INDONESIA:

Freedom of Expression and the 1997 Elections

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We welcome the publication of this report, which is the first to be produced jointly by ARTICLE 19, the International Centre Against Censorship, and the Asian Forum for Human Rights and Development (FORUM-ASIA). It marks the first step in what we hope will be an increasingly close and effective collaboration between our two organizations in promoting human rights and development in Asia.

Freedom of expression — the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers — must be assured if human rights are to be respected and development achieved. Without access to information, individuals are denied the opportunity to make informed decisions about matters affecting their, and their families', very lives, including their health, welfare and livelihood. And without free speech, they are denied the right to discuss and debate such matters openly and without interference, and to participate fully in the wider decision-making processes of their society.

Indonesia is a case in point. South-East Asia's largest and most diverse nation has adopted a democratic form but in reality maintains strict limits on freedom of speech, and on the closely related rights to freedom of association and assembly. Thus, when millions of Indonesians go to the polls on 29 May 1997 to elect a new parliament, they will not be able to exercise a free choice in determining who will lead their country into the next millennium. It will be no more than a controlled and limited choice: indeed, the main outcome — yet another victory for the ruling Golkar party — is already known. The system has been shaped to ensure it.

This report examines the many and varied means used by President Suharto's New Order government, already in power for more than 30 years, to prolong its monopoly over both the reins and the fruits of power, and to guarantee itself against effective challenge. As the report shows, curbs on expression, including media freedom, lie at the heart of the system and may even be a prerequisite for its survival. This was graphically demonstrated by the state's panicky and ham-fisted reaction to the emergence of opposition party leader Megawati Soekarnoputri as a potential challenger for the political succession. Her ousting provoked the most serious unrest witnessed in Jakarta for more than 20 years. If she had been left unhampered to contest the election, her party might have increased its share of the popular vote. But it could not have challenged seriously for power, given the close links between Golkar, the armed forces, the civil service and other appendages of state. At most, the government would have suffered no more than a loss of face. Yet, it could not tolerate Megawati's appeal to be put to the test of public opinion. The case itself provides a compelling insight into the mentality of the New Order government, and its evident fear of genuine democracy.

We recognize and welcome the great strides made in Indonesia over recent years to overcome problems of poverty and underdevelopment, and to improve health provision and other basic amenities. The progress achieved in these areas, however, serves only to underline the government's failure to address the need for political liberalization and human rights reform. Such reform is both long overdue and urgently required. Freedom of expression must be guaranteed. And Indonesians must be enabled freely to choose for themselves and through a fair, open and truly democratic process by whom they wish to be governed. Anything less simply cannot be accepted.

Malcolm Smart, Acting Executive Director, ARTICLE 19 Somchai Homlaor, Secretary-General, FORUM-ASIA
1 INTRODUCTION

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New parliamentary elections — the sixth so-called "festival of democracy" under the New Order government of President Suharto — will take place in Indonesia, the world's fourth most populous nation, on 29 May 1997. On that day around 120 million people — over 20 million of them first-time voters — will cast their vote to determine the composition of the DPR (Dewan Perwakilan Rakyat), House of Representatives, as well as provincial and municipal legislative councils, for the next five years.

On the face of it, the elections offer Indonesia's burgeoning population an opportunity to choose their political representatives in an impressive expression of democracy in action. But this, in fact, is an illusion. The outcome of the election — and, therefore, the subsequent Presidential election due in 1998 — has already largely been predetermined. In reality, the whole process represents a democratic façade to legitimize the continuing supremacy of President Suharto and the ruling Golkar party.

Under Indonesian law only two political parties, besides Golkar, are permitted to contest the elections: the PDI (Partai Demokrasi Indonesia), Indonesian Democratic Party and the PPP (Partai Persatuan Pembangunan), United Development Party. In theory, voters will be free to cast their ballot for the party of their choice. In practice, the government is utilizing various methods to ensure that the odds are heavily stacked in Golkar's favour and to render impossible any prospect of the elections being truly free and fair, and a true test of democratic will. This has been the pattern of the past. And there can be no doubt that the government intends the forthcoming elections to be no different.

