



# PostScript

Bimonthly Political and Economic Analysis

## SPIRAL OF VIOLENCE: INDONESIA'S (UNCHANGED) GLOOMY PICTURE

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# What Happens?

**T**hank God! There were no stories of people injured from mass overcrowding at places of animal sacrifices unlike a few years ago. There were also improvements in the quality of the animals, especially cows, sold for sacrifice during the Qurban Mubarak – the second holy celebration in the year for Muslims. During this day, animals are sacrificed, following the example of the Prophet Ibrahim who showed his readiness to obey God's order to sacrifice his son, Ismail, only to be replaced with a good, big and healthy sheep. It also seems that Muslims are now more affluent in that they are able to spend bigger sums of money to buy bigger and more expensive cows and sheep to be slaughtered on the day of Qurban Mubarak. With the availability of more meat for the needy – known as mustahik (the recipients of the meat distributed at places of slaughtering by the Qurban Celebration committees) – people no longer have to fight chaotically with one another to get their portions. In some selling places in Jakarta this year, the cows and sheep sold were in better quality; bigger and in better shape than those sold last year which meant they were also more expensive. However they were nevertheless sold out within days – especially on the last day prior to the Day of Qurban.

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On the other side of the 'convenient' story, there was the recurring sad one concerning the failure for people to get the opportunity to perform their pilgrimage to Mecca and to be called a 'Haji' or 'Hajjah'. Many of them were unable to get the required visa from the government of Saudi Arabia. The main reason for this was Indonesia's 'haj quota' of just 215,000—including the 'special' haj where each haj-to-be must pay at least twice the fare of the government's haj fare. The failed haj pilgrims were also attracted by the persuasion of individuals from Haj and Umrah companies who made promises to secure visas, when in actual fact they were unable to honor these promises. It is a good thing that the companies are still willing to give money back to the victims of their failed speculation. The failed pilgrims are actually the victims of their own impatience. They are called the 'non-quota' haj. Since, to get a place on the government's haj program, a person must usually wait for years, those impatient ones seek any other ways that they can find to get a place in the queue. Mostly, they cannot find an available place and have to wait at least a year for the companies to get the visa for them and fly them to Saudi Arabia. The problem for these people are they had made the so-called 'walimatussafar' – a kind of gathering where they would have taken leave from friends and relatives in their homes, usually by inviting an ustad ('teacher' with deep knowledge in Islam) to give them advice on how best they make their haj according to the Koran. Like it or not, they have to go home albeit quite shamefully.

The government of Saudi Arabia has stipulated that the haj quota is 1 person per million people of a country's population. Thus, this year Indonesia received a haj quota of 215,000. However, in actual fact a lot more people are yearning to go to Mecca, which forces them to wait in a long line. The line now is so long that the haj/hajjah -to-be have to wait for years. The question for them is—especially the senior citizens—whether they still have the 'age quota' from God. The feeling of not getting the opportunity to make their haj pilgrimage in time because they will be 'called back' by the Almighty is something frightening enough that some of them try a short cut to make their pilgrimage. For many others, however, the years of waiting is no problem, they simply resign themselves to what God decides.

The increasing number of people who want to make the haj shows that more people are able to afford the tens of million to pay for the haj fare. Their numbers far overshoots the quota. This could be taken as a sign of the success of the national development. The economic growth has been largely good during the last few years while the financial crisis still overshadows Europe and the US. Indonesian economic power keeps growing and there is again a discourse that Indonesia will become a world economic power. However, the fact shows that the gap between the rich and the poor and the regional development asymmetry keeps widening. What happens actually?

Lately, Indonesia is experiencing an extraordinary economic growth. It now has a state expense of more than Rp1,500 trillion per year, with an income per capita of around US\$3,000 per year. M. Yunus, the Bangladeshi Nobel Price winner said that in 2025 Indonesia will be able to become the 8<sup>th</sup> economic power in the world, with China on top followed by India. On the other side of the coin, however, there is now something worrisome emerging. The Gini Ratio Index (the index from 0 to 1) which is used to test the disparity between the richest and poorest groups is rising to an index score of 0.41, the highest it has been in the last 40 years, meaning that the gap between the rich and the poor in Indonesia keeps widening. The main reasons for the rising index are inappropriate subsidies and corruption. As a note, even in the New Order era, the index only reached 0.32 at its peak (Republika, 2012).

The widening gap between the rich and the poor is like a time bomb which might explode at any time. The indication has been apparent with the more and more social conflicts let up in regions. This is emerging when looking at conflicts between villagers (who no longer have land to till) and plantation owners as well as between the villagers and the mining companies. This situation, which is worse than the New Order's, surely needs a remedy in the form of development with more social justice. "We're still in the process," said the President's Special Staff on Regional Development and Regional Autonomy, Velik V. Wanggai. He rejected the allegation that Indonesia fails in its development as a myth. He said that to ensure development is equally distributed; the policy of decentralization and regional autonomy is

a sureness that cannot be withdrawn. If there is still a gap, “It is something normal since we are in the process of seeking a new equilibrium.”

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**Reference:**

Republika, October 30, 2012.

# Spiral of Violence: Indonesian's (Unchanged) Gloomy Picture

**Rudi Sukandar, Senior Analyst of National Violence Monitoring System Program, The Habibie Center**

A professor of mine came to visit Indonesia a few weeks ago. In one of our discussions, she expressed her concern about the increasing communal or institutional violence in Indonesia. She might have been even more concerned if she found out about the recent data of violence in the first quarter of 2012 that was released by The Habibie Center (THC) through its National Violence Monitoring System (NVMS) program on Tuesday, July 31, 2012.

## **Monitoring Results**

The program monitored incidents of violence based on media reports during the period January-April 2012 in nine provinces/regions: Nanggroe Aceh Darussalam (NAD), West Kalimantan, Maluku, North Maluku, Central Sulawesi, Papua, West Papua, East Nusa Tenggara and Jabodetabek (Jakarta-Bogor-Depok-Tangerang-Bekasi). During this period, 2,408 violent incidents were recorded causing 302 deaths, 2,044 injuries, and 682 damaged buildings.

Of several issues identified as contributing to the emergence of violence, three are highlighted here, namely: political issues, response to public policies, & popular justice and violation of one's self-esteem. The first issue usually occurred during the governor/regent elections and contributed to the majority of deaths. The second included administrative issues showing responses to

public services and policies. In this issue, major incidents are related to rallies opposing the government's plan to reduce fuel subsidy, causing the biggest number of injured victims. Finally, popular justice and violation of one's self-esteem contributed to a majority of incidents that caused a large number of deaths.

