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Indonesia Ban on Civil Society Bodies: Spot On or Overreach?

By Alexander R. Arifianto

Synopsis

President Joko Widodo has signed a government regulation in lieu of law (Perppu) which expedites the disbanding of “illegal” civil society organisations. While it is intended to crack down on hardline Islamist groups, it has also come under fire from human rights and some Islamic groups.

Commentary

ON 10 JULY 2017, Indonesian President Joko Widodo (popularly known as Jokowi) signed a government regulation which amends Law No. 17/2013 on Civil Society Organisations (CSO) to expedite the legal process to disband “illegal” civil society organisations. The emergency regulation was publicly announced on 12 July by retired general Wiranto, the Coordinating Minister for Political, Legal, and Security Affairs.

Perppu No. 2/2017 disbands a civil society organisation that is found to have committed a number of offences. They include advocating secession from the unitary Republic of Indonesia (NKRI); committing an act which opposes Indonesia’s national ideology *Pancasila* (Five Principles); and engaging a blasphemous act against an officially recognised religious group.

Regulation’s Purpose

The new regulation scrapped the legal procedures specified in the 2013 Law on Civil Society Organisations to revoke the legal recognition for a CSO. Formerly, this was an elaborate procedure, requiring the government to issue three notices against the organisation before it may proceed to petition the lower court to issue a ruling to

revoke its legal status. The CSO had the right to defend itself in the court and the right to appeal the ruling to the Indonesian Supreme Court, which would issue the final ruling on the matter.

Now the government has the right to revoke an organisation's legal recognition after giving it a seven-day notice that it is breaking the Civil Society Law. The Ministry of Law and Human Rights then has the full authority to prohibit the CSO without having to go to court to obtain a ruling against the organisation.

The emergency regulation is widely perceived to give the Indonesian government an expedited authority to ban hardline Islamist groups such as Hizbut Tahrir Indonesia (HTI). It is the Indonesian affiliate of the global *Hizb-ut Tahrir* (Party of Liberation) movement, which advocates the establishment of a global Islamic caliphate.

HTI has attracted a wide following in Indonesia, especially among young high school and university students and middle-class professionals for its propagation (da'wa) activities, which calls for Indonesia to be part of a global caliphate system, contradicting Indonesia as a sovereign unitary republic – Negara Kesatuan Republik Indonesia (NKRI).

HTI was part of a broad coalition of Islamic organisations which mobilised a series of protests against former Jakarta governor Basuki Tjahaja Purnama (popularly known as Ahok) for allegedly committing a blasphemous act against Islam in one of his re-election campaign speeches. Their year-long campaign against Ahok contributed to his defeat last April and his conviction for blasphemy in May 2017, for which he is serving a two-year prison sentence.

Critics' Response

President Jokowi has been under pressure to rein in the organisation. His supporters argue that HTI and other Islamist groups like the Islamic Defenders Front (FPI) could plan further actions that would endanger Jokowi's re-election prospects in 2019. This is indicated from his swift action to issue the Perppu, an extraordinary measure that he has only utilised twice previously during his three-year old presidency.

Jokowi's decision to issue the Perppu came under strong criticism from human rights groups and a number of Islamic bodies. They protested against the broad authority now granted to the Indonesian government to disband any groups that committed the above offences, pointing out that under the new law, the government has the authority to ban any civil society groups, not just those promoting hardline Islamic ideology.

Human rights groups have condemned the Perppu for "undermining the rights of freedom of association and expression" and that it could bring back authoritarian rule similar to those under Indonesia's long-term dictator Suharto from 1966 to 1998.

HTI, the primary target of the regulation, has issued a statement stating that it strongly rejects the regulation, insisting it has not broken any laws and that it is simply preaching Islamic values toward its followers. It now plans to file an appeal to Indonesia's Constitutional Court to challenge the Perppu's constitutionality. It has

hired prominent lawyer and politician Yusril Ihza Mahendra, a former Minister of Law and Human Rights, to represent it in its Constitutional Court appeal.

Jokowi's Democrat Credibility Under Threat

Muhammadiyah and Nahdlatul Ulama (NU), Indonesia's two largest Islamic organisations, have diverging opinions regarding the emergency regulation. Muhammadiyah condemns the government's decision to issue the Perppu, stating that its issuance is "a high price to pay for Indonesian democracy, especially if it is intended against just one specific organisation".

However, NU officially supports the regulation. Said Aqil Siradj, NU's general chairman, states that it is needed to ban any organisation which opposes the Pancasila national ideology and to stop the growth of hardline groups like HTI, which is now supported by approximately nine percent of Indonesia's population.

This is not the final word on the Perppu; it still needs to be endorsed by the Indonesian Parliament (DPR) and affirmed by the Constitutional Court in a widely anticipated legal challenge by human rights and Islamist groups.

Whether the regulation is only intended to crack down on hardline Islamist groups or whether it will be used to ban other organisations remains to be seen. However, by issuing the Perppu, Jokowi is opening Pandora's Box that could endanger his legacy as a popular Indonesian president elected under democratic principles.

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