

Freedom in the World 2013 - Indonesia

Publisher [Freedom House](#)

Publication Date 23 April 2013

Cite as Freedom House, *Freedom in the World 2013 - Indonesia*, 23 April 2013, available at: <http://www.refworld.org/docid/5180c905f.html> [accessed 29 November 2013]

Disclaimer This is not a UNHCR publication. UNHCR is not responsible for, nor does it necessarily endorse, its content. Any views expressed are solely those of the author or publisher and do not necessarily reflect those of UNHCR, the United Nations or its Member States.

2013 Scores

Status: Free
Freedom Rating: 2.5
Civil Liberties: 3
Political Rights: 2

Overview

Although Indonesian authorities made progress in combating terrorism in 2012, they were increasingly criticized for inaction in the face of continued religious intolerance and violence, including an August mob attack on a Shiite community in Sampang. In another incident, a mob in Yogyakarta attacked the book launch of a Canadian author known for her support of gay rights. Also during the year, two individuals were found guilty of blasphemy in separate trials and sentenced to prison. A new election law passed in April raised the vote threshold for party representation in the parliament, to take effect in the 2014 national elections.

Indonesia declared independence from its Dutch colonial rulers in 1945, though the Netherlands did not recognize its sovereignty until 1949. The republic's first president, Sukarno, assumed authoritarian powers in 1957. The army, led by General Suharto, crushed an apparent Communist Party of Indonesia (PKI) coup attempt in 1965. Mass acts of violence followed, ostensibly against suspected PKI members, resulting in an estimated 500,000 deaths. With military backing, Suharto formally became president in 1968.

Suharto's regime created Golkar, a progovernment party based on bureaucratic and military interests, and embarked on a development program that helped the economy grow by an annual average of 7 percent for three decades. By the 1990s, Suharto's children and cronies were the major beneficiaries of state privatization schemes and in many cases ran business monopolies with little

oversight. Soaring inflation and unemployment following the Asian financial crisis of 1997 prompted urban riots in 1998, and Suharto was forced to resign. He was succeeded by then vice president B.J. Habibie, who removed legal constraints on the press, labor unions, and political parties. The province of East Timor voted to separate from Indonesia in a 1999 referendum and gained independence in 2002.

Also in 1999, Indonesia held its first free legislative elections since 1955. The Indonesian Democratic Party-Struggle (PDI-P), led by Sukarno's daughter, Megawati Sukarnoputri, won the largest number of seats, followed by Golkar. The People's Consultative Assembly, made up of elected lawmakers and appointed officials, chose Muslim leader Abdurrahman Wahid as president and Megawati as vice president that year, but Megawati rose to the presidency in 2001 after Wahid was impeached over corruption allegations. Support for the PDI-P dropped in the 2004 legislative elections, and Golkar once again became the largest party. Later that year, Susilo Bambang Yudhoyono (SBY) of the new Democratic Party and his running mate, Jusuf Kalla of Golkar, won the presidency and vice presidency in the country's first direct presidential election.

The Democratic Party won the April 2009 parliamentary elections, raising its share of seats to 148, from 55 in 2004. Golkar garnered 106 seats, and the PDI-P took 94. Religious parties generally fared poorly, though the Prosperous Justice Party (PKS), with its strong anticorruption platform, captured 57 seats. SBY easily secured a second five-year term in the July presidential election, defeating Megawati and Kalla with 61 percent of the vote in the first round. SBY's new running mate, former central bank governor Boediono, became vice president.

Public awareness of the extent of corruption in the legal system and attempts to weaken anticorruption efforts grew in 2010, and corruption allegations against members of the Democratic Party continued to undermine SBY's reformist credentials during 2011 and 2012. In a key verdict in April 2012, party treasurer Muhammad Nazaruddin was convicted of bribery and sentenced to four years and 10 months in prison in a case related to preparations for the 2012 Southeast Asian Games in South Sumatra. Nazaruddin claimed to have provided illicit funds to support the election of Anas Urbaningrum as Democratic Party chairman at the 2010 party congress, but the court dismissed those allegations. In December, cabinet member Andi Mallarangang resigned after being named a suspect in a corruption case involving a sports complex in Bogor, West Java. Additional cases against Democratic Party officials were pending at year's end.

A multiyear pattern of violence against religious minorities continued in 2012. In July a mob attacked a community of the Ahmadiyya sect in Bogor, West Java, and in October vandals damaged an Ahmadi mosque. A Shiite Muslim community in Sampang was attacked by a mob in August, resulting in two deaths. As in past instances of communal violence or intolerance, senior officials, such as the national police chief and the minister for religious affairs, called for the relocation of the minority residents.

