

FREEDOM IN THE WORLD 2020

Indonesia

61

PARTLY FREE

/100

<u>Political Rights</u>	30 /40
<u>Civil Liberties</u>	31 /60

LAST YEAR'S SCORE & STATUS

62 /100 ● Partly Free

Global freedom statuses are calculated on a weighted scale. See the methodology.



Overview

Indonesia has made impressive democratic gains since the fall of an authoritarian regime in 1998, establishing significant pluralism in politics and the media and undergoing multiple, peaceful transfers of power between parties. However, the country continues to struggle with challenges including systemic corruption, discrimination and violence against minority groups, separatist tensions in the Papua region, and the politicized use of defamation and blasphemy laws.

Key Developments in 2019

- President Joko Widodo (“Jokowi”) of the ruling Indonesian Democratic Party of Struggle (PDI-P) was reelected in April, defeating former general Prabowo Subianto in a rematch of their 2014 contest.
- Prabowo’s supporters held a major protest in Jakarta in May to object to Jokowi’s reelection. The protest turned violent, with rioters using projectiles and setting fires, and police using tear gas and water cannons; at least 6 people were killed during the clashes.
- Student groups held nationwide protests against proposed revisions to the criminal code that would have restricted extramarital sex and access to contraceptives for minors, as well as legislation that weakened Indonesia’s anticorruption agency, in September. Protesters and security forces again clashed; two students were killed by police, and hundreds of people were injured.
- Authorities continued a crackdown on proindependence activity in the Papua region throughout the year. Ten Papuan protesters and one soldier died in clashes that took place in August, after police were filmed using racial slurs while arresting a group of Papuan students; in December, at least 110 people were arrested for flying the Papuan flag, which is considered treasonous by Indonesian authorities.

Political Rights

A. Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections?

4/4

The president is directly elected and serves as both head of state and head of government. Presidents and vice presidents can serve up to two five-year terms. Jokowi, the PDI-P candidate, won a second term in the April 2019 election with 55.5 percent of the vote, defeating former general Prabowo Subianto, the Great Indonesia Movement Party (Gerindra) candidate.

Limited voting irregularities were reported, but the contest was largely considered free and fair by international election monitors. Prabowo's campaign claimed the election was marred by widespread fraud and vote rigging, but this claim was rejected by the Constitutional Court in June. In October, Jokowi appointed Prabowo as his defense minister.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections?

4/4

The House of Representatives (DPR), the main parliamentary chamber, consists of 575 members elected in 34 multimember districts. The 136-member House of Regional Representatives (DPD) is responsible for monitoring laws related to regional autonomy and may also propose bills on the topic. All legislators serve five-year terms with no term limits.

Legislative elections were held concurrently with the presidential race and local contests in April 2019. The PDI-P, led by former president Megawati Sukarnoputri, won 19.3 percent of the vote and 128 seats. Golkar, the party of former authoritarian president Suharto, won 85 seats with 12.3 percent of the vote, followed by Gerindra with 78 seats and 12.6 percent of the vote. Partai NasDem won 59 seats, while the Democratic Party (PD) of former president Susilo Bambang Yudhoyono won 54. Two Islamic parties—the National Mandate Party (PAN) and the United Development Party (PPP) lost seats from the last parliament, returning with 44 and 19 respectively. Two other Islamic parties, the National Awakening Party (PKB) and the Prosperous Justice Party (PKS), increased their representation, winning 58 and 50 seats respectively.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?

3/4

The legal framework for elections is largely democratic, and electoral authorities are mostly seen as impartial. However, some legal provisions are problematic. Under a 2012 law, the hereditary sultan of Yogyakarta is that region's unelected governor.

A 2016 revision to the law governing local elections requires that the Election Oversight Agency (Bawaslu) and the General Elections Commission (KPU) conduct a binding consultation with the parliament and the government before issuing any new regulations or decisions. Activists expressed concerns that the rules would reduce electoral authorities' independence.

In 2017, the DPR approved a new General Elections Law that requires parties or coalitions fielding presidential candidates to hold 20 percent of the seats in parliament or 25 percent of the national vote in 2014. The provision effectively bars new or smaller parties from fielding candidates in the presidential race.

B. Political Pluralism and Participation

B1 0-4 pts

Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?

4/4

The right to organize political parties is respected, and the system features competition among several major parties. Four new parties contested the 2019 elections, two of them led by children of former president Suharto.

However, election laws favor large parties by increasing eligibility requirements. The 2017 General Elections Law requires new parties to undergo a “factual verification” process which involves confirming the accuracy of submitted documents on parties’ management, membership, and operations.

