

An Outline of Global Civil and Political Rights: Indonesia Experiences

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Introduction

At the time of New Orderⁱⁱ in power, in 1975, President Soeharto issued a policy on fusion (merging) of political parties based on ideology through Law No. 3 Year 1975 about Political Parties simplification. The Ten Party Election 1971ⁱⁱⁱ — the first New Order election — fused into two parties and one group, namely the United Development Party (PPP), Democracy Indonesia Party (PDI), and Labor Group (Golkar)^{iv}.

When the New Order Era teared down by students in the year 1998, the Reform Era was born. In 1999, when the Reform Era the first election held under President BJ Habibie Government, appear 48 political parties as participants voted. Next, in 2004 grown to 24 Party, and in 2009, appearing in 44 parties.

Indonesia, thus, after reformation movement, simultaneous embrace multiparty view, a view where political freedom and civil rights were given fresh wind. Whether it is understood as euphoria on fall of the New Order regime, or the consistency of commitment to democracy, in principle, it implied a historical record that the struggle of civil and political rights in Indonesia, not forever moved without obstacles. As same as the struggle of civil and political rights of our brothers and sisters in Africa, America, and Europe, which also require weary of interminable toil and, not infrequently, blood and tear.

Background and the sanctity of the struggle that made me, in this respectable forum, interested to discuss the issue of civil and political rights. As formulated in Preamble International Covenant Civil and Political Rights from the UN: "These rights derive from the inherent Dignity of human person". That means, this right is very fundamental, in a sense, the implementation is very important that people can develop in accordance with the talents, ideals, and dignity. This right is also considered to be "universal", meaning owned by any people without reference to nation, race, religion, or gender.^v

Therefore, I will start this discussion with the experience of my nation, Indonesia, as a human rights struggle experience. I believe that the spirit of the struggle is not far different from the other nations in the world. Through case studies on the difference between the election and order a new era of reform over, I'd like to offer two things in this paper: first; the struggle over civil rights and political life, must always defend. Second; especially in third world countries, which have a socio-cultural character that is

quite different from European countries, the implementation of human rights that should not be carried out arbiter. This means that human rights need to view in the context of each culture, involving both ethnic groups, race, or religion-or more often referred to as "cultural relativism".

New Order and Order Reform

When the New Order in power for 32 years (1966-1998), Indonesia has had as many as 6 times General Election (Pemilu), that are Election of 1971, 1977, 1982, 1987, 1992, and 1997^{vi}. The first election, in 1971, the New Order has not showed desire to do the party simplification. Election 1971 is still running smoothly, without prejudice, as if it is without polemic. There are 10 participants in the election this time, the Catholic Party, Syarikat Islam Indonesia Party (PSII), Nahdlatul Ulama Party, The Muslims of Indonesia (Parmusi), Labor Group (Golkar), Christian Indonesia Party (Parkindo), Parliamentary of Common People Party (Murba), National Indonesia Party (PNI), Islamic Party (PERTI), and the Party of Independence of the Association of Indonesia (IPKI). Next acquisition vote each party is:

No.	Name of Party	Total of Vote	Presentation	Total of House of Representative
1.	Partai Katolik	603.740	1,10	3
2.	Partai Syarikat Islam Indonesia (PSII)	1.308.237	2,39	10
3.	Partai Nahdlatul Ulama	10.213.650	18,68	58
4.	Partai Muslimin Indonesia (Parmusi)	2.930.746	5,36	24
5.	Golongan Karya (Golkar)	34.348.673	62,82	236
6.	Partai Kristen Indonesia (Parkindo)	733.359	1,34	7
7.	Partai Musyawarah Rakyat Banyak (Murba)	48.126	0,08	0
8.	Partai Nasional Indonesia (PNI)	3.793.266	6,93	20
9.	Partai Islam (PERTI)	381.309	0,69	2
10.	Partai Ikatan Pendukung Kemerdekaan Indonesia (IPKI)	338.403	0,61	0
	Total	54.669.509	100,00	360

reference: www.kpu.go.id

From the data above, the Labor Group (Golkar) is on the top ranks. This is quite reasonable, because at the time, Soeharto, as the Golkar main figure, is a profile that considered being torchbearer leaders that bring changes on the social bankruptcy, on economic and political governance.

Then in the 1975 the symptoms of political dictatorship getting hand to the civil rights and then the political freedom. Soeharto issued Law No. 3 Year 1975 about Political Parties simplification. Political parties, which have a similar base ideology, fused into one party, i.e. party-based on religion (in the fields of: number 1, 2, 3, 4, 6, and 9) fused into the United Development Party (PPP). While the parties based on nationalism (in the fields of: no 7, 8, and 10), fused in Indonesia Democracy Party (PDI). Meanwhile, Golkar sponsored by the government, not fused anywhere, and does not form the party, but still considered as a legitimate candidate participant election.

The obligation in the general election next year becomes a power to sport for Soeharto to "winning" Golkar again. And indeed the fact, Golkar has never lost in the 1977-1997 elections. With the absolute victory of Golkar in serial, therefore the guarantee of civil rights and political freedom becomes extinct. Strong indication can be seen through, for example, the prohibition against student to conduct discussions that smelled "lefty" or "socialist". Usually, a discussion of this kind will be regarded as a subversive movement and disrupt national stability by the government. Another example, and the most extreme is excision and restriction of the former members of PKI (Indonesian Communist Party)^{vii} to engage in public affairs. Prohibition also applies to the former PKI members, who want to apply for civil servants (PNS)^{viii}.

In the government, Soeharto was not alone. In addition to strong political support from Golkar, he also supported by the ABRI (Armed Forces of the Republic of Indonesia)-now known as the TNI (Indonesian National Army). Through the strength of these two, plus some of the Islam people, Soeharto enforce several of domination on structural and cultural. Especially in the development of companies and national private sector, for example, that the blood relative and whose partnering with them, is given the strong legal protection by the government. And those who oppose government will be troubled by bureaucracy, and companies like that rarely can have progress, especially he is the rival of the state-owned company. From here, the term KKN tradition (corruption, collusion, and nepotism) appear and become a characteristic of the New Order.

Students then are angry. Struggle to overthrow Soeharto authoritarian regime carried out by the students started around year 1989. Students Figures at that time, led by Fajroel Rachman, try moving the wheel of student's politics, doing demonstrations, demanding Soeharto to down. But, what can they do, Soeharto is still too strong. Behind him, the Golkar and ABRI political strength, ready to give back-up. Thus students who demonstrate are chased, harmed, arrested, and imprisoned by the government. Fajroel Rachman is one of the students; he arrested 2 years in Nusa Kambangan prison.

1998, a year after Indonesia was in the economic crisis, is the most appropriate time for students to reinforce their resistance. Student demonstrations occurred everywhere, in almost every university, from Sabang in the west until Merauke in the east. Most of demonstrations occur in four major cities: Jakarta, Yogyakarta, Surabaya and Makassar.

Simultaneously, students express three demands, namely Bring down Soeharto, Disband Golkar , and Lower Price of Sembako (9 basic needs). Streets in big cities almost full every day by the student's demonstration. It is like, in 1966, when the students bring down the Soekarno regime. All these elements coalesce, become one, and cry one-vote: Decrease the authoritarian ruler!

Soeharto, finally, came down on 21 May 1998. People shout-out happily. Government continued by vice president, B.J. Habibie. But not long after, Habibie also rejected by the students because still considered inherited New Order policy. By wise, and pressure from the people, President BJ Habibie announced that the first elections in the "reform era" will be held on 7 June 1999.

Election 1999 initiated a series of political changes in Indonesia. Civil rights is guaranteed by the government, as stated explicitly in the 1945 Constitution states in Article 28 that guarantees freedom of thought and association for each citizen of Indonesia. At such time, social organizations, cultures and religions, each of them did meetings, each established political party. Law No. 3 Year 1975 does not apply anymore. There are about 48 of the party competitors is clearly join the 1999 election, 24 parties in the election of 2004, and 44-party election in 2009. In fact, starting in 2004, and election presidential and vice presidential and legislative members, is done directly.

Next 5 results of the election winner in 1999, 2004, 2009:

No	1999		2004		2009	
	Party	Presentation	Party	Presentation	Party	Presentation
1.	PDI-P	33,74%	Golkar Party	21,58%	Demokrat Party	20.486%
2.	Golkar Party	22,44%	PDI-P	18,53%	Golkar Party	14.606%
3.	PKB	12,61%	PKB	10,57%	PDI-P	14.094%
4.	PPP	10,71%	PPP	8,15%	PKS	8.237%
5.	PAN	7,12%	Demokrat Party	7,45%	PAN	6.295%

from that explanation, the conclusion is that there are some fundamental differences between the election in the New Order era and in reform order era, i.e., first, from the civil rights, the reform era provide fresh air to every citizen to freely express, think, have faith, and gather association. Reform also provides space for individuals to transmit ideas, even if the idea is to "lefty", "communist", or "socialist" that in the New Order are strictly prohibited.

Second, in terms of political freedom, election reform era gave more open election system than in New Order era. In the era of reform, each citizen is given freedom to

express political rights, and without limitation by the government. This is evidenced by a lack of dominant party in the election, the election held fair and just, and have right to build and suggest a the party freely and responsibly.

In addition, reforms have also been successfully changing the political framework with organizing presidential election directly. This change will provide clearer fundamental political rights of the people, because of people's fate determined by the leaders, the leaders of a country should be directly elected. Thus, the people will determine their own fate.

Pancasila and Human Rights

As I explain above, that the countries of the east, especially third world countries, like Indonesia, the implementation of Human Rights there cannot be equated with other countries. That because many third world countries in the past consisted of small communities, ethnic, and believes, which still has a strong traditional on roots and base on morality. Although the same eastern countries, it is often applies different morality. This means that the implementation of human rights must adjust with traditions that apply in each area, or known by the term "cultural relativism".

I will try to make Indonesia as an example, which according to me, successfully synergize the applying of the global understanding and the thought that is believed by the people of Indonesia, namely formulated in "Pancasila" (Five Principles). Pancasila is the philosophical, political, social, and theological basis that has been agreed by the founders of this nation. Pancasila is constructed from two Sanskrit words: "panca" means five; and "sila" means moral principle. Pancasila consists of (1) Ketuhanan Yang Maha Esa (belief in the one and only God), (2) Kemanusiaan Yang Adil dan Beradab (Just and civilized humanity); (3) Persatuan Indonesia (The unity of Indonesia); (4) Kerakyatan Yang dipimpin oleh Himat Kebijaksanaan Permusyawaratan/Perwakilan (Democracy guided by the inner wisdom in the unanimity arising out of deliberations amongst representatives); (5) Keadilan Sosial Bagi Seluruh Rakyat Indonesia (Social justice for the whole of the people of Indonesia).^{ix}

As known, Indonesia is a multicultural country, consists of many tribes and languages, such as Minang, Pandang, Acehnese, Javanese, Sundanese, Bugis, and other. From the religious side, Indonesia also has many different religions such as Hindu, Buddhist, Islamic, Christian, Catholic, and Confucianism. Fortunately, in the year 1928 the youth from each tribe had been committed to using one language that is "Bahasa Indonesia" — it's known as the "Youth Oath." So, although each tribe has its own language, people of Indonesia still can communicate with each other, i.e., by using "Bahasa Indonesia".

Pancasila itself was born after the Proclamation of Independence of Republic Indonesia in 1945. Even far after the Youth Oath, but it is indeed long before has becomes part of the soul of Indonesia, although not in the form of writing. Pancasila is a collective

understanding and, in practice, used as a Indonesia public reason to settle all matters in the field of political, economic, legal, moral and cultural.

Koentowibisono give us the “four umbrella of Pancasila universal goal line”, namely: firstly, to protect Indonesia society from the values outside that is not in accordance with the traditions and of the cultural values of Indonesia. Secondly, is to confront the many differences in race, culture, and traditional values, towards Indonesia unity. Thirdly, it is a grand strategy of the various things in national affairs. Fourthly, as a view of live of the Indonesian people and build a foundation for developing morality of nation.^x

The essence of Pancasila, indeed, is not far different from the essence of Human Rights. Because each section in the Pancasila, in the future still explained in the 1945 Constitution, which the core view guarantees the freedom of each citizen for the association, thought, religious. And order people to be fair, be humanist, and destroy all colonialism in the world. The aim of all the formulation is to educate “life” of the nation and create the eternal peace.

That is why, in the world politics, Indonesia using the political paradigm "free" and "active". The word "free" in foreign policy means Indonesia independent and determines its position in international politics without political influence or pressure from outside. Meanwhile, the word "active" means that Indonesia is committed to participate constructively in the world to help build a just and peaceful and free from colonialism world.

In the past, this role is played when Indonesia became one of the sponsors of the Non Blok movement. In fact, Asia Africa Conference (KAA), which was held in Bandung in 1955 and the Dasa Sila Bandung principles is also up to now is still a reference for countries that do not want to be part of a political block. Besides that, in 1992 Indonesia became a host again in the Great Conference of Non-Block Movements Nations. Finally, the remembrance of 50 years KAA in Bandung in 2005, President Susilo Bambang Yudoyono (SBY) once more emphasize the position of Indonesia as a "Non-Block" country which is still based on the Dasa Sila Bandung (Bandung ten principles).

Toward the Global Civil and Political Rights

After studying maps and views of civil and political rights in Indonesia, now was the time to discuss important themes, that is, how to reach political and civil rights globally and universally? This question is not easy to be answered, but the need of the answer begins to emerge in history.

History states that after World War II have shown such a strong desire to formulate human rights that is recognized worldwide as the standard setting for universal human behavior. The work was first started by the Commission on Human Rights established

by the UN in the year 1946. In the year 1948, the yield of this commission then approved by 48 countries, 8 countries abstain and with no one state has refused, that is, the Universal Declaration of Human Rights. Twelve years later (1966), the council of the UN agreed in acclamation the three important manuscript of International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights and Optional Protocol to the International Covenant on Civil and Political Rights. This three manuscripts, together with the Universal Declaration, and then called the International Bill of Human Rights.^{xi}

That rights are the right to life (Article 6), right to liberty and security of person (Article 9), right to equality before the court and tribunals (article 14), right to freedom of thought, conscience, and religion (Article 18), right to hold opinions without interference (Article 19), right to peaceful assembly (Article 21), and right to freedom of association (Article 22).^{xii}

Many of these agreements have the juridical politic influence and have a very great lesson for many countries, especially, members of the UN. Morally, we are also invited to have commitment in participate consistently to the implementation the contents of script, not only in ourselves, but also in the communities, associations and the countries where we are.

The most important thing is how to fight for something that should be revered without losing the identity as a nation. In addition, it should also be guarded so that it does not strengthen and give justification to the authoritarianism. In Indonesia, the thinking on human rights is divided into two streams, which is inward looking and human rights activists. Inward looking mean is that in the discussion on human rights need not bother the people outside, simply use their own nation as a reference. While the second streams, human right activists tend to refer to concepts that are applicable internationally.

According to me, these two are extremes, so that is not appropriate to be followed by the compound nation such as Indonesia. We must provide space for traditional values, and adjust with international standards on human rights. Not become authoritative and extreme like one of them, because the process of globalization is a certainty. In the middle of a world that is continuously changing, there are only two possible actions: close our self, return to their own home, without annoyed by frenzied world outside, and then to be glorious with our backwardness. Or open our self widely, and have a dialog with the smart and creative thinking from outside, and ultimately, easier to us to understand the "heart" of our brothers and sisters from all over the world.[]

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ⁱⁱ It is a New Order for a regime of President Soeharto (1966-1998). Previously, there is also called "Old Order", to mark the regime of President Soekarno (1945-1966).

ⁱⁱⁱ Pemilu or General Election is a five-yearly political work, to choose representatives of the people (legislative) and the Indonesia president. Election 1971 is the first general election in the new order.

^{iv} Labor Group (Golkar) is not a party, but he is considered by Soeharto "equal" with other political parties, so as such, right to take to compete in elections.

^v See Miriam Budiardjo. 1996. *Demokrasi di Indonesia, Demokrasi Parleментар dan Demokrasi Pancasila*. Jakarta: PT Gramedia Pustaka Utama, second edition, p. 140.

^{vi} Previously, when the Old Order President Soekarno in power had also held the first general election after independence in 1945, it is the election 1955.

^{vii} Communist Party of Indonesia or PKI is a party that was victorious in the new order era. He became patron wing political power system of government with Soekarno NASAKOM (Nationalist, Religion, and Communist).

^{viii} PNS is a job for civil society, which allows a part of the staff and the government bureaucracy. Usually, the registration type of work is done once a year, for those who have at least high school education.

^{ix} I borrow this sentence from Qusthan Abqary, *An Outline of Global Citizenship*, the paper presentation of ISWI Conference, June 1st-10th, 2007, in 2007, in Technische Universität (TU) Ilmenau, Thüringen, Germany. Another version can be reach at this link: <http://www.iswi.org/wiki/iswi/2007/contributions/outlineglobalcitizenship>

^x See Siswomihardjo, Koento Wibisono, Prof., 2007, *Revitalisasi Pancasila sebagai Dasar Negara: Upaya untuk Mengatasi Disintegrasi Kehidupan Bangsa*, the paper is not published.

^{xi} See Miriam Budiardjo. 1996. *Demokrasi di Indonesia, Demokrasi Parleментар dan Demokrasi Pancasila*. Jakarta: PT Gramedia Pustaka Utama, cet. 2, p. 148-9.

^{xii} *ibid*, p. 153-5