbolic and psychological compensation (Norris & Inglehart, 2019). This can include financial compensation, restitution of property, and the provision of support services to assist the victim's recovery. Institutional reform aims to address structural injustices that allow human rights violations to occur, ensuring that the rule of law, democratic institutions and protection of human rights are strengthened.

Most past fact-finding agencies have recommended that financial assistance or some form of reparation be provided to survivors or to the families of those who were killed or disappeared. In Chile and Argentina, individual reparations programs were aimed at the families of the victims listed on the commission's report (as well as those who later reported a case that had to be included) (Lurie dkk., 2020). The same is expected in South Africa, where one of the main aspects of the mandate given to the commission is to review and propose reparations policies (Parisi dkk., 2019). Truth commissions elsewhere have also recommended financial reparations programs, as in El Salvador, Haiti, and Uganda (Phillips dkk., 2020). But these recommendations have not been fully implemented, in large part because of limited resources and commensurate financial priorities. (Priscilla B. Hayner, 2001:19)

In addition, memorialization initiatives seek to commemorate victims and ensure that their stories are remembered, preventing historical erasures and fostering a collective understanding of the past. By addressing the needs of victims and building a comprehensive justice framework, transitional justice seeks to rebuild trust in society and promote social cohesion.

The transitional dilemma is present in change throughout political history (Carleo dkk., 2019). This was illustrated in the 18th century shift from monarchy to republic but has recently appeared in post-World War II trials. In the postwar period the issue was the subject of the famous Anglo-American jurisprudence debate between Lon Fuller and H.L.A. Hart, who departed from issues of justice after the collapse of the Nazi regime.

However, the reality of implementing transitional justice measures is often complex and fraught with challenges. Political opposition, limited resources, societal divisions, and the balance between justice and peace can hinder the effective implementation of these processes (Abuhassna

dkk., 2020). In addition, reconciling conflicting narratives and ensuring the involvement of all stakeholders in the decision-making process can be demanding.

Nonetheless, transitional justice remains an important tool in post-conflict and post-authoritarian contexts, offering pathways to recovery, reconciliation and sustainable peace (Glare dkk., 2019). It seeks to promote accountability, restore victims' dignity, and create a society in which human rights are protected, and justice is upheld (Lisio dkk., 2019). The development and application of transitional justice principles continues to shape our understanding of how people can take account of their past and forge a more just future.

## RESEARCH METHODOLOGY

The normative juridical approach is a legal research method that involves the use of literature or secondary data as the basis for research (Zong dkk., 2019). This approach involves searching for relevant regulations and literature relating to the problem under study. In this method, researchers collect and analyze legal texts, including laws, regulations, court decisions, and academic writings to identify and analyze legal norms, legal principles, and legal concepts relevant to the research topic (Yatabe dkk., 2019). This research approach is determined by the analysis of relevant legal sources and involves the exploration of positive law, principles, and legal doctrine, as well as the discovery of law in concrete cases (Van Trotsenburg dkk., 2021). Through this approach, researchers identify and analyze applicable legal norms, legal principles, legal concepts, and the relationships that exist between the various sources of law used.

## RESULT AND DISCUSSION

### Reality of Transitional Justice

The reality of implementing transitional justice measures is indeed a complex and challenging endeavor. Various factors contribute to the difficulties encountered during the implementation process, so it is very important to overcome them effectively. In several countries, such as in Mozambique and Cambodia, most people are not interested in revealing (relief) the horrors of their past to truth commissions (Zemek dkk., 2019). This may be a reflection of a number of factors, but appears to be partly the result of feelings of threat and fear of even greater threats if the transition process is pushed too quickly into difficult and painful issues (Steve Marks, 1994:18)

One of the main challenges is political resistance (Adegbeye dkk., 2020). Transitional justice measures often require significant political will and commitment from those in power. However, in many cases, political elites may resist accountability measures because of their fear of prosecution or loss of power. This resistance can take the form of a reluctance to form a truth commission, hamper investigations, or hinder the prosecution of perpetrators (Y. Wang dkk., 2020). Overcoming this resistance will require continued advocacy, international pressure, and support from civil society organizations that advocate for justice and accountability.

