

Social-economic Rights

A new law for pension analysed

By Wilma van der Maten

From the first of July every Indonesian, job or no job, can save for his retirement. It is a huge step forward in a development country where previously only 9% of the population had a pension. Most workers are furious about the new social insurance law. Because they are not allowed like before to withdraw their savings after five years. Now they must wait until their old age.

Read the full article: <https://www.fnv.nl/over-fnv/internationaal/mondiaal-fnv/english/a-happy-old-age-for-all-indonesians/>

Indigenous peoples' rights

Human Roadblocks Prevent Takeover of West Java Indigenous Community's 'Holy Land'

Jakarta Globe, 26-08-2017

Around 500 members of the Sunda Wiwitan indigenous community in Cigugur, near Kuningan, West Java, formed human roadblocks at 6 a.m. on Thursday (24/08) to stop the local administration, under orders from the Kuningan District Court after a protracted legal battle, from taking over their "holy land."

Dressed in traditional clothes, the protesters laid in the middle of the road to stop nearly 200 officers from the Police Mobile Brigade (Brimob) and the municipal police (Satpol PP), who moved cranes and other heavy equipment to the area.

"They've tried to do this four times already and failed each time," protest coordinator Okky Satrio Djati told the Jakarta Globe in a phone interview.

Okky said the court order is against the law, as the two-hectare Sunda Wiwitan land was declared a national cultural heritage zone in 1976 by the Ministry of Culture and Education.

He added that the Sunda Wiwitans believe Cigugur is the birthplace of their indigenous faith, which was established long before Indonesia's independence from Dutch colonial rule.

Okky said the court decision is discriminatory and legally flawed, ignoring the historical and cultural values of the land and the legal rights of indigenous people in a disputed territory.

He urged more indigenous communities to fight unjust land takeovers and expressed hope that the Indonesian government will do more to protect and respect traditional, or adat, law.

"We will defend our adat land to the death," Okky said.

Agung Wardhana, a lecturer in law at Gadjah Mada University in Yogyakarta, said the rights of indigenous people in Indonesia continue to be marginalized due to confusion over what constitutes formal legal evidence.

"In this case, just because [the Sunda Wiwitans] don't have a piece of paper called a land certificate, they can be evicted from their adat land," Agung told the Jakarta Globe.

He said court judges in Indonesia rarely show "anthropological sensibilities" toward indigenous people.

"Anthropological sensibility is important for the judges. A land dispute like this is not merely a civil case or a dispute over inheritance, but is closely connected with the collective rights of indigenous people," Agung added.

The lecturer said formal legal logic cannot be strictly applied in indigenous land disputes because the logic reduces the complexity of indigenous people's relations to their adat territories, not only with the land itself but also with the symbolic and spiritual dimension of their communal identity. "It would be arrogant to enforce formal legal logic in this

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case," Agung said. He stressed the point that indigenous people have a different concept of ownership compared to their more "modern" compatriots.

"Often, [in an indigenous community] ownership means guardianship. A certificate erases that concept of guardianship. An 'owner,' armed with a land certificate, has absolute right over a piece of land, to exploit or sell it," he said.

Agung said this is the main reason why indigenous communities are often reluctant to get a certificate for their communal land, to avoid conflicts of ownership within the communities or losing the sense of guardianship over the land.

"For me, the Supreme Court's decision [to uphold the district court's order to evict the Sunda Wiwitans from their land] is a violation of human rights by law," Agung said.

Terrorism and counter-terrorism

Indonesian Woman Jailed for Suicide Bomb Plot at Jakarta Palace

Jakarta Globe, 28-08-2017

A Jakarta court has sentenced a female would-be suicide bomber to seven and a half years in prison, prosecutors and her lawyer said, the first time a woman has been convicted in Indonesia for planning such an attack.

Dian Yulia Novi, 28, was arrested late last year on suspicion of plotting to blow herself up outside Jakarta's presidential palace during the changing of the guard. She was arrested along with her husband, Muhamad Nur Solikin.

Indonesia, the world's largest Muslim-majority nation, has seen a surge in homegrown militancy inspired by Islamic State, and has grappled with a series of small-scale attacks in the past two years.

Prosecutors had demanded a 10-year sentence for Novi, whom they said received instructions to carry out the attack from Bahrudin Naim, an Indonesian militant believed to be fighting with Islamic State in Syria.

