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Behind the Hustle and Bustle of Preparations
for the 2024 Indonesian Presidential Election,
A Snapshot of the Status of Democracy, Freedom,
and Human Rights in Indonesia

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Introduction

The word democracy comes from the Greek words "demos", meaning people, and "kratos" meaning power; so democracy can be thought of as "power of the people": a way of governing which depends on the will of the people.¹

There are so many different models of democratic government around the world that it is sometimes easier to understand the idea of democracy in terms of what it definitely is not. Democracy, then, is not autocracy or dictatorship, where one person rules; and it is not oligarchy, where a small segment of society rules. Properly understood, democracy should not even be "rule of the majority", if that means that minorities' interests are ignored completely. A democracy, at least in theory, is government on behalf of all the people, according to their "will".²

In the dictionary definition, democracy "is government by the people in which the supreme power is vested in the people and exercised directly by them or by their elected agents under a free electoral system." In the phrase of Abraham Lincoln, democracy is a government "of the people, by the people, and for the people."³

Indonesia, the world's fourth most populous country, finds itself at a crucial juncture in history⁴. Notably, since the fall of an authoritarian regime in 1998, Indonesia has made commendable democratic strides, as acknowledged by Freedom House. The nation enjoys significant political and media pluralism, with peaceful transfers of power. Yet, persistent challenges such as systemic corruption, discrimination, violence against minorities, conflicts in Papua, and the politicized use of defamation and blasphemy laws underscore the complexity of its democratic journey.⁵ According to CIVICUS 2021, 44.7% of people globally live in countries where civil space faces state repression, while only 3.1% experience open civil spaces.⁶

As the nation gears up for the 2024 presidential election, the world turns its attention to this vibrant archipelago, celebrated for its cultural diversity and democratic evolution.

¹ Kofi Annan. *Democracy*. Available at: <https://www.coe.int/en/web/compass/democracy>

² Ibid

³ American Institute in Taiwan. *What is Democracy?*. Available at: <https://web.archive-2017.ait.org.tw/infousa/zhtw/DOCS/whatsdem/whatdm2.htm>

⁴ World Bank. Available at: [Population, total | Data \(worldbank.org\)](https://data.worldbank.org/population-total)

⁵ Freedom House. *Freedom in the World 2023 – Indonesia*. Available at: [Indonesia: Freedom in the World 2023 Country Report | Freedom House](https://freedomhouse.org/country-report/indonesia)

⁶ CIVICUS Monitor. Available at: [Civics Monitor 2022](https://www.civicsmonitor.org/)

Beyond the electoral fervor, the election offers a pivotal moment for reflection, delving into the intricate tapestry of Indonesia's democracy, freedom, and human rights. The upcoming election becomes a litmus test of Indonesia's democratic resilience, prompting an exploration of the challenges and opportunities that define its political landscape. Is Indonesia's democracy truly open, or does it lean towards authoritarianism?

This report adopts a multidimensional approach, probing the intricate intersections of democracy, freedom, and human rights. It places a specific focus on advancing women's rights through an intersectional feminist lens. This perspective aims to unravel the multifaceted challenges and opportunities shaping Indonesia's political landscape, with the ultimate goal of fostering a more inclusive and equitable democracy.

Indonesia's democratic journey, initiated with the fall of the New Order regime in 1998, has witnessed remarkable progress. Substantial political transformations have embraced democratic institutions and expanded civic space. However, challenges endure, from safeguarding freedom of speech and press to protecting civil liberties and human rights. CIVICUS Monitor reported that restrictions and attacks against civic freedoms persisted in Asia and the Pacific in 2020, exacerbated by the COVID-19 pandemic. These challenges are intricately connected to women's rights, emphasizing the need for an intersectional feminist perspective to comprehend the complex web of inequalities hindering women's pursuit of justice and equal participation.

This report offers a snapshot of Indonesia's current state of democracy, freedom, and human rights. It critically evaluates the democratic process, explores the multifaceted aspects of freedom and human rights, and particularly emphasizes the advancement of women's rights within the broader social context. The report concludes by delineating challenges and presenting recommendations for a more inclusive democracy that empowers all Indonesians, irrespective of gender, ethnicity, religion, or any other identity markers.

As Indonesia stands on the brink of another presidential election, the challenges and opportunities ahead necessitate meticulous examination. This report encapsulates Indonesia's dynamic democratic spirit, portraying the essence of its diverse, resilient, and vibrant democracy while advocating for an inclusive and rights-based future.

Democracy in Indonesia: Legal Constitution, National Law, and International Law

After the resignation of President Soeharto on May 21, 1998, that was already in power for almost 32 years, Indonesia has taken comprehensive reform measures by bringing the sovereignty back to the hand of the people. To safeguard the supremacy of the 1945 Constitution, the Constitutional Court of Indonesia is formed as one of the judiciary authorities organizing court proceedings to enforce the law and justice.

1. Indonesia's Legal Constitution: Balancing Strengths and Challenges

Indonesia's Constitution, established in 1945, embodies fundamental values of democracy, social justice, and human rights, marking the nation's commitment to these foundational principles (Constitution of Indonesia, 1945). Its amendability has notably facilitated adjustments aligning with contemporary democratic values and evolving societal norms. However, this adaptability also introduces challenges, notably in the complexity of the amendment process, potentially hindering swift responses to emerging democratic needs (Aspinal, 2019).

The strength of the Constitution's founding principles lies in their resilience, reflecting Indonesia's commitment to democratic governance and social equality. Nevertheless, the intricacies within the amendment process present hurdles, possibly impeding timely adaptations to address pressing societal changes and new democratic imperatives. Aspinal (2019) highlights this, suggesting that despite the Constitution's adaptability, the complexity of the amendment procedure could limit its effectiveness in responding promptly to evolving democratic demands.

