BREAKING THE CHAINS OF OPPRESSION OF THE INDONESIAN PEOPLE

Defense Statement at His Trial on Charges
of Insulting the Head of State

by

Heri Akhmadi
General Chairman of the Students' Council
of the Bandung Institute of Technology

Bandung, June 7, 8, 9, 10, 1979

TRANSLATION SERIES
(Publication No. 59)

Cornell Modern Indonesia Project
Southeast Asia Program
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PREFACE

From its establishment in 1954 part of the mandate of Cornell's Modern Indonesia Project has been the translation and publication in English of important documents that would otherwise have been unavailable to many of those interested in Indonesia's social and political history. These have included the writings of Hatta, A. K. Pringgodigdo, Simatupang, Sjahrir, Sudjatmoko, Sukarno, Supomo, Widjojo, and Wilopo. Also included in this coverage of the Translation Series have been documents unavailable even in the original Dutch or Indonesian, such as the long suppressed report by the Netherlands East Indies Government's Coolie Budget Commission, *Living Conditions of Plantation Workers and Peasants on Java*, which we published twenty-five years ago.

The translation here presented of Heri Akhmadi's defense statement at his trial is of a similar genre; for despite its intrinsic significance and its relevance to an appreciation of how the leaders of a new generation of educated Indonesians view their country's government and its major social, economic, and political problems, it too has been suppressed. To prevent this important insight into the current Indonesian situation becoming buried and unavailable, we are pleased to help provide for the dissemination it deserves. I would predict that a quarter of a century from now, Heri Akhmadi's statement may well be regarded as having at least as much importance to understanding present-day Indonesia as the Coolie Budget Commission report had for an earlier period in the country's history.

Heri Akhmadi was elected by the student body of the Bandung Institute of Technology--one of the most prestigious institutions of higher learning in the country--as Chairman of their Student Council and their principal representative. Since his views are close to those of the elected student leaders from more than two dozen other universities and colleges who were arrested at the same time, his statement can be regarded as representative of the ideas of the intellectual vanguard of the contemporary generation of Indonesian students, which--despite ongoing efforts to suppress them--are likely to have a significant effect on their country's history.

Heri Akhmadi and these other student leaders were arrested and jailed in 1978 following widespread student protest at Suharto's unopposed election for another term as President. As a consequence, they were charged with having insulted the head of state, and it is because of the nature of this charge that Heri Akhmadi's defense statement takes the form it does. What the government considers as an insult to the head of state is what the students see as valid criticism of its policies. It is to these criticisms that Heri Akhmadi addresses his defense statement that we have here published.

George McT. Kahin
Ithaca, January 1981

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Note: In this translation the style adheres as closely as possible to the Indonesian original, including its idiosyncracies of italicization and capitalization. The Indonesian footnotes which Heri included in his defense statement were clearly prepared in haste and are not always clear or complete. We have made only minimal changes to these, and they appear immediately under the text, being indicated by the symbols *, †, etc. They are followed by the editorial and explanatory footnotes which we have added and which are numbered consecutively throughout each chapter.

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GLOSSARY OF ABBREVIATIONS AND ACRONYMS

(The numbers which usually follow the translation refer to the chapter and footnote at which the abbreviations are first explained.)

ABS = Asal Bapak Senang (So long as the Boss is happy), VIII, 4
Aspri = Asisten Pribadi [Presiden] (Personal Assistants to the President), III, 23

Bakin = Badan Intelijen Negara (State Intelligence Body), I, 9
Balak-Intel = Badan Pelaksana Intelijen (Intelligence Implementation Body), I, 9
Baperki = Badan Permusyawaratan Kewarganegaraan Indonesia (Consultative Body on Indonesian Citizenship), III, 6
Bappenas - Badan Perencanaan dan Pembangunan Nasional (National Planning and Upbuilding Body), V, 7
Berdikari = Berdiri Diatas Kaki Sendiri (Standing on one's own feet), III, 11
Bimas = Bimbingan Masal Swa Sembada Bahanan Makanan (Mass Guidance for Self-sufficiency in Food), VII, 6
BKK = Badan Koordinasi Kemahasiswaan (Student Coordinating Body), IV, 68
BKPMA = Badan Koordinasi Penanaman Modal Asing (Coordinating Body for Foreign Investments), V, 12
BPS = Badan Pusat Statistik (Central Statistical Body), III, 26
Bulog = Badan Urusan Logistik ([State] Logistics Body), I, 15
BUUD = Badan Usaha Unit Desa (Village-Level Enterprise Body), VII, 9

CDB = Comite Besar Daerah (Big Region Committee), IV, 50
CPM = Corps Polisi Militer (Military Police Corps), II, 27
CSIS = Center for Strategic and International Studies, IV, 76

DKI = Daerah Kotapraja Istimewa (Special Metropolitan District), VI, 32
Dolog = Depot Logistik (Logistics Depot), I, 15
DPA = Dewan Pertimbangan Agung (Supreme Advisory Council), III, 13
DPC = Dewan Pimpinan Cabang (Branch Leadership Council), IV, 53
DPP = Dewan Pimpinan Pusat (Central Leadership Council), IV, 38
DPRD-GR = Dewan Perwakilan Rakyat Daerah Gotong-Royong (Mutual Cooperation Regional Legislature), X, 25
Dwifungsi = Twin Function, IV, 60
Dwikora = Dwi Komando Rakyat (People's Twin Command), III, 12

Ekuin = Ekonomi-Keuangan-Industri (Economics-Finance-Industry), IV, 22

FBSI = Federasi Buruh Seluruh Indonesia (All-Indonesia Workers' Federation), IV, 66

GBHN = Garis Besar Haluan Negara (Broad Outline[s] of State Policy), II, 24
Gestapu = Gerakan Tiga Puluh September (September 30th Movement), III, 3
Golkar = Golongan Karya (Functional Groups), IV, 31

HKTI = Himpunan Kerukunan Tani Indonesia (Indonesian Farmers' Cooperative Association), IV, 66

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HNSI = Himpunan Nelayan Seluruh Indonesia (All-Indonesia Fishermen's Association), IV, 66
HO = hongeroedeem, III, 25

IGGI = Inter-Governmental Group on Indonesia, V, 14
IKIP = Institut Perguruan dan Ilmu Pendidikan (Teachers' Training Institute), II, 5
Inmas = Intensifikasi Masal Swa Sembada Bahanan Makanan (Mass Intensification for Self-sufficiency in Food), VII, 6
Inpres = Instruksi Presiden (Presidential Instruction), IX, 2
Intel = [*orang* or *petugas*] intelijen (state spy or informer), I, 24
IPA = Ilmu2 Pasti dan Alam (Physical and Natural Sciences), VIII, 23
IPB = Institut Pertanian Bogor (Bogor Agricultural Institute), VIII, 9
Ipeda = Iuran Pembangunan Daerah (Regional Upbuilding Levy), VII, 7
IPS = Ilmu Pengetahuan Sosial (Social Sciences), VIII, 23
ITB = Institut Teknologi Bandung (Bandung Institute of Technology), II, 3
ITS = Institut Teknik Surabaya (Surabaya Technical Institute), II, 6

Jabar = Jawa Barat (West Java), II, 38

Kadapol = Kepala Daerah Kepolisian (Chief of Police Territory), I, 25
KAMI = Kesatuan Aksi Mahasiswa Indonesia (Indonesian Students' Action Front), IV, 87
KAPI = Kesatuan Aksi Pelajar Indonesia (Indonesian High-School Students' Action Front), IX, 24
KASI = Kesatuan Aksi Sarjana Indonesia (Indonesian Academics' Action Front), IX, 22
Kenop 15 = Kebijaksanaan 15 Nopember [1978] (Policy of November 15), IV, 80
KIK = Kredit Industri Kecil (Small Industry Credit), IX, 1
KMKP = Kredit Modal Keperluan Pribumi (Credit for Native Capital Needs), IX, 5
KNK = Konsep Normalisasi Kampus (Campus Normalization Concept), IV, 67
KNPI = Komite Nasional Pemuda Indonesia (National Committee of Indonesian Youth), IV, 66
Kodam = Komando Daerah Militer (Military Territory Command), I, 5
Kodim = Komando Distrik Militer (District Military Command), I, 5
Kopas[s]andha = Komando Pasukan Sandhi Yudha ("Secret War" Units Command), II, 27
Kopkamtib = Komando Pemulihan Keamanan dan Ketertiban (Command for the Restoration of Security and Order), I, 7
Koramil = Komando Rayon Militer (Military Subdistrict Command), IV, 27
Korem = Komando Ressort Militer (Resort Military Command), I, 5
Korpri = Korps Pegawai Republik Indonesia (Corps of Officials of the Republic of Indonesia), I, 11
Kostrad = Komando Strategis Angkatan Darat (Army Strategic Command), II, 27
Koti = Komando Operasi Tertinggi (Supreme Operations Command), III, 21
Kotip = Kota Administratip (Administrative Township), VII, 29
Kotoe = Komando Tertinggi Operasi Ekonomi (Supreme Economic Operations Command), III, 21
KUD = Koperasi Unit Desa (Village-Level Cooperative), VII, 9

Laksusda = Pelaksana Khusus Daerah (Special Territorial Administrator), I, 5
LPU = Lembaga Pemilihan Umum (General Election Institute), IV, 33

Mahmilub = Mahkamah Militer Luar Biasa (Extraordinary Military Tribunal[s]), III, 3

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Malari = Malapetaka 15 January (Calamity of January 15), VIII, 16
Manipol-USDEK = Political Manifesto of August 17, 1959; U = 1945 Constitution; S = Indonesian Socialism; D = Guided Democracy; E = Guided Economy; K = Indonesian Individuality, III, 11
MPM = Majelis Permusyawaratan Mahasiswa (Students' Consultative Council)
MPR = Majelis Permusyawaratan Rakyat (People's Consultative Assembly), I, 22

Nasakom = Nasionalisme-Agama-Kommunisme (Nationalism-Religion-Communism), III, 9
Nekolim = Neokolonialisme-Kolonialisme-Imperialisme, III, 15
NU = Nahdlatul Ulama (Islamic Scholars' Party), IV, 56

Opstib = Operasi Tertib (Operation Discipline), II, 18
Opsus = Operasi Khusus (Special Operations), I, 16

Pangab = Panglima Angkatan Bersenjata (Panglima of the Armed Forces), IV, 34
Pangdam = Panglima Daerah Militer (Military Territory Commander), IV, 32
Parmusi = Partai Muslimin Indonesia (Party of Indonesian Muslims), IV, 63
PDI = Partai Demokrat Indonesia (Indonesian Democratic Party), IV, 44
Pelita = Pembangunan Lima Tahun (Five Year Upbuilding [Plan]), V, 18
Pemda = Pemerintah Daerah (Regional Government)
Penpres (PNPS) = Penetapan Presiden (Presidential Decree), I, 21
PGRI = Persatuan Guru Republik Indonesia (Teachers' Union of the Republic of Indonesia), IV, 66
PHK = Pemutusan Hubungan Kerja (Severance of Work Relationships), VII, 30
PKI = Partai Komunis Indonesia (Communist Party of Indonesia), III, 2
PMA = Penanaman Modal Asing (Foreign Capital Investment), VII, 24
PMDN = Penanaman Modal Dalam Negeri (Domestic Capital Investment), VII, 24
PNI = Partai Nasional Indonesia (Indonesian National Party), IV, 59
Pomad = Polisi Angkatan Darat (Army Police), II, 27
Porseni = Pekan Olahraga dan Seni (Sport and Arts Festival), VIII, 21
Porwil = Pekan Olahraga Wilayah (Zonal Sports Festival), VIII, 21
PPP = Partai Persatuan Pembangunan (Upbuilding Unity Party), IV, 42
P4D = Panitia Penyelesai Perselisihan Perburuhan Daerah (Provincial Committee for Settling Labor Disputes), VII, 31
P4P = Panitia Penyelesai Perselisihan Perburuhan Pusat (Central Committee for Settling Labor Disputes), VII, 31
Pramuka = Praja Muda Karana [Indonesian Scouts], VIII, 21
PSSI = Persatuan Sepakbola Seluruh Indonesia (All-Indonesia Football Union), IV, 63
PWI = Persatuan Wartawan Indonesia (Indonesian Journalists' Union), IV, 61

Seskoad = Sekolah Staf Komando Angkatan Darat (Army Staff and Command College)
STOVIA = School Tot Opleiding Van Inlandsche Artsen (School for the Training of Native Doctors), X, 5
Supersemar = Surat Perintah Sebelas Maret (Order of March 11 [, 1966]), II, 22

Tavip = Tahun Vivere Pericoloso (The Year of Living Dangerously), III, 11
Teperda = Team Pemeriksa Daerah (Regional Interrogation Team), I, 8
Teperpu = Team Pemeriksa Pusat (Central Interrogation Team), I, 8
TP = Tentara Pelajar (Student Army), X, 8
Trikora = Tri Komando Rakyat (People's Triple Command), III, 12
TRIP = Tentara Republik Indonesia--Pelajar (Student Army of the Republic of Indonesia), X, 8

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Tritura = Tri Tuntutan Rakyat (People's Three Demands), III, 22

UI = Universitas Indonesia (University of Indonesia), II, 4
USU = Universitas Sumatera Utara (University of North Sumatra), II, 7
UUD '45 = Undang-Undang Dasar, 1945 (1945 Constitution)

Wanhankamnas = Dewan Pertahanan Keamanan Nasional (National Defense and Security Council), IV, 76

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TABLE OF CONTENTS

Chapter		Page
I.	Justice under the Law in Indonesia is like the Simalakama Fruit	3
II.	The Charges against the Students and the Sentencing Recommendations Express the Small-Minded Arrogance of Those-in-Power	15
III.	The Fading of the New Order's Ideals	39
IV.	The New Order Government Has the Characteristics of: A Bureaucratic Dictatorship	50
V.	The New Order's Upbuilding Strategy is a Strategy of Beggars and Embezzlers	85
VI.	The Conspiracy of the Cukong—Government Officials—Foreign Investors: Drainers of the National Wealth	102
VII.	The People Have Become the Sacrificial Victim of Upbuilding	118
VIII.	The Hollow Identity and Cultural Stagnation of the People of Indonesia	138
IX.	Disaster Lies in Wait for the Indonesian Nation	152
X.	The Students Rise up to Break the Chains of Oppression of the Indonesian People	158
XI.	History is on the Students' Side	172

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BREAKING THE CHAINS[1] OF OPPRESSION OF THE INDONESIAN PEOPLE[2]

We are all witnesses
that the clique of men who hold power
the gang of those-in-power in our country
have treated the people as the object of their power
the people of Indonesia live under the oppression no longer
of the Dutch colonialists, but of their own countrymen

I am part of the people of Indonesia
together with other Indonesian students
together with the entire Indonesian people
who feel the bitterness of living under oppression
who see the power-hunger of those in power
who have witnessed their cruelty
and are trying to fight their oppression
for it is the natural instinct of all human beings to:
LIVE IN FREEDOM AND FIGHT THEIR OPPRESSORS!!
what the students have done all along arises from their deepest instincts
TO BREAK THE CHAINS OF OPPRESSION OF THE INDONESIAN PEOPLE

---

1. The title of Heri's defense speech already poses problems for the translator. *Mendobrak* usually means "to break down" (e.g., a door), or "to smash through," and fits a bit oddly with *belenggu* (chains). In ordinary usage one would have expected *mematahkan* (break) or *memecahkan* (shatter). The translation offered here is thus somewhat milder than the Indonesian original.

2. There are difficulties in conveying in English the differing connotations of the words *rakyat Indonesia* (as here) and *bangsa Indonesia*, both of which are often translated as "the Indonesian people," or "the people of Indonesia." Bangsa images Indonesians horizontally, in their national totality, and can sometimes be translated as "nation," in the sense of "folk" rather than "state." Rakyat images them vertically, as "the ordinary people," counterposed to leaders, elites, or exploiters.

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CHAPTER I

JUSTICE UNDER THE LAW IN INDONESIA IS LIKE THE SIMALAKAMA FRUIT[1]

A Farcical Trial

Judges of the Court,

I would like to open my defense by quoting a play about a trial contained in the book *Max Havelaar*, written by Multatuli, heroic champion and defender of the Indonesian people.[2]

Policeman: Your Honor, this is the man who murdered Barbertje.

Judge: He must be hanged. How did he do it?

Policeman: He chopped her in pieces and then poured salt in the wounds.[3]

Judge: These are serious crimes. . . . He must be hanged.

Lothario: Your Honor, I have not murdered Barbertje. I have fed and clothed and taken good care of her. . . . I have witnesses who can state that I am a good man and not a murderer. . . .

Judge: You must be hanged. Your arrogance makes your crime that much worse. It's unseemly in a person accused of crimes to consider himself a good man.

Lothario: But Your Honor, there are witnesses who can prove it; and since I am charged with murder. . . .

Judge: You must hang. You have chopped Barbertje up, poured salt on her wounds, and you're self-satisfied . . . three serious crimes. You, woman, who are you?

Woman: I'm Barbertje. . . .

Lothario: Thank God. . . . Your Honor, you can see, sir, I have not murdered her! . . .

Judge: Hmm . . . , yes . . . , that's so . . . but what about pouring salt?

---

1. A proverbial phrase meaning "every choice is equally bad." As explained below, according to legend, if a man eats the *simalakama* fruit his father dies; but if he does not eat it, his mother dies.

2. In the process of translation into Indonesian, this famous ironic vignette from *Max Havelaar* has undergone a few sea-changes.

3. It appears that Heri has not understood the grim humor of Multatuli, whose imagery of "chopping up" and "pickling" is drawn from Dutch kitchens. Instead, he has drawn on a traditional Indonesian trope for execution with extreme cruelty.

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Barbertje: No, Your Honor, he never poured any salt; on the contrary, he has been most kind to me. . . . He's an honorable man!

Lothario: You hear, Hour Honor, she says I'm a good man.

Judge: Hmm . . . that means the third crime still stands. Police, take that man away; he must be hanged. He's guilty of arrogance. Clerk, cite in the premises [of the sentencing] the jurisprudence of Lessing's patriarch.[4]

--Multatuli*

This farce shows how a court lost all meaningful capacity to seek truth or provide justice. The court in this farce has become a tool of despotic authorities to contrive crimes for the accused under various pretexts. Even more distressing is the judge's involvement in setting traps for the accused through the use of procedures and articles from the jurisprudence of Lessing's patriarch, all of which date from the age of absolutism.

The court in this farce gives a picture of a complete absence of justice and legal certainty! The accused is completely in the dark, because no matter what he does, the court's strategy for throwing him into prison always succeeds!

I have borrowed from Multatuli's work in an effort to find a standard against which to compare the condition of the law and the courts in Indonesia today. Have there been any major changes in our courts since that story was written, 120 years ago? Are our courts now able to provide justice and legal certainty, or are they still, as in the colonial era, simply tools of a Colonial government? I will consider all of these questions in the following analysis!

The Law in Indonesia: 120 Years after Max Havelaar

Judges of the Court,

Before being brought to trial I was subjected to a process which had no rhyme or reason. First I was arrested. Then I was released, but with the requirement that I report in regularly. Then I was arrested and detained again. When I was released from prison, I was saddled with the designation: "suspended arrest." All of this took place over a period of more than a year.

Initially I was arrested on orders from Laksusda,[5] but after several months in prison I was served a warrant from the Office of the Provincial Prosecutor

---

* Multatuli, *Max Havelaar atau lelang kopi Maskapai dagang Belanda*, Jakarta, Jambatan, 1973.

4. Multatuli's reference is to Gotthold Lessing's famous poetic drama *Nathan Der Wiese* (*Nathan The Wise*), completed in 1779. The villain of the play, which is set in Palestine under the rule of Saladin (1187-93), is the Christian Patriarch of Jerusalem, who is arrogant and authoritarian to the Christians under his charge, and cruel and fanatical towards the Jews. The "jurisprudence" of the Patriarch is an allusion to his judgment on receiving a report that Nathan has brought up a Christian girl in his household. Despite all evidence that Nathan has treated her as his own daughter and never sought to convert her to Judaism, the prelate repeatedly insists "It matters not: the Jew goes to the stake!"

5. Laksusda = Pelaksana Khusus Daerah (Special Territorial Administrator). This

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[OPP],[6] which I was required to sign. Then I was released by the OPP, but before a week was up a letter came from Kopkamtib[7] stating that I was "under city arrest" and required to report in regularly. And when I was arrested again, the only explanation given by the OPP was "on orders from the Attorney-General"!

It was while I was going through this capricious process of involvement with Indonesian law that the picture of the farcical trial in *Max Havelaar* became more distinct. The terrifying picture Multatuli presented of a trial in which all the legal procedures are unjust and full of uncertainty became clear to me, just as it has become clear to other Indonesians who are involved with Indonesian law at this time.

Everything which has happened to me has reinforced the conclusion to which I had already come: that justice and legal certainty still do not exist in Indonesia, and that the condition of the law in Indonesia today is just as deplorable as it was in the Dutch colonial era 120 years ago when *Max Havelaar* was written.

Is there sufficient justification for the conclusion that justice and legal certainty do not yet exist in Indonesia? What forms do injustice and legal uncertainty take? And what are their causes? We will consider these questions one by one.

The Authorities Are Running Their Dirty Fingers All over the Law

Judges of the Court,

The experiences I went through in my dealings with the law are indicative of the extent to which those-in-power are meddling with it. Even more distressing is the fact that the apparatus for upholding the law is itself helpless against the dirty fingerings of those-in-power.

During my preliminary investigation, I was interrogated by all kinds of different agents of those-in-power. First I was questioned by Teperda,[8] then interro-

---

title empowers its holder to exercise the sweeping authority of Kopkamtib in matters relating to "security" within a particular territorial jurisdiction. In the overwhelming majority of cases the Laksusda are army commanders of the three highest levels of regional military administration, viz., the Kodam (Komando Daerah Militer, Military Territory Command), Korem (Komando Ressort Militer, Resort Military Command), and Kodim (Komando Distrik Militer, District Military Command). In other words, the Laksusda jurisdictions follow the boundaries of military commands rather than those of the civil administration.

6. A rather unsatisfactory translation of Kejaksaan Tinggi, the intermediate level in the public prosecution hierarchy between the Attorney-General and local prosecutors. There is one Jaksa Tinggi for each province in Indonesia's civilian territorial administrative system.

7. Kopkamtib = Komando Pemulihan Keamanan dan Ketertiban (Command for the Restoration of Security and Order). It was originally established after the October 1, 1965 "coup" both to crush the communists and their allies and undermine Sukarno's power base. It quickly evolved into a seemingly permanent (military) secret police apparatus with virtually unlimited powers.

8. Teperda = Team Pemeriksa Daerah (Regional Interrogation Team). The Teperda are roving teams of interrogators and intelligence officers sent out on provincial assignments by Teperpu (Team Pemeriksa Pusat, Central Interrogation Team), an

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gated by Balak-Intel;[9] then the Provincial Public Prosecutor took over, to be followed by a team from the central office of Kopkamtib. All of this took more than 10 months.

Not only that, apparently quite a crowd was involved even with my arrest. I was served with two warrants, one from Laksusda, the other from the OPP. When I was released the OPP went so far as to mention receipt of a telegram from Laksusda. And when a telegram arrived from Kopkamtib, putting me under city arrest and requiring me to report in regularly, the OPP was just like a messenger-boy delivering it to me!

Is there such a concept as "city arrest" in true Indonesian law? Even the people in the OPP once said that in fact there isn't! Yes . . . but since it was a request from Kopkamtib, who could object!

In practice, the OPP is obviously just an errand-boy for Kopkamtib. The OPP cannot stand uprightly as an apparatus for upholding the law, with its own convictions and its own stance! Though it always says, "For the sake of justice," in reality the OPP is nothing but a tool of those-in-power! What exactly is Kopkamtib? Kopkamtib is an institution which is unknown to our Constitution of 1945!

Judges of the Court,

Nowadays even the courts cannot escape the fingerings of those-in-power. Why? This court is like a person whose head may move freely, but whose stomach is bound! Can he act freely in that condition?

Not only does the executive monopolize judicial appointments and dismissals in Indonesia, even matters of judicial bellies are under the control of those-in-power! The Department of Justice regulates Judicial salaries, Judicial allowances, Judicial housing, Judicial Conduct,[10] and Judicial promotions. Judges are even chained to other government officials, officials of the executive, in Korpri.[11]

It is not at all surprising, then, that, when a judge is about to decide a case in which those-in-power are involved, he is haunted by the fear that he will be fired, that his pay raises will be delayed, that his promotions will be blocked. A system in which the Judiciary and the Executive are thus intertwined guarantees that, whether they want to or not, Judges will pay attention to the interests of those-in-power.

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institution set up after October 1, 1965 to ferret out communists, but which now has a general mandate to hunt down "subversives" of any kind.

9. Balak-Intel = Badan Pelaksana Intelijen (Intelligence Implementation Body). These Balak-Intel are units assigned to provincial missions by Bakin (Badan Intelijen Negara, State Intelligence Body), the central national intelligence-gathering agency, directly responsible to the president. The Balak-Intel are directly controlled by Bakin and operate completely outside the usual hierarchies of civilian and military territorial administration.

10. *Konduite*, from the Dutch *conduite*, means satisfactory judicial behavior, and is one of the criteria in promotion recommendations.

11. Korpri = Korps Pegawai Republik Indonesia (Corps of Officials of the Republic of Indonesia), a sort of company-union to which all civil servants are obliged to belong, under the control of the Minister of the Interior. Formed after the elections of 1971, it was designed to ensure *monoloyalitas* (monolithic loyalty) to the president on the part of the bureaucracy.

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To speak as an Easterner:[12] Can someone with keen sensibilities or *tepo-sliro*,[13] someone who considers the expression of gratitude an ethical ideal of the highest order, someone who is deeply respectful towards those who have helped him, can such a person be oblivious to or cause harm to those who have taken care of all his daily needs?

As a matter of common sense: *of course not!*

Thus it is clear that, from a structural point of view, Indonesian courts are in an exceedingly weak position to conduct impartial trials!

The executive intervention in Judicial institutions is far too powerful!

Biased Application of the Law

Justice under the law still does not exist in Indonesia because to this day the Law clearly makes distinctions in its treatment of members of society. The Law is still biased! The strong can escape legal sanctions even when they are guilty. The weak, however, are punished even when they are innocent.

Take cases of corruption, for example. It is clear that only the little fish can be dragged into court, while the big fish stay comfortably entrenched in their seats of power.[14] Manipulations and corruption in Bulog cannot be exposed above the level of a Budiaji, who was only a Dolog head.[15] The efforts of members of Parliament to delve more deeply into the problem, by providing a list of names of people who "got a share of the loot" to the OPP, simply evaporated. Via the Attorney-General the government boasted that the Budiaji case was only the beginning of [a campaign] to expose manipulations in Bulog. But the fact of the matter is that to this day there have been no further legal efforts to delve into the problem.*

Why? Because if all of the manipulations in Bulog were exposed, then the dirty linen of the "strong" in positions of power would be aired. It would be discovered that it is precisely they themselves who are the big fish.

Many other trials could be cited which demonstrate that the strong, those people in positions of power, can easily evade the punishment they deserve. Take,

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* *Tempo*, December 18, 1976; January 29, April 16, June 11, June 25, and September 17, 1977.

12. *Orang timur:* the survival of this terminology, *orang timur* vs. *orang barat* (Westerners), among Indonesia's younger generation, 35 years after independence, is instructive. But perhaps 'Easterner' now serves as a better translation than 'Oriental'?

13. *Tepo-sliro*, a popular Javanese phrase for sensitivity in interpersonal relations. It means, more or less, being able to put oneself in one's interlocutor's shoes.

14. *Kakap* (literally, a "sole") is a long-standing favorite in Indonesian political parlance for a big-shot; it is usually contrasted with *teri* ("anchovy") for "the little man," or "the man in the street."

15. Budiaji, a provincial official (in East Kalimantan) of the giant state staples monopoly Bulog (Badan Urusan Logistik, [State] Logistics Body), was convicted in 1977 of embezzling Rp. 7,600,000,000, or about $18,300,000 at the then prevailing rate of exchange. Dolog = Depot Logistik (Logistics Depot), Bulog's province-level units.

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for example, the trial of the son of Ali Murtopo, a very powerful government official, who was acquitted, even though he had committed homicide.[16] Even if the charge of deliberate murder could not be proven, still everybody knows that using a firearm without a license is in itself a serious crime.* Even more oddly, like a farce of which the script has been determined in advance, the Public Prosecutor did not even file an appeal in the case. In fact, even before the Judge handed down his decision, the Prosecutors withdrew the murder charges initially brought against Haris Bin Ali Murtopo.

Take, for example, the trial of Sawito,[17] in which the judge foreclosed the possibility of exposing the rottenness of those in power before the court.

I happened to have the opportunity to observe the proceedings of the Student Trials in Jakarta, Surabaya, Jogya and Bandung. It was obvious that these trials were conducted in a similar atmosphere, that is, an atmosphere in which opportunities for the Students to present information concerning the bankruptcy of the State and its present leadership were sharply restricted. Meanwhile, at many of the trials, the Judges even went so far as to read aloud statements from those-in-power which discredited the Student movement. Even in this Student trial the court is clearly biased. On the one hand it provides inappropriate openings to those-in-power, while on the other it cuts short the rights of the Students.

We can find plenty of other examples. They all point in the same direction: whoever is strong and powerful is invulnerable to the law.

At the same time, we have seen many court rulings against ordinary people who were punished arbitrarily with no consideration for what is just.

The fate of Wasdri, a *setengah gelandangan*[18] from Central Java who was accused of extorting 50 rupiah from a Prosecutor in Jakarta's Senen Market, is still fresh in our minds. The upshot of the case was that Wasdri was convicted and sentenced to three months in prison by the Central Jakarta District Court at the end of June 1977.† All at once the tale of "Wasdri and the Prosecutor" became a standard of reference for how easily the power of the law can in fact be used to oppress the little people, when not wielded by a wise and humane Judge. From a technical legal point of view, it was certainly not difficult to prove that Wasdri had committed extortion, or at least had attempted to commit extortion--especially in view of the fact that a Prosecutor was involved. But clearly justice is much more than just a matter of legal technicalities. It must also be a value grounded

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* *Tempo*, December 3 and 17, 1977.

† *Tempo*, July 16, 1977.

16. Lt. Gen. Ali Murtopo is, *inter alia*, a long-standing presidential confidant, and head of the vast Opsus (Operasi Khusus, Special Operations) political intelligence empire. In late 1977, his son Haris was waylaid by a member of a teenage gang from an elite Jakarta high school; in the ensuing scuffle Haris killed the other boy with a gun he was carrying.

17. The mystically-inclined Sawito, an obscure official who managed to persuade a number of distinguished religious leaders and elder statesmen to sign a document calling for President Suharto's removal, was put on trial in October 1977. The trial became a *cause célèbre* because of Sawito's bold allegations in court about misdeeds in high places. He was eventually sentenced to a long prison term.

18. A *gelandangan* is a homeless vagrant. *Setengah-gelandangan* is thus a "half-homeless vagrant."

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in society's sense of what is just. Wasdri's case, which later provoked widespread scrutiny and reaction in Indonesian society, is just one example of how court rulings are often inhumane and do not fulfill society's sense of what is just. It is not difficult to discern how far Indonesian law still is from fulfilling society's sense of what is just, and how often it is used to oppress the people instead.

Not to mention that we now read the news[19] about the small farmers who were punished for "destroying crops," when in fact the crops belonged to a Chinese who had destroyed the livelihood of small farmers in that district by cultivating state land.

To produce justice under the Law, a court must not be biased in favor of one of the parties involved in the case! When the courts are biased, then what we get from court rulings is simply: Injustice under the Law.

The Standards of Justice Float But Are Also Managed

Judges of the Court,

Injustice under the law results in legal uncertainty. This means that the law floats, and standards of truth and falsity are no longer clear, because they are not determined by legal norms themselves. Even though from a legal perspective it floats, in fact "justice" today is firmly managed--by a controlling will. Standards of justice are determined by the whims of those-in-power.

These whims of those-in-power are accommodated by the "elastic" clauses in Law No. 11 on Subversion or in other PNPS,[20] including Law No. 5/PNPS/1959, which those-in-power are using today as a lethal weapon to restrict students in the courtroom. By using these laws those-in-power can arrest on the spot anyone they regard as harming their interests, detain him for up to a year without taking him to court, and then release him without any explanation of how his case was resolved.

We have all witnessed how many cases settled outside the courts by those-in-power end up in curtailment of the rights of the person being prosecuted, intimidation and other [forms of] repression. One of my lawyers, Sdr. Adnan Buyung Nasution, was once confined in the suffocating darkness of a prison cell for 22 months, after which his case was considered settled without ever having been taken to court.[21] Yet to this day he is continuously shadowed by government agents and is subject to restrictions; he has also been put on a blacklist of people who are not allowed to participate in discussions at Universities.

Hundreds of Indonesian university and high school students suffered a similar fate when they were arrested on the eve of the March 1978 General Session of the MPR[22] and were locked up for months in barracks or prison cells without the status

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19. A reference to the well-known Jenggawa (Jember, East Java) Affair of August-September, 1979. In response to the resulting uproar in the press, Parliament sent a team to East Java to investigate. Nothing, however, came of the investigation.

20. PNPS, or, more usually, Penpres, are Presidential Decrees (Penetapan2 Presiden).

21. The well-known lawyer and human rights advocate Adnan Buyung Nasution SH was detained after the January 15, 1974 riots in Jakarta. The government hinted that he was under suspicion of having encouraged, or even masterminded, them.

22. MPR = Majelis Permusyawaratan Rakyat (People's Consultative Assembly), the

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of their cases being clear. What is clear is that many of them now are under "City Arrest" and are required to report in regularly. All of this basically constitutes curtailment of the rights which every citizen should have.

At the present time, justice and legal certainty do not yet exist in Indonesia!

The Simalakama Fruit: Two Equally Evil Choices

Judges of the Court,

If the law cannot fulfill society's sense of what is just, then why are we, the Students of Indonesia, demanding that our cases be settled in the courts? Why have we chosen to take the legal route, even though we know that the legal situation is so bad?

Judges of the Court,

Facing the legal situation in Indonesia right now is much like facing the Simalakama fruit: Eat the fruit, and father will die; don't eat, and mother will die instead.

Not settling our cases via the law would have been the same as putting an end to the role of law in Indonesian public life. But settling our cases via the law means confronting the reality of how bad the legal system is, as I have explained earlier. Because we had to choose, we chose the lesser of two evils, the one least damaging to the ideal of Indonesia as a state based on law. In the end we chose the legal route and demanded that our cases be settled in the courts. Even though the legal route is still dark, we realize that faith in the importance of law in public life and faith in the power of law to prevail against arbitrary power must be kindled and steadily fostered, until the principle of Indonesia being a state based on law can truly take hold in Indonesia. In the context of these trials this means that we must struggle to make the courts truly free of influence from outside powers. By means of these trials, we also want to confront the despotism of those-in-power, and show them that settling cases on the basis of their power will not work against us. In other words, we want to show that the present arbitrary exercise of power still has some limits, and will continue to have limits if only enough people have the courage to keep challenging it, for the power which those-in-power possess in truth comes from the people and can be reclaimed by them.

A Choice for the Judges: Share Responsibility for the Sins of Those-in-Power Whom They Protect or Help Smash Arbitrary Power

Judges of the Court,

Presumably it is clear to the court that for us this courtroom is an arena for the struggle to smash arbitrary power, an arena in which to struggle to establish a more respected position for the law in a more civilized society. The Judges of the Court are in a crucial position to determine whether or not that struggle is

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ultimate source of authority under the 1945 Constitution. Composed of the members of Parliament, as well as representatives of the regions and of 'functional groups,' it has the tasks of electing the president and determining the Broad Outlines of State Policy (Garis Besar Haluan Negara). The president acts as the mandatory of the MPR and is, in theory, fully responsible to it.

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successful. This means that they also have a great responsibility, a responsibility for justice and legal certainty in Indonesia. This responsibility is all the greater because the legal system in Indonesia is based on the Oneness of God.[23] The preamble to every judicial decision always includes the phrase: "For the Sake of Justice Based on the Oneness of God." That phrase is not just decorative or ornamental. Every judge about to decide a case should take this to heart, that he will some day answer to the Only One God for his decision.

Judges of the Court,

To illustrate how great a judge's responsibility is, I would like to tell a well-known story from Persian mythology, which goes as follows:

It is said that in the old days there was a religious scholar [*ulama*] who also served as a judge in the capital city of Persia. This judge was well-known for decisions which always vindicated his exceedingly tyrannical king. When the judge and the king died and went to live in the hereafter, how surprised the judge was to see that the king, who during his lifetime had always been pleasure-loving and tyrannical, suffered no terrible torments. Whereas he himself was doomed to excruciating torture. Seeing this, the Judge asked the guardian of hell:

"O guardian angel of hell, why did Allah condemn his servant, who was pious and greatly praised His power, to excruciating torture, while our power-hungry and tyrannical King goes scot free?"

The guardian angel of hell answered:

"Truly, learned one, do you not remember that during your former life you used your knowledge and wisdom to vindicate the actions of that power-hungry and tyrannical King? It was you who thus blinded his conscience and therefore you must also bear the burden of his sins."

This myth illustrates the magnitude of a judge's responsibility! Not only do the sages teach us about the magnitude and gravity of judicial responsibility, indeed this is clearly outlined by every holy book and religion.

Of course, a Judge's task is not a simple one, whereas his responsibility is great, especially in a country like Indonesia which embraces the concept of "a state based on Law." This concept very clearly places the Judiciary in a key position to maintain the integrity of the state. It puts a heavy burden of responsibility on every Indonesian Judge, because he must constantly be capable of defending his independence and freeing himself from the influence of those-in-power.

Truly honorable are those Indonesian judges who are able to carry out their duties sincerely on the basis of their own belief in what has become our national ideal, the ideal of establishing and maintaining a unitary Republic of Indonesia as a state based on Law.

And truly degraded and pernicious are those Indonesian judges who turn out not to have carried out their duties on the basis of their own convictions, but instead have simply gone along with the wishes of those-in-power or with their personal desire to protect and advance their careers.

Judges who betray their professional oath are the most despicable Indonesians of all.

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23. A reference to KeTuhanan Yang Maha Esa, the pandenominational first "principle" of the Pancasila (Five Principles), the Indonesian national philosophy/ideology originally formulated by Sukarno in June 1945.

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The Student Trials: A Farce with Which to Paint the Faces of Those-in-Power

Judges of the Court,

Now that these trials have been in progress for several months, it has become obvious that the Judges have not accepted our invitation to join us in the struggle to establish a position for the law free from outside power.

I would like to remind the Court of several events which have taken place in connection with these trials which do not reflect the principles of freedom, openness, and impartiality.

The atmosphere in which the student trials opened in every city was made tense by the swarming about of various security organizations: police, riot control squads, soldiers, and especially *intel*[24] types. Would-be spectators were not allowed to enter the court premises, while many of the seats in the courtroom were monopolized by government agents. Indeed, even students and relatives of the accused couldn't get places. This meddling by those-in-power has not been conducive to creating the atmosphere of a *free courtroom*. Psychologically, one felt one was already in the grip of an atmosphere as if a riot was about to break out, to such a degree that the accused, the lawyers, and even the members of the public following the court proceedings felt the lack of tranquillity! Tranquillity is essential for people to be able to think honestly and thus discover the truth of a case.

Outside the courtroom the grubby fingers of those-in-power have also been busily suppressing the disclosure of facts and data about their own bankruptcy. The press has been forbidden to carry full coverage of the Student trials.

These actions by those-in-power have made it clear once again that they were trampling on the integrity of the courts, by violating the principle that the trial sessions would be "open to the public." Even in this courtroom it is obvious that the Judges have taken actions no less terrifying than those of those-in-power outside!

As the accused in this murky case, I was initially given the opportunity to submit questions in connection with the incoherent charges of those-in-power. I submitted 28 questions. It turns out that the Judges and the public prosecutor considered those questions as nothing more than farts, dissipating into the air without any response! With the result that at the end of these sessions I still do not know the exact thrust of the charges against me!

Is it possible to carry out an investigation when the accused does not even understand the nature of the charges against him? It is obvious, of course, that the nature of the charges is not important to this trial, since the judges themselves have never felt the need to prove the substance of those charges! The judges have never allowed either the witnesses or the accused an opportunity for a detailed analysis of the substance of the charges brought against me! It has yet to be revealed in this trial whether the alleged insulting statements were ever actually made, or whether those statements merely expressed actual facts. "Yes" and "no" are the only answers the judges and the public prosecutor want to hear. And if I or a student witness start presenting the background and facts about the dishonesty and failures of those-in-power, the judge's gavel nimbly raps the table in

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24. *Intel*--a contemptuous abbreviation of [*orang* or *petugas*] *intelijen*--is current political parlance for "spy," "informer," "agent provocateur" employed by the state.

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accompaniment to his words: "Enough . . . enough . . . no need to continue! Irrelevant!!!!!"

Not only that! It turns out even the judges feel no need to carry out their duty to question the accused. The judges have never asked about anything connected with the substance of the charges against me! The defense witnesses and expert witnesses whose names I submitted were also rejected without any explanation whatsoever!

It is evident that the Court is so certain what shape the final decision on these proceedings will take that there is no need to go to the trouble of granting the accused the proper rights to defend himself! I feel that I have been pushed into a corner, and that my rights to defend myself and prove my innocence have been trampled on.

And I felt the noose tightening further when the Court generously approved the reading aloud of statements from the Provincial Government of West Java, Kadapol Langlangbuana,[25] and the West Java Laksusda which discredited the Student movement by claiming that it disrupted security in West Java.

Judges of the Court,

After observing these court proceedings, my lawyer, Haryono Citro Subono SH, an experienced defense lawyer who has practiced for more than 20 years, said, "This is the most bitter experience of my career--never before in a case in which I acted for the defense have I seen trial proceedings as appalling as these! This trial is a complete farce!"

He is not the only one who says this trial is nothing but a farce! Many people have said so! They may be wrong, but the strong impression these trial proceedings have made on them has led them to this conclusion. Of course, those who know the truth are the Judges of the Court themselves.

If this trial is indeed a farce, what is it for? The purpose of this farce is to paint the faces of those-in-power, so that the running sores caused by their dishonesty and arbitrary actions can be covered up. They can then proclaim loudly:

The law has been upheld in this country and the exercise of the people's basic rights has been assured!!!!!

This lie will be useful to those-in-power when they beg for foreign aid! Because only countries which guarantee the people's basic rights get money from western countries.

The truth has been suppressed!

A Challenge to Uphold Justice under the Law

Judges of the Court,

Although in previous trial sessions I have never yet seen a Judge who was truly independent of outside power, I see one more opportunity for the Court to demonstrate that it takes seriously its responsibility to improve Indonesian law; the Court has one more opportunity to commit itself, together with us, to smashing

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25. Kadapol Langlangbuana = Kepala Daerah Kepolisian VIII/Langlangbuana (Chief of the Eighth ["Langlangbuana"] Police Territory), i.e., the head of the West Java provincial police.

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the arbitrary power which wants to meddle in these proceedings. This opportunity lies in the decision which the Court will hand down in this case.

That decision will show whether the Court can truly free itself from the influence of the power outside the courtroom.

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CHAPTER II

THE CHARGES AGAINST THE STUDENTS AND THE SENTENCING RECOMMENDATIONS EXPRESS THE SMALL-MINDED ARROGANCE OF THOSE-IN-POWER

The Thinking of Those-in-Power is Muddled

Judges of the Court,

After studying the charges and sentencing recommendations read aloud by the public prosecutor in his capacity as the mouthpiece in this courtroom for those-in-power, I unconsciously shook my head, rubbed my chest [in astonishment] and let these words softly escape: "how muddled the thinking of those-in-power is . . . how reckless they are . . . how narrow-minded and naive . . . !"

The first thing I came across in the prosecutor's summation[1] was a sentence which read:

> ". . . that the case presently before us is not *the case of the Indonesian Students*, but is rather the case of the accused, Heri Akhmadi, who has committed criminal acts."*

This statement is precisely what we so often hear from the mouths of those-in-power when these cases are brought to court. This assertion is not new, it is merely a refrain. And the public Prosecutor has now become a mouthpiece for it.

Why do those-in-power keep repeating this assertion? Because, so far, their efforts to corner the student leaders currently on trial and to isolate them from their friends on campus have yet to succeed. Since that is the point of making the above-mentioned assertion, until they are successful those-in-power will continue to trumpet it.

We have seen that, all along, the students have always felt that it is they [the students] who are really on trial. Likewise, the public has provided support by paying close attention to the current Indonesian Student trials. But apparently it is just this public support that has frightened those-in-power, to the point that they have tried to conceal it by saying:

> ". . . we see the crowds of spectators in the courtroom as well as outside. This is an indication of how great an interest is being taken by a certain group within society."†

Those-in-power refer to the people of all classes who flood the Student trials in every major city throughout Indonesia as *a certain group*! Evidently, the

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* *Rekwisitor* [Prosecutor's Summation], p. 1.

† *Rekwisitor*, p. 1.

1. The technical term used in the text--*rekwisitor*--derives from the Dutch legal term *requisitoir*, which means the prosecutor's summation of the evidence and recommendations for sentencing.

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stunted condition of their hearts has also blinded their eyes, so they cannot see existing realities in society.

Those-in-power try to stress that the students do not really have any public support. And they pull wool over the eyes of the public by making out that only *a certain group* takes any interest in the Student trials. If the public prosecutor persists in the opinion that "only a certain group" is taking an interest in this Student trial, I challenge him to prove it this minute! We will go out of the courtroom into the yard and street in front of the court, and we will take a close look at exactly who is following these proceedings.

Is it true that they are only the Students? Or "only officials"? Or only pedicab drivers? Are they really only a certain social group?

I dare to state with complete certainty that the public prosecutor will not have the courage to go out and prove the accuracy of his remarks, because they are merely pretexts for discrediting the students and the people who take an interest in the Student trials. Those-in-power have attempted to terrorize the spectators at the Student trials by referring to them as only "a certain social group" of no significance!

Fine, if the Public Prosecutor blinds himself [to them], I will give an account of just who is following these proceedings. Among them are: students, pedicab drivers, the unemployed, high school students, women, and various other social groups.

I once sat among them, so I know exactly who they are! Furthermore, I did not just see, I also felt their dissatisfaction when the judges began to "cut the Students off." I also heard their yells of indignation at the public prosecutor's bullying manner. And I also perceived their discontent with the course of these proceedings: some have even interjected: "This is no trial, this is a slaughterhouse! The prosecutor doesn't bring charges [against the accused], he herds [him] into the trap!"[2] Not only that, many others are also of the opinion that this trial is nothing but a farce to demonstrate that the students are in the wrong and those-in-power are the ones in the right!

That is what I have seen and felt for myself!

The public and the students obviously have not been taken in; they still believe that these are trials of the Students. If those-in-power were to be frank and if their thoughts were not muddled, even they would surely say just what the public says: that these trials are trials of the Students' cases!

Why do I dare say this?

Those-in-power are certainly aware that the people currently on trial are student leaders who were democratically elected by the students to run the organizations which represent their interests. Thus, those individual student leaders have been legitimately charged with the task of representing student interests.

As general chairman of the ITB[3] Student Council, I am the legitimate representative of all the students of the ITB. Lukman Hakim is the legitimate representative of the UI students.[4] Hudori Hamid legitimately represents all the students

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2. The image is of the abattoir, where animals are driven through a series of carefully arranged pens to their place of execution.

3. ITB = Institut Teknologi Bandung (Bandung Institute of Technology).

4. UI = Universitas Indonesia (University of Indonesia).

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of IKIP Jakarta![5] Harun Al Rasy the ITS students,[6] Jose Rizal USU,[7] and so forth. . . . The 30 student leaders from throughout Indonesia who are now on trial are in fact the legitimate representatives of students throughout Indonesia!

And this conclusion of mine has been convincingly proved by the fact that not a single piece of evidence or testimony in this trial has pointed to actions taken by me in a personal capacity. We have seen such evidence as: the Indonesian Students' Manifesto, the White Book, the Students' Declaration of Position,[8] and so forth . . . clearly none of which are personal actions, but are rather actions taken by institutions. Furthermore, these pieces of evidence were simply confiscated, and were not specifically designated for the personal case of Heri Akhmadi.

The witnesses produced by the public prosecutor did not mention any actions taken by Heri Akhmadi. The student witnesses mentioned actions taken by the General Chairman of the ITB Student Council, Heri Akhmadi, while, in their testimony, the *oknum*[9] witnesses Mukardanu and Akip Renatin only mentioned student *aksi*,[10] Student Council/Student Senate meetings, street aksi by the students, and so forth, without once bringing up my name. Likewise, none of the statements from the West Java Laksusda, Kodam Langlangbuana and Pemda[11] ever made any mention of Heri Akhmadi.

By referring to the trials of approximately 30 students now in progress as Trials of *Student Elements* who have committed criminal acts, those-in-power have simply demonstrated how muddled their thinking is.

These stunted men in power, personified in this room by the public prosecutor, because they are afraid to look at the reflection of their evil faces, have chosen to blind their eyes and deafen their ears. They [may] escape that reflection through fear, but they will not escape God's wrath and curse, because they have betrayed truth and the people's trust in them. Even though those-in-power put on a fierce face, their hearts are full of doubt because they are constantly haunted by the demon of greed, and their consciences are constantly whispering: "Choose the truth . . . choose the truth, painful though it may be for you!!!"

Conscience-Awakening Advice for the Public Prosecutor

Judges of the Court,

Before discussing the prosecutor's summation further, I would first like to explain why I always refer to the public prosecutor as the personification of those-

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5. IKIP = Institut Perguruan dan Ilmu Pendidikan (Teachers' Training Institute).

6. ITS = Institut Teknik Surabaya (Surabaya Technical Institute).

7. USU = Universitas Sumatera Utara (University of North Sumatra).

8. For translations into English of these texts, see *Indonesia*, 25 (April 1978), pp. 151-82.

9. *Oknum* (lit. element) has acquired the political connotations of "hireling" or "agent."

10. *Aksi* (from the Dutch *actie*) is the historic term, dating from the periods of the nationalist movement and the Revolution, for popular demonstrations or mass political manifestations.

11. Kodam Langlangbuana is an error for Kadapol Langlangbuana. See above at Ch. 1, n. 25.

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in-power in this trial. The attitudes and actions of the public prosecutor himself are the reasons.

When we read the statements of charges submitted by public prosecutors in student trials throughout Indonesia it is apparent that: these statements of charges have been mass produced! The laws and articles cited (in them) are, in general, exactly the same! Those-in-power decided in Jakarta the format of the charges, as well as the laws and articles they wanted cited, without paying any particular attention to the evidence or even the actions taken. In this trial, therefore, the public prosecutor is in fact only carrying out wishes of those-in-power which have been specified from the top. The same thing has happened with the evidence. Pieces of evidence have been treated like wholesale goods; no specific connection can be shown between the evidence and the individuals accused.

The prosecutor's summation was also obviously mass-produced!! I have already matched the contents of the charges against me with [those of] the charges against others involved in student cases in Bandung, it turns out that the format and basic legal citations are identical, including the empty space marked by rows of dots in the list of sentencing recommendations.

I have my own story about these blanks in the list of sentencing recommendations, based on the confession of one of the prosecutors themselves. When the Prosecutors are not convinced that the existing results of an investigation have shown the accused to be guilty but the "boss" [*sic*--in English] has already said that the accused must be sentenced they leave the list of sentencing recommendations blank and hand it over to the "boss" [*sic*] to fill in. That way it is as though they are free of their responsibilities as public prosecutors. But I am certain that in reality they will not escape their responsibilities; indeed, they must bear an extra burden of sin for having betrayed the basic meaning of their task as upholders of the law.

Thus, the public prosecutor has in fact not acted as an "upholder of the law" who properly bases his work solely on his convictions and his sense of what is just. The public prosecutor has acted not on the basis of his own convictions and his sense of what is just, but instead has simply obeyed the orders of his superiors; [he] has just obeyed the orders of those in power! Therefore, outsiders can come to no other conclusion than this: the public prosecutor is nothing but a henchman of those-in-power. The public prosecutor is merely the personification in this courtroom of those in power! The public prosecutor is nothing more than an emanation of those in power!

Judges of the Court,

Permit me to give the public prosecutor some advice before the dark mist completely blinds his conscience. Permit me to make some remarks which may be able to arouse his consciousness before a cruel calamity hurls him into the eternal suffering of bitter regret, so that he will have a chance to become aware of the wrongness of his attitudes and actions.

Mr. Public Prosecutor,

Loyalty to superiors and to those-in-power is not the highest loyalty we must render, since as an upholder of the law you have a duty first and foremost to be loyal both to your convictions and to a sense of what is just, for their own sakes. Loyalty to those-in-power comes after loyalty to your own convictions regarding justice under the law. If at some point your superiors or those-in-power demand loyalty beyond your convictions and your sense of what is just, do not think twice about choosing loyalty to your convictions and your sense of what is just.

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Of course, opposing the wishes of superiors or of those-in-power is not done lightly, because promotions, "judicial conduct," and opportunities to obtain "juicy" positions or other *obyekan*[12] which in the end will determine your livelihood are involved. Nevertheless, keep in mind, man does not live by bread alone, and still less does he do so by ignoring ethical concerns and human integrity. Goats are the same as human beings in their need for food, but they are different in the manner in which they obtain it. Goats have no sense of ethics or integrity. That is what distinguishes human beings from goats! The task of upholders of the law is clearly based on an ethos, reflected in the oath of office, in moral integrity, as reflected in the Nation's ideals, convictions, and sense of what is just, especially since the task involves matters of life and death. Therefore, the task of the upholders of the law has to be safeguarded by [a] strict professional [code of] ethics and must be carried out with unimpeachable integrity.

The task of the upholders of the law clearly cannot be regarded as just another way to make a living. This task carries with it a great responsibility both to society and to God. Therefore, I advise you, difficult though it may be, to oppose the wishes of your superiors and those-in-power when their wishes conflict with your convictions and your sense of what is just. If in so doing you are dismissed from the OPP, there are many other jobs you could find and that way you will be safe from society's revenge and God's punishment. Surely you do not want society to say: "upholders of the law who trade in justice are worse than a goat!"

Mr. Public Prosecutor,

Now is the time for you to reconsider and reflect on whether you feel that, all along, when you formulated the charges, conducted the investigation, and made your sentencing recommendations, it was all based purely on your convictions and your sense of what is just. Are you certain there is sufficient evidence and testimony to justify recommending a sentence of 9 years--just think, 9 years! Nine years is not a short period of time. Measured in terms of human age, a 9-year-old child is already in the third grade, and 9 years is approximately 1/5 of the average Indonesian lifespan! Mr. Public Prosecutor, imagine how much suffering will accumulate during that time as a result of your recommendation! The cost will be far too high if you have made that recommendation not on the basis of conviction, but only because you want a good "judicial conduct" [record] or a continuing livelihood for your family! The cost of the benefits you receive will be too high in comparison with the suffering of the person who is sentenced and of his family while he is in prison, in addition to God's later retribution--torment in the world hereafter.

Imagining myself in prison for 9 years naturally is not pleasant. But imagining the torment God inflicts on people who buy and sell, prostitute, and betray their convictions and their sense of what is just is far more terrifying to me!

