

Freedom of Religion - of Expression - of Association

Gov't Issues Perppu to Expedite Disbanding of Anti-Pancasila Organizations, Including HTI

Jakarta Globe, 12-07-2017

President Joko "Jokowi" Widodo signed a government regulation in lieu of law, or Perppu, on Monday (10/07) that will expand the power of the Ministry of Justice and Human Rights to disband groups that espouse ideologies contradictory to values enshrined in the state ideology, Pancasila.

The Perppu, named No. 2/2017, widens the government's ability to dismantle mass organizations deemed as threats to national security and national unity, previously outlined in Law No. 17/2013 on Mass Organizations. "The existing law is not sufficient enough to prevent the spread of radical ideologies that contradict Pancasila and the 1945 Constitution," Chief Security Minister Wiranto said in a press conference on Wednesday.

In May, the government announced plans to dismantle Hizbut Tahrir Indonesia (HTI), an Islamic organization seeking to establish a caliphate on Indonesian soil, on grounds of anti-Pancasila activities. This week's new Perppu is expected to end legal uncertainties over that process and to help the government tackle similar extremist groups in the future. "This Perppu is not at all intended to discredit or harm the presence of any Islamic organization. It is issued for the good of the people," Wiranto said.

The new regulation has been met with positive responses by many moderate Muslim groups in the country, who have praised Jokowi for taking a tangible steps to diminish the influence of hardliners that could threaten the nation's unity.

However, rights activists also expressed concern that the new regulation might in fact be undemocratic and prone to abuse, saying other non-violent organizations might be shut down in the future without a valid legal process. On Wednesday, Wiranto, a retired army general and former military chief under President Soeharto, said the 2013 law was "substantially and procedurally" lagging, underlining the need for the new regulation.

The government's move drew support from the two largest Muslim organizations in the country – Nahdlatul Ulama (NU) and Muhammadiyah – in the hopes that Islamist extremism, which has been on the rise in the country over the past few years, will take a back seat to their more moderate religious views. "The executive board of Nahdlatul Ulama considers the president's move clever and inspiring. It is accurate and constitutional," Robikin Emhas, NU's head of law affairs, said in a statement published on the organization's official website.

As many as 14 mass Muslim organizations, including NU, were previously united in a coalition named the Islamic Mass Organization Friendship (LPOI) that officially requested the government to issue a Perppu to ban organizations that contravene the values enshrined in Pancasila. The organizations include Nahdlatul Ulama, the Islamic Union (Persis), Al-Irsyad, Al-Islamiah, Arrobitoh Al-Alawiyah, Association of Indonesian Chinese Muslims (Piti), Mathlul Anwar, Attihadiyah, Azikra, Al-Wasliyah, Islamic Preacher Association (Ikadi), Syariat Islam Indonesia, Union of Islamic Education (Pertti) and Board of Da'wah Islamiyah Indonesia (DDI).



The majority of Indonesians oppose the Islamic State movement and Hizbut Tahrir Indonesia, or HTI — the local chapter of an international Muslim organization seeking to establish a theocratic state comprising all Muslim countries — a national survey conducted by the Saiful Mujani Research and Consulting, or SMRC, revealed. (Antara Foto/Hendra Nurdiyansyah)

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NU, the statement said, "fully supports" the new regulation that is expected to expedite the legal process of organizational bans while still upholding constitutional rights. "It is like a cancer cell, the rate of spreading is so rapid, so proper and prompt treatment is required, including through the legal approach," Robikin said about the spread of hardline Islamist groups in the country.

The chairman of the youth wing of Muhammadiyah, Dahnil Anzar Simanjuntak, said the planned ban on HTI was "valid for the sake of maintaining national unity." "As long as it is imposed constitutionally," Dahnil added.

High level government officials, including Wiranto himself, have repeatedly complained about what they said were "lengthy and complicated" procedures stipulated under existing law to ban HTI, which could take years.

The new regulation is aimed at revising parts of the 2013 law, though it will first need to be approved by the House of Representatives before it passes into law, which could take months.

HTI is the local chapter of Hizbut Tahrir, an international organization aimed at establishing a pan-Islamic theocracy in the Muslim world by removing existing, pluralist governments, whether by coercion or other means.