Communist parties are banned, and those who disseminate communist symbols or promote communism can face prison sentences of up to 12 years. In July 2019, police arrested two members of a literary group in East Java for possessing books on communism, including the biography of a former Indonesian Communist Party (PKI) leader. In early August, police in Makassar, the provincial capital of Sulawesi Selatan, seized books on Marxism during a raid.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections?

4/4

Indonesia has established a pattern of democratic power transfers between rival parties since 1999. The most recent handover occurred in 2014, when the PDI-P returned to power after losing the previous two presidential elections. However, the 2017 General Elections Law makes it more difficult for the opposition by tying presidential candidates' eligibility to their parties' past electoral success.

B3 0-4 pts

Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?

3/4

While voters and candidates are generally free from undue interference, the military remains influential, with former commanders playing prominent roles in politics, and intimidation by nonstate actors—including Islamist radical groups—remains a problem.

B4 0-4 pts

Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities?

2/4

Women enjoy full political rights, and political parties are also subject to 30 percent gender quotas for steering committees and candidates. Women remain underrepresented in electoral politics, holding 20.5 of the DPR's seats; however, women do win leadership positions in Indonesia. In October, the parliament elected Puan Maharani, daughter of former president Megawati and granddaughter of former president Sukarno, to serve as its first female speaker.

Ethnic Chinese are poorly represented in politics, and often abstain from voting. However, two parties with ethnic Chinese leaders, the Indonesian Solidarity Party

(PSI) and United Indonesian Party (Perindo), contested the April 2019 elections. Both parties fell below the 4-percent threshold to earn seats.

LGBT+ people, who are also poorly represented in electoral politics, abstain from voting.

Some local governments have discriminated against religious minorities by restricting access to identification cards, birth certificates, marriage licenses, and other bureaucratic necessities, limiting their political rights and electoral opportunities.

C. Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government?

3/4

Elected officials generally determine the policies of the government, though national authorities have faced difficulties in implementing their decisions due to resistance at the local level. Separately, observers have warned that the military is regaining influence over civilian governance and economic affairs.

C2 0-4 pts

Are safeguards against official corruption strong and effective?

1/4

Corruption remains endemic in the national and local legislatures, civil service, judiciary, and police. Acrimony between rival agencies—particularly the Corruption Eradication Commission (KPK) and the national police—has hindered anticorruption efforts, and civilian investigators have no jurisdiction over the military. In September 2019, the parliament passed legislation weakening the KPK;

under the new act, the KPK can only employ investigators from the national police, and is restricted in its ability to wiretap suspects.

Nevertheless, senior politicians have faced scrutiny over corruption accusations in 2019. Former social affairs minister Idrus Marham was handed a three-year prison sentence in April after he was convicted of accepting bribes while running for the Golkar party leadership; the Supreme Court reduced Marham's sentence to two years in December after hearing his appeal. In September, sports minister Imam Nahrawi resigned from his post after the KPK named him as a suspect in a bribery case.

C3 0-4 pts

Does the government operate with openness and transparency?

2/4

Although civil society groups are able to comment on and influence pending policies or legislation, government transparency is limited by broad exemptions in the freedom of information law and obstacles such as a 2011 law that criminalizes the leaking of vaguely defined state secrets to the public.

Civil Liberties

D. Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media?

3/4

Indonesia hosts a vibrant and diverse media environment, though legal and regulatory restrictions hamper press freedom. The 2008 Law on Electronic Information and Transactions extended libel to online media, criminalizing the distribution or accessibility of information or documents that are “contrary to the moral norms of Indonesia,” or involve gambling, blackmail, or defamation. Journalists covering sensitive subjects, including LGBT+ issues, face harassment and threats. Foreign journalists visiting Papua and West Papua continue to report bureaucratic obstacles and deportations.

Journalists also risk physical assault. At least seven members of the press were assaulted by police and by demonstrators while covering a postelection protest in Jakarta that descended into violence in May 2019. In late September, the Committee to Protect Journalists (CPJ) reported that police assaulted at least three journalists who covered an anticorruption protest in the city of Makassar.

Press activity has also been inhibited by internet blackouts. In May 2019, the government limited internet access in Jakarta, as supporters of presidential candidate Prabowo demonstrated over his loss. In late August 2019, the government slowed internet speeds in Papua as major protests took place, limiting journalists’ ability to report on events in the region.

D2 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private?

1/4

Indonesia officially recognizes Islam, Protestantism, Roman Catholicism, Hinduism, Buddhism, and Confucianism. Individuals may leave the “religion” section on their identity cards blank, but those who do—including adherents of unrecognized faiths—often face discrimination. Atheism is not accepted, and the criminal code contains provisions against blasphemy, penalizing those who “distort” or “misrepresent” recognized faiths.