Also in keeping with previous years, the authorities uncovered and foiled several terrorist attacks in 2012. In October, officials thwarted a coordinated attack on the U.S. and Australian embassies in Jakarta, the U.S. consulate in Surabaya, and the offices of the mining company Freeport by a new group called the Sunni Movement for Indonesian Society (HASMI). Nearly a dozen suspects were arrested. Several attacks and foiled bombing attempts in Poso between August and November resulted in the deaths of two police officers and two suspected militants, at least six arrests, and the seizure of firearms and explosives. The suspected mastermind had reported links to the Indonesian

terrorist group Jemaah Islamiyah (JI). Meanwhile, several people were convicted and jailed for past attacks, including Umar Patek, the last defendant in the case of a bombing that killed 202 people in Bali in 2002. He was sentenced to 20 years in prison for his role in the construction of the car bomb.

In the eastern province of Papua, where the central government's exploitation of natural resources has stirred resentment and separatist sentiment, members of the security forces continued to enjoy relative impunity for abuses against civilians. An August 2012 report by the International Crisis Group warned of escalating violence linked to resource wealth and associated rent-seeking, as well as deep distrust between security forces and local communities. In addition, delays to provincial elections and the weakness of an appointed caretaker government resulted in a lack of communication among Papuans, their representative institutions, and the central government. Corruption has undermined the central government's efforts to improve economic conditions in Papua. Special autonomy status had been introduced in 2001 to undercut separatist agitation and a low-grade insurgency dating to the early 1950s. It provided for increased economic but not political autonomy. In March, five men charged with treason were convicted for "subversion" by the Jayapura District Court for their role in the 2011 Papuan People's Congress.

In Aceh, where a devastating tsunami in 2004 paved the way for a 2005 peace agreement between the central government and the Free Aceh Movement (GAM) after almost 30 years of violent conflict, former GAM foreign minister Zaini Abdullah was elected governor in April 2012 in the region's second elections since the peace accord. Although election day was relatively calm, the preelection period was marred by intimidation and violence – apparently between rival factions of the former rebel movement – that killed at least seven people.

Separately, in a historic move in July, the National Commission on Human Rights released reports concluding that government agencies were guilty of gross human rights violations related to execution-style killings between 1982 and 1985 as well as the army-led campaign against alleged communists in the 1960s.

Political Rights and Civil Liberties

Indonesia is an electoral democracy. In 2004, for the first time, Indonesians directly elected their president and all members of the House of Representatives (DPR), as well as members of a new legislative body, the largely advisory House of Regional Representatives (DPD). Previously, presidents had been elected by the People's Consultative Assembly (MPR), then made up of elected lawmakers and appointed officials. The MPR now performs tasks involving the swearing in and dismissal of presidents and the amendment of the constitution, and consists of elected DPR and DPD members. The DPR, with 560 seats, is the main parliamentary chamber. The 132-member DPD is responsible for proposing and monitoring laws related to regional autonomy. Presidents and vice presidents can serve up to two five-year terms, and all legislators also serve five-year terms.

Parties or coalitions must attain 25 percent of the popular vote or 20 percent of the seats in the DPR to nominate candidates for president. Voters for the DPR can select either a party list or an individual candidate, but candidates are seated based on the number of direct votes they receive. The changes, introduced in 2008, were designed to increase lawmakers' accountability to voters and reduce the power of party bosses. The 2009 elections yielded a significant turnover in the DPR's membership, with approximately 75 percent of the chamber consisting of new lawmakers. In April 2012, the DPR passed an amended election law that increased the vote threshold for parties to enter

the parliament from 2.5 percent to 3.5 percent, making it more difficult for small parties to win seats in the upcoming 2014 elections.

Direct elections for provincial leaders began in 2005. Combined with the decentralization of political and fiscal power to the district and subdistrict levels in 1999, these direct elections have often led to tensions between the central government and local authorities, with the latter at times ignoring court or central government rulings. Under a law passed in August 2012, the hereditary sultan of Yogyakarta will be that region's unelected governor; the position will become nonpartisan and the sultan will be subject to a verification process with minimum requirements – such as education – every five years beginning in 2016. The prince of Paku Alaman will similarly be deputy governor of the region. The central government had pressed unsuccessfully for the posts to become directly elected, as in ordinary provinces; the hereditary sultan of Yogyakarta and prince of Paku Alam have been occupying the positions of governor and vice governor since 1945, and the region avoided direct elections that were introduced in all other provinces.