The starkest evidence for this has been provided by the action taken by the government during the past year to disrupt the PDI in the face of the growing popularity of its erstwhile leader, Megawati Soekarnoputri. The daughter of Indonesia's first President, Sukarno, she was ousted from the PDI leadership in 1996 through an officially-engineered and supported coup within her party, effectively ensuring that she would not stand in the May 1997 parliamentary election. The PDI may have been fatally weakened as a result. Yet, even without the action taken against Megawati and her supporters, which provoked the most serious outbreak of public unrest in Jakarta for over 20 years, the outcome of the 1997 elections would not have been in doubt. The truth is, the electoral system, both in law and practice, is heavily weighted — some would say rigged — in Golkar's favour and to render impossible any prospect of the elections being truly free and fair, and a true test of democratic will. This has been the pattern of the past. And there can be no doubt that the government intends the forthcoming elections to be no different.

The Indonesian media, as a result, is not able adequately to perform either of the key roles which the press should always perform in a democratic society, and most especially at the time of elections — that is, to ensure that individuals are informed about matters of public interest and to act as a watchdog of government.

This report describes the continuing severe limitations on freedom of expression in Indonesia in the run-up to new parliamentary elections and, in its conclusion, sets out specific recommendations for legal and other reform. Some of these need to be instituted without delay, in order to counter the most blatant abuses that will otherwise negate any possibility of fairness during the May election; others should be implemented urgently if further Indonesian elections are to have any meaning. For, without such reforms, the Indonesian people will continue to be denied the opportunity freely and fairly to decide the composition of their country's government, and claims by those who do hold power to represent the democratic will of the people will continue to ring hollow.

2 POLITICAL BACKGROUND

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Indonesia has experienced a remarkable degree of social and economic change in the 50 years since independence as well as periods of intense political turbulence. These factors, allied to the country's great geographical and cultural diversity and the desire to ensure its national integrity, have assisted the New Order government of President Suharto in justifying its maintenance of tight restrictions on freedom of expression and limiting the scope for meaningful political
opposition.

In the years following independence, between 1949 and 1955, Indonesia experimented with liberal democracy, but the system was soon discredited. Constant infighting between different political parties, and the repeated cabinet changes which occurred as a result, created a sense of virtually permanent instability. There followed the institution of Guided Democracy by the then President, Sukarno. This shifted the balance of power firmly into the hands of the President, but the country was affected by severe economic instability. Matters came to a head in a dramatic and bloody fashion in 1965. An alleged abortive coup attempt, which the New Order government claims was masterminded by the PKI (Partai Komunis Indonesia), Indonesian Communist Party, was followed by months of chaos and bloodshed in which hundreds of thousands of known or suspected PKI supporters were killed and hundreds of thousands of others imprisoned.

It was in the wake of these dramatic events, which continue to have a profound impact on Indonesian society, that President Suharto and his New Order government came to power. The thirty years since have seen a marked improvement in social and economic conditions for much of the population. Yet, such advances have not been accompanied by any significant state-led transformation of the political life of the country or any relaxation in state control. The government has retained throughout a tight rein on politics. Moreover, it has continually invoked memories of the political crises of the pre-Suharto years in its efforts to instil a sense of wariness towards politics among the mass of the population. It has also taken various steps to further reinforce its authority: it has enforced laws which severely restrict freedom of political expression, as well as other fundamental human rights such as freedom of speech, assembly and association, in order to suppress opposition and to render effective political participation all but impossible.

The most frequent justification used by the government to curtail the exercise of human rights, including political freedoms, is the need to maintain national stability and to uphold the state ideology, Pancasila. In recent years, however, there have been signs of growing public disenchantment over the government's failure to ease restrictions on political expression and with its authoritarian and paternalistic behaviour. This has been evident not only within the rapidly expanding professional class, but also increasingly among workers, farmers, students, and others. It has also taken a variety of forms, from strikes by workers seeking improved pay and conditions, to protests by farmers seeking adequate compensation for land acquired in the name of development; from demonstrations by students calling for political change to calls from journalists seeking government recognition of the right to freedom of association.