Don't think that by following all the wishes of superiors and those-in-power you have served the State.

It is still not too late, you can still withdraw the sentencing recommendation after I have read this defense! With that in mind, in this defense I will explain where you have made mistakes as well as present the real facts; in this way I hope I can open your heart and mind.

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12. *Obyek(an)* means, more or less, "side-line business." It has neutral connotations when applied to private businessmen, but negative ones when applied to officials, as here, since they are not supposed to use their offices to make profits on the side.

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The Basis for Charges by Those-in-Power Is: A Difference of Opinion

Judges of the Court,

Those-in-power have posed a confusing riddle with their charges and sentencing recommendations against the students, a riddle which many people have no idea how to solve!

Those-in-power have accused the students of insulting the Head of State and the Public power,[13] with the aggravating charge that these actions have also obstructed the government's security program to so great an extent that the students could receive the *Death Penalty*.

Why are those-in-power seeing red like this?

As they were doing their insulting, were the students also plotting to replace the 1945 Constitution or a legitimate government?

Were the students plotting with 1,000 battalions of soldiers to overthrow the Suharto regime???

Were the students purchasing a million guns and a thousand tons of grenades [in order] to storm Jakarta and topple Suharto from his Presidential seat?

Not at all!! Not at all!!

The idea of forming a conspiracy to overthrow Suharto by force of arms never occurred to the students! Even less did it occur to them to insult Suharto, who happens to be the president.

Not, not only were they not being insulting, on the contrary, the students desire a public life truly inspired by the Pancasila and the 1945 Constitution.

The people who think the only objective of the student movement is to insult the President, the Vice-President or the assemblies of public power[14] are too petty-minded! Such a charge is much too degrading to the students!

Then why are the students on trial?

If we examine the contents of the charges and sentencing recommendation read aloud by the public prosecutor before this court, we will come to one conclusion, that this trial is a trial of a difference of opinion. That is, a trial of the difference between the students' point of view and that of the New Order Regime which happens to be in power.

Let us look at the history of this case.

This trial came about because the students carried out "aksi-aksi" and various other efforts in order to demand improvement in public life today! The students composed the Students' Manifesto, which stated that public life must be inspired by the Pancasila and the 1945 Constitution and requested that the People's Consultative Assembly call a special session to ask for an accounting from the President. Next, the students also composed the Declaration of Position and the White Book, which stated that the upbuilding strategy is wrong and that the national leadership has failed.

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13. The exact meaning of *kekuasaan Umum* (so capitalized) is not clear.

14. Here *kekuasaan umum* appears lower case.

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If we look at them carefully, we will see that all of these sprang from a perspective based on the students' consideration and examination of existing conditions. If the students state that we are now in a state of collapse, that their government is corrupt and the people are increasingly poverty-stricken, that statement springs from careful examination of the social conditions they see.

Judges of the Court,

Through the half-muzzled newspapers, through the government-owned television network, and through the [government-controlled] Radio, the government announces as loudly as possible--that upbuilding oriented towards economic growth is close to success. The people have gotten access to cheap housing, to transistor radios, the people have been able to buy motorcycles, multi-storied buildings have gone up everywhere, Parliament has been transformed into a building with wall-to-wall carpeting, the President's office has acquired color television, and so forth. It declares that, after 15 years of upbuilding carried out by the New Order, it has been possible to lift the Indonesian people from the abyss of poverty, leaving only 3 out of 10 Indonesians impoverished.

The government always trumpets that foreigners' trust in us has increased, that this is proven by the amount of aid flowing into our country and by the foreign leaders' great desire to invest in Indonesia.

The people should not fear starvation, our rice supplies are adequate and we have successfully exported our domestically-produced goods in order to meet the people's basic needs. And if some of our brothers and sisters die, it is not due to starvation, but instead is thought to be due to not having enough to eat, or thought to be due to a lack of vitamins and a million upbuilding slogans which resound like a *dangdut* song!![15]

Hearing such things, the students, who have some knowledge and who do not want to see our society intoxicated by upbuilding incantations which only give rise to illusions, have begun to speak out. We speak about the way things are, we speak about what we feel, what we see, what we witness. We do all this because we want all of the people to know what the nation really faces, so they can be awakened from pleasant dreams, awakened from the lulling of pleasant dreams, to see life's true countenance.

We have only stated that there is restlessness today.

We have only stated that the available data show that changes in income distribution are increasingly badly skewed! The top social stratum receives twice its share of income, while the bottom 20% receives only half of its share. In the major cities incomes are skewed, and a yawning chasm separates the rich and the poor.

We have only pointed out to the people that there is a lot of data indicating that the nation is on the brink of destruction!

We have only stated that after 13 years of the New Order being in power we cannot deny the existence of conditions which are intolerable.

Among other things, we cannot deny [the fact] that, for too long now, elements in power have treated Indonesia, the nation's wealth, our country's resources, as their own personal possessions.

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15. *Dangdut* is the onomatopoeic name for a loud, rhythmically-insistent style of popular music created in the 1970s. In many ways, it is simply a jazzed-up adaptation of the old "Batavian" (Jakartan) *orkes Melayu*.

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Budiaji in Bulog, Ibnu Sutowo in Pertamina,[16] police elements who have siphoned off as much as 6 billion rupiah[17] from the police budget, illegal levies large and small, all of these are realities which no one can deny, as indeed is attested to by the very existence of *opstib*!![18]

We have only stated that to this day the face of our law is not as it should be, it is still smeared and dirtied, and the law for those-in-power is not the same as the law to which the weak are subject.

We have only stated that today Parliament is paralyzed, since it never controls the powers-that-be.

The Political Parties' primary concern is not genuine political representation, they are more afraid of those-in-power than they are of the people. They cannot provide a channel for political aspirations, they are nothing more than instruments of those-in-power.

We have only cried out, hunt down... ...prosecute...lay bare the wealth of officials!

And we say we have one demand, namely, improved administration, which can only be achieved through an open presidential election.

We only want a wise national leader, one who will not pursue his own interests and those of his clique.

Is this wrong?

Is such a difference of opinion not permitted in this supposedly democratic country?

Thus, the New Order Regime has posed a riddle in this trial by presenting a *difference of opinion* as a *criminal act*.

Can this court try a difference of opinion, which is a basic right of every citizen in a democratic country?

That is the same as asking: can this court make a criminal of a person who exercises his rights?

Of course not!

The Judges' and Public Prosecutor's Way of Thinking Threatens the Survival of the State

Judges of the Court,

Not only can the sentence demanded by the New Order regime read out by the Public Prosecutor not be justified on the basis of our political way of life, but the

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16. Lt. Gen. Dr. Ibnu Sutowo, the notorious long-term head of the state oil and gas corporation Pertamina, finally fell from a position of untrammelled power and corruption when Pertamina went bankrupt in 1975 with approximately $10,500,000,000 in debts.

17. The reference is to the case of Police General Siswadji. Prior to the devaluation of November 15, 1978, Rp. 6,000,000,000 was worth about $14,460,000; thereafter, about $9,630,000.

18. *Opstib* = Operasi Tertib (Operation Discipline), a highly publicized, scattershot anti-corruption campaign launched by Kopkamtib after the 1977 elections.

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manner in which it was drawn up in this trial does not comply with standing legal regulations. In other words, it cannot be justified from a juridical point of view.

The charges are not only a confused jumble (obscure libel),[19] they also have no basis of legitimacy grounded in our society's convictions and sense of what is just.

If we study the matter it becomes clear that the judges and the Public Prosecutor all embrace legal positivism,[20] meaning that they all cling to positive law, which they claim is still operative. The judges and the Public Prosecutor are wedded to a rigid view of the positive law [currently] in force.

They do not want to know whether the spirit of the articles they cite are in conflict with the spirit of the 1945 Constitution, Pancasila, and with our *semangat* of freedom[21] as a nation. They don't care whether the spirit of the standing positive law used against us is no longer in keeping with the spirit of these times, now that Indonesia is independent and no longer the colony of a white nation (The Netherlands)...

Judges of the Court,

Nevertheless, as a human being, as a citizen of a democratic country, the Republic of Indonesia, and as a student, I must have a democratic attitude, which means I must respect and defend the right of others to hold differing opinions and beliefs in keeping with their capacities and convictions.

Likewise, I am obliged to respect and, if necessary, fight for the right of the Court and the Public Prosecutor to embrace legal positivism, for whatever reason they do so. But I just want to show them that [adherence to] the positivist school of thought obliges them to abide by the consequences.

If the positive law is rigidly adhered to, with no consideration of its relevance to the spirit of the times, then we must dare to state that the 1945 Constitution is no longer operative in this country. The People's Consultative Assembly is not legitimate and is inconstitutional. Parliament is not legitimate and is inconstitutional. The Public Prosecutor is not a legitimate official, and neither are the Judges. Why?

How do I dare to come to this conclusion??

Simply by following the Public Prosecutor's and the Judges' logic and convictions. Simply by following their logic and tying it to an historic event which took place in our beloved republic.

On July 5, 1959, an Indonesian citizen named Sukarno, who happened to occupy the office of President of the Republic of Indonesia at the time, reimposed the 1945 Constitution by decree.

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19. The English words *obscure libel* appear in parentheses in the Indonesian text as a gloss on *kacau* (confused).

20. Here "positivism" should be understood in the narrow sense of a legal philosophy holding that law originates in man-made custom or the will of the community, as opposed to philosophies which see law as ultimately of divine provenance.

21. These are the great symbols of the Revolution: (1) the Constitution adopted in August 1945; (2) Sukarno's epochal formulation of the new state's philosophy (Belief in One God, Nationalism, Humanitarianism, Popular Sovereignty, and Social Justice) in June 1945; and the *semangat* (fiery spirit) which inspired the independence movement.

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Yet the source of the positive law in force at that time was the provisional Constitution of the Republic of Indonesia. The 1950 Constitution was the positive law which all citizens of the Republic of Indonesia had to obey, including Sukarno.

Not a single article in the 1950 Constitution entitled anyone, including Sukarno, even though he was President at the time, to issue that decree. Sukarno was not entitled high-handedly to abolish the positive law which was then in force, whatever the justification offered.

Therefore, in keeping with the positivist school of thought, in keeping with the Prosecutor's and the Judges' logic, in keeping with positive law, Sukarno's action was illegal and unconstitutional, which means it was legally null and void. And this means that, according to jurisprudence, all legal consequences of actions which are not themselves valid are also legally null and void.

Therefore all laws, all regulations, in short all actions based on the Decree of July 5, 1959, are invalid.

The government formed [on the basis of] the Decree of July 5, 1959 was not legitimate, so the administration which Sukarno formed was not legitimate, and if the Public Prosecutor was appointed by Sukarno's government in 1959, then that appointment was not legitimate. The same applies to the judges' appointments.

And therefore up till now, according to positive law, it is the 1950 Constitution which is legally operative and must be obeyed, and not the 1945 Constitution. Thus we are now in a situation where, according to positive law, we should be taken to court as violating positive law!!

The People's Consultative Assembly is not legitimate, Parliament is not legitimate, Supersemar[22] is not legitimate, the decisions of the People's Consultative Assembly have no legal basis, and this means that Suharto is not legitimately President of the Republic of Indonesia.

If we follow and believe in the Public Prosecutor's and the Judges' logic, we must drag a citizen of the Republic of Indonesia named Suharto into court, since his actions are not legitimate according to positive law, in that he claims to be President of the Republic of Indonesia.

If we accept the Public Prosecutor's and the Judges' logic, it follows that the present government is not legitimate, the People's Consultative Assembly is not legitimate, Parliament is not legitimate, the elections are not legitimate; and the question arises as to whom the Public Prosecutor represents.

He represents a government which is not legitimate, which means he is plotting with Suharto in a conspiracy against the legitimate government, that is, a government based on the 1950 Constitution...

The same applies to the Judges who are trying my case. The basic law on judicial authority came into being after the Decree of July 5, and so is not legitimate, with the result that the courts of the Republic of Indonesia are not legitimate, including this District Court of Bandung!!!

Judges of the Court,

And yet what do we see in day-to-day life???

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22. Supersemar is an acronym for Surat Perintah Sebelas Maret (Order of March 11 [, 1966]), the document President Sukarno was forced to sign on that date effectively transferring supreme power to General Suharto.

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Obviously what has actually happened is nothing of the kind. The adherents of positive law, including the Public Prosecutor and the Judges themselves, have not contested the Decree of July 5, 1959. Why not???

Simply because that decree was not in conflict with the intent and spirit of the Proclamation of Independence of the Republic of Indonesia, for which thousands of Indonesia's best sons and daughters gave up their lives.

This proves that the Public Prosecutor and the Judges do not behave consistently with their own standpoints.

This proves that positive law cannot be rigidly followed, with no regard for the spirit of the times and for society's wishes.

This proves that the spirit of independence is one fountainhead of law in this country. It is the Proclamation of August 17, 1945 which is the source of the law that animates the spirit of the times, not the rigid views of the adherents of legal positivism!!!

My question now is whether the court will continue to maintain its rigid and narrow-minded positivism?

Is the court still bound and determined to uphold the positive law which came into being as a product of colonialism and which the Public Prosecutor is using to recommend a 9-year sentence for me--all of which is in conflict with the spirit of our independence?

Only the Court itself knows the answer!

Yet I am certain that even the judges once, as youngsters, listened to stories about how the entire Indonesian people made sacrifices for the Proclamation of August 17 [1945]. Therefore, the judges should be sons of Indonesia with Indonesian souls, with a spirit to remain always free, not sons of Indonesia with a colonial spirit who want colonialism to be resurrected from its grave...

And I also believe the judges have consciences!!!

Therefore they should sit before this baize-topped table, beneath the symbol of justice's shelter,[23] with the purpose of discovering the truth, not of seeking pretexts to punish me as severely as possible, and not of searching for all [possible] pretexts and means to throw me into prison for 9 years!!

The Suppression of Differences of Opinion is a Characteristic of Dictatorial Governments

Judges of the Court,

In a democratic society the expression of differences of opinion is a normal phenomenon and indeed constitutes the true blessing of a democracy.

In fact, long ago the leaders of the Republic of Indonesia acted on their awareness [of the importance of] maintaining a climate in which people can hold differing opinions without provoking physical conflict. In a declaration from the government

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23. *Pengayoman* literally means "shelter," and reflects an old image of kingly benevolence. In ancient times, Javanese kings were supposed to dispense personal justice to their subjects under the shade of the majestic banyan trees planted in front of royal palaces.

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of the Republic of Indonesia to the entire People dated October 27, 1945, Sukarno and Hatta proclaimed:

a. Unity will be reinforced by respect for differences in outlook among ourselves, and accordingly we will strengthen the spirit of Popular Sovereignty.

b. Differences in outlook may not give cause for one group to arrest and detain its opponents in an unknown location, because this could cause dissension among us and might provoke civil war.*

The democratic road is a road full of struggles arising from the variety of differing opinions, but it is the road that will be able to protect all of us from violence and physical conflict. In the history of human culture, this route has been considered the best means of establishing a system of power and government while leaving armed violence and the high-handedness of those-in-power far behind.

Among more civilized peoples, the use of physical means to prevail in political competition has been abandoned. The use of tribal warfare to seize leadership, [common] among primitive peoples, has been left behind. The use of weapons to seize a political victory, typical among fascists, is now considered uncivilized.

Maintaining political power by detaining and imprisoning opponents is likewise now considered uncivilized!

Democratic life is always characterized by the presence of differences of opinion and by the avoidance of violence and physical conflict. It is marked by the use of reason to resolve differences in perspective and by the shunning of violence and physical coercion. According to Sumiskum, former Vice-Chairman of the MPR/Parliament, a satisfactory political atmosphere in a democratic society is characterized by:

> ...people daring to express differences of opinion without relying on physical force, because, if that is the only basis on which differences are expressed, then those with physical strength will decide everything. And if [those with] physical strength clash with one another, anarchy is the only possible result!
>
> ...If we want to create a healthy democratic life in a Pancasila nation, we must aim toward that goal...aim toward that goal which is having the courage to express differences of opinion.†

The presence of differences of opinion between those-in-power and the students over the condition of our country and our state life as a result of the upbuilding which has been promoted for the last 10 years must be regarded as a natural phenomenon in a democratic society.

When those-in-power turn out to be making arrests willy-nilly, beating people up and prosecuting people in the courts [because of] these differences of opinion, they clearly will merely be unmasking themselves by claiming to be democratic when in fact they are acting like authoritarian dictators!!

Why is it wrong for the students to hold the opinion that:

> "So far the upbuilding strategy has failed to bring prosperity to the masses, and instead has caused many imbalances and much restlessness in

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* *Makloemat Pemerintah Repoeblik Indonesia kepada Seloeroeh Rakjat*, October 27, 1945.

† Sumiskum, "Pembangunan Demokrasi Memang agak jauh tertinggal," *Kompas*, May 18, 1979.

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society. This has happened because the upbuilding strategy is in fact wrong!"

Why is it wrong for the students to hold the opinion that:

"The national leadership has failed to carry out the GBHN[24] in the framework of national upbuilding?"

This is not out of line with the norms of democratic life, because these opinions are all adequately backed up with facts and have been formulated with consistent reasoning on the basis of belief in our national ideals as contained in the Pancasila and the 1945 Constitution. In a democratic environment, differing evaluations and opinions obviously cannot be 'criminalized' as: insults! It would be another matter in the context of a colonial society.

Judges of the Court,

There is something seriously amiss in the way those-in-power see themselves as the wielders of State Administrative power in the manner laid down in the 1945 Constitution.*

A colonial perspective and way of thinking shape their conception of administrative power in a free, democratic state in such a way that what they really see and think of is simply: the image of the Dutch colonialist who could order Indonesia's inhabitants around in any way he liked, without having to bear any moral responsibility for their sufferings.

Those-in-power don't feel any need to guarantee the exercise of democratic rights in order to conduct the affairs of Government. They only feel the need to give orders. And unfortunately, because they think along the same lines as [the authorities of] a colonial government, their actions are quite similar as well.

The actions of the New Order Regime are like those of the colonialists, or of fascist regimes, or of authoritarian dictators or of communists, who always oppress people with opinions different from their own. Fascist regimes arrest those of the people who criticize them, lock them up in prison cells, and if necessary banish them to forced labor camps. Communists do the same; in fact, communists do not hesitate to kill political opponents they consider dangerous!

What befell the Indonesian students in early 1978 is one example of the suppression of differences of opinion!

The way the New Order Regime has resolved its differences of opinion with the students is truly shameful and degrading to the nation. Instead of exhibiting the openmindedness of someone wise, instead of displaying the tolerance of someone with integrity, the power-hungry authorities have displayed brutality and blackheartedness.[25]

On January 20, 1978, a massive roundup of student leaders was conducted throughout Indonesia. During the First Roundup more than 100 leaders from Student Councils and Student Senates across the country were arrested.

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* *UUD* [Undang-undang Dasar] *1945*, Bab pasal . [Blanks in the original.]

24. GBHN = Garis Besar Haluan Negara, Broad Outline(s) of State Policy.

25. This old-fashioned word seems best to fit the Indonesian *keangkaramurkaan*, which is also a bit old-fashioned, and covers the whole range of evil desires--anger, greed, hatred, envy, lust, and so forth.

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They were confined in prison "cages" in army barracks! Several of them had the pleasure of experiencing vicious beatings at the hands of intel types and to electric shocks which were used as instruments of torture during interrogation!!

On January 20, 1978, almost all of the leading newspapers in the capital were muzzled as well!! These newspapers, like all Indonesians who still love this country, had been very sympathetic to the student movement. This was because the issues to which the students were calling attention naturally concerned the entire Indonesian people, and because the students were actually only one group [of many] in Indonesian society who were restless over the deterioration in the condition of the country and in state life!

Newspapers which try honestly to present the facts about social conditions will undoubtedly discover the truth: that our beloved Indonesia is on the threshhold of destruction!!! But as far as the New Order Regime was concerned, newspapers which attempted such honesty were provoking unrest and were therefore muzzled!! Suppressed or shut down on the spot!!

January 20, 1978 was a dark day for our democracy!! A day which symbolized the gradual fading of the hopes and ideals of independence written 33 years ago with the blood of the nation's finest sons!! An ill-fated day for the people because of the betrayal of their independence!! A day darkened by the brutality of Those-in-Power! A day which reawakened the people's memories of their harsh oppression under the Dutch colonialists!! A day which made Indonesians feel they had returned to the dark world of colonialism--no longer the colonialism of foreigners but, instead, that of a small group of their own people!!

And the brutality of those-in-power didn't stop there!! Instead it raged more and more wildly in the following days, with the single aim of ensuring Suharto's reelection as President!!

In February 1979 almost all of the major campuses throughout Indonesia were occupied by army units. In Jakarta, in Bandung, in Medan, Jogyakarta, Surabaya, Palembang...not only was violence used during the Occupation of the Campuses but hundreds of Students were arrested as well.

The occupation of the campuses, something which the Old Order Regime never did even once, has deeply hurt the members of campus society, and not just because they feel that "academic freedom," which is one of the strongholds of democracy, has been trampled on by those-in-power.

The Occupation of the Campuses--
A Tragedy for Our Democracy

Judges of the Court,

To give you an idea of how cruelly and ruthlessly the New Order Regime occupied the Campuses in early 1978, simply to silence differing opinions held on the campuses on the leadership of Suharto and his cronies, I will describe an incident which took place nearby, namely, the occupation of the ITB campus. The ITB campus is just one out of dozens of campuses throughout Indonesia which suffered a similar fate.

On February 9, 1978, one day after the ITB students and other Bandung students held a "night of reflection" during which they tried to assess the purity of their hearts and minds, the ITB campus was suddenly reoccupied by army units. This attack to occupy the campus for the second time was conducted, in contrast

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to the first, in a brutal fashion, with the troops shouting abuse as they entered the campus. In contrast to the first one, this attack claimed casualties--students who were wounded and had to be taken to the hospital after being trampled on and beaten with rifle butts.

The way they entered the ITB campus was not the way members of the government apparatus are supposed to treat their citizens. It was not the way a civilized nation is supposed to respect its citizens' rights! Indeed, it more closely resembled a Mafia-style smash-and-grab raid!! It was more like the actions of the Dutch when they destroyed the crops of the Moluccan people during the Hongi expeditions!![26]

Professor Dr. Iskandar Alisyahbana, the Rector of ITB and thus the highest-ranking person in authority, was not informed of the attack; indeed he was "trapped" in the Kodam Headquarters so he would not know what was going on. Later they even claimed that the attack on and occupation of the ITB Campus, or, in their words, "the physical support for the ITB rector," was carried out at his request. At around 2:00 p.m., while the Rector was at the Kodam Headquarters, the ITB Campus was surrounded and attacked from various directions by approximately 12 truckloads of armed troops from a variety of army units, including Kujang I, Kostrad, Kopasandha, CPM, Infanteri AD and so on.[27] These troops were lined up in rows 10 meters in front of the students, who had been herded together on the basketball court, with their rifles pointed at them. They moved in on the students, who were sitting in a group, with firm strides, closer and closer...and trampled on the women students in the front row with their jackboots, beat them with rifle butts, and dragged several of them along by the hair. The same thing happened to the men students. So chaotic and tumultuous was the atmosphere!

More than a few ITB students were wounded that day, and several even had to stay in the Hospital for some time. Some of them had broken wrists, cheeks slashed by bayonets, and other wounds. The two who were in the Hospital longest were Sdr. Budi Santoso and Peter Simanjuntak.

After things had calmed down for a moment, the teaching staff and functionaries[28] who had previously been herded together on the soccer field were allowed

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26. A reference to the infamous *hongitochten* of the seventeenth century: naval expeditions launched by the Dutch and their native allies to destroy all those clove and nutmeg trees in the areas of the Moluccas which were not under Dutch East India Company monopoly control. These raids, aimed at keeping spice prices high by restricting their supply, caused immense suffering and impoverishment to the Moluccans.

27. A rather confused and confusing list. Kujang I is an elite airborne battalion which is administratively part of the Siliwangi Division of West Java, but controlled operationally by Kostrad (Komando Strategis Angkatan Darat, Army Strategic Command), the army's strategic strike force. Kopasandha--usually Kopassandha--is the Komando Pasukan Sandhi Yudha ("Secret War" Units Command), the army's crack paratroop command, operationally controlled by Kostrad. CPM (Corps Polisi Militer, Military Police Corps) is a now obsolete term for Pomad (Polisi Angkatan Darat, Army Police). Infanteri AD simply means Army Infantry. In effect, the list is a rather random jumble of military units of differing sizes, training, and responsibilities.

28. *Karyawan* is a term whose connotations are difficult to convey. It was popularized by rightwing military elements running Indonesia's state enterprises in the

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to go home. Several faculty members who had been able to see the cruel treatment of their students wept, and there were even some soldiers who wept as well. We are fully aware that they were simply rank-and-file soldiers who had to carry out their superiors' orders, without realizing that several small, power-hungry cliques of their leaders in the upper ranks were exploiting them.

After that came the sound of glass being broken. The rooms in the Student Center[29] were smashed up and ransacked. Documents, papers, typewriters, radios, photocopy equipment, telephones and lots of other things were carried off. Later, following that incident, dozens of students were arrested.

Judges of the Court,

No matter what justification is offered, incidents like this cannot possibly be sanctioned by common sense and existing law. This is the first time such incidents have occurred in Indonesia, at the same time demonstrating to us the extent to which citizens' rights have been trampled on in this country. The only explanation of these events which makes sense is that all were carried out by those-in-power, among whom President Suharto is the highest-ranking person responsible, in order to safeguard their power by exploiting the instruments of state. The rank-and-file soldiers of the Armed Forces, who traditionally are born and brought up as children of the people,[30] have been sent to confront other children of the people, namely, students and faculty members. These actions taken at that time by the government and Armed Forces leadership (General Panggabean[31]) are truly heartbreaking, not just for the students and faculty members but also for the rank-and-file soldiers of the Armed Forces, who love the people. The new Armed Forces leadership[32] has since acknowledged these errors by proclaiming that "the Armed Forces are one with the People."

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early 1960s in an attempt to counter communist propaganda on class struggle. Karyawan ("functionary") was supposed to cover everyone, from the poorest worker to the topmost executives, and implied that no essential conflicts existed between them: all shared common goals and loyalties. After 1965, the karyawan concept became state doctrine. Like so many other official euphemisms, karyawan has become subject to Boyle's Law. One can be fairly certain here that karyawan refers to typists and janitors, not least because "karyawan" are distinguished from--and placed after--"teaching staff."

29. The American words "Student Center" appear untranslated in the Indonesian text, a small but telling sign of American influence in contemporary Indonesian universities.

30. Here *anak rakyat* has two referents. First, it recalls the historical reality that the rank-and-file of the huge variety of military and paramilitary formations of the Revolution were recruited from the "masses." Second, it refers to a long-standing theme of Indonesian military propaganda: that the military (all of them) were "born of the people" and were their prime representatives during the Revolution and after. So powerful is this ideological legacy that even today the many senior Indonesian officers who actually come from "feudal" families never boast of it in public, indeed even cloak themselves in the guise of being "anak rakyat," for purposes of political legitimacy.

31. General Maradean Panggabean, Protestant Batak and confidant of Suharto, was then Minister of Defense and Security.

32. The reference is to the appointment of the Islamic Buginese General Andi Mohammad Yusuf as Panggabean's replacement on April 17, 1978. During his early

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Thus, the student movement, as the force of the younger generation with knowledge and common sense, was crushed in a terrifying manner at the beginning of 1978. Their leaders were arrested, their organizations were frozen and their campuses were occupied!

These events have been calamitous for democratic life in our country!

It is the students who should really be dragging those-in-power into court, for committing criminal acts of violence, torture, looting and trampling on the rights of the people!

Looting of and Tampering with the Evidence

Judges of the Court,

During the attack on and occupation of the ITB Campus, the henchmen of those-in-power "looted" the evidence which was later presented during these proceedings. I say "looted" because, of course, this evidence was taken from its owners in an illegal manner, one which could more appropriately be termed *looting* than confiscation!

Usually confiscation is conducted in front of the person who owns the things [in question], but not the one carried out this time by the henchmen of those-in-power! On the contrary, the owners of these things were driven away, the place was turned upside down, and only then were the things taken. Then they just went ahead and made up what they called a "Confiscation Inventory" without any signatures or validation from the owners of the things. Is this what is known as confiscation?! Does the law actually provide for such a method of confiscation?

No!

Obtaining evidence in such a manner is clearly against the law! For that reason this same evidence must be declared invalid!

What really took place was *Looting*!

So what the Public Prosecutor should do is just change the "Confiscation Inventories" dated February 9 and 14, 1979 which have been submitted during this trial, to "Looting Inventories." That would be more accurate and more honest!

Not only that, Judges of the Court,

It turns out that not all of the things looted are accounted for in what they call the "Confiscation Inventories"; the vast majority of things belonging to the family of ITB students which vanished during the attack on and occupation of the ITB Campus are actually not included in the list and no one knows where they have gone! Most of the things taken from the ITB Campus simply disappeared and whether they have been swallowed up by demons or cockroaches or whether they have been stolen by the henchmen of those-in-power, who can say? It is still a mystery to the students!

But do demons really gobble up guitars, telephones, typewriters or radio-cassette players?! I'm certain that the demons who are interested in such things

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days in office, Yusuf made a number of pointed efforts to disassociate himself from his predecessor: so much so that Panggabean felt humiliated enough to write in protest to the Jakarta press.

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are fake demons, in other words, demons with black hair![33]

Or are there cockroaches who have use for raincoats, jackets, amplifiers, mattresses and camp beds, stencil machines or cameras? *Masya Allah*[34]...cockroaches who are interested in these things are not just any old cockroaches! At the very least they are cockroaches who have had some acquaintance with money and schooling!

Then, where did that much loot disappear to?

Judges of the Court,

During the court session of April 12, 1979 I turned over a list of the things which "vanished" from the ITB Campus during the attack and occupation, at the time when the Public Prosecutor obtained what he calls evidence--evidence such as has been submitted during this session. All together, the things on that list are worth several million rupiah. However, it is not their value in rupiah that concerns me so much as clarification of their present "fate."

If this court is really trying to seek out the facts about all the events which took place, then the Court must reinvestigate the means by which the Public Prosecutor obtained the evidence, rechecking the accuracy of its description in terms of kind and quantity and then examining legal procedural requirements as well. The Court should also seek clarification from the Public Prosecutor about the discrepancy between the things which "vanished" from the campus at the time when what the Public Prosecutor calls the evidence was taken and what has been submitted during this trial.

Judges of the Court,

I do not understand the connection between the formal charges [against me] and much of the evidence which the Public Prosecutor has submitted during this session. The posters and various pamphlets, printed statements, tapes and lecture notes...I do not understand the connection between almost any of them and the formal charges.

I have been chairman of the Student Council since November 29, 1977, but much of the evidence dates back to October 28 and November 10, 1977. It is obvious that the evidence is simply anything they laid their hands on.

I have come to the conclusion that the Public Prosecutor's sole purpose in all of this is to throw me into the darkness of prison cells for as long as possible, obliterating my future and making my family suffer!

And that is not all the Public Prosecutor is doing to make my life miserable!

The Public Prosecutor Has Tampered with the Testimony

It turns out that the Public Prosecutor has also even tampered with the testimony in the summation which he himself drew up. Much of the testimony has been excerpted in bits and pieces or the excerpts have been taken out of context so that their true intent has been misrepresented.

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33. *setan yang berambut kepala hitam*, i.e., Indonesian human beings.

34. Literally, "The Will of Allah!" used in the sense of "Good Lord!"

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The Public Prosecutor included various excerpts from the testimony of Yusman SD in his summation, among them:

> ...true, the witness explained that the accused was responsible for the roll-call alert[35] of ITB Students on January 16, 1978.*
>
> ...it is true that the person responsible for the publication of the "White Book" was the accused in his role as chairman of the ITB Student Council.†

However, the witness's actual testimony at that time was:

> ...Yusman SD said it was true that the responsibility for holding the *Roll-Call Alert of ITB Students*, for publication of the "*White Book of the 1978 Students' Struggle*" and for other student activities on the premises of the ITB was in the hands of the Chairman of the Student Council, an office which at that time happened to be held by Heri Akhmadi as Mandatary of the Students' Consultative Council (MPM) or Representative of the ITB students.

The witness Yusman SD, providing additional information in response to my questions, emphasized once more that of course the General Chairman of the ITB Student Council must bear this reponsibility because it cannot be shared until the General Chairman gives a formal accounting to the MPM and returns his or her mandate!

Once that accounting has been delivered to and then accepted by the MPM, it signifies that the ITB students have agreed to and approved all the actions and policies taken by the General Chairman. It further signifies that responsibility [for these actions] is thenceforth borne collectively by all ITB students!

Then, in order to stress this point, Yusman SD stated that as a consequence of this collective responsibility, the ITB students carried out a "*strike against Academy activities*" for two months. Even the degree candidates declared their unwillingness to take their examinations as an expression of their joint responsibility.

And Yusman SD himself stated before the court that he was prepared to take part in bearing this responsibility.....

This example clearly illustrates how the Public Prosecutor has tampered with the witnesses' statements so much that all the testimony has lost its real meaning. The Public Prosecutor, driven by a keen desire to plunge me into lifelong misery, has tampered with testimony which he felt weakened the charges he was making!

That is truly an immoral thing to do!

The Public Prosecutor has also, it turns out, tampered with the statement of the witness Irzadi Mirwan, as follows:

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* *Rekwisitor*, p. 23.

† Ibid., p. 24.

35. "Roll-call alert" is a rather unsatisfactory translation of *apel siaga*. An apel siaga means the mobilization in a public place of the membership of a defined organization or social group. Everyone belonging to that group is supposed to show up, even though no actual roll-call is ever taken. The term is usually used in contrast to *rapat raksasa*, a mass meeting to which the general public is invited, even if it is sponsored by a particular organization or public functionary.

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> ...That the witness stated that he attended the Roll-Call conducted by the Chairman of the ITB Student Council as part of a campaign for the release of the accused, Heri Akhmadi, before he was arrested/turned over by the West Java Laksus.*[36]

Well!...what logic is the Public Prosecutor using! Who does he mean when he says "Chairman of the ITB Student Council" and who does he mean when he says "Heri Akhmadi"?

Even before that the public prosecutor wrote:

> ...that the person who instructed the White Book Team was the Chairman of the ITB Student Council, the accused, Heri Akhmadi, that the witness in compiling the White Book through the process and already outlined by the Student Council.†[37]

The witness's statement has become scrambled at the hands of the Public Prosecutor, with the result that it is unintelligible! The babbling of the Public Prosecutor is already quite apparent in these two excerpts from the statement of the witness Irzadi Mirwan.

According to the Public Prosecutor's confused logic, I became two people at the same time: Heri Akhmadi the Chairman of the ITB Student Council conducted a Roll-Call for Heri Akhmadi the accused.

This Public Prosecutor does whatever he pleases!

In his cunning, the Public Prosecutor also tampered with the statements of three government agencies which were illegally introduced as evidence in this trial. The Public Prosecutor wrote in his Prosecutor's Summation:

> That in their Written Statements, the West Java Laksusda, Kadapol VIII/ LLB, Direktorat Politik Pemerintah Propinsi Jabar[38] plainly indicated that security and order were disrupted by the actions of the accused.‡

I am sure that the Court still remembers that not a single one of these three agencies mentioned my name or my actions in their statements.

Judges of the Court,

The Public Prosecutor has prepared his summation in such a way that it can be guaranteed that the conclusion he draws is not an opinion based on facts. It is simply his own fabrication!

For this reason the usefulness of the summation which the Public Prosecutor has prepared as a legal tool with which to demonstrate my guilt is quite dubious.

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* *Rekwisitor*, p. 26.

† Ibid., p. 25.

‡ Ibid., p. 52.

36. The translation here attempts to mirror the illogicality and muddle of the original document, which Heri immediately criticizes.

37. Again, the original Indonesian is almost unintelligible, and is used by Heri to show the slipshod, confused character of the prosecutor's language.

38. Direktorat Politik Pemerintah Propinsi Jabar = Political Directorate of the West Java Provincial Government, i.e., the Governor's political staff.

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And in order to protect yourselves from making a complete mistake when you make your decision, I recommend that the court simply disregard the prosecutor's summation.

Throwing it in the trash basket would be fine too!

The Public Prosecutor Has Yet to Prove the Truth of the Charges

There is yet another reason reinforcing my recommendation that the Court simply disregard the summation which the Public Prosecutor has hatched, namely: that the Public Prosecutor has obviously completely failed to prove the substance of the charges brought against me.

I will explain this by offering the following parable.

The faces of the King and Queen of Colenak[39] became pockmarked as a result of an accident. Due to the people's fear of the King, who was cruel and enjoyed putting people in prison, not a single person dared to say the King's and Queen's faces were pockmarked.

The story goes that one day the King and Queen attended a party held in honor of Children's Day which was exceedingly merry. At the party it so happened that an "intel" agent overheard a small child, who did not yet know fear and who only saw things as they were, said: "Look! The King's face is pockmarked." The child was immediately arrested and the "intel" agent ordered the prosecutor to take the kid[40] to court on charges of "insulting the King and causing a disturbance"!

The Prosecutor never proved to the court whether it was true or not that the child's words contained insulting elements; or whether it was true or not that the child caused a disturbance by saying "Look! The King's face is pockmarked"! He then recommended that the child be given the death penalty!

This is analogous to what the Public Prosecutor is doing in this trial!

In his explanation of *insulting elements* the Public Prosecutor has only discussed the "doctrine" on insulting, with no obvious connection to any of the material on which the charges are based. For the Public Prosecutor himself has never proved whether this material truly contained insulting elements. With his witnesses and evidence the Public Prosecutor has merely proved:

--that it is true that the accused held a meeting to draw up the 'Declaration of Position of the ITB Students.'

--that it is true that the accused commissioned the preparation of the "WHITE BOOK."

--that it is true that the accused was responsible for the publication of the DECLARATION OF POSITION OF THE ITB STUDENTS and the WHITE BOOK in his role as Chairman of the ITB Student Council.

--and so forth.....

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39. It seems that this name is contemptuously drawn from the brand-name dessert Colenak.

40. Heri uses the Javanese *bocah*, rather than the Indonesian *anak*, to give an extra nuance of childlike innocence.

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These actions clearly cannot be considered "insulting" until it is first proved that the DECLARATION OF POSITION and the WHITE BOOK include sentences which contain insulting elements!

An insult is a question of feelings, the measure of which is also determined by feelings, but certainly not the feelings of the Public Prosecutor or those of the Judges of the Court themselves. If I am accused of having insulted the President, then certainly he himself must feel insulted or, at the very least, he must indicate under oath that he feels insulted.

Of the witnesses who have testified during this session, not a single one has said that what is written in the DECLARATION OF POSITION OF THE ITB STUDENTS and the WHITE BOOK could give rise to a feeling of having been insulted!

Therefore, it is clear that the Public Prosecutor's claim that part or all of the contents of the DECLARATION OF POSITION and the WHITE BOOK contain insults has not been proven at all!

Likewise, the Public Prosecutor has never been able to reveal the students' motives, supposing it were true that they had committed a crime.

In fact, the motive of the person who is accused of criminal acts determines whether what he has done is actually a crime or not. A person who has killed [someone] is not considered to have committed a crime if his motive is self-defense! The same is true of insulting and other actions.

The Public Prosecutor's disregard for *motives* also means that he regards me as having an innate criminal tendency to be insulting. And since my actions have obviously been supported and endorsed by all the ITB students, then all the ITB students likewise have a tendency toward criminal behavior!

If the Public Prosecutor's point of view were extended to its logical conclusion and applied to all the Indonesian student leaders currently on trial, we would come to [only] one conclusion: evidently all Indonesian students have a tendency toward criminal behavior.

The fate of the Indonesian nation is truly sad--all of its prospective educated leaders have criminal psyches!

Judges of the Court,

Furthermore, it is clear that the Public Prosecutor himself does not understand what is meant by the charge: "obstructing implementation of the government program to assure the security of the people and the state."

Logically, if there is still a program for this purpose, this means that the security of the people and the state is itself not yet fully assured.

Yet the Public Prosecutor says my actions disrupted security and order. I do not understand the Public Prosecutor's logic--if security and order have already been assured, then what is this government program for!

In fact, the verb "*to obstruct*" [*menghalang-halangi*], which derives from the root-word "obstruct" [*halang*], means putting something in the way so that it cannot be bypassed; something which is obstructed cannot get by or continue at all. This is different from the word "*to hinder*," which only retards or slows down something which keeps on going.

Is our security apparatus so feeble that the actions of just one person are now able to bring its security programs to a halt? Is it true that these programs came

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to a standstill just because of the Students' Vow, or just because of the Declaration of Position of the ITB Students and the WHITE BOOK?

Of course not!

Pak Jaksa[41] is really going to exorbitant lengths in his efforts to throw me into prison! Probably it is the strong pressure from the "boss"[42] which is making him see red!

Be sure to keep in mind, *pak Jaksa*, that in the world hereafter there is still a supremely just God who will examine our individual deceptions and dishonesties!

The Legal Framework for the Students' Actions

Judges of the Court,

The accusation that the Students have insulted the President and his Vice-President and the Assemblies of Public Power truly took me by surprise. Nevertheless, because the Public Prosecutor himself has obviously not specified his charges clearly enough, I will just offer a general defense.

First, I will discuss the background of the ideas and the facts which sustained all the actions and materials alleged to be criminally insulting. I will explain it because, from the students' point of view, what the Student Movement has been doing all this time is nothing other than struggling to uphold and honor the Pancasila and the 1945 Constitution.

The students have seen that so many aspects of the lives of Indonesians today are still far from what was hoped for when Indonesia's independence was proclaimed. Instead the image of independence as a golden bridge[43] leading to the creation of a prosperous and well-educated society has increasingly faded.

The bright hopes which the New Order initially offered, when it determined to carry out the 1945 Constitution and the Pancasila in a pure and consistent manner, have patently faded with the passage of time. Indeed, we can now see Old Order Regime practices which the New Order leaders once "condemned" sprouting up all over like mushrooms.

Second, prompted by the desire to safeguard the nation's survival and spurred by the wish to protect the public interest, the students have set out all their observations and ideas.

Actually, too many things have been covered up by those-in-power. Too many restrictions have been imposed on the People's right to obtain adequate information about the condition of their country. The news carried by the mass media has been censored, various books have been banned, and many of the reports broadcast by the government radio and television stations are doctored.

The students can no longer bear to see the cruel straitjacketing[44] of the people. All fields have been equipped with "censors." There is a list of people who

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41. Literally, "Father Prosecutor."

42. The English word *boss* is used here, without Indonesian gloss, but in single quotation marks.

43. This imagery is indelibly associated with the speeches of Sukarno, and is consciously employed here to make the allusion.

44. The text has the word *pemasungan*, in single quotation marks. It means

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are forbidden to speak in public. There are prohibitions on holding meetings. There are requirements to join the organizations designated by those-in-power... and so on....

This straitjacketing of the people must end!!

This is why the students are shattering the straitjacket.

Third, the students feel it is necessary to *shatter the people's straitjacket* for the sake of Indonesia's national life in the future. As the younger generation which will inherit the future leadership of the nation, we have the duty to draw attention to the existence of a number of current conditions that will lead to the nation's destruction. The draining off and squandering of our natural wealth has reached a level which can no longer be tolerated. The draining off of that wealth has ruined the environment, as a result of which floods occur frequently and there is pollution everywhere. The squandering of natural wealth has killed our capacity to develop, because what should be saved up as provisions for the future is now being frittered away.

The future of this country belongs to us, Indonesia's younger generation.

Those-in-power today will already be in their graves when the forests which are now being stripped become deserts and the [oil][45] fields which are now being drained go dry.

Those-in-power today will by then be enthroned in opulent, palatial mausolea continually scented with perfume when tens of millions of impoverished people are living in misery amidst the luxurious debris they have left behind.

Every human being has the instinct to defend himself!

Before anyone destroys the future of Indonesia's younger generation, we will destroy them first!!

These are the three things I will discuss in the following sections of my defense. It would not be necessary for me to go on at length if I had been given an opportunity to discuss them during the investigation.[46] But since that opportunity was not provided, this is the only one remaining to me.

If it is true that the Judges of the Court will decide this case on the basis of truth, and only on that basis, my defense will be very helpful. For that reason, I request not to be interrupted!

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putting someone (usually a violent lunatic or criminal) in a sort of straitjacket, chained or tied to a wooden post.

45. The inference that oil-fields are being referred to here comes from the use of almost identical language a few pages later on where, however, the word *minyak* (oil) is included.

46. This refers to the Continental-style court-room interrogation of witnesses and the accused by the panel of judges.

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CHAPTER III

THE FADING OF THE NEW ORDER'S IDEALS

The Overthrow of the Old Order Regime

Judges of the Court,

Late 1965 and early 1966 were marked by major events in Indonesia's history, as the people began to oppose those-in-power after having to live in oppression and economic chaos for such a long time. In the major Cities the university students, high-school students [and] *pemuda*[1] demonstrated, carrying posters listing their demands. The people's demands included:

--Hang Aidit! Dissolve the PKI! [2]

--Reduce prices! Retool the Cabinet! Dissolve the PKI!

--Try Sukarno, Chief of Gestapu, before the Mahmilub! [3]

--Step aside, Dictator Sukarno!

--Sukarno, Peking's Stooge! [4]

There were hundreds of posters like that, carried by thousands of people in processions around the main streets of the Cities. Their faces were angry and fierce, [full of] vengeance and hatred. Chinese[5] shops and the houses of PKI

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1. Originally meaning simply "youth," the word *pemuda* acquired its modern sense of "young militant" in the course of the nationalist movement and the Revolution.

2. Dipa Nusantara Aidit was secretary-general of the PKI (Partai Komunis Indonesia, Communist Party of Indonesia) at the time of the October 1, 1965 "coup," and was blamed by the party's enemies for masterminding it. He was executed secretly in Central Java, probably late in October 1965.

3. Gestapu, an acronym for Gerakan September Tiga Puluh (September 30th Movement). In this term, applied by New Order propagandists to the perpetrators of the October 1, 1965 "coup" normal Indonesian word order was deliberately altered to echo the word "Gestapo." (The coup group called themselves Gerakan Tiga Puluh September.) Many of the younger proponents of the New Order believed at the time that the "coup" was a plot by President Sukarno to help his political allies and putative heirs, the PKI. Mahmilub = Mahkamah Militer Luar Biasa (Extraordinary Military Tribunals) were courts set up outside the normal hierarchy of civil and military courts of law to try persons allegedly involved in the "coup."

4. Sukarno's proclamation in 1965 of a Jakarta-Phnom Penh-Hanoi-Peking-Pyongyang diplomatic axis, and his close relations with CPR leaders in 1963-65, aroused considerable anger and fear among various sectors of Indonesian society.

5. Here, as throughout the text of Heri's defense (but not always in his footnotes), the word *Cina* is used to refer to Chinese. This word in Indonesian (not necessarily in various regional Indonesian languages) has clear racist connotations,

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bigshots were often occupied; Baperki[6] offices, Chinese schools and the offices of organizations sympathetic to or affiliated with[7] the PKI suffered the same fate. The people were expressing their outrage following the murder of high-ranking Armed Forces officers by the September 30th Movement/PKI.

One incident took place after another, ushering in major changes in Indonesia's national life. Bung Karno, who had previously always been warmly welcomed, suddenly became a clown to be ridiculed at almost every public meeting or demonstration. Panzers and other armored vehicles carrying troops in combat uniforms prowled the streets.

The coup d'état launched by the PKI failed. With that failure the true state of Indonesian politics was revealed. The rottenness of the government was exposed. The complicity of the highest national leadership in financially supporting the PKI was uncovered. Manipulations and corruption in various government bureaucracies were made public. Mismanagement of state enterprises and agencies was likewise brought to light by the mass media. The situation developed like a snowball which gets larger the farther it travels. Not only was the PKI blamed but also the entire system of government which made rebellion possible. And in the end the people demanded an accounting regarding all these matters from Bung Karno as the Head of State. The Provisional MPR[8] formally requested an accounting from the President, but Bung Karno was unwilling to give one, so he had to withdraw from the political stage.

These are my first memories of the changes which subsequently took place around me, which I later came to know as: the New Order Era. All of a sudden people were no longer allowed to discuss Nasakom,[9] sing the song "*Genjer-*

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and was made the "official" term for the Chinese by the Suharto government in 1966 at the height of its anticommunist and anti-Chinese campaign. It thus replaced the normal, and neutral, term "Tionghoa," acceptable to persons of Chinese descent, and ordinary usage during the nationalist movement, the Revolution, and on up to 1965. It has the same derogatory overtones as such words as "nigger," "kike," "greaser," etc., and the closest approximation in English would probably be "Chink." As its matter-of-fact use by Heri is clearly not racist, however, and as he was only a little boy in 1966, the neutral English term "Chinese" has been used throughout as its translation.

6. Baperki = Badan Permusyawaratan Kewarganegaraan Indonesia (Consultative Body on Indonesian Citizenship) was the leading spokesman-organization for Indonesian citizens of Chinese descent in the 1950s and early 1960s. Its political alliance with Sukarno and the PKI left it naked to its enemies after the October 1, 1965 "coup." It was forcibly dissolved in 1966, and most of its leaders were killed or imprisoned.

7. The text has "Underbow" (*sic*), a corruption of the Dutch word *onderbouw* ("substructure").

8. On July 5, 1959, President Sukarno by decree swept aside the existing "liberal" constitution of 1950 and reimposed the "revolutionary" constitution of 1945. The terms of the 1945 Constitution required the election of an MPR (for which see Ch. 1, n. 22). No elections for such a body were ever held under Guided Democracy; instead a so-called MPR-Sementara (Provisional MPR) was appointed by Sukarno in September 1960, in theory pending elections later on.

9. Nasakom was a Sukarno-era acronym for Nasionalisme (Nationalism)-Agama (Religion)-Komunisme (Communism), and symbolized the political cooperation

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genjer"[10] or memorize "The Five Talismans of the Revolution."[11] In the same way, civics lessons in school which had previously been devoted to memorization of President Sukarno's speeches, Trikora, Dwikora[12] and the Revolution had now completely changed.

The Rise of the New Order

I first heard about the meaning and purpose of the New Order from a civics teacher in junior high school. The new order, he said, is the new mental outlook that Indonesians have, now that the errors and deviations from the 1945 Constitution and the Pancasila committed by the Old Order, with Sukarno as its ringleader, have been totally rectified. The New Order has a constitutional basis in the 1945 Constitution and an operational basis in the Resolutions of the Provisional MPR.

The total rectification launched by the New Order against the irregularities in state life in the old order era covered a variety of fields, including:

Irregularities in political-constitutional life;

Bankruptcy of the national economy, as a result of runaway inflation and chaotic, dishonest upbuilding-planning;

Degeneration of the national morality;

Neglect of the welfare of the people, neglect of education; and

Political arrests, muzzling of the press and restrictions on the right to speak out.

The leaders of the New Order at that time criticized "*guided democracy*" à la Bung Karno, which really was just another way of saying "Sukarno's Dictatorship."

All existing political and state institutions were systematically "guided" by the power exercised single-handedly by Sukarno. Bung Karno appointed the members of the Provisional MPR and the Gotong-Royong Parliament, and even chaired his

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between the three major religio-cultural streams of the Indonesian political tradition by which Sukarno set such store.

10. *Genjer-genjer* [a kind of vegetable] is the title of a popular East Javanese folk-song which was adopted as a sort of informal signature-tune by the Indonesian left in the 1960s.

11. The Five Talismans of the Revolution, as formulated by Sukarno towards the end of the Guided Democracy era, were: Pancasila; Nasakom; Manipol-USDEK (i.e., the Political Manifesto of August 17, 1959) plus U [the 1945 Constitution]-S [Indonesian Socialism]-D [Guided Democracy]-E [Guided Economy]-K [Indonesian Individuality]); Berdikari (Berdiri Diatas Kaki Sendiri--standing on one's own feet); and Trisakti-Tavip (The Three Powers--The Year of Living Dangerously), i.e., the three main themes of Sukarno's August 17, 1964 speech "A Year of Living Dangerously," which were political sovereignty, economic self-reliance, and national identity.

12. Trikora and Dwikora were acronyms for Tri Komando Rakyat (People's Triple Command) and Dwi Komando Rakyat (People's Twin Command), the big speeches with which Sukarno launched his mobilization campaigns for the liberation of West Irian (December 19, 1961), and the crushing of Malaysia (May 3, 1964).

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own Supreme Advisory Council (DPA).[13] As the Great Leader of the Revolution and the commander-in-chief of the Armed Forces,[14] he was really and truly subject to no one's control. One of Bung Karno's speeches, entitled "Political Manifesto," was even adopted as the GBHN. Political life was completely focused on Sukarno himself, while mass mobilizations in the form of public meetings and demonstrations to "crush Malaysia," Nekolim,[15] and the like were turned into frenzies of anger and frustration for the entire nation so that little attention would be paid to the topsy-turvy domestic situation. Government debts mounted up continuously--especially those called "*defered payment*,"[16] which reached US$270 million--even though a lot of noise was made about "*standing on one's own feet*." A lot of money was squandered on the Mandatory's[17] projects, a sum which in the final year of the Old Order came to more than three times the official budget. The budgetary deficit reached 3000% at one point, due to the runaway inflation. Sukarno always acted so much like a cult figure that his words [were regarded] as mantras with magic powers which could prevail over the disorder. Meanwhile in reality the situation was continually deteriorating.*

Thus the leaders of the New Order had no other choice at that time but to carry out a total rectification of the failures of state life of the Old Order period. Because it had been distorted by the autocratic use of power, state life had to be returned to the rails of the 1945 Constitution in order to be based on the "Rule of Law" or to be a state founded on law.[18] At that time people began to discuss all

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* *Laporan Pimpinan MPRS, 1966-1972* [Jakarta], MPRS, 1972.

13. In March 1960, following his July 5, 1959 reimposition of the 1945 Constitution, Sukarno dissolved the democratically-elected parliament of 1955 and in June personally appointed what he called a Gotong-Royong (Mutual Cooperation) parliament in its place. This new parliament was supposed to be more in keeping with Indonesian tradition than its predecessor in that it did not operate by majority rule, but by discussion leading to consensus. In effect, it was largely powerless. DPA = Dewan Pertimbangan Agung (Supreme Advisory Council), a body prescribed by the 1945 Constitution with the function of offering the president advice on matters where he requests it. Typically manned by "elder statesmen," it had some prestige in its early days, but never any real power.

14. Pemimpin Besar Revolusi and Panglima Tertinggi Angkatan Bersenjata--two of Sukarno's favorite titles.

15. Nekolim was an acronym for Neokolonialisme–Kolonialisme–Imperialisme coined by Sukarno in 1961.

16. The text has "defered payment" (*sic*), unglossed. Towards the end of Guided Democracy, the Bank of Indonesia, under Jusuf Muda Dalam, instituted a system whereby politically-favored importers could borrow scarce foreign exchange from the bank, with payment being "deferred" to an indeterminate future. Such a system was obviously open to abuse, and indeed led to sizable corruption and malversation of funds.

17. "The Mandatory" means the mandatory of the MPR(S), i.e., the president. In effect, these were top-priority personal prestige projects of Sukarno.