"Her sentence was reduced because she admitted to her actions," Novi's lawyer Kamsi told Reuters on Monday (28/08). He said the verdict was handed down by East Jakarta District Court on Aug. 25.

Judges delivered the verdict earlier than expected because Novi is pregnant and due to give birth in early September, her lawyer said. She is detained at a Jakarta area facility.

Her husband is on trial for the same plot. His next hearing, at which he is expected to enter a plea, is scheduled for Sept. 6.

Kamsi said Novi, who was believed to be radicalized through social media while employed as a domestic worker in Taiwan, did not intend to appeal her verdict.

Police said they had intercepted a letter that Novi intended to send to her parents stating her intention to carry out jihad. Later an unexploded bomb was found in a room the woman had rented in Bekasi, about an hour outside Jakarta.

Counter-terrorism forces are worried that militants may be using new and more sophisticated tactics to try and carry out attacks — like recruiting female suicide bombers or using dangerous chemicals to make "dirty bombs".

Death penalty

Indonesia to Reject UN Recommendation to Scrap Death Penalty

Tempo, 21-08-2017

The National Commission on Human Rights (Komnas HAM) commissioner Muhammad Nurkhoiron said that Indonesia is likely to reject 20 out of 75 recommendation from the

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United Nations Human Rights Council. “One of which being the scrapping of death penalty,” Nurkhoiron told Tempo yesterday.

The commissioner did not divulge the details about 20 recommendations that would be rejected by the government. He said that they would only be noted by the government. He reasoned that, among others, the nations who made such recommendations did not understand the context of human rights issues faced by Indonesia.

The UN Human Rights Council in a universal periodic review (UPR) in May issued 225 recommendations on human rights to Indonesia. The government had immediately accepted 150 recommendations including those relating to the education sector, religious freedom and protection for vulnerable and disabled people. However, 75 recommendations are still being discussed.

The UPR session in Geneva urges Indonesia to scrap death penalty. There are at least 12 recommendations on the issue, including calls for the country to issue a moratorium on death sentence and to ratify the Second Optional Protocol to the Indonesian Covenant on Civil and Political Rights (ICCPR-OP2).

The Komnas HAM will continue to talk with the government and civil society to make a decision on the remaining 75 recommendations. “We expect to issue the final decision in early September,” he said. The government plans to announce the result in September 20, which is deadline set by the UN Human Rights Council.

The Foreign Ministry could not be reached for comment on Komnas HAM’s statements.

Hasan Kleib, the Permanent Representative of the Republic of Indonesia to the United Nations in Geneva, had said that that the government is unlikely to accept the recommendation to scrap death penalty. “Because it’s still part of positive law in Indonesia,” Hasan said in May.

Director General of Human Rights of the Law and Human Rights Ministry Mualimin Abdi said that death penalty law in the Criminal Code is being revised and is currently being deliberated by the House of Representatives (DPR). “Death penalty has been excluded from main penalty category. It has now become an alternative which implementation

must be done prudently,” he said. The Ministry said that 67 people are currently on death row.

AGO urged to stop execution preparations

The Jakarta Post, 28-08-2017

Jakarta-based rights group Community Legal Aid Institute (LBH Masyarakat) has urged the Attorney General's Office (AGO) to stop all preparations for a fourth round of executions under the President Joko “Jokowi” Widodo administration.

The group also said the office must desist in its efforts to get the Supreme Court to overrule a Constitutional Court ruling that removed time limits for the submission of a presidential pardon request.

“Amid muddled law enforcement in Indonesia, it seems the attorney general (M.Prasetyo) wants to appear heroic by executing death row inmates. In fact, the AGO has long shown a lack of achievements,” said LBH Masyarakat director Ricky Gunawan in a statement on Saturday.

He was responding to media reports that the AGO was making preparations to execute 12 death row convicts.

“In the last two and a half years, the AGO has not produced any achievements of which it can be proud. The planned executions are no more than cosmetic to cover up its poor performance in enforcing the law and human rights,” Ricky said.

Last month, the Indonesian Ombudsman stated the AGO had committed several law violations in the third round of executions in April 2016. The four inmates executed comprised drug kingpin Freddy Budiman, Senegal national Seck Osmane and Nigerian nationals Humphrey Ejike and Michael Titus Igweh.

Ricky said the AGO should first fix the procedure for executions. “Instead, the AGO has continued its execution plan,” he said.