Limited resources may present another obstacle implementing a comprehensive transitional justice process can be resource intensive. Building and maintaining institutions such as truth commissions, courts, and reparations programs requires significant financial investment. However, in many post-conflict or post-authoritarian societies, resources are scarce, and there are competing priorities, such as infrastructure development or economic recovery. These limitations often lead to compromises in the scope and effectiveness of transitional justice measures, potentially hindering their ability to fully address human rights violations and provide adequate reparations to victims.

Societal divisions can also hinder the effective implementation of transitional justice. In societies emerging from conflict or repression, deep-rooted divisions often persist, along ethnic,

religious, or political lines. These divisions can create obstacles to the search for truth, reconciliation and the formation of shared narratives about the past. Different groups may have different interpretations of historical events, making it difficult to reconcile conflicting narratives and build a shared understanding of the truth. This requires an inclusive and participatory process that ensures the voices of all affected people are heard and taken into account.

The balance between justice and peace is a major challenge in the transitional justice process. Striking the right balance between pursuing accountability and ensuring stability can be a complex task. In some cases, the pursuit of justice through prosecution could risk inciting further violence or upsetting fragile peace agreements. Consequently, difficult decisions must be made regarding the timing and sequence of justice measures. Balancing victims' needs and hopes for justice with the imperatives of maintaining peace and stability requires careful negotiation and deliberation.

In addition, ensuring the involvement of all stakeholders in the decision-making process is a daunting task. Transitional justice is most effective when it involves the participation of multiple actors, including victims, civil society organizations, governments and international agencies. However, ensuring meaningful participation can be challenging, particularly in contexts where marginalized groups or victims may be underrepresented or face barriers to participation. Addressing this challenge requires creating spaces for dialogue, cultivating trust, and addressing power imbalances among stakeholders.

The implementation of transitional justice measures is a complex reality and full of challenges. Political opposition, limited resources, societal divisions, the balance between justice and peace, and the involvement of all stakeholders pose significant obstacles. However, acknowledging and understanding these challenges is critical to finding innovative solutions, promoting accountability, and ultimately achieving the goals of transitional justice: justice, reconciliation, and a more just and peaceful society.

Indeed, transitional justice remains an important tool in post-conflict and post-authoritarian contexts, providing pathways to healing, reconciliation and sustainable peace. By addressing the legacy of systemic human rights abuses and injustices, it aims to promote accountability and restore the dignity of victims, while also working to create a society in which human rights are protected, and justice is upheld.

One of the fundamental goals of transitional justice is accountability. It seeks to hold perpetrators accountable for their actions, ensuring that those responsible for human rights violations are brought to justice. This not only serves the interests of justice but also sends a clear message that impunity will not be tolerated. By establishing a legal framework that promotes accountability, transitional justice contributes to preventing future abuses and helps build a society that upholds the rule of law.

Transitional justice plays an important role in restoring the dignity of victims. Through the process of uncovering the truth, victims are given the opportunity to share their experiences, hear their stories, and acknowledge their suffering. This recognition helps validate their experiences, affirms their rights, and contributes to their healing and empowerment. The reparations program further supports victims by providing material, symbolic and psychological compensation, which aims to reduce the harm they have suffered and facilitate their recovery.

In addition, transitional justice contributes to the broader goal of creating a society in which human rights are protected. By tackling past injustices and changing the structures that allowed them to occur, it helps build a culture of human rights and a system of government that upholds the principles of equality, fairness and respect for all individuals. Institutional reforms, such as

strengthening the judiciary, promoting legal and institutional accountability, and addressing systemic inequalities, play an important role in protecting human rights and preventing future abuses.

Not only that, transitional justice facilitates reconciliation by providing a platform for dialogue and understanding among various layers of society. Truth commissions, for example, create opportunities for diverse perspectives to be heard and shared understandings of the past emerge. Through this process, people can confront the painful truths of their history, cultivate empathy, and build bridges between divided communities. Reconciliation is not just about forgetting the past but more about acknowledging it, working through grievances and working towards a future together based on trust and mutual respect.