18. *Negara Hukum* is a direct Indonesian translation of the Dutch (and German) politico-legal concept of Rechtsstaat. Both Dutch and German have a single word (*recht*) which combines the senses of "law" and "moral correctness," where English lacks such a term. "State founded on law" is thus an unsatisfactory translation of *negara hukum*.

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citizens' basic rights which had been disregarded until then. They began to try to rehabilitate state institutions, which until then had been "hermaphrodized."[19] And they began to take steps to rebuild the chaotic national economy on the basis of new ideas which were more free and open.

The New Order's Ideals

Judges of the Court,

After the PKI was dissolved, the rehabilitation of political life began with the Fourth General Session of the Provisional MPR, which produced [new] resolutions and a reassessment of [earlier] resolutions which deviated from the 1945 Constitution. Later, seminars were also held to formulate New Order concepts. On the New Order the second Army Seminar declared:

> The New Order calls for a way of thinking which is more realistic and pragmatic, without abandoning the idealism of struggle. It calls for putting national interests foremost, without abandoning an ideological commitment to anti-colonialism and anti-imperialism. The New Order desires a structure which is more stable, more institutionalized, and less influenced by elements who could inspire personality cults. However, it does not reject firmness of leadership or strength in government; indeed, it requires such characteristics during the period of upbuilding. The New Order calls for truly putting the methods of political and economic democracy into practice. It is a political order and an economic order based on the Pancasila/1945 Constitution. Its ideals and methods of operation are spelled out in the *tap-tap*[20] of the Fourth [Session of the] Provisional MPR.*

The Fourth General Session of the Provisional MPR was held to rectify all the Old Order's deviations and to devise a "grand transition Strategy" toward national stability for the sake of establishing justice/prosperity for the entire Indonesian people on the basis of the Pancasila and the 1945 Constitution.

During this session rectifications in the political-constitutional field were formulated for the purpose of genuinely implementing the 1945 Constitution and the Pancasila. Among other things it was resolved at that time that:

1. All institutions must function in compliance with the 1945 Constitution and unconstitutional institutions must be dissolved. State bodies like the Provisional MPR, the Gotong-Royong Parliament, the State Accounting Office and so on may no longer be Bung Karno's playthings. They must function in the manner laid down in the 1945 Constitution. Unconstitutional institutions like the National Front, KOTI, KOTOE and so on are hereby dissolved.†[21]

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* Hasil Seminar Angkatan Darat ke II, 1966.

† Ketetapan MPRS No. X/MPRS/1966 and No. XIV/MPRS/1966.

19. *Dibancikan* is hard to render precisely. A *banci* may be, variously, a transvestite male, an effeminate homosexual, any homosexual, a hermaphrodite, and, by extension, an indecisive, weak-kneed creature.

20. *Tap-tap* is a colloquialism for *ketetapan-ketetapan*, i.e., determinations, resolutions, decisions.

21. Koti = Komando Operasi Tertinggi (Supreme Operations Command), combined top-level civil and military personnel in a sort of supra-cabinet political executive

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2. In order to restore the people's sovereignty, their representative/consultative institutions must be established as quickly as possible on the basis of the results of a General Election. The Provisional MPR and the Gotong-Royong Parliament will operate only on a provisional basis, pending formation of an MPR and a Parliament through a General Election.*
3. The laws will be codified and major legal issues, such as those involving fundamental human rights, will be resolved. Many laws, Presidential decrees and other regulations [issued] during the Old Order are considered to be in violation of basic principles of existing law. This codification is expected to help uphold legal certainty.†
4. Regulations will be established for parties, functional groups and mass organizations.‡

The development of ideas for the purpose of more genuinely implementing the 1945 Constitution was based on the fundamental concept that Indonesia is a state based on law.

Methods of bringing the decline of the national economy under control were also formulated at that time. The leaders of the New Order agreed that upbuilding of the national economy must take priority in order to prevent further bankruptcy of our state life. In this regard, the Provisional MPR declared:

> Tackling the economic decline and further upbuilding [our] economic potential must be *based on the Indonesian people's own capacities and abilities.* Then, on this basis, we can make use of the capital, technology and skills available from abroad to complement [our] potential, as long as all of this aid truly serves the people's economic interests and doesn't lead to dependence on foreign countries.§

Next, the economic experts who were participating in seminars at the University of Indonesia drafted a variety of economic upbuilding guidelines for counteracting the prevailing decline and for further developing the national economy. The problems considered most urgently needing solution at that time were: inflation, food, infrastructure, clothing, and exports, as well as assessing the use of foreign credit and capital.

The History of the People's Suffering Repeats Itself

Thus the start of the New Order was characterized by optimistic hopes that a sound state life would be rebuilt, based on the provisions of the 1945 Constitution, and by proclamations that national economic upbuilding would be aimed at creating prosperity for the people.

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* Ketetapan MPRS No. XI/MPRS/1966.

† Ketetapan MPRS No. XIV, XIX, XX/MPRS/1966.

‡ Ketetapan MPRS No. XXII/MPRS/1966.

§ *Laporan Pimpinan MPRS 1966-1972*, Jakarta, MPRS, 1972.

under Sukarno's chairmanship late in Guided Democracy. Kotoe = Komando Tertinggi Operasi Ekonomi (Supreme Economic Operations Command) was a later, weaker equivalent of Koti set up to cope with late Guided Democracy's severe economic difficulties.

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Today, after 13 years of the New Order, how have the New Order's noble ideals fared?

They have obviously *faded* with the passage of time. Indeed, it is as though all those who once conceived them, expressed them, and vowed to put them into practice are today silent or pretend not to be aware of them anymore. General Dharsono, one of the New Order's leading exponents, was pretty much right when he said during the 1978 commemoration of Tritura[22] that: the New Order is getting farther and farther away from the ideals which it [originally] intended to realize.*

After 13 years of the New Order, Indonesia's state life is not making progress in protecting [our] homeland, improving the public welfare and raising the cultural level of the nation† in accord with the ideals of independence. The lives of the Indonesian People at present are still far removed from the ideals of Independence which formed the basis for the founding of the Republic of Indonesia.‡ The hopes which once blossomed along with the birth of the New Order have been buried by the realities of the present condition of our country. A condition which is deteriorating! A condition which breeds unrest! A condition which does not inspire hope!

If we look at the conditions which have flourished in the New Order era, we will discover that the New Order's practices are obviously identical to those of the Old Order.

Judges of the Court,

At the start of its struggle the New Order proclaimed that it would restructure political-Constitutional life on the basis of a genuine and consistent implementation of the 1945 Constitution and the Pancasila, but today such voices are no longer heard. Two objectives were set at that time: *first*, dissolution of institutions not in accord with the 1945 Constitution, and *second*, establishment of effective state institutions on the basis of the results of a General Election. Of course it is true that in the early years of the New Order, institutions such as the National Front, KOTI, KOTOE and so forth were dissolved. However, it turned out that not long afterwards new institutions appeared whose status in regard to the 1945 Constitution was equally nebulous--institutions such as KOPKAMTIB, ASPRI, OPSUS...[23] and the like. These institutions play important roles and answer directly to

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* *Pikiran Rakyat*, January 14, 1978.

† Preamble to the *UUD '45* [*Undang-Undang Dasar 1945*].

‡ *Pernyataan Sikap Mahasiswa ITB*, January 14, 1978.

22. Tritura = Tri Tuntutan Rakyat (People's Three Demands). These demands--for a ban on the communist party, a purge of pro-communist elements in the cabinet, and a lowering of prices--were the slogans of the student-led protest movement of late 1965 and early 1966, which paved the way for Suharto's "silent coup" of March 11, 1966.

23. Kopkamtib and Opsus have been described above, Ch. 1, notes 7 and 16. Aspri = Asisten Pribadi [Presiden] (Personal Assistants to the President). Prior to the January 15, 1974 riots in Jakarta a number of key military confidants of Suharto (men like Ali Murtopo, Surjo, Sudjono Humardani, Alamsjah, etc.) held this official title. As a concession to criticism of the Aspri's wheeler-dealing Suharto abolished the office in the spring of 1974. But the same men continued to carry on the same functions under other rubrics.

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Suharto, but their relationship to the framework of the 1945 Constitution itself is obscure. In fact, many legal experts claim that KOPKAMTIB is an unconstitutional institution.*

KOPKAMTIB, which was created to restore security and order as a result of the G30S/PKI rebellion, has in the event been kept intact up to the present. Its powers have been greatly expanded: besides handling the business of PKI political prisoners, it also handles almost every "breath" Indonesians take: price increases, school registration, muzzling of the press, banning meetings, occupying campuses, corruption, and so forth. Simply put: KOPKAMTIB is the New Order regime's *jago*[24] in confronting the people.

Similarly, the ideal of creating state institutions established on the basis of the results of a General Election has become nothing but a farce, because appointed MPR members have come to outnumber elected MPR members. Likewise, the appointment of members of Parliament contradicts the principle of popular representation in Parliament. Everyone has the same status before the law, and the President is no exception.†

Judges of the Court,

In the economic field, the New Order's methods of reversing the economic decline have proven to have had consequences which have actually jeopardized the survival of the nation. We cannot deny that the government has been successful in reducing inflation to a level low enough to allow for normal economic activities. But neither can we deny that something once denounced by the New Order leadership--that the Old Order had mortgaged the nation by incurring billion-dollar debts--is practiced today on a scale more than 10 times greater. In their speeches New Order leaders once drummed away about the decline in rice production, but today Indonesia has actually become the world's No. 1 rice importer!‡ Not only that! Though they once fiercely criticized the fact that the Old Order Regime's failure to provide enough food for the people had resulted in starvation and malnutrition,[25] right now, after 13 years of the New Order, people are still starving and malnutrition is still rife as well.§

Furthermore, the New Order Regime's new economic policies, which turned on the tap of foreign aid and capital, has proved to have had a fatal impact. The "running wild" of foreign investment due to the lack of government supervision has killed off all kinds of domestic enterprises which once provided livelihoods for millions of Indonesians! The people's textile mills have gone bankrupt, canned milk factories have closed down, shoe factories have folded, [people in] food and drink factories have been forced to "shove off and find a new line of work"...and so on. Many other examples could be given. And the upshot of all of this,

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* *Tempo* [no date given].

† *UUD '45*, Article 27.

‡ *Tempo*, November 5, 1977.

§ *Kompas*, May 12, 1978, *Tempo*, January 22, October 8, 1977.

24. *Jago* (literally, fighting-cock) is old and common parlance for "champion," "bouncer," "tough-guy," and so forth.

25. The Indonesian simply has the initials HO (Honger Odem, from the Dutch *hongeroedeem*), signifying the morbid distension of the belly that occurs with acute malnutrition, especially in the case of children.

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according to the available statistical data, is that the number of jobs created by foreign investment has proved to be far smaller than the number of jobs which have been lost because the people's enterprises have gone bankrupt.* The people are becoming more and more impoverished!!! Fifty percent of Indonesia's population was poor in 1971, but by 1976 that figure had risen to 60%, based on calculations using BPS[26] data!!!†

The Chasm between the Rich and the Poor is Yawning Ever More Widely!

The entry of foreign capital has also led to the exploitation of our natural wealth. The forests have been stripped bare for the sake of increasing exports; as a result, the environment has been ruined and floods are occurring everywhere. Who is responsible for this? Everyone washes their hands! The oil fields are sucked dry, while the foreign exchange earnings are squandered by Pertamina's "*ndoro-ndoro minyak*"[27] on building hotels, golf courses, airplanes...and so on. Not only that, these "*ndoro-ndoro minyak*" still had to run up a debt of more than $12 billion in order to satisfy their greed!! Ultimately it is the people once again who will have to pay for it!!!

The masses must bear the heavy burden of an upbuilding which only produces an accumulation of debts and depletes the nation's riches. The masses are sacrificed for the pleasures of the tiny group of people who are currently benefiting from upbuilding!

Judges of the Court,

The opportunity to exercise fundamental human rights has similarly proven to be no better assured in the New Order period than it was under the Old Order. Harrowing arrests still take place regularly. Political opponents of "bigfish" caliber are not the only ones arrested; little people whose land has been seized and who seek redress from Parliament are arrested too!!! Hundreds of students who protested the policies of those-in-power--who have lured the nation to the brink of ruin--have been arrested and put in barracks cells or in prison!! The press has been muzzled; those newspapers still allowed to publish only carry the dregs of government-produced propaganda! The people are gripped by fear, because one can so easily be arrested, detained or beaten while the legal apparatus, including the courts, just "remains silent in a thousand tongues"!!

Things are truly getting worse!!

And history is repeating itself; it is still the people who must be sacrificed!!!

The New Order leaders who once were looked to as heroes who would step forward to defend the People from the oppression of the Old Order regime have proved to have stepped forward as the People's oppressors. They are suffering from the typical psychological complex of someone in power, i.e., they want to hold on to their power and, in order to do so, are willing to become oppressors. "The structure of their thinking has been conditioned by the contradictions of the hard, present-oriented situation by which they were shaped. Their highest ideal is to

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* Ir. Slamet Bratanata on *Beberapa Tantangan Kita*, LSP, 1978.

† Sritua Arief, *Disparitas Pendapatan & Kemiskinan Massal*, LSP, 1978.

26. BPS = Badan Pusat Statistik (Central Statistical Body).

27. *Ndoro* is feudal Javanese for "master" or "mistress." Its biting combination with *minyak* (oil) sufficiently expresses Heri's view of the Pertamina satraps' morals and social pretensions.

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become 'someone'; but for them, to become 'someone' is to become an 'oppressor.' For those currently in power, this is their model of humanity. This phenomenon derives from the fact that the oppressed, at a certain moment of their cultural experience, adopt an attitude similar to that of the 'oppressor.'"*[28]

Thus, as a consequence of feeling that they have taken part in the struggles to oppose the oppression of the Dutch, then the Japanese, and most recently the Old Order regime, those presently in power have also inherited the oppressive methods of the Dutch, the Japanese and the Old Order. And exaggeration of their role in opposing those oppressions has led them to become ever more conscious of it, naturally reinforcing their tendency to become oppressors. Nowadays we often hear those-in-power dredge up their exploits just to cover up how disgraceful their behavior is!

Anyone who exaggerates his feeling of having rendered valuable service in opposing oppression will inherit the characteristics of the oppressors!!!

Judges of the Court,

I have chosen to begin this defense by describing the history, the ideals, and the present condition of the New Order. My purpose is to set up a framework within which comparisons can be made between what the Suharto Regime has accomplished since it has been in power and what it promised and committed itself to at the beginning of the New Order era. What the students have called the failures of the present government can then be easily pursued. The New Order was an all-encompassing movement, and therefore a new life more closely approaching the ideals of Independence should already be reflected in the planning as well as the implementation of government programs. All of these ideals should already be reflected in the character of the national leadership and in the New Order upbuilding strategy.

Based on the students' observations of the present condition of our country, these ideals clearly have not been realized.

The style of the New Order leadership does not reflect a sincere desire to establish the political order in harmony with democratic principles to which we have collectively aspired.

Nor does the New Order upbuilding strategy reflect the right approach to realizing the ideals of Indonesian independence. By focusing on efforts to accelerate economic growth it has claimed too great a sacrifice from the people of Indonesia.

That is how things stand!

In the next section I will analyze in greater depth the background, history, and facts which underlie the students' opinion that the National Condition apparent today is the result of two central factors, namely:

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* Paulo Freire, *Pedagogy of the Oppressed*, Penguin Books, 1972.

28. The English translation by Myra Bergman Ramos of this passage from *The Pedagogy of the Oppressed* goes as follows: "The very structure of their thought has been conditioned by the contradictions of the concrete, existential situation by which they were shaped. Their ideal is to be men; but for them, to be men is to be oppressors. This is their model of humanity. This phenomenon derives from the fact that the oppressed, at a certain moment of their existential experience, adopt an attitude of 'adhesion' to the oppressor." (New York: Herder & Herder, 1968), p. 30.

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1. the National Leadership, and

2. the Upbuilding Strategy.

The style of a National Leadership that has concentrated all power in its own hands has crippled the official constitutional political forces. The upbuilding strategy stresses economic growth, and in the process everything outside that goal is forgotten. The principles of Social Justice, National Order, self-respect, National Culture, and so forth are forgotten.*

First, I will analyze the political system produced by the leadership style of the Suharto Regime.

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* *Buku Putih Perjuangan Mahasiswa 1978.*

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CHAPTER IV

THE NEW ORDER GOVERNMENT HAS THE CHARACTERISTICS OF: A BUREAUCRATIC DICTATORSHIP

The Manipulation of Javanese Culture in Order to Revive Feudalism

Judges of the Court,

Many experts and observers of Indonesian politics have commented that the political system which has been established in Indonesia today and the prevailing political behavior reflect a concept of power which springs from Javanese political culture. From the Javanese cultural perspective, power is something concrete, homogeneous, constant in quality[1] and without inherent moral implications as such.* Power is concrete like an ordinary object, so one acquires it when it is handed down from "above," in the same way that someone passes along an object; the term for this is *diwahyukan*. Those who receive the "*wahyu*"[2] of power are said to have received the "*wahyu cokroningrat*." According to this conception, power is free of moral social values, because it is [an expression of] the will of what is higher up. Those-in-power likewise do not feel any need to seek popular support to consolidate their power, because they only feel responsible to the source of power himself.

Such a perspective defines the role of those-in-power, or government officials within the power structure, such that they act more like servants of those who hold power than like servants of society, or public servant[3] as that term is understood in the modern governments of advanced democratic countries. In former times these officials or members of the *pamongpraja*[4] served the colonial Dutch Masters; now they serve "the *bapak*."[5] Before independence they served the colonial masters while oppressing the people; now, after independence, they serve "the bapak" and the people's lot remains the same. Their inclination to serve those who are more powerful has not seriously changed and therefore it is unreasonable to expect them to be capable of understanding society's real interests.†

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* Benedict R. O'G. Anderson, "The Idea of Power in Javanese Culture," in Claire Holt (ed.), *Culture and Politics in Indonesia*, Ithaca, Cornell University Press, 1972.

† The view of [Donald] Emmerson, as quoted in Alfian, *Pemikiran dan Perubahan Politik Indonesia*, Jakarta, PT Gramedia, 1978, p. 284.

1. In fact, the original English has *quantity*, not *quality*.

2. *Wahyu*, as described in traditional Javanese literature, are mysterious radiances which descend on those destined for greatness. The wahyu of kingship is called the *wahyu cakraningrat*.

3. The text has *public servant* (*sic*) in English, as a gloss on *pengabdi masyarakat*.

4. The *pamongpraja* is essentially the [civilian] territorial administrative bureaucracy, the oldest and highest-status component of the Indonesian civil service.

5. *Bapak*, literally "father(s)," i.e., one's administrative or political superior(s).

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Ultimately such a perspective gives birth to a feudalistic social order, that is, one which compels people to bow and scrape before their superiors, while the superiors themselves feel no need to pay attention to their subordinates. After all, if they do look after the welfare of their subordinates, it is strictly on the basis of "*kersane-bapak*,"[6] or benevolence. In a feudal order, those who hold power and occupy positions as pamongpraja are generally called *priyayi*.[7] They take on titles corresponding to the level of their "priyayi-ness," ranging from Raden, Raden Mas...on up to the highest titles like Gusti Pangeran Haryo, Kanjeng Pangeran or Sinuhun Pangeran.[8] The higher the priyayi title, the more deeply we must bow our heads. One must also speak to these people in "*kromo-inggil*."[9]

Deeper study reveals no evidence of such a feudal order in the literature and archaeological remains of older Javanese kingdoms. In such literary works as the Pararaton, Negara Kertagama[10] and others of the same period, no linguistic distinction is made between *halus* and *kasar*,[11] and "kromo-inggil" and "*ngoko*"[12] do not exist; instead, all are equal. Even in temple reliefs one frequently comes across representations of kings meeting with their people on a rolled-out mat in an atmosphere of equality. We [can] still find many other indications of such democracy in the social life of rural East Java. There the distinction between "kromo-inggil" and "ngoko" language doesn't exist, and even the "*pamong-desa*"[13] are democratically elected.

Feudalism is also unknown in the indigenous culture of other ethnic groups in Indonesia. The indigenous lifestyle of the Bataks is extremely democratic, as is that of the people of Padang,[14] the Bugis, no less than the Banjarese. The same is true of other groups! *Thus feudalism is obviously not the indigenous culture of Indonesia!*

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6. *Kersane bapak*--"low" Javanese for "it's what father [the boss] wants." It is likely that this Javanese phrase is deliberately used here to imply both that the Suharto regime is dominated by Javanese, and that the Javanese who serve in it are peculiarly servile and feudal-minded.

7. *Priyayi*, derived from the Javanese *para yayi* (literally, "younger brothers" [of the ruler]) originally meant the non-royal, and especially provincial, aristocracies of Java. With the incorporation of these aristocracies into the Dutch colonial bureaucracy, the word shifted meaning in the direction of "officials," though with continuing high-status connotations.

8. In fact, these titles are not really "of a kind." Raden and Raden Mas are titles acquired automatically at birth and simply designate genealogical distance from a putative royal ancestor. The others are conferred court or royal titles.

9. *Kromo inggil*--the most elaborately deferential ("high") level of the Javanese language.

10. The *Nagarakrtagama* and the *Pararaton*, two of the oldest surviving texts in the Javanese literary tradition, date respectively from the fourteenth and fifteenth century, and contain (very different) accounts of Old Javanese court life and politics.

11. *Halus* = refined, exquisite, controlled; *kasar* = coarse, rough, unrestrained.

12. *Ngoko* is the "lowest" level of Javanese, used among intimates, but also by the socially superior to those they feel are beneath them.

13. *Pamongdesa* = village officialdom.

14. I.e., the Minangkabau of West Sumatra.

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Feudalism was promoted and spread by the Dutch as a device for colonizing Indonesia. By means of the feudal order the Dutch could easily and effectively colonize the country through the "kings" they appointed and through the priyayi who were their henchmen. This period of Dutch colonialism also produced a variety of priyayi titles which even took root in society outside the "palace."

The Dutch colonized Indonesia for 350 years by exploiting the feudal order which they had created. Indonesia's traditional kingdoms were never abolished; instead, the Dutch revitalized them to serve as tools for colonialism. The kings were appointed, given high rank, and later supported financially by the Dutch. Of course there were one or two traditional kings who were unwilling to cooperate, but the Dutch were able to entice the majority of them to serve as their henchmen.*

Judges of the Court,

Apparently those-in-power now, the government officials--most of whom come from the same socio-cultural group, the priyayi, which embraces *abangan*[15] culture†--are fully aware of this situation. Their efforts to revive feudalism in Indonesian society can be discerned directly or indirectly. Under the pretext of revitalizing national cultural values bequeathed by [our] ancestors, those-in-power have reinstated practices which foster a feudal perspective. Let us look at examples of practices which are currently flourishing among government officials:

--It has become common practice, when an official goes to the provinces, to hold a welcoming reception, with lavish, wasteful and excessive displays of respect. The reception--which takes place on a grand scale, costs hundreds of millions of rupiah, presses the people into service without pay, prepares a glamorous "security fence"[16] and puts on welcoming dances--is for no other purpose than satisfying the feudal-mindedness of the visiting official. Yet they always claim that it is our national tradition of friendliness that is being fostered. The official is happy, but at great cost to the people, who have had to provide voluntary labor/forced labor.[17]

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* Cf. Clifford Geertz, *Involusi Pertanian*, Jakarta, Obor, 1976.

† Donald K. Emmerson, *Indonesia's [Elite], Political Culture and Culture [Cultural] Politics*, Ithaca, Cornell University Press, 1976.

15. *Abangan* refers to that stream of Javanese culture in which strong pre-Islamic mystical beliefs underlie a veneer of Islam. Used in opposition to *santri*, meaning "strongly committed to Islam."

16. *Pagar betis ayu*, a sarcastic oxymoron which has become popular under the New Order, refers to touring high officials' habit of expecting both a public welcome by a phalanx of pretty girls, and the supply of night-time bed-partners by local officials. *Pagar betis*, literally "fence of shins" (as opposed to "fence of stakes") was a term coined by the military in the long counterinsurgency struggle against the Darul Islam movement in West and Central Java (1950-62). It denoted army-sponsored village self-defense forces--serried ranks of shins symbolizing the utmost in vigilance, loyalty, and solidarity. The addition of the Javanism *ayu* ("cute," "sexy") turns the whole phrase into a sardonic mockery of Javanese feudalism and solemn military argot.

17. The slash dividing *kerja bakti* ("labor of devoted service")--a contemporary official euphemism for compulsory unpaid labor--from *kerja paksa* ("forced labor") is an off-hand sardonic recognition of their actual identity.

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--If you want to see an official, even one at a middle level, much less a high-ranking one, it is incredibly difficult. You have to register with the security department, fill out forms for the secretary and explain what you want to discuss; then you wait for hours until the official "is pleased to" receive you. Incredible! If you are actually "received" you must be grateful even for that, because often, after you have waited for hours, the secretary calmly says: "Oh dear, it seems that the Boss has to go out!! He has an appointment[18] with Mr. So-and-so, the director of the Abracadabra Co." Even then you must not grumble because, in the eyes of the officials, the people are only "*hamba.*"[19]

--With my own eyes I once saw a bupati speaking with his regional secretary in Javanese, even though they were discussing official business. What was even more distressing: the regent was speaking "ngoko" (kasar), while the secretary was speaking "kromo"[20] (halus). Isn't such behavior only appropriate to the past, during the Mataram[21] era or the colonial period?

The three practices described above, readily encountered if we visit officials, clearly illustrate the revival of feudal values which we should have eliminated. Those-in-power claim: these grand and luxurious receptions are to revitalize traditional culture; the complicated formalities for seeing officials preserve their "authority" so that people cannot just barge in on them; the use of "kromo-inggil" demonstrates our great respect for each other...and so forth. All kinds of rationalizations can be concocted but the essence of these phenomena is still the same, namely: those-in-power have manipulated traditional culture, especially Javanese culture, in order to revive feudalism!

Why is feudalism being revived?

History has proven that the values of a feudal social order serve as an effective means for preserving an oppressive government, whether a colonial government, an authoritarian dictatorship or an absolute monarchy...they are all the same!

Anyone who wants to exercise authoritarian power has an interest in reviving feudalism!!

Building a Dictatorship upon a Feudal Order

Judges of the Court,

This process of cultural manipulation has been going on for long enough that apparently it is already beginning to bear fruit. And the ones who can readily benefit from and exploit this situation are, of course, those-in-power or the officials themselves. Nowadays, if their attitudes or actions are exposed to criticism,

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18. The fashion for (often poorly understood) English terms and phrases among the Jakarta elite is here satirized by the unglossed English word *appointment*.

19. *Hamba* is an old feudal-Malay word for "servant" or "slave."

20. *Kromo* is the everyday "polite" level of the Javanese language.

21. "Mataram era" seems to be used here loosely for the heyday of the Central Javanese dynasty effectively founded by Panembahan Senapati at the end of the sixteenth century, which originally had its center at Mataram, close to today's Yogyakarta. Technically, in some sense, the "Mataram era" has yet to close, as the contemporary princelings of Central Java still regard themselves as part of the Mataram line.

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these gentlemen always easily evade it by saying: "We have a political philosophy and political conventions rooted in our own culture, don't we? Why should we imitate the liberal customs you've mentioned?" Officials are certainly more "daring" in their dealings with the people nowadays, probably because they regard the people as no longer "dangerous," since they have been force-fed feudal concoctions. Let us look at the following examples of their behavior:

--Even if a senior official, a minister or the President himself fails or makes a mistake, he is never willing to admit it and then resign. There is no such thing as resignation according to the political conventions of Javanese culture. We still have not forgotten the Minister of Agriculture, Professor Thoyib Hadiwijaya--who should have accepted full responsibility for the total failure to increase food production, as a result of which Indonesia had to import 2.4 million tons of rice at a cost of more than US$700 million in 1977-78--glibly saying, "Don't worry, after all, we still have foreign exchange." Such a minister has no feeling of having moral ties with the people; as long as the boss isn't upset his position is secure.

--An even clearer [example was provided] when the Ekuin[22] ministers announced an increase in fuel prices in March 1979; cheerfully they reported the higher prices which made millions of Indonesians scream with pain, laughing as though pleasant words were tumbling from their lips. According to the conventions of Javanese culture, of course, their offices have no moral implications; they are only servants of those-in-power. As long as the boss is happy, they are safe.*

--In jovial spirits the ministers declared that: there's no famine, there's only a: food shortage! Meanwhile some of the people who were starving had already died or at the very least were suffering from severe hunger-oedema.†

All of this demonstrates the extent to which the officials regard their duties and offices as though they had no moral ties whatsoever with the people. The only thing they have to do is comply with the demands of their superiors, because in reality it is of course impossible for the people to make any demands on ministers or officials, from the highest to the lowest in rank. The political system today is organized in such a way that the voices of the people no longer determine the course of government. Everything is determined from "up" above, with the result that the people have been removed, little by little, from political life, because they are never given any opportunities to take part in it. Political life, as in the age of the traditional kings, is strictly circumscribed by the "keraton" or palace walls. Politics have become the exclusive domain of the "nobility" or the officials. Those of the people who want to participate in political life can easily be suppressed under all sorts of pretexts, like subversion, or provoking disorder and mayhem. Harsh prison sentences have been established for them as well.

As a result, the people no longer have any enthusiasm for political life. Why, it is better just to try to make a living than to go to jail simply because of politics. Thus, according to Dr. Matullada, for the last 10 years "Political Upbuilding" has gradually been aimed at quenching enthusiasm for political life.‡ It is acknowledged

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* *Kompas*, April 1, 1979.

† *Kompas*, April 12, 1979.

‡ Matullada to the Seminar Pengembangan Kebudayaan Nasional, Jakarta, June 17, 1976.

22. Ekuin is an acronym for Ekonomi-Keuangan-Industri (Economics-Finance-Industry).

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even by members of Parliament themselves that Parliament has proved incapable of functioning the way it is supposed to.

--Why have Politics been isolated from the lives of the People?

--Why has enthusiasm for political life been quenched?

--Why doesn't Parliament function the way it is supposed to?

This is what is at the heart of the New Order Regime's machinations!

Politics have been isolated from the people so that "those" who are currently in power are no longer inconvenienced by the people's demands for improvement in their lot, which deteriorates further with each passing day.

Politics have been isolated from the people so that they cannot control the wicked behavior of the government officials who nibble away millions of rupiah from state funds.

Politics have been isolated from the lives of the people so that they can be organized like slaves to carry out what those-in-power call "upbuilding."

Enthusiasm for political life has been quenched so that the people will be so apathetic about their miserable conditions that those-in-power can behavior even more tyrannically.

Enthusiasm for political life has been quenched so that existing socio-political forces languish and are no longer capable of exercising social control over the dilatory and corrupt way the government is run.

Enthusiasm for political life has been quenched so that no new leaders will appear to challenge the "respected" status of those-in-power who currently are ensconced at the core of the national government.

Parliament cannot function the way it is supposed to because in reality it has been "fixed"[23] ever since the representatives of the people were elected in the general election or appointed by the President.

All these contemptible political conspiracies are aimed at isolating or banishing the people from the real political process so that later there will be no force whatsoever that is capable of controlling the New Order Regime's power. This regime wants to hold the entire political process in its own clenched fist. It wants to "fix" this country by shutting the eyes, ears, and hearts of the People and by spurring them to pursue the national upbuilding-program targets which it has set without listening to what the People want!

The government officials, feeling that they have the most power, decide what is best for society and ignore both public opinion and public criticism. Public criticism is considered a *hindrance to government programs, a disturber of national security and* is even alleged to be *subversive* as well. For this reason people who dare to criticize or correct the government must face illegal arrest and detention and be silenced in suffocating prison cells. Those who dare to criticize [the government] will be confronted with the icy hands of the government apparatus, which will herd them into court and bring all kinds of charges against them which make no sense to anyone of sound mind--as is the case in the current student trials.

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23. The word translated here as "fixed" is *diatur*, a term that has acquired some ambiguous celebrity from its habitual use by, among others, leading operatives of General Ali Murtopo's Opsus intelligence apparatus.

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Since [the] officials hold the most power in this country it is not surprising that a Political Science Scholar has described our nation today as a *bureaucratic polity*.[24] Officials are allowed to participate in politics while the people must avoid them. The officials are the ones who hold real power, not the people. The officials are the ones who possess state sovereignty, not the people. The officials are not public servants; instead, those-in-power must be served by the public.

In the language of political science, a government which places all power in its own hands, as described above, is called: *a dictatorial government.*

A Bureaucratic Dictatorship

The word dictatorship derives from the Latin word "*dictator*," meaning the absolute rule of a person or group without the necessity of ratification by the people. Modern dictatorship can be either personal or that of a group or class (party, army, proletariat), but even in the latter case it is reflected in an individual who is regarded as its leader.*[25]

We have often heard about the dictatorial government of Mussolini, Hitler, and Franco; the kind of government these men headed constitutes the general understanding of what a dictatorship is. They were forceful people who had the capacity to govern through their own strength, without involving wider society in national political decision-making. There are other kinds of dictatorships, like that found in the PRC, namely: a dictatorship of the proletariat, a dictatorship by the proletarians who won the revolution. There are dictatorships by Military groups, which are often called Military Juntas. There are party dictatorships and so on.

Judges of the Court,

However, the dictatorship found in Indonesia today is: a Bureaucratic Dictatorship. This is a dictatorship by officials who occupy positions in the government. It derives from a bureaucratic style of government, that is, a political system in which power and participation in national decision making are limited entirely to officials. Thus only a small group of those-in-power are involved in the decision-making process. There is no role in decision making for individuals, groups, or social groups outside those circles. The potential of other groups has been stifled to such an extent that it can be ignored. But in order to put on a democratic face, both domestically and abroad, groups outside the circles of power are given opportunities to participate in formal institutions which no longer have any real say.†

Why is this called a *bureaucratic dictatorship?*

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* Florence Elliot, *A Dictionary of Politics*, Penguin Book, 1974.

† Karl D. Jackson, "Bureaucratic Polity in Indonesia," in Karl D. Jackson (ed.), *[Political] Power and Communication in Indonesia*, University of California Press, Berkeley, 1978.

24. *Negara pejabat* literally means a state belonging to and controlled by its officials. But since it is clearly used here in anticipatory reference to Karl Jackson's essay on the "bureaucratic polity" cited below, Jackson's terminology has been adopted for the translation.

25. The original English goes as follows: "the absolute rule of a person or group without the necessity of the consent of the governed. Modern dictatorship is either personal or that of a group or class (party, army, proletariat), but even in the latter case it is usually embodied in the person of a leader."

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Why, because it is the government bureaucrats, those high as well as low in rank, who now jointly and systematically control politics in Indonesia. They make all political decisions without having to take popular opinion into account. They carry out upbuilding programs without having to take popular opinion into consideration. They can take any action whatsoever and the people cannot control them, because the officials hold all the keys to the political system!

In a dictatorial system of government political forces outside the government are paralyzed so that those-in-power can exercise their power in tranquillity. Other social forces are also domesticated or castrated via umbrella organizations sponsored by those-in-power. Even though the government often holds general elections, the system has been set up in such a way that those-in-power cannot be defeated. Moreover, the general elections are merely a device by which to seek legitimization for their regime.

This leaves the question: Is there adequate reason to describe the present New Order government as a Bureaucratic Dictatorship?

Let us look at the following facts!

General Elections: An Expensive Parody of Democracy

The New Order leaders regularly pat themselves on the back[26] nowadays over the fact that: in 13 years under the New Order they have managed to hold a General Election twice. This is a measure, they say, of the increasing stability of our democratic life.*

Thus it is as though, after a General Election is held, our democratic life is complete. No further inquiry is made as to *what kind* of General Election it was and *for what reason* it was held. Was it truly held to establish representative/consultative institutions in the manner laid down in the 1945 Constitution and clarified in the enactments of the MPR? Or was it held just for the sake of holding a General Election? Was it an orderly, clean General Election which satisfied the criteria of directness, freedom, and secrecy? Or was it a General Election during which [people were] intimidated by Koramil[27] or fired from their jobs? Apparently these questions have never been raised by those-in-power!

Judges of the Court,

If it is merely a matter of having to hold a General Election, that is something that fascist, dictatorial and communist regimes already do as well. General Elections are, of course, no longer the monopoly of nations which embrace a system of popular sovereignty or democracy. They have also become devices for legitimizing the rule of fascist, dictatorial, and communist regimes. There is not one country in the world--whether large or small, kingdom or republic, western or eastern--which does not hold General Elections. Only the *type* and *what they are used for* varies. I will point out [some of] the differences between General Elections in fascist, dictatorial, and communist nations, as well as in the western democracies.

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* Speech of President Suharto at the Installation of the Members of Parliament, October 1, 1971.

26. *Menepuk dada* literally means "thump their chests."

27. Koramil = Komando Rayon Militer (Military Subdistrict Command), the lowest jurisdiction in the hierarchy of military territorial commands, more or less equivalent to the subdistrict of the civilian administration.

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The governments of fascist and dictatorial regimes hold elections strictly in order to legitimize their rule and to avoid international criticism of their human rights violations.

With general elections there will at least be an image of a freer political life. The General Elections are conducted in the following manner:

--Those-in-power themselves designate and rank the candidates. The nomination process is monopolized by those-in-power.

--There is no relationship between the voters and the candidates, either before or after the election. For that reason the candidates need not feel tied to the voters.

--The role of the electorate is only to "success"[28] [the election], meaning the more people who vote, the more "successful" [the election is]. In fact, the people are often forced to go to the polls.

--The only purpose which an election serves for fascist and dictatorial regimes is that it allows them to say: "Our government was elected by the people"!

Nothing more, nothing less, that is the only point of having an election under fascist and dictatorial regimes.

In Communist nations, which generally embrace a single-party system, elections are stages with a single director and a single actor, namely, the party.

--The party designates and ranks the candidates.

--The elected candidates automatically become the leaders of the party, from among whom the top party leadership is later chosen.

--The top party leadership automatically becomes the top national leadership.

--All state life is managed by the party.

In general, the highest-level party or national elections are conducted during a people's congress attended by representatives of the people from all the regions.

Many different kinds of General Elections are held in western countries. I will just give two examples here, from The Netherlands and America.

According to the political philosophy of the Dutch, an election is an occasion when the people elect "their finest sons," to whom the nation's future will later be entrusted. It is conducted in this manner:

--A party or individuals designate and rank the candidates, who usually consist of prominent figures who are well loved by the people.

--The people come to the polls out of their own free choice, not because of coercion.

--It is the representatives of the people who elect the prime minister.

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28. *Mensukseskan* is an inimitable New Order-ism meaning "to insure that a government target or policy is achieved as planned," for example, elections, fusions of parties, or whatever. The fact that its form defies the normal rule in Indonesian whereby an initial 's' in a verbal root becomes 'ny' after the prefix me- (i.e., one would expect *menyukseskan*) has its own significance. As with Tan Malaka's insistence in 1946 that the verb for confiscating foreign property be *mensita*, not *menyita*, so with *mensukseskan*: the Power of the verb-root comes from its violent resistance to any softening linguistic rules.

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We can find similar arrangements in other Western European countries.

In the United States, the people elect the President and members of congress directly through a general election. Although historically the Americans have embraced a "two-Party" system, in reality the constitution does not rule out independent candidacies or those of insignificant[29] parties. America's highly competitive elections are conducted in the following way:

--The parties designate and rank the candidates, after each party has first held internal elections to select its candidates.

--The American People hold the view that general elections, representation, and accountability must go hand-in-hand.

--Because each elected candidate regards himself as the servant of those who elect him, i.e., as a "constituency agent,"[30] he continuously maintains communication with his constituents and answers to them.

In an electoral system like the American a pattern of reciprocal communication develops. If, during his previous term of office, a member of congress is seen to be incapable of channeling his constituents' opinions, he will lose votes in the next election.

Judges of the Court,

Thus it is clear to us that holding a general election does not in itself prove that a country is democratic. To [get a] complete [picture,] we have to examine the real *reason* the election *was held* and *how* it was held.

What is the real reason our general elections are held?

The state of the Republic of Indonesia was founded on the concept of popular sovereignty, commonly called democracy.* The essential meaning of democracy is that *the people are sovereign* and therefore the running of the government is based on the popular will. It is given concrete form through the establishment of state institutions on the basis of the popular will [as expressed in] a general election; for it is these institutions which will run the government. So in fact we hold general elections in order to establish state institutions.†

The state institutions formed on the basis of the results of a general election include Parliament and, because members of Parliament double as members of the MPR, the MPR is also considered a manifestation of the popular will. The MPR then wields supreme state power in Indonesia's system of national government.

In regard to this system of national government, the Elucidation of the 1945 Constitution stresses:

Popular sovereignty is held by a body called the People's Consultative Assembly (MPR), as a manifestation of the entire Indonesian people.

It is this assembly that wields supreme state power.

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* *UUD '45*, Article 1, clause 2.

† See Ketetapan-ketetapan MPRS, Nos. XX and XI/MPRS/1966.

29. *Gurem* literally means "chicken-flea."

30. This English phrase *constituency agent*, in single quotation marks, is used to explain the neologism *pelayan pemilih*.

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> The MPR, as the supreme state executor, is considered a manifestation of the people who hold national sovereignty.*

Thus general elections are supposed to be held in order to establish the body which holds national sovereignty. The 1945 Constitution explicitly states that this body is entitled to the full exercise of national sovereignty, which is actually in the hands of the people. Through general elections, the people mandate their sovereign right to rule the country to their representatives in the MPR.

Nonetheless, in order to ensure that the MPR is a genuine manifestation of the people, the 1945 Constitution adds:

> The [membership of the] MPR consists of the members of Parliament plus regional and group delegates.

The Elucidation of the 1945 Constitution explains:

> It is thereby intended that the entire people, from all groups and all regions, will have representatives in this assembly so that it can truly be considered a manifestation of the people.

Finally, general elections are held in order to elect the members of Parliament, who make up the prime portion of the MPR [membership].

Is it true that general elections as they are currently held have given shape to the popular will in the MPR, the institution which wields supreme state power, in such a way that it can be said that it is the people who hold national sovereignty?

Let us look closely at the following calculations:

The people's consultative assembly has 920 members, that is, twice as many as Parliament, which has 460 members. The members of the MPR consist of: †

1. Members of Parliament:
   - *--Elected* ..... 360 = 39.13%
   - --Appointed Golkar[31] representatives ..... 100 = 10.87%
2. Additional members in the form of regional delegates; the core of this group includes the Governors, the Pangdam,[32] the Speakers of the Regional Legislatures, and so forth .... 135 = 14.67%
3. Additional members in the form of delegates from the Political Parties and Golkar, who are designated proportionally in accord with the election results ..... 118 = 12.83%
4. Additional members in the form of appointed Golkar delegates ..... 207 = 22.50%

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* Elucidation *UUD '45*.

† Membership of the MPR is regulated by Law No. 16/1969 and Law No. 5/1975, "On the Organization and Status of the MPR, DPR, and DPRD," as well as the regulation on their implementation, Presidential Decree No. 2, 1976.

31. Golkar (Golongan Karya, Functional Groups) is the New Order regime's electoral machine, nominally not a party, but in effect the party of the bureaucracy, especially the military. The 100 appointive seats specified here are those reserved for members of the Armed Forces.

32. Pangdam = Panglima Daerah Militer (Military Territory Commander), i.e., commander of one of Indonesia's 16 Kodam (see above at Ch. 1, n. 5).

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We can easily calculate that a *mere 39%* of the members of the MPR are *directly elected* in a general election, while the remaining *61%* are in principle designated or appointed by the president. Thus it is understandable if the MPR manifests the president's will more than it does the popular will. The result is that national sovereignty is no longer in the hands of the people, but rather in the President's. For that reason the present MPR can be said to be unconstitutional, because it is not in line with the intent of our 1945 Constitution.

Is there adequate reason for saying that the present MPR is unconstitutional? Doesn't the President designate the *regional delegates* on the basis of elections within the provincial legislatures, which in turn are constituted on the basis of the results of the general elections?

Doesn't the President designate the additional members from the Political Parties and Golkar proportionally, in accord with the general election results, rather than simply as he pleases?

It's true, the regional delegates who serve as additional members are designated on the basis of elections within the provincial legislatures! But let us look at the status of the provincial legislatures in the Elucidation of the basic law on regional government. It says:

Article 15:
(1) Regional Government consists of the Regional Head and the Regional Legislature.

Article 22:
(1) The Regional Head exercises the Rights, the authority, and the leadership duties of the Regional Government.

Thus it is clear that the Provincial Legislature is only a subdivision of the Regional Government, whose position is subject to management by the Regional Head--the Governor, or the Bupati. The weak position of the Regional Legislature is more plainly revealed in the Basic Law on Regional Government, Law No. 5/1974, where Article 35, Paragraph 1, goes as follows:

> If it becomes clear that the Regional Legislature, Level I, is neglecting or for some reason is unable to carry out its functions and duties, to the point of inflicting harm on the province or the Nation, the Minister of Home Affairs, after hearing the assessment of the Governor/Provincial Head, will decide the means by which the rights, the authority, and the duties of the Regional Legislature will be carried out.

Obviously the Regional Legislature is only a subdivision of the Regional Government, and so it is not difficult for the President c/q [i.e., *cum quo*] the Minister of Home Affairs to intervene because they are, of course, authorized to do so.

It is true, the additional members from the Political Parties and Golkar are designated proportionally on the basis of the results of the general election. But because they are designated, those who do the designating can choose which candidates will be appointed as members of the MPR. In practice they are selected, or screened, by the general election institute,[33] the Police, Bakin and kopkamtib. The result is that the Political Parties and Golkar are never completely free to decide who they want to serve as additional members of the MPR.

Judges of the Court, Because some members of Parliament and the MPR are appointed under our system of representation, the New Order regime has acquired an

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33. I.e., Lembaga Pemilihan Umum. For Bakin, see above at Ch. 1, n. 9.

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efficacious means of keeping itself firmly ensconced at the pinnacle of power. This system allows it to appoint its supporters, so that it can completely guarantee the preservation of its power. Even if the current New Order Regime suffered *total defeat* in the general election, meaning that *Golkar did not obtain a single vote*, it still would not be dislodged.

Let us look at the calculations below!

Even if they met with total defeat, those-in-power would still appoint 100 representatives to Parliament. In the MPR they would still have these supporters:

--Appointed members of Parliament	100
--Additional members appointed from Golkar	207
--Regional delegates; at the core of this group are the Governors, Pangdam, Speakers of the Regional Legislatures, and so forth	135
--Guaranteed *compensation* for total defeat in the General Election	5
Total	447

Thus, even if Golkar suffered total defeat in the General Elections, those-in-power could still seat 447 supporters in the MPR, leaving them only 14 short of a majority. In view of the methods they use, those-in-power would not have much difficulty fixing things so that, with this near-majority, they could dictate the MPR's decisions.

Therefore, even if Golkar met with total defeat in the general elections, it would still be the "winner" in the MPR! And will be until doomsday, perhaps, if the present laws are not changed!

Now what would happen if one party gained a *total victory*, meaning that it received *every* vote cast? Could it come out the winner in the MPR?

Let us look at the figures below!

If one Political Party gained a total victory, it would obtain 360 seats in Parliament. In the MPR it would acquire these seats:

--Members of Parliament	360
--Additional members in proportion with the General Election results, minus 10 to compensate Golkar and the Political Party which suffered total defeat	108
Total	468

Even if one party gained total victory in the general elections, it would obtain only 468 seats in the MPR, *a slim majority*, with only a 7-vote margin.

These theoretical scenarios make it plain to everyone: general elections in Indonesia today are not true political competitions! They are held because they have to be, as part of the rituals of a country which calls itself a democracy. For that reason the general elections are meaningless as an institution for channeling the popular will and as an authentic democratic institution. General Elections are clearly not held for the purpose of establishing representative and consultative institutions which genuinely manifest the popular will, for the very reason that the President designates the majority of its members by appointing members of the MPR. If that is the case, why are General Elections held?

A General Election is simply a device for legitimizing the rule of the New Order Regime, which has been ensconced at the pinnacle of the government all this time!

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Judges of the Court,

Now we will look at *how* the General Elections are conducted. Are the principles of directness, freedom, and secrecy upheld? Who runs the general elections? Who are the players and who are the referees? What sort of incidents accompany the general elections? We will examine these questions one by one!

Who conducts general elections in our country?

The General Elections are conducted by the Government under Presidential guidance.* The President sets up a General Elections Institute (LPU), chaired by the minister of home affairs, to administer the General Elections.† Those serving on the Leadership Council of the General Elections Institute are also members of the government, namely, these ministers:

1. The Minister of Home Affairs sits as a member and doubles as chairman.
2. The Minister of Justice sits as a member and doubles as vice-Chairman.
3. The Minister of Information sits as a member and doubles as vice-Chairman.
4. The Minister of Finance sits as a member.
5. The Minister of Defense and Security/Panglima of the Armed Forces[34] sits as a member.
6. The Minister of Communications sits as a member.
7. The Minister of Foreign Affairs sits as a member.‡

Apparently those presently in power feel that even Seven ministers aren't enough, making it necessary to issue the following regulation:

> By virtue of their offices, the Minister of Home Affairs, the Governors, Bupati or Mayors, the Camat, and the Kepala Desa[35] are respectively members, doubling as Chairmen, of the Indonesian General Election Committees; the Regional General Election Committees, Level I; the Regional General Election Committees, Level II; the Ballot Committees; and the Voter Registration Committees.§

Thus a general election is completely a government festivity, from the highest levels to the remotest villages.

What makes this festivity even more jolly is the fact that those who conduct the general elections are themselves busily joining in the game. In practice the *President* also holds the office of Principal Former[36] of GOLKAR. The Ministers

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* Law No. 15/1978, Article 8, clause 1.

† Ibid., Article 8, clause 3.

‡ Presidential Decree No. 1/1970, Article 5, clause 1.

§ Law No. 15 [1969], Article 8, clause 5.

34. Panglima Angkatan Bersenjata [Pangab], the pinnacle of the Armed Forces hierarchy. *Panglima* is that rarity, an ancient Malay military title incorporated into a contemporary military nomenclature wholly Western in character. It was adopted by the armed forces during the Revolution as a symbol of national identity and has distinctly "heroic warrior" connotations.

35. *Camat* = subdistrict officer; *kepala desa* = village headman.

36. The term *pembina*, a special favorite of the military, is difficult to render precisely: it covers the meanings "former," "shaper," "molder," as well as "founder," with strongly authoritarian overtones.

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of Home Affairs, of Defense and Security and so on are members of the *Formative Council of Golkar.** And the complicity of government officials, both civilians and members of the Armed Forces, in securing victory for GOLKAR is common knowledge. In a game like this, when one can no longer distinguish those who are conducting the elections, and must occasionally be able to serve as referees, from the players, the likelihood of dirty play[37] is enormous. But then...it's human nature, isn't it, if a chance comes along...immediately to make a grab for it. Even more so when power is involved.

If indeed the President himself once referred to politics as a sport, then a general election is surely one of the "oddest" sporting events in the world. Why odd? Where in the world is there a sport in which the referees join the game, except in an Indonesian General Election? This is just one of our nation's illustrious achievements.

Indeed, no less a body than the DPP[38] GOLKAR itself acknowledged that GOLKAR was able to secure victory primarily through the services and full support of the Armed Forces and the government apparatus in general.† If GOLKAR itself, as the victor in the general elections, admits that it engaged in fraudulent practices in order to win, I think it only remains for us to mention the other deceptions and nonsensical aspects of the way that general elections are conducted.

For instance, in regard to the way nominations are made!

The nomination process begins, of course, when the Political Parties and GOLKAR submit a list of candidates to the General Election Institute. But evidently it does not stop there. After being screened for fulfillment of the statutory conditions by the General Elections Institute, the list of candidates must still first be turned over to KOPKAMTIB.‡ Here's the rub..at this stage, what is really going on becomes "taboo"[39] for public discussion. It is a question of "security,"[40] after all...so only the people at the top level may know about it. Security can have a variety of meanings. It is not impossible that in this case it means security for the continuing rule of those presently in power. Thus their actions can be oriented toward that end, for example, expelling bright but "disobedient" people and people who are considered a potential threat to their power. Now! The way things are in our country today, who dares to oppose KOPKAMTIB?

In the end the leaders of the Political Parties and GOLKAR end up accepting KOPKAMTIB's scratchings-out on their lists of candidates! Ultimately, it's KOPKAMTIB which decides who may go on to stand as a candidate and who must be dropped!

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* *Hasil Munas* [Musyawarah Nasional] *I, GOLKAR*, Surabaya, 1973.

† "Pengantar Materi Munas II Golkar, tentang penataan Organisasi" (stencilled, for limited circulation), DPP GOLKAR, 1978.

‡ Presidential Decree No. 1/1970, Article 49.

37. *Main kayu* ("wood play") is a slang term for brutal, violent behavior.

38. DPP = Dewan Pimpinan Pusat (Central Leadership Council).

39. The English word occurs in the text in single quotation marks, without an Indonesian gloss.

40. The English word is given in single quotation marks, without an Indonesian gloss, probably in mimicry of the military hierarchy's fondness for English terminology.

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Thus it is obvious that the problems to which the students drew attention in the White Book were not humbug or insults, but were based strongly on existing facts. Let us take another look at this excerpt from the "White Book":[41]

> ...of course, ...Parliament has been 'fixed' by the national executive leadership to become so paralyzed. Even at the time when the official list of parliamentary candidates from the Political Parties and from Golkar was being drawn up for the General Elections, the individuals listed were picked by the government. People thought to have too much courage, integrity, and principle were considered dangerous and were scratched off the list. Those who remained on the list of candidates "blessed" by the government consisted of people who were either weak or, at best, moderates, ready to swing to the right or to the left; but the majority, of course, were weak.

The issues which were brought up in the WHITE BOOK are everyday matters, seen from the perspective of the real condition of our political life. Indeed, conditions are much worse than those described in the "White Book"! Aren't the fraudulent machinations of those-in-power during the 1971 and 1977 general elections common knowledge? And hasn't the DPP GOLKAR already admitted this itself? These are the realities about the two General Elections which the New Order Regime has conducted.

Thus just what kind of general elections do we have?

If I may make a suggestion, in the interests of economizing and in order to make it unnecessary to continue deceiving the people, how would it be if, in 1982, only KOPKAMTIB were to submit a list of candidates for the general election. The outcome would be the same, at greatly reduced cost and trouble!

Next we will examine whether or not the principles of directness, freedom, and secrecy were really upheld during the 1977 General Election.

In order to avoid prolonging this defense, I will simply quote accounts of cases which were reported by those involved in them and were covered by the mass media:

In its May 7, 1977 issue, *Tempo* reported:

> --A number of little people have fled from villages in the vicinity of Karawang and Subang. They are afraid to go home because of a kind of "threat" from local authorities. In several areas, no fewer than 700 people have been detained. But on the eve of the balloting on May 2, [1977,] they were promptly released so that they could exercise their right to vote, just as the President promised they would be last week. They were members of the Upbuilding Unity Party (PPP).[42] And in late April 21 of 52 members of the PPP in Subang who had fled to Bandung returned home to their respective villages on orders from the West Java Laksusda. Meanwhile the other 31 refugees are also to be sent home; as of last week a further 50 had still not returned from their places of refuge in various parts of Jakarta.
>
> --Even as late as the eve of the Week of Calm,[43] several PPP and Indonesian

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41. The translation here is taken word for word from the translation of the White Book in *Indonesia*, 25, p. 156.