Moreover, the constitutional recognition of six officially sanctioned religions poses challenges to the principle of religious freedom and may affect the secular nature of the state. This recognition, while intending to honor Indonesia's religious diversity, has raised concerns regarding its potential impact on the state's secular character and the fundamental right to religious freedom for all citizens (Aspinal, 2020).

In conclusion, Indonesia's Constitution stands as a beacon of democratic values, yet it confronts challenges concerning the intricate amendment process and the balance between religious recognition and the principle of religious freedom. Addressing these challenges could fortify the Constitution's adaptability while upholding the nation's commitment to democratic ideals and fundamental rights.

2. Indonesia's National Laws: Balancing Protections and Challenges

Indonesia's national legal framework encompasses laws such as the Human Rights Law and the Law on Electronic Information and Transactions (ITE), serving as pivotal pillars in safeguarding human rights and regulating online activities (Human Rights Law, 2000; Law on Electronic Information and Transactions, 2008). Furthermore, laws associated with decentralization have empowered local governments, nurturing a more inclusive and participatory form of democracy (Decentralization Laws of Indonesia, 1999).

The strength of Indonesia's national laws lies in their establishment of legal safeguards for human rights and the facilitation of local governance through decentralization measures. These laws reflect the nation's commitment to protecting fundamental rights and promoting democratic values. However, certain laws have encountered criticism due to their perceived restrictive nature, particularly the ITE Law, which has been scrutinized for potentially limiting freedom of expression online, thus raising concerns regarding their alignment with democratic principles (Sen, 2020).

Additionally, laws that restrict speech deemed blasphemous may be seen as impeding freedom of expression, potentially conflicting with democratic ideals by curtailing the ability to express differing opinions or critiques. Such laws have sparked debates about their compatibility with the fundamental principles of democracy and the protection of free speech (Hosen, 2018).

In conclusion, Indonesia's national laws offer vital protections and mechanisms for decentralized governance, yet certain laws, notably the ITE Law and blasphemy-related laws, have been subject to criticism due to their perceived constraints on freedom of expression. Ensuring a balance between upholding rights and regulating activities while preserving democratic values remains an ongoing challenge for Indonesia's legal framework.

3. Indonesia's Implementation of International Law: Strengthening Commitments and Addressing Challenges

Indonesia has demonstrated its commitment to global human rights standards by ratifying and adhering to various international agreements, notably the International Covenant on Civil and Political Rights (ICCPR) (International Covenant on Civil and Political Rights, 1966). This commitment signifies Indonesia's dedication to upholding internationally recognized norms regarding civil and political rights on a global platform. Additionally, Indonesia's engagement with international organizations and cooperation with human rights bodies further underscores its commitment to aligning with established democratic norms (Simma et al., 2012).

However, despite Indonesia's ratification of international agreements, challenges persist in effectively translating these commitments into tangible domestic policies and practices. The existence of an implementation gap poses a significant challenge, as the translation of international obligations into actionable domestic policies requires meticulous planning and effective execution (Krisnawati et al., 2021). This gap hampers the full realization of international standards within Indonesia's legal framework.

Moreover, Indonesia's adherence to international human rights standards appears selective at times, indicating a need for a more consistent and comprehensive approach. Instances where compliance with international norms is selective pose a challenge to achieving a harmonized and universally applied standard of human rights protection (Cotran & Lau, 2018).

In an overall assessment, Indonesia's legal framework, inclusive of international commitments alongside the constitution and national laws, lays the groundwork for democracy, human rights, and freedom. However, challenges, such as the implementation gap and selective compliance, underscore the need for continuous improvement. Addressing these challenges requires a delicate balance between safeguarding national interests and upholding universally recognized democratic values, necessitating ongoing efforts to synchronize legal frameworks with evolving global democratic norms.

Democratic Institutions

1. Executive Branch

Indonesia operates under a presidential system where the President serves as both the head of state and the head of government. The executive branch, led by the President, is responsible for the implementation and enforcement of laws, formulation of policies, and administration of government affairs.

Powers and role of the President

The President of Indonesia holds significant powers and responsibilities. These include the ability to propose bills to the People's Consultative Assembly, issue government regulations in lieu of law, appoint and dismiss ministers, and lead the armed forces. The President also plays a crucial role in foreign affairs, representing Indonesia on the international stage.

The President's powers are, to some extent, checked by other democratic institutions, such as the People's Consultative Assembly and the Constitutional Court. However, the President's authority remains substantial, contributing to the efficiency of decision-making and policy implementation.

Assessment of the current presidency (Joko Widodo)

Joko Widodo, commonly known as Jokowi, was serving as the President of Indonesia. His presidency, which began in 2014, has been marked by several key achievements and challenges.

Achievements:

- **Infrastructure Development:** Jokowi has prioritized infrastructure development, including the construction of roads, ports, and airports, to stimulate economic growth.
- **Social Welfare Programs:** The administration has implemented social welfare programs to address poverty and inequality, such as the expansion of health insurance.
- **Economic Reforms:** Efforts to attract foreign investment and streamline bureaucratic processes have been made to boost the economy.

Challenges:

- Human Rights Concerns: Some critics argue that there have been human rights concerns during Jokowi's presidency, especially in regions like Papua.
- Environmental Issues: The government has faced criticism for its handling of environmental challenges, including deforestation.
- Economic Disparities: Despite economic growth, there are concerns about the persistence of economic disparities among different regions and social groups.

Evaluation of presidential elections

Indonesia has a history of conducting democratic and competitive presidential elections. The evaluation of these elections involves assessing their fairness, transparency, and the inclusivity of the electoral process.

Positive Aspects:

- Regular and Peaceful Transitions: Indonesia has witnessed regular and peaceful transitions of power through democratic elections, indicating a mature and stable democratic system.
- Participation: Elections have seen active participation from diverse political parties and candidates, reflecting the pluralistic nature of Indonesian society.

Challenges:

- Electoral Integrity: There have been occasional concerns about electoral integrity, including issues related to voter registration and allegations of irregularities.
- Political Dynasties: The prevalence of political dynasties in Indonesian politics has raised concerns about the concentration of power within certain families.