The data showed us the rampant violence that has become a common phenomenon in the nine monitored provinces. This leads to a question that many have posed: why do Indonesians easily resort to violence in resolving conflict? The answer to this question is complicated because it involves several contributing factors. Focusing only on the three issues above, the contributing factors are as follows:

First, the elite have not hesitated to mobilize the masses to secure their own political agenda. This created a situation where groups supporting each of the opposing elites ended up in violent clash. This phenomenon can be seen, for example, in Tolikara Regency (Papua) between two regent candidates who had a dispute over the neutrality of the electoral commission. Both parties finally mobilized their supporters which resulted in a violent clash causing 11 deaths, 85 injuries, and 126 destroyed buildings. This phenomenon is further worsened by the failure of political parties in carrying out their function as a medium for political education and a communication channel between political leaders and their constituents to reduce the potential for violence.

Second, the increasing number of violence related to rallies to oppose the government's plan to reduce fuel subsidy was believed to have been caused by the excessive force used by the police in handling the rallies. In addition, the absence of firm action toward demonstrators who perpetrated acts of violence, such as damaging public facilities caused many perpetrators to feel free to further vandalize and damage more buildings. This can be seen in the occurrence of 24 rallies to reject the government's plan to reduce subsidies on fuel, resulting in 220 injuries.

Third, popular justice and how easily people resorted to violence of their self-esteem are believed to indicate low level of trust toward the enforcement of



the formal legal process. This is caused by people's limited access to legal services, the complicated legal process, and dissatisfaction towards legal decisions. Consequently, popular justice acts have become the only perceived solution to solve disputes.

In sum, this report might bring an impression that Indonesia is a hopeless case, as rightly pointed out by one of the participants during the dissemination of the report. As many agree, data can be interpreted in many different ways depending on the interpreter's perspective. However, the underlying message that we are trying to send is that we still have work to do and that all of the components of this great nation need to cooperate to achieve a peaceful Indonesia. With the pessimism thick in the air and voiced by many people, I remember what I told my professor when she shared her concern: "Have faith, we'll find a way."

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# Squaring the Triangle in Indonesia-Taiwan Relations: A Political Perspective

**Ibrahim Al-Muttaqi, ASEAN Studies Program Officer,  
The Habibie Center**

## Introduction

**L**ike in any relationship, the one that exists between Taiwan and Indonesia are characterised by certain similarities and differences which provide cooperative avenues of opportunity but also difficult challenges and obstacles. And just like in any relationship, the central questions become how to maximise these similarities, how to mitigate those differences, and how best to work together to overcome the challenges and obstacles so as to ensure the greatest good can be enjoyed by the greatest number of people from both sides. However, unlike other (normal) relationships, the one between Taiwan and Indonesia are dictated by a number of contradictions that complicate the latter's policy towards the former. This is especially true from a political perspective and refers to: (a) Jakarta's adherence to the One China Policy; (b) the adoption of a democratic agenda by Indonesia in its foreign policy towards other nations; and (c) the realist acceptance of the rise of the People's Republic of China (PRC). These three issues can be called the "Triangle" in Indonesia-Taiwan Relations and the efforts to answer the aforementioned central questions may be referred to as "Squaring the Triangle"; an apt term given no examination of Indonesia-Taiwan Relations can overlook the third-party in the relationship: the PRC.

This article seeks to introduce the concept of the "Triangle" into the discourse of Indonesia-Taiwan Relations by elaborating on the salient points of the three

aforementioned issues that make up the “Triangle” and exploring ways to “Square the Triangle.”

### **The First Side of the Triangle: Jakarta’s Adherence to the One China Policy**

Under the Yudhoyono Administration, Jakarta has committed itself to a foreign policy known as “a million friends and zero enemies.” This was first espoused by President Yudhoyono in his 2009 Inauguration Speech in front of the People’s Consultative Assembly. Such a policy has seen Indonesia successfully develop a number of strategic partnerships with other nations and regional groupings including the United States, China, Russia, Australia, India, Japan and the EU. However problems arise when two of Indonesia’s million friends do not always see eye-to-eye with one another. This is the case with the PRC and Taiwan whose governments/authorities claim sovereignty over all of China (and consequently over each other).

In the face of the competing claims of the PRC and Taiwan, Indonesia has – like many other nations – adhered to the One China Policy. The ambiguity of the One China Policy allows both the PRC and Taiwan to feel appeased given the territorial unity of all of China is recognized but allows a degree of flexibility for nations like Indonesia as the exact nature, form and administrative control over “One China” is not explicitly stated. Despite this space for flexibility, a Joint Press Communiqué by the PRC and Indonesia in 2000 saw the latter reiterate the point that,

“The Government of the People’s Republic of China is the sole legal government representing the entire Chinese people, Taiwan is an inalienable part of the Chinese territory and that Indonesia will continue to pursue the one China policy” (Ministry of Foreign Affairs of the People’s Republic of China 2000, November 15).

This stance is partly determined by Indonesia’s desire for all nations to recognize its own national unity and territorial integrity in the face of threats to the Unitary State of the Republic of Indonesia (or NKRI). This desire was particularly heightened after the fall of the then-President Suharto in 1998 when Indonesia’s territorial integrity was at its most vulnerable following

an explosion of separatist activities in Aceh and Papua as well as the exit of Timor-Leste from the Indonesian Republic in 1999. Indeed one scholar, Emmers (2005), notes the humiliation and embarrassment Indonesia felt over the desperate need for a collective ASEAN position to support Indonesia's remaining territorial integrity following the exit of Timor-Leste. One cannot fail to draw links between the timing of the Joint Press Communiqué by the PRC and Indonesia of 2000 and that of the "Joint Statement of ASEAN+3 In Support of the Sovereignty, Territorial Integrity and National Unity of Indonesia, Bangkok, Thailand, 24-25 July 2000."

As a result of Jakarta's adherence to the One China Policy, Indonesia operates a different level of diplomatic relations with Taiwan than that of the PRC or any other nation-states. This can be seen by the lesser level of diplomatic representations in their respective capitals: a Taipei Economic & Trade Office (TETO) in Jakarta and an Indonesian Economic and Trade Office (KDEI) in Taipei (as opposed to an Embassy). This, it can be said, is one of the consequences of Jakarta's adherence to the One China Policy, or in other words the first side of the Triangle in Indonesia-Taiwan Relations.