The development and application of transitional justice principles continues to shape our understanding of how people can take account of their past and forge a more just future. Lessons learned from previous experiences inform the design and implementation of transitional justice measures, emphasizing the importance of local ownership, inclusiveness and sustainability. In addition, the evolving nature of transitional justice practices allows for adaptation to different contexts, taking into account the unique challenges and aspirations of each society. That is, transitional justice serves as an important tool in post-conflict and post-authoritarian contexts, offering a framework for healing, reconciliation and sustainable peace. By promoting accountability, restoring the dignity of victims, protecting human rights, and promoting a culture of justice, it contributes to building a society in which past wounds can be overcome, and a more just and equitable future can be realized.

The concept of transitional justice emerged as a response to the major challenges faced by societies experiencing transition from periods of authoritarian rule, armed conflict, or severe repression. It is recognized that during this period, individuals and communities often suffered deep wounds, both physical and psychological, and that these wounds cannot be ignored or forgotten. Instead, they must be recognized, corrected and changed appropriately to prevent a recurrence of violence and build a just and inclusive society.

Under authoritarian governments, individuals frequently experienced human rights violations, including arbitrary detention, torture, disappearances, and restrictions on freedom of expression and assembly. Likewise, armed conflict results in widespread violence, displacement and destruction, leaving behind a legacy of trauma, grief and deep social division. In the face of such atrocities, transitional justice offers a framework for addressing the past and charting a path toward a better future.

The core premise of transitional justice is that society cannot simply move forward without addressing past injustices. Ignoring or downplaying the suffering and injustice experienced during periods of violence or repression undermines the prospects for sustainable peace, reconciliation and social cohesion. In contrast, transitional justice emphasizes the need to face the truth, hold perpetrators accountable, and provide reparations to victims.

By acknowledging the truth of past human rights violations and documenting them through mechanisms such as truth commissions, communities can shed light on the extent and nature of the atrocities that were committed. This truth-seeking process helps challenge historical denial, distortion, and manipulation, enabling the construction of accurate and shared narratives of the past. This allows victims to acknowledge their experiences, validate their suffering and contribute to the restoration of their dignity.

Transitional justice also emphasizes the importance of accountability. This requires accountability for the perpetrators of human rights violations for their actions through legal

mechanisms such as prosecution, either through domestic or international courts. In doing so, transitional justice sends a strong message that impunity for serious crimes will not be tolerated, promoting a culture of respect for human rights and the rule of law.

In addition, transitional justice seeks to provide compensation to victims. This can take many forms, including reparations programs offering material compensation, property restitution, access to essential services, or symbolic gestures of recognition. By addressing the material, psychological and symbolic needs of victims, transitional justice aims to facilitate their healing, recovery and reintegration into society.

By addressing the wounds of the past, transitional justice seeks to break the cycle of violence and oppression, preventing the recurrence of similar atrocities in the future. It seeks to build a just and inclusive society where all individuals, regardless of their background, are treated with dignity and respect. Through structural and institutional reforms, transitional justice aims to dismantle systems that facilitate abuse and discrimination, promote the rule of law, human rights and democratic governance.

In short, the concept of transitional justice emerged as a response to the challenges faced by societies in transition from authoritarian rule, armed conflict, or severe repression. It recognizes the need to acknowledge and repair the wounds inflicted on individuals and communities during periods of violence or repression. By facing the truth, seeking accountability, providing reparations to victims, and fostering just and inclusive societies, transitional justice offers a way to prevent future cycles of violence and build sustainable peace.

### **Ideal Concept in Transitional Justice for the Protection of Human Rights**

The ideal concept in transitional justice for the protection of human rights includes a comprehensive and holistic approach that places human rights at the core. It emphasizes the need to address past human rights violations, promote accountability, and ensure the protection and promotion of human rights in the future. Several key elements contribute to this ideal concept:

#### **Truth and Accountability**

A fundamental aspect of transitional justice is the search for the truth about past human rights violations. This includes establishing truth commissions or similar mechanisms to investigate and document abuses, uncover facts, and publicly admit the truth. It also holds perpetrators accountable through fair and impartial trials, whether through domestic or international courts, ensuring that justice is served and impunity is denied.