HTI has been present in Indonesia since the 1980s and has largely been a campus-based movement with well-attended meetings and rallies, though the organization has been banned in several countries already. In April, police refused to grant HTI a permit to stage an international discussion forum in South Jakarta, citing security concerns over public opposition.

Human Rights at Stake?

HTI immediately vowed to fight back against the Perppu, which has also sparked protest from human rights groups that say the measure could threaten Indonesia's hard-won democracy. The organization condemned the move as "despotic," while HTI spokesman Ismail Yusanto said the existing law was issued to defend mass organizations from government efforts to disband them on weak legal grounds. "When that law is revised,

including revoking the trial mechanism, it's obvious the government is making an arbitrary move," Ismail told the Jakarta Globe.

He also said there were no strong grounds for the government to issue the regulation or to ban HTI itself. "There is no legal void, and there is no compelling situation," Ismail said, adding that HTI, which appointed prominent law professor Yusril Ihza Mahendra as counsel, is planning to file a judicial review against the government's new regulation with the country's Constitutional Court. "HTI is a legal preaching group. There has been no law violated. Why ban us?" he said.

Al Araf, a director of Jakarta-based human rights group Imparsial, criticized the government's decision as "reactive." Al Araf admitted there is an increasing need for the government to take firm action against mass groups that threaten democracy and human rights, but said the government should not do so by following suit. "Respect for the principle of due process of law is fundamental," he said, citing the 2013 law, which he believes is adequate and not in need of immediate revision.

Even amid concerns from human rights groups and HTI itself, Wiranto said on Wednesday that "members of the public do not need to worry. This is not a form of arbitrariness."

Amendment of the Mass Organizations Law expands threats to the freedom of association

Amnesty International Public Statement, 12-07-2017

Amnesty International urges the Indonesian authorities to immediately revoke or revise the Government Regulation in Lieu of Law (Peraturan Pemerintah Pengganti Undang-Undang or Perppu) No. 2/2017 amending the Law on Mass Organizations (Undang-Undang Organisasi Kemasyarakatan) to bring it into line with international human rights law and standards. The organization is extremely concerned that the new legislation will impose restrictions on freedom of association, expression, and thought, conscience and religion which are even more extensive than those currently set out in the Law on Mass Organization. The Law already stifles the work of human rights defenders as well as supports discriminatory attitudes towards certain groups. These amendments will exacerbate the situation more.

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See for the full report: <https://www.amnesty.org/en/documents/asa21/6722/2017/en/>

Police prepare list of mass organizations for possible disbandment

The Jakarta Post, 17-07-2017

The National Police have made a list of mass organizations to be considered for disbandment following the issuance of Regulation in Lieu of Law (Perppu) No. 2/2017 on mass organizations.

Disbandment will be executed by the Home Ministry and the Law and Human Rights Ministry, National Police chief Gen. Tito Karnavian said.

"A list of mass organizations has been submitted to the Office of the Coordinating Minister for Political, Legal and Security Affairs," Tito said Monday as quoted by Tribunnews.com. Tito did not reveal the names of the mass organizations.

He said before any organizations were disbanded, institutions such as the State Intelligence Agency (BIN), the Attorney General's Office and the Indonesian Military (TNI), would meet to discuss the matter.

After the government issued the Perppu replacing the 2013 law on mass organizations on Wednesday, debate has been rife over the government's right to disband a mass organization without due legal process within just one week of issuing a warning letter.

President Joko "Jokowi" Widodo has said that those who oppose the Perppu could challenge it through the courts.

"Our state is based on a legal system. Those who want to challenge the Perppu can use legal avenues to challenge it in court," he said.

HTI to File Judicial Review against Perppu on Mass Organizations

TEMPO.CO, 17-07-2017

Jakarta - Hizbut Tahrir Indonesia (HTI) spokesman Ismail Yusanto said that 17 mass organization today will be filing a judicial review against regulation in lieu of law (Perppu) on mass organization to the Constitutional Court (MK). They will also seek support from the House of Representatives (DPR) to reject the regulation.