### **The Second Side of the Triangle: Indonesia's Adoption of a Democratic Agenda**

The development of democracy in both Taiwan and Indonesia has further complicated political relations especially since the promotion of democracy is now a key aspect of Indonesia's foreign policy. Indonesia's adoption of a democratic agenda in its foreign relations with other nations can be seen in the way Jakarta strongly pushed its fellow member-states of ASEAN<sup>1</sup> to adopt the Declaration of ASEAN Concord II on the 7th of October 2003. More commonly known as the Bali Concord II, the Declaration was widely regarded as a major milestone for the regional organisation. For the first time in ASEAN's history, democracy and human rights were mentioned as core ASEAN values to which its member-states aspired to. As such, Indonesia has actively assisted other nations with democratization over all the different tracks of diplomacy. These include its annual hosting of the Bali Democracy Forum which in 2012 will see its fifth edition; its vocal pushing of Myanmar towards adopting democracy; and its response to requests from Arab Spring nations such as Tunisia and

Egypt for help in sharing the positive and negative lessons that Indonesia has learnt from its democratization process. Indonesia's adoption of a democratic agenda presents a paradox given Indonesia's full diplomatic relations with the PRC despite its continued one-party system and Indonesia's lesser diplomatic relations with Taiwan despite its embrace of democracy. Indeed PRC-Indonesian relations were recently elevated to "Strategic Partners." This situation undermines the fact that the development of democracy in Taiwan and Indonesia from the mid-to-late 1990's bears certain shared similarities. Taiwan began its transformation away from an authoritarian system in 1996 whilst Indonesia began its own from 1998. Though these transformations were not without its mishaps, it is a testament that a decade on, Taiwan and Indonesia have been lauded as models of democracy with Freedom House's "Freedom in the World 2012 Report" ranking both as "Free" in terms of political rights and civil liberties.

Not only do Indonesian and Taiwan share certain similarities in their experiences of democratic transformations but also face matching challenges that have led to some members of the public to become despondent with the unfulfilled dividends of democracy. For example, Taiwan is suffering its worst economic downturn in decades and its unemployment rate is rising. In contemporary Indonesia, issues such as threats to civil rights, corruption, natural disasters, expanding income disparity and religious fundamentalism continue to exist to the extent some quarters yearn for the return of the authoritarian New Order regime. Such shared similarities and matching challenges would normally and naturally lead to closer Indonesia-Taiwan diplomatic relations as one could reasonably expect Indonesia, in its efforts to push a democratic agenda in the region, to forge alliances with other shining examples of democracies in Asia. Such an alliance would allow each side to learn, support and assist one another in advancing not only their own democracies but that of the region. Therefore, the aforementioned paradox of Indonesia's full diplomatic relations with the PRC despite its continued one-party system and Indonesia's lesser diplomatic relations with Taiwan despite its embrace of democracy represents the second side of the Triangle in Indonesia-Taiwan Relations.

### **The Third Side of the Triangle: The Realist Acceptance of the Rise of the PRC**

A key sticking point in Indonesia-Taiwan Relations concerns the rise of the PRC – politically, militarily and economically. Beijing is fully aware of the concerns the rise of the PRC has provoked within the region and has attempted to calm these fears by introducing the discourse of “China’s Peaceful Rise.” Despite these efforts, a degree of concern and fear still remains. As a member of ASEAN, Indonesia is well aware of the complications the PRC’s rise presents to the region. At the 45<sup>th</sup> ASEAN Foreign Ministers Meeting (AFMM) that was held in Phnom Penh, Cambodia in July 2012, ASEAN found itself divided over how to respond to recent incidents involving the PRC in the South China Sea. The disagreement led to the unprecedented non-issuance of the traditional Joint Communiqué at the conclusion of the 45<sup>th</sup> AFMM with the hosts (and close ally of the PRC), Cambodia facing accusations that it was “toeing the Chinese line” and that its position as Chair of ASEAN for 2012 has been “bought” (Asia Times 2012, July 18 and The New York Times 2012, July 12). The notion that Cambodia was “bought” stems from the fact Phnom Penh receives large amounts of financial assistance from the PRC. The above incident demonstrates two facts about the PRC’s rise: (a) it poses a military threat to the region & (b) a number of countries are beholden to the PRC for financial assistance and economic trade.

If Indonesia is well aware of the complications the PRC’s rise present, one can only imagine the thoughts of the Taiwanese. Understandably for Taiwan given its proximity and troubled history with Beijing, a rising PRC was regarded as the most important electoral issue despite the many domestic problems Taiwan faces. In this sense, Taiwan regards a rising PRC as a threat which was made plain by the terms of the PRC’s Anti-Secession Law of 2005. Among its ten articles, the Anti-Secession Law spells out the use of “non-peaceful means and other necessary measures to protect China’s sovereignty and territorial integrity” should Taiwan ever formally declare independence. As such, the PRC has well over a thousand missiles aimed at the Taiwanese island in anticipation of any formal declaration of independence (Taipei Times 2012, September 4). Despite the above, it should be said that tensions between the PRC and Taiwan have softened in recent years. Of particular note was

the landmark Economic Co-operation Framework Agreement (ECFA) signed in June 2010. The landmark trade deal sees the PRC become more open to Taiwan pursuing informal trade deals with other nations and was a product of Taiwan's President Ma Ying-jeou pledge to reduce tension with the PRC (BBC 2010, June 29). His policy of "no independence, no unification and no war" has seen improved relations between the PRC and Taiwan as demonstrated by the reintroduction of direct flights between the two in 2008 (BBC 2008, July 4). However, although the PRC has become more tolerant, it remains to be seen whether this will always be the case. This is especially true with changes at the very top of the PRC's political leadership about to take place later this year. The political intrigue surrounding incidents such as the downfall of Bo Xilai and the unexplained disappearance of Vice President Xi Jinping coupled with a slowing PRC economy have coincided with a heightened wave of mainland Chinese nationalism. All these factors raise uncertainties about the PRC's future direction in its relations with Taiwan, the region and the wider world.

