



Freedom in the World - Indonesia (2011)

Capital: Jakarta

Population:
243,306,000

Political Rights Score: 2 *

Civil Liberties Score: 3 *

Status: Free

Overview

President Susilo Bambang Yudhoyono's parliamentary support weakened in 2010, with a majority voting in March that there were significant irregularities surrounding a controversial 2008 bank bailout. The subsequent resignation of Finance Minister Sri Mulyani, a target of the parliamentary inquiry, was an apparent attempt to avoid an impeachment effort against Vice President Boediono. Security forces in February raided a jihadi training camp in Aceh, and in March killed terrorism suspect Dulmatin, who was wanted for his alleged involvement in a 2002 Bali bombing that killed 202 people. A case against two deputy chairmen of the country's anticorruption commission, which had been dropped in 2009 after the exposure of an apparent conspiracy by police and prosecutors to undermine the commission, was revived during the year. However, the attorney general's office announced its intention to legally drop the case for the "sake of public interest" in late October. Violence against the Ahmadiyya minority sect continued in 2010, and there were several attacks on Christian churches. Separately, a Malukan political activist died in jail, allegedly due to torture and denial of treatment.

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. Under Habibie, 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 diluted SBY's reformist credentials. In 2009, two deputy chairmen of the Corruption Eradication Commission (KPK) were arrested for extortion based on the accusations of businessman Anggodo Widjojo. However, wiretap recordings revealed an apparent conspiracy in the national police and the attorney general's office to frame the two commissioners and discredit the KPK, and the case was dropped. In August 2010, Widjojo was convicted of attempting to bribe the two deputy chairmen. Despite Widjojo's conviction, the Supreme Court in October overturned the 2009 decision to drop the extortion case against the deputies—citing insufficient justification for the original decision—and allowed the case to be reopened. Later in October, in a move widely seen as an attempt to fix its reputation, the attorney general's office announced it would not reopen the case despite the Supreme Court ruling and instead announced its intention to legally drop the case for the "sake of public interest." At year's end, the decision had not yet been formally signed by the incoming attorney general, who will require support from the DPR to implement the decision.

SBY's control over his parliamentary coalition weakened in 2010. Lawmakers voted in March to find that irregularities had occurred in the 2008 bailout of Bank Century, and recommended that law enforcement agencies investigate the matter. The case was widely seen as an attempt to undermine the administration by targeting the reformist finance minister, Sri Mulyani, and the vice president, who was governor of the central bank at the time of the bailout. Sri Mulyani resigned, apparently to head off an impeachment bid against Boediono, and took a position at the World Bank in June. Soon after her resignation, Golkar leader Aburizal Bakrie was appointed chairman of the progovernment coalition, and senior Golkar officials announced that they would not press for investigations into the bailout.

In February, police discovered a jihadi training camp in the northwestern province of Aceh that was allegedly headed by Dulmatin, a suspected terrorist leader wanted in connection with a 2002 Bali nightclub bombing that killed 202 people. Dulmatin was killed in a March raid by security forces, and more than 50 suspected members of his group were arrested in related operations. In August, radical cleric Abu Bakar Bashir was arrested for allegedly advising and funding the Aceh group. In December, six men were sentenced to seven to nine years for their involvement in the Aceh camp.

In the eastern region of Papua, where the central government's exploitation of natural resources has stirred resentment, prominent intellectuals, theologians, and tribal leaders from the Papuan People's Assembly (MRP) agreed in March to reject special autonomy status and call for a referendum on independence. The move came after the central government rejected out of hand an affirmative-action resolution by the MRP. Special autonomy had been introduced in 2001 to undercut separatist agitation; it provided for increased economic but not political autonomy. The Free Papua Movement (OPM) has waged a low-grade insurgency in the region since the early 1950s.

In July, the United States announced that it would resume relations with the Indonesian army's elite forces (KOPASSUS), which had been suspended since 1998.

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 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, which expanded from 550 seats in 2004 to 560 in 2009, 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.

Several parties protested against the revised Law on Political Parties (Law No. 2/2008) passed in December 2010, charging that it is biased against smaller parties.

Staggered, direct elections for regional leaders began in 2005 and have generally been considered free and fair. Independent candidates were allowed to contest local elections for the first time in 2008, although Aceh's 2006 governance law had already allowed independent candidates there as part of an effort to cement a 2005 peace agreement with the separatist Free Aceh Movement (GAM) militant group by integrating former GAM members into the political process.

Corruption remains endemic, including in the parliament and other key institutions. Indonesia was ranked 110 out of 178 countries surveyed in Transparency International's 2010 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 May 2010, four members of parliament were convicted of receiving bribes related to the 2004 election of a senior deputy governor of the central bank; 26 other lawmakers remained suspects. In June, former justice minister Yusril Ihza Mahendra was named as a suspect in a \$46 million embezzlement case involving the ministry's website.