National and local governments fail to protect religious minorities and exhibit bias in investigations and prosecutions. Building a new house of worship requires the signatures of 90 congregation members and 60 local residents of different faiths.

Violence and intimidation against Ahmadi and Shiite communities persists, and the central government continues to tolerate persecution of these groups.

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination?

3/4

Threats to academic freedom have increased in recent years. Academics have been charged with defamation and removed from their posts for criticism of public officials. In March 2019, Robertus Robet, a Jakarta State University lecturer, was arrested after criticizing a government plan to assign military officers to civilian posts in a February speech. Robet, who was charged with “offending a legal body,” fled to Australia with his family later that month.

Hard-line groups are known to threaten discussions on LGBT+ matters, interfaith issues, and the 1965–66 anticommunist massacres.

D4 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?

3/4

Laws against blasphemy, defamation, and certain other forms of speech sometimes inhibit the expression of personal views on sensitive topics, including on social media.

The government is known to surveil and detain individuals who discuss separatism in the Papua region or fly the Papuan flag. In January 2019, Papuan activist Agustinus Yolem was handed a one-year sentence for posting a video containing

proindependence slogans to Facebook the year before. In August, the national police disclosed that it was surveilling social media pages that allegedly published unverified and inciteful information on the region. Authorities arrested at least 110 people for raising the Papuan flag on December 1, the anniversary of its first use in public; Human Rights Watch (HRW) reported that 20 people were later charged with treason.

Civil servants are also subject to stringent restrictions on online activity; in November 2019, the government formed a task force to review “radical” social media comments from civil servants, including speech believed to insult or criticize the official *Pancasila* ideology, the state motto, the constitution, or the government. The decree governing this new task force also prohibits civil servants from joining organizations deemed to insult the country’s governing principles.

Score Change: The score declined from 4 to 3 due to the cumulative effect of government restrictions on the public use of the Papuan flag, arrests of Papuans expressing their desire for independence, surveillance of social media activity, and ongoing harassment of journalists and activists, which discourage open discussion on sensitive topics.

E. Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly?

2/4

Freedom of assembly is usually upheld, and peaceful protests are common. However, assemblies addressing sensitive political topics—such as the 1965–66 massacres or regional separatism—are regularly dispersed, with participants facing intimidation or violence from vigilantes or police.

Supporters of presidential candidate Prabowo demonstrated in Jakarta in May 2019, claiming that the contest was rigged after his loss in April. While demonstrations began peacefully, clashes between protesters and the authorities broke out, with protesters setting fires and throwing projectiles, and police using tear gas and water cannons; at least 6 people were killed and 200 more were injured during the clashes.

In August 2019, large demonstrations were held in the Papua region, after a video of Papuan students facing racist abuse by a militia group was disseminated online. Some of these demonstrations turned violent, with rioters burning a legislative assembly hall in the city of Manokwari along with several prisons and police using live ammunition to disperse a crowd; at least 10 Papuans and one soldier were killed in the clashes.

In September 2019, Indonesian students held demonstrations in several cities, including Jakarta and Makassar, to voice opposition to the government's policy on Papua, legislation meant to weaken the KPK, and proposed criminal code revisions that would have banned extramarital sex and restricted access to contraceptives. Protesters and police again clashed; two students were killed by police in the city of Kendari, and several hundred people were injured nationwide.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work?

2/4

While nongovernmental organizations (NGOs) are active in Indonesia, they are subject to government monitoring and interference. A 2013 law requires all NGOs to register with the government and submit to regular reviews of their activities. It limits the types of activities NGOs can undertake and bars them from committing blasphemy or espousing ideas that conflict with the official Pancasila ideology, such as atheism and communism. The government is empowered to dissolve noncompliant organizations without judicial oversight.

Authorities and influential Muslim organizations have continued to intimidate and harass LGBT+ people and activists. Nahdlatul Ulama, Indonesia's largest Muslim organization, has called for LGBT+ activism to be criminalized. The cumulative effect of this campaign has been to drive the LGBT+ activist community underground, and to hamper groups seeking to provide services to LGBT+ people.

Activists working to address Papuan issues are also targeted by the government. In September 2019, human rights lawyer Veronica Koman was accused of “provoking unrest” by the authorities for sharing videos of police activity in the region. Koman fled to Australia that month.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?

3/4

Workers can join independent unions, bargain collectively, and with the exception of civil servants, stage strikes. Legal strikes can be unduly delayed by obligatory arbitration processes, and laws against antiunion discrimination and retaliation are not well enforced. As a result of a memorandum of understanding signed in 2018, the military can assist police in dealing with strikes and demonstrations.