Where does this leave Indonesia-Taiwan Relations as they deal with the issue of a rising/developing PRC? For Indonesia, the rise of the PRC means the former must tread carefully. For example, a report by a delegation of Indonesian Parliamentarians ("Laporan Kunjungan Delegasi Komisi I DPR RI ke Negara Cina Tanggal 8 - 14 Juli 2007") noted that in order to improve relations with the PRC, Indonesia should prohibit official visits between Indonesian and Taiwanese government officials and that all activities relating to non-political issues such as economy and culture between Indonesia and Taiwan should be via non-governmental channels. These factors place a handbrake on the development of relations between Indonesia and Taiwan meaning the many potential areas for cooperation across the multiple pillars of politics, trade and socio-cultural are yet to be fully realized. Thus we reach the third side of the Triangle in Indonesia-Taiwan Relations: the realist acceptance of the rise of the PRC.

### **Squaring the Triangle: How to Answer the Central Questions?**

Having elaborated on the salient points of the three sides that make up the "Triangle", we now turn our attention to exploring ways to "Square the

Triangle.” Although the answer is not easy nor is it clear, the author is of the opinion that any answer should ultimately lead to the establishment of formal diplomatic/political relations between Indonesia and Taiwan over the long-term. In taking such an opinion, the author disagrees with the position that such formal relations are unnecessary in light of existing benefits Indonesians and Taiwanese enjoy in the areas of the economy and socio-culture without political relations. This position makes note of the fact that in the absence of formal political relations, Indonesia has experienced a huge trade surplus over the last two decades with Indonesia being Taiwan’s 11th largest trading partners and Taiwan being Indonesia’s 10th largest trading partner as of 2010 (The Jakarta Post 2012, May 11). Similarly this position makes note of the fact that in the field of socio-culture, 41.59% of all foreign workers in Taiwan are from Indonesia even in the absence of formal political relations (KDEI 2011, November).

However these facts raise important issues that require laws, rules and regulations. Issues such as how will agreements and contracts between Indonesians and Taiwanese be honoured? How can Indonesian businesses and investments in Taiwan be protected and vice-versa? And how can disputes, settlements and even punishments be meted out? It is obvious that eventually there needs to be the establishment of formal diplomatic/political relations between Jakarta and Taipei. That, however, is for the long-term. In the short-term, greater trust, openness and confidence needs to be built between Indonesians and Taiwanese. The PRC should also be involved in any process and their sensitivities should be accommodated to. Genuine personal friendships and networks should be fostered between Indonesians and Taiwanese, not only among policy-makers or government officials but also among academics, the media, members of NGOs/CSOs and especially the youths. The latter group are particularly important as they will be the movers, shakers and drivers that shape the future of Indonesia-Taiwan Relations. In this way, the efforts of The Habibie Center in organizing the Third Indonesia-Taiwan Dialogue – held in September 18-21, 2012 in Taipei – was an excellent way at “Squaring the Triangle” as it provided an important opportunity of facilitating greater people-to-people contact; one of the true ballast in bilateral relations. Such people-to-people linkages between The Habibie Center of



Indonesia and TETO of Taiwan has already resulted in the co-organization of humanitarian aid for victims of the 2004 Tsunami in Aceh and the holding of an International Symposium on Avian Influenza, 2006 in Jakarta. Thus it is important, not only for all those involved at the recent Indonesia-Taiwan Dialogue but also all those with a keen interest in the Indonesian-Taiwanese relationship, to build on the existing platforms and to increase, widen and deepen the level of people-to-people linkages. By facilitating greater people-to-people linkages, by building greater trust, openness & confidence and by fostering genuine personal friendships and networks can answers by found to the central questions of how to maximise the similarities, how to mitigate the differences, and how best to work together to overcome the challenges and obstacles so as to ensure the greatest good can be enjoyed by the greatest number of people from both Indonesia and Taiwan.

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**End Note**

- 1 The member-states of ASEAN are Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Viet Nam.

# The Evolution of Seeking Asylum in Indonesia

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**T**his research article is focused on the growing prominence of asylum seekers in Indonesia. It will observe the framework of processes and procedures which have become standardized in Indonesia; the resources engaged in trying to sustain a working system and the issues which ensue; on a humanitarian, social and political level.

Migration is commonplace to humans all over the world, however the reasons for doing so set each case apart. Over the years issues related to asylum seeking have become more prominent in the public's eye; introducing the various conflicts of interests including the search for protection and survival, the entitlement to specific human rights, inextricable legal limitations and their politically founded natures. The number of asylum seekers has risen exponentially, demanding attention and pragmatism.

The 1951 Refugee Convention and the amending 1967 Protocol are the central pieces of legislation guiding the international effort towards regimenting refugee protection. The 1951 Convention was founded after the Second World War and first applied only to persons traveling within the EU; the 1967 Protocol removed those geographical boundaries allowing its application to refugees all over the world. The Convention provides the official definition qualifying

a refugee and the varying factors which distinguish cases and entitlement to protection under international refugee law as well as international human rights law.

The Convention states that the term “refugee” will be applied to any person outside of their country, unwilling to return from fear of being persecuted on the basis of their race, religion, nationality, political opinion or membership of a particular social group<sup>1</sup>. Any persons in this category are entitled to seek asylum and protection from any Member States. Similarly, a refugee is entitled protection against refoulement (forcible return) to their original country where their life or freedom would be threatened on the basis of the aforementioned personal prerogatives. Member states are to comply (however loosely) with the provisions working towards safeguarding the rights and lives of refugees through recognition of their basic rights. Ideally, member states will work towards integrating refugees into their own countries or resettling them overseas. International refugee law is one element to the greater patchwork of international human rights law; thus to be interpreted in the light of those greater ideals.

Interestingly enough, the countries which have ratified the Convention show variation in economic, social and political stability (ranging from Australia to Ethiopia), showing a drastic range in response capacities. Many of the less able countries are found in troubled regions, where forced migration is frequent and expected – perhaps showing a standard of humanity where it is hoped to be reciprocated. Inevitably, it is a difficult task to grasp all Convention provisions, revealing among other things, a more realistic role as an aspiring values guide for international efforts

### **In Indonesia**

Indonesia however, though yet to accede to the 1951 Convention and the 1967 Protocol, has shown intention to do so in the in the government’s 2010-2014 National Human Rights Plan of Action (despite earlier plans for a 2009 accession). The legal implications of non-accession, reveal that any asylum seeker entering Indonesia’s shores undetected becomes an illegal migrant. Nevertheless, a lack of legislation does not mean that Indonesia refrains

completely from providing aid; through the collaborated efforts of agencies, organisations, NGOs and the government, Indonesia (among other ASEAN countries) allows assistance to asylum seekers. These institutions include the United Nations High Commission for Refugees, the International Organization for Migration and relevant government departments.