2.1 Assaults on the PDI

The most dramatic indication of popular rejection of the government's authoritarian approach came in late July 1996 when riots in the capital, Jakarta, marked the most severe unrest the country had witnessed for more than 20 years. The unrest was sparked off by a government-sponsored move to oust Megawati Soekarnoputri from her position as chairperson of the PDI. In fact, such government interference in the functioning of an avowedly independent political opposition party was nothing new — the government has intervened in the affairs of political parties, sometimes quite blatantly, on other occasions. In the Megawati case, it appears that the government decided to provoke a split within the PDI because of its concern over the party's growing, though still limited, popular appeal, particularly among young people.

The growing popularity of the PDI, coupled with calls for Megawati to stand as a candidate in the 1998 presidential elections, clearly irked some elements within the ruling elite even though for Megawati to challenge Suharto successfully would be an impossibility under the current selection process. The approach of the 1997 elections may also have brought to the surface uncomfortable memories of the loss of face Golkar, and therefore the government, suffered as a result of the loss of 17 seats in the 1992 elections. The PDI's success in winning 16 of these, including ten seats in the PDI's East Java stronghold, scarcely dented the ruling party's overwhelming majority in parliament but nevertheless represented a quite remarkable feat in view of the enormous state-managed bias in favour of Golkar.

The government's concern about this reverse was made evident the following year with the appointment of Suharto's eldest daughter, Siti Hardiyanti Rukmana, already a vice-chairperson of Golkar, as the ruling party's supremo in East Java province. Subsequently, the government took more direct action in order to reduce the possibility of such a loss of
face occurring again by engineering a dispute within the East Java branch of the PDI. In addition, after her election as national chairperson of the PDI in 1993, Megawati's repeated applications to be allowed to attend party meetings in East Java were consistently refused by the government. The new factor, however, when she was ousted from the PDI leadership, and which appears to have taken the authorities by surprise, was the strength of the negative response from PDI supporters and from the wider public alike to the government's meddling.

The ousting of Megawati from her position as head of the PDI effectively ensured that she and her supporters would not be included on the list of parliamentary candidates submitted by the PDI under Soerjadi, its new government-sponsored chairperson. Megawati's efforts to challenge the legitimacy of this through the courts have proved unsuccessful. Her supporters, meanwhile, have been making clear their rejection of Soerjadi as the party's leader: he has encountered hostile demonstrations when visiting PDI branches in the provinces in order to try to shore up his support.

As the 1997 elections approach, the signs are that the government has successfully disrupted the opposition party whose popularity appeared clearly to be rising and ousted from her leadership position a potential challenger to Suharto. Yet, even if political parties were able to operate free from such state interference, Indonesians would continue to be denied a free and fair democratic process due to the very nature of the political system built by President Suharto over the past 30 years.

2.2 The Role of Golkar

The bias inherent in the entire system is perhaps most clearly demonstrated by the case of the ruling party, Golkar. The government's support for Golkar is blatant. President Suharto is chair of the board of patrons, which also includes General Feisal Tanjung, head of ABRI (Angkatan Bersenjata Republik Indonesia), the Armed Forces of the Republic of Indonesia. All senior government officials are Golkar members. Most campaigned openly on Golkar's behalf during the 1992 elections and are expected to do so again in the forthcoming elections. Information Minister Harmoko has been Chairman of Golkar since 1993.

Golkar also benefits from the support of two key institutions. Thanks to their size and reach throughout the archipelago, and at all levels of society, the armed forces and the civil service are well equipped to play a vital role in mobilizing support for Golkar. They are able to garner support for the party not only during election periods but on a continuous basis, thereby giving Golkar a major advantage over the PDI and PPP, whose activities between elections are, as described below, severely circumscribed by law.

The 400,000-strong armed forces are not permitted to vote in elections. Instead, ABRI is automatically entitled to seats in parliament to facilitate direct representation of its concerns. Even so, in theory, ABRI does not support any of the three authorized political parties. In practice, however, it maintains a strong and intimate relationship with Golkar, one that has been built up over many years. In fact, it was ABRI that effectively set up Golkar in 1964 by bringing together various non-partisan organizations and professional associations in a coalition aimed at combating the growing influence of the PKI. Since then, while ABRI has avoided close involvement in Golkar's day-to-day activities, it has retained considerable influence in the party and many senior Golkar positions in the provinces are held by currently serving as well as retired ABRI officers.