F. Rule of Law

F1 0-4 pts

Is there an independent judiciary?

2/4

The judiciary has demonstrated its independence in some cases, particularly in the Constitutional Court, but the court system remains plagued by corruption and other weaknesses. Judicial decisions can also be influenced by religious considerations. In March 2019, the Supreme Court rejected the appeal of a Buddhist

woman who received an 18-month prison sentence for blasphemy, after she privately complained about the volume of a nearby mosque's call to prayer.

F2 0-4 pts

Does due process prevail in civil and criminal matters?

1/4

Police reportedly engage in arbitrary arrests and detentions, particularly of protesters or activists suspected of separatism. Existing safeguards against coerced confessions are ineffective, and defendants are sometimes denied proper access to legal counsel, including in death penalty cases.

A number of districts and provinces have ordinances based on Sharia (Islamic law) that are unconstitutional and contradict Indonesia's international human rights commitments.

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?

1/4

Military service members accused of crimes against civilians are tried in military courts, which lack impartiality and often impose light punishments. Security forces regularly go unpunished or receive lenient sentences for human rights violations. In October 2019, six police officers involved in the deaths of two student protesters in Kendari received administrative punishments in a disciplinary hearing.

Deadly confrontations between security forces remain common in Papua and West Papua.

Torture by law enforcement agencies is not specifically criminalized. Prisons are overcrowded and corrupt, leading to riots, protests, and jailbreaks. Violence related to natural resource extraction remains a problem. In Aceh, regulations under Sharia

permit provincial authorities to use caning as punishment for offenses related to gambling, alcohol consumption, and illicit sexual activity.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population?

1 / 4

Papuans face racial discrimination, including from authorities. In August 2019, members of a militia were filmed using racial slurs as police officers arrested a group of 43 Papuan students. The students allegedly did not raise the Indonesian flag as the country celebrated its independence day.

Some national laws and numerous local ordinances discriminate against women either explicitly or in effect.

LGBT+ people suffer from widespread discrimination, and authorities continue to target LGBT+ people with inflammatory and discriminatory rhetoric. LGBT+ people also risk attacks by hard-line Islamist groups, sometimes with support from local authorities.

Ethnic Chinese, who make up approximately one percent of the population but reputedly hold much of the country's wealth, are also vulnerable to harassment.

Indonesia grants temporary protection to refugees and migrants, but is not party to the 1951 Refugee Convention and does not accept refugees for asylum and resettlement.

G. Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?

3/4

The freedoms to travel and change one's place of residence, employment, or higher education are generally respected. However, Indonesians engaging in these administrative processes are sometimes vulnerable to bribery.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?

2/4

A robust private sector exists, but business activity is hampered by corruption. Property rights are sometimes threatened by state appropriation and licensing of communally owned land to companies, particularly for those with unregistered or customary land rights. Women have relatively poor rights to marital property, as well. Ethnic Chinese in Yogyakarta face restrictions on private property ownership under a 1975 decree that contravenes national laws.

G3 0-4 pts

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?

2/4

Abortion is illegal except to save a woman's life or in instances of rape. Adults over the age of 15 must have corroboration and witnesses to bring rape charges.

Sharia-based ordinances in a number of districts impose restrictions on dress, gambling, alcohol use, and sexual activity; these ordinances are disproportionately enforced against women and LGBT+ people.

Public displays of affection are banned in Aceh Province under Sharia-based regulations. In January 2019, two couples were whipped in the provincial capital of Banda Aceh for showing affection in public, after serving months-long prison sentences.

Marriages must be conducted under the supervision of a recognized religion, which obstructs interfaith marriages. The minimum age for marriage, defined in the 1974 Marriage Law, was 16 for women and 19 for men; child marriage was historically common for girls. In 2018, the Constitutional Court ruled the minimum age of 16 for women to marry unconstitutional. The parliament complied with the ruling in September 2019, amending the law to make the minimum age for marriage 19 for women.

That same month, the parliament also considered criminal code revisions that would have restricted extramarital sex; the new code would also have restricted access to contraception for minors and would have effectively banned same-sex relations. Jokowi halted the bill, which attracted fierce criticism and prompted major demonstrations, in late September; the parliament is expected to reconsider the revisions in 2020.

G4 0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation?

2/4

National, provincial, and local authorities set standards for working conditions and compensation, but enforcement is inconsistent. Indonesian workers are trafficked abroad, including women in domestic service and men in the fishing industry.





On Indonesia

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Country Facts

Global Freedom Score

61/100 ● Partly Free

Internet Freedom Score

51/100 ● Partly Free

Other Years

2019 ▼

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