Corruption remains endemic, including in the parliament and other key institutions. Indonesia was ranked 118 out of 176 countries surveyed in Transparency International's 2012 Corruption Perceptions Index. The KPK's success in a series of high-profile cases has raised public expectations that acts of corruption, even by senior officials, will be punished. In March 2012, former tax officer Gayus Tambunan received another six-year sentence in his fourth conviction, bringing his total sentence to 28 years for offenses ranging from bribery to money laundering. In May, Nunun Nurbaeti, the wife of a parliament member, was sentenced to two and a half years in prison for her role in bribery surrounding the 2004 election of Miranda Goeltom as deputy governor of the central bank. In September, Miranda herself was convicted and sentenced to three years in prison.

However, a 2009 anticorruption law diluted the authority and independence of both the KPK and the Anticorruption Court (Tipikor), allowing the creation of regional corruption courts. In August 2012, two Tipikor judges were arrested for bribery, and a September report by Indonesia Corruption Watch (ICW) found irregularities with at least 84 judges in the 14 regional courts. Moreover, ICW noted that over 70 graft suspects tried in the regional courts were found not guilty for lack of evidence. Before the regional corruption courts were opened, the KPK had a 100 percent conviction rate. Tipikor had been established partly to counteract the acquittals commonly issued in regular courts. Even those who are convicted often receive light sentences or benefit from mass pardons.

A long-running conflict between the KPK and the national police erupted again in 2012, sparked by a KPK investigation into a contract for driving simulators that implicated Inspector General Djoko Susilo. An October KPK raid on the police's traffic division resulted in a standoff that ended only after the KPK agreed to allow the police to run a parallel internal investigation, though President Susilo Bambang Yudhoyono (SBY) recommended that the KPK be given exclusive responsibility over the case. Djoko was officially named a KPK suspect after the raid, and soon thereafter the police withdrew 20 investigators who had been assigned to the KPK, some for several years, to assist in investigations. Five refused to report to the police headquarters, and one, Novel Baswedan, was arrested on murder charges stemming from a case that was closed in 2004. The national police filed a lawsuit against the KPK for seizing documents unrelated to the simulator matter during the October raid. All three cases were pending at year's end.

Indonesia hosts a vibrant and diverse media environment, though press freedom is hampered by a number of legal and regulatory restrictions. Strict but unevenly enforced licensing rules mean that thousands of television and radio stations operate illegally. Foreign journalists are not authorized to travel to the restive provinces of Papua and West Papua without special permission. Reporters often practice self-censorship to avoid running afoul of civil and criminal libel laws.

In addition to legal obstacles, reporters sometimes face violence and intimidation, which in many cases goes unpunished. The Alliance of Independent Journalists recorded 56 cases of violence against journalists in 2012, in addition to 12 separate incidents against journalists in Papua. In January 2012, the Supreme Court reversed the 2011 acquittal of three men in the killing of journalist Ridwan Salamun in 2010. However, the convicted men escaped due to prosecutors' failure to act promptly on the new ruling. In October, five journalists were allegedly attacked by soldiers while covering a plane crash; a video recording of the incident was posted on the video-sharing website YouTube.

Freedom of expression is generally upheld, though censorship and self-censorship of books and films for allegedly obscene or blasphemous content is fairly common. Since 2011, authorities in Aceh have cracked down on "punks" for supposedly insulting Islam. Those rounded up by police are subjected to "reeducation," which includes the forcible shaving of their punk-rock hairstyles and a traditional cleansing ceremony.

The 2008 Law on Electronic Information and Transactions (ITE) extended libel and other restrictions to the internet and online media, criminalizing the distribution or accessibility of information or documents that are "contrary to the moral norms of Indonesia" or related to gambling, blackmail, or defamation. In June 2012, reversing its own 2011 ruling based on new evidence, the Supreme Court finally exonerated Prita Mulyasari, who had been criminally prosecuted under the ITE law beginning in 2009 for complaining to friends via e-mail about a hospital where she had been a patient. In 2010 the court had overturned a parallel civil defamation ruling against her.