In March 1996, Army Chief of Staff General Hartono said publicly at a Golkar rally in Central Java that all members of the military are by definition "cadres" of Golkar. This caused quite a stir at the time as senior military officials are not usually so frank, but the General was, in fact, doing no more than acknowledging openly what was already widely recognized. Indeed, General Hartono's assertion was backed up by ABRI's chief, General Tanjung, who said in a statement to reporters that "ABRI's Big Family [a reference to members of the military and their families] is part of Golkar". Nevertheless, that so senior an officer as General Hartono should make this public demonstration of the military's support for Golkar was unprecedented, especially his warning that ABRI members "are forbidden from supporting Golkar half-heartedly". The incident was all the more notable due to the fact that Hartono was accompanied by three other senior generals on the platform at the Golkar rally — Lieutenant-General Syarwan Hamid, ABRI's head of Socio-Political Affairs; Major General Suparman, Assistant to the army's Chief of Territorial Affairs; and Major General
Soebagyo, head of the Diponegoro Regional Military Command — who all wore yellow Golkar jackets over the tops of their armed forces uniforms in a clear and unequivocal demonstration of their support for the party.

Subsequently, General Tanjung and Defence Minister Edi Sudrajat acted to dampen down criticism of this open display of military support for Golkar. But their efforts were undermined by General Hartono just a few weeks later when he told a gathering organized by the Persit Kartika Chandra Kirana, an association of military wives (of which the late Tien Soeharto, the President's wife, was patron), that they had a "moral responsibility" to urge their families and neighbours to vote for Golkar.

The fact that General Hartono's original statement was made in the presence of Siti Hardijanti Rukmana, the President's eldest daughter and Golkar vice-chairperson, and the second was made in the presence of the President's wife, not surprisingly provoked speculation that they had at least the tacit backing of the President. But if the role of ABRI in increasing support for Golkar is significant, even more crucial is that of the civil service, whose six million members are expected to support the ruling party. As a result, Golkar is able to benefit from the facilities of government at all levels.

Under the law civil servants — who must all be members of the Korps Pegawai Republik Indonesia (Korpri), the Indonesian Civil Service Corps — are entitled to vote for the political party of their choice. In practice, however, government and Korpri officials repeatedly make it clear that, as Korpri members, civil servants are expected to channel their political aspirations through Golkar. A clear example of this blurring of the distinction between the government and Golkar, and of the failure to respect the difference between civil servants' professional responsibilities and the exercise of their rights, occurred in February 1997 when Korpri's Chairman, Suryatna Subrata, left civil servants in no doubt as to where their loyalty should lie. Subrata, who combines his leadership role in Korpri with being Secretary General of the Home Affairs Ministry and Secretary-General of the General Elections Institute, stated, "The current administration is one of Golkar. Therefore the corps members will automatically support and be loyal to the Golkar-dominated government". This, he asserted, was "one of the consequences of being government employees". Yogie S Memet, the Minister of Home Affairs, who is also Chairman of the General Election Institute, concurred: he told reporters that "the law guarantees that Korpri members can vote for any political grouping", but that "they would have to solicit their superiors' blessing before they could channel their aspirations through political groupings other than Golkar".

More than a year earlier, in September 1995, Memet had gone as far as to suggest that civil servants should resign if they do not wish to vote for Golkar: "If I were a member of the Indonesian Civil Servants Corps, I'd quit and get another job if I didn't want to choose Golkar". His statement swiftly received support from the Secretary-General of Korpri, Waskito Reksosoeirdjo, who is also a senior Golkar official. He reportedly said that Korpri members had no right to vote other than for Golkar and that those who failed to do so would face disciplinary punishment.

