

INDONESIA: Unjust Democracy

Thursday 9 April 2009, by [AHRC](#) (Date first published: 9 April 2009).

As Indonesia takes part in its third parliamentary election under a new order regime, one might be tempted to see it emerging as a modern, democratic state that has overcome its atrocious decades of military rule. But appearances here are deceiving. In 1998 the country started to establish the rule of law and build a plural society based on independent institutions of justice. However since then it has been consistently destabilised by the lack of functioning institutions and the long wait for justice by victims of the past regime.

Years ago President Susilo Bambang Yudhoyono declared that his main achievements would be vanquishing corruption and ending the impunity enjoyed by human rights violators. While this month's parliamentary election sets the stage for the presidential election—the country's second—due on July 8, 2009, its election pledges and principles are started to be unmasked as basic populism.

Indonesia remains a place where the killing of human rights defenders and civil society leaders goes unpunished. Five years (or a whole elective period) ago, human rights leader Munir Said Thalib was assassinated. While some of the henchmen involved in his death were convicted—in a queer process that needed a Supreme Court judgement to be reviewed—the main suspects continue to shape political life in Indonesia. Former National Intelligence Agency (BIN) deputy chief Muchdi Purwopranjono was acquitted of the assassination charges in December 2009, not long after two key BIN witnesses withdrew from the case under mysterious circumstances. Muchdi is now acting as vice-chairman of the Great Indonesia Movement Party, which is running in this election. Nobel Peace Prize laureate Jose Ramos Horta named Muchdi in 1999 as one of the generals responsible for the destruction of East Timor.

True justice in Indonesia is elusive. Current election promises to fight poverty and corruption stand starkly against the impunity still on display. Worse than that, direct discussions of issues of human rights and impunity are lacking in the electoral programs. Will this election be a move forward for the re-born democracy, or are indicators pointing to a dip in Indonesia, in terms of human rights, social justice and the rule of law?

The official approach to social unrest, like that in the West Papua region, continues to rely heavily on the military, and the arrest of peaceful public protestors is common. On April 3, 2009, the office of the Papua customary council was raided, with property confiscated and

17 persons arrested by police officers; a tent used by student activists was also burned down. Of those arrested some remain in detention on charges of separatism.

Can a country be called democratic when its civil society actors—its activists, human rights defenders and others—are facing such a situation, and where even the murder of human rights defenders remains unpunished?

The acquittal of Muchdi shows the failure of the justice system in Indonesia, and the shadow of Munir gives witness to the country's downturn. It seems that the reformatory spirit of 1998 in Indonesia got lost somewhere along the way. Democracy without rule of law is not a just democracy, and a democratic process that doesn't prioritise justice is hardly an expression of people's power.