Recognizing the importance of uncovering the truth, transitional justice processes often establish truth commissions or similar mechanisms. These agencies are tasked with carrying out thorough investigations, documenting the violations that occurred, and highlighting the facts surrounding the violations. By carefully gathering evidence, interviewing witnesses and examining official records, truth commissions aim to provide an accurate historical record and openly admit the truth about what happened during periods of conflict or oppression.

Transitional justice emphasizes the important role of accountability in ensuring justice for victims and preventing impunity for perpetrators. This is achieved through fair and impartial trials, whether conducted within the country or through international courts. Holding perpetrators accountable not only provides victims with a sense of closure and justice, but also serves as a deterrent to future human rights violations. By turning those responsible for serious crimes to the due process, transitional justice reaffirms the principle that no individual is above the law and that human rights violations will not be tolerated or ignored.

The combination of truth-seeking and accountability mechanisms in transitional justice processes helps people recognize their painful pasts, confront legacies of human rights violations,

and build the foundations for a more just and inclusive future. By uncovering the truth and ensuring accountability, transitional justice aims to restore dignity to victims, provide them with a sense of justice, and contribute to reconciliation and the prevention of future atrocities.

### **Victim-Centered Approach**

The ideal concept of transitional justice prioritizes the needs, rights and welfare of victims. He acknowledged that victims have the right to truth, justice and reparation. Their voices and experiences must be at the heart of the process, and they must be supported and assisted along their journey to healing and restoration. Victims' participation should be actively encouraged in decision-making processes, ensuring their meaningful involvement and empowerment. By prioritizing these rights, transitional justice seeks to provide a platform for victims to share their experiences, hear their voices, and receive the recognition and validation they deserve. The process aims to empower victims and restore their agency by actively involving them in the decision-making process.

To ensure meaningful participation of victims, transitional justice initiatives must actively encourage and facilitate their involvement. This can be achieved through various mechanisms such as victim consultations, public hearings and community dialogue. By providing a space for victims to share their perspectives and contribute to shaping transitional justice processes, their experiences and insights can inform the development of reparations policies, programs and schemes. This inclusive approach not only empowers victims but also enhances the legitimacy and effectiveness of transitional justice measures implemented.

Several international guidelines, or minimal standards, can be of great assistance to those planning to set up a truth commission. Designers often start with no experience of ad hoc commissioning, or with no experience in formal truth-seeking processes of large numbers of human rights abuses, and may be unaware of the hidden pitfalls that may follow. Of course, guidelines can also facilitate appropriate international and national monitoring processes by parties interested in the new government's human rights policies. The first detailed proposal for such guidance was published in 1996 by the United Nations Sub-Commission on the Prevention of Discrimination and Protection of Minorities in the form of a draft Set of Principles for the Protection of Human Rights through Action Against Impunity. and Promotion of Human Rights Through Action to Combat Impunity”.

Not only that, the concept of ideal transitional justice recognizes the importance of providing comprehensive support and assistance to victims throughout their journey of healing and recovery. This includes access to psychosocial services, medical care, legal aid and other forms of support tailored to their particular needs. By addressing the multidimensional impact of the violations suffered, transitional justice seeks to improve the overall well-being and recovery of victims. In addition, by prioritizing the welfare of victims, the ideal concept of transitional justice aims to overcome the inequality and power imbalance that often occurs between victims and perpetrators, encouraging a more just and equitable society.

### **Repair and Compensation**

The ideal concept of transitional justice includes a comprehensive reparation program that addresses the material, psychological and symbolic harm suffered by victims. Reparations can take many forms, such as financial compensation, property restitution, access to essential services, educational opportunities or memorial initiatives. These steps aim to acknowledge losses that have occurred, restore dignity, and facilitate the rebuilding of individual and community life. Reparations are seen as an important element in acknowledging the losses and injustices suffered by victims, as well as restoring their dignity and enhancing their overall well-being. These programs include

material, psychological and symbolic reparations to address the various consequences of human rights violations.