3 LEGAL FRAMEWORK

The New Order government prides itself on being one that operates according to the rule of law. And, in an ironic sense, this is true. However, many of the laws that the government has introduced, or which it inherited from the colonial era and has retained, are utilized specifically to curb or deny fundamental human rights. Those most commonly used for this purpose are the Anti-Subversion Law, the so-called "Hate-Sowing Articles" (Haatzaai Artikelen) and other provisions of the Criminal Code which restrict freedom of speech, assembly and association.

The limits on legitimate political activity in Indonesia are prescribed by five laws: Law No. 1/1985 on general elections; Law No. 2/1985 on the structure and position of the MPR (Majelis Permusyawaratan Rakyat), People's Consultative Assembly, the DPR (House of Representatives), and the (DPRD) Provincial House of Representatives; Law No. 3/1985 which formalizes the existence of Golkar, the PPP and PDI; Law No. 5/1985: on referenda; and Law No. 8/1985 on societal organizations.

Both the PDI and the PPP advocate revision of these laws in order to legitimize freedom of political expression but their calls have gone unheeded. Recently, the PPP proposed that an electoral law reform bill be drawn up which would end the President's monopoly on organizing elections and allow all contestants actively to participate in the whole electoral
process, from planning stage to supervision, vote counting and evaluation. The proposed bill, however, is certain to fail as it is opposed by Golkar, which has a large parliamentary majority.

There are a number of aspects to these laws that give rise to concern, both because of the undue restrictions they impose on legitimate political activity and because the way in which the political system is structured makes legal political change all but impossible and confers excessive powers on one individual: the President.

The highest legislative body is the MPR, and it is through the MPR, according to the 1945 Constitution, that the sovereignty of the people is exercised. It is this body that is responsible for agreeing the GBHN (Garis-garis Besar Haluan Negara), Broad Outlines of State Policy, and for electing the President and Vice-President. In theory, the President, the DPR and the judiciary are all subordinate to the MPR. In practice, far from acting as a check on the executive, the MPR operates as if it is subordinate to the President and government. It has met just once every five years during the three decades of New Order government. Its two most important functions, selecting the President and Vice-President and agreeing the GBHN, are carried out in a way which underlines its subordinate role. It does no more than rubber-stamp, and thereby provide a veneer of legitimacy to, decisions already made by the President and his government. Thus, agreeing the GBHN consists merely of the MPR adopting the draft that has already been prepared by the government. Selecting the President and Vice-President, meanwhile, entails simply confirming Suharto as President — he has always been nominated by acclaim — and agreeing to the Vice-Presidential nominee approved by Suharto. By virtue of his "election" by the MPR, the President is automatically deemed to have been entrusted with the mandate of the people, and is thereby formally endowed with the power to rule unhampered by any higher authority. Presidential decrees and presidential decisions have the same legal force as laws enacted by the DPR. The President is responsible for the selection of cabinet ministers, who do not have to be members of the DPR.

That the MPR acts as no more than a rubber stamp for the President's decisions is ensured by its composition. Half the members of the 1,000-strong body comprise the 500 members of the country's principal legislative body, the DPR, 400 of whom are elected, the remaining 100 being members of the armed forces appointed by the President. (ABRI's allocation is scheduled to be reduced to 75 after the 1997 elections.) The 500 other seats in the MPR are reserved for Presidential appointees from the military, the regions and from various groups and associations. This ensures that the President effectively has direct control over a clear majority of the MPR — that is those who are directly appointed by him and the military appointees in the DPR, quite apart from the Golkar representatives on whose support he can also rely. Currently Golkar has 282 seats in parliament. The two recognized opposition parties have a combined total of 118 seats, with PPP holding 62 and the PDI 56.

Like the MPR, the DPR is little more than a tool used by the President to give a democratic veneer to what is, essentially, an undemocratic system. Its lack of independence is amply demonstrated by the fact that the DPR has not made a single law of its own in the last three decades and that all bills sponsored by the government have been endorsed by the DPR. It has resulted in a popular joke about members of parliament, who are said to represent the "four D’s" — datang, duduk, dengar, duit — arrive, sit, listen, and collect money. Outspoken individuals are likely to be weeded out during the controversial screening process for potential parliamentary candidates (described in Section 5 below). Those rare parliamentarians who dare to criticize the government too harshly are seldom tolerated for long. In 1995, for example, two parliamentarians noted for their independent views were recalled by their parties.