42. The PPP (Partai Persatuan Pembangunan) is a regime-imposed fusion of various older Islamic political parties which was brought into existence in 1973.

43. *Minggu tenang*. Under the New Order's election rules, parties are not permitted to campaign during the final week before election day. The justification

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Democratic Party (PDI)[44] commissioners in the Banyuwangi area (Muncar, Glenmore, Genteng, Jajag, Giri) were all prepared to flee. They were afraid of being "scooped up"[45] by Koramil[46] the way they were in 1971.... In Jember in 1971 members of Hansip were assigned to serve as night and dawn patrols. Night patrols guarded the security of the village while dawn patrols--the morning of the polls--knocked on the inhabitants' doors and ordered them to vote for so-and-so. It is hoped that this year there will be no further such intimidation. But quite a few "headstrong" Political Party leaders, especially from the PPP, have been "sleeping elsewhere."[47]

In its May 21, 1977 issue, *Tempo* reported:

--"It made me wonder whether the general election in 1977 wasn't rougher than the one in 1971, since no PDI members died in 1971," he said. "It made me wonder if General Elections in fact absolutely need to be carried out when they claim so many victims," he remarked. The 60 billion[48] rupiah cost of the General Election "isn't much, especially compared to the mental price we pay." He was referring to changes in popular perceptions of those-in-power, the law-enforcement apparatus, and the Armed Forces.

In its May 21, 1977 issue, *Tempo* stated:

--The DPP has recorded that, as of now, 3 PDI members have died--one in Bali, one in North Sulawesi and one in Semarang. "There was another who was shot in Cilacap, but he survived," Suryadi said.

--In Central Java, Suryadi said, a former political prisoner from the G30S/PKI who had served a 6-year prison sentence led an attack on the PDI, using trucks and buses. "The attackers were wearing the official jackets of one of the [election] contestants.[49] The former political prisoner, Kisromi, is the son of the [ex-] Chairman of the PKI's Central Java CDB,[50] Pego Pranowo.

--In Brebes, Tegal, and Pekalongan, he said, many recidivists[51] have also

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for this rule (which does not in practice apply to officials) is that campaigning may excite popular passions to dangerous levels, and a week of calm is needed to insure orderly polling and mature voting decisions.

44. The PDI (Partai Demokrat Indonesia) is a regime-imposed fusion of all pre-existing non-Islamic parties (Nationalist, Protestant, Catholic, etc.), which was brought into being in 1973 at the same as the PPP (see above).

45. *Diciduk*--a sinister slang-officialese euphemism for a variety of severe punitive actions by the authorities, from summary arrest to execution and "disappearance." Its currency dates from the anticommunist pogroms of late 1965 and early 1966.

46. On Koramil, see above at note 27. Hansip = Pertahanan Sipil (Civil Defense).

47. "*Pindah tidur*" appears in quotation marks in the text. The meaning is that these party leaders were so afraid of arrest, beatings, or even murder, that they slept in different places every night.

48. I.e., about $150,000,000 at 1977 rates of exchange.

49. A cautious but clear reference to Golkar, the regime's electoral machine.

50. CDB = Comite Besar Daerah (Big Region Committee), the highest level provincial leadership echelon of the Indonesian Communist Party.

51. I.e., "repeaters," or hardened criminals.

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been "deliberately" used to disrupt the PDI masses. In East Nusa Tenggara, not only was there "coercion," but it was reported that on the night of May 1, there were 10 imposters posing as "blind people" at every polling place. These people were under orders to fake blindness, so there was an excuse to guide them to the polling booth and have them insert a particular ballot.[52]

--According to a report from the DPC[53] of the PDI in Manggarai, the election began at 5 in the morning in the village of Ndoso in the Kuwus subdistrict. In Ranggu village it started even earlier. In Tengku Leda Village, where Golkar was declared the winner with 100% of the vote, police officer Daerang Lara and Hansip people were present in the polling booths.

--In the village of Arus there were poll officials who immediately opened the ballots after they were cast. And in the hamlet of Menge, *surat panggilan*[54] had already been collected on April 30, [1977,] so there was no point in the voters coming again on May 2, 1977.

In its February 26, 1977 issue, *Tempo* reported:[55]

--In Situbondo, two members of the PPP required hospitalization after being beaten up by the pamong desa. Three members of the NU (PPP)[56]--Maudin, P. Wini, and P. Rais--were beaten up by a local official named Jamal on February 5, 1977. The three individuals in question have written and signed a statement, and supplied photographs.

--A [kind of preliminary] Election was held in January in the village of Patuk, in the Gunung Kidul Regency. Patuk has a population of 1,982. In January all the inhabitants' homes were visited and they were presented with a form; the people were asked to vote for one of the groups listed on the form in the sequence Golkar, PPP, and PDI. The votes had to be signed or else

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52. This appears to mean that by arranging to have fake-blind people show up at the polling-stations, officials were given an excuse to enter them under the guise of "guiding" the sightless--and ensuring perhaps that they perforated the correct ballots. The presence of officials inside the booths was one of the things the opposition parties protested most strongly about. It should be noted that the Indonesian here reads literally "a certain symbol was perforated." Since many Indonesian voters are illiterate, ballotpapers are prominently marked with the visual emblems of the parties and of Golkar, to make voting choices easier. In fact, in some recent elections, candidates' names have not appeared on the ballots.

53. DPC = Dewan Pimpinan Cabang (Branch Leadership Council).

54. The meaning here seems to be as follows: voters intending to cast their votes on election day are supposed to bring with them their *surat panggilan* (summons) from the local Voter Registration Committee, instructing and entitling them to vote at a particular polling-station. This document must be turned over to the Ballot Committee before the voter is allowed into the booth. In this case, by forcibly calling in the surat panggilan several days before the election, and telling their owners to stay home on election day, unscrupulous officials were able to turn over these legitimate summonses to their henchmen, permitting them to cast illegitimate votes for Golkar.

55. In the following quotations from *Tempo* the author has presented a synopsis and summary rather than *Tempo*'s original language.

56. NU = Nahdatul Ulama (Islamic Scholars' Party). Formerly an independent political party of conservative, rural Islam, it has been forcibly demoted to the status of major component of the PPP (for which see above at note 42).

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> marked with a thumb print. [The results were that, of the 120 people questioned, 102 voted for Golkar, 5 for the PPP, and 13 made no choice.] The Lurah [Headman] of Patuk, Harjodiguno, told *Tempo* that "the survey was conducted because an order was sent to the Golkar commissioners."[57]

An enormous number of cases have reflected the lack of directness, freedom, and secrecy in the way the General Elections were conducted, and yet the odd thing is that the Special Parliamentary Committee which deals with such incidents has never been able to hold a session. This is because the meetings are regularly "boycotted" by Golkar.

Thus the fraudulent practices of the New Order regime have pervaded every aspect of the past General Elections. All the manipulations of the nomination [process], the [election] regulations, the composition of the MPR/Parliament, the meddling of the government apparatus, the abuses in the technical administration of the general elections which were never justly resolved, the procedural rules of Parliament and the MPR and so on, have only favored preservation of their power so that it cannot be undermined! And all of this is part of their strategy to concentrate power upward so that the people can no longer criticize or protest the corruption-ridden implementation of upbuilding!!!

Paralysis of Sociopolitical Forces Signals
the Continuation of Dictatorial Government

Judges of the Court,

The concentration of power, which is just one characteristic of a dictatorial government, is reflected in the systematic involvement of those-in-power in efforts to paralyze social and political forces which they consider capable of provoking opposition and challenges to their ideas. They do this in a variety of ways, including:

--Infiltrating and splintering targeted sociopolitical organizations.

--Sponsoring sociopolitical organizations by providing all kinds of facilities and funding.

--Setting up "puppet" organizations designed to serve as the sole institutional setting for [particular] social and professional activities; these are monolithic organizations, affiliated with those-in-power.

--Hampering social and political activities by means of various regulations, especially ones involving security.

The White Book terms these machinations by Those-in-Power in meddling in the internal affairs of sociopolitical organizations "a-moral,"[58] because they are not in accord with the political rules and norms held in high esteem in this country. The official political norms guarantee the right of every citizen to form associations and to express opinions.* Every citizen is free to associate with others

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* *UUD '45*, Article 28.

57. *Komisaris* (commissioner), evidently the lowest level functionary in the Golkar hierarchy.

58. The English word appears, spelled this way, in single quotation marks, in the Indonesian text, without paraphrase.

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without having to be subjected to interference from the dirty hands of those-in-power.

The following discussion will lay bare the facts which reveal the complicity of those-in-power in various efforts to paralyze the existing sociopolitical organizations in Indonesia.

One of the scandals in which the "fingering" of the New Order Regime was evident was the splintering of the Indonesian National Party (PNI).[59] This splintering, which irritated and angered PNI supporters as well as the general public, took place repeatedly and over such a long span of time that in the end the PNI itself could scarcely do anything to carry out its function as a party in bearing the aspirations of its electoral constituents.

The 12th congress of the PNI in Semarang in 1970 did not escape the meddling of those-in-power. In fact, at the time the newspaper *Sinar Harapan* even reported the presence of *Opsus operatives*. *Suluh Marhaen*, the PNI's official paper, also voiced opposition to this interference by those-in-power, as did the Jakarta *press in general.** There was conflict at the time between Hadi Subeno and Hardi SH. Hadi Subeno, who was championed by those-in-power, defended himself by saying, "It's logical, isn't it, if the leadership of the Armed Forces prefers to deal with people who are ready to deal, who support the Dwi Fungsi...."†[60]

The splits that occurred during the 12th PNI congress have proved to have had long-term consequences for the PDI, i.e., the party which was produced by fusing the PNI with several other parties. PNI elements have continually sown discord within the PDI, first between Sunawar and Isnaeni, then between Isnaeni and Usep. Most recently Isnaeni has once again played the starring role in confronting Sanusi. Thus it is no surprise that the PDI came in last in the 1977 GENERAL ELECTION, trailing far behind. It was possible to corrode the PDI from within through its own members.‡

Even PWI, the Journalists' Organization,[61] has not escaped corrosion, thanks to those-in-power. During the 14th PWI congress in October 1970, a split in the organization produced the Rosihan-PWI and the Diah-PWI,[62] which was championed

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* *Tempo*, December 10, 1977.

† Ibid.

‡ *Tempo*, December 10, 1977.

59. PNI = Partai Nasional Indonesia (Indonesian National Party). In the 1950s and early 1960s it was one of the "Big Four" political parties and the major competitor of the communists for the support of Java's *abangan* masses. In 1973, after repeated, blatant interventions by the Suharto regime (mainly via Ali Murtopo's Opsus intelligence apparatus), it was forcibly merged into the regime-decreed PDI (for which see above at note 44).

60. Dwifungsi (Twin Function) is the military's self-proclaimed doctrine that Indonesia's armed forces have both military and socio-political responsibilities/functions in Indonesian society. The doctrine, formally approved by the MPR in 1973, provides the central justification for continued military rule.

61. I.e., Persatuan Wartawan Indonesia (Indonesian Journalists' Union).

62. Abbreviated references to Rosihan Anwar and B[urhanudin] M. Diah, two wily, rival veterans of Indonesia's turbulent newspaper wars. In this split Rosihan Anwar was the candidate of the "liberal opposition," while Diah, whose checkered career has periodically identified him with the PNI, was the candidate of the regime in general, and Ali Murtopo's Opsus in particular.

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by those-in-power. Even though most newspapers and journalists vigorously defended the Rosihan-PWI and *criticized the interference of those-in-power*, the fact is that those-in-power persisted in recognizing only the Diah-PWI.*

We can see that the congresses of various sociopolitical organizations have obviously provided those-in-power with convenient opportunities to carry out their politics of expediency--to "*divide et impera.*" This has been the case with Parmusi, PSSI,[63] and other organizations, as well as with the PDI and the PWI.†

The primary goal of those-in-power in intervening in the internal affairs of these various sociopolitical organizations is nothing other than dividing and then ruling them, exactly as the Dutch colonialists did long ago!! The Suharto Regime controls these organizations, which have already been thrown into disarray, by installing as puppet leaders people who have been "greased"[64] with all kinds of wealth and status. The ultimate result is that these organizations are paralyzed and helpless.

Judges of the Court,

If we take just a passing glance at the social organizations which are able to flourish at the national level nowadays, it will be apparent how limited they are in diversity and number. Even the few which have managed to survive are usually organizations whose survival is dependent on the will of those-in-power. The obliteration of the principle of living together in a "bhineka tunggal ika" society[65] and the suppression of grass-roots democracy has resulted in apathy. The sole organizations which the New Order Regime sponsors are:[66]

For workers, FBSI (All-Indonesia Workers' Federation),
For farmers, HKTI (Indonesian Farmers' Cooperative Association),
For fisherman, HNSI (All-Indonesia Fishermen's Association),
For teachers, PGRI (Teachers' Union of the Republic of Indonesia),
For journalists, PWI (Indonesian Journalists' Union),
For the youth, KNPI (National Committee of Indonesian Youth),
And so forth.

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* Ibid.

† Ibid.

63. Parmusi is an acronym for Partai Muslimin Indonesia (Party of Indonesian Muslims). This party, formed early in 1967, was a pale revival of Masyumi, the large "modernist" Islamic party of the 1950s, which was banned by Sukarno in 1960 for alleged involvement in the regional rebellions of 1958. Parmusi was kept under tight regime surveillance and control until its forced merger into the PPP in 1973. PSSI = Persatuan Sepakbola Seluruh Indonesia (All-Indonesia Football Union).

64. The Indonesian text has the slang word *disemir*, in single quotation marks. The word literally means "[shoe]polished."

65. Bhineka (correctly Bhinneka) Tunggal Ika is the Sanskritic official motto of the Republic of Indonesia, and means, roughly, "Diverse but United."

66. The Indonesian names of these organizations are: Federasi Buruh Seluruh Indonesia; Himpunan Kerukunan Tani Indonesia; Himpunan Nelayan Seluruh Indonesia; Persatuan Guru Republik Indonesia; Persatuan Wartawan Indonesia; Komite Nasional Pemuda Indonesia. All but the PWI and PGRI are creations of the Suharto regime.

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This simplification makes the game plan more and more easy to carry out! If those-in-power are not successful in placing their "jago" in the leadership of these organizations, they can effectively apply pressure or use divisive tactics like those illustrated above. And if that still fails, those-in-power can easily set up rival organizations.

The New Order Regime is so bound and determined to build the serried ranks of these monolithic organizations that it has blinded itself to the natural tendency of every society to exhibit diversity. There is an ecological law which says that: *The more diversified* a life system is, *the more stable* it will be. Which, indeed, is our national motto, Bhin[n]eka Tunggal Ika, unity in diversity!!

A striking case in this regard is one involving the KNPI which took place on the eve of the 1978 General Session of the MPR. Those-in-power made every effort to include the KNPI in the GBHN as the sole organized institution for youth. Those-in-power wanted to herd the youth into a single organization formed in accord with their ambitions, which later could easily be dominated to serve their political ends. Protests against this plan came not only from student circles but also from a variety of other social circles still capable of common sense. The All-Indonesia Student Council and Student Senate was only one of the leading opponents of the idea of putting the youth in the stocks via the KNPI!

The students may have had a plan but those-in-power proved to have one of their own as well. Not only did the New Order Regime not listen to the students' demands; on the contrary, it put them in the stocks via the "normalization of Campus activity" [Policy][67] instead.

The Student Councils were forcibly disbanded, while new, upward-oriented organizations were established, also under duress. The organizations which replaced the Student Councils were no longer headed by students; but by Rectors' Assistants instead. The Rectors' Assistants in charge of Student Affairs automatically took office as chairmen of the Student Coordinating Bodies (BKK)[68] which replaced the Student Councils. Once again the student's role is only that of an "errand boy" or an *obyek pembinaan*![69]

State Institutions Which Have Become Ornaments

Judges of the Court,

We have already see how General Elections are used merely as a device for legitimizing power. There is still one more method which the New Order Regime uses to protect its power and its democratic image. The New Order Regime has

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67. This is a reference to the KNK (Konsep Normalisasi Kampus, Campus Normalization Concept), a policy launched and doggedly pursued by Opsus Education Minister Daud Yusuf in the wake of the mass student protests against Suharto's unopposed re-election as president in the spring of 1978. The policy's central aim has nothing to do with normalization and everything to do with tightening the government's control of campus life and forcibly depoliticizing student activities.

68. The translation does not do justice to the exemplary bureaucratese of Badan Koordinasi Kemahasiswaan (*Kemahasiswaan* could perhaps be translated as "Student-ness").

69. *Obyek pembinaan* could perhaps be translated as "target for molding," but such a translation does not do justice to the ominous connotations of both words. For more on *obyek* and *pembinaan*, see above at Ch. 2, n. 5 and n. 36 above.

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decked itself out in such democratic ornaments as a Parliament, an MPR and a variety of other higher institutions commonly found in countries which claim to be democracies. However...their names alone already make them ornaments or decorations, whose function is strictly to adorn, while their real functions as state institutions are not fulfilled. The full story follows.

We know that Parliament has never made use of its right of interpellation (requesting information) or its right of enquête (investigating a case), despite the fact that it is precisely these rights which constitute the mechanisms by which the running of the government can be controlled. When the [way the] government is run is not controlled it can act autocratically. Right or wrong will be of no concern to the government, even if its actions or those of its officials seriously harm the people. Because there are no controls it will just keep going. That is why it is so dangerous when Parliament does not carry out its functions.

Parliament, which is supposed to exercise control, is obviously not carrying out its duties the way it should. All this time Parliament has merely been pretending to control the government by holding government hearings. But that which goes by the name "hearing" consists merely of the government giving information about some matter before Parliament, followed by a question-and-answer session if necessary. If something is not to the liking of "the people's representatives," they can debate with the government a little but usually they are just helpless. This is make-believe control, not genuine supervision!! Naturally the New Order Parliament must pretend to control the government, so that the New Order Regime will appear democratic and its administration will appear to be supervised by the people. Such tactics for pulling the wool over the eyes of the masses may indeed work for a little while, but if they think they can get away with it forever they are just dreaming!!! Eventually the people will still see the realities, and they will believe them more than a thousand upgrading courses or lectures about how this government is democratic and operates under the genuine supervision of Parliament. The people will see that Parliament's *supervisory function* is not being carried out. They will see that its function of *voicing the people's wishes* is not being carried out either. And they will see that the functions which are being carried out are those of *pretending to supervise* the government and *pretending to voice the people's wishes*!!

In truth the people have never had a priori [feelings][70] about the New Order government. Long ago, in 1967-68, when the New Order Regime had just emerged, the people held high hopes of thoroughgoing improvements in our state life. But those hopes have faded because the reality has proven otherwise. The realities which belie those hopes have grown more numerous with the passage of time, with the result that the people's trust in the New Order Regime has faded as well. Their faith in their Legislative Institutions, namely, Parliament and the MPR, has faded too. There is ample data proving that Parliament's functions of supervising the government and voicing the people's wishes are not being carried out. For instance, let us examine the following facts:

Some time ago, at the beginning of the 1970s, *Harian Indonesia Raya* warned about irregularities within Pertamina. The daily carried full reports with authentic documentation, but the New Order Regime took no action whatsoever. And yet we know that Pertamina managed enormous quantities of state funds, which meant that if there were irregularities it would be very harmful to the nation. Evidently

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70. The semi-official neologism *berapriori* developed from frequent regime pronouncements that its critics and opponents are blindly (a priori) prejudiced against it and its policies.

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the reports in *Harian Indonesia Raya* were regarded as trivial by "the people's representatives" in Parliament. They did not use their right of enquête to investigate the case. Who knows if it was because they did not dare, or were lazy, or were indeed closing their eyes to it, but the fact of the matter is that they just kept silent. Maybe they were too busy arranging installments on their allotted Volkswagens.[71] But several years later all of *Harian Indonesia Raya*'s warnings turned out to be true.

The massive mismanagement and corruption that went on within Pertamina generated a debt of US$10 billion, or four times the size of the entire debt incurred by the Old Order. With US$2.5 billion the Old Order Regime was able to seize West Irian; with that US$10 billion, Pertamina was able to what?*

Once all this corruption was exposed, could we count on the members of Parliament to make use of their right of enquête to investigate the case further??? No!!!

Judges of the Court,

It has been clearly proven that the New Order Regime lacks the *political will* to make Parliament genuinely carry out its functions of supervising the government and channeling the people's voices! And yet it could do so. Do not its Armed Forces-Golkar representatives and its non-Armed Forces-Golkar representatives constitute a majority in Parliament? Through them it could change [Parliamentary] procedures. It could pass Laws regulating the finances and facilities of Parliament, enabling it to function in the manner laid down by the 1945 Constitution.

The Suharto Regime's supporters in Parliament, i.e., the Armed Forces-Golkar representatives and the non-Armed Forces-Golkar representatives, *do not want* to use their right of interpellation and their right of enquête. And even if representatives from one of the Political Parties wanted to make use of those rights, the Golkar representatives *could* [always] thwart them, because they would have to seek the approval of a Plenary Session of Parliament first.† Furthermore, a separate Law specifically regulating the exercise of the right of enquête has deliberately never been established to this day, so that members of Parliament can always contend that: "The right of enquête has never been exercised because as yet there is no law regulating its use."

That is why, since the New Order Regime has come to power, Parliament has *never once* exercised these rights. No matter how glaring the corruption that takes place in our country, e.g., [the cases of] Pertamina, Bulog, Palapa,[72] the

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* Adi Sasono, "Hutang Luar Negeri, Model Pembangunan dan Nasionalisme," *Majalah Pustaka*, III, 1 (February 1979), Perpustakaan Salman ITB, p. 24.

† Peraturan Tata-tertib DPR, Article 11 clause 30, Article 17, and Article 19 clause 1.

71. One of the "perks" the Suharto regime has used to soften up members of Parliament has been permitting them to buy Volkswagens on favorable terms and in well-spaced installments. Kostrad owns the Volkswagen agency through its Yayasan Dharma Putra business group in partnership with the Chinese businessmen Sjarief Margetan and Sofyan Wanandi (Liem Bien Koen).

72. On Pertamina and Bulog (Budiaji), see above at Ch. 2, no. 16 and Ch. 1, n. 15. On January 25, 1977 the *New York Times* reported that General Soehardjono, a high official in the Department of Communications, had demanded $30,000,000 in bribes from General Telephone and Electronics Corp. in return for arranging a $330,000,000

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Rp200 billion in unrepaid credits at the Bank Bumi Daya, exorbitant ownership of land by government officials and tens of thousands of other scandals, *Parliament will never make use of its right to request information from the President and its right to investigate these cases.*

Thus Parliament has already plainly deviated from the intent of the 1945 Constitution, which states that Parliament will continuously supervise the President's actions.*

This is the background behind the assertion in the White Book that:

> To prevent Parliament from using this right, to prevent Parliament from becoming a nuisance, to prevent Parliament from making a fuss, to prevent Parliament from being nasty enough to investigate such things as Pertamina, Bulog, the Bank Bumi Daya credits, Tapos, Mangadeg,[73] the wealth of certain officials, etc., establishment of any law regulating the right of enquête was aborted! †

Therefore, I would now like to ask the Public Prosecutor, can these comments from the White Book be termed insulting if they correspond to the facts...?

Upon careful consideration we will see that the charge [that the contents of the White Book] are insulting merely *serves the purpose* of silencing voices which demand that the 1945 Constitution and the Pancasila be implemented *in a genuine and consistent manner*. Moreover, it is made with the intent of *guaranteeing the perpetuation* of embezzlement of state funds, the seizure of the people's land by officials and bigwigs, and all kinds of other deviations, without any investigation by Parliament.

Judges of the Court,

There are several lines in the White Book which were subsequently inserted in the Public Prosecutor's statement of charges. They go as follows:[74]

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* *UUD '45*, General Elucidation Sub VII.

† *Buku Putih Perjuangan Mahasiswa* [ITB], 1978, p. 4.

contract to set up Indonesia's "Palapa" satellite communications system. In the Bank Bumi Daya scandal, a sum of about Rp. 200,000,000,000, or about $480,000,000 at that time, was loaned to Liem Sioe Liong (Sadono Salim), the top financier of the Suharto family's business empire. The terms for repayment were so vague and elastic that the bank was unable to recall the loan in time to prevent bankruptcy, at which point the whole business could no longer be concealed from public attention.

73. This translation is borrowed word for word from the translation of the White Book in *Indonesia*, 25, pp. 156-57. With regard to Tapos and Mangadeg: Tapos refers to the 350-hectare ranch of Sigit Suharto, son of President Suharto (Tapos is a township near the ranch). Not only is the size of this ranch in blatant violation of existing legal limits on landownership, but special bank credits were made available to Sigit as a private individual to develop mixed farming there, contravening established legal procedures. The Mangadeg Foundation was set up to coordinate the construction and preservation of mausolea for the kin of Mangkunegaran princely family, to which Mrs. Suharto claims to belong. It has been in charge of the $1,000,000 tomb recently finished for President and Mrs. Suharto themselves.

74. The translation here is taken directly from the translation in ibid., p. 158.

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> --The 1977 MPR is unconstitutional! According to Article 1 Clause 2 of the 1945 Constitution, *Sovereignty is in the hands of the People*, and is fully exercised by the People's Consultative Assembly. [This means that it is] an institution consisting of the representatives of the people that holds sovereignty. But 61 percent of the members of the 1977 MPR are not representatives of the people!! They are appointed! *

What the concept "Popular Sovereignty" means is that the people hold supreme power, are the source of all power, are the source of law, are entitled to designate people to serve in the government, and are then entitled to request an accounting from those people.† If the government takes actions which deviate from the wishes of its people, the people are entitled to replace it. Today, however, the age of direct democracy is already over. For that reason the people elect representatives to exercise Popular sovereignty. Those representatives are chosen in a General Election, which must be conducted in a direct, public, free, and secret manner. Thus the significance of an election is that *the People designate people they trust to act as their representatives in exercising the principle of Popular sovereignty.* Since the people are of course sovereign, it is they who *have the right to give a mandate* to certain people as their representatives. No one else has that right. So if someone claims to be a representative of the people but has not received a mandate *from the people*, that means he is involved in manipulation.

The General Elections which we have held twice since the New Order Regime has been in power have only elected 39% of all the members of the MPR, which is the Institution which Exercises Popular Sovereignty, according to Article 1 Clause 2 of the 1945 Constitution. Thus the principle of Mandating the People's Power to the MPR has clearly not been upheld.

Judges of the Court,

Distortion in the implementation of our state life can also be found in the problem of the MPR leadership. The Chairman of the 1977 MPR was a member of the Armed Forces. According to the Sapta Marga,[75] which is supposed to become second nature to the members of the Armed Forces, a subordinate must obey his superior. No matter what happens. A subordinate who refuses an order from his superior can be considered a deserter. And yet the President is the Commander-in-Chief of the Armed Forces.‡ So the Chairman of the MPR obviously must defer to the President, since he is below him in the military hierarchy. How can the MPR properly request an accounting from the President when its Chairman is the President's subordinate?????

Is such a situation in line with the spirit and intent of the 1945 Constitution and the Pancasila????? The same is true of the proceedings during MPR sessions. As the highest State Institution, and as a manifestation of the will and power of the people, [the MPR] is supposed to be fairly serious and responsible in preparing and passing its Determinations.

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* Ibid., p. 5.

† G. S. Diponolo, *Ilmu Negara*, Vol. 1. PN Balai Pustaka 1975, pp. 183-87.

‡ *UUD '45*, Article 10.

75. Sapta Marga is the Soldier's [Seven-fold] Oath, officially adopted by the Indonesian Armed Forces in the early 1950s.

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But what happened during the recent 1977 session of the MPR was: its draft GBHN was drawn up by Wanhankamnas and Team 11,[76] which received their mandate from the President. Later, the 1977 MPR only edited this draft. Yet the 1945 Constitution explicitly states that the MPR's duties include drawing up the Broad Outlines of State Policy.* Thus responsibility for formulating the GBHN lies *fully* with the MPR, as a manifestation of the entire Indonesian people. If the Draft of the GBHN were prepared entirely by the MPR, and the MPR were produced by an honest General Election, it might then be expected that the results would come close to the people's real wishes. But if it is drawn up by the executive, the ambitions of the government will be the focal point of the GBHN. Besides which, the MPR, which has already been elected with so much effort and at such great expense, and has claimed victims as well, *becomes an irresponsible Institution,* since it does not carry out the tasks which are its responsibility.

Doesn't this situation deviate from the spirit and intent of the 1945 Constitution????????

The Press as a Vital Necessity of Democracy Has Been Castrated by Censorship and Muzzling

Judges of the Court,

Now we will turn to look at the life of the press. The position of the press is very important. Through it the government can not only offer information, recommendations, and exhortations, disseminate government policies and so forth among the public, but it can also read the thoughts of its people. In the days of King Harun Al Rashid's rule, the King traveled around to the homes of poor inhabitants to listen to their grievances. Today it is no longer possible, for example, for the President to go around to the homes of the poor to find out about their sufferings and their aspirations, because his term of office would be up before he had finished making the rounds just of Jakarta alone. Of course it can be done once in a while, but not on a continuing basis.

For that reason specific mechanisms are needed to enable the President and his government to listen to the living aspirations of his people. These mechanisms include the press as well as Parliament. Are the people restless over price increases? Over difficulties in getting their children into school? Over expensive hospital care? Over rice-brokers who control the peasants' lives? Over workers' wages which are not raised while everything else goes up in price? Over fish-brokers who dominate the lives of the fishermen? Over trawlers with giant dragnets which drive traditional fishermen to the wall? Over excessive and illegal land-ownership by city people and government officials, while the peasants get more and more impoverished as a result of losing their land? Over the son of a high official who, after killing someone, is set free while his father is even promoted to the rank of minister?[77] Over the increases in the prices of fuel and

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* *UUD '45*, Article 3.

76. This means Team 11, an ad hoc team, formed by the Dewan Pertahanan Keamanan Nasional (National Defense and Security Council), a sort of think-tank attached to the Department of Defense and Security and rival of Ali Murtopo's better-known CSIS (Center for Strategic and International Studies).

77. A reference to General Ali Murtopo and his son Haris; see above at Ch. 1, n. 16.

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kerosene which were clearly going to cause great suffering among the little people, yet Minister Subroto[78] laughed uproariously when he announced them on TV as if he were delighted--despite the fact that he has also repeatedly delivered lectures to upgrading courses on The Guide to *Embodying* and *Practicing* the Pancasila.[79] After Knop 15[80] the salaries of low-level government workers, who were already at their wits' end to survive, were not raised while the President issued a Decree raising his own salary and those of the members of Parliament. The government could find out about all of these things through the press. Furthermore, it could also find out about the public's opinions, ideas, and views on national and social issues. The people could likewise quickly and easily find out about developments in State life and about the government's actions. This is why a free press is essential for a government which is honest and puts the welfare of its people foremost. The converse is true for governments which aim solely at preserving their power indefinitely; such governments are terrified of a free press, especially if they are *totalitarian-dictatorial* or *communist* in character. They sharply restrict the freedom of the press in the belief that if the press criticizes them they will be toppled. It was for these reasons that at the start of the New Order much *harsh criticism* was leveled against the Old Order for having *hobbled the press.*

Judges of the Court,

This New Order verdict on hobbling the press now dates back 10 years. Today the situation is reversed.

Once muzzling the press was considered a serious violation of an essential and fundamental prerequisite for a democratic state based on law, but today those-in-power can muzzle the press merely with a telephone call.*

The January 20, 1978 Affair, during which nearly all of the Capital's leading newspapers were muzzled, was obviously a betrayal of the New Order's aspirations to uphold what Professor Oemar Seno Adji[81] described as "free opinion," "free expression," and "free press"[82] in a seminar called "Indonesia as a State Based on Law." The architects of our Constitution, he said, characterized muzzling the press as an unconstitutional act in conflict with freedom of the press, freedom to hold and express opinions, and freedom of thought and speech.†

According to the explanation given by Kopkamtib Chief of Staff Sudomo, the justifications for muzzling the press were: to preserve public order and to prevent dissemination of news which would mislead the public.‡ These justifications are free-floating, subjective, and limitless since they are based [solely] on the judgment

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* *Tempo*, February 11, 1978.

† Prof. Oemar Seno Adji to the seminar on 'Indonesia Negara Hukum,' 1966.

‡ *Tempo*, February 11, 1978.

78. I.e., Prof. Dr. Subroto, Minister of Mining and Energy.

79. This is the *Pedoman Penghayatan dan Pengamalan Pancasila*, evidently a sort of guide to the official New Order ideology.

80. K[e]nop 15 is an acronym for Kebijaksanaan 15 Nopember [1978], i.e., Policy of November 15, and refers to the devaluation of the rupiah announced on that date from a rate of Rp. 415:$1 down to Rp. 623.5:$1. The effect of the devaluation was to drive many domestic prices sharply upward.

81. Minister of Justice.

82. These terms appear in English, unglossed, and in single quotation marks.

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of Kopkamtib itself. They obviously provide opportunities for autocratic actions, because it is as though Kopkamtib has the authority to sit in judgment on the Indonesian press. If we look at Kopkamtib's actions from Professor Oemar Seno Adji's perspective, they are blatantly unconstitutional. An unconstitutional institution taking unconstitutional actions, that is KOPKAMTIB, the "team star"[83] of the present New Order regime.

The inordinately stringent restrictions imposed on the press are even more unreasonable. It is as though every opinion to be found in society constitutes so great a potential threat to the New Order Regime's power that it must silence them [all]. The present New Order Regime is terrified of its own black image. Let us consider the following:

--In the middle of 1977 Kopkamtib banned press coverage of General Election excesses, without providing any clear guidelines. "Use feeling"[84] or check directly with Kopkamtib, said Sudomo.* Thus, they are actually aware of "the blackness of their own image," but because they are afraid, the people are not supposed to know.

--After the press was muzzled on January 20, 1978, the newspapers were allowed to resume publication on the condition that they would:

1. Be willing to take responsibility for protecting national *stability, security,* and *order*, and the public interest, and to help reduce social tensions.
2. Protect the reputation and the *authority* of the government and the national leadership, and not make slanderous statements or other types of insults aimed at national leaders or *members of their families.*
3. Declare their readiness to carry out introspection, self-correction, and internal reform.
4. Not be allowed to quote certain people on the blacklist.†

Again, all these conditions were drawn up by KOPKAMTIB, the *jagoan*[85] of the New Order Regime. Furthermore, Sudomo warned newspapers not to quote radio news broadcasts from abroad, etc. After such screening, the only pieces of news left were the utterly lamentable dregs of government propaganda. This rampaging press censorship reached the height of ignominy when the press was forbidden to cover the student trials.

At a meeting of managing editors from all over Indonesia held last February 9 in Jakarta, the government--in this case, Kopkamtib Commander Admiral Sudomo[86]--requested and called on these leaders of the mass media not to report on the pro-

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* *Sinar Harapan*, May 11, 1977.

† *Tempo*, February 11, 1978.

83. I.e., literally *bintang lapangan*.

84. The Indonesian has '*pakai feeling.*' Another example of officialdom's fondness for Anglicisms.

85. Literally, *sijagoan*. On jago, see Ch. 3, n. 24, above. The prefix *si-* and the suffix *-an* serve to turn *jago* into a scornful diminutive.

86. On April 17, 1978 Admiral Sudomo was promoted from Chief of Staff to full Commander of Kopkamtib.

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ceedings of the current trials of student leaders from various cities in Java.* Bulletins on the Indonesian Student trials, published by the ITB to guarantee the maintenance of more open communication about the trials, especially among ITB students themselves, were surreptitiously seized from the Post office on May 21, 1979.

This move by the Suharto regime was obviously a fundamental violation of the principles of a free and open trial. It [also] violated the basic principles of democratic state life!

Those-in-power have curtailed an essential aspect of an open trial, for nowadays, in modern society, a [free] press must be regarded as an extension of an open trial. The press in Indonesia today is no different from "a caged monkey" which can only chatter without any possibility of breaking free of its shackles. In reality, then, the Indonesian press at present is not the free press which the New Order aspired [to establish].

The tale of the Suharto Regime's viciousness in muzzling the mass media, which it feels is undermining the permanence of its rule, has been a long one. This regime has not even hesitated to muzzle the newspapers of its former comrades in struggle from the days when the Old Order was brought down, including *KAMI*.[87]

The *KAMI* newspaper was a leading daily and the backbone of the student movement to topple the Old Order in 1966. Suharto and his cronies are certainly aware of the services it rendered and of the role *KAMI* played at that time in shaping public opinion toward the movements launched by the soldiers and the students to restore [our] shattered state life.

But the services of those old comrades-in-arms have ended up being repaid with the viciousness of someone with a heart of stone! During what was called a "week of calm"[88] on the eve of the election, on July 3, 1971, *KAMI* was suddenly muzzled.

Duta Masyarakat,[89] which had performed great services during the transfer of power in 1966, was muzzled along with *KAMI*.

In order to win the General Elections, those-in-power proved to have the gall to oppose and trample on their former comrades in the struggle. These comrades, who experienced the bitterness of oppression under the Old Order, now must come to terms with the fact that they are being oppressed and turned into puppets by those who [once] stood beside them!

After the January 15, 1974 affair[90] this ruthlessness was repeated. Offering all kinds of corrupt pretexts, [the New Order regime] muzzled 11 more leading publications in the Capital of a nation which claims to be independent and to practice Indonesian democracy! The newspapers which were shut down included

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* *Memorandum*, February 25, 1979, Editorial.

87. The newspaper of the Kesatuan Aksi Mahasiswa Indonesia (Indonesian Students' Action Front), edited by Nono Anwar Makarim and others.

88. On the "Week of Calm," see above at n. 43.

89. The newspaper of the NU.

90. A reference to the violent riots in Jakarta on that date. Ostensibly protesting the visit of Japanese Premier Tanaka, as a symbol of greedy Japanese business, many of the young rioters were actually venting their dissatisfaction with the Suharto government.

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Indonesia Raya, Pedoman, Abadi, Nusantara, KAMI, Mahasiswa Indonesia, Jakarta Times, and *Ekspres*, with a combined circulation in the *hundreds of thousands.*

Those-in-power are so terrified of facing the fact that their upbuilding strategy and policies and their leadership have caused serious dislocations in society that they have chosen to go the route of the totalitarians and fascists by suppressing people who dare to draw attention to it.

But the thick-skinnedness of those-in-power is truly impressive; it is probably rivaled only by that of the rhinoceroses in Ujungkulon.[91] After muzzling the press they still [had the nerve] to act as though they had saved the nation. Through the "team star" of the New Order, Kopkamtib Commander Sudomo, those-in-power declared: "This action was carried out to preserve public order and to prevent the dissemination of news which would mislead the public....."*

Who has really been misleading the public?

Newspapers which present the news as it is, or newspapers which carry the dregs of propaganda produced by those-in-power?

[How about] when the newspapers covered Sudomo's visits to various markets in Bandung a few weeks ago and reported that prices have gone up only 10% to 20% since kenop-15 and the increases in the prices of fuel and kerosene?

Judges of the Court, please check in the markets for yourselves. Are those reports, which were carried on Sudomo's orders, true? Is it true that prices have gone up only 10% to 20%?

This is precisely the sort of news which misleads the public. It misleads people when they go shopping and can create tension between vendors and customers! When someone tries to buy something at a price like that cited in the newspapers, the vendor replies: "OK.....then buy it from the newspapers, *neng*."[92]

Based on the results of a survey of 12 Bandung markets, the ITB Student Council found that prices increased between 30% and 60% after kenop-15 and the increases in fuel and kerosene prices.

Thus the people have actually been "stupidified" on a massive scale; since those-in-power completely control the existing channels of information, they exercise an information tyranny. These Restrictions on [the dissemination of] information have stultified the people and blocked the development of their thinking....[93]

In a political system like the present one, in which the concentration of power and preservation of the Suharto Regime are the foci of all political activities, those-in-power have no alternative but to blind the people to the condition of the country, which is actually disintegrating and on the verge of collapse! Freedom of the press is a democratic tool for generating communication and interaction between state leaders and their people, so that autocratic actions can be avoided. The press can serve as a channel for conveying public opinion to the decision-makers

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* *Tempo*, January 28, 1978.

91. The famous wildlife preserve at the extreme southwestern tip of Java, where the last surviving Javanese rhinoceroses can be found.

92. *Neng*--more or less "Miss."

93. The Indonesian sentence ends with the words *dan dengan demikian rakyat akan mudah* ("and in this way the people can easily be..."). Some words are obviously missing, and so this phrase has not been translated.

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in the government. But because the press has been repressed with censorship and muzzling, its functions as a vital instrument of democracy have been nullified.

The New Order Regime rules this country strictly on the basis of its own ambitions and goals, without reflecting on or taking into account what the people think or want!

The System of Concentrated Power and Its Consequences

Judges of the Court,

I have explained how the Suharto regime has fraudulently used general elections as a device to legitimize its power. The elections held have simply been political sleight-of-hand, since the competition to win over voters has not been conducted fairly. Even if one of the political parties swept the election, for example, the [representatives] appointed by the President would still far outnumber those elected. Suharto's errand-boys so greatly outnumber the democratically elected people's representatives that it is predictable that the higher State institutions, like Parliament and the MPR, will not be able to carry out their duties properly!

I have also analyzed how the Suharto Regime has disabled social and political organizations. Those-in-power have taken over the [old] Dutch method of dominating and colonizing this Nation, namely, "divide et impera"! Divide, then rule! The congresses of various organizations have been turned into cockpits for contests between the jago of those-in-power and prestigious leaders who have emerged from below. Ultimately only one or two large, national-level organizations have escaped the grubby fingering of the Suharto regime.

I have likewise analyzed how the national press, which is a key precondition for democracy, has been silenced by censorship and muzzling. The channels of mass communication for facilitating lively interaction between those-in-power and the people have been closed off; all that is left are the indoctrination and propaganda channels of those-in-power. The voices of the people no longer reach the center of decision making in this country.

Is the goal of all the New Order Regime's efforts to dismantle and paralyze virtually all the channels [which could convey] the people's aspirations upward?

All of these efforts are in fact simply the direct consequences of the ambition of those-in-power to concentrate all power in their own hands, because that is the only way the operations, activities, and the life of other institutions, organizations, and forces in society can be "fixed"[94] in a coordinated way.

This power to "fix" things is now held by a small group of people, the small group of those-in-power, which consists of government officials. This is what has become the essence of the New Order regime.

Subsequently, through the government apparatus and its front organizations from the center to the lowest regional level, i.e., the village, a network has been constructed which has ended by being turned into a political machine to justify and legitimize all of the Suharto regime's ambitions. The civil servants who form the core of the government's strength have been bound together in an institution given the name of KORPRI. Through something called "mono-loyalty," and *santiaji*,[95] another word for intimidation, KORPRI has been slyly tied to GOLKAR!

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94. I.e., *diatur*, for which see above at n. 23.

95. *Santiaji*--Sanskritic officialese for, more or less, "indoctrination."

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The group of officials-who-have-power can easily control this network, because every civil servant within the government apparatus is dependent on them in regard to salary, dismissal, promotion, and other administrative and financial affairs. These civil servants are controlled through their dependence. If a civil servant dares to protest, it means: he will be fired, he will not be promoted, or he will be transferred to "the sticks."[96]

In such a civil service system, those-in-power forcibly impose their will to power. Every civil servant is required to join KORPRI, and KORPRI itself is only one part of the "Big Family of Functional Groups," along with GOLKAR and the Armed Forces. To make this even clearer, I will quote Golkar General Chairman Amir Murtono's[97] statement that:

> "We (GOLKAR) are the players on the field, while the Armed Forces and KORPRI are the fans."

If KORPRI is a backer of GOLKAR, that obviously means that all KORPRI members, namely, the civil servants, will try to make sure that GOLKAR wields enormous political power.

The civil servants must help GOLKAR win in the general elections and must strive to secure the largest possible number of seats for it in Parliament and the MPR. This is how the Suharto regime has solidly dominated political and state institutions.

In view of this system, it is clear to all of us why those-in-power are so eager to "civil servant-ize"[98] all elements in society. The Judges have been civil servant-ized, the [University] Rectors have been civil servant-ized.....and now those-in-power even want to turn the lurah and kepala Desa [village headmen] into civil servants.

Judges of the Court,

It is clear to all of us how those-in-power have imposed their will so thoroughly, through state institutions as well as through political and social institutions, that political and state life in Indonesia at present are actually determined by only a small group of officials-who-have-the-power, whose numbers can be counted on one's fingers.

This is the type of concentration of power which at the beginning of this section I referred to as: *a Bureaucratic Dictatorship*.

Judges of the Court,

Now that I have proven that the New Order regime's style of government is that of a *bureaucratic dictatorship*, I will discuss its consequences.

Having gained control of the operations, activities, and the life of other institutions, organizations, and forces in society, those-in-power can easily execute their will.

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96. Unfortunately, "the sticks" does not convey the connotations of *daerah "kering"* ("dry" zones). Kering is used derisively to refer to "limited opportunities for corruption and enrichment" and thus as a sort of antonym to *empuk*.

97. I.e., Major-General Amir Murtono SH.

98. A self-conscious coining in the Indonesian, i.e., *mem 'pegawaikan'*.

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If the New Order regime wants corruption to continue, Parliament can be fixed so that its handling of cases of corruption never reaches a resolution. Even the courts only try petty corruption cases involving some of [the regime's] people who have to be sacrificed in order for it to maintain a clean image. Or the opportunity is used to "punish" members of the regime who are no longer considered loyal.[99]

If the New Order Regime wants increased military expenditures, that is easy to arrange too. Parliament just needs to be fixed so that it will ratify the Budget as rapidly as possible.

Likewise, if the officials-who-have-the-power still want Suharto to be President, in order to secure their interests, all they have to do is fix the votes in the MPR and in existing social and political organizations, so that [everyone] will cry out in unison: "Reelect Pak Harto!"

With its absolute power the Suharto regime can make decisions and plans for the lives of the people based mostly on its own whims. The masses have only to say amen[100] and carry out the orders or instructions. In these decisions or plans, the [people's] interests are obviously relegated to second place. Naturally, the interests of those-in-power come first, and only then the interests of the masses. Whether for good or for ill, the people have only to acquiesce.

"Power tends to be corrupt,"[101] said the world famous statesman, Lord Acton, and continued, "absolute power will be absolutely corrupt." Absolute power which is not subject to any controls,like that now wielded by the Suharto regime, enables members of this regime and their families and friends to steal state money, and therefore the people's money, at will. The uncontrolled actions of those-in-power are not limited to enriching themselves, their families, and their friends; they also directly oppress the people under all kinds of pretexts. Individual [personal] errors can just be displaced in oppressive actions,[102] victimizing the people. Such autocratic behavior can also be based on the desire to preserve their power. In order to make their power more stable, the Gang-in-Power are perfectly willing to imprison, hunt down, and terrorize members of society who do not agree with them and who are considered a potential threat to their interests.

Judges of the Court,

We know how large the leaks in the National Budget are, due to corruption among government officials, just as we are also aware that corruption is indeed difficult to deal with due to the weakness of our present governmental structure. Nevertheless, in the next section I still intend to analyze one aspect of our national economic life which is directly affected by the weakness of the political structure described above.

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99. *Loyal* seems to have fully entered the Indonesian language.

100. I.e., *mengiyakan* (say 'yes' to).

101. An Indonesianized transformation of Acton's "power tends to corrupt and absolute power corrupts absolutely." The text reads: *Kekuasaan cenderung untuk korup...kekuasaan absolut akan korup secara absolut juga.*

102. *Kesalahan-kesalahan pribadi dapat saja ditumpahkan dalam tindakan-tindakan penindasan....* is a rather obscure formulation. It appears to mean that those-in-power have bad consciences about their mistakes and crimes and vent their feelings of guilty fear by taking repressive measures not only against their critics but also against the masses.

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In an upbuilding climate awash with all kinds of funds, both foreign and domestic, opportunities for enrichment loom large for those with power. This ominous development is attested to by the emergence of *businessmen-officials*,[103] that is, officials who plunge into the world of business. Because of their power, their perquisites, and their offices, these *businessmen-officials* can make their businesses boom in no time at all. As a result of the investment of foreign and domestic capital, which is generally dominated by cukong,[104] a strange working relationship has developed between: Government officials, cukong, and foreign investors, a relationship which could more appropriately be termed a conspiracy to drain off our national wealth!

Before analyzing this conspiracy in more depth, I will first go into an analysis of the upbuilding strategy mentioned earlier. [National] leadership and upbuilding strategy are the twin factors which are responsible for the present rottenness in the condition of our country. The two of them have interacted and reinforced each other in bringing about the present situation.

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103. The text has *pejabat-penguasa*, the phrase translated above as "officials-who-have-the-power." But this is evidently a printer's error for *pejabat-pengusaha* ("businessmen-officials" or "officials-who-are-also-businessmen"), as below, and frequently in the following chapter, and is so translated here.

104. *Cukong*, a word of Chinese origin, means today something like "shady financier"; it refers specifically to a type of powerful tycoon whose business empire depends on close ties with top political leaders and who provides these leaders with their major financial resources. While in principle anyone can be a cukong--as suggested by the text's frequent use of the phrase "Chinese cukong" below--most of the well-known cukong are of Chinese origin. (Among the most celebrated non-Chinese cukong are Probosutedjo and Sudwikatmono, President Suharto's brother and foster-brother.)

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CHAPTER V

THE NEW ORDER'S UPBUILDING STRATEGY IS A STRATEGY OF BEGGARS AND EMBEZZLERS

An Interpretation of Upbuilding that is Often Distorted

Judges of the Court,

During the 13 years the New Order has been in power, we have all too often been force-fed phrases and terms which are connected with "upbuilding."

We have frequently been fed such phrases as "participation for the sake of upbuilding," "the role of the press in upbuilding," and even "the role of IUDs and condoms in upbuilding." The point is that efforts are always made to link everything up with the magic word "upbuilding." However, Judges of the Court, the people have not merely been force-fed the term "upbuilding." They have not merely been lulled to sleep with the phrase "upbuilding." The *people have also been forced to make sacrifices* for upbuilding. Allegedly for the sake of upbuilding, for example, they have been evicted from their lands--despite the fact that the land is then used for the construction of luxury hotels, golf courses, or factories owned by foreign businessmen!!

The people have likewise been forced to make sacrifices by paying higher prices since the November 15th Policy[1] was implemented, also allegedly for the sake of upbuilding!! Higher prices for gasoline and kerosene, and bans on pay raises for factory and clerical workers are allegedly for the sake of upbuilding as well!!* In the political field, the people have also not been permitted to voice their aspirations, nor have they been allowed to criticize the policies and actions of government officials. All of this is likewise for the sake of the political stability which is necessary for upbuilding. The press, the students, and the intellectuals must "be responsible," another way of saying that they may not criticize the errors and the behavior of the officials. All of this, too, is for the sake of the political stability needed for upbuilding!

Since the New Order regime has been in power, the term and the slogan "upbuilding" has clearly become a "*god*," a god who must be obeyed and feared. The regime also uses this god to intimidate its people, to threaten anyone who digs in his heels, and to demand sacrifices from the masses. Therefore it is only reasonable and appropriate for all of us to raise the questions of what upbuilding really is and will it genuinely benefit the masses??

Is it true that, [after] all the sacrifices we have made in terms of both economic and political rights, the upbuilding being carried out by the Suharto regime will actually improve the welfare of the masses?

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* *Kompas*, February 22, 1979.

1. On this policy (Kenop 15), see above Ch. 4, n. 80.

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Judges of the Court,

The question naturally arises as to whether it is now appropriate for us to re-examine and reassess what has been accomplished by the New Order regime in the field of economic upbuilding. The answer is that not only is it *appropriate*, but in fact, it is imperative--because the New Order has been in power for more than 13 years, an ample period of time for a reassessment of its capacities and sincerity in carrying out its duties. As the Mandatary of the MPR, Suharto is responsible for carrying out the duties entrusted to him by his people. It is only natural and proper for the people to evaluate the capacities, failures, and successes of their leaders--their right to do so is conferred and protected by the Laws of this country. The purpose of such an assessment is not just to "evaluate" the accomplishments of any particular leader but also, even more importantly, to undertake corrective measures for the future!!

Judges of the Court,

Early in 1978 the students stated very simply and plainly that the imbalances in our national life which have given rise to restlessness in the wider society have been caused, among other things, by: *Errors in the upbuilding strategy* being carried out by the Suharto regime.*

To give substance to this simple statement, the students tried to back it up with facts about the failures of the New Order during its 13 years in power, like those included in the "WHITE BOOK OF THE 1978 STUDENTS' STRUGGLE."

But of course we need a more thorough explanation of the meaning of "upbuilding strategy" before we can fully grasp the errors and failures of the Suharto regime during its 13 years in power. From the government's perspective, and according to the propaganda it continually puts out, the upbuilding which is currently being carried out is on the right track.† In line with the boasts it has made all along, the government tries to prove that upbuilding has been successful by pointing out how much the Budget has increased each year, how many buildings and highways have been constructed, and so forth....

With these increases in physical construction, the Suharto government attempts to create the impression that the strategy and orientation of the upbuilding currently being carried out are correct.

Yet one of the government's own officials, Minister of Education Daoed Jusuf, has declared that "To this day, the New Order still has no upbuilding strategy."‡

How tragic it is that, while Suharto tries to justify his Upbuilding strategy, one of his own ministers declares that the New Order still does not have one!!

Judges of the Court,

In all the literature on upbuilding and in the formal upbuilding objectives which are set forth in the Broad Outlines of State Policy (GBHN) and in official government statements,§ it is conceded that the ultimate goal of the upbuilding process is prosperity for the masses, based as much as possible on the people's capacities to

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* *Buku Putih Perjuangan Mahasiswa* [ITB], p. 11.

† Speech by President Suharto, August 16, 1976.

‡ *Derap*, 16 (early April 1978).

§ Speech by President Suharto, August 16, 1978.

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improve their own social and economic welfare. *The essence of genuine upbuilding is planned change directed toward* whatever *improvements* are desired.* In other words, the upbuilding process calls for the implementation of planned efforts to improve the social and economic welfare of the masses.

A Strategy, on the other hand, is concerned with a method or a plan of operation for achieving a particular goal.

Thus, an Upbuilding Strategy can be understood as a method or plan of operation directed toward improvements in a planned and systematic manner. *It is to be hoped that, with an appropriate upbuilding strategy, the social and economic welfare of the people will gradually and systematically improve.*†

There are two terms which are frequently mixed up in connection with "upbuilding," namely, *growth* and *development.*‡[2] Upbuilding in the true sense of the word incorporates both of these concepts. Upbuilding cannot be separated from the concept of *growth* nor from that of *development.*

However, growth does not always involve development. If we were to compare our nation to a young girl entering adolescence, then "growth" implies that she is increasing in physical size, that her body is getting larger, that she is getting taller and taller, and so forth. Whereas "development"[3] implies that this adolescent girl is becoming more intelligent, that her skills are improving and her personality is maturing. A girl who is "growing" physically will not necessarily "develop" in intelligence and character as well.

