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2017 Jakarta's Election and Participatory Politics

What's Gone Wrong with Indonesia's Democracy?

By Emirza Adi Syailendra

Synopsis

Amid the 2017 Jakarta Election, some loosely interpreted laws (such as regarding blasphemy, anti-Pancasila, and treason) have frequently been used as a tool for political manoeuvre both by the establishment and the opposition. The most prominent victim of this exploitation of democratic space is the incumbent Jakarta Governor, Basuki Tjahya Purnama.

Commentary

POLITICAL BALANCING nuanced the government's intention to disband Hizbut Tahrir Indonesia (HTI), one of the mobilising forces behind the anti-Basuki Tjahya Purnama (Ahok) series of rallies throughout Indonesia. Indeed, the government has been closely monitoring HTI for years, due to suspicion over their activities promoting global Islamic caliphate ideology, which is deemed incompatible with Indonesia's democratic values.

Nonetheless, HTI has been operating for over 25 years and was acknowledged by the Indonesian Ministry of Law and Human Right as a legal societal organisation in 2014, which warrants proper legal procedure (e.g. by issuing series of warnings) before any decision to dismantle them. The announcement of the plan to ban HTI a day before Ahok's sentencing on 9 May 2017 has also led many to speculate that the decision was a political balancing act.

Weaponisation of "Rubbery" Laws

Having a vibrant democratic environment is progress, but learning to use the

freedom is difficult. Blasphemy law in Indonesia has been the subject of international criticism, particularly after Ahok, a Christian of ethnic Chinese descent, was found guilty of blasphemy under Article 156(a) of the Criminal Code over a few careless throwaway lines on the campaign trail, weaponised against him through outrage from his political adversaries.

The sentence of two years' imprisonment was also deemed as unexpectedly excessive, as the prosecutors only found him guilty of inciting public disorder and then reduced the demand to two years' probation. This seems to suggest that the court verdict was motivated to maintain political stability, catering to pressure from the disgruntled conservative Muslim population.

Although the establishment elites appeared to have accepted the decision, they seem to be looking to compensate for defeat by targeting representatives of the opposing camp by using another *pasal karet* or "rubbery" law, in this case using the anti-Pancasila (Indonesia's Five Founding Principles) charge against HTI. The worrying trend is that the term 'anti-Pancasila' can be loosely defined or interpreted with criteria subjectively determined by the elites in power.

Muhammad Rizieq Shihab, the leader of the Islamic Defenders Front (FPI), another leading figure behind the anti-Ahok rally, was also charged on 30 January 2017 with undermining the philosophy of Pancasila. The establishment camp targeted Rizieq Shihab personally, instead of the FPI as an organisation, arguably because the FPI is leader-driven and at times can be a government political proxy. As the *pasal karet* can be used for the government's political objective, there is a lack of motivation to repeal the laws.

Beware Leviathan

Strong-arm tactics have also been frequently used in the name of creating stability at the height of tensions during the 2017 Jakarta gubernatorial election. On the eve of the 2 December 2016 rally the police arrested a dozen activists and nationalist figures, accusing them of treason – plotting to overthrow the government. The individuals detained included the coordinator of the Ahok Opposition Network (JALA).

Having limited funds, few supporters, and being unarmed, the Indonesian police's argument that such groups were plotting an insurrection was not very convincing and widely criticised. This led many to believe that it was the government's way of sending a signal to their opponents that the security apparatus can be used against them.

The police released most of the captured suspects after questioning them. Yet the event has created a chilling effect on free speech by the threat of legal sanction. This argument seems to be substantiated after another five men were arrested for treason on 31 March 2017, before a subsequent anti-Ahok rally. The worrying trend is the utter disregard by the authorities over the difference between treason and dissent, which can undermine the exercise of personal rights.

Return of Big Government

The contentious oligarchic politics in Indonesia have motivated the establishment party to utilise whatever resources are at their disposal to consolidate power. This has indicated that today big government is back with a vengeance to quell forces confronting the establishment.

Having bought many opponents to move to his side, President Joko Widodo's (Jokowi) coalition currently controls nearly 70 percent of the House of Representatives (DPR) seats – a big jump from only 37 percent after the 2014 Presidential Election. Jokowi has made alliances with the Party of Functional Groups (Golkar), as well as small nationalist parties. Despite its overwhelming majority, Jokowi's coalition remains capricious and largely depends on the president's ability to strike bargains with senior party leaders.

Jokowi also still faces relatively strong opposition, primarily from Prabowo Subianto's Gerindra Party and Islamist parties such as the Prosperous Justice Party (PKS). This presence of counterbalancing forces is reassuring to maintain checks and balances, so long as the establishment party and opposition do not conspire in collusive practices. This has often been the case, such as the E-KTP (electronic ID card) scandal, incurring state losses of around Rp. 2.3 trillion (USD172 million), which was allegedly shared by different factions of the DPR.

The return of big government has stirred up fiery opposition as well as praise. On one hand it helps Jokowi to implement his policies more effectively. On the other, it has often provided opportunities for the establishment to clamp down on the dissent of those who are not in favour of the government. While President Jokowi is not a big fan of free-flowing ideas and debates, as indicated in his remarks on 22 February 2017 that Indonesian democracy has “gone too far,” he needs to remember this vibrant democratic scene was the one that got him elected.

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