Political activity and participation is also severely circumscribed by law according to which, for example, only three political parties are recognized and permitted to take part in elections. (Restrictions on the political activities of political parties are described in detail in Section 5 below.) Calls for the revocation of this legislation, which critics argue violates Article 28 of the Constitution which guarantees the right to assemble and associate, so as to allow for the formation of other parties, have met with a firm negative response from the government.

Indeed one of the justifications for charging the PRD (Partai Rakyat Demokratik), People's Democratic Party, members currently on trial for subversion is that they call for the scrapping of the package of five political laws which legitimize this and other restrictions. Even so, the government has not yet gone so far as to formally ban the two parties that were launched in defiance of the law in 1996: the PRD and the newly formed Partai Uni Demokrasi Indonesia, (PUDI), Indonesian Democratic Union Party, led by the controversial former PPP member of parliament Sri Bintang Pamungkas, who was tried and found guilty of insulting the President in late 1995 and who is currently facing charges of subversion for calling for an election boycott (see Section 6 for further details).

The Indonesian government enforces tight restrictions on all forms of political activity, the most strict being the ban on
any form of political party organization at village level except for a short period prior to elections. This far-reaching restriction is justified by the government by reference to its concept of the “floating mass” — the need to depoliticize the mass of the population in order to ensure "national stability" and so to assist the country's development. These necessities, the government contends, legitimize its refusal to allow political parties to establish branches at village level. The result, of course, is that the PPP and PDI opposition parties are effectively denied the opportunity to organize any form of political structure at local level between elections. Because of its close ties with government (which are discussed in detail in Section 5 below) in practice, Golkar is much less affected by this restriction on the right to freedom of association. The ban denies the vast majority of the population an opportunity to engage in political activity and to participate actively in political decision-making, other than during brief, periodic election campaign periods. Once individuals have cast their vote, they are considered to have given a five-year mandate to the representatives in parliament and are denied further involvement in the country's political life.

The same concept permeates the entire political system and is key to any understanding of the rationale underlying the political and electoral system developed by Suharto and which justifies the concentration of power in his hands. Thus, just as the mass of the people, once they have voted, are held to have given a free hand for the next five years to the members of parliament, once the MPR has formally elected the President, it has no further significant role and he is assumed to have been given a mandate to govern as he sees fit. Indeed, President Suharto has made clear the official thinking on this in March 1997, when he responded publicly to what he said was the failure of his critics to understand the Indonesian system:

The assembly elects a figure it believes is capable of carrying out prepared guidelines of state policy. This implies there should be no opposition to any policy in the guidelines as they have been approved by representatives of all the people.

4 THE MEDIA AND ELECTIONS

The right of individuals to receive information and ideas is one of the most basic human rights, and is recognized as such in international law. It is of paramount importance for the achievement of all other human rights and is a vital ingredient of any truly democratic process, being crucial to the holding of free and fair elections. So too is the right of the media to inform the public about matters of public interest, not least during election periods.

In Indonesia, as past experience has shown, these rights generally are severely curtailed by government censorship and other curbs on expression, particularly in the run-up to and during national elections. The attitude of the New Order government to the media is exemplified by a statement made in March 1996 by the Coordinating Minister for Political Affairs and Security, in which he suggested that the media, like workers and students, needed to be "watched and handled" in the run-up to the elections because "it's from these areas that problems could arise, ones that could adversely affect the election."

With the approach of the May 1997 elections, growing government pressure on the media to support Golkar has been evident for many months. Such pressure was especially apparent following Megawati's removal from the PDI leadership and the wake of the 27 July 1996 riots. For example, a senior military representative, Brigadier General Amir Syarifudin, visited the offices of a number of news organizations soon after Megawati was ousted and reportedly warned editors that the military was drawing a line between "who are enemies and who are friends" among the local media. He also reportedly accused the largest-selling daily Indonesian- language newspaper, Kompas, and another major national daily, Merdeka, of reporting favourably on behalf of Megawati and suggested that they might both be closed down by the government. The threat of official action against the press is said to have been taken so seriously that a Kompas editor told his staff around this time that it would be "a miracle" if the newspaper were able to survive until the May 1997 general election.