This is one example of the difference in meaning between "growth" and "development."

Has Upbuilding during the New Order Been Successful?

Judges of the Court,

Like a girl entering adolescence, the Indonesian Nation is currently experiencing and carrying out "economic growth," discernible in physical construction, such

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* Kindleberger, "Economic Development."

† "Perspektif Pembangunan Jangka Panjang," *Prisma*, 5 (August 1972).

‡ Sumitro [Djojohadikusumo], *Indonesia dan Perkembangan Dunia* [*Kini dan Masa Datang*, Jakarta] LP3ES, 1976; Mahbubul Haq, *The Crisis in Development Strategy*, 1976; Jan Tinbergen, *Development: State of the Debate*, Berlin, October 1974.

2. In the text the English words *growth* and *development* are included in parentheses after the Indonesian words *pertumbuhan* and *perkembangan.* The larger, Sukarno-derived concept of *pembangunan*, combining these two subconcepts, is rendered here, and everywhere else in this translation, as "upbuilding," to avoid the confusions and distortions of sense involved in its common (mis-)translation as "development." Both Sukarno and Heri, in their different ways, have taken pains to indicate that their idea of Indonesia's ideal future is precisely *not* "development" in the World Bank-AID sense; for this reason it is essential to keep the rather eccentric word "upbuilding" for *pembangunan*--though the terminological situation is complicated by the fact that the Suharto regime, while keeping the term pembangunan, has interpreted it as if it *were* identical with AID-style "development."

3. Here the English word *development* occurs in parentheses after the Indonesian word *perkembangan.*

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as the building of schools, the construction of highways, increases in national and per capita income, and so forth. *But while carrying out this upbuilding, currently so highly-touted, which in reality is only economic growth, is the Indonesian NATION experiencing "development," as a nation??* Have our capacities as a nation, in terms of national productivity, moral values and work habits, changed or developed during the 13 years the New Order has been in power? During that time hasn't the Indonesian nation's ability to be self-reliant and to stand on its own feet steadily deteriorated? Hasn't national productivity remained unchanged or possibly even declined? During the 13 years the New Order has been in power haven't our nation's moral values degenerated and our work habits become increasingly *semrawut*?[4] Ask those of our parents who were educated during the Dutch era whether Our society's work habits and moral values have improved since independence.* Their answer will surely be: No! After decades of independence, it is obvious that increasingly Indonesians lack discipline and despise honesty and truth, that the sense of individual responsibility has been degenerating, and that their nationalist fire[5] has been fading in every aspect of national life!!

Indeed, such remarks as "everything can be bought" and "everything can be arranged" have become social laws which hold absolute sway in our country.

Judges of the Court,

The upbuilding on which the New Order regime has prided itself all this time is not upbuilding in the true sense of the word. The New Order regime has deceived the people of Indonesia by trying to give them the impression that they are currently carrying out upbuilding. In fact, what is currently being carried out is only physical construction, which is a manifestation of "economic growth" and has nothing whatsoever to do with our development as a nation. Indeed, from the perspective of national development, our moral values, work habits, and national productivity have declined and deteriorated markedly during the 13 years the New Order has been in power.

What the New Order regime has been effecting all this while is anything but upbuilding in the comprehensive sense of the word!! This regime only plans and carries out one aspect of upbuilding, namely, economic growth, forgetting and neglecting the other aspect, that is, our development as a nation. The question naturally arises as to why the New Order regime has chosen to base its government programs primarily on economic growth?? What is the background to the Suharto regime's choice of an economic strategy which is founded on an "economic growth" approach?

In order to answer these questions, we need to look back--to the time when power was transferred from Sukarno to Suharto, to the transition from the Old Order to the New.

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* Multatuli, *Max Havelaar*, Jakarta, Jambatan, 1973.

4. *Semrawut* is a marvelous borrowing from Cirebonese, covering the meanings of "sloppy," "chaotic," "inefficient," "hopeless," and "dishonest." A word of this caliber deserves not to be translated.

5. The exact sense of the Sanskrit-derived term *citra* is not altogether clear. It can mean "fire," "shape," "figure," or "story."

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The History and Background of the New Order's Economic Upbuilding Policies

During the Old Order Period, Indonesia could be said to have operated an almost completely closed economic system, in the sense that limits were imposed on foreign trade, restrictions were imposed on the foreign investments permitted in Indonesia, and foreign aid or foreign intervention in the economy were minimized. These and other policies limited foreign Influence.

A small group of Indonesian academics, including Wijoyo Nitisastro, Subroto, Emil Salim, Sadli, and so forth, who later came to be known as the "Berkeley Mafia," received intensive education in economics at the University of California at Berkeley several years before Bung Karno fell. As technocrats educated in America at a time when the "cold war" was being incessantly propagandized, the Wijoyo group was strongly influenced by a way of thinking which was *ultra-conservative,*[6] *orthodox*, and *extremely pragmatic.*

Soon after returning to Indonesia, the members of the Wijoyo group started teaching at the University of Indonesia and at the Army Staff and Command School (SESKOAD) in Bandung, where Suharto was among their students. Through their lectures, economic concepts and an economic system very different from the prevailing ones were disseminated widely among senior Army officers. On the eve of 1966, the members of the Wijoyo group actively took advantage of their positions as faculty members at the University of Indonesia to launch a continuous barrage of criticism against the economic policies of the Old Order. Moreover, inflation was rampant in Indonesia at that time and goods were in critically short domestic supply. Through university forums, seminars, and discussions, Wijoyo and Co. disseminated their ideas among students, Indonesian intellectuals, high-ranking Armed Forces officers and the public at large.

Judges of the Court,

Immediately after Bung Karno fell, the Berkeley Mafia Group of Wijoyo and friends surfaced as economic ministers in the Cabinet formed by Suharto, one of their former students. They joined forces in Bappenas (The National Planning and Upbuilding Body),[7] a supra-departmental institution within the Indonesian system of government. This institution, as part of its everyday activities, devised the framework and operational strategy for Indonesian upbuilding. It was this group that determined operational programs and the gamut of upbuilding priorities. Simply put, *this institution planned and determined the direction of Indonesia's upbuilding strategy, with Wijoyo and friends as masterminds*[8] *and prime actors.*

As a result of their ultra-conservative, orthodox, and extremely pragmatic way of thinking, Wijoyo and friends firmly believed that the *economic growth approach* was the right answer for Indonesia after the Old Order was brought down. Due to their extreme pragmatism, they believed that all the problems of welfare and social justice could be overcome *only* through economic upbuilding and that there

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6. After the Indonesian words *amat konserfatif* (very conservative) the English words *Ultra-right conservatism* are included in parentheses.

7. I.e., Badan Perencanaan dan Pembangunan Nasional.

8. Here and elsewhere the Indonesian and Javanese word *dalang* (puppeteer) is translated as "mastermind" to approximate the negative connotations of sly manipulativeness that *dalang* has acquired in Indonesian political parlance.

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was no need for mass participation in planning that upbuilding or in its supervision. In short, they considered the people's aspirations and politics as entirely unnecessary in a developing nation like Indonesia. Politics was regarded as something *taboo,*[9] a hindrance to the upbuilding process, and always suspect as manipulable by special interests. The upbuilding strategy which this way of thinking produced was an anti-democratic strategy oriented toward economic growth: a strategy which has clearly proved to have magnified the differences between rich and poor, provided abundant opportunities for the growth of corruption and the emergence of a stratum of Indonesian economic parasites, and fostered an anti-popular style of consumption.

Furthermore, these masterminds of Indonesian economic upbuilding, Wijoyo and his friends, *did not adequately realize and appreciate* the fact that the models and theories of economic upbuilding are products of the experience of Western nations,* and are not necessarily appropriate for the conditions Indonesia faces today.

On the advice of Wijoyo and his friends, the Suharto regime chose a strategy oriented toward economic growth as the basis for Indonesia's upbuilding, in the belief that economic upbuilding would spread prosperity throughout the nation. This theory is well-known as the "trickling down"[10] theory. *It was hoped that, as a result of successive stages of economic upbuilding, prosperity would trickle down to the lower strata of society,*† a hope which was in fact realized in the West early in the 20th century, but which is yet to hold true in any developing nation.

It is indeed true that the Western nations once pursued economic growth, as a result of which prosperity trickled down to their entire people early in the 20th century.

But that success can*not* be considered in isolation from the characteristic on which the cultural orientation of the people in the West is based, namely, *the Protestant ethic.* It is this Protestant ethic that taught all strata of society in European countries to be *hard-working, thrifty, and productive.* Even the upper strata of European society, namely, the capitalists and the industrialists, were hard-working, thrifty, and productive. Sustained by a spirit of innovation and creativity, they consistently used the capital and resources at their disposal to make productive investments. These investments in turn stimulated economic growth and generated employment, ultimately causing prosperity and affluence to trickle down to all of the people.

Judges of the Court,

So much for a sketch of economic upbuilding in the West. This is what has produced the models and theories of economic development!! Are these models and theories appropriate for developing countries like Indonesia? Obviously not, because the typical cultural characteristics of Indonesian society differ markedly from those of the peoples in the West. We must first ask whether our society has the cultural characteristics which are necessary for economic upbuilding. Is our society hard-working, thrifty, and productive?

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* Gerald M. Meier, ed., *Leading Issues in Development*, Oxford, 1972.

† Prijono Tjiptonerijanto, "Tentang Perataan Pendapatan," *Tempo*, May 13, 1978.

9. The English word *taboo* is used here, in italics, rather than the Indonesian *tabu.*

10. The English words *trickling down*, in double quotation marks, are in the original Indonesian text, without an Indonesian gloss.

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Most developing nations, including Indonesia, are currently carrying out top-down economic upbuilding. The *concepts, planning,* and *implementation* of this upbuilding originate with the upper strata. They are not generated by the majority of the people, who are merely fed these concepts and plans and are sometimes forced to participate in some small aspect of their implementation. *In order for economic upbuilding to be successful, in order for it to cause prosperity and welfare to trickle down to the masses, it is absolutely essential that the upper strata of society be hard-working, thrifty, productive, and creative,* as they are, for example, in Japan, Korea, and Singapore.

This is a prerequisite for the success of the economic upbuilding approach!

But what about Indonesia? Our society obviously does not have the kind of upper strata which successful economic upbuilding requires. On the contrary, *the upper strata of Indonesian society are social groups which do not value hard work, are very consumption-oriented, and are not the least bit productive.** What will happen if we choose and implement an economic growth-oriented upbuilding strategy under these circumstances?

Then economic upbuilding will only multiply the opportunities for the upper strata of Indonesian society to enrich themselves, to heighten their anti-popular taste for conspicuous consumption, and to destroy ethical values which do not further their interests. This will happen because these are precisely the social groups which can use, manipulate, and exploit the concepts, planning, and implementation of economic upbuilding. Economic growth, which will increase the flow of goods and capital, will only give them greater and more extensive opportunities to maximize their profits and advantages from that increase.

Small groups within Indonesia's upper strata may be making investments in the economic sector, but clearly only in areas closely tied to the consumption needs of Indonesia's economic elite. They set their production targets with only 10-15% of the Indonesian people in mind.

The New Order Regime's Building Strategy: A Policy of Begging for Foreign Loans and Capital

Judges of the Court,

That is an illustration of what is happening now in Indonesia. The upbuilding strategy pursued by the Suharto regime has clearly only increased and expanded the opportunities for Indonesia's upper strata to enrich themselves; this has resulted, during the 13 years the New Order has been in power, in the development of an economic pattern which is very capitalistic, consumption-oriented, and anti-popular.

As a consequence of its growth-oriented economic strategy, Indonesia requires enormous quantities of capital and funding to achieve the desired growth rate. Rapid economic growth can only be achieved with a high growth rate. Where will we get the huge quantity of capital needed to achieve it? Obviously domestic sources cannot adequately finance programs to speed up economic growth. However, Indonesia is lucky enough to possess natural resources of great variety and potential, such as oil, timber, tin, copper, and so forth. It is this hidden wealth that has been used to finance the physical construction activities aimed at promoting economic growth. Because the income derived from the export of raw (extrac-

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* Koentjaraningrat, *Kebudayaan Mentaliteit dan Pembangunan*, Jakarta, Gramedia, 1974.

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tive) materials has not been sufficient, the New Order Regime has been forced to undertake a "policy of begging" in order to obtain the Foreign capital assistance necessary for financing economic upbuilding.

Judges of the Court,

While it cannot be denied that foreign capital assistance is indispensable for financing upbuilding, the Suharto regime does not adequately understand or appreciate the real motives behind foreign capital assistance activities in Indonesia. Suharto and his technocrats act as though they sincerely believe that foreign aid and capital are given to Indonesia with genuine good intentions and without any ulterior motives. But they are only pretending innocence! They know perfectly well, but keep quiet because they profit from the influx of Foreign funds. Thus, Suharto and the technocrats have become middlemen for the interests of the creditors as a consequence of their ultra-orthodox way of thinking about economics and their conviction that foreign aid is given to Indonesia strictly with honorable intentions. The members of the Berkeley Mafia are therefore an "*easy bridge*" for foreign interests in Indonesia.

Is it possible that the big powers are giving Indonesia financial aid and funding with no self-interest whatsoever? Is it possible that they are acting like "beneficent Gods" with no ulterior economic or political motives? Obviously not! In political terms, all economic aid given by the Western countries to developing nations like Indonesia must be seen as part of the struggle between capitalist and communist countries [to influence] the developing nations! The Western countries have a long-range interest in seeing that Indonesia continues to maintain a pro-Western political stance, and that it becomes a sort of "fortress of support" for their ideology in the Southeast Asian region.*

Indonesia's militarily strategic location and America's very painful defeats in Vietnam and Indochina have steadily enlarged Indonesia's role in the eyes of the Western nations. That is why the World Bank and other Western countries[11] do not hesitate to give Indonesia loans worth tens of billions of dollars. That is the thinking behind their desire to give Indonesia aid and loans. But they do not realize that they are essentially propping up a corrupt, anti-democratic regime whose programs benefit only a small segment of the Indonesian population. The Western countries apparently have not yet learned the lesson from their experiences in Laos, Cambodia, Vietnam, Iran, and so forth. They once gave the same type of aid to totalitarian, corrupt, and anti-popular regimes in developing countries,† such as those of Nguyen Van Thieu in South Vietnam, General Phoumi Nosavan in Laos, General Lon Nol in Cambodia, the Shah of Iran, and so forth. History has clearly shown that regimes which are corrupt, anti-popular and so on, and which receive financial aid and support from the Western nations, are hollow and easily toppled. The fall of the totalitarian and corrupt regimes mentioned above was followed by the destruction of the Western nations' interests in the Regions involved. But the Western countries apparently have not yet learned their lesson--that when they prop up a totalitarian, corrupt, and anti-popular regime they are essentially supporting actions which make enemies of the people and which will ultimately harm their own long-term interests.

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* Franklin B. Weinstein, *Indonesian Foreign Policy and the Dilemma of Dependence*, Cornell University Press, 1976.

† David Wise and Thomas B. Ross, *The Invisible Government*, New York, 1964.

11. *Sic*. Only a casual, virtually unconscious identification of the World Bank with the U.S. makes this formulation intelligible.

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Foreign Intervention

Judges of the Court,

The involvement of Western countries in giving Indonesia aid and loans began on a large scale following the visit of World Bank President, "Robert McNamara," in June 1968,* only three months after Suharto was installed as President of Indonesia. From that time on, the involvement of the World Bank and other Western countries [*sic*] in determining the direction and design of Indonesia's upbuilding policies rapidly increased. The size of the World Bank's staff of experts in Indonesia is larger than in any other country, second only to that of its central office in Washington.

This staff took an active part in designing Indonesia's upbuilding strategy. Along with advisors from Japan, The Netherlands and the Harvard Development Advisory Service, the World Bank staff helped draw up the national policies formulated by Bappenas. In fact, during the initial stages, these foreign experts helped write up the regulations governing foreign investment in Indonesia for the Coordinating Body for Foreign Investment (BKPMA).[12] How laughable it is that these foreign experts helped determine a foreign investment policy for Indonesia when they themselves were the investors, meaning that they obviously tried to establish regulations from which they would benefit.

Their intimate involvement in Indonesia's economic planning convinced these foreign experts that they could and would be able to control the direction of Indonesia's upbuilding and the strategy by which it would be pursued, to the extent that they did not hesitate to provide tens of billions of dollars in aid. Aid and loans would certainly never been given on such a massive scale to small countries, such as Bangla Desh. They must be given to countries with important economic and political potential for the West. Economically and politically Indonesia is vital to the Western world--as American President Richard Nixon observed when the New Order was only a year old:

> With its 100 million people [now 135 million][13] and its 3,000-mile arc of islands containing the region's richest hoard of natural resources, Indonesia constitutes the greatest prize in the Southeast Asian area.†

The recent increase in the price of fuel is just one revealing example of how extensively the Western nations influence and interfere in the Indonesian economy:

> In the wake of the Pertamina scandal and the Suharto regime's failure to generate new sources of income, the Western nations immediately mapped out a new development strategy for Indonesia--a strategy based on export-oriented industrialization and on the reduction of all budgetary subsidies.
>
> By various means and pressures, this strategy was forced on the Suharto regime. The Western nations which make up the IGGI[14] consortium urged that

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* Brian May, *Indonesian Tragedy*, Singapore, Graham Brash, 1978.

† *Far Eastern Economic Review*, April 27, 1979.

12. I.e., Badan Koordinasi Penanaman Modal Asing.

13. The figure in parentheses was inserted by the *FEER* editors in the Nixon quotation.

14. IGGI = Inter-Governmental Group on Indonesia, the sixteen-nation consortium

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all budgetary subsidies, for example the price subsidy for domestic fuel, be quickly reduced. Because the Suharto regime was in desperate need of foreign funds and aid, *as a declaration of "obedience and submission" to the countries of the IGGI consortium it announced an increase in the price of domestic fuel on the final day of the IGGI meeting this year* (Amsterdam, 1979).*[15]

Such is one example of how aid-giving nations can impose their will on developing countries like Indonesia. Indonesia's creditors in the IGGI consortium have been able to decide what strategy Indonesia must follow--they participate in making decisions on the timing and the level of price increases for domestic fuel, and in determining that Indonesia must establish export-oriented industries, and so forth.

This is just one example of how the modern colonial system works. In order to control and dominate the economic, cultural, and political activities of a nation "colonized" the modern way, they do not need an immediate physical presence in Indonesia as the Dutch did during the old colonial Era. All they have to do is provide aid and loans, and Indonesia will be obliged and duty-bound to obey the wishes of the aid-giving countries. Closer examination would reveal that the Suharto regime listens to and implements many of the decisions made at IGGI conferences in Amsterdam far more readily than it does the aspirations conveyed by the people's representatives in Parliament itself!!!

Within an even larger system, the countries which give aid to Indonesia have an enormous interest in seeing that Indonesia adopts a Capitalist economic system--a system which is in radical opposition to the one outlined in the 1945 Constitution.

The reason for this is that, if Indonesia did not adopt a capitalist economic system, if it were to establish a closed economy instead, then foreign entrepreneurs and foreign countries would not be able to extract maximal profits from Indonesia's soil.

As mentioned earlier, all of the economic aid given to Indonesia by the Western countries cannot be separated from efforts to spread the ideological influence of the aid-giving countries. It is only logical that the countries of the West would not give economic aid to countries whose ideologies are not compatible with theirs. Is there any chance that the Western countries would give aid to Cambodia[16] or Vietnam and their people, for example? Obviously not, because those countries have a different ideology than that of the Western countries, even though millions of their people are poor and undereducated!!

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* Ibid.

that has bankrolled the New Order's economic development programs since 1966. The key members of IGGI are: the U.S., Japan, West Germany, Holland, France, Australia, and the U.K. Other members include Belgium, Canada, Denmark, Italy, New Zealand, and Switzerland.

15. This "quotation" is loosely based on several paragraphs of the cited article in the *Far Eastern Economic Review*. In both instances where the word "reduction" is here used, the *FEER* original has "abolition."

16. It is perhaps of some interest that neither the Suharto regime nor its critics have abandoned the old term Kamboja for something approximating Kampuchea.

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Consumerism Opens the Door to Domination by Foreign Capital

Judges of the Court,

In order to obtain foreign aid and capital, Indonesia must first implement an open-door economic policy, meaning that no significant restrictions are placed on foreign trade, that foreign investors are at liberty to invest their capital as they please, and that there are opportunities for foreign intervention in the Indonesian economy.

This open-door policy will allow goods and capital to flow freely into Indonesia from abroad. From the perspective of the economic interests of powers like America, Japan, England, The Netherlands, and so forth, such an open-door economic policy is an essential prerequisite for them to market their manufactured goods. On one hand, the industrialized countries require this policy as a precondition for giving aid and investing capital in Indonesia. On the other hand, they use it as a means for marketing their manufactured goods while simultaneously exploiting Indonesia's wealth and natural resources.

One direct result of the open-door policy is that the industrialized nations must first spread the philosophy of consumerism in Indonesia in order to heighten the people's desire to consume. Foreign businesses continuously peddle an extravagant and "prestigious" lifestyle to the public via advertisements in such mass media as TV, radio, newspapers, and so forth, heightening the people's desire to consume so that they will be easy targets of sales campaigns for the goods being peddled. That is why commodities which the public does not really need circulate widely in the open market, including imported cosmetics, color TVs, videotape recorders, luxury cars, and so forth. The Suharto regime itself has never demonstrated any firm political will to place restrictions on the goods which may be marketed domestically, and has never made visible, concrete efforts to limit patterns of conspicuous consumption, except through meaningless admonitions which merely smack of propaganda. The New Order regime has never been willing to learn from countries like Korea, whose people are more prosperous than the people of Indonesia many times over. The Korean government does not permit the domestic sale of color TVs; the color TVs which they manufacture are sold strictly as exports for foreign consumption.

Judges of the Court,

The philosophy of consumerism is now slowly but surely taking root in our society. Consumption goods which are unproductive and of limited use are continuously forced on the Indonesian public. The pressures to consume then multiply, encouraging government officials to engage in corruption and to abuse their positions because they cannot afford to buy the consumption goods circulating on the open market by legal, honest means.

Indonesia Is Becoming More and More Deeply Ensnared in Foreign Debts

Judges of the Court,

As a consequence of an upbuilding strategy oriented toward economic growth,[17]

17. After *pertumbuhan*, the English word *growth* is added in parentheses.

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the New Order regime requires enormous amounts of capital to finance economic activities which will increase the growth rate. It was realized from the start that domestic sources could not possibly provide all the funding necessary for upbuilding, so the balance has been obtained by begging left and right for aid and loans. The other source of funds which the Suharto regime has cultivated is the export of raw (extractive) materials like oil, timber, tin, copper and so forth, the management of which is almost entirely in the hands of foreign companies.

The Broad Outlines of State Policy (GBHN) stipulate that the functions of foreign aid are strictly supplemental and that it must play a smaller and smaller role over time so that we eventually will be able to take full responsibility for financing upbuilding on our own. However, what has in fact happened after 13 years under the New Order is just the opposite--the amount of foreign aid grows larger and larger year after year, while the majority of domestic revenues derive from the export of raw materials like oil, timber, tin, and so forth. Oil contributes the largest share of domestic revenues.

If we look at the size of the upbuilding budgets during both Pelita I[18] and Pelita II, it is glaringly apparent that *the full upbuilding budget can be financed only by foreign aid and oil revenues.* The following table will clarify this point.

COMPARISON OF FOREIGN AID AND OIL REVENUES
WITH THE DEVELOPMENT BUDGET
(in millions of rupiah)

Fiscal Year	A Development Budget (1)	B Foreign Aid (2)	C Oil Revenues (3)	D Total, Foreign Aid and Oil Revenues	E D as a Percentage of A
Pelita I:					
69/70	118.2	91.0	65.8	156.8	132.7
70/71	169.6	113.2	99.2	212.4	125.2
71/72	195.9	117.0	140.7	257.7	131.6
72/73	298.2	145.7	230.5	376.2	126.2
73/74	450.9	196.5	382.2	578.7	128.3
	1,232.8	663.4	918.4	1,581.8	128.3
Pelita II:					
74/75	961.8	224.2	957.2	1,181.4	122.8
75/76	1,397.7	488.4	1,248.0	1,736.4	124.2
76/77	2,054.5	778.3	1,635.3	2,413.6	117.5
77/78	2,156.8	770.3	1,929.1	2,699.4	125.2
78/79	2,454.7	856.3	2,067.4	2,923.7	119.1
	9,025.5	3,117.5	7,837.0	10,954.5	121.4

Sources

(1) & (2) Sumber Pembiayaan Pelita III, Table 15.
(3) *Nota keuangan* 1978/79.

18. Pelita [Pembangunan Lima Tahun, Five-Year Upbuilding] I and II are the first and second Five-Year Plans.

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This table shows how *hollow* the New Order economy is; it is completely subsidized by oil exports and foreign loans. *It is also clear that economic upbuilding would be impossible without oil exports and foreign loans,* as can be seen from the size of these two components in comparison with the upbuilding budget. The income generated by oil and foreign loans comes, on the average, to *more than 120%* of the development budget. *This means that without oil exports and foreign loans the Suharto regime would not be able to carry out upbuilding; indeed, it could not even finance routine activities, like the ones included in the national budget, without incurring a deficit!!*

Therefore, the upbuilding on which the New Order regime has so much prided itself all this while is clearly only hollow upbuilding because it is completely dependent on oil exports and foreign loans. Accordingly, as can be seen from the above table, the impression that the physical construction which has taken place during the New Order is due to "Suharto's leadership" is completely false! The physical construction we see today, after 13 years under the New Order, was produced by a "Policy of begging for aid" from foreign countries and by "selling Indonesia's raw materials" abroad. The roles of "beggar" and "peddler of raw materials" could be filled by almost anyone; they do not require any special leadership qualities. In fact, if all that is meant by upbuilding is physical construction for the sake of pursuing economic growth, it is quite possible that Indonesia does not need to elect a president to serve as national leader--a "manager" could just be appointed to direct the exporting of raw materials (oil) and to beg left and right for loans which would then be distributed among the physical construction sectors!!!

Obviously the role of "managerial leadership"[19] in economic upbuilding which Suharto has assumed during the 13 years of the New Order can be said to be utterly meaningless. Foreign loans and the export of raw materials, especially oil, timber, tin, and so forth, are merely the logical consequences of the open-door economic policy which Suharto has carried out. It is a policy which could be implemented by anyone who takes only short-run interests into consideration; it does not require statesmanlike insight or the consideration of long-range consequences. Even Sukarno, if he had wanted to, could have invited foreign capital into Indonesia, could have begged for loans from foreign nations, and could have awarded foreign entrepreneurs the right to manage the exporting of Indonesia's raw materials, provided he had been willing to carry out an open-door policy. No special leadership qualities whatsoever are required. Leaders who fully understand and take seriously the 1945 Constitution and the ideals of independence are not necessary!!! A leader, any leader, will do!!

In view of the fact that oil exports and foreign loans account for more than 120% of the upbuilding budget, it should then be asked *whether* the funds generated by oil exports and foreign loans *equal the total value* of all physical construction carried out during the 13 years the New Order has been in power??? The answer will certainly be no; in fact, the actual value of physical construction will surely be much lower!! The facts show that almost 30% of the funds budgeted for upbuilding have been diverted due to corruption and used for the personal benefit of those charged with carrying out the upbuilding. Thus, the total value of the physical construction carried out by the New Order regime is considerably lower than it should be.

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19. The English words *managerial-leadership*, in single quotation marks, are glossed by *kepemimpinan management* in parentheses.

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Judges of the Court,

The GBHN stipulates that the functions of foreign aid are strictly supplemental and that it must play a smaller and smaller role over time, but after 13 years under the New Order, dependence on foreign aid and loans is obviously increasing, not getting smaller and smaller. The following table shows how Indonesia's dependence on foreign loans and capital will increase in the coming years.

COMPARISON OF FOREIGN AID AND THE DEVELOPMENT BUDGET
(in billions of rupiah)

Fiscal Year	A Development Budget	B Foreign Aid	C B as a Percentage of A
Pelita II:			
74/75	961.8	224.2	23.3
75/76	1,397.7	488.4	34.9
76/77	2,054.5	778.3	37.9
77/78	2,156.8	770.3	35.7
78/79	2,454.7	856.3	34.9
	9,025.5	3,117.5	34.5
Pelita III:			
79/80	3,488.1	1,493.5	42.8
80/81	3,891.9	1,647.4	42.4
81/82	4,350.3	1,840.3	42.3
82/83	4,778.2	2,019.5	42.3
83/84	5,340.9	2,236.8	41.9
	21,849.4	9,237.5	42.3

Source:

1) Sumber Pembiayaan Pelita III, Table 15.
2) 79/80 merupakan RAPBN.

This table shows that the percentage of foreign aid and loans will increase in relation to the National Upbuilding Budget--from an average of 34.5% per year during Pelita II to an average of 42.3% per year during Pelita III. These figures make it clear that, as time passes, the grip of foreign capital and foreign influence on the Indonesian economy is growing tighter and tighter, a development which is glaringly in conflict with the Broad Outlines of State Policy formulated by the MPR!!

Proof of the Hollowness[20] *of the New Order Economy*

Judges of the Court,

Although the New Order economy is propped up by the export of raw materials like oil, timber, tin, and so forth, and by foreign aid and loans, in terms of staying

20. *Keropos*, the word translated here and earlier as "hollow," has the further connotations of "rot," and "inward decay."

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power and strength it is extremely fragile. The New Order *economy is quite hollow and toothless*--and, as time passes, more and more sacrifices are required of the people in order to achieve the growth rate desired by the New Order regime. The November 15th Policy (Kenop 15) recently issued by the New Order regime is an example which illustrates how hollow the New Order economy is and how, ultimately, the burden of errors in government policy is still shouldered by the masses.

In order to avoid the possibility of a budget deficit of about 20%, which would have clearly revealed how much its capacity to continue carrying out upbuilding has declined, the government was forced to resort to "devaluing" the rupiah by 50.6% (from Rp. 415 to Rp. 625 per American dollar). To hide the real situation from the masses, Wijoyo used the term "*controlled float*" instead of "devaluation," in the hope that the people could be fooled!! But obviously they couldn't be, because they were personally affected by the price increases which Kenop 15 caused.

By way of giving a "superficially plausible" explanation for Kenop 15, Coordinating Minister for Economics, Finance and Industry/Bappenas Chairman Wijoyo and his friends offered the following reasons:*

--Kenop 15 was necessary in view of the continuous decline in the value of the dollar on the world market, with the resulting drop in the absolute value of Indonesia's foreign exchange reserves.

--Kenop 15 will stimulate an increase in exports, because Indonesia's exports will cost less abroad. Indonesia's foreign exchange reserves will rise accordingly.

--It is expected that Kenop 15 will improve the competitiveness of domestically produced goods in relation to foreign goods and that, as a result, national productivity will increase and the volume of imports will be reduced.

Whether or not these reasons are accurate, *it must be borne in mind that Wijoyo Nitisastro offered exactly the same reasons on August 23, 1971 to justify devaluating the rupiah from Rp. 378 to Rp. 415 per American dollar.*† It turned out later that the August 23, 1971 policy did not significantly increase the volume or alter the composition of Indonesian exports. The increase in Indonesia's foreign exchange reserves since that time has been due primarily to increases in the price and the volume of oil sold on the world market as a result of the world energy crisis, not as a result of Wijoyo's policy!!

Closer examination of the reasons why devaluation (read: Kenop 15) was necessary leads to the following conclusions:

--With relatively small foreign exchange reserves (approximately $2.5 billion in November 1978), the government's capacity to finance Indonesia's economic activities in the coming months threatened to be drastically reduced. Furthermore, as Pelita III drew nearer, *the possibility of a budget deficit and the anxiety which that caused continued to grow. A budget deficit clearly would have diminished the Suharto regime's "image of success" in the economic field, about which it has constantly boasted all this time!!* It also would have "*confirmed*" the criticisms of the errors in the upbuilding strategy and in its implementation which the students and the general public have made all along. Likewise, it would have been

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* *Merdeka*, November 20, 1978.

† May, *Indonesian Tragedy*.

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obvious that the economic stability which has been bragged about all this while is only a "*bogus economic stability*" due entirely to the "oil-boom"[21] and to foreign credit and capital!!

--Such a large devaluation, on the order of 50.6%--"possibly the largest devaluation a country has ever carried out"*--is not a normal, everyday economic measure. Indeed, in other countries such a large devaluation would ordinarily lead to the downfall of the government involved.† *The urgency of this policy must have been rooted in the structure and foundations of the Indonesian economy, which have been shaped by the accumulated economic policies of the past.* Aside from the Indonesian economy's vulnerability[22] to the instability of the international economy, Wijoyo Nitisastro himself has admitted the role played by the Pertamina crisis in making Kenop 15 necessary.‡

Faced with the alternative of a deficit budget which could generate an "image of failure" in economic upbuilding and which could ultimately endanger the perpetuation of the Suharto regime, *the government was forced to carry out a devaluation.* From the perspective of monetary theory, a measure like Kenop 15 can be considered a policy of "*forced saving.*" Under such a policy, the government can siphon off some of the money in general circulation by indirectly "*forcing*" the public to save. As is now apparent, the absolute value of people's incomes dropped as a result of the price increases which followed Kenop 15.

By means of this "forced saving," the government was able indirectly to siphon off some of the public's money, *while at the same time it tried to ensure that demands for salary and wage increases were not met.* (Telex no. 906/DP/C/11/78, Minister of Manpower and Cooperatives, on the ban on pay raises for workers.)§ The government did this because, if wages and salaries had been increased to compensate for the increased prices caused by Kenop 15, its efforts to siphon off funds would have been thwarted. Moreover, there was the possibility that inflation would race out of control, leading to economic chaos. Consequently, *government officials, workers, and people with fixed incomes were the social groups which bore the brunt of Kenop 15.* It was by such means that the Suharto regime was able to continue financing development as Pelita III drew near.

From the above analysis it is clear that a macroeconomic policy has a direct impact on the lives of the masses. Kenop 15 also proves that the consequences of errors in the strategy and implementation of upbuilding which have been made in the past will ultimately be shouldered by the masses, just as the students and the public at large earlier predicted that they would!!

Further analysis of the impact and influence of Kenop 15 on Indonesian social groups provides the following picture:

1. Social groups with money and access to information about this monetary policy would make windfall profits by speculating in currency. It was

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* *Prisma*, January 1, 1979.

† Drs. Frans Seda [in] *Kompas*, February 20, 1979.

‡ *Merdeka*, November 20, 1978.

§ *Kompas*, February 22, 1979.

21. The English phrase *oil-boom* occurs in the text in double quotation marks and unglossed.

22. *Vulnerableness* appears in the text in parentheses after *kerapuhan.*

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quite "bizarre" that most of the stores owned by non-natives[23] in Bandung and Jakarta suspended commercial activities the morning of November 15, 1978,* even though the official communique of the cabinet session was not made until that afternoon. If even the petty traders knew about it a day in advance, it would not be strange if the heavy-weight businessmen knew many days ahead and *took advantage of "leaks of state information."* (V. B. Da Costa, S.H., Vice-Chairman, Commission III,[24] Parliament.)† Could this possibly be an indication of the close collaboration among businessmen, and that perhaps the transactions amounted to billions of rupiah?

2. The devaluation of the rupiah would affect middle-income social groups *by increasing their expenses approximately 50%,* because in practice they consume export commodities,or goods made from imported materials,in larger quantities than social groups who are less well-off.

3. For *the less well-off social groups*, who constitute the majority of the Indonesian people, the devaluation of the rupiah would result in *increases of as much as 20-30% in expenses*, reflecting the current *increases in the prices of all domestically produced goods.* The percentage increase in these expenses is relatively small in comparison with that experienced by the middle-income groups, but due to the minimal purchasing power of the less well-off, in *absolute terms* this group (read: "the majority of the Indonesian nation") *would bear the heaviest burden!!*

This is just one glaring example of how hollow the New Order economic system is, a system which depends primarily on oil export earnings and foreign loans. *To prop it up so that it does not look hollow, to show that the Suharto regime still has the capacity to carry out economic upbuilding, the Suharto regime has been forced to implement economic policies which inflict harm on the people*--for example, KENOP 15, which served as a means of forcing the people to "save" for the purpose of financing economic upbuilding.

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* *Kompas* and *Pikiran Rakyat*, November 16, 1978.

† *Kompas*, November 25, 1978.

23. I.e., people of Chinese ancestry, citizens and alien residents alike.

24. This standing parliamentary commission's area of responsibility is law.

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CHAPTER VI

THE CONSPIRACY OF THE CUKONG[1]—GOVERNMENT OFFICIALS—FOREIGN INVESTORS DRAINERS OF THE NATIONAL WEALTH

Those Who Benefit from Development

Judges of the Court,

In the preceding section I explained how an upbuilding strategy oriented toward economic growth has obliged the Suharto regime to implement an open-door economic policy, in order to attract as much foreign credit and capital as possible to compensate for severe shortages in domestic upbuilding funds. This growth-oriented strategy has also forced the Suharto regime to set up an incentive system capable of generating profits for both domestic and foreign investors.

The Suharto regime has done this by offering a variety of financial inducements and tax breaks, and by promoting a free market Policy. As a consequence of such measures, there has been a deluge of capital of all kinds both from within and outside the country, creating a climate of intense free competition. The law which prevails in this climate created by the New Order regime is: survival of the fittest!!!*[2]

An [investment] climate like this only nurtures those who in fact are already economically strong and kills off those in the lower strata of society who make a living from small-scale enterprise or from working as laborers. Who is economically strong in Indonesia?? The corrupt government officials and the Chinese[3] cukong, along with their accomplices, the foreign investors. The cukong—government officials—foreign investors are the ones who enjoy the benefits of economic growth and who have the most to gain in profits and advantages from the upbuilding programs promoted by the New Order regime. Thanks to the present upbuilding strategy, after 13 years under the New Order they have succeeded in concentrating economic power in their hands.

This was possible because the concepts, planning, and implementation of upbuilding have been "dictated" from the top as a result of a system which concentrates power. The present upbuilding concepts and plans were not produced by the lower strata of society; they are not the ideas and aspirations voiced by the majority of the people. The concept of free economic competition could not possibly come from the lower strata of society, because they are economically weak! It is obviously an anti-popular concept originating from those in power, who think of

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* Charles Darwin, *The Origin of [the] Species*, Mentor Book.

1. On *cukong*, see above Ch. 4, n. 104.

2. This phrase appears in English in the text.

3. Throughout this section, as elsewhere in the text, people of Chinese ancestry are referred to by the officially-decreed and racist word *cina*, rather than the neutral *Tionghoa*. See above at Ch. 3, n. 5.

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the economy only in terms of production and do not pay any attention to human factors, or to distribution and benefits to society!

Judges of the Court,

The Chinese cukong and foreign investors can gain the greatest advantage from Indonesia's upbuilding programs because they are able and ready to compete freely within the present open economy. They have sufficient skills to engage in large-scale production. Thanks to their vast financial resources, the Chinese cukong and the foreign investors control the marketing networks and distribution outlets in virtually every region. At the same time, the highly competitive climate has encouraged them to use non-business methods in order to make the largest possible profits. When it comes to enriching themselves, "illegal" has no meaning for the Chinese cukong. Their commercial ethics sanction any means whatsoever for making the largest possible profits; they are the ones who hand out bribes left and right, who engage in various manipulations, and seek protection from government officials. This is what leads officials to get involved with the cukong and the foreign investors in various dealings which eventually produce a kind of conspiracy, whether in the form of dummy corporations or the provision of "facilities."[4]

Many businesses are formally managed by relatives of government officials but are actually run by cukong. Numerous timbering concessions and other enterprises acquired through the channels of power have likewise been transferred into the hands of the cukong. The New Order regime has produced a prototype Indonesian human being frequently referred to as: government businessman-official. He's an official but also a businessman; he's a businessman but also an official.* It is not hard to imagine how depraved a person is who holds two such titles simultaneously! His office gives him the authority and the power to take decisions or actions on financial matters, while his entrepreneurial spirit whines with yearning to take advantage of every possible opportunity to make a profit. The result is: corruption! Whether in the form of commercialization of government office, manipulations, or commissions. By their nature these people are not really cut out to be businessmen; they are not hard-working, persevering, and thrifty, the way businessmen should be. They act more like feudal lords who, because of their office, can put their feet up[5] and wait for tribute or bribes from the cukong. These businessmen-officials in fact simply wait around for cukong or foreign investors to show up, and then they ask for company shares or "facilities" and a certain percentage as a commission. But that is not the end of it! In fact, the stage in which the officials just put their feet up amidst the luxuries bestowed on them by cukong in exchange for all the protection and perquisites they have provided is over. In the current stage, the relationships are reversed. It is not that the cukong need

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* Jusuf Hasyim, "Dialog," *Prisma*, February 1977, LP3ES, 1977.

4. *Fasilitas* is a political term covering more than either "facilities" or "perquisites." It can mean the wide variety of emoluments (luxury goods, houses, stocks, etc.) that businessmen make available to government officials in return for help, favors, and protection. It can also mean the no less wide variety of services (licenses, permits, concessions, credits) that officials can provide to favored businessmen.

5. *Ongkang-ongkang* literally means to sit with one's feet dangling (as it were, on a throne, dais, or high chair), and connotes loafing about while ordering other people to work. The closest phrase in English to this is "to put one's feet up," but the phrase should be understood metaphorically, since in Indonesian society actually putting one's feet up in someone else's presence is grossly offensive and rarely done.

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protection and "facilities" so much as that officials are compelled to provide them because of their addiction to the luxuries which the cukong have pressed upon them for so long. The officials have become completely dependent on the cukong for meeting the needs of their extravagant lifestyles. Meanwhile, the cukong and foreign entrepreneurs have actually taken over our country's economic life.

The Chinese Control Our People's Bellies

Judges of the Court,

Although, according to current estimates, there are only 3.8 million Chinese non-natives in Indonesia, or to be exact, only 3% of a population of 135 million, astonishingly they are estimated to *control no less than 70% of Indonesia's economic activity.**[6] To illustrate the extent to which residents of Chinese descent dominate the economy, it may be helpful to look at their activities in Indonesia's major cities, such as Bandung and Medan. *In Bandung:* 83% of all commercial licenses are in Chinese hands; 60% of the money held in current accounts belongs to Chinese; and they dominate agriculture and animal husbandry in places like Lembang, Andir, and Pangalengan through their capital and expertise. *In Medan:* Chinese residents, who make up only 8% of the city's population of two million, control 30.7% of the large enterprises, 55.3% of the medium-scale enterprises, and 66.7% of the small enterprises. *In Jakarta:* say no more! How can one begin to talk about the amount of money circulating in Indonesia without mentioning how much of it is in Pintu kecil and Kota.[7] *As for credit*, here too, most government-supplied credit falls into Chinese hands. If we look closely, it is obvious that most of the clients hanging around the credit department in every bank and most of the debtors who happen to be investigated by the Bank of Indonesia are Chinese.†[8] Although this is just a rough estimate, I think we would all get the same impression if we stood for a while in front of the credit windows at various banks. At the national level, *virtually all channels of trade* can be said to be under the control of residents of Chinese descent. In fact there are several Chinese cukong who effectively play a key role in almost every sector of economic life, from banking down to household necessities like cooking spices.

These cukong reign over banking, logging, the rice and sugar syndicates, rubber, industry (flour milling, cement manufacturing, kretek[9] cigarettes, textiles, batik, and so forth), assembling, wholesale trade,[10] contracting, supplies,

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* *Far Eastern Economic Review*, June 16, 1978.

† G. Y. Adicondro, "Kewiraswastaan Orang Cina," *Prisma*, October 1978; *Tempo*, July 30, 1978; Sumantoro M, "Pribumi dan non-pribumi dalam perkreditan kita," *Kompas*, January 16, 1979.

6. The *FEER* actually states that, according to one estimate, "Chinese control no less than 70% of the local retail and distribution trade."

7. Pintu Kecil, the long street in downtown Jakarta where Chinese import-export firms and "informal banks" have traditionally clustered. Kota is the old Chinese commercial and residential ghetto in north Jakarta.

8. As Indonesia's bank of issuance, the Bank of Indonesia has the authority to oversee, regulate, and investigate the affairs of other banks.

9. *Kretek*--Indonesia's well-loved clove-flavored cigarettes.

10. This seems to be what *perdagangan umum* means.

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export-import, distribution, real estate, movie theaters, hotels, and so on.*[11] The extent of Chinese domination of the economy is also evident from their nearly complete control over commodity distribution throughout Indonesia.

The chains of distribution outlets controlled by Chinese traders cover almost all the goods Indonesia produces, while native traders themselves usually only act as petty retailers, the very lowest stratum of the distribution system.

Judges of the Court,

In order to provide a clear standard of comparison for the extent to which the Chinese dominate the Indonesian economy, it may also be helpful to look at how much of the economy in the ASEAN countries is controlled by inhabitants of Chinese descent. In Malaysia, for example: *the Chinese, who make up 34% of the 12.3 million population (1975 estimate), control a relatively small proportion of the economy as compared with their Chinese friends in Indonesia.* This is primarily due to a new economic policy aimed at increasing the Malaysian Malay (native) share in the economy. The policy itself has these objectives:

1. To restructure the social economy and the national economy by 1990, with the goal of implementing a 30-40-30 formula. This means 30% capital ownership by native enterprises, 40% by other ethnic groups and 30% by foreigners.
2. The workforce at every level and in every sector of the economy must proportionately reflect Malaysia's racial composition, so that each racial group will obtain the maximal share to which it is entitled and will be *prevented from grabbing what others are entitled to.*†

This proves that the Malaysian government is committed to promoting the indigenous Malay inhabitants through its economic policies. Similar efforts can be seen in the field of education: for example, the Mara Institute of Technology has been specifically reserved for educating Malay young people in technology and science.[12]

Judges of the Court,

This comparison clearly shows that while the Chinese make up a much larger percentage of the population in Malaysia than they do in Indonesia, their share of and role in the Malaysian economy is proportionately much smaller than in the Indonesian economy. Indeed, Chinese residents in Malaysia often complain about the restrictions imposed on them by the Malaysian government in the economy and in education, as well as in politics. *The Malaysian government has the clear and firm political will gradually to liquidate the Chinese domination of the Malaysian economy, and systematically to help the Malays (Bumiputera[13]) to become masters in their own country.* The New Order regime completely lacks such a political will. On the contrary, New Order elements collaborate closely with the Chinese cukong so that they can enrich each other.

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* "Cukong Sumber Malapetaka," *Matahari*, May 1979.

† *Far Eastern Economic Review*, June 16, 1978; *Tempo*, April 22, 1978.

11. *Contracting* and *real estate* appear in the text as unglossed English words.

12. It is interesting that the text here uses the Malaysian (English-derived) word *sains* rather than *ilmu* or *ilmu2 pasti dan alam.*

13. *Bumiputera*--the Malaysian political code-word for ethnic Malays--means something like "sons of the soil."

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Judges of the Court,

People often feel nervous about being regarded as racist if they say that the Chinese problem we now face is very urgent, or if they talk about the Chinese as a separate group. But they forget that the development of the Chinese problem has nothing whatsoever to do with their skin color, their slanted eyes, or other racial characteristics; it is a social-economic problem, namely, that one social group has accumulated capital and holds the lives of the masses in its hands.

It is only a coincidence that the group which dominates our economy is Chinese. Referring to the Chinese as an economic group is not a question of racism. In the same way, we once referred to the Dutch as colonialists, to be hated not because they were Dutch, but because of their colonialism.

We cannot close our eyes to the fact that the Chinese cukong and their accomplices have set up a system of business, a system of commercial organizations, which has the livelihood of the Indonesian people by the throat. Because they are exclusive and because they set up interrelated trade networks among themselves, the Chinese cukong, one can say, have become an economic combine.[14] And as an economic combine they have built an economic empire which has played a major role in political events as well.

Judges of the Court,

The Chinese cukong's control over almost all sectors of the economy is a reality which we experience and feel personally in our daily lives; *it exists, and its existence must be acknowledged.* Today this pattern of control is being transformed into *an oligopolistic and monopolistic economic system*, putting the national economy under the control and direction *of a mere handful of conglomerates.* Such an economic system will obviously harm small enterprises, which are economically weak and which are mostly owned by native Indonesians, and will eliminate their maneuvering room. The development of these alarming monopolistic and oligopolistic symptoms in the Indonesian economic system is due primarily to the intimate ties which have been knotted between Chinese cukong and government officials, both civilian and military. These ties have created a pattern of relationships between those-in-power and entrepreneurs, or entrepreneurs and those-in-power, which are commonly called Ali-baba or baba-Ali relationships. The Chinese Baba runs the company and provides *75% to 90%* of its capital, while the Ali, who is an official or a general, happily provides monopoly rights, licenses, concessions, special dispensations, and protection for the business and for the Chinese cukong, in return for satisfactory compensation. Below I will give several examples of the conglomerates which are helping to create a monopolistic and oligopolistic economic system, in which both civilian and military officials and members of their families (including the family of Suharto himself) are conspicuously involved. Many of them, for example, are shareholders or directors of the *Salim Economic Development Corporation, Inc.*[15]

This company belongs to a well-known Chinese cukong: Liem Sioe Liong (Sadono Salim).[16] Since 1945 this Liem has had considerable experience in helping

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14. The Indonesian word used here, *kesatuan*, is usually translated as "unit," but this does not seem to convey Heri's meaning adequately.

15. This company's name is in fact English.

16. For many years now Indonesians of Chinese descent have been under pressure

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the military. His ties of "friendship" with Suharto started forming when Suharto was commander of the Diponegoro division,[17] and have become increasingly close since Suharto became President. Since 1965 Liem has had "a continuous run of luck" in obtaining credit and licenses to establish businesses in banking, logging, trade, crude rubber, flour milling, and cement.

One of its subsidiaries, *Bogasari, Inc.*, which he established together with Sudwikatmono (Suharto's younger foster-brother) and others, obtained *monopoly rights over the production and distribution of wheat flour.* With a 900,000-ton capacity, Bogasari, Inc. can have an *omzet* [turnover] worth US$240,000,000.

In view of the fact that Bulog has fully guaranteed the marketing of its wheat, it is often said that Bogasari, Inc. is "licensed to print money" at will.*

Another one of Liem's companies, *Mega, Inc.*, which acquired *monopoly rights over clove imports* (together with Mercu Buana, Inc., owned by Probosutedjo, Suharto's younger brother), has been able to import up to 90% of the clove crop in Zanzibar and Madagascar (which, together with Indonesia, are the world's only clove producers). It supplies more than 70% of the cloves needed by Indonesia's mammoth kretek industry.

Because importing cloves yields such enormous profits (more than Rp2,000[18] per kilogram), awarding monopoly rights in that industry must be interpreted as providing the company with a golden opportunity to amass extraordinary profits. It has been estimated that in 1978 alone the accumulated profits reached Rp50,000,000,000,†[19] and if we estimate that roughly 15,000,000 kilograms of cloves are imported annually, then profits of Rp30,000,000,000 are made each year.[20]

One of Liem Sioe Liong's banks, the *Bank Central Asia* [*sic*], is the second-largest private bank [in Indonesia], with total assets worth US$99,000,000.‡ Listed below are a few of the businesses owned by the Liem Sioe Liong gang, which has used the Suharto family in order to establish a vast hegemony under the banner of the Salim Economic Development Corporation (SEDC).

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* *Insight*, May 1978.

† *Matahari*, May 1976.

‡ Ibid.

to abandon their Chinese names for Indonesian-sounding ones. Many successful Chinese Indonesians have found it expedient to have in effect two names, to be used before different audiences and for different purposes. Sadono Salim is Liem Sioe Liong's Indonesian a.k.a.

17. Suharto was commander of Kodam VII/Diponegoro (Central Java), with headquarters in Semarang, from 1957 to 1959.

18. Approximately $3.20 after the November 15, 1978 devaluation of the rupiah, and approximately $4.80 before.

19. I.e., about $80,000,000 after the devaluation, and $120,500,000 before.

20. I.e., about $48,000,000 after the devaluation, and $72,000,000 before.

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DIVISION OF SEDC, INC.	COMPANY/TYPE OF ENTERPRISE	%	Shares Owned by the Suharto Family and Friends
Trade	WARINGIN KENCANA, INC. (BNPT. No. 275, 1976) - Export-Import	15%	Sudwikatmono--younger foster-brother Bambang Trimulyono--son
Usaha Patungan[21]	BOGASARI, INC. (BNPT. 258, 1976) - Flour Milling	4%	Sudwikatmono
	INDOCEMENT, INC. (BNPT. No. 273, 1974) - Cement Factory	5%	
Banking	BANK OF CENTRAL ASIA	5%	Sigit Harjoyudanto--son

Source: Lembaran dan Berita-berita Negara tambahan Perseroan terbatas (BNPT), and *Insight*, May 1978.

The small percentage of shares owned by the Suharto family clearly shows that it merely serves as a front for obtaining "facilities" and political protection for the Liem Gang. How depressing that Suharto's "big" Family have turned out to be merely *pecundang* for Chinese cukong![22] The next example is:

ASTRA INTERNATIONAL, INC.

Controlled by the gang of Tjia Kian Liong (Willem Suryajaya) and his brothers, who, with dozens of subsidiaries, have established themselves as stars in the field of national private enterprise at a relatively young age. In 1976 alone Astra's sales reached Rp110,000,000,000.[23]

The ASTRA Group Includes, Among Others:

--Gaya Motor, Inc. (share ownership: 30% Astra, 30% Multivest, 40% Government; Enterprise: assembling plant) Toyota Cars.

--Federal Motor, Inc. (share ownership: 66% Astra, 1971; Enterprise: Honda motorcycle assembling plant).

--Toyota Astra Motor, Inc. (share ownership: 36% Astra, 1971; Enterprise: Toyota Distributor).

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21. *Usaha Patungan* means Joint Venture. This sector of the Salim Economic Development Corporation's activities covers all its cooperative ventures with foreign companies.

22. The translation offered here is based on the assumption that the Indonesian text, which reads "Prosentasi kecil dari saham yang dimiliki keluarga Suharto jelas memperlihatkan bahwa peranan keluarga Suharto hanyalah sebagai kedok untuk memperoleh fasilitas-fasilitas dan perlindungan politik. Bagi Komplotan Liem, sungguh menyedihkan Keluarga Suharto yang "besar" ini, ternyata hanya menjadi pecundang cukong cina" has been mis-punctuated; i.e., that the words "bagi Komplotan Liem" conclude the first sentence, and that the second sentence begins "Sungguh menyedihkan...." *Pecundang* is a contemptuous word meaning something like "puppet," "front man," "errand-boy."

23. I.e., about $176,000,000 at current rates of exchange.

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--Jaya Pirusa, Inc. (share ownership: 100% Astra, 1972; Enterprise: lubricating oil and office equipment).

--United Tractors, Inc. (share ownership: 50% Astra, 1973; Enterprise: dealer, heavy machinery).

--Multi Astra, Inc. (share ownership: 50% Astra, 50% Multivest, 1974; Enterprise: assembling plant).

--Rama Surya International, Inc. (share ownership: 100% Astra, 1975; Enterprise: technical equipment).

--Astra Motor Sales, Inc. (share ownership: 100% Astra, 1976; [Enterprise]: Toyota dealer).