HTI has also planned to stage protests against the Perppu No. 2/2017 on Mass Organization signed by President Joko Widodo. HTI is one of many organizations facing disbandment for promoting the concept of caliphate.

Ismail Yusanto said that based on its articles of association the HTI is an Islamic dakwah movement. Nevertheless, the activities are carried out in the framework of the NKRI (Unitary State of the Republic of Indonesia) based on the national ideology Pancasila and the 1945 Constitution.

"What about pluralism and diversity? There's nothing to be worried about," Ismail said in a discussion on the Perpu in Jakarta yesterday.

"Demonstrations will not only be held for HTI because the perppu threatens all organizations," HTI Executive Council chairman Rokhmat S. Labib told a press conference at his office on Wednesday, July 12.

Rokhmat added that the Perpu says any mass organization that contravene the Pancasila may be disbanded. The members and executive directors of such organizations will also face prison time. HTI is bemused by the issuance of the regulation and considers it as a product of a 'dictatorial regime'.

"What has the HTI done wrong? It doesn't kill people, doesn't spark riot, doesn't bomb people, doesn't sell state assets," Rokhmat said.

President Jokowi has allowed those who object to the Perpu on Mass Organization, also related to HTI disbandment, to raise their protest through the court.

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Govt No Need to Issue Perppu to Disband HTI

TEMPO.CO, 15-07-2017

Jakarta - A political expert from UIN stated that the regulation in the lieu of law (Perppu) on Mass Organization (Ormas) can be counterproductive.

The political expert from Syarif Hidayatullah State Islamic University (UIN) Adi Prayitno believes that Law on Mass Organizations uses soft approach to disband radical mass organizations.

"It involves gradual processes to deal with extreme mass organizations. The disbandment does not require direct interference from the government, but it is done through a court of law," he said.

Adi claimed that Perppu Ormas is not urgently needed, especially in this conflicting situation. "To disband radical mass organizations, we only need to use Law on Mass Organizations (UU Ormas)," he affirmed.

Adi reminded that the government should base the consideration of disbandment on eradicating radicalism from Indonesia, not because of subjective reasons. People know, he added, that the regulation in the lieu of law (Perppu) on Mass Organization stems from the government's intention to disband HTI (Hizbut Tahrir Indonesia).

"If the government wants to disband HTI, no need to issue Perppu. They only need to use the existing legal instruments. What matters are the procedures of the disbandment. Not just a mere plan," he said. "What is important in the future is how the government disband radical mass organizations. Avoid repressive patterns and use of force since they are against human rights and democracy," Adi said.

Jakarta Legal Aid Foundation (LBH)

Executive Director Alghiffari Aqsa says that Government Regulation in Lieu of Law Number 2/2017 on Revisions to Law Number 17/2013 on Social Organisations or Perppu Ormas is prone to misuse by the government. Alghiffari suspects that the government will arbitrarily label social organisations deemed to be against the state ideology of Pancasila, not just Hizbut Tahrir Indonesia (HTI), but other social organisations as well.

The issuance of the Perppu Ormas, said Alghiffari, also has the potential to threaten organisations that have been critical of the government. Especially the LBH Jakarta which often handles cases and provides advocacy to protect the rights of groups that are deemed enemies of the state.

"With this Perppu the LBH could be threatened. In the sense that we are often stigmatised as supporter of communists and separatists", said Alghiffari in the Menteng area of Central Jakarta on Saturday July 15. Alghiffari is also concerned that the Perppu Ormas will violate freedom of association and human rights. Not just for the HTI, which is repeatedly referred to as an anti-Pancasila organisation, but other social organisations as well? "And anyone labeled as being anti-Pancasila (under the Perppu Ormas) or supporting separatism will be eliminated", concluded Alghiffari.

[Translated by James Balowski for the Indoleft News Service. The original title of the report was "Perppu Ormas Terbit, Ini yang Dikhawatirkan LBH Jakarta".]

Source: <http://news.liputan6.com/read/3023705/perppu-ormas-terbit-ini-yang-dikhawatirkan-lbh-jakarta>

Islamic organisations call on government to ban radical, anti-Pancasila groups

Detik News - July 7, 2017

Samsdhuha Wildansyah, Jakarta -- As many as 14 Islamic organisations have issued a statement calling on the government to immediately issue a regulation in lieu of law (Perppu) on social organisations (Ormas). They are also pushing the government to immediately disband radical and anti-Pancasila social organisations.

"The statement by the 14 Islamic social organisations demands that the government immediately issue a Perppu on social organisations and pushes the government to disband anti-Pancasila Islamic social organisations", said Islamic mass organisation Nahdlatul Ulama (NU) executive board chairperson KH Said Aqil Siroj at the NU's headquarters on Jl. Kramat in Central Jakarta on Friday July 7.

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Said said that nationalist values in society are in decline as a consequence of the emergence of social organisations that oppose the state ideology of Pancasila, and this become a real concern threatening the unity of the Unitary State of the Republic of Indonesia (NKRI).

"Intolerance has become the main problem in society of late. A majority of the nation feels and sees this phenomena and it is creating deep concern. Indonesia which is struggling to develop is experiencing an assault that is in fact coming from its own people who are influenced by radical ideas that reject or are anti-Pancasila", he said.

According to Said, anti-Pancasila and radical social organisations do not necessarily commit violence but their ideas and movement has massively and systematically destroyed sections of society. "And it is considered a threat to diversity, the democratic political system, and Pancasila, which is one of the foundations of the Indonesian nation. If neglected, these radical or anti-Pancasila social organisations could become big and threaten the continued existence of Indonesia itself", he added.

In addition to this, if neglected, these anti-Pancasila and radical social organisations will result in society supporting radicalism and threatening the continued existence of Pancasila. In the future, the number of people who are radical and anti-Pancasila will continue to grow and will have a terrible impact on Indonesia.

"It's conceivable that our country could be destroyed like Syria, Iraq, Yemen, Afghanistan, and other countries. The Constitution does indeed allow for freedom of assembly and association, but this is still subject the stipulation of the law. Freedom must be accompanied by responsibility and an obligation to safeguard prevailing laws. Up until now the fact is that the government has never prohibited the establishment of social organisations, but only if it is clear that Pancasila is the basis of the social organisation that is to be established", he said. (nvl/fjp)

Notes by James Balowski: Amid the mass protests earlier this year against former Jakarta Governor Basuki "Ahok" Tjahaja Purnama, "moderate" Islamic mass organisations such as Nahdlatul Ulama and Muhammadiyah have seen their influence and authority undermined by radical Islamic groups like the Hizbut Tahrir Indonesia (HTI), and would be one of the main beneficiaries if the government goes ahead and bans rival groups such as the HTI.

[Translated by James Balowski for the Indoleft News Service. The original title of the report was "14 Ormas Islam Minta Pemerintah Segera Bubarkan Ormas Anti-Pancasila".]

Source: <https://news.detik.com/berita/d-3552074/14-ormas-islam-minta-pemerintah-segera-bubarkan-ormas-anti-pancasila>

Political developments

Mob attacks PPP headquarters

The Jakarta Post, 16-07-2017

Dozens of people have stormed the headquarters of the United Development Party (PPP) in Menteng, Central Jakarta, in the early hours of Sunday morning. "Around 80 people [came to the building] using cars and motorbikes," PPP deputy chairman Humprey Djemat said on Sunday, as quoted by news agency Antara.

The Islamic party has been crippled for years by a power struggle between two factions. Humprey is of the faction led by self-proclaimed chairman Djan Farid, which occupies the headquarters. The other faction is led by Romahurmuzyi, who also claims to be the legitimate party chairman. Humprey added that party officials had reported the attack to the Central Jakarta Police. The unidentified assailants were seen intimidating people inside the building, as recorded by a security camera. The attackers also pushed against the locked gate and threw rocks into the building.

Djan was elected party leader at the party's congress in Jakarta, while Romahurmuzyi was elected at a party congress in Bandung, West Java. On June 14, the Jakarta State Administrative High Court (PTTUN) ruled on the dispute in favor of Romahurmuzyi, overturning an earlier ruling by the Jakarta State Administrative Court (PTUN) that favored Djan.