Material reparations aim to provide real compensation for the losses suffered by victims. This can include financial compensation to help individuals rebuild their lives, recover lost assets, or compensate for economic losses. Property restitution is another form of material reparation, involving the return of land, houses or other assets that were unfairly taken during periods of conflict or oppression. These measures helped restore the victims' economic stability, provided them with the resources to rebuild their lives, and overcome the material injustices they faced.

Apart from material reparations, psychological reparations are essential to address the emotional and psychological impact of human rights violations. This may involve providing psychosocial support, counseling services, or mental health care to victims who have experienced trauma. By recognizing the psychological harm caused by violence or oppression and offering appropriate support, transitional justice aims to facilitate healing and restoration of well-being for individuals and communities.

Symbolic reparations play an important role in recognizing and acknowledging the suffering experienced by victims and promoting community healing. These steps can take many forms, such as public apologies, memorial events, commemoration initiatives, or the erection of museums or monuments to honor the victims and their experiences. Symbolic reparations aim to preserve the memory of past atrocities, educate future generations, and contribute to processes of reconciliation and societal transformation.

By implementing a comprehensive reparations program that addresses material, psychological and symbolic losses, the ideal concept of transitional justice seeks to restore the dignity of victims and facilitate the rebuilding of individual and community lives. These steps not only provide practical support but also send a strong message that the suffering experienced by victims is recognized, and efforts are being made to correct the injustices they face. In addition, comprehensive reparations contribute to fostering a sense of justice, reconciliation and lasting peace in societies experiencing transition from periods of conflict or oppression.

### **Institutional and Legal Reform**

Transformative transitional justice requires comprehensive institutional and legal reforms to address the root causes of human rights violations. This requires strengthening the rule of law, ensuring the independence and effectiveness of the judiciary, promoting good governance, and establishing mechanisms to prevent future abuses. It also involves reforming the security forces and promoting accountability within state institutions to prevent a recurrence of violence and ensure the protection of human rights. Strengthening the rule of law is critical in building a framework in which human rights are protected, and justice is upheld. This involves reforming and strengthening the legal system, ensuring that laws comply with international human rights standards, and increasing the capacity of legal institutions to deal effectively with human rights violations. By creating a strong legal framework, transitional justice aims to prevent future abuses and provide a solid foundation for a just and inclusive society.

Transitional courts in Eastern and Central Europe, while facing different legal issues, face one that is common to successor regimes: What are the rule of law implications of prosecuting acts that were "lawful" under the former regime? As previous postwar debates have shown, this question raises (at least) two questions, one about the legitimacy of law in both the predecessor and successor periods and another about the relationship between the two. The juxtaposition is always between the rule of law as an established norm versus the rule of law as transformative. In contemporary cases, as in the postwar debates, what has emerged are new transitional

understandings of the rule of law. Considered together, the two decisions present an interesting conundrum. For the Berlin court, the controlling rule of law value was what was “morally” right, whereas for the Hungarian court, the controlling rule of law value was the protection of pre-existing “legal” rights. In one case, the rule of law presupposes security understood as prospectivity with consequent forbearance in criminal law. In another view, justice is understood as the enforcement of the same law. Can these two approaches be reconciled? (Ruti G. Teitel, 2000: 17)

Ensuring judicial independence and fairness is another important aspect of transformative transitional justice. Judicial institutions must be free from outside influences and political interference to guarantee impartiality and justice in trying cases related to human rights violations. This includes increasing the professionalism and capacity of judges, promoting transparency in the judicial process, and establishing mechanisms to maintain the independence of the judiciary. By fostering trust and confidence in the judiciary, transitional justice aims to provide victims with access to justice and uphold the principle that all individuals are equal before the law.