--Astra Graphia, Inc. (share ownership: 100% Astra; Enterprise: Fuji-Xerox distributor).

[The owners of] Astra's network of mammoth companies obviously benefit in some way from the protection and involvement of the several government officials who are their accomplices.

Among the most important of these are Ibnu Sutowo, [ex-] Board Chairman of Pertamina,* and Ir. Suhartojo, Director-General for Metallurgical Industries.†[24]

Thanks to its close ties with Ibnu Sutowo, the Astra group won Pertamina housing-project contracts in Kuningan worth tens of billions of rupiah. Astra has 12 billion rupiah invested there.‡[25]

Moreover, Astra can be considered a model for the convergence of interests of cukong, government officials, and foreign capital. Astra is a henchman-salesman for Japanese Toyota products. It simultaneously serves as a repository for government officials' hot money, and nurtures the economic power of the Chinese cukong. The interests of foreign capital are also accommodated through the influx of credit to ASTRA from Foreign Banks, for example from: the Bank of Tokyo, the Union Bank of Hong Kong, and so forth.§ Astra has joined the International trade network.

By way of illustrating how powerful this agent of Japanese capitalists is and how deeply it has sunk its claws into the economic system of Indonesia, indeed of Asia, it may be helpful for us to recall the events which took place in Jakarta on January 15, 1974, when the people's hatred became so intense that it exploded in massive demonstrations. During those demonstrations, buildings owned by the agents of Japanese capitalists were gutted. And yet, a short time later, Astra returned to full operations, and the symbol of the hegemony of Japanese capital in Indonesia, the TOYOTA symbol, was again displayed in all its glory from the top floor of the nusantara building.

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* *Tempo*, February 12, 1977.

† Adicondro, "Kewiraswastaan Orang Cina," p. 27.

‡ *Tempo*, February 12, 1977, p. 52.

§ Ibid.

24. The Director-General for Metallurgical Industries serves directly under the Minister of Industry. Suhartojo is the longest-serving director-general in the Indonesian bureaucracy.

25. I.e., about $19,200,000 at current rates of exchange.

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Pak Hakim, through this trial I wish to express my deep sorrow to the heroes who fell while driving the Japanese colonialists out of Indonesia: Look, my heroes, today the Japanese and their Henchmen have reoccupied our country!!!

The giant corporations mentioned above are only two examples out of the dozen or more conglomerates controlled by Chinese Cukong which today are absolute masters of the Indonesian economy.

The Wanderings[26] *of the Chinese Cukong*

Judges of the Court,

Seeing what insane influence the Chinese cukong exert on Indonesia's economy naturally leads one to ask what the reasons for it are.

To answer this question it may be helpful to examine some of the history of the wanderings of the Chinese in Indonesia.

The Chinese arrived on Indonesian soil several centuries ago. Although the number who came at that time was not large, they immediately were able to dominate trade to such an extent that within a relatively brief period they could conspicuously transform their fortunes and their standard of living, something the indigenous inhabitants had difficulty achieving over a much longer period. Chinese tin-mine coolies, peddlers, and petty traders were transformed into businessmen, plantation owners, and extremely wealthy merchants.*

Many theories have been advanced, especially by government officials and experts, who naturally have a vested interest[27] in the matter, which suggest that the economic domination of the Chinese in Indonesia is primarily due to their perseverance, diligence, thrift, industriousness, and a whole row of other superior characteristics. *These theories are not entirely correct.* Many factors have promoted the success of Chinese businessmen, and perseverance, diligence, thrift, industriousness, and superior characteristics of the Chinese race are only some of them. Another factor which powerfully promotes the success of Chinese businesses in every economic sector is a certain ethic among Chinese merchants which *strongly stresses solidarity and Group-consciousness.* In regard to the "outside world," however, this ethic sanctions *any and all tactics*, including graft, smuggling, *ijon,*[28] tax evasion, and tampering with quality and measurements [of goods], in order to obtain material advantages and to protect the viability of their businesses.†

The myth that the success of the Chinese is due to superior racial characteristics is not entirely accurate. According to Ong Hok Ham, the classic story of the

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* Slamet Martosudiro, "Penyelesaian Masalah Cina Perantauan," *Prisma*, June 1973.

† Adicondro, "Kewiraswastaan Orang Cina."

26. In fact "wanderings" fails to convey the malice of the Indonesian word *petualangan*, which has clearly been deliberately picked by Heri over such synonyms as *migrasi, perjalanan*, and so forth, because of its secondary meaning of "opportunism."

27. This appears unglossed as *vested-interest* in the text.

28. *Ijon*, from the Javanese root *ijo* (green), refers to the practice of forcing cash-short or indebted peasants to pre-sell their rice-crop when it is still green in the fields, and at very low prices.

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poor immigrant who, by working with might and main and by tightening his belt, becomes a millionaire with wealth to last seven generations, is only a myth which Chinese businessmen exploit to cover up their dishonest machinations. *The economic domination of the Chinese in Indonesia is a result of the colonial economic system*, in which the Chinese, as the intermediate stratum in colonial society, served as middlemen for the economic interests of the Dutch colonialists. Besides providing material economic benefits, this role also gave the Chinese a strategic position in the economic life of the Netherlands Indies. By backing and guiding the Chinese intermediate stratum, which dominated the country's economy, the Dutch colonial authorities were able effectively to *block the growth of a* strong *private native business group* which might politically threaten the colonial authorities' position. In addition the Chinese, as an intermediate group dominating the economy, could function as a "buffer"[29] by providing a target for the native inhabitants' resentment against the Dutch. That is why the Dutch government isolated the Chinese from native society, by permitting them to live only in one particular locality (Pecinan),[30] by prohibiting them from owning village land, by keeping Chinese schools separate from the others, and so forth. In short, the growth of an isolated Chinese community was in line with colonial interests.*

Judges of the Court,

Today, after Indonesia has been free of the shackles of Dutch colonialism for almost 34 years, the pattern described above is recurring. The business ethic of the Chinese merchant-cukong, which sanctions any and all practices--like graft, bribery, and so on--in order to obtain material benefits, has encouraged the spread of abuse of office, provision of "facilities," and the involvement of our government officials in corruption, for their personal advantage and for the economic interests of the Chinese. In other words, the Chinese business ethic strongly promotes Indonesia's rampant corruption. The bribes which the Chinese pay New Order government officials, both directly and indirectly, seriously impair their integrity as Indonesian leaders, as shown by numerous scandals. For example, A. Tjai, a Medan Chinese, made off with Rp23 billion[31] in state funds through tax evasion. In order to facilitate his business activities, he went so far as to *put* several important DKI[32] officials on *his personal payroll*, who "proved their value" by awarding him planning and clearing rights over land belonging to the little people[33] in Muara Angke, Pluit, and Muara Karang, and even *changing the urban development*

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* Ong Hok Ham, "Terbentuknya kapitalisme dikalangan peranakan Tionghoa di Jawa," *Tempo*, February 18, 1978, and *Matahari*, May 1979.

29. The English word appears in the text in single quotation marks and unglossed.

30. *Pecinan* ("Chinatown[s]") were the ghettoes in which the Dutch colonial regime segregated Chinese up to the early years of the twentieth century.

31. I.e., about $37,000,000 after the November 15, 1978 devaluation, and about $55,000,000 before.

32. DKI = Daerah Kotapraja Istimewa (Special Metropolitan District).

33. The text here is a bit confusing. It reads: "memberikan fasilitas berupa hak perencanaan, pembebasan pengosongan tanah rakyat kecil..." which, translated literally, means "providing facilities in the form of rights to the planning, freeing, and clearing of the land of the little people...." The idea seems to be that DKI officials leaked details of Jakarta's urban development plans to A. Tjai, allowing him to "target" choice pieces of land destined to increase rapidly in value under the projected zoning regulations. They also helped him to "free" these lands of

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plan so that the people and poor fishermen could be bulldozed away in order to make way for the construction of A. Tjai's luxurious houses.*

Several other cases of economic manipulation--for example, the corruption of Siswadji and Co. in the State Police--have also been the result of conspiracies with Chinese suppliers. Smuggling cases include those of Robby Tjahyadi, who smuggled luxury cars, costing the state more than Rp607 million;[34] Siauw Min Kong and Siah A Ing, who smuggled textiles and wall tiles [*sic*], costing the state more than Rp224 million;[35] and Liem Keng Eng, who earned the title Phantom Director-General of Customs due to his ability to arrange the transfer of officials who obstructed his activities, defrauded the state of approximately Rp7.6 billion[36] through smuggling and falsifying 3001 import documents. There have been many other cases of economic manipulation, almost all of them carried out or masterminded by Chinese. Thus it would not be surprising, were an investigation of manipulators of the Indonesian economy carried out at some point, if Chinese made up the majority of them.†

Judges of the Court,

The economic strength of the overseas Chinese has grown so rapidly that Chinese economic domination has also become an exceedingly complex problem in the ASEAN countries and in Southeast Asia [as a whole]. With their networks structured along ethnic lines and their own particular rules, the Chinese operate like a giant multi-national corporation and have succeeded in becoming the second [most powerful] economic force in Asia.

The assembling of about 700 Chinese businessmen from all the ASEAN countries, held in the Philippines in May 1978 in the course of a business symposium conducted in Mandarin, must be interpreted as one of the methods the Chinese are using to consolidate and expand their networks.

The establishment of a ministry for overseas Chinese in the People's Republic of China (PRC), especially in view of the political shifts in that country, is a matter which deserves serious consideration by the nations of Southeast Asia. The recent PRC invasion of Vietnam can be regarded as an indication that the specter of Chinese communism is again on the loose in Southeast Asia. This view is further reinforced by PRC Vice-Premier Deng Xiao-ping's statement that: the PRC will continue to give sympathy and assistance to communist rebels.‡

It is not at all impossible that the economic domination of the overseas Chinese in the majority of Southeast Asian nations will be turned to political account by communist China. This means that our nation, and also Southeast Asia, are endangered by the threat of communism.

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* *Tempo*, September 30, 1978; *Kompas*, October 25, 1978.

† *Tempo*, June 10, 1978, October 5, 1974, November 11, 1978.

‡ *Far Eastern Economic Review*, June 16, 1978; *Matahari*, May 1979; *Tempo*, May 27, 1978.

existing liens and to "clear" them of their inhabitants pending the construction of luxury housing.

34. I.e., about $1,000,000 after the November 15,1978 devaluation, and about $1,200,000 before.

35. I.e., about $360,000 after the devaluation, and about $540,000 before.

36. I.e., about $12,000,000 after the devaluation, and about $18,000,000 before.

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Judges of the Court,

I have described above the background and the role of Chinese economic domination, which is beginning to take the form of monopolistic and oligopolistic relationships as a result of their conspiracies with civilian and military officials of the new Order regime. As a consequence of this pattern of conspiracy, the priority and the special rights accorded Chinese cukong--in the form of monopolies, economic concessions and protection, as well as inordinate trust--have turned them into *first-class citizens.* This will further strengthen their position within the Indonesian economy. The empty boasts of new order regime officials about controlling economic domination through assimilation of native and non-native capital have only fostered the growth of conspiracies by official-businessmen or businessmen-officials in league with Chinese cukong. What is even more disastrous is that, since the officials own so few shares [in each company] (10-25%), their role is minimal as well, making it easy for the Chinese cukong to *use* these officials for their own economic interests.

Officials who take part in these conspiracies are merely stooges or abdi dalem[37] *in the service of the Chinese cukong.*

This means that every concept and plan, and most of the programs to do with upbuilding, that originate from these officials are often [*sic*] simply designed to accommodate the Chinese cukong's interests or their own, *with no regard for the aspirations and interests of the masses.*

Judges of the Court,

A similar state of affairs occurred once before during the Dutch colonial period. At that time the kings and the nobility possessed high status and great influence in native society. From the colonialists' point of view, the kings and the nobility were potentially valuable allies because their power and influence could be used to achieve the colonialists' goal of *plundering* spices. Accordingly, by pampering these kings and aristocrats, and by inundating them with material pleasures, the colonialists were able to influence them to: sacrifice their agricultural land, set up trading companies, and so on.

It was this pattern which in fact gave rise to feudalism in Indonesian society. The members of the feudal group which the Dutch deliberately created could make enormous profits without having to work hard to exert themselves at all. This situation inflicted great harm on the masses, who were forced, in the name of their rulers, to work with all their might, and to push themselves to the limit without any adequate compensation. They did not realize that the colonialists had succeeded in draining off all their wealth. They did not realize that they were not enjoying the fruits of their own sweat, which in fact were going to the colonialists sheltered behind the crowns of their kings. They did not realize that they had been reduced to pack-horses forced to bear the burden of the colonialists' interests. Meanwhile *the kings and the nobility had simply become a "bridge" which the colonialists could use to reach their goals*; as a consequence of their ties to the colonialists, they were forced to use their power to exploit the labor of the masses for the benefit of the colonialists.

In this age of Independence the situation is not much different from that described above: *the officials of the new order regime have been exploited and even made pecundang by the Chinese cukong.*

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37. *Abdi dalem*, Javanese for "courtier," sarcastic Indonesian for "flunkey."

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Judges of the Court,

These facts and analyses clearly prove the accuracy of the students' statement in the "WHITE BOOK OF THE 1978 STUDENTS' STRUGGLE" that:[38]

> ...consciously or unconsciously the Suharto regime has given great opportunities to non-native businessmen to dominate the economic life of Indonesia.*

Indonesia's Riches Are Being Plundered by Foreign Investors

Judges of the Court,

Indonesia's riches include an abundance of natural resources of great variety and potential, a circumstance which since early times has continuously led countries *which lack raw materials* to seek to dominate it. This colonial pattern earlier manifested itself in Dutch colonial rule in Indonesia. Today, the colonial appetite has taken a form which is more refined but is extremely undermining and damaging for Indonesia, namely, foreign aid. And this phenomenon has developed very rapidly during the period of the New Order regime.

Judges of the Court,

As I explained in the preceding section, in order to compensate for the lack of funds needed to pursue economic growth, the New Order regime has offered the greatest possible opportunities for foreign countries to invest their capital in Indonesia.

On one hand, foreign countries can use these opportunities very effectively to drain off our natural wealth, as well as to market their manufactured goods in Indonesia. This also explains why the large amount of capital these countries have invested is concentrated most heavily in extractive industries like oil, logging, mining, minerals, and so forth, and in highly capital-intensive consumer-goods industries.

On the other hand, foreign investment is indispensable for accelerating the upbuilding process. As a result of a system which excessively centralizes power within the government structure, the New Order regime can arbitrarily sacrifice the "inheritance" of the Indonesian people to the interests of the foreign investors.

By spreading the philosophy of consumerism through consumer-goods industries, foreign investors have slowly succeeded in creating a condition of extreme dependence and consumption-oriented cultural patterns in certain strata of Indonesian society, especially among the civilian and military officials of the New Order regime. This has strongly promoted the growth of a new kind of conspiracy between officials--whose power gives them the authority to award concessions and licenses--and foreign investors, who naturally need those licenses and concessions. As a result, government officials have merely become *conduits* for draining off the natural wealth.

Several examples are given below of the conspiracies which go on between foreign investors and government officials or their families, including, of course, the Suharto family itself.

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* *Rekwisitor* [Prosecutor's Summation], p. 7.

38. The translation here is taken word for word from the translation of the *White Book* in *Indonesia*, 25, p. 173.

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COMPANY	CAPITAL in Millions of Rupiah	NAMES OF GOVERNMENT OFFICIALS AND THEIR FAMILIES	% of Shares Owned
Multi France Motors, Inc. BNPT No. 591, 1973	500	Probosutedjo/Suharto's younger brother	25%
KABEL METAL INC. BNPT No. 503, 1973	1,058	Bernard Ibnu Hardoyo (Tien Suharto's younger brother)	49%
SEMEN NU-SANTARA INC. BKPMA No. 273, 1974	20,000	Bernard Ibnu Hardoyo	30%
GERMAN MOTORS INC. BNPT No. 275, 1973	1,610	Sutowo Group	33.3%
KRAMA YUDHA INC. BNPT No. 408, 1972	1,600	Ibnu Sutowo	50%
STAR MOTORS INC. BNPT No. 935, 1971	567	Sutowo Group	51%

Source: Lembaran-lembaran negara & BNPT.

Such conspiracies are of course quite profitable from the perspective of those-in-power and the investors, because they can just put their feet up and amass great profits, *but from the viewpoint of the public interest and Indonesia's long-term national interests these conspiracies are disastrous.*

Data released by the New Order regime reveal the overall picture: of the many foreign-investment projects which have been approved, *the vast majority are concentrated exclusively in extractive fields* (logging, mining, minerals) *and in consumer-oriented fields* (textiles, hotels, services, and so forth), amounting to *US$4,896,600,000* or *73.9%* of all investments. Meanwhile, agriculture, which has received so much fanfare as the focal point of upbuilding, has received only a sprinkling: 2.45%.*

Judges of the Court,

This analysis shows that the concentration of economic power in the hands of a tiny group--namely, foreign investors, Chinese cukong, and businessmen-officials or official-businessmen--has led, directly and indirectly, to the oppression of other economic groups in Indonesian society, such as native entrepreneurs, the majority of whom are weak businessmen, petty merchants, sidewalk peddlers, and so forth.

The notion that native entrepreneurs are less capable of developing because they are not diligent enough, do not work hard enough, and so forth *is not entirely*

* "Laporan Pidato Kenegaraan" [of President Suharto], August [16], 1978, revised.

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accurate. The truth is that most of the economy's channels have been closed off by foreign and Chinese businessmen who are protected by those-in-power under the New Order regime.

The concentration of economic power in the hands of the Chinese cukong and official-businessmen/businessmen-officials has also resulted in the accumulation and concentration of capital in the hands of a tiny group of Indonesians. Having become extremely wealthy, they wallow in the riches they have drained off from the majority of the Indonesian people, who live in the depths of poverty.

The emergence of an elite, composed of Chinese cukong, government officials and foreign investors, which is able to dominate the Indonesian economy despite its minority status, is a development which conflicts sharply with the economic system outlined in the 1945 Constitution. As explicitly set forth in Article 33 of the 1945 Constitution:

Paragraph 1. *The economy is structured as a collective endeavor based on the family principle.*

Paragraph 2. Branches of production which are vital to the state and *which dominate the livelihood of the masses will be controlled by the state.*

Paragraph 3. The earth and water and the natural wealth they contain will be controlled by the state and *will be used as much as possible [to enhance] the welfare of the people.*

This means that the economic system embraced by the 1945 Constitution is one which is based on the family spirit and mutual cooperation, in which the principles of economic democracy and self-reliance are vital, a system which rejects *the economic domination of one group over the rest.*

The utilization of Indonesia's natural wealth must guarantee that every citizen can enjoy the fruits of his own efforts, both directly and indirectly, and must also pay attention to ecological principles.

Judges of the Court,

In other words, it can be said that the current actions of the Suharto regime deviate from the provisions of the 1945 Constitution. Specifically:

1. The emergence of capitalist forces which subsequently formed the conglomerates which dominate almost every sector of the Indonesian economy has blatantly violated the principles of an economy established as a collective endeavor based on the family principle. Above all, it is obvious that these conglomerates are exclusively controlled by a certain group of Indonesians, to the detriment of society at large.

2. It has been proven that many branches of production which are vital to the state and the people, including nickel, iron, copper, wheat, and so forth, are controlled by private foreign and domestic companies. As a result the state and the people are quite dependent on these firms and it is very difficult to exercise control over them.

3. As a consequence of the Pertamina case, the stripping of the forests for which concessionary rights have been awarded, and the appearance of giant fishing-nets and various other forms of foreign capital, Indonesia's natural wealth has been exploited, leaving behind all kinds of environmental damage. Meanwhile, the benefits for the welfare of the

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> people have been quite inadequate. What has in fact happened is that wealth has accumulated in the hands of a certain tiny group of citizens.

These circumstances formed the basis of the diagnoses which the students formulated in the "WHITE BOOK" and the Students' Declaration of Position, and also in the Students' Vow.[39]

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39. This is the *Ikrar Mahasiswa* of October 23, 1977, in which for the first time the students stated they no longer had confidence in Suharto as president.

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CHAPTER VII

THE PEOPLE HAVE BECOME THE SACRIFICIAL VICTIM[1] OF UPBUILDING

Upbuilding Which Does Not Solve the Problems of Poverty and Unemployment

Judges of the Court,

One accomplishment which the New Order Regime has bragged about continuously is its success in curbing inflation and then creating a stable economic life. This is, of course, in line with the Upbuilding Strategy outlined by the New Order, namely, to promote the most rapid possible economic growth, as measured by the speed with which the per capita GNP rises. The main* prerequisites for reaching this goal, according to New Order theory, are political stability, which in practice means an impregnable upward concentration of power, and economic stability.

Rapid economic growth can be achieved by a variety of means, and naturally the New Order has chosen the easiest and laziest ways. They have included, among other things, attracting as much foreign investment as possible, by setting minimal requirements, by not restricting the types of enterprise which can be established (until recently), and by disregarding whether or not the enterprises of the little people would be crushed. In addition, in order to achieve economic stability, inflation has been held down as low as possible and the value of the rupiah stabilized by tying it to the US dollar at a fixed rate of exchange.

It is clear now that we Indonesians have had to pay a high price to achieve the New Order regime's goals. In order to maintain the value of the rupiah at a constant level, it has been firmly tied to the US dollar since 1971. Even though the inflation rate in Indonesia was considered to be reasonably low, it was still higher than in the United States. As a result, there was disparity with the real exchange value of the rupiah and the US dollar.

In order to protect the image of the stability of the Indonesian economy, the New Order concealed this reality by patching up the difference in exchange value with subsidies. The size of the subsidy per US dollar was:

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* Biro Pusat Statistik, *Survey Industri Kecil Dan Kerajinan Rumah Tangga, 1971-1973.*

1. "Sacrificial victim" is only an approximate translation of the word *tumbal*, a term derived from the vocabulary of prophylactic magic. For example, the water buffalo whose severed head is commonly buried beneath the foundation stone of a building under construction, to ensure the prosperity of its owners, the tranquillity of its occupants, and the safety of its builders, is a *tumbal*.

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Year	Real Exchange Value	Subsidy
1971	Rp 415	Rp 0
1972	Rp 505	Rp 90
1973	Rp 580	Rp 165
1974	Rp 672	Rp 257
1975	Rp 725	Rp 310
1976	Rp 764	Rp 349
1977	Rp 784	Rp 369

Source: Suharsono Sagir, *Latar Belakang Dan Pengaruh Kebijaksanaan Moneter 15 November 1978* (Working paper proposed as discussion material for the Lecturers in Economics at UNPAD, revised, December 14, 1978).

In the end it was the people who had to pay for all the New Order regime's antics because, as a result of such policies, the import of foreign goods was actually subsidized by the government. The price of these goods dropped accordingly, and their ability to compete with domestically produced goods was truly stunning!! The proof of this is the fact that a variety of domestic businesses went bankrupt because they were not able to reduce their production costs below the prices of the imported goods!! How can domestic producers possibly compete when the government, which is supposed to protect them, instead squeezes them by subsidizing imported goods?

Judges of the Court,

The way in which Indonesian entrepreneurs are currently being crushed in the grip of the New Order is truly horrifying. Indonesian entrepreneurs, who in general have only modest capital, skills, and technology, are being confronted by foreign giants who command very advanced technology and ample capital and skills. It is as though the New Order regime is putting a jackal in a rabbit cage; the rabbits will surely be gobbled up by the jackal!! Not only that, the New Order regime has even "armed" the jackal with subsidies.

Most of the foreign capital which enters Indonesia goes into import-substitution enterprises--for example, the textile industry. Once we imported textiles, but today we own textile mills which can meet Indonesia's textile needs. So we no longer need to import textiles. But what has really happened? While it is true that we do not import textiles, we import almost all the materials needed to make them. The fiber, the spun thread, the dyes, and so forth, and even the trademarks are still imported!!

Our country is actually only a station from which foreign factory owners can seize and consolidate markets for their goods! While enjoying such benefits as government subsidies for imported basic materials and cheap Indonesian labor, foreign investors walk off with the wealth they have drained off from our beloved Indonesia.

Judges of the Court,

It cannot be denied that by these means various fields of industry in Indonesia have indeed made rapid progress, enabling the New Order regime regularly to announce increases in national production figures. But those increases are in fact

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due strictly to the penetration of foreign capital, along with the squeezing and suppressing of Indonesia's own entrepreneurs.

As a result, hundreds of businesses have folded, and hundreds of thousands of unemployed people roam about without jobs.

Between 1971 and 1973 alone, a total of 225,259 small factories closed down, leaving 432,285 people without work! Imagine, Your Honor, a period of only two years brought disaster for:

> 225,259 businesses owned by the Indonesian people and
> 432,285 people who lost their jobs.

Meanwhile, during the 10 years following 1967, foreign investment projects were able to create jobs for only 410,897 people, some of which were filled by foreigners.*

The price that must be paid for the rampaging of foreign capital is enormous, while the benefits are virtually nonexistent. The only ones who enjoy them are the members of the upper strata of society, because foreign capital makes luxury goods abundantly available at subsidized prices!! The people can do nothing! [2]

Simply put, it can be concluded that the upbuilding which the New Order regime is currently implementing turns out to be an *upbuilding which does not solve the problems of poverty and unemployment.* Combatting poverty has only been a slogan during the implementation of the upbuilding programs, a slogan which has never been fulfilled and consistently put into practice. After 13 years in power, the New Order regime obviously still lacks a clear and comprehensive strategy for solving the problems of poverty and unemployment in a systematic series of stages. Quite the contrary, *the upbuilding strategy being carried out has proved to have a destructive impact on the little people and the lower strata of Indonesian society!* The influx of foreign capital has obviously also crushed most small industry and the traditional sector of the Indonesian economy, causing hundreds of thousands of Indonesians to lose their jobs.

In order to provide a closer look at the impact of the Suharto regime's policies, in the following pages I will describe the typical daily life of the Indonesian people. In general, the lives of the masses are heartrending because they are only the sacrificial victims of upbuilding.

Farmers Have Been Made Mere Tools of Production

The People Too Live in Fear of Starvation

Judges of the Court,

The New Order Regime continuously boasts that the Agricultural sector has the highest priority in "Upbuilding." This means that the greatest hopes are being placed on the Agricultural sector to augment the food supply, to provide employment, and to increase the incomes of the people, especially those of the farmers, who make up both the largest group in Indonesia and the group which is least well-off. Agriculture is also expected to be a source of foreign exchange.†

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* Laporan Pidato Kenegaraan [of President Suharto], August 16, 1978.

† *Garis Besar Haluan Negara* 1978-1983.

2. The idiom *gigit jari* ("bite their fingers") means staring helplessly at what is happening.

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After sinking its powerful claws into this country for more than 13 years, what has the New Order regime accomplished in the agricultural sector about which it brags so much?

What we can most easily see is its "success" in keeping up the number of Indonesians who live below the poverty line, so that the total never dropped from between 40% and 60% of the total population during the 10 years between 1969 and 1979. Regardless of how the poverty line is defined, whether in terms of an income equivalent to the value of 240 kilograms of rice per year or in terms of an annual income of US$50 (World Bank Standard), it cannot be denied that between 60 and 70 million people are still mired in the mud of poverty. And this is the total the New Order regime has successfully maintained for 10 years without any significant reduction.

Hunger is a direct consequence of poverty. During the time the New Order regime has been in power starvation has haunted 85 million Indonesians. In July 1978 it was announced that "malnutrition" [would be defined as] consuming fewer than 1743 calories a day, despite the fact that the normal level for an Indonesian is 2100 calories a day.*

News of severe famines which devastate the Indonesian people has become routine for us. These famines have followed one after the other, starting with Krawang (40,000 victims) in 1977,† Garut (8,000 victims)‡ in January 1977; then Boyolali, Sragen, Karang Anyar, Wonogiri, and Cilacap were simultaneously devastated by *Hongerodeem*[3] in October 1977.§ These cases were followed by Paga (Flores) in May 1978,‖ Sumbawa in February 1979,# and many more. Reports of disastrous famines have become so routine that we have become accustomed to them and no longer find them odd.

The real cause of these disasters was "crop failure." Obviously these crop failures, which struck every part of Indonesia in turn, did not arrive out of the blue as calamities visited on us by God. Surely every one of them had a cause! Because the crop failures took place one after another, the errors which brought about this epidemic were obviously rooted in the New Order regime's policies.

Thanks to our ancestors' skill in farming, the island on which we now live became famous by the name Island of Java, which means Island of Rice. In the span of only ten years, the New Order regime has succeeded in baptizing the Island of Java with a new name. That New Name is *Island of Wereng*![4]

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* Dr. A. T. Birowo, General Chairman of the Central Leadership of the Agricultural Economics Association of Indonesia (PERHEPI), at the PERHEPI conference of July 1978.

† *Tempo*, October 8, 1977.

‡ *Tempo*, January 22, 1977.

§ *Tempo*, October 22, 1977.

‖ *Tempo*, May 13, 1978.

Kompas, February 20, 1979.

3. For *hongerodeem*, or *Honger Odem*, see above at Ch. 3, n. 25.

4. *Wereng* is the brown plant-hopper, a pest capable of inflicting devastating damage on rice crops.

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Data collected through April 1979 indicate that almost all of the rice fields on Java have been attacked by wereng.*

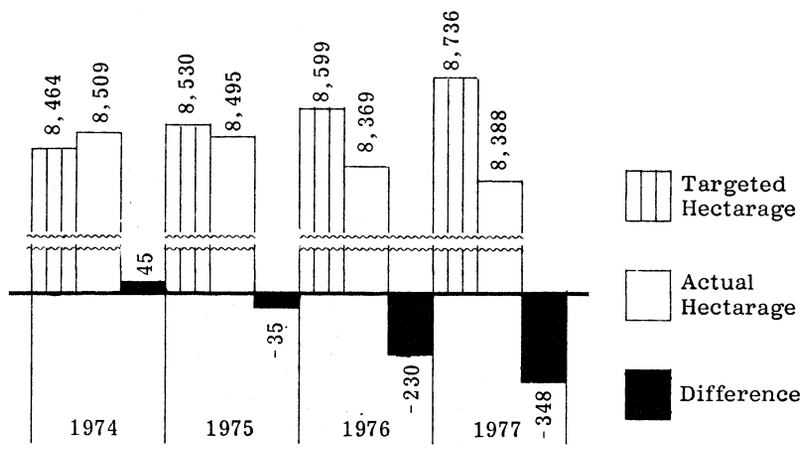
Agricultural methods and tools which were the products of centuries of farming experience have been capriciously destroyed by the New Order regime without careful consideration of the consequences. The New Order regime has forcibly replaced the method of planting rice--then rice--then a secondary crop, in rotation, with the method of planting rice--then rice--then rice and nothing but rice, even up to three times a year if possible. Our farmers have also been forced to buy as much fertilizer as possible, because the New Order regime has succeeded in producing urea fertilizer. According to the experts, it is precisely the New Order's planting methods and urea fertilizer which have caused the massive infestation of wereng.†

It is plain, Judges of the Court, that the Agricultural Policy of the New Order regime has helped spread and multiply the wereng plague in Indonesia.

The spread of wereng and the "New *Cultuur Stelsel* (Forced Cultivation)" System[5] are products of the New Order regime's most sadistic [*sadis*] policy, namely, insisting on the greatest possible increase in food (read: rice) production in the shortest possible time by treating the farmers and the land they work as rice-production machines. The New Order regime had the illusion that, if the farmers were given seed, fertilizer, and indoctrination, they would automatically produce tons of rice all year long!!! If they had thought it through, they would certainly have understood that these fantasies could not possibly be realized.

In Book II of Pelita II and in the Address of the President of the Republic of Indonesia on August 16, 1978, we can see that the upbuilding targets which the New Order regime dreamed up for the Agricultural Sector leaped higher and higher with each passing year, while the actual results dropped farther and farther below the targeted levels (see Graphs 1, 2, 3 and 4).

Graph, Rice Crop Hectarage, 1974-1977
(in thousands of hectares)



* "Wereng, Bom yang bisa meledak sewaktu-waktu," *Kompas*, May 3, 1979.

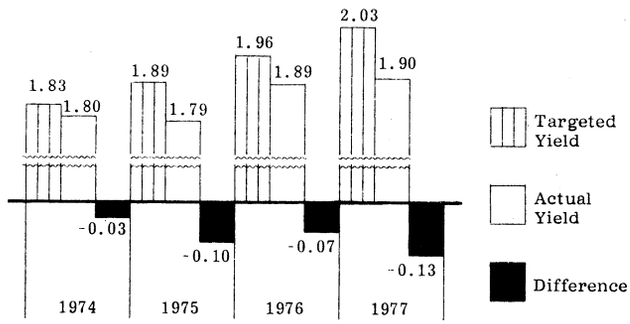
† Ibid.

5. The Cultuurstelsel (Cultivation System) was the ruthlessly exploitative, monopolistic agrarian regimen imposed in the Indies by the Dutch Crown circa 1830-70, characterized by compulsory deliveries of state-designated crops.

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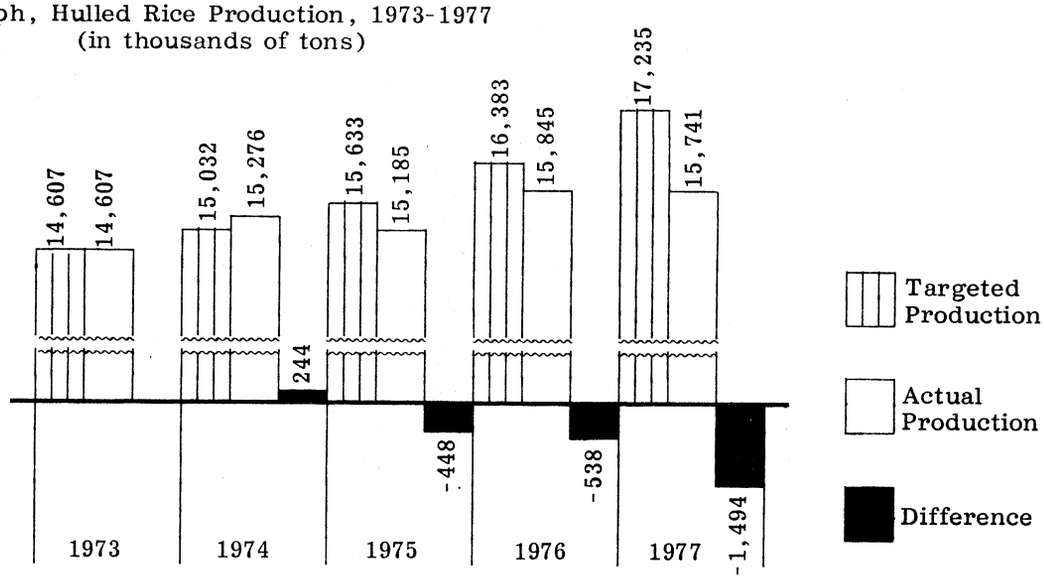
This graph reveals the failure of the extensification program which has been in operation all this time. Not only has the extensification actually achieved been far below the designated target, but *the total rice-crop hectarage was smaller in 1977 than it had been in 1974.* In the period 1974-1977, the total rice-crop hectarage shrank by: *271,000 hectares.* In coming years the failure of the extensification program will have fatal consequences for Indonesia's food supply and will boost food imports higher and higher. Because the intensification programs (BIMAS and INMAS)[6] have obviously nearly exhausted their potential, no matter how much fertilizer, insecticide, and credit the government has poured in, the total crop per hectare clearly has not shown any significant increase:

Graph, Rice Yield per Hectare, 1974-1977
(in tons/hectare)



This graph also shows the failure of the intensification program which has been going on all this time. Due to the reduction in the total crop hectarage and to the fact that the targets for increased production per hectare have not been met, the total yield has also fallen further and further below the targets set by the Suharto regime itself.

Graph, Hulled Rice Production, 1973-1977
(in thousands of tons)

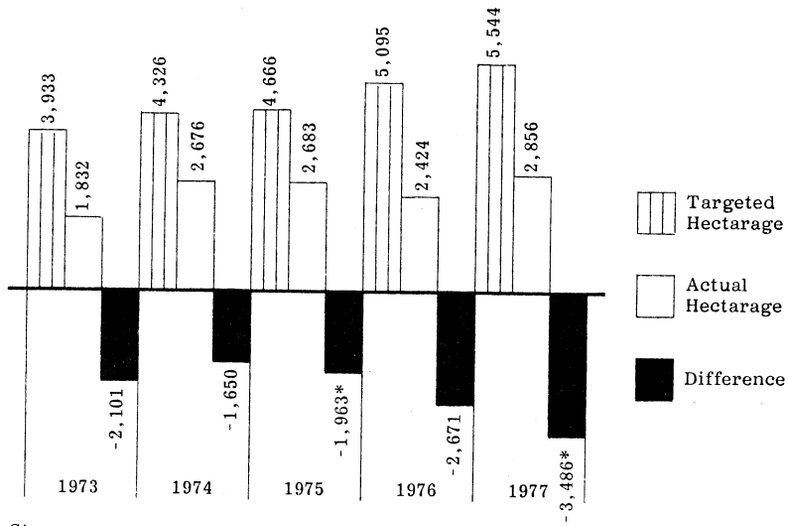


6. Bimas (Bimbingan Masal Swa Sembada Bahanan Makanan, Mass Guidance for Self-sufficiency in Food) and Inmas (Intensifikasi Masal Swa Sembada Bahanan Makanan, Mass Intensification for Self-sufficiency in Food) are two long-standing programs for persuading and/or compelling riceland peasants to increase their output by using more modern and intensive cultivation methods.

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The New Order Regime has the nerve to set fine-sounding figures as targets for the upbuilding it is promoting, but the actual results are always far below the designated targets. Meanwhile, even the hectarage targets for the intensification programs have never been met, despite the fact that they are among the programs which have received the most fanfare.

Graph, "Area of Intensification," 1973-1977
(in thousands of hectares)



* *Sic.*

Even from these simple graphs one should be able to see that there must be flaws in the New Order regime's policies to account for the fact that the actual results of its programs continue to fall further and further below their targets.

Judges of the Court,

The New Order regime has made an enormous error in relegating the farmers to the status of objects of its Agricultural Upbuilding programs. The New Order regime has destroyed the farmers' will and ability to stand on their own feet.

Because it considers itself the cleverest in the world, this regime has willfully forced the farmers to plant particular kinds of rice seed, has decreed how much fertilizer should be applied, and has even decreed how many times the farmers must plant rice each year. Participation in Bimas and Inmas, which originally was voluntary, has evolved over time into an obligation which cannot be rejected. The New Order regime has abused Bimas and Inmas, which were intended simply to provide guidance for the farmers, by using these programs to force its will on them. The regime has obliterated the educational value of the Bimas and Inmas programs by imposing them through physical and psychological threats. This ultimately has created an unhealthy atmosphere in the villages, an atmosphere which has enveloped people in fear and self-doubt. The first symptoms of this appeared when, for example, the farmers started to manipulate government policies by reselling the fertilizer they had acquired through the government's "generosity." Repayment of Bimas credits was deferred as long as possible,* and so forth. Such an unhealthy atmosphere provided opportunities which were exploited by vicious

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* *Tempo*, October 8, 1977.

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elements! As a result, people scrambled to embezzle fertilizer money, divert Bimas credits and so on.*

Judges of the Court,

The value of delinquent payments climbed steadily from 10.3% of all Bimas credit effectuated during the 1973-74 planting season to 68.3% during the 1976-77 planting season. The factors which were reported as responsible for this delinquency included: shortages of tillable land, as a result of which the increased yield had been consumed [by the farmers themselves]; the heavier burden of the village levies and Ipeda[7] which had to be paid; the decline of the selling price for unhulled rice below the baseline price set at harvest time; rampant pest epidemics; negligence and naughtiness[8] on the part of the farmers; abuses by local officials, and so on. The countermeasures which the New Order regime took amounted to no more than extending the credit repayment period, canceling credits, and even arresting recalcitrants.†

Doesn't the New Order regime realize that, if it sought the fundamental factor underlying all those reported above, that factor would turn out to be government policy itself?? *This policy in essence reduces the farmers to tools of production;* they have become objects of the food-supply programs targeted by the government. They must produce the maximum amount possible for the sake of the national food-supply program. They are "forced" to use this or that fertilizer, to plant the type of rice decided on by the government, to sell their crop only to BUUD/KUD,[9] and so on. This is all done for the sake of pursuing production targets, with no consideration of the farmers' own interests.

Judges of the Court,

Why are the farmers "naughty" or "negligent" in the face of New Order regime programs??? Has the New Order regime ever asked itself this question? Never!!! It simply arrests the farmers or dismisses village officials.‡ The New Order regime has never been willing to consider the idea that the farmers are "naughty" or "negligent" because they are simply unable to put the regime's dreams into practice or that our farmers, who have had some experience, in fact have opinions which differ from the regulations the regime has laid down. And all this time the New Order regime has never given the farmers an opportunity to do anything other than what it demanded of them! If in the end they have actually obeyed the wishes

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* I Gusti Bagus Teken and Kuntjoro, "Kebijaksanaan pangan dewasa ini dan masa datang," *Mimbar Sosial Ekonomi*, 1, 1 (February 1978).

† "Kontrol pemilih[k]an tanah saat ini kurang obyektif," *Merdeka*, December 12, 1978.

‡ "58 pamong desa diskors," *Pikiran Rakyat*, January 22, 1979.

7. Ipeda = Iuran Pembangunan Daerah (Regional Upbuilding Levy), a land tax imposed by the New Order to finance regional development.

8. "Naughtiness" is perhaps the most exact translation of *kenakalan*, not least because it reflects the patronizing attitudes of officialdom towards "stupid" and "child-like" peasants.

9. BUUD (Badan Usaha Unit Desa, Village-Level Enterprise Body) and KUD (Koperasi Unit Desa, Village-Level Cooperative) are government-sponsored agencies for organizing rural economic life. Nominally independent and local in character, they operate in fact under tight state control.

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of their government, it is not because they have woken up to the usefulness or the purposes of the government's regulations, not at all. They are just afraid of the government's threats!!!

Judges of the Court,

The failure of the Increased Food Production [Program] will actually raise food prices. However, the New Order regime seems to have learned a lesson from the Affair of Sukarno's Downfall. One of the reasons Sukarno fell was a leap in food prices; among the demands made by the 1966 Movement was "Reduce the Price of Rice."[10] That is why the New Order regime is making every effort to cover up its failure to increase food/rice production, even though its efforts are clearly bringing harm to the nation and suffering to the farmers.

The New Order regime has tried to cover up its failure by importing rice on a massive scale and by setting standard prices for rice.[11] For example, the failure to increase rice production between 1973 and 1976 so panicked the New Order regime that it was no longer ashamed to import rice in quantities far larger than called for by its own Plan.

Actual rice imports jumped *300% above the planned level.*

YEAR	PLANNED VOLUME (1)	ACTUAL VOLUME (2)	% SLIPPAGE
73/74	1.009 Million Tons	1.250 Million Tons	24%
74/75	1.050 Million Tons	1.137 Million Tons	8%
75/76	0.967 Million Tons	0.670 Million Tons	31%
76/77	0.809 Million Tons	1.509 Million Tons	87%
77/78	0.583 Million Tons	2.308 Million Tons	296%

Source: 1. Repelita II
2. LPK August 16, 1978

The sums of money spent on rice imports over the past five years are as follows:

YEAR	TOTAL VALUE OF IMPORTS
73/74	US$544.5 Million
74/75	US$439.5 Million
75/76	US$136.2 Million
76/77	US$386.4 Million
77/78	US$712.3 Million
73/78	US$2,223.5 Million

Source: Lampiran Pidato Kenegaraan 78/79.

10. On these demands, see above Ch. 3, n. 22. In fact, the third demand was for a reduction in all prices, not just that of rice.

11. *Harga patokan:* ceiling prices for rice which peasants are compelled to sell to the government; also ceiling prices for rice sold through government channels in urban areas. The effect of harga patokan is to subsidize urban consumers at the expense of the peasantry.

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This amounts to almost 25% of the foreign debt incurred by the government during the same period, that is: US$10,983,000,000. This has made *Indonesia the largest rice importer in the world.** How tragic it is that, while the Suharto regime has been rushing about, begging left and right for what it said was upbuilding, evidently the resulting funds have had to be used just for eating. The New Order regime has evidently chosen to beg rather than to try seriously to increase food production!

The New Order's failures are vividly reflected in the following figures, which show how much more money is spent on food imports than on development in the Irrigation and Agricultural sector in order to increase food production:

Year	Cost of Food Imports	Funds Allocated for Development in the Irrigation and Agricultural Sector
73/74	Rp. 414.5 billions	Rp. 98.1 billions
74/75	Rp. 384.8 billions	Rp. 301.8 billions
75/76	Rp. 328.0 billions	Rp. 257.0 billions
76/77	Rp. 509.0 billions	Rp. 356.1 billions
77/78	Rp. 645.1 billions	Rp. 380.1 billions

Source: Lampiran Pidato Kenegaraan President RI, August 16, 1978 Table IV-9, III-9, and II-10.

Much of this imported food could actually be produced by Indonesia's own farmers. Statistics also indicate that production of non-rice food has declined so much that the New Order regime has been forced to import non-rice food in order to meet domestic needs, including even types of food which Indonesia once exported. This is illustrated in the following table:

Type of Non-Rice Food	Year	Quantity	Value	Comments
Wheat	1976	965.137 tons		
Corn	1976	68,864 tons		
Soy beans	1976	171,000 tons	US$20 million	We used to export this!!
Sugar	1976	203,848 tons		
Tapioca	1976	59,483 tons		We used to export this!!

Source: *Tempo*, November 5, 1978; *Kompas*, September 13 and 16, 1978.

This table shows quite clearly that tens of millions of dollars have been squandered on importing food which Indonesians could produce themselves. This illustrates how, in pursuit of its short-term interests, the Suharto regime has ignored the potential of its own people for active involvement in the upbuilding process.

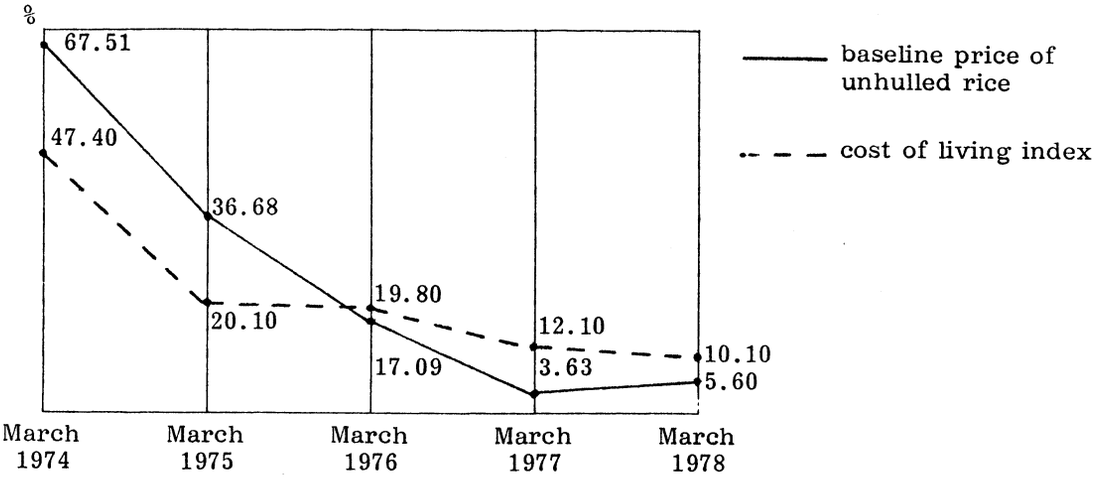
Judges of the Court,

The New Order regime's Standard Rice Price Policy has not benefited Indonesian farmers. The graph below compares the percentage increase in the price of

* *Tempo*, March 14, 1978.

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dry unhulled rice purchased annually by BUUD/KUD with the percentage increase in the cost of living which must be borne by the farmers:



This graph clearly shows that *the rise in farmers' incomes has completely failed to cover the rise in the cost of living!* Meanwhile, the farmers are, as it were, snared in a web of injustice. According to the terms for BUUD/KUD credit, the farmers cannot sell their unhulled rice to anyone except the BUUD/KUD.*

On February 1, 1978, the purchase price for dry milled rice was set at Rp58/kilogram.†[12] Since one kilogram of dry paddy yields 0.75 kg of rice, one kilogram of the farmers' rice is worth *only* Rp82.85 (100/70 x Rp58.00).[13] And yet the New Order Regime has bought one million tons of foreign rice at a cost of US$415 million,‡ meaning that, at the post-Kenop 15 exchange rate, it paid Rp295.45 per kilogram[14] (0.415 x Rp625). This means that the New Order Regime values the fruits of Indonesian farmers labors only one-third as highly as those of farmers in Japan, South Korea, Thailand, and other rice-exporting countries.

In the midst of a deluge of "upbuilding" propaganda and forced "participation in Upbuilding," Indonesian farmers are confronted with equally bitter alternatives. All of them have the same outcome, an increasing erosion of the farmers' ability to support themselves. A person confronted with such a situation might choose just to commit suicide, and suicide for a farmer is selling his land or, if not that, then leasing it to cukong or government officials who are rolling in money. As a result, the farmers are forced to become farm laborers who sell their labor on their own land, or else they flee to the cities, where jobs are already scarce.

Judges of the Court,

Because the Basic Agrarian Law has not been implemented, the people's land has been bought up at cheap prices under the protection of New Order Regime

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* Interview with Dr. Dibyo Prabowo, in *Progress* (combination issue Nos. 139 and 140).

† Instruksi Presiden No. II/1977.

‡ *Tempo*, November 5, 1978, and BPS data.

12. At that time, roughly 12¢.

13. I.e., about 13¢ after the November 15, 1978 devaluation, and about 20¢ before.

14. I.e., about 47¢.

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elements. Under the pretext of "freeing" land for this or that project, certain elements have used the people's land to build factories, luxurious houses, golf courses, palaces, and so forth.* The people's efforts to contest thefts of their land, for example in the cases of Angsana, Cengkareng, Cikopomayak, Jatiwaringin, and so on, prove that they are indeed exceedingly hard-pressed as a result of the New Order regime's avaricious behavior in grabbing their land.

Thus it is not surprising that the total number of farmers who still manage to keep ownership of their own land is shrinking. Five million of the 8.8 million farming families on Java do not own their own land; they work as farm laborers.† This means that more than half of the farming families on Java make a living by working their fingers to the bone on someone else's land, and the tragic part of it is that this land once belonged to them but they were forced to sell it!!!!!!!!

Meanwhile, the land belonging to the majority of the farmers who still own their own land has shrunk in area. In 1963 43.6% of the farmers who owned land owned less than 0.5 hectares.‡ By 1973, the percentage of land-owning farmers whose holdings were meager (less than 0.5 hectares) had risen to 59%.§ Farmers who own less than 0.5 hectares of land cannot earn a living by working their own land.‖ This is why the number of farm laborers who have lost their land is growing larger and larger.

Because these laborers are vying with each other for work, the new landowners can set wages at whatever level they please. The Farm Laborers themselves get no protection whatsoever from such cruelty. To this day there are no safeguards for Farm Laborers' Wages in the villages.# The results of the Agricultural Economic Survey** show how much the farm laborers' real wages have declined in Java's villages. In the space of only four years (from 1968 to 1972) Real Wages declined an average of 30%. The Real Wage level indicates the value of the wages a farm laborer receives when converted into kilograms of rice at the price prevailing in his village. Hence the real wage level shows us how greatly the Farm Laborers' incomes have declined.

Judges of the Court,

The vicious circle of poverty, the farmers' declining productivity, and the equally bitter alternatives Indonesian farmers are faced with has destroyed the lovely image: "My beloved village, idol of my heart . . ." which Indonesian Farmers once sang about.

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* "Pemilik tanah luas seringkali terlindungi," *Kompas*, September 28, 1978.

† Sayogyo, "Kata Pengantar," to D. H. Penny and Masri Singarimbun, *Penduduk dan Kemiskinan: Kasus Sriharjo di Pedesaan Jawa*, Jakarta, Bharata Karya Aksara, 1976.

‡ *Survey Pertanian 1963.*

§ *Survey Pertanian 1973.*

‖ Dawam Rahardjo, "Sensus Pertanian 1973," *Tempo*, December 18, 1976.

Makali and Sri Hartoyo, "Perkembangan Tingkat Upah," *Prisma*, 3, April 1978.

** Makali, *Upah buruh tani pada tanaman padi dikaitkan dengan kenaikan produksi dan harga padi selama lima tahun di duapuluh desa Sampel Intensifikasi pada sawah di Jawa*, Jakarta, Survey Agro Ekonomi, 1974.

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The Tragedy of the Indonesian Workers:
Underfed Pack-Horses for Upbuilding!

Judges of the Court,

If the Indonesian workers should be angry, then probably they should be angry at members of the PKI [Indonesian Communist Party]. Why? Because during its heyday the PKI always claimed to speak and act for them, and now they have to live with the consequences. If an Indonesian Worker speaks out just a little, people immediately point an accusing finger: Why...HE MUST BE A PKI MEMBER!!!!

Being saddled with alleged membership in the PKI in Indonesia is like having the life expectancy of a criminal threatened with capital punishment!! Being accused of PKI membership is like being cursed as a demon and avoided like a corpse! That is why, even though the lives of Indonesian workers today are heart-wrenching, virtually no one dares to protest. It is better to be impoverished and not have enough to eat than to be cursed as a demon and avoided like a corpse!!!!

Under these circumstances, with each passing day the Indonesian Workers become more and more deeply mired in the foul mud of their tormented existence. They have become the underfed pack-horses of increased production and the "success" of upbuilding!

Indonesian Workers live in a vicious Circle of poverty, low wages, and low status. They can all be easily oppressed by their bosses. They live in constant fear of being fired and of physical intimidation by the bosses.

Of Indonesia's 54.5 million Workers, 61.4%,* meaning 33 million 463 thousand people, still receive wages which average *less than Rp400 a day.*[15] What can you buy with wages like that? For minimum physical needs alone they are clearly inadequate, let alone for other necessities.

Take, for example, a Worker's family which has only two children, in accordance with Family Planning recommendations.[16] This means that the Father has to feed the four mouths in the family on Rp400 a day--that is, Rp100 per mouth each day. If each mouth needs to eat only twice a day, then it must be fed for Rp50 (fifty rupiah) a meal. So what are they putting in their stomachs??? Does the Court have even an inkling? Keep in mind that one bowl of *mie bakso*[17] behind this Courthouse costs Rp150.[18] This means those human beings, if they can still be called that, eat only one-third of a bowl of ba[k]so twice a day. Can that still be called human, Your Honor? Even though they have to toil with all their strength to "Success Development" and to increase production? And human beings do not only have to eat. Workers must also worry about housing, schooling for their children, recreation.....[If they get these things, it is only thanks to a] miracle and gift from God.

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* Agus Sudono, General Chairman of FBSI, in *Asiaweek*, April 27, 1979; and *Kompas*, March 27, 1979.

