

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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

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.

On 10 July 2017 President Joko “Jokowi” Widodo signed Perppu No. 2/2017 which was apparently motivated by the governments’ plan to ban Hizb-ut-Tahrir Indonesia (HTI), a transnational Islamic political movement which “aspires to establish a caliphate and to implement Shari’a law in the country”.¹ The Indonesian authorities, with the support of some mainstream Islamic organizations in the country, consider HTI’s ideology to be against the official state philosophy Pancasila which requires belief “in the One and Only God”, a “just and civilized humanity”, “unity of Indonesia”, “democracy” and “social justice”.² While members of HTI in Indonesia do advocate religious intolerance, to date Amnesty International is not aware that any member of HTI has been prosecuted for committing acts of violence, or for advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence.

The new legislation is fundamentally incompatible with Indonesia’s international human rights obligations. In particular as a state party to the International Covenant on Civil and Political Rights (ICCPR), Indonesia has a duty to respect and protect every person’s rights to freedom of expression, association, and thought, conscience and religion. These rights are also provided in Indonesia’s Constitution.

¹ See <https://hizbut-tahrir.or.id/2017/06/21/khilafah-ajaran-islam-wajib-ditegakkan-kembali/>.

² Pancasila or literally five principles is the Indonesian state ideology which is enshrined in the preamble of the 1945 Constitution.

The Law on Mass Organization required a judicial decision on whether or not the government can ban an organization, and could impose administrative penalties for any organization violating the law. Perppu No. 2/2017 amends these key provisions by removing judicial procedures that were in place before the authorities could ban a mass organization. The new amendments also provides for criminal penalties for an organization or its members for violating the Law, including for peaceful political activities and for exercising their right to freedom of thought, conscience and religion counter to international law and standards.

Before its adoption in 2013, human rights groups had protested strongly against the Law on Mass Organizations, which they believed could be used to target those critical of the government, including human rights defenders and peaceful political activists, and minority religious groups, and allow the government to control and restrict their activities. According to the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, “associations should be free to determine their statutes, structures and activities and to make decisions without State interference”. The rapporteur further stated prior to the law’s adoption in 2013 that “this legislative initiative runs contrary to the remarkable progress towards democratization Indonesia has made since the past decade, which has paved the way for a flourishing civil society”.

Amnesty International believes that these new amendments will further constrict the space for political activists in Papua and Maluku to carry out their peaceful political activities, which do not involve incitement to discrimination, hostility or violence, and which include advocating referendums, independence, and other peaceful political solutions. Both these areas of Indonesia have a history of pro-independence movements where peaceful political activism is already severely restricted and hundreds of people have been arrested and imprisoned for such activities.

Amnesty International call for the repeal of all provisions set out in the Mass Organization Law and the new amendments which impose restrictions on the rights to freedom of expression, thought, conscience and religion, and association which go beyond those which are permitted under international human rights law, or else to amend such provisions to bring them into compliance with Indonesia’s international human rights obligations.