Critics have accused entrenched elites of attempting to weaken anticorruption bodies, citing the alleged conspiracy against the KPK that was revealed in 2009, as well as a 2009 anticorruption law that diluted the authority and independence of the KPK and the Anticorruption Court (Tipikor), where cases brought by the KPK are tried. In addition, those convicted often receive weak sentences or benefit from mass pardons on certain holidays.

Pervasive corruption in the legal system was highlighted again in 2010 when former chief detective Susno Duadji turned whistleblower and accused the national police of large-scale case-brokering activities. Soon after the revelations, Susno Duadji himself was named as a graft suspect. In July, an anticorruption activist involved in a report on suspiciously large bank accounts belonging to police generals was brutally beaten. The assailants had not been identified by year's end. However, in a move that was expected to strengthen antigraft efforts, the DPR in October passed a law on money laundering that allows the KPK to receive graft allegations directly from the Financial Transaction Report and Analysis Center (PPATK) rather than through the police. Separately, in February, former KPK chairman Antasari Azhar was found guilty of planning the murder of a businessman and received an 18-year prison sentence.

Indonesia is home to a vibrant and diverse media environment, though press freedom remains hampered by a number of legal and regulatory restrictions. There is a large independent media sector, but strict 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. In July 2010, three Molotov cocktails were thrown at the offices of *Tempo* magazine, which had recently reported on corruption within the national police. In August, an Ambon-based reporter was killed while covering a clash between two villages. The Alliance of Independent Journalists reported that it had documented over 40 cases of violence against journalists between August 2009 and August 2010.

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. Violators face a possible six-year prison sentence. In October 2010, the Supreme Court overturned a 2009 civil defamation ruling against Prita Mulyasari, who had complained to friends via e-mail about a hospital where she had been a patient. She had also faced criminal charges under the ITE law, but was acquitted in late 2009.

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 national government has often failed to respond to religious intolerance in recent years, and societal discrimination has increased. An October 2010 report by the Indonesian Survey Institute (LSI) found that 57.8 percent of survey respondents opposed the construction of non-Muslim places of worship. A 2006 joint ministerial decree requires religious groups seeking to build houses of worship to obtain the written approval of 60 immediate neighbors.

The LSI report also showed that 30.2 percent of respondents—up from 13.9 percent in 2005—were in favor of violence against Ahmadiyya, a heterodox Islamic sect with 400,000 Indonesian followers. In July, protesters who included members of militant Islamist organizations attempted to forcibly close a West Java Ahmadiyya mosque and clashed with local Ahmadis. In October, a Lombok district head announced that Ahmadis displaced following the communal conflict in 2006 would be relocated to a deserted island to pacify local unrest. Also that month, two separate attacks on Ahmadiyya mosques and homes took place in Ciampea and Cisalada. Discrimination and violence against Ahmadiyya have increased since 2008, when the Religious Affairs Department recommended that the group be banned, and the government, seeking a compromise, instead barred Ahmadis from proselytizing. In August 2010 and again in September, the religious affairs minister announced his intention to ban Ahmadiyya outright. Separately, violence between Christians and Muslims in Poso continued to decrease in 2010, though underlying grievances and low public confidence in the government remained unaddressed. Several attacks against churches took place during 2010. In September, two church leaders were injured during a confrontation between Protestants and Muslims in Bekasi; a leader of the Islamic Defenders Front and 12 others awaited trial at year's end. A report released in November by the International Crisis Group noted that growing religious intolerance and fears of "Christianization" have been the cause of recent violent disputes.

Academic freedom in Indonesia is generally respected. In October 2010, the Constitutional Court ruled that the authority of the attorney general's office to ban books under a 1963 law was unconstitutional. However, book banning and other censorship can still take place after due process of law. Censorship is fairly common. In August, a Jakarta court declined to lift a 2009 ban on a film about the 1975 deaths of five Australian reporters in East Timor at the hands of the Indonesian military. In October, a television documentary on the sex trade in prisons was pulled before broadcast, allegedly on orders from the Ministry of Justice and Human Rights.

Freedom of assembly is usually upheld, and peaceful protests are commonplace in the capital. However, two separate riots resulted in several deaths in April 2010, and police used live fire against crowds on at least two occasions during the year. Authorities have restricted the right to assembly in conflict areas. Flag-raising ceremonies and independence rallies in Papua are routinely disbanded, and participants have been prosecuted.

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. In September 2010, a Malukan political activist who was jailed in 2007 for raising a separatist flag died after allegedly suffering beatings and denial of medical treatment in prison. The chairman of the Commission for Missing Persons and Victims of Violence noted in October that jailed members of a separatist group in Maluku had been tortured, and that many had been jailed without a warrant. No high-level official has been convicted in the assassination of Munir Said Thalib, a prominent rights activist who died of arsenic poisoning in 2004, or 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 government enforcement of minimum-wage and other labor standards is weak. However, relatively rigid labor laws—originally introduced in 2003—include generous severance pay and strike provisions. The government plans to amend the laws to promote investor confidence, but proposed revisions were not prioritized by parliament in time for the 2011 session. Domestic workers are currently excluded from labor law protections. An April 2010 report by Amnesty International estimated that 2.6 million female domestic workers are not protected under existing laws.

The judiciary, particularly the Constitutional Court, has demonstrated its independence in some cases, but the court system remains plagued by corruption and other weaknesses. The Supreme Court has been the slowest to reform among the country's judicial institutions. 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.

A number of districts began issuing local ordinances based on Sharia (Islamic law) in 2006. Many are unconstitutional, contradict international treaties to which Indonesia is a signatory, or are unclear, leading to enforcement problems. Rights violations by Sharia police, predominantly against

women and minorities, have highlighted the problems of enforcement, particularly in Aceh. The national government and various parties have failed to take decisive action on the issue, apparently for political reasons. Many of the ordinances seek to enforce an Islamic dress code, Koranic literacy requirements, and bans on prostitution. For example, a bylaw passed in 2009 by the West Aceh legislature prohibits women from wearing trousers. Other measures are more extreme: in 2009, the Aceh provincial parliament passed legislation that, among other provisions, allows stoning for adultery and public lashing for homosexual acts. Other local regulations that are unrelated to Sharia have also been criticized for violating constitutional protections.

Members of the security forces regularly go unpunished for human rights violations. These include ongoing abuses in conflict zones like Papua, but they are largely related to land disputes and military involvement in illegal activities such as logging and mining. In 2009, the outgoing DPR dropped deliberations on a military justice bill that would have required soldiers to be tried in civilian courts for criminal offenses. Currently, information garnered through torture is permissible in Indonesian courts, and torture carried out by law enforcement is not a criminal offense. A graphic video released on the internet in October 2010 captured the abuse and torture of two Papuan villagers. The military confirmed that the men committing the torture were soldiers, but no arrests had been made by year's end. Separately, four soldiers were sentenced to several months in jail in November for another video filmed in March that showed the abuse of Papuan detainees. The military and government have been accused of using this so-called "red herring" trial to deflect attention from the October torture video, which was much more serious in nature than the March recording.

Effective police work has proven critical to Indonesia's recent successes in fighting terrorism, but the police force remains rife with corruption and other abuses, and officers have generally avoided criminal penalties. The Indonesian Legal Aid Institute found in 2010 that up to 80 percent of detainees suffered from acts of violence in police custody. The head of the national police's legal division revealed in 2009 that approximately 350 officers are dismissed annually for rights violations. In October 2010, outgoing national police chief Bambang Hendarso Danuri issued a regulation allowing officers to use live ammunition to quell anarchic violence. Soon after the regulation was issued, police fired shots into a crowd in Jakarta during an antigovernment protest. Separately, five people were killed and 23 wounded in September after police fired shots into a crowd of protesters in Central Sulawesi. The new police chief who took office in October was criticized for his alleged role in the fatal shootings of students in 1998, and for his suspected sympathies with the thuggish Islamic Defenders Front.

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. Prisons have reportedly been significant recruiting sites for radical groups, primarily due to corruption and lax controls that allow the circulation of extremist media material. Members of the jihadi group that was broken up in Aceh in early 2010 allegedly met in prison or through prison contacts. Poor prison governance is compounded by overcrowding; in July, the justice minister reported that the prison population exceeded capacity by 55,000 inmates.

Members of Indonesia's 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 for reputedly holding the lion's share of the country's wealth, continue to face harassment and occasional violence. Sexual minorities also suffer discrimination, and gay-themed events have encountered resistance from local officials and open hostility from groups like the Islamic Defenders Front.

Discrimination against women persists, particularly in the workplace. In the political sphere, 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 the 63 who served during the previous term. Trafficking of women and children for prostitution, forced labor, and debt bondage 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; it is estimated that over 150 bylaws discriminate against women and minorities.

A 2008 antipornography law applies not just to published images but to speech and gestures that "incite sexual desire," drawing concerns that it would be used to persecute women. Significantly,

the law invites the “public” to participate in the discouragement of pornographic acts, which has led to extrajudicial enforcement. A Constitutional Court ruling in March 2010 upheld the law, rejecting an appeal by 28 cultural, arts, and rights organizations. In June, the lead singer of a popular band was arrested and charged under the antipornography law and the ITE law for appearing in three explicit videos in May. In August, the Supreme Court revealed that it had found the editor of the relatively mild Indonesian version of *Playboy* magazine guilty of public indecency, overturning a 2007 decision by a lower court and forcing the editor to serve a two-year jail term.

**Countries are ranked on a scale of 1-7, with 1 representing the highest level of freedom and 7 representing the lowest level of freedom. Click [here](#) for a full explanation of Freedom in the World methodology.*