15. I.e., about 64¢ after the devaluation, and about 96¢ before.

16. This refers to the official prescriptions of the government's family planning program.

17. A kind of cheap Chinese noodle dish.

18. I.e., about 24¢ after the devaluation, and about 36¢ before.

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Your Honor is advised not to answer these questions, in order to avoid allegations of having *insulted the President or public authorities.* What difference does Rp100 a day make when compared with the expense of keeping one of Pak Harto's *cucak rowo*[19] birds, for example? Or compared with the cost of keeping pedigree dogs like German shepherds, poodles, collies [?],[20] and the like, which are now fashionable among extremely wealthy government officials?

If, indeed, they have been able to survive until now. This figure of Rp400/day, announced by the General Chairman of FBSI, is a national average. In reality it is clear that even more devastating conditions are frequently reported. Take, for example, the fact that tens of thousands of textile workers and workers in canned food and drink factories are only paid between Rp250 and Rp441[21] a day.* It is also a fact that approximately 8,000 workers who are employed by 71 companies in East Java receive wages of less than Rp250 a day. Of those 71 companies, 6 pay wages of Rp100/day, 28 pay wages of up to Rp150/day, and the rest pay wages of up to Rp200/day.† Moreover, in Jakarta, with its very high standard of living, there are still massive numbers of workers who are paid only Rp150 a day;[22] they flounder in misery in the midst of the glitter of life in the capital.‡

All of these things are not taking place in some ancient past. Unbelievably, such *insanity* is still going on at *this very moment!!!!*

These examples provide an adequate picture of what kind of lives Indonesian workers lead with their meager wages. While the workers' energies are exploited to the limit, they do not even have any social security[23] because the vast majority of them are mere day-laborers, who can be laid off at any time.

Why are they willing to endure such a life of "misery"? Why do they feel forced to accept very minimal terms and conditions of work?

Judges of the Court,

The scarcity of jobs makes each individual worker a single drop in the tidal wave of unemployed people which crashes down on every job opening. An overabundant work force, on one hand, and the limited availability of jobs, on the other, have made the workers' bargaining position in relation to the bosses extremely weak.

Just imagine, 1.4 million people join the work force each year, while PMA and

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* *Pikiran Rakyat*, March 27, 1979.

† *Sinar Harapan*, February 24, 1979.

‡ *Berita Buana*, April 6, 1979.

19. *Cucak rowo* (or *rawa*)--a highly prized singing-bird of the thrush family. Prices for these birds run as high as Rp. 1,500,000, or almost $2,500 at current rates of exchange.

20. These are all extremely expensive breeds imported from Europe and the U.S.

21. I.e., between 41¢ and 70¢ after the devaluation, and between 60¢ and $1.06 before.

22. At the time the text was written, this was about 24¢.

23. *Jaminan sosial*, though translated literally as "social security," means no more in the Indonesian context than a few simple fringe benefits customarily provided to low-level clerks and people in equivalent socio-economic positions.

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PMDN[24] have created new jobs for only 1.4 million people during the last 10 years. That adds up to 12.6 million people who have joined the ranks of the unemployed over those 10 years!!!*

Why should a boss worry about firing a worker, when nine unemployed people, dreaming of that job, are waiting in line. Faced with such a threat, the worker has no alternative but to submit to the oppression of the boss.

Because they are in such a weak bargaining position, workers can easily be subjected to arbitrary treatment by their bosses: extremely low wages, excessively long working hours, no job-safety guarantees, and very bad health conditions. Still less do the bosses ever worry about boarding facilities, recreation, or education for the workers' children. All the bosses think about is how to exploit the work force as much as possible, in order to reach their desired targets. And who sets these targets, Your Honor? These targets are products of Indonesia's intensely capitalistic upbuilding climate!

Why are the workers passive in the face of these realities?

In truth they are not passive. The workers have made great efforts to improve their lot. But the fact is that they always get the worst of it because of the strength of the bosses' position; they are always helpless in the face of dismissal, lock-ups,[25] and often even physical threats at the hands of "backing" or hired goons.[26]

The majority of Indonesian workers are day-laborers, which puts them in a very precarious position!

The disastrous experience of 34 workers at the Van Houten chocolate factory in Bogor is still fresh in our memories. They were shut up from 11:45 a.m. to 7:30 p.m. in a locked room, were given no food or water, and were not even allowed to use the bathroom; one woman worker even fainted.† And yet they were only asking to be hired on a month-to-month basis. It is an open secret that most companies like the Van Houten factory employ day-laborers. That way they avoid having to guarantee health benefits, housing, and so forth; and, if the company goes bankrupt or goes into a decline, they can just shrug their shoulders and lay off their workers: "*after all, they are only day-laborers*"!

Bosses do not feel any obligation to worry about the fate of workers who are laid off, much less to give them severance pay to tide them over until another boss is willing to take them on. The bosses consider the workers far less valuable than their pet dogs.

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* *Perspektif Perekonomian Indonesia 1975-1985*, [Jakarta], LPEM-UI, 1975.

† *Suara Karya*, August 18, 1978.

24. PMA (Penanaman Modal Asing, Foreign Capital Investment) and PMDN (Penanaman Modal Dalam Negeri, Domestic Capital Investment) are the two components of the government's program for encouraging capital investment.

25. *Penyekapan*, as can be inferred from the description that follows below, is the common practice of physically locking up workers in their work-places as a method of enforcing industrial "discipline."

26. The unglossed English word *backing* is today common Indonesian political parlance, and seems to derive from the older Dutch *dekking*. *Centeng*, originally a Javanese word for "guard," or "watchman," has recently taken on the connotation of "hired thug" or "goon."

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How extraordinary it is that such things can happen in a state based on the Pancasila!!!

Dismissal of a worker or, as it is officially called, "Severance of the work Relationship," is as easy for the boss as snipping a thread, while for the worker it means a catastrophe has struck. In a factory, a businessman must carefully consider, by means of complicated calculations, whether or not to shut down one unit of productive machinery. But as a boss he does not need to think twice about firing umpteen dozen workers, especially if the market is slow or the company is going bankrupt. By the logic of the jungle,[27] the businessman's thinking of course makes sense: if a machine of his stops producing, its monetary value steadily declines. But if workers are fired, it is no longer any concern of his. The company will not suffer any loss at all. Replacing a machine requires careful consideration, but replacing a worker is no problem whatsoever. The boss never feels any obligation to think about the fate of the worker, his wife, his children, his future--for, once again, "after all, they are only day-laborers"!!! Is this what they call "Just and Civilized Humanitarianism"???[28] Threatening to Fire people from their jobs has become a standard weapon for the businessmen!!

One thousand workers in textile mills in Majalaya and Bandung municipality were laid off with no notice simply because the textile market was sluggish.* Several months later came the news that 40 workers at Indo Extrusions, Inc. in Leuwi Gajah, Kotip[29] Cimahi, were also fired without any clear cause, but the word leaked out that the lay-offs were due to a sudden jump in the prices of imported raw materials.† We also still remember the mass dismissal of 6,000 workers at Grendel, Inc.; they were not given their severance pay until several months later, and even then only after the national press made a fuss about it.

We only hear about the few cases which happen to make it into the newspapers and there happen to catch our eye. These are only the tip of the iceberg. According to data from the Directorate-General for the Protection and Care of Manpower, during the period 1974 to 1977/1978, 8,828 cases involving Severance of Work Relationships (PHK)[30] were recorded as being settled by the Directorate-General itself, 8,021 cases by the Provincial Committees for Settling Labor Disputes (P4D) and 1,959 cases by the Central Committee for Settling Labor Disputes (P4P).‡[31] We do not know how many more thousands of PHK cases have been settled by blood and tears and are hidden deep within the hearts and consciousnesses of millions of Indonesian workers.

Meanwhile, Law No. 12/1964 is still grandly posted: "Private businesses can only terminate work relationships with their workers after holding hearings and receiving permission from the P4D."

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* *Pikiran Rakyat*, March 23, 1978.

† *Pikiran Rakyat*, November 23, 1978.

‡ *Kompas*, December 8, 1978.

27. Literally, *logika binatang*--the logic of wild animals.

28. An official regime slogan.

29. Kotip is an acronym for Kota Administratip, Administrative Township, the lowest level of legal municipalization.

30. I.e., Pemutusan Hubungan Kerja.

31. I.e., Panitia Penyelesai Perselisihan Perburuhan Daerah; Panitia Penyelesai Perselisihan Perburuhan Pusat.

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Noncompliance with this law carries a maximum fine of only Rp10,000[32] or a maximum prison term of three months. But what difference does Rp10,000 make to a businessman?*

Judges of the Court,

Indonesian workers, living in desperate conditions anyway, are in addition constantly subjected to rampant dictatorial and sadistic actions, as well as cruel intimidation. Many bosses still arbitrarily make their workers work overtime, as it happens to suit them, sometimes without any compensation; instead, physical intimidation which no normal human being could bear serves as their "pay." The savage supervision of "goons" or "backing" is sometimes far more vicious than that of the *mandor rodi* in Daendels' time[33] or the *mandor romusha*[34] in the Japanese period. Perhaps the *rodi* and *romusha* laborers were happier than the workers in this age of Independence; at least oppression by another nation is less bitter than oppression by one's own countrymen!

Perhaps the experience of the Van Houten Workers who were locked up for hours, which I described earlier, is still not horrifying enough? The fact is, we hear about treatment which is even more horrendous. In the Famatex Textile Mill, no notice was taken of a worker who became completely blind in one eye until 18 months later, the death of a worker killed on the job was completely ignored, and a woman worker was even sexually molested by one of the managers, leading her to quit her job out of fear and shame.†

If the Judges of the Court have seen the film Mandingo, which is set in the era of slavery in the United States, they will surely feel that working conditions in this country, in this age of Independence, are no better than those of the slaves in the United States a century ago. If Henriette[35] Beecher Stowe, author of the famous book "Uncle Tom's Cabin," returned from the grave today and saw the conditions of the Indonesian workers, she would surely weep. Sumedang's Pangeran Kornel[36] should also see how today it is not Daendels who oppresses the little people, but their own countrymen with the same brown skins!

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* *Kompas*, May 25, 1979.

† *Pikiran Rakyat*, January 13, 1975.

32. I.e., about $16 after the devaluation, and about $24 before.

33. *Mandor rodi*--low-level official or agent in charge of forced labor for the state or senior officials. Marshal Daendels, the legendary tyrant who ruled Java for the Batavian Republic between 1808 and 1811, constructed the first trans-Java "highway" (*postweg*) by forced labor at an immense cost in human suffering (including lives).

34. *Mandor romusha: romusha* were the labor conscripts of the Japanese occupation era (1942-45), and the *mandor romusha* their gang-bosses. The sufferings of these conscripts were so great that the word romusha has become one of the very rare Japanese words to have passed into the Indonesian language--with the meaning of "brutally exploited labor."

35. *Sic*--rather than the correct Harriet.

36. Pangeran "Kornel" Surianegara, bupati of Sumedang from 1791 to 1828, strenuously opposed Daendels' brutal use of forced labor to build the first trans-Java post-road in 1808. For his later military services in blocking Diponegoro's forces from moving into West Java, he was awarded the *rank* of Colonel, which with the passage of time was indigenized to become the *name* "Kornel."

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The foreign companies invited by the Suharto Regime to invest their capital in Indonesia have proved not only to drain off profits from the soil of our motherland; they also high-handedly harm and exploit Indonesia's workers. They have violated the nationalization regulations.[37] They do not treat foreign workers and native workers equally. They have broken the contractual terms established for employing foreign labor. And even if they are fined it means nothing to them, because the fine they incur is insignificant compared to the money they are making in Indonesia--money they are making because they have access to a work force which is paid next to nothing.

Judges of the Court,

Since the one workers' organization permitted to exist in Indonesia is the All-Indonesia Workers' Federation [FBSI], it is through the FBSI that the workers have to struggle to improve their wretched lot.

The Indonesian workers' hopes of some improvement in their lot are in the hands of the FBSI alone. But what has happened?

The government's suggestion that FBSI base-units[38] be established in every company remains just that: a suggestion. The fact of the matter is that in general businessmen do not like FBSI base-units set up in their companies.

This dislike is reflected in various acts of provocation and intimidation, even verging on subhuman terror, aimed at thwarting the establishment of these FBSI base-units. Even supposing that an FBSI base-unit is finally set up in a particular company, the base-unit's organizers are continually haunted by blandishments, threats, physical intimidation, slander, [and the likelihood of] arrest and dismissal, so that the role which the FBSI is ideally expected to play and the functions it is intended to perform are never realized. Understandably, of course! Implementation of the ideals of the FBSI would mean protection of the workers' rights, and protection of the workers' rights would mean that the businessmen's pockets would not be as full. Protection of the workers' rights would mean fewer opportunities for the businessman to give his greed free rein.

What is difficult to understand is why the New Order regime is unable, in fact is unwilling, to try sincerely to tackle this problem. Why, Your Honor?

The FBSI base-unit in the Naintex II mill in Ujungberung was covertly suppressed in a truly vicious manner. First the management formed an "Old-timers Movement"[39] which it used to block the FBSI unit's activities within the company. Then premiums were given to those workers who did not join the FBSI.* One odd development was that, after the FBSI base-unit was established, a rule was made

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* *Pikiran Rakyat*, July 26, 1978.

37. This does not mean nationalization in the usual sense, but rather regulations requiring foreign corporations to hire indigenous personnel, rather than foreigners, in various categories of job and in various proportions.

38. "Base-unit" is a somewhat unsatisfactory translation of the Indonesian word *basis*, the technical term for the lowest level (i.e., factory floor level) of the hierarchy of organized labor under the New Order.

39. Literally, Gerakan Sesepuh. The idea here seems to be mobilizing loyalty in terms of length of service to the company (seniority) against incoming, younger "trouble-makers." The very honorific term *sesepuh* is employed to flatter the old-timers for this purpose.

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docking the wages of workers who took time off from work for Friday prayers or for regular daily prayers.[40] Various strategies were continually pursued to prevent workers from joining the FBSI.*

In the Famatex II textile mill, something even stranger happened! The management deliberately hired thugs and *silat*[41] experts to prevent the workers from setting up a FBSI base-unit! †

Such symptoms of management's displeasure over the establishment of FBSI base-units have not turned up in just one or two companies; they have reached epidemic proportions. In the Municipality of Bandung alone, more than 80% of the employers do not want FBSI base-units set up in their companies.‡ By May 7, 1979, only 1,975 FBSI base-units had been established among the 10,000-plus companies in East Java.§

Meanwhile, the terror continues even after a company gets an FBSI base-unit. Several FBSI base-unit organizers who were democratically elected from among their comrades-in-misfortune have been cruelly and sadistically terrorized.

Budiono, who was democratically elected by his coworkers as chairman of the FBSI base-unit at SMWI, Inc.,[42] was arbitrarily fired without severance pay. ‖

The chairmen of the FBSI base-units in Star Metal Ware Industry, Inc.; Dan Liris, Inc.; Sucaco, Inc.; the Horizon Hotel; the Sari Pasifik Hotel; Sandratex, Inc.; and others,# along with most of the FBSI activists throughout Indonesia,** have met the same fate. The businessmen continually practice despicable, cowardly terror[43] against individual worker militants or against their families, so that their interests will be increasingly secure, high and dry above the floods of tears of their workers and their workers' families! In the end, the businessmen succeed in cunningly infiltrating their henchmen into the FBSI base-units, so that the workers become divided, fragmented, and forget about their wretched lot. A handful of FBSI elements in Bandung regency calmly pocketed some of the annual vacation and Hari Raya[44] funds as "consolidation money." They even had the heart to dock the severance pay of workers being laid off by 10%.††

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* *Mandala*, May 23, 1978.

† *Berita Buana*, August 24, 1977.

‡ *Gala*, September 21, 1978.

§ *Kompas*, May 7, 1979.

‖ *Kompas*, October 4, 1978.

\# *Kompas*, May 25, 1979.

** *Kompas*, May 7, 1979.

†† *Gala*, April 20, 1979.

40. I.e., the five daily prayers required of pious Muslims.

41. A traditional form of "martial arts."

42. This appears to be the same as the Star Metal Ware Industry mentioned just below.

43. *Teror-teror kampungan*. *Kampungan* has the connotations of cheap and vulgar.

44. Hari Raya Idulfitri--the great holiday that marks the end of the Muslim fasting month. Traditionally, it is a time for the distribution of alms, and, in businesses and government agencies, of bonuses.

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So what good is the FBSI? In many of the textile mills in Bandung the presence of the FBSI actually puts the workers in a worse and worse position, because 95% of the leaders and organizers of the FBSI base-units in those factories have been "created" by the owners themselves. Thus they naturally fight for the owners' interests instead of those of the workers!!!*

These acts of high-handed oppression by our own people, by the strong against the weak, in clear deviation from the Principle of Humanitarianism,[45] go on under the very nose of the government. And the government just lets them continue unchecked, and is unable, or perhaps unwilling, to do anything about it. Indeed the government does not merely let them continue; it even participates in the oppression. All these incidents take place because of the government's way of pampering businessmen, especially foreign businessmen, who invest their capital in Indonesia, for the sake of economic progress; [i.e.], to make commodities available for the enjoyment of the rich or for the sake of production which ultimately will force consumers to sell their possessions because they have been cajoled into buying by advertisements. The government cannot do anything about it. Indeed, the government cannot impose any sanctions whatsoever on the businessmen who obtain government credit, because these borrowers are not in a weak position. They are in a position of strength because they know that much of their credit was acquired through collusion with the credit-givers.

The weak bargaining position of workers is a result of the scarcity of jobs in relation to the numbers of workers who need them. Investment policies have contributed to the scarcity of jobs, because the investments which have been made have gone into capital-intensive industries with modern equipment which do not absorb much manpower. The 780 projects approved between 1967 and 1977, which were capitalized at US$6,652,185,000, were evidently able to absorb only 405,654 people, and even of that number 7% were foreigners. The number of people absorbed was clearly insignificant in comparison with the number of people who needed work.

And yet it turns out that these modern factories which do not require much labor are the very ones which the new order regime worships. In its pursuit of increases in production, the new order regime has completely forgotten the interests of umpteen million Indonesian workers who are forced to become its sacrificial victims.

The New Regime's ambition to spur economic growth has taken a toll which will never be forgiven by the little people involved--namely, the workers. The government has forgotten about the workers, considering them simply as factors of production who are to be permitted no share in enjoying the fruits of upbuilding. The government has forgotten that workers are [part of] the Indonesian people who joined in the struggle to establish this Republic and who are entitled to independence and to its fruits.

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* *Gala*, September 13, 1978.

45. I.e., the third principle of the Pancasila.

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CHAPTER VIII

THE HOLLOW IDENTITY AND CULTURAL STAGNATION OF THE PEOPLE OF INDONESIA

A Change in the Mentality of the People of Indonesia

Judges of the Court,

We often come across unpleasant descriptions of Indonesians nowadays, some of which are openly expressed in articles, lectures, and so forth, and some of which we can hear in ordinary conversation in our own society.

Many people have characterized Indonesians as hypocritical, irresponsible and Feudal-minded,* or as having an upward-oriented mentality, lacking self-confidence, and undisciplined.† A variety of descriptions essentially portray the Indonesian people as having become so stunted nowadays that they are incapable of meeting the challenges of the times.

And yet we must ask: did the pernicious mentality or characteristics which the Indonesian people have today appear out of thin air? Where did such a mentality or such characteristics come from?

Judges of the Court,

A person's mentality, or that of a group of people, does not simply appear at birth. It is a product of the daily life he actually experiences, of the ways in which the way of life of his society is structured, of the economic life of that society, and of other circumstances which people in that society directly experience or are confronted with. A person does not create his own mental outlook; it reflects the characteristics of his culture and era.‡ To illustrate this more clearly, I will explain how the Dutch Colonial System, which lasted 350 years, fostered a pernicious mental outlook among the Indonesian people. For the sake of their economic interests, the Dutch Colonialists tried to set up a social system or social order which could effectively provide them with profits. The colonial Economic order was structured so that raw materials could be channeled to port centers, to be sent on to The Netherlands, with the lowest possible production costs. To do this, the Dutch Colonialists also needed cheap labor, so they tried to collaborate with the traditional Rulers in the Indonesian archipelago. These Rulers gave the Dutch colonialists the opportunity to use their people's labor for very little com-

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* Mochtar Lubis, *Manusia Indonesia, sebuah Pertanggungan Jawab*, Jakarta, Yayasan Idayu, 1978.

† Koentjaraningrat, *Kebudayaan, Mentaliteit dan Pembangunan*, Jakarta, Gramedia, 1974.

‡ Morris E. Opt[l?]er, "Developmental Change and the Nature of Man," in Art Callaher, Jr., ed., *Perspective in Developmental Change*, Lexington, Ky, University of Kentucky Press, 1968, p. 19.

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pensation and to make off with raw materials at the same time. In return, the Rulers were provided with various luxuries, status symbols such as titles, lavish displays of respect for their rank, and so on. To promote Dutch Colonial interests, a type of social order was created which was focused upward. Status was more highly valued than the fruits of labor.

The Dutch Colonialists enhanced their position by creating all kinds of titles with fine gradations in rank which they bestowed on the people who worked for them. Each title went with a particular office, ranging from Carik, Lurah, and Camat to Asisten Wedana, Sinder, Wedana, Patih, Mangkubumi, and so forth.[1] Each office had a title which entitled the person who donned it to certain displays of deference. Thus, each office was considered less in terms of its usefulness or its functions than in terms of its social rank or status. As a result, even outside working hours the people who held those positions still demanded displays of respect for their rank or status.

This example only shows one facet of society during the Dutch Colonial period and its impact on the development of a pernicious mentality, that is, Feudal-mindedness, in Indonesian society. The Colonial System had many other facets, all of which demonstrated that the economic order, the political order, and the power structure, as well as other aspects of the social order, caused the development of a certain mentality. From this we can also see that human development in Indonesian society suffers when those-in-power have interests other than those of the masses.

The goal of Indonesian Independence was to smash and completely demolish the Colonial social order, because it made the Indonesian people uncreative, took away their self-respect, and left them weak and stunted. We wanted to smash the Colonial Social Order because it was destroying Indonesians' lives and ruining their mentality. One of the goals of Indonesian Independence mentioned in the Preamble to the 1945 Constitution is: *to Raise the Cultural Level of the Nation.* What raising the cultural level means here is not just making people more clever intellectually, or more highly skilled. What it means in the Preamble to the 1945 Constitution is an effort to change the mentality of the People of Indonesia so that they are capable of meeting the challenges blocking their path, both those arising from nature and those coming from international society. And that requires change in the social order, change in our economic life, change in the power structure, and so on.

Thus, if the GBHN clearly states that Indonesian Upbuilding means the upbuilding of Indonesians as complete human beings, then this automatically includes making changes in the social structure in order to improve Indonesians' mental outlook.

When it first came to power, the New Order [regime] itself declared that the New Order meant more than just a change of power-holders. It also meant a change in mental outlook, from an Old mental outlook which was considered pernicious to a New one which it was hoped would be better.

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1. This listing of colonial-era titles is a little odd. Carik = Village Secretary; Lurah = Village Head; Camat (Subdistrict Officer) is the post-independence name for the Asisten Wedana (Assistant Wedana) of the colonial period; Sinder = Inspector (*opziener*) of schools, a rank outside the upward territorial administrative chain of command; Wedana = District Officer; Patih = Vice-Regent (or Prime Minister in the indirectly-ruled Central Java principalities); Bupati (Regent) is missing; Mangkubumi = either Treasurer or Prime Minister in the principalities.

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But what has happened during the twelve years[2] the New Order Regime has been in power? Has the New Order Regime really changed the social order to make possible an improvement in the mentality of the people of Indonesia?

Judges of the Court,

The Concentration of Power and the elimination of controls have also eliminated dynamism and creativity in our society, as well as creating an atmosphere in which people are too frightened and discouraged to express their opinions. Without controls, members of the government apparatus can deal with the people in a high-handed manner and can benefit personally from their positions. A power structure which is not subject to controls cannot produce the genuine leaders which a society needs.

The fact that the Upbuilding Strategy is oriented only toward achieving a high rate of Economic growth has also nurtured a taste for consumption in society. The policy of reliance on Foreign Loans will sooner or later give rise to an image of a lack of self-confidence. This policy of depending on outside forces goes along with a decline in the Indonesians' productive capacity. All of this has led to an erosion of national self-respect.

Judges of the Court,

In this section I will discuss the background of the comments about Sociocultural conditions in Indonesia contained in the "White Book of the Students' Struggle." I will explain how Indonesian society has lost its creativity and self-respect, to the point that it is no longer "Master in its own country." I will describe alarming symptoms which have appeared in society and their causes. Then we will also be able to see how substantial the New Order Regime's share has been in developing a pernicious mentality among the Indonesian people.

The Mentality of New Order Officials

Judges of the Court,

Corruption and the abuse of power among government officials is an open secret. One of the experts from the [State] Financial Inspection Board itself has admitted that the activities of government officials were responsible for "leakages" of Rp960 billion,[3] or 30 percent of the Development Budget.* Of course, we still remember the way the officials scrambled to embezzle those funds. Ibnu Sutowo from Pertamina was followed by Budiaji from Bulog, and then Siswadji from the State Police, and there have been many other cases of Corruption as well. In the preceding section I have already described the arrogance of government officials, especially the high officials, who practice nepotism and conspire with businessmen to enrich themselves as much as possible by exploiting the prerogatives of their offices. What the New Order regime calls campaigns to "Combat Corruption" have always proven incapable of reducing the level of Corruption in Indonesia, from 1970, when the Team to Combat Corruption was formed, until 1974 and beyond.

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* *Pikiran Rakyat*, May 27, 1978.

2. *Sic.* Elsewhere the New Order's age is typically given as 13 years.

3. I.e., about $15,000,000 after the devaluation of November 15, 1978, and about $23,000,000 before.

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Such campaigns have been undertaken over and over again without producing any tangible results.

It is not surprising that observing this reality led Bung Hatta to declare that: "Corruption has become part of Indonesian culture." It has become part of the life of the Indonesian people. Corruption has taken root in our society's way of life.

Clearly Bung Hatta did not mean that all Indonesians have a Corrupt mentality, because, as we have seen for ourselves, it is the officials who engage in Corruption--the higher the office, the more it is abused. A Corrupt Mentality, or taking advantage of one's position, naturally flourishes in places which provide opportunities for Corruption to take place.

And in a system of government with the characteristics of a bureaucratic dictatorship, of course the greatest opportunities arise within the government itself. By its nature a bureaucratic dictatorship, which concentrates power within the tiny Elite of Those-in-Power at the summit of the government, simultaneously paralyzes control by other elements in society, for example, other state institutions (Parliament, the [State] Financial Inspection Board, and so forth) as well as the press, the campuses, and so on. Accordingly, the power to impose restrictions, sanctions, or punishment on members of the government apparatus lies only with the Elite of Those-in-Power. Society cannot place restrictions on members of the government apparatus, cannot supervise them, and cannot even threaten sanctions against those who engage in irregularities, because Those-in-Power have already disabled the necessary channels.

Those-in-Power, who as a group have concentrated power in their own hands, make the rules by themselves. However, they are primarily concerned with preserving their power so that their interests will be continuously protected. As a result, the abuse of authority or corruption and so forth will continue so long as Those-in-Power do not feel that their interests or power is being undermined. In essence, as long as the position of Those-in-Power is not disturbed, anyone may do whatever he pleases, even if the public interest is affected.

The higher his office or position, the less the control which can be exercised over an official's behavior, especially if he has already reached the topmost level of leadership among Those-in-Power. There his freedom of action to engage in irregularities expands even further. For that very reason the most serious Corruption and other forms of abuse are found among the topmost government leaders. Because they behave in such a way, the standards which these leaders apply to the behavior of their subordinates are not much different. Corruption, illegal levies, and nepotism have all become normal phenomena in government circles.

Judges of the Court,

I commented earlier that, as a result of a System which Concentrates Power upward, the only genuine supervision which effectively influences the behavior of a member of the government apparatus is exercised by his superiors. This also affects the manner in which he views his responsibilities. Responsibility, as a government official understands it, is limited simply to his superiors, and even that responsibility is understood in the narrowest sense as a responsibility to please them in order to keep them convinced that their power is not being undermined. There are various ways of pleasing superiors, ranging from offering them service, tribute, and so forth, to giving them only favorable reports. Not surprisingly, this system of sham responsibility, which only calls for pleasing superiors, has fostered the growth of a sycophantic mind-set among members of the

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government apparatus, or, as the popular phrase goes, "[everything is OK] So Long As the Boss is Happy."[4]

Judges of the Court,

In a System which Concentrates Power upward, office has great significance. It is not viewed in terms of its functions, its usefulness, or what it actually does, but only in terms of its status. Moreover, such a system permits people to be chosen on the basis of the "tastes" of the superiors rather than on the basis of their job performance. So it is quite possible for someone who does not perform well on the job to occupy a high office. In the last analysis people are measured/evaluated less on the basis of their achievements than on the basis of their office or status.

This situation closely resembles the situation during the Colonial period, as described earlier. A new Feudalism has appeared, especially among government officials, who demand lavish displays of deference purely on the basis of their social status.

Judges of the Court,

A person who holds a government position holds an important position within society. Accordingly, a government official should actually be able to serve as a leader of society. But the people who now occupy government offices only display the characteristics of bureaucrats or power-holders. The difference between a bureaucrat, or someone who holds power, and a leader is enormous. A bureaucrat or a power-holder is not necessarily a leader. A leader is someone who can serve as an example for the people he leads, because of his abilities as well as his character. He becomes a leader because the society unanimously chooses him on that basis.

But the New Order Regime, with its System of Concentrating Power at the center, will never be able to produce leaders within the government apparatus. It is easy enough for a person to be chosen on the basis of his ability to grovel to his superiors rather than on the basis of his abilities. It is quite possible for someone greedy and stupid to occupy the highest office in the government by means of threats and other coercive measures. Through its system of concentrating power, the New Order Regime can only produce bureaucratic robots which grovel to those above them and trample those below.

An Unpleasant Picture of Indonesian Society

Judges of the Court,

The little people in Indonesia are often considered "fatalistic,"[5] uncreative, and upward-oriented. They are often described as lacking initiative and being only followers. In reality, if we looked at the conditions of their lives, [we would understand why] such attitudes develop. The little people can see quite clearly that, even if they said what they thought, it would not improve their lot in any way. They can also feel the pressures, direct as well as hidden, which are brought to bear on those who try to protest the unjust treatment they receive.

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4. The popular term referred to here is ABS (*Asal Bapak Senang*).

5. The text has the Javanese word *nrimo* ("accepting," "submissive," "resigned").

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Judges of the Court,

The New Order Regime has put a System of Authoritarian Government into practice from the center down to the regions (as I explained in the preceding section). The [first] result of this System is that: *the People's real Desires or Aspirations cannot influence national decision-making.* The second result is that *the government officials who hold power can deal with the people at their whim*, both in order to preserve their power and for other purposes as well. Looking at the [first] result of this system of authoritarian government, it is clear that, if the people express their opinions, then those opinions must first be brought into line with the wishes of those who hold power. If the people's opinions do not conform to these wishes, then they cannot be accommodated in the decision-making process. The deciding factor here is what those-in-power want or think. What is even more disastrous in an authoritarian system like the present one is that the desires of those-in-power are more often than not in conflict with those of the people. Thus the people typically observe the simple fact that no attention is ever paid to their opinions or aspirations.

When they see this happen over and over again, are the people wrong to conclude that it is better to keep quiet, apathetic, and indifferent than to raise a hue and cry in vain? Those who see this happen over and over again during their lives will come to the same conclusion. And ultimately they will also feel the same despair.

Judges of the Court,

The government apparatus, which behaves in an autocratic manner due to the paralysis of controls, has created a climate of fear in society. We all know that during the 1977 General Election government elements carried out terroristic actions virtually everywhere. I have already brought up several incidents which took place during the General Elections in my discussion of the activities by which the New Order Regime consolidated its power. But the high-handed actions of members of the government apparatus have not been limited to the 1977 General Election.

In South Sumatra, six children died after being locked up in a room into which diesel smoke was fed. We frequently hear of acts of violence perpetrated by the security apparatus. People are often detained and tortured to force them to confess to crimes they may well not have committed.

Such coercion is also carried out in the interests of achieving the targets which Those-in-Power have unilaterally determined. The farmers are forced to do all kinds of things in accordance with the wishes of those-in-power, to the point that they feel they are living lives no longer their own, but rather the lives owned by those-in-power ..... what is most important to them is how quickest to finish carrying out (the orders of those-in-power) so that they can return to their own lives. That is why, in an atmosphere steeped in coercion and the authoritarian zeal of those-in-power--who are interlinked from the very top all the way out to the regions--the little people choose to keep quiet and to do whatever those-in-power want without making a fuss.

Judges of the Court,

The little people are not the only ones who are afraid to express opinions. The Intellectuals, who are supposed to be better informed about their rights and responsibilities in society, are also affected by this climate of fear. We can detect its influence in their choice of words. Many intellectuals prefer to use veiled and

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sometimes confusing language to describe certain realities, just because they are afraid their remarks may offend those-in-power and have disastrous consequences for them personally. They see the examples set by the many Indonesian Intellectuals who have been forcibly incarcerated in prison because they openly expressed their opinions about some situation which reflected badly on the New Order Regime.

In January 1974, for example, we saw several prominent Indonesian leaders get arrested, imprisoned, and then abruptly released without any legal process.

The Fettering of Creativity

Judges of the Court,

The New Order Regime has demonstrated its eagerness to preserve its power by devising a variety of ways to gag the Press, the Campuses, and the Intellectuals. Its desire to preserve its power is so fierce that the New Order Regime is no longer ashamed or hesitant to silence artistic life. Indonesian artists are forced to obey the New Order Regime's wish that they not speak out about real social conditions. The restrictions imposed by the government have been established by sections of the security apparatus like Kopkamtib or Bakin (Intelligence Coordinating Body). These restrictions, based on considerations of security and order, clearly restrict the artists' creative life as well.

The New Order Regime can simply announce that Artists may be creative just so long as they do not provoke unrest or undermine security and order--and the definition of security and order is decided by the New Order Regime's own security apparatus. Rhoma Irama's songs were banned without explanation.[6] Kopkamtib has kept many films like "Wasdri"[7] out of circulation under the pretext of maintaining security and order.

Forcible restrictions on Creativity clearly hamper the development of creative life in society, because artists should also be able to play a role in stimulating social creativity.

The Deterioration of the Educational System During the New Order Period

Judges of the Court,

I probably do not need to go on at length explaining the significance of Education for developing the capacities of an individual and of a society. We already know that a good Education can provide a person with the capacities and the knowledge that will make it possible for him to develop himself through his own efforts. A good education also makes a person aware of his rights and responsibilities so that he can take his proper part in society, which also means that he can help improve society.

Genuine Upbuilding should be able to enhance the people's capacity to develop themselves, as explained earlier. And Upbuilding itself will succeed only if it is

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6. Rhoma Irama is the "stage name" (condensed from Raden Haji Oma Irama) of a popular dangdut performer closely identified with the Muslim party PPP. Some of his songs have openly satirical lyrics.

7. On Wasdri, see above at p. 8.

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carried out by people who are well-educated, bright, honest, disciplined, and have self-respect.* That is why, in order to achieve genuine Upbuilding, Education must be given priority. In recognition of this, Article 31 of the 1945 Constitution states that: "Every Citizen is entitled to education."

Judges of the Court,

Since all along the New Order Regime has incessantly boasted to the Indonesian people that it is carrying out Upbuilding in Indonesia, we can look at the amount of attention it has paid to Education all this while as one way of judging the truth or falseness of its claims.

Judges of the Court,

In one of his State Addresses, President Suharto cited rows of school buildings and laboratories, stacks of books, and a series of teachers' upgrading courses as indications of the improved quality of Education.† In this Address we can observe the New Order Regime's confused thinking and its muddled conception of Education. [To the New Order regime, providing a] good education means improving the physical aspects of Education. Suharto completely failed to address the question of Education itself. All he mentioned were quantitative gains, which say nothing about the question of how Education is being handled. His speech did not tell us anything about how the problems of increasing his people's capacities, and developing their creativity and productivity, [are being attacked] by the present Educational System. The Programs he mentioned are Support Programs. So what the New Order Regime has been carrying out all this time is just a series of Support Programs. But what about the principal Program?

A State Address of this kind will reveal some of the government's political attitudes. From this state address of Suharto's we can assess the New Order Regime's attitude toward Education. [We can see] how Education is measured only in numbers of buildings or upgrading courses, which are often carried out in such a short period of time that they have no impact on Education itself.

Judges of the Court,

We can also see the government's confused thinking, as mentioned earlier, in the way it has handled the question of Education. Various changes in Educational policy during the time it has been in power have signaled changes in activities without any change in the concept of education itself. Every time the Minister is replaced, educational policy changes too.

Judges of the Court,

The New Order Regime has distorted the meaning of a good Education by playing up the physical aspects of Education. In one of his State Addresses Suharto painted a misleading picture of Education by citing rows of buildings and laboratories and stacks of books as indicators of the improved quality of Education.

Suharto[8] completely failed to address the question of Education itself. All he mentioned were quantitative gains which say nothing about how the question of

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* Slamet Iman Santoso, "Pembangunan Tidak Akan Berhasil Bila Dilaksanakan oleh Korupsi."

† Pidato Kenegaraan Presiden, August 16, 1978.

8. The paragraph starting here is a very slightly altered version of the passage above, and may have been inserted by a printer's error.

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Education is being handled. His speech did not tell us anything about how the problems of increasing his people's capacities, and developing their productivity and creativity, [are being attacked] by education. The programs mentioned by Suharto would more appropriately be termed support programs. Thus, what the New Order Regime has been carrying out all this time is just a series of Support Programs. But what about the principal program?

Judges of the Court,

As a result of a way of thinking which heavily stresses physical development in Education, no attention has been paid to improving the quality of real education. Schoolchildren's capacity to absorb their lessons has deteriorated so badly that the entire society is aware of it. Indeed, even the New Order Regime has been forced to acknowledge the fact that the quality of education has deteriorated and has hastily made promises to improve it.* Only after 12 years in power has the New Order Regime finally been forced to acknowledge that its mistakes have had a disastrous impact on society. How many million people passed through a low-grade educational system of poor quality during those 12 years? How many million schoolchildren wasted those years without being able to achieve improved skills commensurate with the time spent, merely because the New Order Regime obstinately insisted on maintaining a low-grade Educational System?

As long as Upbuilding and education are still gauged in physical terms, improvement in the quality of schools will be impossible. How can Education be improved if what is meant by improvement is adding rooms or buildings? Do they think that adding rooms or buildings makes children smarter? Can crash courses for upgrading teachers which are only one or two months in duration really so much improve the teachers' ability to teach that education will thereby be improved?

Judges of the Court,

The New Order Regime in general does not solve educational programs in a thoroughgoing manner. Indeed, in several areas it has destroyed educational principles which were already well established. For example, the New Order Regime has destroyed the principle of Academic freedom in the realm of Higher Education through its authoritarian attitudes and actions.

The Campus Normalization Concept (KNK),[9] a product of the New Order, is proof of this, both in terms of content and in the way in which the New Order has carried it out. During the colonial period, education "provided instruction to Indonesian children in accord with the interests of and to the extent needed by the Colonialists."† Education during the Dutch period was designed partly to create an Elite which could be used as a tool to promote the Political and Economic Supremacy of the Dutch Colonial Government in Indonesia and partly to meet Dutch needs for second-class workers in the service of Dutch capitalists.‡ Daoed Yoesoef stated in his KNK that Education in Indonesia is designed to produce a work force which

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* "Sistem Pendidikan Dirubah Mulai Tahun Depan," *Kompas*, June 24, 1978.

† Mohammad Hatta, *Kumpulan Karangan*, 1954.

‡ *Pendidikan di Indonesia 1900-1974*, [Jakarta,] Balai Pustaka, 1976.

9. On Education Minister Daud Yusuf's Campus Normalization Concept, see above at Ch. 4, n. 67.

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can fill the "Technostructure,"[10] that is, a bureaucratic network existing within a network of organizations, regulations, and determinations, conjoined within the social system.*[11]

So what difference is there between the Dutch Colonial Educational System and the New Order Educational System? The only difference lies in the words used to describe them. They have both exploited an educated work force to further their own economic and political interests. The Dutch Colonial Government and the New Order Regime Government have both viewed educated workers as objects to be placed in certain positions in accord with their ambitions. Thus the present Educational system is nothing more than a factory for punching out[12] workers in response to the demand for them.

This similarity is even more apparent if we look at the way the KNK has been forcibly imposed. No one may even try to express an opinion different from that of Daoed Yoesoef. His threats leave no room for doubt: Fire [him]! If a Rector offers a different opinion, he will be dismissed by underhand means. Either his replacement will be speeded up, as was the case with IPB[13] Rector A. M. Satari, or he will be summarily removed, as happened to ITB Rectors Iskandar Alisyahbana and Sudjana Sapiie. If students try to express a different opinion, without any direct dialogue with The-Man-in-Power, they are immediately threatened with academic sanctions via pressure on the Campus Leadership, as happened recently to our friends at ITB. Such authoritarian coercion is quite similar to that of a Colonial Government, like the former Dutch one.

It is clear that the New Order Regime has betrayed the goals of education by killing creativity through its authoritarian actions.

Judges of the Court,

During the New Order regime's Administration alone, the Elementary School curriculum has changed 3 (three) times, namely, in 1968, in 1971, and in 1975. These changes have covered the number of hours per class, the number of course-hours per subject, and the subjects. In addition, changes have repeatedly been made in teaching methods, evaluation standards, examination systems and so forth. High-sounding new ideas like Upbuilding Schools, Diagnostic Tests, Morning Gymnastics Programs, and all kinds of non-curricular programs like Scouting, Art, Sports, Study Tours, and so on are crammed one after another into the tiny Elementary School buildings and then stuffed into the bodies and souls of Elementary School children.† The New Order Regime has turned the Elementary school into a laboratory. Our children have been turned into experimental rabbits for the sake of satisfying fads which are *semrawut*,[14] incoherent, aimless and are only pursued in the interests of achieving popularity. The Elementary Schools are the victims

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* Daoed Yusuf [*sic*], *Konsep Normalisasi Kampus*.

† S. Belen, "Orang-orang yang letih," *Kompas*, April 23, 1979.

10. The text has the word *Teknostruktur* in double quotation marks--a favorite buzzword of the Minister's.

11. The obscure terminology and confused grammar here are not untypical of the Minister's style.

12. *Mencetak* literally means to "coin" or "reproduce from a mold."

13. Institut Pertanian Bogor, Bogor Agricultural Institute.

14. On *semrawut*, see above Ch. 5, n. 4.

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of the "experimental" methods[15] promoted by the New Order Educational Policy. These "experimental" methods have in fact become the New Order Regime's principal program, not only in Elementary Schools but throughout the entire State Educational System, from the kindergartens to the colleges. The budget allocation for Education, already tiny, is also squandered in order to give these "experimental" ideas free rein. All sorts of new upgrading courses, new curricular systems, and new teaching methods roll out in endless succession from the brains of Indonesia's Education Officials. Each newly installed Official is sure to have a new "concept," and to put it into immediate practice without a single glance at the preceding concept, the implementation of which has only just begun to be attempted. Thus, "concepts" of Education never last long in Indonesia. One or two months after they have been announced, interminably debated, attacked, and praised from this quarter and that, they vanish without a trace.

The New Order Regime also often uses the experimental policies which are being formulated every other minute for its own political interests, to preserve its system of power. Obvious examples include Decree 028, which was issued after the Malari Affair,[16] proved a failure and was then [replaced by] a Statute. Following the events in early 1978,[17] yet another new policy was quickly issued, the popular[18] Campus Normalization Concept. And the [University] Statute, which all colleges throughout Indonesia had just gone to great pains to implement, had to be adjusted once again.

Aside from the KNK, when it comes to making a shambles of the Educational System our Minister of Education, Daoed Yoesoef himself, has been no less agile than his predecessors. His policies for "solving" educational problems have included, among others: introducing Instruction in Pancasila Morality[19] as a new subject. This means that teachers have again been faced with new upgrading courses and parents have had to buy new books. After that, he pushed the start of the school year back from January to the middle of the year. His reasons were very bizarre indeed: first, so that the vacation would not conflict with the rainy season; second, so that Indonesia's school vacation would coincide with the vacation period in North America and Europe; third, so that the start of the school year would not conflict with the start of the fiscal year; and fourth (on the basis of Diagnostic Test results which have leaked out everywhere) to improve [children's] capacity to learn, which "is felt to be" inadequate.* These justifications are too far-fetched!!!!!! What if the rainy season suddenly moves to the middle of the year? Will the start of the school year have to be shifted again? Are all Indone-

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* "Sistem Pendidikan Dirubah Mulai Tahun Depan," *Kompas*, June 24, 1978.

15. Not a very satisfactory translation of *metode coba-coba*, which sarcastically parodies the Education Ministry's vaunted interest in experimental educational programs by turning *percobaan* (experiment) into *coba-coba* (capricious and half-baked).

16. Malari is an acronym of Malapetaka 15 Januari (Calamity of January 15), the official term for the violent urban riots of January 15, 1974. See above at Ch. 4, n. 90.

17. The mass student protests against Suharto's unopposed renomination for another presidential term.

18. The word is, of course, intended ironically.

19. The Pancasila has been described above at Ch. 2, n. 21. Pancasila Morality is officialese for the current regime's "civics" ideology, such as it is.

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sian students going to be transferred to America and Europe, thus making it necessary for their vacations to coincide? With no preparation, can 6 (six) months be used to improve [children's] capacity to learn??? The fact of the matter is that during even those 6 (six) months, the schools will only be in session half the day.

By these actions, Daoed Yoesoef has demonstrated that he certainly dares to take "unpopular"* measures. Indeed, he dares to do more than that--he dares to take measures which are completely reckless!!!!

The New Order Regime does not want to see how severely its patchwork, boondoggling[20] policies burden the Indonesian people, who have had to finance this educational system with the sweat of their brows. Just imagine, in addition to the cost of the educational system, which is already very high, there are also the invisible charges for upgrading, endless new curricula, new textbooks which must be bought, one after another, "modern" laboratory equipment and incidental programs like PORWIL, PORSENI, Reimuna Pramuka,[21] and so forth. These also provide opportunities for unscrupulous individuals to pilfer and loot the people's money in order to enrich themselves. The New Order Regime itself has done all these things!!!!

In the meantime, Professor Slamet Iman Santoso[22] has declared that only 10 million out of 48 million children between the ages of 5 and 25 are accommodated in formal educational institutions.† Schoolchildren, who, after all, are the most important elements in the educational system, clearly suffer grievously as a result of these "experimental" methods. They are continually enveloped in a thick fog of uncertainty and gloomy prospects. Our schoolchildren are constantly fed all kinds of theories as the New Order Regime practices its experiments on them. They have scarcely learned part of one new curriculum before they have to study another even newer one. Arithmetic is replaced by Modern Mathematics, then by IPS, by IPA[23] and--most recent of all: Education in Pancasila Morality. What can be expected later on from these schoolchildren once they leave an educational system which is continuously and inconsistently changing direction? Children who at the birth of the New Order had just entered the first grade by now have already finished high school. During that time they have been educated by 3 different methods. It is not hard to imagine how rudimentary the knowledge is that they have acquired!

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* "Saya Akan Berani Bertindak Tidak Populer," *Tempo*, April 8, 1978.

† "Bahan-bahan Untuk Komisi Pembaharuan Pendidikan," 1978.

20. The Indonesian is *gaji lobang*, a typographical error for *gali lobang* (dig holes). This is an idiom for digging one hole, then another while filling the first with the dirt from the second--and so on.

21. Porwil = Pekan Olahraga Wilayah (perhaps Zonal Sports Festival). These are sub-national, but supra-provincial sports meetings, e.g., for East Indonesia, Sumatra, etc. Porseni = Pekan Olahraga dan Seni (Sports and Art Festival), for senior high-school students. Reimuna Pramuka may be Remaja Indonesia dalam Pertemuan Nasional Praja Muda Karana, i.e., a gathering of the official scouting movement Pramuka.

22. Emeritus Professor of Psychology and former Acting Rector at the University of Indonesia, one of the most respected senior academics in Indonesia.

23. IPS and IPA are respectively Ilmu Pengetahuan Sosial (Social Sciences) and Ilmu2 Pasti dan Alam (Physical and Natural Sciences).

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Judges of the Court,

The one who suffers most as a result of the New Order Regime's semrawut activities is the teacher, who is supposed to be, as Bung Karno said: more important than the political leader, than the journalist, than the *welvaartsambtenaar* [welfare officer], than the irrigation engineer, than the *voorzitter* [chairman] of a *vakbond* [trade union] or a *cooperatie* [cooperative]... He is more important because he is an Apostle of Awakening for the formation of Upbuilding Man..."*[24]

But the New Order Regime has "elevated" Indonesia's teachers to the status of second-class government officials, with second-class security to match. Teachers, who are the primary factor in education,† who are expected to serve as examples for their pupils and to Guide them, have simply been abandoned.

The noble task of an Elementary School Teacher is worth only Rp300 a day[25] to the New Order Regime, and even that tiny sum does not take into account the deductions of various official levies‡ or the irresponsible delays like those in South Sulawesi.§ Sometimes even Bupati interfere and fire a teacher, as happened in Teluk Cendrawasih, Irian Jaya, simply because the Teacher demanded better treatment.‖ Their already wretched lot is also "machine-gunned"[26] by the New Order Regime with endless upgrading courses and turned topsy-turvy by semrawut, pointless changes of policy.

Teachers have become the perennially-neglected stepchildren of the New Order Regime!!!

Judges of the Court,

It must be kept in mind that our children are not raw material for a production line! They are the future inheritors of Independence, made of flesh and blood and souls! We can always replace a component in a production system in order to obtain the output[27] that we want. But an educational system is not a production system, nor is it a material system!! An educational system is a human system. Altering it capriciously, without even conducting a thorough evaluation, is truly irresponsible.

The New Order Regime is only worried about how to create "educational projects" which can be tendered to funding sources like UNICEF, UNESCO, AFS, and

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* Soekarno, *Menjadi Guru di masa Pembangunan*.

† "Guru Ternyata Masalah Terpenting Dalam Soal Pendidikan," *Kompas*, May 2, 1979.

‡ *Kompas*, May 4, 1978.

§ *Kompas*, July 13, 1979.

‖ *Kompas*, June [?], 1978.

24. In this elaborate rhetorical flourish, the term Rasul deliberately echoes the language of the Indonesian Bible, as well perhaps as Mohammad's "title" Rasulollah (Messenger of Allah). Manusia Pembangunan should be read as parallel to the "New Man" concepts of a number of socialist countries.

25. I.e., about 48¢ after the devaluation of November 15, 1978, and about 72¢ before.

26. *Memberondong* is to "fire a fusillade," usually of machine-gun bullets.

27. The English word appears unglossed in the text.

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so forth. Its only concern is how to keep changing the way education is packaged so that it will look magnificent. It never worries about how *to give meaning* to education under Independence, something which was proclaimed early on, in the Preamble to the 1945 Constitution and in Article 31 of that Constitution, as one of the goals of founding the State of the Republic of Indonesia.

The schoolchildren in Indonesia's educational system are the country's future. Educational problems are not problems of one or two months' duration nor are they problems of one or two Five Year Plans; they are intergenerational problems. For that reason they will never be solved by policies which are "sectoral," "revolutionary," or even "unpopular"--but reckless--like those which the New Order has carried out! Educational policies must truly be conceived with care and planned in a unified and comprehensive manner, in integrated and well-coordinated stages, and with explicit objectives and provisions for thorough evaluation; unless the New Order Regime actually wants to create Indonesians who are befuddled and confused, without humanity, without a vision of the future, and who will doom Indonesia before its time.

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CHAPTER IX

DISASTER LIES IN WAIT FOR THE INDONESIAN NATION

To this day Indonesian society is still undergoing a process of enshacklement as a continuation of a long-standing oppression. Apparently the New Order Regime will carry on this enchainment. The entire Indonesian society is threatened by a number of urgent problems, and all of the nation's capacities must be mobilized and improved in order to surmount them. A government is supposed to prepare its people to confront such problems collectively. If not properly tackled, any problem will become more severe with time. In *the future a group of problems will stand in the way of our national survival.*

The fact that society is in shackles means that it is hampered in its efforts to confront its problems with the capacities it actually has. This fact, which has been covered up, must be exposed so that all hidden capacities can emerge. Since no other group has done this, it has been the students who have had to act. Spurred by the desire to safeguard the nation's future, and by the aspiration to protect the public interest, the students have had to expose all the critical problems which constitute the challenges we will be facing together.

The Source of the Problems

Judges of the Court,

The principal problems that could destroy our national life are rooted in Indonesia's population growth. Even if the Family Planning program is successful, meaning that the population growth rate is reduced, Indonesia will still have a population of more than 250 million by the year 2000.*

The projected growth of the population for Indonesia and for the islands of Java and Madura up through the year 2000 is as follows:

	1971	1981	1991	2001
Indonesia	120.1 million	153.0 million	196.5 million	252.3 million
Jawa/Madura	76.1 million	94.4 million	117.9 million	146.0 million

Source: Sumitro, berdasarkan perkiraan dan proyeksi Prof. Dr. N. Iskandar dari Lembaga Demografi FE-UI, Laporan Kebijaksanaan Riset, dengan Asumsi II.

These projections make it clear that not only will Indonesia's total population reach immense proportions by the year 2000, but it will be unevenly distributed as well.

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* Sumitro Djojohadikusumo, *Indonesia Dalam Perkembangan Dunia Kini dan Masa Datang*, Jakarta, LP3ES, 1975.

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Java and Madura, with only 7% of Indonesia's land area, contain 64% of its population.

Campaigns to solve the problems of population size and distribution have not helped the situation much so far. It has been estimated that the family planning program which has been carried out all this time will only be able to reduce fertility 25% by the year 2000.* Meanwhile, transmigration efforts have only moved about ½ million people during the past eight years, while the population of Java and Madura has grown by 12 million. This population increase will cause us a number of problems which must be regarded as of crucial importance. Two hundred and fifty million people need food. Food has to be bought, and buying it requires money which has been earned by working. In other words, every person must have a decent income from a decent job. Successful upbuilding will create jobs; however, it requires funding. The funds which have been used up till now have been generated by the sale of natural resources and by borrowing abroad. In the coming years, more and more upbuilding funding will be needed, judging from present trends. But the natural resources which can be sold will be increasingly depleted, and the debts which are already so immense must be paid off. We can see, therefore, that the funds needed for upbuilding will be extremely hard to obtain.

Problems, especially major ones, cannot be dealt with by means of inert objects like money and physical facilities alone. Solving them requires certain capacities, in this case national ones. But the students have observed that Indonesia's national capacities to solve these problems--even present-day problems--are already dubious. How, then, are we going to face the even greater challenges which will crop up in the future?

The Food Problem

Judges of the Court,

Let us examine the first crucial problem and our capacity to deal with it. That problem is food. Since the earliest times, Indonesians have generally consumed rice as their staple food. Accordingly, the demand for rice will increasingly expand.