Reforms:

- Ongoing Electoral Reforms: Efforts have been made to address challenges through ongoing electoral reforms, including improvements in the voter registration system and campaign financing regulations.

In conclusion, Indonesia's democratic institutions, including the executive branch and presidential elections, have demonstrated resilience and a commitment to democratic principles. While there have been notable achievements during Jokowi's presidency, challenges persist, requiring continuous efforts to strengthen democratic governance, protect human rights, and address socio-economic disparities.

2. Legislative Branch

1) People's Consultative Assembly (MPR):

The People's Consultative Assembly is Indonesia's highest legislative body, consisting of two chambers: the Regional Representative Council (DPD) and the People's Representative Council (DPR). The MPR has several crucial roles in Indonesia's democratic framework.

Role:

- **Constitutional Amendments:** The MPR has the authority to amend the constitution, reflecting its role in shaping the fundamental principles of the state.
- **Presidential Election:** The MPR is responsible for electing the President and Vice President, emphasizing its role in the executive branch's formation.
- **Accountability:** It holds the President accountable through interpellation sessions and the impeachment process, ensuring checks and balances in the system.

Effectiveness:

Constitutional Role: The MPR has effectively exercised its constitutional role in conducting constitutional amendments, reflecting a commitment to democratic development.

Presidential Elections: The MPR's role in presidential elections has been crucial in maintaining stability and facilitating the peaceful transition of power.

Challenges:

Potential for Concentration of Power: There are concerns about the potential for a concentration of power in the MPR, particularly in the context of constitutional amendments.

2) Regional Representative Council (DPD):

The Regional Representative Council represents the regions within the Indonesian archipelago, ensuring regional perspectives in the legislative process.

Functioning:

- **Regional Representation:** The DPD provides a platform for regional representatives to voice the concerns and interests of their respective areas.
- **Legislative Review:** It reviews bills related to regional autonomy, ensuring that legislation aligns with the diverse needs of Indonesia's regions.

Effectiveness:

- Regional Inclusivity: The DPD has contributed to the inclusivity of legislative decisions by incorporating regional perspectives, acknowledging Indonesia's diversity.
- Autonomy Safeguard: Its role in reviewing bills related to regional autonomy serves as a safeguard against centralization, promoting decentralization.

Challenges:

- Coordination Challenges: Ensuring effective coordination between the DPD and DPR can be challenging, potentially impacting the legislative process.
- Limited Legislative Powers: The DPD's legislative powers are more limited compared to the DPR, raising questions about its overall influence in the legislative process.

Overall Assessment:

Indonesia's legislative branch, comprising the MPR, DPR, and DPD, plays a vital role in the country's democratic governance. While there have been effective contributions, challenges persist, such as the potential for power concentration in the MPR and coordination issues between the DPD and DPR. Continuous efforts to enhance transparency, inclusivity, and regional representation are essential for strengthening the effectiveness of these democratic institutions. Additionally, ongoing reforms and adjustments may be necessary to address emerging challenges and further promote the principles of democratic governance in Indonesia.

3. Judicial System

Independence and Effectiveness of the Judiciary:

Independence:

- Constitutional Safeguards: The Indonesian Constitution provides for the independence of the judiciary, emphasizing its importance in upholding justice.
- Judicial Commission: The Judicial Commission plays a role in overseeing judges' behavior and ensuring their adherence to ethical standards, contributing to judicial independence.

Effectiveness:

- Court Structure: Indonesia's court system, with the Supreme Court at its apex, has been effective in handling various cases and maintaining the rule of law.
- Constitutional Court: The Constitutional Court has played a crucial role in

constitutional interpretation, contributing to legal certainty and protecting citizens' rights.

Challenges:

- Perceived Corruption: Despite efforts to maintain independence, there have been instances of perceived corruption within the judiciary, raising concerns about its effectiveness and integrity.
- Backlog of Cases: The judiciary faces challenges related to the backlog of cases, impacting timely justice delivery.

4. Major Legal Developments Impacting Democracy:

Positive Developments:

- Constitutional Amendments: Amendments to the constitution have aimed at strengthening democratic principles, such as expanding citizens' rights and enhancing checks and balances.
- Decentralization Laws: Legal developments related to decentralization have empowered regional governments, promoting local democracy.

Challenges:

- Restrictive Legislation: The Electronic Information and Transactions (EIT) Law and other restrictive laws have been criticized for potentially limiting freedom of expression, impacting democratic ideals.
- Blasphemy Laws: Laws restricting speech considered blasphemous can be seen as limiting freedom of expression, raising questions about their compatibility with democratic values.

Overall Assessment:

The judicial system in Indonesia plays a crucial role in upholding the rule of law and ensuring justice. While there have been positive developments, challenges, such as perceived corruption and case backlogs, need attention to enhance the effectiveness of the judiciary. Additionally, legal developments impacting democracy, including restrictive laws, highlight the delicate balance between safeguarding national interests and preserving democratic principles. Continuous efforts to strengthen judicial independence, address corruption concerns, and carefully navigate legal developments are essential to maintaining a robust democratic framework in Indonesia.

Milestones in Indonesia's Democratic Journey

Indonesia's democratic journey is punctuated by major milestones, each representing a significant step toward a more open and inclusive society. Some of the pivotal moments in the nation's democratic evolution include:

1. Proclamation of Independence (1945): Indonesia officially declared its independence from Dutch colonial rule, setting the stage for its democratic aspirations.
2. Guided Democracy Era (1957-1966): The Sukarno era introduced the concept of "guided democracy," where Sukarno played a central role in the nation's politics, marking a shift from a parliamentary system to a presidential one.
3. New Order Regime (1966-1998): The Suharto regime, while bringing stability and economic growth, was marked by authoritarian rule and limited political freedoms.
4. Reformasi Movement (Late 1990s): Triggered by the Asian financial crisis and a desire for political reform, mass protests led to President Suharto's resignation and set the stage for democratic reforms.
5. 1999 Presidential Election: Indonesia's first direct presidential election in 1999 marked a significant transition toward democratic governance.
6. Amendments to the Constitution: A series of constitutional amendments expanded civil liberties, decentralized governance, and introduced direct local elections.
7. Subsequent Democratic Elections: Indonesia has consistently held democratic elections for its president, legislature, and local government officials, demonstrating its commitment to electoral democracy.
8. Press Freedom and Civil Society: The growth of a free press and a vibrant civil society have played a crucial role in advancing democratic values and holding the government accountable.