Promoting good governance is an integral part of transformative transitional justice as it seeks to address systemic problems that contribute to human rights violations. This involves fighting corruption, promoting transparency and accountability in government institutions, and ensuring the meaningful participation of civil society in decision-making processes. By promoting good governance practices, transitional justice seeks to create a society in which individual rights are protected, and state institutions are accountable to the people they serve. In addition, by involving security forces and promoting accountability within state institutions, transformative transitional justice aims to prevent the recurrence of violence and guarantee the protection of human rights. This includes reforming security sector institutions, such as the police and military, to comply with human rights standards, promoting civilian oversight, and establishing mechanisms to deal with past abuses and hold perpetrators to account. By transforming security forces into institutions that respect and protect human rights, transitional justice contributes to building safe and inclusive societies.

### **Inclusivity and Participation**

The ideal concept of transitional justice emphasizes inclusiveness and meaningful participation. It recognizes the importance of engaging all relevant stakeholders, including marginalized groups, civil society organizations and grassroots communities. Inclusive participation ensures diverse perspectives are represented and accounted for, fostering trust, ownership and social cohesion. It also enhances the legitimacy and effectiveness of transitional justice measures. This includes actively engaging marginalized groups, civil society organizations, and grassroots communities that have been historically marginalized or excluded from decision-making processes. By incorporating various perspectives and experiences, transitional justice measures become more comprehensive, responsive, and reflect the needs and aspirations of all levels of society.

Inclusive participation in transitional justice not only promotes social justice but also fosters trust, ownership and social cohesion within communities. When individuals and groups feel included and valued in the process, they are more likely to trust and support the results. Inclusivity creates a sense of ownership and investment in transitional justice efforts, enabling greater acceptance and adoption of action. In addition, multi-stakeholder participation contributes to social cohesion by bridging differences, reducing inequalities and promoting a shared commitment to justice and reconciliation.

In addition, inclusivity enhances the legitimacy and effectiveness of transitional justice measures. When multiple voices and perspectives are taken into account, the resulting decisions and policies gain legitimacy and credibility among the wider population. Inclusivity ensures that the

outcomes of transitional justice processes are perceived as fair and representative, increasing their acceptability and impact. The involvement of marginalized groups and civil society organizations brings valuable expertise, insights, and life experiences, enriching understanding of the complexities of human rights violations and their consequences. By prioritizing inclusiveness and meaningful participation, transitional justice measures are more likely to be contextually relevant, responsive to the needs of affected communities, and able to address the root causes of human rights violations.

### **No Repetition and Prevention**

Transitional justice seeks to break the cycle of violence and prevent the recurrence of human rights (HAM) violations. It promotes measures to address structural and systemic factors that have enabled past atrocities, such as discriminatory laws, policies or institutions. By promoting human rights education, cultivating a culture of tolerance and respect, and creating mechanisms to monitor and prevent future abuses, the ideal concept of transitional justice aims to build a society in which human rights are protected and upheld.

It is recognized that addressing the root causes of cruelty is essential to creating a society in which human rights are protected and upheld. This involves taking steps to address structural and systemic factors that have contributed to past abuses, such as discriminatory laws, policies or institutions. By addressing these fundamental issues, transitional justice seeks to change the social, political and economic systems that perpetuate human rights violations.

One important aspect of preventing the recurrence of human rights violations is promoting human rights education. By integrating human rights principles into educational curricula and raising awareness about individual rights, equality and non-discrimination, transitional justice aims to foster a culture of tolerance, respect and dignity. Human rights education equips individuals with the knowledge and skills necessary to identify and challenge injustice, and empowers them to become active agents in promoting human rights and preventing future abuses. By instilling respect for human rights from an early age, transitional justice contributes to the development of a society that respects and protects the inherent dignity of every individual.

Apart from that, the ideal concept of transitional justice emphasizes the need to create mechanisms that overcome and prevent violations in the future. This includes establishing institutions and frameworks to monitor human rights conditions, investigate potential abuses, and hold perpetrators to account. This involves increasing the rule of law, strengthening the independence of the judiciary, and increasing the capacity of law enforcement agencies to ensure the protection of human rights. By creating a strong system of checks and balances, transitional justice seeks to prevent impunity, deter potential perpetrators, and build a culture of accountability and respect for human rights. Through these preventive measures, the ideal concept of transitional justice aims to create lasting and sustainable change, where recurrence of human rights violations can be prevented effectively, and a society that upholds human rights principles is upheld.