But what about the rice supply? An expert has declared that, with [agricultural] methods and rice needs like those at present, Indonesia's population increase will swallow up all of the world's rice exports.† The failure to increase production capacity is revealed by the ever larger amounts of rice which must be imported. Rice imports are climbing by 28% a year. The actual cost of importing rice is climbing by 62% a year.‡

While we are on the subject of the rice problem, we must not forget that the primary capital for rice production is land. Most of the wet rice land is found on Java, and on the average each farmer owns only 0.3 hectares. The decline in sawah hectarage is of course not simply due to population increases but also the result of a lack of legal protection for landowners. Land has a given [natural] fertility; some land is quite fertile and some is barren. The government has launched

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* Ibid.

† "Tahun 1985 Indonesia akan Membutuhkan Seluruh Ekspor Besar [Beras?] Dunia," *Kompas*, May 9, 1979.

‡ Slamet Bratanata, *Beberapa Tantangan Kita*, p. 15.

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a program to improve and maintain the fertility of the land, but this program cannot catch up with the demand for rice because, like it or not, we are faced with the fact that there is a limit to the number of sheaves a rice plant will produce. A plant is not a machine, and even a machine has limits to its production capacity.

Moreover, the farmer is the most important factor. He is by no means a machine. It is a terrible shame that he is treated so poorly, as described in the preceding sections. The farmer is simply viewed as a tool of production. As long as farming is held in low esteem, our agricultural capacity will continue to decline. And the facts show that the annual growth rate in the agricultural sector between 1971 and 1976 has fluctuated around a mere 3.8%.

The Employment Problem

Judges of the Court,

By the year 2000 we will have a population of 250 million people who will need jobs to support themselves. Those who do not have jobs we call the unemployed; the number of people who are unemployed increases by 1.4 million every year.* One of the efforts made [to deal with this problem] has been to build up industry by opening up our country to investments of foreign capital. [However], the facts show that after 10 years of operations, foreign capital has only been able to create 410,897 jobs.† This figure is clearly much too low in comparison with the number of people who are unemployed--a number which reached 14 million in that same 10-year period. In addition to new factories created by foreign investment, we must not forget the factories which already existed, even though they have been wiped out by the new ones. Between 1971 and 1973, 225,259 small manufacturing companies went out of business, which meant that 432,185 more people became unemployed.‡

Meanwhile, the BIMAS, INMAS and KIK[1] programs, along with thousands of INPRES programs,[2] have not been able to create enough jobs in the villages. The result has been an increase in urbanization or the migration of villagers to the cities. It is obvious that our capacity to generate employment is currently very low. The increase in unemployment cannot be prevented, and the ranks of the unemployed will continue to swell. How can this problem be overcome in the future?

The Oil Problem

Judges of the Court,

Oil generates 70% of state revenues. Oil production is going to be limited to

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* Sumitro Djojohadikusumo, in *Prisma*, September 1976.

† Biro Pusat Statistik, *Survey Industri Kecil dan Kerajinan Rumah Tangga, 1971-1973.*

‡ Ibid.

1. KIK = Kredit Industri Kecil (Small Industry Credit), a government program designed to help small manufacturers. On Bimas and Inmas, see above at Ch. 7, n. 6.

2. Inpres = Instruksi Presiden (Presidential Instruction). The term refers to a large variety of construction projects (schools, small bridges, etc.) funded directly from the presidential palace; Inpres has always been conceived in political terms as a means of building Suharto's personal popularity.

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700 million barrels a year while, [judging from present] trends, domestic fuel oil consumption will reach 700 million barrels a year by 1992.* This means that, if we want to conserve oil by limiting production to 700 million barrels a year, by 1992 oil will no longer generate any revenue for the state. Yet oil plays such a significant role in producing revenue now; and replacing it will not be easy because the facts show that non-oil exports have risen only slightly. How, then, are we going to finance upbuilding in the future?

Loans have been quite a major source of funds as well. During Pelita II alone, foreign aid came to a total of 3,117.5 billion rupiah.†[3] It is estimated that during the present Pelita III 9,237.5 billion rupiah[4] in loans will be needed.‡

Data from 1972 through 1976 indicate that none of the sources contributing to the gross domestic product rose, except electricity, gas, and water.§ How, then, will we pay off those debts? Our debt-servicing obligations are increasing and so are our funding needs, meaning that our capacity to finance upbuilding will be quite limited in the future.

Judges of the Court,

We can see that the prospects for the coming years look more like a terrifying nightmare than a bright future. Our capacity to deal directly with problems in the present is obviously quite low. We cannot prevent famine even though we import rice. We cannot reduce unemployment; indeed, unemployment is rising. We are extremely dependent on the income from the sale of oil which we do not produce on our own; we just market that which God has bestowed upon us. We are strangled by debts which grow larger and larger. All of this indicates that our capacity as a nation has deteriorated.

The Problem of National Unity

Judges of the Court,

We, the students, see other alarming things as well which will greatly diminish [our] national capacity. Perhaps the old saying which goes, "united We Stand, divided We Fall," lingers in our memory. Indonesia's unity as a great nation (at least in terms of size) is threatened by fragmentation, meaning that the bonds of nationalism are in jeopardy. Above all there is the threat that those who are well-off will become isolated from those who are not. If one social group get wealthier and wealtheir while another becomes increasingly impoverished, it is clear to those who are poor that they are being treated unjustly. The cake of upbuilding is not being divided up evenly. The poor feel they are being treated like stepchildren and for that reason have no desire, for example, to get involved in mutual assistance

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* Slamet Bratanata, *Beberapa Tantangan Kita*, pp. 51-59.

† *Nota Keuangan* 1978/79.

‡ Adi Sasono, "Hutang Luar Negeri, Model Pembangunan dan Nasionalisme," *Pustaka*, No. 1, Tahun III.

§ Slamet Bratanata, *Beberapa Tantangan Kita*, p. 32.

3. I.e., about $5,000,000,000 after the November 15, 1978 devaluation, and about $7,510,000,000 before.

4. I.e., about $15,000,000,000 at the post-devaluation rate of exchange.

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with those who are getting richer. The spirit of mutual cooperation which was one of the foundations of Indonesian unity is evidently evaporating.

Those who live in the dreary villages are still living in an environment which is dreary in every respect. This river and those clumps of greenery are all there is, and that is only if the region is fertile. Meanwhile the cities glitter more and more brightly, with lots of new things. Those who live in the cities do not face the same old things all the time. They enjoy more variety and have more opportunities for recreation. Everyone in the villages quickly finds out about this by word of mouth. Is there anyone who does not like beauty and comfort?

At some point it will occur to those who live in the villages that an injustice is being done. They have no opportunity to take part in enjoying the pleasures of the cities. On the other hand, those who live in the cities never think about the dreariness of the villages, or if they do they quickly forget it again. Why think about dreariness more fitting in a nightmare? The finer the cities, and the more insistent the Upbuilding Reports on Television, the more city residents become convinced that the villagers are doing well. This means that they will feel that it is only right for them to live still more luxuriously. And the villagers will feel even more strongly that they are being treated like stepchildren. And the urban people's fellow-feeling with the villagers will fade, further convincing the villagers that they are being treated unjustly. If this explodes in total rage, the city people will be faced with disaster. As for whether or not this is a situation we desire as a nation, clearly it is not.

This vanishing unity means the obliteration of the bonds which enable rural and urban people to work together.

Injustice produces fragmentation. Let me repeat: united we stand, divided we fall.

The Problem of Mental Outlook

Judges of the Court,

What is it that can make someone toil with might and main all day long, participating in Upbuilding? The first and most general thing is hope. Hope sustains enthusiasm in all human beings. Without hope, people become despondent and discouraged. For our simple people, a helping hand from the government offers hope. The government's helping hand may take the form of setting up Inpres programs, offering Bimas credit, and establishing KIK/KMKP[5] or other programs. If a program fails for understandable reasons, the failure will not destroy hope; in fact, it can teach a valuable lesson. But if a program fails as a result of corruption, that is precisely the sort of thing which crushes hope. When hope is crushed, so is the enthusiasm which is the basis for the development of one's capacities. Yet, if all we see is manipulation of the BUUD/KUD,* misappropriation of Bimas credit,† Inpres Elementary Schools[6] on the point of collapse because the construction mate-

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* *Tempo*, December 31, 1977.

† *Tempo*, October 15, 1977.

5. KMKP = Kredit Modal Keperluan Pribumi (Credit for Native Capital Needs), another program to provide credit to small indigenous Indonesian businessmen.

6. I.e., schools built on a crash basis under the Inpres program.

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rials have been embezzled,* or Inpres piers which are never completed,† what hope will grow and what capacities will develop?

Judges of the Court,

The death of hope which has occurred throughout the country, to a greater or lesser extent, is connected with the growth of a corrupt mentality in Indonesia. Bung Hatta once went so far as to say that "corruption has become part of Indonesian culture." Mochtar Lubis later remarked that "Superiors shift responsibility downwards, while subordinates claim they are under orders from their superiors." This shows how the courage to assume responsibility has declined in Indonesian society. What kind of upbuilding can be carried out with such a mentality?

Our capacities as a nation are increasingly deteriorating. Creative works are an indication of the most advanced kind of capacity, especially works of art. But what works of art have been created by Indonesians during the New Order period, and do they reflect the character of a nation which relies on its own capacities? For example, are there concerts which are performed with musical instruments of Indonesian creation? The fact is that even Dangdut, which is considered a domestic art form, has to be performed with foreign-made electric guitars, foreign-made thousand-watt amplifiers, and a stage manner à la Jimmy Hendrick,[7] which is also foreign.

Judges of the Court,

We, the students, have of course been educated for the needs of the future, but the future is shaped by what happens today. In other words, the present does not belong only to those who are commonly called the older generation. Neither are we, the students, the sole proprietors of the future. Everything belongs to us collectively! And if one group of people, whether officials who hold power, followers of those-in-power, or karate champions, selfishly damage the nation's future and diminish its capacities, we will confront them, we will challenge them, and we will destroy them.

What we have been seeing all this time are the chains of oppression: the shackling of society through the crushing of the nation's capacities and the ruin of the future. We will not allow these chains to remain. We will break them!!!!

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* *Tempo*, February 25, 1978.

† *Tempo*, January 13, 1979.

7. *Sic*--i.e., Jimi Hendrix.

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CHAPTER X

THE STUDENTS RISE UP TO BREAK THE CHAINS OF OPPRESSION OF THE INDONESIAN PEOPLE

The Background of the Situation

Judges of the Court,

In great detail, chapter by chapter, I have described the present conditions of the Indonesian people's lives under the New Order regime government. Now the time has come for me to summarize them and compare them with the ideals which provide the formal framework of the New Order. Then I will offer some conclusions.

The constitutional political life which the New Order was supposed to uphold, by enabling state institutions to carry out their functions, by establishing those institutions on the basis of the results of a general election, and by abolishing organizations not in line with the 1945 Constitution, has never come to pass. The political system which has been built up during the 13 years the New Order has been in power has instead increasingly revealed its true nature as a system which concentrates power. It has taken the shape of a dictatorship, which has ultimately had the following consequences:

1. The people's spirit has come close to being destroyed.
2. Channels for the people's aspirations have been closed off because all the movements, day-to-day activities, and the life of sociopolitical institutions and organizations have been "fixed" or have been made dependent on those-in-power, and because State institutions do not carry out their functions.
3. Official corruption and high-handedness have flourished because the system of controls over the government does not function. This has ultimately severely harmed the interests of the masses.

Political life is characterized by the machinations of a group from which the society at large is excluded. Not a single sociopolitical force is capable of bringing meaningful pressure to bear on the New Order regime, much less of altering its decisions or policies.

The New Order regime has paralyzed the capacity of our people to survive on the basis of their own capacities, and as a result has driven the nation to the brink of destruction!!

All these things have diluted our spirit as an independent people, as a people who are resolute, highly principled, and prepared to work hard to live and develop on the basis of our own strength. Our people are once again enchained by oppression and have lost their independent souls!!

Judges of the Court,

The way in which the New Order regime has structured power and carried out upbuilding has jeopardized the future of the Indonesian nation. Absolute power

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has given birth to a corrupt regime. The future holds a trap created by foreign debts and disaster as a result of the squandering of our natural wealth.

Meanwhile, upbuilding activities which rely on foreign loans, capital, and personnel have paralyzed Indonesians' innate capacities and creativity. Our nation has become dependent on the capacities of other nations, consigning us to a new colonialism.

The New Order[1] Regime has paralyzed the capacity of our people to survive on the basis of their own capacities, and as a result has driven the nation to the brink of destruction!!

All these things have diluted our spirit as an independent people, as a people who are resolute, highly principled, and prepared to work hard to live and develop on the basis of our own strength. Our people are once again enchained by oppression and have lost their independent souls!!!!

This grievous situation has led the students to rise up to break the chains of the Indonesian people's oppression in whatever form they take.

Observing these realities, the students can no longer bear not to act!! We are too horrified and disgusted by the oppressive practices which have been going on all this time! We are too angered by the way in which the rapacity of those-in-power now has dashed our hopes for a better future for Indonesia!!

This is why the students are fighting!! This is why the students are rising up to smash all forms of oppression and violence against the Indonesian people!!

The Students Are Propelled by History

Judges of the Court,

Probably the question will arise as to why must it be the students who rise up to smash the rotten New Order regime? Why not the politicos who are ensconced in the Parliament, the MPR, the Political Parties, and Golkar? Why not the intellectuals or the public figures who are active in social organizations? Why...?

The students, and young people in general, *have been propelled by Indonesian history* to take up the roles of pioneers of popular movements. All Indonesian *pemuda*[2] will be propelled by history! They cannot refuse it! There is so much evidence which testifies to the presence of students during every phase of [our] history. The students were there when the bonds of nationalism were formulated; they were there when the proclamation of independence was at hand; they were there when independence was in danger of being swallowed up by the PKI; they were there when the nation was developing...and the students will always be there when the nation is gripped by crisis!!

The people of Indonesia have endured a long history of suffering and oppression under Dutch colonialism. The greedy desire of the Dutch to monopolize the market in raw materials led them to perpetrate acts of violence, to *divide et impera* and to force the *"inlanders"*[3] to work as contract coolies or unskilled laborers at low

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1. This paragraph and the one following are virtually exact repetitions of the two on the previous page and have probably been interpolated by a printer's error.

2. On *pemuda*, see above at Ch. 3, n. 1.

3. *Inlanders*--Dutch colonial parlance for "natives."

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pay. The Dutch were only interested in making the largest possible profits. They had no concern for the lot of the inlanders and crushed their human dignity to the lowest possible level. In Parahyangan and various other areas, starving people were so skeletal they looked like *jailangkung*,[4] tottering along the roads. As a reward [for their efforts], the workers were clubbed and whipped in the indigo fields, without payment enough to keep them alive.*

These conditions made the Indonesian pemuda rise up to oppose colonialism and to fight for independence. The pemuda who studied in STOVIA,[5] together with other pemuda, founded the nationalist movement, Budi Utomo.[6] In various cities and regions, pemuda organizations eager to fight for Indonesia's independence sprang up. Among them were Jong Java, Jong Sumatra, Jong Islamiten Bond, Perkumpulan Indonesia, Algemene Studi Group, Menteng 31, Prapatan, and so on.[7] All of them were vehicles through which the pemuda-students extended the bonds of nationalism. These bonds later provided us with the resources to rise up and oppose Dutch colonialism.

In 1928, the pemuda formulated the Youth Oath, which [declared], we acknowledge only one nation, one language, and one homeland: Indonesia. This phase of history had great significance for the later formation of the independent and sovereign unitary state of the Republic of Indonesia.

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* Sukarno, *Indonesia Menggugat*, pp. 27, 29, and 39.

4. *Jailangkung* is a sort of puppet, used especially by children in various parts of Java, for divinatory games. The puppet's head is usually made of half a coconut-shell and the body of crossed sticks, over which a "dress" of floppy, coarse cloth is draped. Addressed with the correct incantatory songs, the jailangkung, suspended from a string, works rather like a ouija-board--spelling out answers to questions by pointing to different letters in sequence. The reason why jailangkung is used here as a simile for the exploited coolies of the Cultuurstelsel era and after is, of course, that its body--nothing but two sticks under a piece of cloth--resembles their emaciated frames.

5. STOVIA = School tot Opleiding van Inlandsche Artsen (School for the Training of Native Doctors).

6. Budi Utomo, formed in 1908, is officially regarded as the pioneer of the nationalist movement, and its founding is celebrated annually on May 20 as National Awakening Day.

7. This list of Dutch colonial-era pemuda organizations has some odd features. Jong Java, usually regarded as the first youth organization, was formed as an affiliate of Budi Utomo in 1915. Jong Sumatra (i.e., Jong Sumatranen Bond, League of Young Sumatrans) was formed in 1917. Jong Islamiten Bond (i.e., Jong Islamieten Bond, League of Young Muslims) was formed in 1925 by a breakway faction of Jong Java. Perkumpulan Indonesia must be an error for Perhimpunan Indonesia (Indonesian Association), the militantly nationalist organization of Indonesians studying in Holland in the 1920s and 1930s. Algemene Studi Group is an odd Anglo-Indonesianization of Algemeene Studieclub (General Study Club), a nationalist study-club formed by Sukarno in Bandung in 1926. Menteng 31 refers to the location of the Asrama Angkatan Baru Indonesia (Dormitory of the New Generation of Indonesia), set up by the Japanese military authorities early in the occupation, some of whose members played important roles at the time of the Proclamation of Independence on August 17, 1945. Prapatan refers to Prapatan 10, location of the Medical Students' dormitory in Jakarta, which also produced some prominent pemuda militants at the time of the Proclamation.

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When the war of independence broke out in 1945, it was the pemuda who formed the backbone [of the struggle]. Bound together within the Tentara Pelajar, Brigade Pelajar, TRIP, and so forth,[8] they fell upon the Dutch colonialists and drove them out. It is not surprising that the historians call the 1945 revolution the "Pemuda Revolution."*[9]

The pemuda have likewise never been absent during major events in our state life. Nor were the students absent when the Old Order fell and the New Order rose in 1966.

Judges of the Court,

It was the historical facts of student involvement in various significant and decisive events in Indonesian national life which propelled our awareness and awakened us! These facts also show all of us that student involvement in the political world is nothing new. Student politics are a normal phenomenon within the Indonesian political tradition.

Student politics have become an extra-parliamentary force which will always exercise social control over the running of the government and over state life.

Student politics do not cloak ambitions for power. Rather, they are spurred by a desire to create a government which is democratic, honest, and clean. For that reason student politics are oriented toward change which will improve our lives and our political system.

The Intellectual Restlessness and Academic Responsibilities of the Students

Judges of the Court,

We have seen how history has propelled students into involvement in the political life of their country. Now the question arises as to what is the *basis* of the students' *political stance* in their struggle to create the conditions described above?

Many aspects could be offered to answer this question, but I will describe just one which is a natural trait of students as people who seek knowledge and strive after truth.

A person who seeks truth begins by questioning something from a critical perspective. The search is characterized by his perpetually restless efforts to find evidence, to look for relationships, to consider carefully the nature of his problem and to formulate objective judgments. Students are trained as a matter of course

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* George McT. Kahin, *Nationalism and Revolution in Indonesia*, Ithaca, N.Y., Cornell University Press, 1970.

8. These student military or paramilitary organizations of the Revolutionary period are listed rather confusingly. Tentara Pelajar (TP--Student Army) was the main paramilitary student organization in Central Java in the early part of the Revolution, while TRIP (Tentara Republik Indonesia--Pelajar, Student Army of the Republic of Indonesia) was TP's equivalent in East Java. Brigade Pelajar (Student Brigade) presumably refers to Brigade XVII, into which elements of the TP and TRIP were incorporated, later in the Revolution, under the government's rationalization program.

9. In fact, Professor Kahin does not refer to the 1945 Revolution as the "Pemuda Revolution."

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to be perpetually restless and to doubt everything, so that they can then use their mental capacities to analyze each phenomenon logically, systematically, and objectively.

This trait is reinforced by the student's nature as a young person. Whether he likes it or not, willingly or otherwise, his soul is always haunted by dreams of a soaring future. It is always filled with a desire to correct things which are not right. And it is always set afire by a spontaneous enthusiasm, by hatred for abuses, and by a tendency to be antagonistic toward the status quo. Young people are always set afire by idealism to achieve glory, and often underestimate how useful strategy can be. They are often set afire by their radical attitude to look at life as a totality. The best way to put it is: a person who is not radical at age 20 has no heart, while a person who is radical at age 40 has no brains.

This trait, which is ingrained in every student, is what produces the various stances which the students have taken in response to the condition of their country, which is increasingly deteriorating and approaching destruction!

The students' critical and restless nature [leads them] to question all existing defects. Indeed, it is their duty to question everything, in order to attain the heights of knowledge that they are striving for. For this purpose, moreover, the students have been armed with a weapon called *academic freedom.* Scientific freedom and freedom of expression are recognized and guaranteed by valid laws in this country.* With these freedoms, it is hoped that every member of the University community will be able to lay bare all the secrets of scientific knowledge in order to put them at the service of society.

Judges of the Court,

These rights are additionally confirmed in the ITB statute which serves as the ITB's "Constitution." It states:

> On the basis of the 1945 Constitution and the Pancasila, and working within the framework of the Three Duties[10] of the Universities, and directed[11] only toward truth illuminated by conscience and toward the effort to advance the thought and the well-being of the nation in harmony.....†
>
> The ITB holds academic ethics in high esteem and always endeavors to create an environment of scientific freedom and of academic freedom which is mature and responsible.....!
>
> The ITB makes every effort to discover and disseminate truth through accepted scientific methods in education, research, and social service.‡

This clearly describes the students' position in the universities. They have the duty to investigate and explicate things strictly on the basis of truth.[12] In

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* Law No. 22/1961, on Higher Education.

† Statutes of ITB, Preamble.

‡ Statutes of ITB, Article... [*sic*]

10. The Three Duties (Tri Dharma) are teaching, research, and service to society.

11. An unsatisfactory translation of *berkiblat*, which literally means "facing towards Mecca."

12. *Kebenaran* covers the meanings of both "truth" and "right" (in the moral sense).

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short, all actions taken by the academic *civitas*[13] meet [these criteria]:

1. They are based on the Pancasila and the 1945 Constitution.
2. They are directed only toward truth illuminated by conscience.
3. They are aimed at improving national life or at serving the public interest.
4. They are carried out in accord with accepted scientific methods, meaning they must be systematic, logical, and objective.

In implementing this statute, the Rectors, who hold the highest position of responsibility within the ITB, take steps to ensure that the ITB academic civitas does not deviate from its provisions. Rectors have the right and the duty to stop all activities which they find to be in conflict with the statute.

Judges of the Court,

The Public Prosecutor's charges and allegations that the Declaration of Position and the White Book contain insults are really ludicrous. As I have already clearly explained, before the Declaration of Position and the White Book were circulated, the ITB Student Council first submitted them to the ITB's Leadership Council, which is directly headed by the Rector.

Thus the Public Prosecutor has insolently bypassed the academic authority of the ITB Leaders to evaluate the Declaration of Position and the White Book.

Everything which was distilled from the students' observations and decanted into [our] various declarations and other statements always satisfied the [criteria] outlined above. Therefore it is quite incredible that they have become the basis for prosecution.

All of this only illustrates how the Public Prosecutor, who has had a University education, has in fact never grasped the meaning of scholarship. Scholarship is characterized by firm adherence to convictions arrived at through use of scientific methods. Scholars are not afraid to face the fact that their opinions turn out to be unpopular with those-in-power or are even in conflict with the ambitions of those-in-power. A true scholar, meaning one who has not come by his degree under false pretenses or merely by attending lectures, does not need to hide his opinions out of fear that he will be "dealt with"!

Those-in-power are naturally apt to suppress people whose opinions are at odds with their ambitions. There are plenty of examples, ranging from Socrates, who was forced to drink poison; Omar Kayyam, who was banished by his king; Copernicus, who was denounced by the Church authorities ..... down to Mochtar Lubis, Adnan Buyung Nasution, Ismail Suny, and others in Indonesia who have been imprisoned by the Suharto regime for expressing opinions in conflict with its ambitions!!

If people are not allowed to hold differing opinions, and if they are not allowed to offer criticism, the resulting autocratic behavior [on the part of those-in-power] will lead to the breakdown of civilization! Any government which does not harbor sinister intentions of destroying its people must be willing to accept criticism, because in a society's life such "criticism" is like bitter medicine. It does not taste good, but it is highly beneficial. The New Order regime, by being unwilling to accept criticism, as is now the case, is calling its good intentions into doubt.

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13. *Civitas* (perhaps "citizenry")--a curious residue, by no means unique, of the antiquarian Latinisms of Dutch and Dutch-colonial university nomenclature.

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The New Order regime, which likes to make a big noise about how it is prepared to accept criticism, in fact responds to criticism the same way other authoritarian regimes do. Those-in-power always say: criticism must be constructive, but that statement in itself indicates that they do not understand what criticism is. They claim that the criticism leveled by the students is not constructive because it only sees the negative side of things. Students are then labeled as people who have discredited the government and insulted the head of state and institutions of public power because they have criticized them. What does it mean to be a critic?

Judges of the Court,

By definition, one who is a critic always calls attention to anomalies in a critical manner and does not praise the positive side of things, because the primary function of a critic is to encourage people to notice things which are strange. By exposing anomalies, the critic automatically has a constructive intent.* The objective of someone who holds the opinion that a viewpoint or an action is inappropriate is to make it possible for that viewpoint or action to be rectified.†

Thus the question, or allegation, of why the Students' Vow, the Declaration of Position and the White Book all contain only the anomalous or negative aspects of the present condition of our country is already answered. The Declaration of Position and the White Book were indeed intended as criticism, both of Suharto in his role as head of the executive, and of the state apparatus and institutions which do not work the way they are supposed to!

The Suharto regime should be grateful to the students, who have offered so many criticisms free of charge! These criticisms can show the directions in which improvements must be made. The Suharto regime will be destroyed if it is surrounded solely by sycophantic cockroaches who are only interested in making sure the boss is happy [ABS] and who always flatter him even when conditions are wretched. Those who praise rottenness and who silence criticism are the ones who should be dragged into court!

People like the Public Prosecutor, if they are not able to prove that the criticism leveled by the students is not based on truth, or are not able to offer other evidence to refute the evidence presented by the students, should be dragged into court.

Judges of the Court,

The above discussion clearly shows that the students' political stance is based on a perspective produced by a systematic, logical, and objective formulation of the way things are. It is a political stance which springs from honesty and the students' academic responsibilities. It is characterized by a firm moral resolve to uphold truth and to try to eliminate pernicious values. The students have focused on critically evaluating each situation and phenomenon as it develops, identifying the problems involved, and then struggling [to solve] them, for the benefit of society.

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* "Dalam Setiap Masyarakat Kritik Mempunyai Tempat," *Kompas*, April 9, 1977.

† Ibid.

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The Position of the Student Movement

Judges of the Court,

The Suharto regime has stunted the meaning of politics by claiming that in practical terms only Political Parties and Golkar have the right to engage in political activity. Participation in politics is regarded merely as a mechanism within the machine of power which has been assembled during the time the New Order regime has been enthroned. Its purpose is strictly to channel restlessness, meaning that the formal organizations for that participation act merely as safety valves within the political machinery and have no influence on the running of the government itself. Thus, participation in politics is just like shitting,[14] with the Political Parties and Golkar serving as the W.C. and the Parliament and the MPR as the "septic tank."[15] It is regarded only as an activity for channeling opinions and conveying restlessness. But as for paying any attention to these opinions or that restlessness, or allowing them then to influence decision making or the running of the government, that is another matter. This is more or less how the logic of those-in-power goes. According to this logic, all activity outside the mechanisms of the political machine which has been set up is considered evil, and therefore must be banned.

The New Order regime conceives of politics strictly in terms of formal organizations. Once Political Parties and Golkar exist, once the MPR and Parliament are there, that is considered sufficient. Meanwhile, their essential purpose is ignored. The question of whether the Political Parties-Golkar have fulfilled their essential purpose as political organizations by unifying the power belonging to each citizen for the purpose of governing the State, is never given a second thought.

Have the political organizations already fulfilled their essential purpose by organizing power (*machtvorming*) in a democratic manner? The New Order regime has not even touched on this question; indeed, efforts to organize power or mobilize forces are always suspect as efforts to conspire or to seize power from the New Order regime. To this day neither the Political Parties nor Golkar have fulfilled their essential purpose as political organizations the way they should in a democratic country. Such a situation calls for the emergence of an alternative force which is capable of voicing society's real wishes. In democratic countries, when the *"parlemen 'gedongan'"*[16] breaks down, a "parliament of the streets" usually appears. In essence this "parliament of the streets" satisfies the political criteria of giving concrete expression to the people's will in a democratic way. When the New Order rose in 1966, the popular will, then known by the name Tritura,[17] was channeled by just these means. So when the New Order regime today for all intents and purposes bans extra-parliamentary forces from involvement in politics, it is in fact *betraying* its own history. The New Order was brought into being by extra-parliamentary forces in the form of demonstrations, delegations, and various declarations calling for improvements in the situation. Only then did the Gotong-Royong Parliament, which Sukarno had lulled into a sound sleep, come to its senses and respond to the pressure exerted by those extra-parliamentary forces.

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14. Here Heri deliberately uses the coarse word *berak*.

15. *Septic-tank* appears in single quotation marks in the text, unglossed.

16. *Gedongan* is a Javanism, meaning (a house) built of brick or stone, as opposed to wood, i.e., an upper-class or institutional edifice.

17. On Tritura, see above at Ch. 3, n. 22.

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In a normal situation, where all political institutions and organizations are able to function the way they are supposed to, extra-parliamentary forces are, of course, not necessary. But in a situation where the political institutions and organizations are blocked, if alternative forces do not emerge, the result will be anarchy, because the people's will, and their frustration, will be channeled into terrorism, turmoil, and other forms of destructiveness.

Judges of the Court,

From this perspective we can readily see where the student movement, or student aksi, has actually stood all this time. In short, it can be said that the students go down into the political arena when society is suffering from acute anomie.* The students' role in society is not limited strictly to offering criticism or exercising social control; they can play an even more extensive role as a political force capable of stimulating social change.†

The question of the students' involvement in the political life of their nation comes up in almost every country, not just in Indonesia. For purposes of comparison, I will describe what took place in Thailand, our neighbor. The political situation in the Thai kingdom before the Thai students rose up on October 10, 1973 could be summarized as follows:

1. The King was not carrying out the functions he was supposed to, in the sense that he had no control over the government.
2. The Kit[t]ikachorn regime controlled the economy through its system of "*saudara-relasi*"[18] with Japanese support.
3. Unemployment was high, especially among the educated work force. A university graduate had little chance of obtaining work commensurate with his education.
4. Power was in the hands of the military.
5. Corruption was rampant.

On October 10, 1973 the university and high-school student demonstrations broke out. The students demanded:

1. The release of 13 prominent figures (5 students, 2 professors, and 6 political leaders) who had been arrested by the police on October 6 on charges of holding a "secret meeting" to organize mass demonstrations against the government.
2. The drafting of a new, permanent constitution as quickly as possible because the Kit[t]ikachorn government already had been governing for two years on the basis of a provisional constitution.

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* Arbi Sanit, "Mahasiswa dan Angkatan Muda Indonesia: Kekuatan Politik Anomie," in Mochtar Mas'oed and Colin MacAndrews, ed., *Perbandingan Sistem Politik*, Yogyakarta, Gajah Mada University Press [??], 1978.

† Dr. Sarlito Wirawan Sarwono, *Perbedaan Antara Pemimpin Dan Aktivis Dalam Gerakan Protes Mahasiswa*, Jakarta, Bulan Bintang, 1978.

18. *Saudara-relasi* means something like "nepotism and personal connections/cliques."

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The Relations of the Kittikachorn Government to the Demonstrations and to the Demonstrators' Demands Were:

1. In a meeting with an 11-person student delegation on October 11 (Thursday), Vice-Premier Marshal Prapass Charusatiara promised a [new] constitution within 20 months but refused to release the 13 leaders who had been arrested.
2. On Friday, October 12, 1973, the government gave in and offered to release the 13 leaders who had been arrested, but the offer was rejected and the demonstrations intensified.
3. On Saturday, October 13, 1973, the government mobilized armed troops using live bullets. The demonstrators put up resistance and were shot down right and left (there were 400 casualties, according to "NEWSWEEK"), but they succeeded in seizing some guns and occupying several police stations.
4. The government announced a curfew, which the demonstrators ignored.
5. On Sunday, October 14, 1973, the (Kittikachorn) government resigned.

After he came to power, the new Prime Minister, Professor Sanya Thamasak, proceeded to form a new cabinet with only 2 military members and promised a new, permanent constitution within 6 months. Soon after the new cabinet was formed the demonstrations subsided, and the university and high-school students helped direct traffic because the police had not yet resumed their normal functions.

This description of the "student revolution" in Thailand illustrates how an alternative force--in this case it happened to be the students--comes into operation when a system of government is regarded as not functioning or as no longer being capable of fulfilling the wishes of its people. It also clearly shows that student politics do not cloak political ambitions to seize power. When those-in-power themselves have the will to make changes to improve the situation, the students will join them in the effort. But as soon as those-in-power begin to play dirty pool, the students will sock it to them again!![19]

Judges of the Court,

If we reexamine the events in our own country and compare them with those in Thailand, several similarities will be readily apparent. Take, for example, the way the students rose up in 1966. At that time Sukarno was running wild, forcing all state institutions and the lives of the people to be fully "guided," meaning guided by Sukarno himself. The economy was in complete disarray. On top of that Sukarno turned out to have no clear stance with respect to the September 30th Movement [G30S]/PKI revolt. For these reasons the students launched a series of demonstrations to make these demands:

1. Dissolve the PKI!
2. Retool the hundred-minister cabinet!
3. Reduce prices!

These demands were known as Tritura, or the people's three demands. In the end Sukarno had to step down and answer for all the existing rottenness. Sukarno

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19. The phrases *main mata serong2an* and *menggenjotnya* have a slangy flavor which the translation has tried to capture.

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issued *Super Semar* (the March 11, 1966 Order) to Suharto, which subsequently became a lethal weapon for dissolving the PKI, normalizing state life, and strengthening Suharto's own position. The students' aksi simultaneously subsided.

But later, toward the end of the 1960s, after Suharto had come to power and it was obvious that corruption and violations of human rights were rampant, the students resumed their aksi. These took the form of the Rene Conrad Affair, the Anti-Corruption Movement[20]...and so forth. The students have never felt bound to the *New Order* regime; they are only bound to the *New Order's ideals*.

The Indonesian Student Movement on the Eve of the 1978 General Session of the MPR

Judges of the Court,

In a country which embraces democracy, the people have the right to take an interest in all political events and to express their opinions and views. Basically a political system is set up as a manifestation of the unified power which belongs to the people. For that reason the people have a vital interest in who runs their country's government and how it is run.

The 1978 General Session of the MPR was clearly a political event of enormous importance to all Indonesians, because it was the culmination of a political process which had been going on since the previous year, namely, when the General Election was held. This General Session was also significant because it was to evaluate the official accounting presented by the President, formulate the GBHN, and elect a new President. In the context of evaluating how well the President had carried out his duties, all of the Indonesian people had the right to speak out and express their opinions. The MPR was supposed to listen to opinions from all strata of society in order to take them into consideration when making its own evaluation, and not base that evaluation solely on the official report which the President delivered before the assembly. At such times, food [input] in the form of information, opinions, and attitudes from all strata of society was naturally essential.

A description of a General Session of the MPR in this democratic country should depict a representative/consultative institution which is within reach of the public. The MPR should be an institution which specifically reserves attention and time for opinions and attitudes of society, especially on such important matters. The questions of the GBHN and the President affect the well-being of the entire society.

It was in this context that the students, aroused by the sight of the wretched condition of their country, launched their movement. Two key issues closely connected to the upcoming 1978 General Session of the MPR figured prominently in the student movement of late 1977 and early 1978, namely:

First: the issue of National Leadership, which was closely connected with the delivery of the Presidential Accounting and with the election of a new President, and

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20. Rene Conrad (i.e., Rene Louis Coenraad) was an ITB student killed by students of the Sukabumi Police Academy on October 6, 1970, after a Police Academy-ITB football match had been called off because of fights among the crowd. On his way home on his motorcycle, Coenraad was taunted by students of the Police Academy and, when he stopped, was shot in the back and later dumped at the police station. His murder became a *cause célèbre*. Gerakan Anti Korupsi (Anti-Corruption Movement) was a Jakarta and Bandung student campaign launched just prior to the 1971 general elections.

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Second: the issue of National Upbuilding, which was closely connected with the formulation of the GBHN.

The first theme was featured in the students' demands with regard to various defects in the Suharto regime's actions and style of leadership. Among those brought up during the proceedings of the Student Trials were:

1. [That the students] do not trust and do not want Suharto to be President of the Republic of Indonesia again;
2. That the MPR call a special session to request the President/National Leadership to answer for deviations from the 1945 Constitution and the Pancasila.

The second theme was featured in [accounts of] the various consequences of the upbuilding program and in sharp criticism of the upbuilding strategy. Among the materials brought up during the proceedings of the Student Trials were:

1. The formulations of the All-Indonesia assembly of Student Councils and Student Senates, which contained various diagnoses of the Suharto Regime's Deviations from the 1945 Constitution and the Pancasila in the political, economic, social, and cultural fields.
2. The White Book of the 1978 students' struggle, which described various kinds of rottenness and their causes in the political, economic, and cultural fields, along with indicators of the failure of the Suharto regime.

Judges of the Court,

In view of the themes which were taken up by the student movement in 1978, the New Order Regime's prosecution of the students truly makes no sense, because such evaluations and declarations of position clearly fall within the bounds of propriety. Up until the very moment before the students were arrested, the Chairman of the MPR himself[21] still regarded the plain and simple Declaration of Position by the students of ITB as something proper.*

Indeed, anyone who has ever been involved in politics would certainly accept the students' actions in late 1977 and early 1978 as something proper.

In order to provide the clearest possible standard of comparison, I will give some examples of statements made by various student groups on the eve of the 1967 General Session of the MPR:

1. KASI[22]--North Sumatra:

   Demands that the Provisional MPR immediately call a session to dismiss Ir. Sukarno from all state offices.

2. KAMI[23]--Medan:

   Demands that Bung Karno be *Mahmilub*-ed.

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* *Kompas*, January 18, 1978.

21. I.e., Adam Malik, now Indonesia's Vice-President.

22. KASI = Kesatuan Aksi Sarjana Indonesia (Indonesian Academics' Action Front).

23. KAMI--see Ch. 4, n. 87.

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3. KAPI[24]--Greater Jakarta:

   No longer has confidence in Bung Karno as President and urges the Provisional MPR immediately to call an emergency Session to review its decisions in regard to Bung Karno's position as president....

4. Regional Legislature[25]--South Kalimantan:

   Urges the Provisional MPR to remove President Sukarno from the Office of President.

5. Gotong-Royong [Regional] Legislature--Aceh:

   Urges that the Provisional MPR immediately convene to remove Bung Karno from the Presidency of the Republic of Indonesia.*

Even Suharto himself, who at that time was Commander of *KOPKAMTIB/Executor* of MPRS Decision No. IX/1966, accused President Sukarno of criminal activity:

a. With the motive or purpose of safeguarding the political line as explained under [point] no. 1, the President, who, according to our sense of justice and truth, should take legal action against the ringleaders of the G30S/PKI, has allowed them to remain at liberty. He has even implemented a policy which indirectly favors the G30S/PKI and protects the G30S/PKI leaders.

b. This policy in point of fact indicates that a penal offense (*strafbaar feit*), has been committed, even though it was aimed primarily at safeguarding political policies rather than at aiding the G30S/PKI.

If we look closely, both the statements made by the Regional Legislatures and the Aksi units and those made by Suharto himself at that time are far more "drastic" in tone and language than anything the students said on the eve of the 1978 General Session of the MPR.

Have the students today ever accused Suharto of criminal activity, the way Suharto accused President Sukarno of criminal activity in 1967?

Have the students requested that the MPR drag Suharto before a Military Tribunal because of his failures all this time?

Judges of the Court,

The students have been far more polite than Suharto or the Regional Legislatures and the Aksi units were on the eve of the 1967 General Session of the Provisional MPR. All this while the students have only requested a political accounting for the various defects which have bred widespread restlessness in society. The students have never requested that Suharto be dragged before a Mahmilub. Instead, the students have requested the MPR to ask for an accounting from the President. Is it not in fact the MPR's duty to ask for an accounting from the

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* *Laporan MPRS 1967-1972*, [Jakarta] MPRS, 1972.

24. KAPI = Kesatuan Aksi Pelajar Indonesia (Indonesian High-school Students' Action Front).

25. A translation of the text's DPRD (Dewan Perwakilan Rakyat Daerah). Neither this term, nor the one given below for another provincial legislature of the same era (DPRGR, i.e., Dewan Perwakilan Rakyat Gotong-Royong, Mutual Cooperation Parliament) is correct. Both should be DPRD-GR (Dewan Perwakilan Rakyat Daerah Gotong-Royong, Mutual Cooperation Regional Legislature).

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President? And is it not the students' place as members of the general public to make requests of their representative institutions, like Parliament or the MPR?

There is no adequate justification for accusing the students of being insulting. If the public prosecutor were to make an honest assessment, the one who has actually been insulting is Suharto himself, namely, when he openly accused President Sukarno of criminal activity. If the public prosecutor were honest, [he would say that] it is not me or other students who should be dragged before this court, but Suharto.

But is that what the Office of the Public Prosecutor has done? By taking the students to court, the New Order Regime has actually repudiated its own history.

The Students' Responsibilities

Judges of the Court,

The Student movement has passed through many eras. It is a movement which is always *present, flowing* through our national history, constantly striving to raise our state and national life to an ever more perfect level, without serving as a vehicle for personal ambitions.

Today, before a court which represents the Law in our beloved Indonesia, I, along with 30 other Student leaders throughout the country, stand to answer for the thought and actions of the Students in their efforts to achieve a better state life for Indonesia in the future. I have done all of these things with a sincere heart, with pure thoughts and with my great love for my Indonesian homeland. I have chosen Indonesia as the country where I have committed my life and which has given my life its meaning. I have no words of regret for the love I have given to [my] homeland.

The same is true for the Indonesian Students in general. This trial is a place for us--the youth--who are growing up with fire in our hearts, to unburden them, and to be constantly ready to assume our responsibilities.

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CHAPTER XI

HISTORY IS ON THE STUDENTS' SIDE!!

Judges of the Court,

For three days I have read my defense, stating what I firmly believe to be the truth. I have also conveyed my hopes that the law will be upheld as a *pengayom*[1] of society in this country!

I have studied history and I believe in history! History has fostered a strong faith within me that truth will ultimately come out the victor! It has taught me to consider life not only in terms of that which is visible right now, but to peer through the walls of time which mark off each era. Therefore what we do today will also be judged by the march of history!

I have stated what I firmly believe to be the truth, and history will ultimately judge whether my convictions are correct or incorrect. Nor can the decision handed down by the Court and the public prosecutor escape the same judgment.

I have stated my views before this court, and will continue to defend them until there is proof or conflicting evidence which demolishes the basis for those views! I will not change my opinions simply because of pressure or the threat of punishment. I stand before this Court to prove the truth, to uncover it, together with the public prosecutor, the defense lawyers, and especially the Judges of the Court. I do not seek pity or a lighter sentence. What I seek is truth.

Judges of the Court,

This is where I stand! Now it is up to the Court to evaluate my views and to indicate where the Court itself stands. Whether the Court stands where I do, or takes an opposing position, is not my concern, since we will each answer for our positions before the tribunal of history and in God's court in the hereafter! Though our paths may diverge, we must bear in mind that our convictions as free and responsible individuals, with all their consequences, will always stay with us.

From history I have learned how truth carries consequences [with it] for those who defend it. Truth is too sacred to be bought and sold or prostituted. It cannot be traded away for suffering in a prison cell or even for our very lives! From history I have learned how it is the tradition of the intellectuals to defend the truth. Even though the fire was lit, ready to consume him alive, and the stench of death had spread its claws of terror, Galileo stood fast by his opinion:

"THE EARTH IS ROUND!!"[2]

Bandung, June 9, 1979

HERI AKHMADI

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1. On *pengayom*[*an*], see above Ch. 2, n. 23.

2. Galileo was tried by the Inquisition in 1633 for his views on the Copernican theory of the solar system. He was never put to the stake, but spent the last years of his life under house arrest.

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APPENDIX I

A 'PARTIAL' LISTING OF THE WEALTH OF SUHARTO'S FAMILY

1. *Mercu Buana, Inc.*, established by Notary Deed No. 14, June 13, 1967. [Source] *Berita Negara* No. 137/1968.

Capitalization:	Rp. 1,000,000.
Shareholders:	Probosutedjo (full brother)
	Mrs. Ratmani Probosutedjo [sister-in-law]
Chairman of the Board:	Probosutedjo
Executive:	Mrs. Ratmani Probosutedjo

2. *Plastic Universal, Inc.*, established by Notary Deed No. 38, January 11, 1967. [Source] *Berita Negara* No. 140/1968.

Capitalization:	Rp. 2,000,000.
Shareholder:	Probosutedjo
Director:	Probosutedjo

3. *Teguh Sri Kurnia, Inc.*, established by Notary Deed on July 29, 1970. [Source] *Berita Negara* No. 308/1970.

Capitalization:	Rp. 50,000,000.
Shareholders:	Probosutedjo
	Mrs. Ratmani Probosutedjo
Managing Director:	Probosutedjo
Executive:	Mrs. Ratmani Probosutedjo

4. *Kondang Keutaran, Inc.*, established by Notary Deed No. 8, July 2, 1971. [Source] *Berita Negara* No. 436/1971.

Capitalization:	Rp. 10,000,000
Shareholders:	Probosutedjo
	R. M. Soemoharmanto (father of Mrs. Tien Suharto)
Chairman of the Board:	R. M. Soemoharmanto
Chief Executive:	Ibnu Hartomo [younger brother of Mrs. Suharto]
Executive:	Probosutedjo

5. *Rejo Sari Bumi, Inc.*, established by Notary Deed No. 41, November 25, 1971. [Source] *Berita Negara* No. 97/1972.

Capitalization:	Rp. 10,000,000.
Shareholders:	Siti Hardiyanti (daughter of Suharto)
	Sigit Harjoyudanto (son of Suharto)
	Probosutedjo
	R. M. Soemoharmanto
Chairman of the Board:	Sigit Harjoyudanto Suharto
Director:	R. M. Soemoharmanto
Chief Executive:	Probosutedjo
Executive	Siti Hardiyanti Suharto

6. *Multi France Motor, Inc.*, established by Notary Deed No. 38, May 17, 1972. [Source] *Berita Negara* No. 591/1973.

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Capitalization:	Rp. 500,000,000
Shareholder:	Probosutedjo
Executive President:	Probosutedjo

7. *Kedawung Subur, Inc.*, established by Notary Deed No. 22, April 6, 1973.
[Source] *Berita Negara* No. 103/1974.

Capitalization:	Rp. 2,000,000,000.
Shareholder:	Probosutedjo
Chairman of the Board:	Probosutedjo

8. *Buana Estate, Inc.*, established by Notary Deed No. 33, September 8, 1972.
[Source] *Berita Negara* No. 649/1973.

Capitalization:	Rp. 1,000,000,000
Shareholders:	Probosutedjo
	Mrs. Ratmani Probosutedjo
	Sigit Harjoyudanto Suharto
	Siti Hardiyanti Suharto
	Bambang Trimulyono Suharto
	Soemarsono
Chairman of the Board:	Soedharsono
Director:	Mrs. Ratmani Probosutedjo
Chief Executive:	Probosutedjo
Executive:	Sigit [Harjoyudanto] Suharto

9. *Mercu Buana Chemical, Inc.*, established by Notary Deed No. 44, September 25, 1972.
[Source] *Berita Negara* No. 533/1973.

Capitalization:	Rp. 1,000,000,000.
Shareholders:	Probosutedjo
	Mrs. Ratmani Probosutedjo
Chairman of the Board:	Probosutedjo
Chief Executive:	Mrs. Ratmani Probosutedjo

10. *Mercu Buana Contractors, Inc.*, established by Notary Deed No. 65, September, 21, 1972.
[Source] *Berita Negara* No. 764/1973.

Capitalization:	Rp. 500,000,000.
Shareholders:	Probosutedjo
	Mrs. Ratmani Probosutedjo
Chairman of the Board:	Probosutedjo
Chief Executive:	Mrs. Ratmani Probosutedjo

11. *Bank Ramayana, Inc.*, established by Notary Deed No. 2, September 4, 1967.
[Source] *Berita Negara* No. 308/1970.

Chief Executive:	Probosutedjo

12. *Hanurata, Inc.*, established by Notary Deed No. 9, October 3, 1972.
[Source] *Berita Negara* No. 320/1975.

Capitalization:	Rp. 100,000,000.
Executive President:	Probosutedjo

13. *Waringin, Inc.*, established by Notary Deed, March 7, 1968.
[Source] *Berita Negara* No. 189/1969.

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Capitalization:	Rp. 30,000,000
Shareholders:	Sudwikatmono (foster-brother) Bambang Trimulyono Suharto (son)
First Director:	Sudwikatmono
Executive:	Bambang Trimulyono Suharto

14. *Bogasari, Inc.*, established by Notary Deed No. 44, May 19, 1969.
[Source] *Berita Negara* No. 258/1970.

Capitalization:	Rp. 500,000,000.
Shareholder:	Sudwikatmono (among others)
First Director:	Sudwikatmono

15. *Waringin Kencana, Inc.*, established by Notary Deed No. 33, December 21, 1969.
[Source] *Berita Negara* No. 275/1970.

Capitalization:	Rp. 380,000,000.
Shareholders:	Sudwikatmono Bambang Trimulyono Suharto
First Director:	Sudwikatmono
Executive:	Bambang Trimulyono Suharto

16. *Ariomon, Inc.*, established by Notary Deed on June 26, 1973.
[Source] *Berita Negara* No. 768/1973.

Capitalization:	Rp. 10,000,000
Shareholder:	Sudwikatmono
Chairman of the Board:	Sudwikatmono

17. *RUMPUN, Inc.* (Plantations, Trade, and Transport), established by Notary Deed on June 9, 1967, controls the following plantations: Samudra Rubber, Dharmokadonah Rubber, Kaliguntung Coffee, Kemuning Tea, Mediri Tea, Cluak Aglayuti rubber and coconuts, Gondoroso rubber, Jatipablengan coffee, Indonesia Tobacco, and Ketandan Tobacco.
[Source] *Berita Negara* no. 1/1968.

Shareholders:	Mrs. Winarni Soeromo [wife of Welfare Coordinating Minister General Soerono] Mrs. Isriati Munadi [wife of former Governor of Central Java Maj. Gen. Munadi] Mrs. Suhartinah ["Tien"] Suharto, and 18 others.

All these plantations are former Dutch plantations.

18. *Hotel Kartika Chandra, Inc.*, established by Notary Deed No. 7, February 13, 1970.
[Source] *Berita Negara* No. 87/1970.

Capitalization:	Rp. 500,000,000
Shareholders:	The Kartika Jaya Foundation Sukamdani Gitosardjono
Chairman of the Board:	Mrs. Murtini Suryohadiputro [wife of General Suryo]
Executive President:	Mrs. Suhartinah Suharto

19. *Gunung Ngadeg Jaya, Inc.*, established by Notary Deed No. 2, June 8, 1971.
[Source] *Berita Negara* No. 415/1971.

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Capitalization:	Rp. 50,000,000
Shareholders:	Bernard Ibnu Hardoyo (brother of Mrs. Suhartinah Suharto) the late [R. M.] Soemoharmanto
Chairman of the Board:	Bernard Ibnu Hardoyo

20. *Kabelmetal Indonesia, Inc.*, established by Notary Deed No. 42 on January 19, 1972.
[Source] *Berita Negara* No. 505/1972.

Capitalization:	Rp. 1,058,400,000/US [*sic*] £2,800,000 [US$1,700,000]
Shareholders:	[Gunung] Ngadeg Jaya Inc. Kabel and Metallwerke G.
Chairman of the Board:	Bernard Ibnu Hardoyo

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APPENDIX II

A COMPARISON OF FOREIGN DEBTS

"The New Order" (through December 1977)			"The Old Order"* (through December 1965)		
Country	*Debt* [in dollars]	%	*Country*	*Debt* [in dollars]	%
Communist:			*Communist:*		
USSR	769,990,000	4.87	USSR	990,000,000	41.98
Yugoslavia	239,856,000	1.52	Yugoslavia	115,000,000	4.87
Poland	97,073,000	0.61	Poland	100,000,000	4.24
Czechoslovakia	69,110,000	0.44	Czechoslovakia	77,000,000	3.26
East Germany	56,863,000	0.36	East Germany	72,000,000	3.05
Hungary	17,239,000	0.11	Hungary	19,000,000	0.80
China (PRC)	46,580,000	0.29	China (PRC)	13,000,000	0.55
Bulgaria	2,073,000	0.01	Rumania	16,000,000	0.87
Others	---------		Others	2,000,000	0.08
Total	1,312,676,000	8.30	*Total*	1,404,000,000	59.50
America-West Europe:			*America-West Europe:*		
USA	3,326,555,000	21.04	USA	179,000,000	7.46
West Germany	1,238,132,000	7.83	West Germany	122,000,000	5.17
France	772,083,000	4.89	France	115,000,000	4.87
Italy	83,043,000	0.53	Italy	91,000,000	3.85
England	232,276,000	1.47	England/Hong Kong	42,000,000	1.78
The Netherlands	945,248,000	5.98	The Netherlands	28,000,000	1.18
Switzerland	15,316,000	0.10	Switzerland	3,000,000	0.12
Austria	661,000	0.006			
Belgium	206,363,000	1.30	Others	7,000,000	0.29
Canada	294,236,000	1.86			
Denmark	69,244,000	0.44			
New Zealand	3,570,000	0.02			
Australia	6,842,000	0.04			
Norway	95,729,000	0.06			
Total	7,289,299,000	46.09	*Total*	587,000,000	27.72
Asia:			*Asia:*		
Japan	4,139,684,000	26.18	Japan	231,000,000	9.79
Pakistan	12,056,000	0.08	Pakistan	20,000,000	0.84
India	12,056,000	0.08	India	10,000,000	0.42
Abu Dhabi	14,440,000	0.09			
Taiwan	9,867,000	0.06			
Iran	200,000,000	1.26			
Kuwait	31,419,000	0.20			
Saudi Arabia	120,856,000	0.76			
South Korea	45,740,000	0.29			
Singapore	42,182,000	0.27			
Total	4,722,420,000	29.86	*Total*	261,000,000	11.05

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Africa:			*Africa:*		
Egypt	3,344,000	0.02	Egypt	4,000,000	0.16
Tanzania	547,000	0.01			
Total	3,891,000	0.03	*Total*	4,000,000	0.16
International Bodies:			*International Bodies:*		
IMF	----------	--	IMF	102,000,000	4.32
IBRD	1,414,681,000	8.94			
ADB	498,716,000	3.15			
IDA	572,586,000	2.99			
Total	2,485,983,000	15,72	*Total*	102,000,000	4.32
Grand Total	15,814,269,000	100.00	*Grand Total*	2,358,000,000	100.00

* Source: *Bulletin of Indonesian Economic Studies*, No. 4, June 1966.

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