These milestones collectively paint a picture of Indonesia's progression toward democracy, reflecting the nation's determination to build a more democratic and free society.

Freedom of Speech and Media

The State of Freedom of Speech and Press

Indonesia has made significant progress in ensuring freedom of speech and press over the years. The nation's democratic journey has witnessed a transformation from an authoritarian regime to a more open society, providing greater space for free expression. However, challenges persist, and the state of freedom of speech and press is subject to various dynamics:

1. **Legal Framework:** Indonesia's legal framework includes constitutional provisions that safeguard freedom of speech and the press. The 1945 Constitution upholds the right to freedom of expression. Additionally, the Press Law and the Electronic Information and Transactions (ITE) Law define the boundaries and responsibilities of the media and individuals regarding online content.
2. **Media Landscape:** Indonesia boasts a vibrant and diverse media landscape, with a wide range of print, broadcast, and online outlets. These outlets play a vital role in disseminating information and providing platforms for public discourse.
3. **Journalist Safety:** While journalists in Indonesia generally operate without severe physical risks, there have been instances of harassment and violence against reporters. Investigative journalists covering sensitive topics like corruption and environmental issues may face threats.⁷

Censorship and Media Restrictions

From the point of view of Freedom of House, Indonesia hosts a vibrant and diverse media environment, though legal and regulatory restrictions hamper press freedom. The 2008 Law on Electronic Information and Transactions (UU ITE) extended libel to online media. It also criminalized the distribution or accessibility of information or documents “contrary to the moral norms of Indonesia,” or involving gambling, blackmail, or defamation. Journalists carrying out legitimate reporting have been arrested under the UU ITE.⁸

Reporters Without Borders stated that journalists in Indonesia must nevertheless contend with a blasphemy law that makes it hard to criticize religions, and with UU ITE, under which journalists can be jailed for up to six years for online defamation (article 27) or online hate speech (article 28), although these offences are not clearly defined.⁹

⁷ Reporters Without Borders. *Indonesia*. Available at: [Indonesia | RSF](#)

⁸ Freedom of House. *Freedom in the World 2023 – Indonesia*. Available at: [Indonesia: Freedom in the World 2023 Country Report | Freedom House](#)

⁹ Reporters Without Borders. *Indonesia*. Available at: [Indonesia | RSF](#)

Further, Kyle Delbyck, Senior Program Manager at the Clooney Foundation for Justice's TrialWatch initiative, reported that In Indonesia, journalist Muhammad Asrul awaits a Supreme Court decision that could impact both his life and press freedom. As the country stands at a democratic crossroads, the outcome of cases like Asrul's and the potential passage of an authoritarian criminal code will shape Indonesia's democratic trajectory. Asrul's prosecution under the Electronic Information and Transactions Law (ITE Law) is emblematic of a broader trend suppressing freedom of expression, with the ITE Law being wielded against critics. The impending criminal code revision, coupled with Asrul's case, underscores the challenges to press freedom and democracy, prompting concerns about the government's commitment to fundamental freedoms.¹⁰

Further, Indonesia faces challenges related to media censorship and restrictions:

1. Defamation and Blasphemy Laws: Indonesia's defamation and blasphemy laws have been used to restrict freedom of speech and press. These laws can be weaponized against individuals, including journalists, who criticize religious institutions or government officials.
2. Content Restrictions: The ITE Law has been criticized for its broad interpretation and application, potentially limiting freedom of speech online. Authorities have used it to criminalize online content deemed offensive, defamatory, or blasphemous.
3. Self-Censorship: In some cases, media outlets practice self-censorship to avoid potential legal or social consequences. Journalists may choose not to cover sensitive topics due to fear of repercussions.
4. Internet Blockades: In response to political unrest or social issues, the government has occasionally imposed internet restrictions, limiting access to information and communication platforms.
5. Journalist Safety Concerns: Journalists covering contentious topics, such as land disputes, corruption, and environmental issues, may face threats, harassment, or violence. Some cases remain unresolved. According to Amnesty International Indonesia, At least 53 cases of physical assault, digital and other attacks targeting at least 63 journalists or media institutions were reported during the year. According to media reports, police slapped and choked a journalist who was covering a student demonstration in Kendari, Southeast Sulawesi province, in April. The journalist's mobile phone was seized and videos he had taken of police beating a demonstrator were deleted against his will.¹¹

¹⁰ Kyle Delbyck. *Press freedom is under attack in Indonesia*. (Al Jazeera, 13 Aug 2022). Available at: [Press freedom is under attack in Indonesia | Opinions | Al Jazeera](#)

¹¹ Amnesty International. *Indonesia 2022*. Available at: [Human rights in Indonesia Amnesty International](#).

Indonesia's journey toward freedom of speech and press is marked by progress but marred by persistent challenges. While there is a legal framework that upholds these freedoms, the practical application of these laws sometimes results in censorship and media restrictions. Balancing the protection of individual rights with maintaining social harmony and respect for diverse cultural and religious values remains a significant challenge. Addressing these issues is vital for safeguarding democratic principles and expanding the space for free expression.