In the aftermath of the 27 July riots, the media was strongly "encouraged" by the authorities to restrict their reporting of both the riots and their aftermath to the government's version of events, which duly received wide publicity in the mass media. In particular this involved the denigration of the PRD, a newly-formed, numerically-small and officially
unrecognized political party. It was the PRD which the government openly blamed for allegedly "masterminding" the riots. Consequently, in the weeks following 27 July, the broadcast and print media both gave wide publicity to government's denunciations of the PRD, including its assertions that its methods and ideology resemble those of the long-banned PKI. Such official labelling of opponents as sympathizers of the PKI carries a highly damaging connotation because of the chaos and bloodshed associated with the alleged PKI coup attempt of 1965. It has been a common, and generally successful, tactic which the New Order government has repeatedly used over the past 30 years to silence its critics and opponents.

Given government prompting — and sensing, no doubt, a good story - the media were swift to take up the story of the PRD and its alleged similarities to the PKI. Rather than engaging in investigative reporting to assess the validity of the government's claims, however, much of the media simply followed the official line and allowed itself, effectively, to be used as a tool of government propaganda. Subsequently, when PRD activists were brought to trial, the spuriousness of the government's public allegations against them became clear: the charges on which they were arraigned made only passing reference to the riots and included no reference to their having "masterminded" the disturbances or of having communist links.

An even more blatant example of the government's manipulation of the media for propaganda purposes was given on 28 and 29 September, the eve of the anniversary of the alleged PKI coup attempt, when all six television stations broadcast a two-part made-for-television film called *Terjebak* (Snared). The film, commissioned by the Director-General of Culture in the Ministry of Education and Culture, is the story of a student activist who, with foreign support, incites labour unrest. Denials from the head of the National Film Production Company, which produced the programme, that it was related to the July unrest are undermined by the plot, which bears a striking resemblance to recent events and the fact that it incorporated actual footage of the riots. In a society in which reading between the lines is vital to an understanding of the country's politics, and coming hot on the heels of repeated official condemnation of the PRD for its alleged role in the riots, viewers can have been left in little doubt that it was a thinly veiled attempt to vilify the PRD and to lay the blame for the July riots squarely at their feet.

Renewed pressure on the media, this time to "encourage" positive reporting on Golkar, is already underway. Given the prevailing climate of censorship and self-censorship though, overt pressure is often unnecessary, and editors and journalists are well aware that in the run-up to elections their material will be scrutinized with special care by the authorities. Nevertheless, late 1996 saw attempts at "Golkarisation" during a ten-day training session of prominent chief editors at the presidential palace in Bogor. Ostensibly for Pancasila training, participants remarked privately afterwards that it was actually in practice a ten-day marathon indoctrination session to encourage support for Golkar in the next elections.

The pro-Golkar pressure also comes from within the profession itself, in particular through the only government-recognized journalists' association, the Persatuan Wartawan Indonesia (PWI), Association of Indonesian Journalists. The PWI's chairman, Sofian Lubis, is also the head of Golkar's Department of Mass Communications.

The bias in television coverage of political parties has long been a source of irritation for the two opposition parties, who complain that a disproportionate amount of time is given over to Golkar. During the 1992 elections, for example, Golkar was found to have enjoyed three times the amount of airtime on the state television broadcaster, TVRI, than the other two parties.

TVRI's own statistics provide further evidence of strong pro-Golkar bias. During a three-month period to the end of June 1995, TVRI news items included 98 references to Golkar, compared to 10 for the PPP and two for the PDI. During this period Information Minister Harmoko, in his capacity as head of Golkar, received 38 mentions compared to 10 references to the leader of the PPP and just one to the then head of the PDI, Megawati Soekarnoputri.