### **Processes and Procedures**

#### ***The UNHCR; registration, processing, confirmation/rejection***

Indonesia's far sprawling archipelago provides easy and inconspicuous access to its 17,000 plus islands. The late 1970s saw the movement of many aftermath sufferers of the Vietnam War, forcing Vietnamese, Laotians and Cambodians to migrate elsewhere. Indonesia, along with others such as Thailand, Malaysia and Singapore received many "boat people" seeking asylum and looking to start new lives. Many people arrived as illegal migrants on the island of Galang, South East of Batam. The influx caused for the Indonesian Government to open the Galang Refugee Camp, simultaneously managing and operating it. Under the Comprehensive Plan of Action, a program adopted by the Steering Committee on Indo-Chinese Refugees in Geneva, the UNHCR assisted with managing the camp – it closed in 1996. Their activity lead to the establishment of headquarters in Jakarta and official authorization by the Ministry of Foreign Affairs in 1979, marking government approval. From here on, the UNHCR was to work with the Ministry of Foreign Affairs as well as the Ministry of Law and Human Rights and the Directorate General of Immigration, to allow access and interception of asylum seekers in Immigration Detention Centres (IDC's or Rumah Detensi Imigrasi).

The UNHCR was the first body established to encourage the protection of refugees in Indonesia. Essentially, the UNHCR's role in Indonesia is to advocate and help develop a national protection scheme to assist the government in managing the arrival of asylum seekers. Specifically, after the asylum seekers have arrived in the IDC's, through the Immigration authorities, the UNHCR is given access to process stories in determining whether they are genuine refugees – once an asylum seeker has been successfully processed they are given the official status as refugee where they are entitled to resettlement or repatriation. The processing system involves verifying identity for registration

and issuing documentation. Next, a processing system known as the Refugee Status Determination (RSD) Procedure takes place allowing the asylum seekers to explain their story in their own language to an RSD official with the help of a translator. The asylum seekers will be informed whether their application has been accepted or rejected; in the case of a rejection a reason will be provided as well as a chance to appeal.<sup>2</sup> Post confirmation of refugee status, the UNHCR acts in the background to organize their next movements. Whilst the asylum seekers patiently wait these various procedures they are placed in Immigration Detention Centres, which become temporary homes. The IDC's vary in form and function as some take the form of official prisons with high security built to hold criminal illegal immigrants and some merely makeshift shelters less securely guarded but usually of poorer condition. The IDC's are managed by the Immigration Directorate General.

Depending on where the asylum seekers are intercepted, they will usually be brought by the Indonesian authorities to the nearest Immigration Detention Centre. From here, the authorities will either contact the UNHCR or sometimes the International Organisation for Migration (IOM).

#### *The IOM; humanitarian assistance*

The IOM is an intergovernmental organization which has also been in Indonesia since the Vietnamese Boat people in 1979. They conduct migration related projects all around Indonesia, from disaster-crisis aid to fighting human trafficking. Their services range from providing humanitarian assistance to contribution functions of government institutions.

Through the tripartite Regional Cooperation Agreement, signed by the IOM and the Indonesian and Australian government, asylum seekers and refugees are referred to the IOM after detention centre placement. The Indonesian authorities contact the IOM for humanitarian assistance in the form of food, medical care, counseling and clothing. They are to look after the wellbeing of the asylum seekers as well as prepare them mentally, culturally and medically for their third home. This involves providing them with the appropriate medical requirements, culture workshops and language lessons for better integration. They will organize pre-departure and transport arrangements for refugees when they are to leave for their resettlement country.<sup>3</sup>

The UNHCR and the IOM work with non-profit organisations such as World Relief to provide English language classes and computer training skills. The Church World Service cares and accommodates for unaccompanied minors.

*The reality; staff and facility limitations*

This system sounds relatively straight forward, however the reality is different. The UNHCR has just over 50 working staff, only a number of which are available to register, listen to and process the applications of the thousands of asylum seekers. Since April 2012, about 160 asylum seekers are registered in a week Mondays to Thursdays, allowing for data base updates and renewals on Fridays. Previously, a capped number of 90 individuals could be registered a week. The number of asylum seekers arriving each year is increasing exponentially. The end of 2009 saw about 4,000 asylum seekers registered, the 2012 figure is predicted to be 6000 and the next year's projection is to be 9000 asylum seekers. The registered ones could be a minority of the real number whom have slipped under the radar. There are new arrivals each week so it is not uncommon to see newly arrived asylum seekers lining up outside headquarters, only to be turned away as the quota for the day has been filled

An in-depth report made in 2009 by Jessie Taylor, an Australian lawyer and refugee advocate observed the experiences of asylum seekers put through Indonesia's system. The report makes consistent remark of an understaffed and under-sourced UNHCR and IOM<sup>4</sup>. The report explains that the RSD procedures cannot be too thorough and time consuming as a certain number of cases must be screened every day leaving little time for each individual to thoroughly explain their story, also interpreting time must be discounted. There is a substantial wait between the stages of registration, RSD, confirmation/rejection and then with the possibility of appeals occurring as well. Some cases wait months in the detention centres before they are registered. After confirmation of refugee status, there is a minimum one year wait for resettlement to a new home whether it be Australia, Canada or New Zealand etc. One man from the report, claiming to be Afghan had been in detention for nine years as a result of numerous rejections and constant doubt over his nationality as the interpreters did not speak the same dialect of Persian as him.

Another serious concern relates to the lack of facilities; 12 detention centres



across Indonesia are to host thousands of asylum seekers. The centers vary greatly in style, condition and form. Some are high security Australian refurbished prisons, some are called hostels or hotels where a livelihood is made out of what is provided (usually quite basic) and some are makeshift cells found in immigration offices in Jakarta. The condition of lifestyle will depend on the detention centre – some inhabitants will be given more freedom to roam around, others will not have seen the outside world for months due to the restriction of their cells or guards keeping them in as a precaution. The provision of medical care is a precarious matter as this may only be granted after strict permission has been received – it is unsettling to think of the emergency situations which must arise and receive no help. Medical care is often needed as the living conditions are filthy and dire, as explained in the 2009 report, rodent and snake infestations were found near food quarters. Food and water is very much rationed; the asylum seekers and refugees only have what is given to them. The suffocating and desperate conditions can be conducive to psychological trauma, particularly for unaccompanied minors who have already been through unimaginable hardship. These dire conditions cause for much tension between the inhabitants and guards, sometimes resulting in physical or verbal fights.