Civil Liberties and Human Rights

Protection of Civil Liberties and Human Rights:

Indonesia, functioning as a multiparty democracy, witnessed President Joko Widodo secure a second term in 2019, with elections generally regarded as free and fair. However, human rights concerns persisted, encompassing arbitrary killings, police torture, harsh prison conditions, arbitrary arrests, and challenges to the judiciary's independence. Issues extended to abuses in the Papua region, restrictions on free expression and media, limitations on internet freedom, and significant interference with peaceful assembly. Gender-based violence, female genital mutilation/cutting, violence against minority groups, and discriminatory laws added notable challenges.¹²

Indonesia has made commendable strides in the protection of civil liberties and human rights, underpinned by the nation's legal framework and international commitments.

Freedom House report shows Indonesia Key Developments in 2022:¹³

- In April, the parliament passed a bill combatting sexual violence, criminalizing offenses such as sexual harassment, forced contraception, sterilization, marriage coercion, sexual torture, slavery, exploitation, and online sexual violence.
- A June parliamentary vote approved the creation of three new provinces in the Papua region, raising concerns among Papuans about further marginalization of Indigenous residents.
- The Corruption Eradication Commission (KPK) arrested two Supreme Court judges for alleged bribery related to a case before the court.
- In December, the parliament approved a new criminal code, restricting insults toward government institutions, expanding blasphemy restrictions, and criminalizing cohabitation of unmarried individuals. This code awaits the president's signature and a subsequent three-year transition period.

¹² Freedom of House. *Freedom in the World 2023 – Indonesia*. Available at: <https://freedomhouse.org/country/indonesia/freedom-world/2023>

¹³ Freedom of House. *Freedom in the World 2023 – Indonesia*. Available at: <https://freedomhouse.org/country/indonesia/freedom-world/2023>

However, challenges persist in certain areas, and the effectiveness of these protections varies:

1. **Legal Framework:** Indonesia's Constitution upholds human rights and civil liberties principles, with the National Human Rights Commission (Komnas HAM) tasked with promotion and protection. Indonesia is a signatory to international agreements like the International Covenant on Civil and Political Rights (ICCPR).
2. **Freedom of Assembly and Association:** Citizens generally have the freedom to assemble and associate, with active involvement from civil society organizations and NGOs advocating for various causes.
3. **Legal Protections:** Existing legal safeguards protect citizens from arbitrary detention, torture, and discrimination, with the Constitutional Court (Mahkamah Konstitusi) ensuring the constitution's integrity and individual rights protection.

Challenges in Human Rights, Minority Rights, Women's Rights, and Freedom of Religion:

Despite progress, Indonesia faces complex challenges related to violation of human rights, minority rights, women's rights, and freedom of religion:

1. Arbitrary Deprivation of Life and Other Unlawful Killings. Security officials were reported to commit arbitrary or unlawful killings, especially in counterinsurgency operations in the Papua region. Investigations into extrajudicial killings were often inadequate, contributing to a sense of impunity. Reports by NGOs highlighted instances of police using excessive force, leading to injuries and fatalities.¹⁴
2. Disappearance. Little progress was reported in accounting for persons who disappeared, including during the country's occupation of Timor-Leste. Prosecutions for such disappearances were limited, and officials suspected of involvement continued to serve in the government.¹⁵
3. Torture and Other Cruel, Inhuman, or Degrading Treatment. While the constitution prohibits such practices, NGOs reported instances of police and security forces using excessive force during detention and interrogation, resulting in injuries. Impunity for these abuses remained a concern.¹⁶

¹⁴ U.S. Embassy and Consulates in Indonesia. *2022 Country Reports on Human Rights Practices: Indonesia*. Available at: <https://id.usembassy.gov/our-relationship/official-reports/2022-country-reports-on-human-rights-practices-indonesia/>

¹⁵ U.S. Embassy and Consulates in Indonesia. *2022 Country Reports on Human Rights Practices: Indonesia*. Available at: <https://id.usembassy.gov/our-relationship/official-reports/2022-country-reports-on-human-rights-practices-indonesia/>

¹⁶ U.S. Embassy and Consulates in Indonesia. *2022 Country Reports on Human Rights Practices: Indonesia*. Available at:

4. Minority Rights: Ethnic and religious minorities in Indonesia have experienced varying degrees of acceptance and protection. Some regions have witnessed tensions and conflicts related to minority rights, such as the case of Papuans and their push for greater autonomy. As stated by U.S. Embassy and Consulates in Indonesia., the 2022 Report on International Religious Freedom underscores the complex landscape of religious practices in Indonesia, emphasizing the need for ongoing efforts to safeguard minority rights. It illuminates challenges faced by religious minorities, highlighting instances where legal frameworks may not fully protect their rights, and emphasizes the importance of fostering an inclusive environment that respects the diverse religious fabric within the country. The intersectionality of religious freedom and minority rights emerges as a crucial aspect, requiring continuous attention and policy initiatives to ensure equal protection and representation for all religious communities.¹⁷
5. Prison and Detention Center Conditions. Conditions in the country's prisons and detention centers were often harsh, with overcrowding posing serious problems. Lack of sufficient food, inadequate medical care, extortion by guards, and drug-related issues were prevalent. The investigation into allegations of torture by prison officials in Yogyakarta highlighted ongoing concerns about the treatment of prisoners.¹⁸
6. Women's Rights: While Indonesia has made significant strides in promoting gender equality and women's rights, challenges persist. Gender-based violence and unequal access to economic opportunities are issues that require continued attention.
7. Threat against human rights defenders. At least 35 cases of physical and digital attacks targeting 150 human rights defenders or organizations were reported during the year. There were concerns that an arson attack at the premises of the Papua Legal Aid Institute (LBH Papua) in Jayapura on 9 May, in which a motorbike was destroyed, was related to the NGO's work in defense of human rights in Papua. LBH Papua filed a report with the police but those responsible were not identified.¹⁹
8. Sexual and gender-based violence. Incidents of flogging in Aceh and other forms of violence underscore challenges in combating gender-based violence.
9. Torture and other ill-treatment. At least 168 people were subjected to flogging in Aceh,