Indonesia officially recognizes Islam, Protestantism, Roman Catholicism, Hinduism, Buddhism, and Confucianism. Members of unrecognized religions have difficulty obtaining national identity cards. Atheism is not accepted, and the criminal code contains provisions against blasphemy, penalizing those who "distort" or "misrepresent" official faiths. The central government has often failed to respond to religious intolerance in recent years, and societal discrimination has increased. A 2006 joint ministerial decree requires religious groups seeking to build houses of worship to obtain the written approval of 60 immediate neighbors. In 2010 the Supreme Court overturned the 2006 revocation of a building permit for GKI Yasmin Church in West Java, but the local administration continued to prevent the congregation from using the premises. In May 2012, the Muslim and Christian communities reached an agreement allowing the church to open provided a mosque is built next door. However, the issue was still outstanding at year's end, and local residents blocked the congregation's access to the premises for a Christmas service. In Aceh in April, local authorities closed more than 20 places of worship, primarily for allegedly lacking proper building permits. In West Sumatra in June, Alexander Aan was sentenced to two and a half years in prison for declaring himself an atheist on his Facebook page and posting comic strips featuring the prophet Muhammad, which the judge said spread information that caused hatred and enmity.

Violence and intimidation against Ahmadiyya, a heterodox Islamic sect with approximately 400,000 Indonesian followers, continued in 2012 with attacks on Ahmadi mosques and property. Hostile acts against the group have increased since 2008, when the Religious Affairs Ministry recommended that it be banned nationwide, and the government, seeking a compromise, instead barred Ahmadis from proselytizing. The Shiite Muslim minority has also suffered violence and intimidation in recent years. In late 2011, a Shiite neighborhood in Sampang, East Java, was attacked, resulting in the destruction of homes and property. In July 2012, a Shiite cleric from Sampang, Tajul Muluk, was sentenced to two years in prison for blasphemy and teachings that deviated from mainstream Islam. The East Java High Court increased the sentence to four years in September, and the case was pending before the Supreme Court at year's end. Meanwhile, in August, Shiite students from Sampang were attacked, two accompanying adults were killed, and 35 Shiite-owned houses were torched. Separately, in October, 14 people died and almost 200 were evacuated by police during a three-day clash between Muslim and Hindu-Balinese residents in Lampung. A December report by the Setara Institute noted a 25 percent increase in acts of religious intolerance and violence compared with the previous year, with 264 acts of intolerance and 371 acts of violence, primarily in the provinces of West Java, East Java, Aceh, Central Java, and South Sulawesi. State actors – most notably, the police – carried out 39 percent of the acts of violence.

Academic freedom in Indonesia is generally respected.

Freedom of assembly is usually upheld, and peaceful protests are commonplace in the capital. However, authorities have restricted the right to assembly in conflict areas. Flag-raising ceremonies and independence rallies in Papua are routinely disbanded, often violently – as was the case with a Papuan People's Congress gathering in 2011 – and participants have been prosecuted. An October 2012 rally in commemoration of the 2011 Congress ended when police opened fire on a group of 300 people; several people suffered gunshot wounds. In May, one man was killed by security forces and 13 arrested during rallies by the West Papua National Committee protesting the handover of West Papua by the United Nations Temporary Executive Authority to Indonesia.

Indonesia hosts a strong and active array of civil society organizations, though some human rights groups are subject to monitoring and interference by the government. Moreover, independence activists in Papua and the Maluku Islands, and labor and political activists in Java and Sulawesi, remain targets for human rights abuses. No high-level official has been convicted for any serious human rights violation since the fall of Suharto.

Workers can join independent unions, bargain collectively, and with the exception of civil servants, stage strikes. The labor movement is generally fragmented, and enforcement of minimum-wage and other labor standards is weak. However, the labor laws include generous severance pay and strike provisions. In January 2012, the National Workers Union reached a landmark settlement with the Nike subsidiary Nikomas whereby the company would pay for almost 600,000 hours of forced overtime worked by 4,500 employees over the past two years. Some unions have resorted to violence in their negotiations with employers. In September, members of the Indonesian Metal Workers Federation took hundreds of employees hostage at a Japanese-owned factory in West Java after the company refused to upgrade contract workers to permanent employees. The hostages were released two days later when the company agreed to the union's demands. Approximately 10 percent of workers in the formal economy – which accounts for one-sixth of the total economy – belong to unions. Household workers are currently excluded from labor law protections.

The judiciary, particularly the Constitutional Court, has demonstrated its independence in some cases, but the court system remains plagued by corruption and other weaknesses. Low salaries for judicial officials and impunity for illegal activity perpetuate the problems of bribery, forced confessions, and interference in court proceedings by military personnel and government officials at all levels.