Despite the provision of basics, it can be contested that the conditions lived in, are subject to humanitarian speculation. Renovations and expansions to the facilities are essential, as well as the possibility of greater reliance on human resources. It is evident that drastic changes need to be made in order to accommodate the disconcertingly growing numbers.

### **Increased asylum seeking; a new market for people smuggling**

Antonio Guterres, the UNHCR High Commissioner has stated that an increasing rate in asylum seeker numbers is due to new conflicts occurring, intensified by various factors such as climate change, population growth, urbanization, water scarcity threats and competition for income<sup>5</sup>. Figures from the UNHCR's 2011 Global Trends report show Afghanistan, Iraq and Somalia as the top three sources for refugees and then Sudan, Democratic Republic of Congo with Myanmar coming in sixth<sup>6</sup>. The high demand to leave crisis stricken areas requires the appropriate transport services. People smuggling is

an emerging business, which further victimizes asylum seekers as often their entire life savings are given up in order for loved ones to be sent to “safety” – often not guaranteed as boats are unseaworthy. People smugglers perfect their approaches, becoming savvier and with more sophisticated boats to ensure they will reach the necessary distances. The smugglers are audaciously confident; creating holes in their own boats and then alerting authorities shortly after leaving land so that they are forced to be rescued.

It may also be the case that people smugglers themselves are seeking asylum—however, it does not justify the corrupt market being spawned from a situation of desperation. In considering this, it is evident that people smuggling will not end until the source of its need ends – conflict and persecution. As this will not happen for a while, it is upon governments and relevant agencies to work together in finding better means in tackling people smuggling.

**The Bali Process; building cooperative relations**

The Bali Process was formed in February 2002; a product of the Bali Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime in the Asia Pacific region. It is co-chaired by the Indonesian and Australian governments and there are 38 states party to the agreement, all of which are transit and receiving destinations for smugglers (including ASEAN and EU countries). Participants work together on developing practical measures to tackle people smuggling, human trafficking and related transnational crimes. The UNHCR and IOM support and help facilitate its cause.

The Regional Cooperation Framework (RCF) lays out specific themes to be addressed; focusing on targeting irregular movements occurring through people smuggling syndicates by strengthening border security, law enforcement and spreading knowledge; identifying the need to provide protection and an efficient management of asylum seekers (for example, setting time frames between the various processes and procedures) and secure solutions for those to be repatriated<sup>7</sup>. These targets are appropriate and require a strong foundation and support system. This has called for the formation of a Regional Support Office which will help operate the RCF. The RSO’s activities include information sharing on refugee protection, international migration, inter alia

human trafficking/smuggling and border management; capacity building and the exchange of best practices; establishing common technical resources and logistical, administrative and coordination support for joint projects<sup>8</sup>. Attention is drawn to irregular movements by sea and the need to establish cooperative arrangements between the relevant States and bodies (UNHCR and IOM) to improve search and rescue operations.

The UNHCR and the IOM focus their efforts on “capacity building” across Indonesia to enhance and create strong foundations between the relevant institutions engaged in intercepting the travels of asylum seekers, people smugglers and international crime.

Capacity building is found both in the UNHCR’s 10 Point Plan of Action<sup>9</sup> (formulated to ensure the protection of asylum seekers’ rights, applied in all UNHCR countries) and the IOM’s project, Reinforcing Management of Irregular Migration<sup>10</sup>. Each provide workshops and training sessions to government authorities, law enforcers and local communities, particularly the National police, immigration offices and border control. The general need to spread awareness and increase communication is integral to better detection and monitoring of irregular patterns of migration – to be integrated into all aspects of society – i.e. fishermen also being informed on the importance of alerting officials of suspect people smugglers.

### *Objectives and obstacles*

The Bali Process’ fundamental objective is to attain coherence within the framework. This coherence will be founded in States’ information sharing, thus increased cooperation regarding irregular and secondary movements of migrants, refugees and asylum-seekers by establishing a number of regional mechanisms including harmonized registration systems and updated data bases. Ultimately, providing a more synchronized system through which standardized procedures may occur, via stronger law enforcement and legislation. During an interview with Manuel Jordao, UNHCR Representative in Indonesia, emphasis was placed on the necessity for Member States’ to willingly “burden share” – essentially undertaking the responsibility to relieve a burden together. Without this, the efforts of a humanitarian organization are more likely to be undermined.

Interestingly, Mr Jordao highlighted the importance of slowly establishing working structures (amongst States) with sufficient controls and practices to manage asylum seekers so as not to attract a marked increase in numbers. The reality, however, as is common to agreements based around bilateral and multilateral workings, is a relatively slow start up which will require a few years to pick up momentum. Generally, this can be attributed to the difficulties with diplomacy, where States are reluctant to share intelligence as matters of their own interest prevail over others. Furthermore, political relations must be maintained in order to sustain such a network; States must be wary not to overstep their domains of authority. The Aus-Indo relations have become a common subject with regard to asylum seekers making their way to Australia by Indonesian transit. In 2009, headlining reports of Sri Lankan asylum seekers rescued in Indonesian waters by Australian rescue teams caused for back and forth exchanges between the Australian Prime Minister and Indonesian Ministers. The domain of responsibility was disputed; both parties stating that it belonged to the other. However, 2012 has shown progress as both parties expressed interest in improving their cooperation to better manage the situation. As a result, Australia is injecting funds into the system to improve certain departments such as Search and Rescue and to facilitate the construction of more detention centers.

Increased willingness to cooperate, share and aid have been seen as positive outcomes, however, such exchanges breed opportunities for corrupt activities (particularly where money is flowing). Corruption may take many forms; from the misdirection of money to the corrupt performance of officials or ground level forces. For example, on the 28<sup>th</sup> of July 2012, five members of the Indonesian National Armed Forces (TNI) were caught operating a people smuggling operation to Australia<sup>11</sup>. The asylum seekers were Iranian and Syrian. These occurrences undermine collaborative efforts and money invested.

### *Progress through standards*

Indonesian national legislation has been introduced to further criminalize people smuggling by sanctioning more severe punishments with a minimum of 5 years and maximum of 15 years imprisonment as well as high fines. This

greatly overshadows the previous small fine punishment related to merely breaking immigration law. Despite slow reactions to implementations of new laws, their introduction provides a strong framework for foundations to be built upon, through their implications of standard on a social and political. Mr Jordao expressed positive views over the improved approaches towards people smuggling, the management of asylum seekers and its current direction, simultaneously acknowledging the obstacles which still stand and the time delay they will pose. Importantly, the actions of the Indonesian government have sent out the message that a strong stance has been taken on the matter.

Indonesia is definitely bolstering its political image as it holds influential positions in both ASEAN and agreement frameworks like the Bali Process which work towards achievement through unity. Impressively, Indonesia is holding up its image as a global player. Despite criticisms made by the press of the execution of commitments (in particular advocacy of human rights and democracy), such partnerships are promoting qualities which hope to be distilled into the government's ethos and embodied in its interactions with society and its various communities. Interestingly enough, as it builds on a repertoire of rhetoric, various communities are reacting. Much support has been shown by a number of communities in Indonesia for the persecuted Rohingya refugees, who are seeking safety in its South-East Asian neighbours. Demonstrations have been staged, lead by different Muslim groups and organisations such as Aksi Cepat Tanggap (ACT – Care for Humanity), showing care and humanity. Ikrar Nusa Bhakti, a political expert from the Indonesian Science Institute has stated that Indonesia is in a good position to take a leading role in helping the Rohingya minority as it contributed to their political reform<sup>12</sup>. Although meddling with neighbour countries' internal affairs contradicts ASEAN principles, pressure from the public reveals that humanitarian consideration should be prioritized. As was put by the late Czech President Vaclav Havel during a NATO Summit in 2002, “human life, human freedom and human dignity represent higher values than state sovereignty”. Until this statement can be reconciled with, it seems that human rights will be viewed as subsidiary. However, perhaps the Rohingyas will be a landmark case in fostering the protection for refugees and hopefully, consolidating the fight for human rights.

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**End Notes**

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# DPR, KPK, and Corruptors Fight Back

**Bawono Kumoro, Researcher, The Habibie Center**

**I**n its plenary session on October 17, 2012, The Legislation Body of the House of Representatives agreed to stop the deliberations on revising Law No.30/2002 on the Corruption Eradication Commission (KPK). This was done after the House received a lot of strong criticisms from members of society that a number of points in the revision of the KPK Law would have the tendency to weaken the KPK's function as the independent institution in eradicating corruption in Indonesia.

The stoppage of the deliberation was in line with the message conveyed by President Susilo Bambang Yudhoyono in his state of the union speech made in response to the developing disagreement between the KPK and the Police. In his speech President SBY appraised that the House's effort to revise the KPK Law was something that should not be rightly done at this time.

According to President SBY, it would be better if the focus was placed on improving synergy and intensifying the eradication of corruption in Indonesia. This will be far more important than depleting attention and energy by revising the KPK Law. The president's disagreement over the House's plan to revise the Law is a form of the president's commitment to lead directly the eradication of corruption in Indonesia.



It is not the first time that the plan of revising the KPK Law created pros and cons. It has been common knowledge that the plan to revise the KPK Law is one of many efforts to weaken the independent institution of corruption eradication.

It seems likely that the KPK Law revision would make a strategic entry point for corruptors to fight back by cutting a number of the KPK's authority that they feel disrupts their corrupt activities, especially its competence of tapping and charging. The purpose of this trimming was to make the KPK no longer strong and thus equal to other law enforcement institutions.

The existence of the KPK has indeed made restless the circles that used to enjoy the free flowing situation that enables corrupt acts. In eight years since its creation in 2004 until 2011, the KPK has handled 285 corruption cases.

The 285 corruption criminal cases involved suspects from among members of the House and Regional Houses, ministers/heads of institutions, ambassadors, commissioners/lecturers, governors, mayors/regents and their deputies, first, second and third rank of high officials, judges, prosecutors, private sectors' officials, as well as other professions. The majority of cases involve officials of the first, second and third echelons, with a total of 91 cases, followed by private sector corruption charges at 55 cases, House's/Regional Houses' corruption charges at 48 cases, and other sectors at 31 cases. There are 29 corruption cases which involve mayors/regents, 8 cases against governors, 7 cases against commissioners/lecturers, 6 cases against ministers/heads of institution, 4 cases against ambassadors, 4 cases against judges and prosecutors with two cases.

So far a lot of efforts to weaken the eradication of corruption have been done systematically by the House using a variety of ways. One of the most popular ways to weaken the KPK is by the weakening the legal basis of the corruption eradication endeavor.

This is not the first time the House's behavior has been out of line with the spirit of corruption eradication. The writer notes that in the last year there were at least four important events that showed the House's failure to side with the eradication of corruption in Indonesia.

Firstly, the prohibition of KPK's Vice Chairman Bibit Samad Rianto and Chandra Hamzah to attend the meeting of KPK with the House's Commission III until the end of their tenure. This happened in February of 2011. The basis for the prohibition of Rianto and Hamzah was an allegation that the two leaders of the KPK were still implicated in a legal problem related to their alleged abuse of authority. The House appraised that the holding of the Attorney General's Office of the two KPK leaders was merely a side-moving of the case charged against them which did not cancel their status as suspects

Secondly, the controversial idea to dissolve the KPK as proposed by the House member from the Justice Prosperous Party, Fahri Hamzah, The idea was conveyed in the consultation meeting of the House, KPK, the Police Force, and the Attorney General's Office in early October, 2011. According to Hamzah, the existence of the KPK as a super body institution has damaged democratic principles. The KPK has too wide an authority that makes it out of control.

Thirdly, the House's right of requesting information from the government on the remission moratorium policy and parole for corruption convicts issued by the Ministry of Law and Human Rights. The moratorium initiators reasoned that it was important to propose the information request since they appraised that the policy contradicts the positive law and international convention on corruption. The ministry of Law and Human Rights, on the other hand, held the perspective that the moratorium policy on remission and parole for the corruption convicts was important to issue to give a deterrent effect on corruption actors in Indonesia.