In essence, the ideal concept of transitional justice for the protection of human rights reflects a comprehensive and holistic approach that places human rights at the core. It recognizes the need to address past human rights violations, promote accountability, and ensure the protection and promotion of human rights in the future. This concept includes several key elements that work in harmony to achieve the goal.

Truth and accountability are important aspects of transitional justice, with truth-seeking and the establishment of mechanisms to uncover and acknowledge past human rights violations.

Holding perpetrators accountable through fair and impartial trials sends a clear message that justice will be served and impunity will not be tolerated.

A victim-centered approach is very important, because it prioritizes the needs, rights and well-being of victims. This ensures that victims have a central role in the transitional justice process, with their voices and experiences heard and acknowledged. This approach recognizes victims' right to truth, justice and reparation and provides them with the support and assistance needed for healing and recovery.

The reparation and compensation program are an integral part of the ideal concept of transitional justice, which aims to overcome the material, psychological and symbolic losses suffered by victims. By providing compensation, restitution, access to essential services, educational opportunities, or memorial initiatives, these programs acknowledge losses that have occurred and contribute to rebuilding lives and communities.

Institutional and legal reforms are needed to address the root causes of human rights violations. Strengthening the rule of law, promoting good governance, and ensuring the independence and effectiveness of the judiciary are important steps. Moreover, reforming the security forces and promoting accountability within state institutions is critical to preventing a recurrence of violence and safeguarding human rights.

Inclusivity and participation are emphasized to ensure that all relevant stakeholders, including marginalized groups and civil society organizations, are involved in the transitional justice process. Inclusive participation fosters trust, ownership and social cohesion by incorporating multiple perspectives. This increases the legitimacy and effectiveness of transitional justice measures.

Finally, the ideal concept of transitional justice prioritizes prevention and non-repetition by taking into account the structural and systemic factors that made possible atrocities in the past. This includes promoting human rights education, cultivating a culture of tolerance and respect, and establishing mechanisms to monitor and prevent future abuses.

By upholding these principles and implementing these key elements, the ideal concept of transitional justice aims to create a just and inclusive society where the dignity and rights of all individuals are respected and protected. It offers a pathway to healing, reconciliation and sustainable peace while laying the foundations for a future in which human rights are upheld and violations are prevented.

## CONCLUSION

The implementation of transitional justice measures is a complex reality and full of challenges. Political opposition, limited resources, societal divisions, the balance between justice and peace, and the involvement of all stakeholders pose significant obstacles. However, acknowledging and understanding these challenges is critical to finding innovative solutions, promoting accountability, and ultimately achieving the goals of transitional justice: justice, reconciliation, and a more just and peaceful society. The ideal concept in transitional justice for the protection of human rights includes a comprehensive, victim-centered and transformative approach. It aims to address past abuses, promote accountability, provide reparations, implement institutional reforms, promote inclusivity and participation, and prevent future abuses. By upholding the principles of human rights, this ideal concept seeks to create a just and inclusive society where the dignity and rights of all individuals are respected and protected. When faced with complex realities and challenges to implementing transitional justice measures, it is important to recognize and understand the obstacles encountered. Despite political disagreements, limited resources, societal divisions, and the delicate balance between justice and peace, it is imperative to remain committed

to the concept of transitional justice which is ideal for the protection of human rights. In order to navigate this challenge, it is important to find innovative solutions and involve all stakeholders. Prioritize a victim-centered approach, promote accountability, and provide reparations for past abuses. Implement institutional reforms, foster inclusivity and participation, and work to prevent future abuses. Upholding human rights principles will pave the way to a more just, inclusive and peaceful society.

## AUTHORS' CONTRIBUTION

Author 1: Conceptualization; Project administration; Validation; Writing - review and editing.

Author 2: Conceptualization; Data curation; Investigation; Supervision; Validation; Formal analysis; Methodology; Writing - original draft

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