Effective police work has proven critical to Indonesia's recent successes in fighting terrorism, but the security forces in general remain rife with corruption and other abuses, and personnel regularly go unpunished or receive light sentences for human rights violations. These include ongoing abuses in conflict zones like Papua, but they are often related to land disputes and military involvement in illegal activities such as logging and mining. In 2010 the national police issued a regulation allowing officers to use live ammunition to quell anarchic violence. In February 2012, the International Crisis Group released a report highlighting the increasing rate of attacks on police by angry crowds, noting 40 specific incidents since August 2010. The report attributes the hostility to the cumulative effects of police brutality, bribery, and lack of accountability. In January, five officers were punished with three days' detention for a December 2011 incident in which police opened fire on a crowd of protesters in Bima, West Nusa Tenggara Province, resulting in three deaths.

A 2011 law gave the State Intelligence Agency (BIN) greater authority to gather information on those suspected of terrorism, espionage, or threatening national security. The law also criminalized the leaking of state secrets to the public, which critics warned could lead to abuse of power given the broad definitions of secret information.

Currently, information garnered through torture is permissible in Indonesian courts, and torture carried out by law enforcement officers is not a criminal offense. The Indonesian Legal Aid Institute found in 2010 that up to 80 percent of detainees suffered from acts of violence in police custody. Detention laws are generally respected, but there are many reports of abuse aimed at female and minority detainees. Student activists are the most prone to arbitrary arrest, followed by farmers and journalists. Poor prison governance is compounded by overcrowding.

In July 2012, the DPR passed a Juvenile Court Law that raised the minimum age of incarceration to 14 years, ordered the creation of juvenile detention centers within five years, and prohibited the publication of court details about minors. Minors are often incarcerated with adults; prior to this law, minors aged 8 and above were held criminally responsible for their acts and subject to incarceration.

Since 2006, a number of districts have issued local ordinances based on Sharia (Islamic law). Many are unconstitutional, contradict Indonesia's international human rights commitments, or are unclear, leading to enforcement problems. The central government and various parties have failed to take decisive action, apparently for political reasons. Many of the ordinances seek to impose an Islamic dress code, Koranic literacy requirements, and bans on prostitution. Other measures are more extreme. In 2009, the Aceh regional parliament passed legislation that, among other provisions, allows stoning for adultery and public lashing for homosexual acts. Nineteen people were caned in Aceh in March, April, and October 2012 for gambling and other "immoral behavior." Another 10 were caned in December for gambling and adultery. Local regulations unrelated to Sharia have also been criticized for violating constitutional protections. In August, the Home Affairs Ministry

announced that 824 of the country's local bylaws should be amended or repealed, with another 1,500 under evaluation.

Ethnic minority groups face considerable discrimination. The problems of mining and logging on communal land and state appropriation of land claimed by indigenous groups are most acute in Kalimantan. Ethnic Chinese, who make up less than 3 percent of the population but are resented by some for reputedly holding much of the country's wealth, continue to face harassment and occasional violence. LGBT (lesbian, gay, bisexual, and transgender) people also suffer discrimination, and gay-themed events have encountered resistance from local officials and open hostility from groups like the Islamic Defenders Front (FPI). Many local bylaws criminalize homosexuality, and a 2008 antipornography law labels homosexual acts "deviant." In May 2012, an event in Yogyakarta featuring a prominent Canadian author known for her work supporting LGBT rights was shut down after a small radical group, the Indonesian Mujahidin Council (MMI), attacked and injured participants; a related event in Jakarta was canceled after police intervened, reportedly due to pressure from other hard-line groups.

Discrimination against women persists, particularly in the workplace. A 2008 law states that 30 percent of a political party's candidates and board members must be women. While only 101 women were elected to the 560-seat DPR in 2009, this was an increase over 63 in the previous term. Trafficking of women and children for prostitution and forced labor continues, despite the passage of new laws and stricter penalties. Abortion is illegal, except to save a woman's life. Sharia-based ordinances in a number of districts infringe on women's constitutional rights. A draft Gender Equality Bill stalled in parliament in 2012 due to objections that it contradicted Sharia on issues such as inheritance and allowed interreligious marriage and same-sex marriage.

The 2008 antipornography law applies not just to published images but to speech and gestures that "incite sexual desire," drawing concerns that it could be used to persecute women. Significantly, the law invites the "public" to participate in the discouragement of pornographic acts, leading to extrajudicial enforcement. A Constitutional Court ruling in 2010 upheld the law.

Copyright notice: © Freedom House, Inc. · All Rights Reserved