Fourthly, the building of negative opinion on the disorderliness of KPK's performance is another way the House used to weaken the corruption eradication efforts in Indonesia. The rumor of discord among the KPK leadership is an example of the negative opinion created by the House. The issue started from the dissemination of 'news' via Blackberry Messenger from House member Akbar Faishal on the feud between the KPK Chairman Abraham Samad and other KPK leaders in connection with the alleged bribery of Wisma Atlet (Athlete's quarter in the arena of the last SEA Games in Palembang) case. The 'news' further informed that during a meeting on the matter in the room of the

KPK Leader, Samad had pounded so hard on the table that one of the table's legs broke.

The variety of actions by the House not in line with the spirit of corruption eradication almost instantly reap criticism from society, especially from activists in the anticorruption movements. For sure, society should be very much concerned by the behavior of their representatives in the House. Instead of being an honorable and charismatic institution, the House has now been seemingly confirming itself as the dwelling place for the opportunistic politicians.

It is strongly believed that the emergence of several ideas that contradict the spirit of corruption eradication is only a part of the political scenario to systematically weaken the anticorruption movement in general and the existence of the KPK in particular. Moreover, if we look into the realities during the last few years where a large number of corruption case suspects were from the House, it is not unlikely that in the future the parliamentary discourse to cut a large part of KPK's authority through a possible revision of Law No.30 of 2002 on the KPK will again come out of the parliament building.

It is highly likely that President Susilo Bambang Yudhoyono is right when he said on several occasions that eradicating corruption in Indonesia is not an easy endeavor. The eradication of corruption has become not only an agenda but also a heavy challenge all of a sudden for the government and especially for law enforcement upholders.

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# Devotion of 1970 Indonesian Armed Forces Academy: Interwoven Political Historic Records

Inggrid Mustika, Researcher, The Habibie Center



**Title of the Book:**

*Mengawali Integrasi Mengusung Reformasi*  
(Initiating Integration, Upholding Reforms)

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and  
Yudha B. Tangkilisan

**Publisher:**

Kata Hasta Pustaka (Jakarta, 2012)

**Pages :** 501 pages

This book was published ahead of the 67th anniversary of the Indonesian Military (TNI) – celebrated annually on October 5 – by the 1970 alumni of the Indonesian Armed Forces Academy (Akabri) in order to inter-weave the pieces of historic stories of the 1970 class members. It is almost a comprehensive work where the Army, the Navy, the Air force, and the Police were under an integrated curriculum as a response to the September 30, 1965 tragedy where conflict of interests amidst the armed force's corps had caused significant fatalities.

This book will be of great use for young generations of the Armed Forces and Police to stimulate their spirit in order to secure and defend the sovereignty of the Republic of Indonesia. Written by several members of the 1970 alumni from each branch of the armed force, this book presents the internal point of views of the path of devotion of the 1970 class of the Indonesian Armed Forces Academy.

The book shares not only the experience of the 1970 members as the first group of the Academy graduates but also the social, political and historical context that was embedded in their experiences. The reader may enjoy the success and the failures that faced by the 1970 members in performing their military operations. Many consider that the class of 1970 had produced qualified members where six of its graduates later became four-star generals, the highest possible military rank.

Historical record have noted that former Army Deputy Commander Gen. Fachrul Razi; former Army Chiefs of Staff Gen. Subagyo H.S. and Gen. Tyasno Sudarto, former Commander of the Army's Infantry Weaponry Center (Pussenif); Gen. Luhut B. Panjaitan, former Commander of the Army's Strategic Reserves Command (Kostrad); Lt. Gen. Johnny Lumintang, former Navy Chief Adm.; Bernard Kent Sondakh, former Chief of the TNI's Strategic Intelligence Agency (BAIS); Vice Marshal Ian Santoso Perdanakusuma and former Police Chief Gen. Suroyo Bimantoro are some famous names of the class of 1970. However, the book tries to present balanced stories by effacing one name instead putting the whole force members' experience inside the book to be told.

This book portrays the role of the 1970 members in several important political events such as the Reform movement of 1998, Timor Leste's separation from Indonesia (2002), and the international involvement mandated by the United Nations. By completing the book with documentary pictures of the 1970 members' activities, this book becomes more interesting to read.

One of the stories inside this book is about the police's independency after their separation from the armed forces as one of the demand of the 1998 reforms. The main reasons behind this separation are (1) the similar behavior of the police and the armed forces due to being under a single organization became a major problem, whereas the police are supposed to act as guardian and protector of the society, not as stern officers; (2) the tendency of the armed forces officers to enter polices' field of work was higher and hard to avoid; and (3) the fact that the police found difficulties to take preventive action towards members of the armed forces who violate public regulations. Therefore, the process of police separation from the armed forces has been noted in this book clearly until police reach its independency on July 1, 2000.

By using the popular language, the book begins with acknowledgement from various armed forces figures and is divided into six chapters. In light of the need to enrich the substance of the book, the authors also provide a prologue that was presented by Dr. M. Riefqi Muna, M.DefStud and a epilogue presented by Prof. Dr. Salim Said, MA, MAIA. These last two are experts of security matters who put more concern on defense and security in Indonesia. As additional parts, this book also provides bibliography and index.

As stated before, the book is recommended not only for young generation of the military, but also the public in general. The experience of dynamic military tasks and the political history of the 1970 members have been interwoven well in this book. The essential goal of this book is clear, that the 1970 members have become the first batch of the academy which has been initiating integration and upholding reforms.

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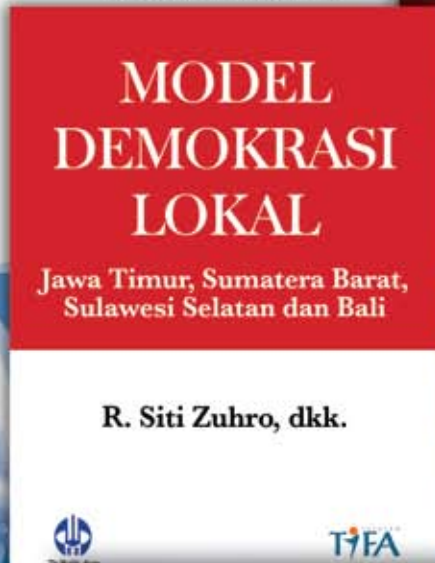




Publisher: Mizan



Publisher: THC Mandiri, PT



Jawa Timur, Sumatera Barat,  
Sulawesi Selatan dan Bali

R. Siti Zuhro, dkk.



TIFA



**KISRUH  
PERATURAN DAERAH:  
MENGURAI MASALAH & SOLUSINYA**



EDITUR  
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Publisher: The Habibie Center



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