<https://id.usembassy.gov/our-relationship/official-reports/2022-country-reports-on-human-rights-practices-indonesia/>

¹⁷ U.S. Embassy and Consulates in Indonesia. *2022 Report on International Religious Freedom*. Available at: [2022 Report on International Religious Freedom - U.S. Embassy & Consulates in Indonesia \(usembassy.gov\)](https://www.usembassy.gov/2022-report-on-international-religious-freedom-u.s.-embassy-consulates-in-indonesia/)

¹⁸ U.S. Embassy and Consulates in Indonesia. *2022 Report on International Religious Freedom*. Available at: [2022 Report on International Religious Freedom - U.S. Embassy & Consulates in Indonesia \(usembassy.gov\)](https://www.usembassy.gov/2022-report-on-international-religious-freedom-u.s.-embassy-consulates-in-indonesia/)

¹⁹ Amnesty International. *Indonesia 2022*. Available at: [Human rights in Indonesia Amnesty International](https://www.amnesty.org/en/documents/indonesia-2022/).

the only Indonesian province to implement this form of punishment. In January, a woman collapsed twice while being flogged 100 times for sexual relations outside marriage. Her male partner received 15 lashes. Three other men received 100 lashes each on the same day for adultery or “facilitating adultery”.²⁰

10. Freedom of Religion: Indonesia is known for its religious diversity, with multiple faiths practiced. However, incidents of religious intolerance and discrimination have occurred. The government has made efforts to promote religious tolerance and protect the rights of religious minorities. Reporters Without Borders mentioned that Indonesia with the background as the world’s largest Muslim country and a cradle of religious tolerance, is under growing pressure from radical Islamic movements. This is especially so in Aceh, an autonomous western province where a very strict version of the Sharia is in force and where morality police dictate what newspapers can and cannot publish. In the rest of the country, Muslim scholar influence prevents journalists from tackling certain taboo subjects such as LGBT rights, apostasy and child marriage.
11. Freedom of Expression. The Electronic Information and Transaction (EIT) law and other restrictive laws were used to prosecute and intimidate human rights defenders, activists, journalists, academics and others. Police launched investigations under the EIT law into three of the 67 people arrested in Wadas village on 8 February in connection with sharing videos on social media of the day’s events. None were charged, but their mobile phones were confiscated. Subsequently, the official Twitter accounts of the Wadas anti-mining protest and the personal accounts of at least seven activists involved in the protests were suspended.²¹
12. Land and Resource Rights: Disputes over land and resource rights are a common source of human rights issues, particularly affecting indigenous communities. Conflicts arise over land ownership, resource extraction, and environmental conservation.
13. LGBTQ+ Rights: The LGBTQ+ community faces challenges and discrimination, with some regions implementing restrictive policies. This highlights the struggle for LGBTQ+ rights and recognition.

²⁰ Amnesty International. *Indonesia 2022*. Available at: [Human rights in Indonesia Amnesty International](#). See also Amnesty International. *Woman collapses twice while publicly flogged 100 times for adultery in Aceh*. (January 27, 2022). Available at: [Woman collapses twice while publicly flogged 100 times for adultery in Aceh • Amnesty International Indonesia](#)

²¹ Amnesty International. *Indonesia 2022*. Available at: [Human rights in Indonesia Amnesty International](#). See also Amnesty International. *Selidiki serangan dan intimidasi digital terhadap warga dan aktivis Wadas*. (February 16, 2022). Available at: [Selidiki serangan dan intimidasi digital terhadap warga dan aktivis Wadas • Amnesty International Indonesia](#)

14. Access to Justice: Ensuring access to justice and addressing impunity for human rights violations remain critical areas for improvement. Cases involving state actors and security forces require accountability and transparency.
15. Excessive Force to Break Up Protests. Authorities repeatedly used excessive force to break up protests, including by local communities protesting against mining operations. The crackdown on political dissent in Papua and West Papua provinces continued. Dozens of Indigenous Papuans were arrested and some faced charges carrying lengthy prison terms. Freedom of expression continued to be curtailed as human rights defenders, journalists and others were subjected to physical and online attacks, and were arrested and prosecuted under repressive laws. Authorities arrested, detained and used excessive force against protesters, including those defending land rights and the environment. On 8 February, security forces assaulted people in Wadas village, Central Java province, who were protesting against the environmental and social impacts of planned rock quarrying.²²
16. Unlawful killings. Thirty-six incidents of suspected unlawful killings by security forces, involving 41 victims, were recorded during the year. Five of these incidents, involving nine victims, took place in Papua province, bringing the total number of victims of suspected unlawful killings in Papua and West Papua since February 2018 to 105.²³
17. Climate crisis. Indonesia updated its NDC in September, bringing forward its target for reaching net zero by 10 years to 2060 and improving its unconditional target from 29% to 32% below its “business-as-usual” (BAU) scenario, and its conditional target from 41% to 43% below BAU. Both targets have been rated “critically insufficient” by independent analysts, and Indonesia’s over-reliance on coal and inadequate policies to support its replacement with renewables was criticized.²⁴

Indonesia's commitment to protecting civil liberties and human rights is evident through its legal framework and participation in international agreements. While progress has been made in various areas, persistent challenges remain, particularly concerning minority rights, women's rights, and freedom of religion. Addressing these challenges is vital for creating a more inclusive and equitable society that upholds the principles of democracy and freedom.

²² Amnesty International. *Indonesia 2022*. Available at: [Human rights in Indonesia Amnesty International](#)

²³ Amnesty International. *Indonesia 2022*. Available at: [Human rights in Indonesia Amnesty International](#)

²⁴ Amnesty International. *Indonesia 2022*. Available at: [Human rights in Indonesia Amnesty International](#)

Case Study: Indonesian Activists Arrested, Indonesia Turns Against Democracy

On May 21 1998, Indonesia's President Suharto announced that he would be stepping down from office. His resignation signalled the end of 32 years of authoritarian rule under his 'New Order' regime, and the start of a new phase of the nation's political life – one characterised as an era of 'reform' and 'democratisation' by both Indonesians and outside observers. At the time, as Joshua Barker (2007: 87) notes, many Indonesia-watchers were convinced that 'the New Order would reconstitute itself in all but name or that the country would descend into communitarian violence'. However, the early 2000s were instead marked by 'a surprising degree of democratisation' (ibid.: 88), prompting many to hail the country's transition to democracy as a remarkable success story that 'present[ed] valuable lessons for other 3 countries' (Aspinall 2010b: 20).

A key dimension of this positive story has been the observation that – whatever shortcomings persist at the level of elite politics or within political institutions – there is tremendous public support for democracy, and a repudiation of the violent and repressive styles of government that characterised the New Order. Tony Day (2007: 2), for example, has argued that 'after 32 years of authoritarian rule under Suharto and his New Order, Indonesians are crazy about many kinds of freedoms (kebebasan) – freedoms that are subjective and sexual as well as public and political', whilst Suzanne Brenner (2007: 35) found 'very few' of the Indonesian women she worked with 'would wish to return to the days of authoritarian rule.' In 2013, Indonesia's former Minister for Foreign Affairs, Hassan Wirajuda, concluded that Indonesians had 'reached a point of no return' as far as commitment to democracy was concerned. 'Maybe 5 per cent [of the population] want a return to authoritarian presidents,' he elaborated, citing 'a poll taken a few years ago', whereas '72 per cent of people want democracy' (Hartcher 2013).

Although the suitability of 'Western style democracy' for Indonesian culture had been hotly debated since colonial times, with opponents suggesting its emphasis on rules and procedures left insufficient scope for leaders to exercise their kebidjaksanaan – or 'personal discretion or discernment' (Tsuchiya 1987), Indonesia was established as a constitutional democracy upon its independence. This decision partly reflected the personal commitments of key revolutionaries to liberal democratic principles (Feith 1963: 313), but also a desire to forge Indonesia as the 'social, economic and political equal' of other nations seen as 'modern' (McVey 1994: 4-5). However, when the early years of independence were beset by problems ranging from spiralling inflation to regionalist insurgencies, the President, Sukarno, was quick to assert that 'Western-style democracy' was to blame.

Economic and Social Freedom

Indonesia, the world's most populous Muslim-majority country, has become a democracy since the departure of authoritarian ruler General Suharto in 1998. Joko Widodo, former governor of Jakarta, was reelected to a second five-year presidential term in 2019. Indonesia is Southeast Asia's largest economy. Key exports include mineral fuels, animal and vegetable fat, electrical machinery, rubber, machinery, and parts for mechanical appliances. Infrastructure improvements should help to reduce high transport and logistical costs. Significant untapped maritime resources could facilitate development, but barriers to international trade and investment undermine prospects for growth. Rising food and fuel costs have led to popular discontent.²⁵

According to Freedom House analyzing economic and social freedom, by one of the questions, "do Indonesian individuals enjoy equality of opportunity and freedom from economic exploitation?". Freedom House analyzes that authorities set standards for working conditions and compensation, but enforcement is inconsistent. Indonesian workers are trafficked domestically and abroad, including women in domestic service and men in the fishing industry. In January 2022, authorities in North Sumatra discovered a cage used to detain workers on a plantation operated by a local regent.²⁶

As stated by Heritage Organization, Indonesia's economic freedom score is 63.5, making its economy the 60th freest in the 2023 Index. Its score is 0.9 points lower than last year. Indonesia is ranked 10th out of 39 countries in the Asia-Pacific region, and its overall score is above the world and regional averages. Indonesia has undertaken wide-ranging reforms to address various structural weaknesses in the economy and improve competitiveness. The economy has shown considerable resilience, weathering the global economic slowdown relatively well. Recent reforms have put greater emphasis on improving regulatory efficiency, enhancing regional competitiveness, and creating a more vibrant private sector through decentralization.²⁷

²⁵ Heritage Organization. *2023 Index of Economic Freedom*. Available at: [Indonesia Economy: Population, GDP, Inflation, Business, Trade, FDI, Corruption \(heritage.org\)](https://www.heritage.org/indonesia/economy/population-gdp-inflation-business-trade-fdi-corruption)

²⁶ Freedom of House. *Freedom in the World 2023 – Indonesia*. Available at: [Indonesia: Freedom in the World 2023 Country Report | Freedom House](https://www.freedomhouse.org/country/indonesia)

²⁷ Heritage Organization. *2023 Index of Economic Freedom*. Available at: [Indonesia Economy: Population, GDP, Inflation, Business, Trade, FDI, Corruption \(heritage.org\)](https://www.heritage.org/indonesia/economy/population-gdp-inflation-business-trade-fdi-corruption)

Heritage Organization analyze the economic freedom in Indonesia:²⁸

1. Rule of Law

The overall rule of law is weak in Indonesia. The country's property rights score is below the world average; its judicial effectiveness score is below the world average; and its government integrity score is below the world average.

2. Government Size

The top individual and corporate tax rates are, respectively, 35 percent and 22 percent. The tax burden equals 10.1 percent of GDP. Three year government spending and budget balance averages are, respectively, 17.7 percent and -4.3 percent of GDP. Public debt equals 41.2 percent of GDP.

3. Regulatory Efficiency

Despite simplified licensing requirements, overall regulatory efficiency is weak. Compared with other economies in the region, Indonesia's rigid labor market imposes regulatory costs on the creation and termination of employment relationships. Inflation has been modest, but government interference in the market distorts prices.

4. Open Markets

The trade-weighted average tariff rate is 5.6 percent, and more than 100 non tariff measures are in force. The government has moved to dismantle some of its previously imposed barriers to foreign investment. The financial system's overall efficiency has increased. The state still owns several banks.

Access to Education

The World Bank report sheds light on Indonesia's commendable strides in achieving universal access to basic education in recent decades. However, the report underscores significant challenges, particularly concerning the quality of education in the country. Despite progress in enrollment and gender parity, the quality of education in Indonesia remains a matter of concern. The 2006 Program for International Student Assessment (PISA) test revealed a substantial gap in math proficiency, with over half of Indonesian students below the basic proficiency level.²⁹ Alarming, a recent cohort of grade 9 completers exhibited that only 46 percent had achieved functional literacy³⁰.

²⁸ Heritage Organization. *2023 Index of Economic Freedom*. Available at: [2023_IndexofEconomicFreedom-Indonesia.pdf \(heritage.org\)](https://www.heritage.org/index/2023-index-of-economic-freedom-indonesia)

²⁹ PISA 2006: Analysis and Data (OECD, 2007)

³⁰ Hanushek, E. A., and L. Wößmann. 2007. *Education Quality and Economic Growth*. Policy Research Working

National exams and international assessments consistently reflect low levels of student learning across all school types. The latest findings indicate that, on average, students are 1.5 years behind the learning levels expected by the national curriculum for 4th grade.³¹

These persistent challenges in learning outcomes have profound implications. A significant portion of students fails to acquire the minimum knowledge and skills necessary for meaningful participation in the economy and society. The reports draw attention to stark inequalities in enrollment rates, particularly in upper-secondary and early childhood education.

The COVID-19 pandemic has exacerbated these educational challenges, amplifying existing disparities. Satu Kahkonen, World Bank Country Director for Indonesia and Timor-Leste, emphasizes the need for targeted government expenditures to enhance student learning outcomes and alleviate learning inequality. He mentioned, *"Indonesia has made great progress in the education sector, including significant improvements in enrolment and gender parity. However, it is crucial that government expenditures are targeted at improving student learning outcomes and reducing learning inequality."*

While Indonesia has made noteworthy progress in expanding access to education, there is an urgent call to redirect efforts towards elevating the quality of education. Focused investments, strategic reforms, and innovative approaches are crucial to ensure that education in Indonesia not only reaches every child but also equips them with the skills and knowledge necessary for a prosperous and equitable future.

The World Bank reports emphasize the critical need for Indonesia to establish an education and training system that not only enhances the well-being of its citizens but also improves human capital, aligning with its economic and development goals. While Indonesia has achieved remarkable progress in education, characterized by significant improvements in enrollment and gender parity, challenges persist in the realm of student learning levels and learning inequality.³²

Decentralization, coupled with a notable 200 percent increase in education spending since 2002, has resulted in a substantial rise in student enrollment by more than 10 million (31 percent) at the primary and secondary education levels. The nation has made substantial strides in achieving gender parity, evolving from a scenario where 65 percent of students were male in 1975 to a current landscape where the proportion of males and females is roughly equal.

Paper 4122. World Bank, Washington, DC

³¹ World Bank. *Creating a 21st Century Education System: Three New Reports Address Indonesia's Learning Poverty and Inequality*. (18 November 2020). Available at: [Creating a 21st Century Education System: Three New Reports Address Indonesia's Learning Poverty and Inequality \(worldbank.org\)](https://www.worldbank.org/en/curated/en/658151605203420126/pdf/The-Promise-of-Education-in-Indonesia.pdf)

³² World Bank Indonesia. *The Promise of Education in Indonesia*. Available at: documents1.worldbank.org/curated/en/658151605203420126/pdf/The-Promise-of-Education-in-Indonesia.pdf

Despite these advancements, a considerable gap exists between student learning levels and national targets set by Indonesia. On average, students fail to meet the passing score for the grade 12 National Exam, and a staggering 70 percent of children demonstrate basic literacy challenges according to the Program for International Student Assessment (PISA) 2018.

The disparity is particularly evident among disadvantaged students, including those who are economically disadvantaged, reside in remote areas, or have disabilities. The World Bank underscores that attending school does not equate to learning, emphasizing the pivotal role of education in shaping the productivity and economic contribution of Indonesia's youth.

To align with President Jokowi's vision and enhance the impact of education reforms, Indonesia is encouraged to consider several strategic options:

Early Childhood Education: Mandate and make accessible two years of quality early childhood education for all children, fostering a solid foundation for learning. Strengthen early childhood education coverage and quality by allocating ample funding at both central and district levels, with a targeted roadmap for achieving universal enrollment by 2030.

Focus on Learning: Integrate a comprehensive focus on learning throughout the education system, ensuring that no child, especially those facing economic hardship, residing in remote areas, or having disabilities, falls behind.

Learning Gap Assessment: Leverage student assessments to inform teachers and school directors about knowledge gaps, providing targeted support for students in need. This becomes particularly crucial in the context of COVID-19 recovery and improvement efforts.

Teacher Selection and Support: Enhance teacher quality by selecting and preparing the best candidates and providing continuous support throughout their careers. Well-trained and motivated teachers are identified as a fundamental element for effective learning.

Accountability Mechanisms: Strengthen accountability mechanisms at the subnational level, enhancing capacity and reporting to direct support and attention to areas in need.

Resilient Education System: Invest in online teaching and learning capabilities, robust data storage systems, and disaster-resilient infrastructure to ensure continuity in learning during the COVID-19 pandemic and future challenges.

By implementing these strategic measures, Indonesia can further solidify its commitment to providing quality education, ultimately contributing to the nation's overall productivity, economic growth, and prosperity.

Conclusion

Indonesia's journey toward democracy is a testament to the resilience of its people and their commitment to fostering an inclusive and free society. The 2024 Presidential Election provides an opportunity to reaffirm these principles and address the remaining challenges. It is a call to action for all stakeholders – the government, civil society, and citizens – to collectively work towards a future where democracy not only survives but thrives, ensuring that the hustle and bustle of preparations translate into a vibrant and robust democratic process that truly serves the will of the Indonesian people.

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