

Insight

Why should student activists be branded 'un-Indonesian'?

The student protests and detentions of the past few months have revived memories of students being tried and jailed for similar offenses in the past. Ariel Heryanto looks into the legal history behind the authorities actions.

SALATIGA, Central Java (JP): The past few months saw the vigorous enforcement of a set of articles within the penal code against student activists. These articles carry penalties for publicly expressing hostility, hatred, or disrespect towards the President, the government, or its officials. We will see more such trials in the weeks to come.

In November two students were sentenced to four months in Semarang for exhorting the people to boycott last year's general election. Lukas Luwarso and Poltak Ike Wibowo, both 25 years old, had coordinated a meeting where people were urged to cast blank ballots in protest of the electoral system.

Ironically, the gathering took place on National Awakening Day, which commemorates the struggle of student activists against Dutch colonial rule.

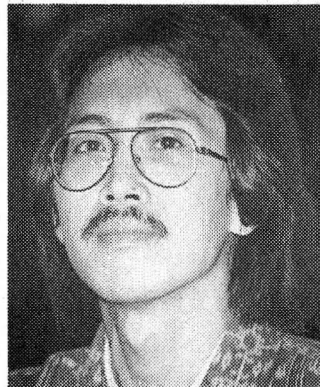
As the trials of Luwarso

and Wibowo started in July last year, 50 kilometers south of Semarang, a Salatiga court was preparing for the trial of a student charged with circulating a controversial 1991 calendar. His prosecution was based on the same articles.

The accused, Buntomi, was to be tried for chairing Yayasan Geni, which was allegedly involved in the circulation of the calendar. This calendar featured a collage-style caricature, depicting infamous cases of state-sponsored land acquisition through coercive means. Buntomi escaped prosecution.

Slander

In Jakarta, Nuku Soleiman is awaiting his trial on charges of violating the same articles. He was arrested on Nov. 26, a few days after the verdicts on Luwarso and Wibowo were handed down. Soleiman was arrested on



ARIEL HERYANTO

charges of circulating stickers among protesters opposing the national lottery SDSB that allegedly slandered President Soeharto.

Last month 21 student activists were arrested in Jakarta during a peaceful demonstration against what they consider the excessive use of violence by the state to resolve civil disputes. The official reason for these arrests was the display of a banner demanding the House of Representatives make the President accountable for the states policies and actions.

Officials have hinted that these young prisoners will soon be brought to trial, all charged under the same articles.

For those unfamiliar with the history of political repression it is tempting to attribute such laws as inherent to Indonesian culture. It is tempting to explain, or at least to question, the phenomena in terms of the unique essence or identities of Indonesia's authentic cultural value system, as the official propaganda would have it. Indeed, to ignore such a common attribution is to appear insensible or insensitive.

Within this non-Western familial community, so the argument goes, challenging the authority of the ruling elites is either immoral or illegitimate. At best, it is to be regarded as a corrupt mimicry of the liberal democracy that pertains to modern Western societies. To question the current political prosecution is to run the risk of being seen as patronizing Indonesians by imposing incompatible Western political and cultural values.

Rather than questioning the "true" nature of Indonesian culture, or arguing the universal values of basic human rights, one must squarely recognize how Westernized these recent political trials, as well as the very notion of some uniquely Eastern or Indonesian cultural values, are.

The legal articles in question are part of the currently effective criminal codes (KUHP), inherited wholly from the Dutch colonial penal code. The articles were originally proposed by Governor General Idenburg on March 15, 1914 before being ratified into the colonial legal system in 1918. Their original targets were primarily anti-colonial journalists.

Modifications

When Indonesia gained its independent in 1945, virtually the whole colonial legal structure survived, and with a few minor modifications it became nationalized. For instance, the articles prohibiting public expressions of hostility, hatred, and disrespect to the Queen were altered to

apply to the President. Small wonder that the code continued to victimize post-independence journalists, until 1973 when more repressive measures (licensing and extra-judiciary banning) were launched to control journalists with greater effectiveness and efficiency.

Afterwards those wielding these articles shifted their target from journalists to student activists. In April 1989 they constituted supplementary charges against Bambang Isti Nugroho, a young cultural activist in Yogyakarta. Later that year, the same articles were employed to prosecute six students of the Bandung Institute of Technology, for rejecting the visit of the Home Minister to their campus.

Leaving moral and legal questions aside, we see that prosecuting modern citizens on the pretext of making public expression of hostility, hatred, or disrespect against the government or its officials is far from unique, let alone essentially Indonesian. It is unequivocally a direct adoption of Western colonial

repressive measures. It is ironic that many current government officials in this country habitually and unconsciously attempt to discredit activists by branding them as "un-Indonesian" or Westernized. It is precisely such labeling that was initiated by their European colonial predecessors.

This leaves the dichotomy of West and East problematic, to say the least. Social scientists in the 1970s attempted alternative terminologies center/metropole-periphery, in lieu of the more condescending terms developed-developing countries. Post-modernist scholars have come to favor "postcolonial" to describe the contemporary West's Others, or East. None of these terms is exempted from similar problems.

The recent political trials in this country beg the question of how post-colonial is contemporary Indonesia?

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