The level of bias in television news reporting is very marked. This was confirmed by a recent survey of political news coverage on TVRI, as well as the news programmes of two of the private television stations, RCTI and ANTeve, carried out by AJI (Aliansi Jurnalis Independen), the Alliance of Independent Journalists. The survey covered the period October to December 1996, during which the named television stations' evening news programmes were monitored for one week in each month. In the case of TVRI, the PPP received just one mention during the three weeks monitored, amounting to a mere one minute and 20 seconds of coverage. The PDI did a little better, being featured twice during the survey period for a total of three minutes and nine seconds. Compared to the time devoted to Golkar, the difference is staggering. Golkar, and its Chairman, Information Minister Harmoko, was featured 19 times during the 21 days that were
monitored, and received a total of 34 minutes and 18 seconds of air time. Furthermore, whereas the news about Golkar was largely positive, the reports relating to the other two parties mostly were negative.

A similar bias was also identified in the news programmes broadcast by the two private television stations. Golkar and its leadership was featured on average once every three days on ANTeve and RCTI. In stark contrast, the PDI was mentioned just once on ANTeve's news during the monitoring period and the PPP not at all. On RCTI, it was the PPP which received one mention, while the PDI was not reported at all. Again, what little reporting there was of both the PPP and PDI was negative, while the far more numerous references to Golkar were generally positive and upbeat.

For such bias to occur in news reporting by private television companies, as well as by the state-controlled broadcaster, is not surprising. Private television ownership in Indonesia is monopolized by individuals who are either relatives or close associates of President Suharto, some of whom are also senior Golkar officials. RCTI, for example, is part of the Bimantara Citra group, a public company headed by President Suharto's second son, Bambang Trihatmodjo, who is also the treasurer of Golkar. ANTeve also has close links with Golkar, as one of its directors is a Vice-Chair of the party.

Further evidence of the benefits Golkar enjoys as a result of its favourable access to the broadcast media — due, no doubt, to its close links with station owners — was graphically demonstrated in October 1996 when all six television networks showed three hours of non-stop coverage of the celebrations to mark Golkar's anniversary.

In December 1996, a new Presidential decree, KEPPRES No. 99/1996, was issued which includes provision for each of the three recognized political parties to have equal access to airtime on state radio and television during the election campaign. Further, in January 1997 it was reported that private television stations would also be required by the government to allocate time for political campaigns. These apparently positive steps, however, were accompanied by measures which are designed to maintain tight government control over media access. For example, moderators for televised 30-minute political debates, as well as for broadcasts carried by state radio, are to be selected by the government from lists of individuals submitted by the political parties. Moreover, speeches and debates must be submitted to the LPU (Lembaga Pemilihan Umum), General Election Institute, some five days prior to their proposed broadcast in order that the content can be checked — a direct interference with freedom of expression.

Nor will the decree negate the unfair advantage that Golkar has enjoyed until now, and will no doubt continue to enjoy, with respect to regular news broadcasts. For example, extensive and clearly beneficial television coverage was given to a two-year-long series of country-wide visits undertaken by Information Minister Harmoko in his capacity as Chairman of Golkar. He was repeatedly shown on nation-wide television being greeted by thousands of people dressed in yellow, the Golkar party colour, at yellow-bedecked venues all around the country. Commenting on this the Jakarta Post noted in September 1995 that "hardly a day goes by" without the government-controlled TVRI showing pictures of Harmoko, wearing a bright yellow jacket, addressing Golkar cadres and supporters during his campaign to visit each of the country's more than three hundred regencies in advance of the 1997 elections.

5 THE ELECTORAL SYSTEM IN LAW AND PRACTICE

The electoral system in Indonesia is one based on proportional representation, according to which votes for the national, provincial and municipal assemblies are cast for one of the three political parties, and not for individual politicians. Seats — other than those reserved for direct appointees — are then allocated between the three parties according to their share of the overall vote and the successful candidates are those whose names were placed highest on each party's list of potential candidates, which must be drawn up prior to the elections.

Under the 1985 General Election Law, eligible individuals are entitled, but not obliged, to exercise their right to vote. Those with such entitlement are Indonesian citizens aged 17 years or more, as well as married people under 17. An individual must have reached 21 to be eligible for election to the DPR. