

## Introduction: Military Romanticism in Indonesian Democracy

Al Khanif, The Centre for Human Rights, Multiculturalism, and Migration (CHRM2)

Selecting the most-suited articles for publication at the Journal of Southeast Asian Human Rights during the COVID-19 Pandemic has been a more challenging endeavour than usual. One of the main reasons for this, is the opening of a new human rights discourse in Southeast Asia. In light of this, the editorial office has selected seven articles that address human rights issues in the Region.

The editor selected an article by Douglas Sanders which examines sexual minorities as a marginalised group in Southeast Asia, followed by Alison Francis' article discussing women's rights in the aftermath of the military coup in Myanmar. An article the rights of victims of sexual violence by Sri Wiyanti Eddyono is expected to complete the reading on the significance of the protection of women's rights in Southeast Asia. The editor also selected Sekar Banjara Aji and Achmad Firas Khudi's article due to its criticism of the Indonesian national strategic plan which frequently violates the right to property. Next, Nipunika Tennakoon and Tikiri Jayathilake's article has been selected because we believe that readers should also understand the need to evaluate the substance of legislation as part of the promotion of human rights. The editor also selected an article on the lack of response from Asian countries in dealing with forcibly displaced persons. One commentary by Amiruddin, a commissioner of the Indonesian National Commission of Human Rights, on the challenge to bring gross violations of human rights before the court is expected to provide insight for readers about the future of human rights court in Indonesia.

Overall, the status of human rights in Southeast Asia appears to have regressed. This is partially due to the increasing power of the states to instil "public obedience," particularly regarding efforts to stop the spread of the COVID-19 pandemic. Additionally, the involvement of state actors, such as the military, police, and auxiliary state bodies, in civic space also strengthens states' power. One of the best examples of this is the potential return of the military in Indonesian democracy not only to control public obedience and boost economic recovery during the COVID-19 pandemic, but also to occupy a civil position in the government.

Indonesia's military has not been completely neutral in its modern history. The history of the independence war and support from the government has allowed the Indonesian military to dominate civil space. From the New Order to Reformasi (1966-1998), some high-ranking military officers also occupied civilian positions such as governors, mayors, rectors of the university, state-owned enterprises, ministries, and parliament members.<sup>1</sup> The presence of the military in civilian positions was abolished in the era of President Abdurrahman Wahid (1999-2021) and was

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1 Bono Budi Priambodo, "Alasan mengapa dwifungsi ABRI masih relevan bagi demokrasi Indonesia", (22 March 2019), online: *The Conversation* <<http://theconversation.com/alasan-mengapa-dwifungsi-abri-masih-relevan-bagi-demokrasi-indonesia-114034>>.

restricted to occupy civilian positions by Law No. 34/2004 on Indonesian National Military.<sup>2</sup> The enactment of the law was expected to prevent the Indonesian military from involving themselves in practical politics and business, but only serves as the state security and Défense guard.

The ideal democracy should prioritise civilian authority over military control. Unfortunately, this has not been realised through the Indonesian democratic transition.<sup>3</sup> After the 1998 Reformasi, military admirers maintain romantic ideas of the military occupying civilian positions to support Indonesia's development. The current President, Joko Widodo, has a history of close relations with active, high-ranking military officers whom he appointed in significant ministerial positions during his second term (2019 - 2024). During the COVID-19 pandemic, the presence of the military in Indonesia has become more pronounced given their role as the head and deputy head of Indonesia's COVID-19 taskforce.<sup>4</sup>

The mobilisation and involvement of the military throughout the pandemic is significant, especially regarding the distribution of vaccines at the local level. Moreover, as part of the need to instil public discipline, the government has authorized the military to directly impose punishment on members of the public for breaching the lockdown protocols.<sup>5</sup> This authority to impose sanctions against the public demonstrates the depth to which they have penetrated the civic realm. This might contribute to the shrinking of civic space in Indonesia over the last decade.<sup>6</sup>

The government also plans to promote military personnel to some interim civilian positions, such as governor and mayor, ahead of local elections. This plan has raised public concern because the prospect of the military dominating civilian positions threatens to revive the dark side of Indonesian democracy under the New Order regime where the military became a watchdog of authoritarian rulers. The return of the military to civilian institutions risks repeat the long history of New Order repression in which the military became the government's weapon to curb people's freedoms.<sup>7</sup> In the post Reformasi, the military's involvement in human rights violation continued to occur, especially regarding land disputes, and they become a key supporter of mining companies in disputes with local communities.<sup>8</sup>

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2 Olivia Prastiti & Matthew Alexander, "Dwifungsi dan Transformasi Bisnis Militer Pasca Reformasi", (24 November 2018), online: *Balairungpress* <<https://www.balairungpress.com/2018/11/dwifungsi-dan-transformasi-bisnis-militer-pasca-reformasi/>>.

3 Felix Nathaniel, "'Rezim Militer' Jokowi dan Cengkeraman Serdadu atas Presiden Sipil", (20 November 2019), online: *tirto.id* <<https://tirto.id/rezim-militer-jokowi-dan-cengkeraman-serdadu-atas-presiden-sipil-elza>>.

4 Dave McRae, "Talking Indonesia: Covid-19 and the military", (13 August 2020), online: *Indones Melb* <<https://indonesiaatmelbourne.unimelb.edu.au/talking-indonesia-covid-19-and-the-military/>>.

5 Greg Fealy, "Jokowi in the Covid-19 Era: Repressive Pluralism, Dynasticism and the Overbearing State" (2020) 56:3 *Bull Indones Econ Stud* 301-323 at 306.

6 Al Khanif, "Introduction: Shrinking Civic Space in Indonesia" (2021) 5:1 *J Southeast Asian Hum Rights* i-iii at 2.

7 Priambodo, *supra* note 1.

8 Prastiti & Alexander, *supra* note 2.

The majority of countries with an established democratic system have reduced the role of the military in the government institutions, prioritizing civilian authority to regulate and position the military as a guardian of state defence. Democratic states reduce the nuances of militarism, simultaneously strengthening the state apparatus to fulfil the fundamental rights of the people, such as the judiciary, police, and other supporting institutions. Allowing the military to occupy civilian positions risks jeopardizing Indonesia's progress toward democracy since the collapse of the New Order. This is a legitimate concern because the principles of militarism that are accustomed to mobilization, supervision, and order often interfere with or contradict democratic principles that prioritize freedom, autonomy and independence.

Many scholars and institutions have raised concerns and alerts relating to the regression of democracy in Indonesia. The return of military romance to civic space and civilian institutions will instill complex problems in the future Indonesia's democratic system. The military coup in Myanmar serves as a critical reminder that democratic transitions are not stable and can easily transform into new forms of authoritarian or liberal democracy, depending on how society prepares for it. We hope all articles in this volume will provide readers with new insights into such issues.

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Al Khanif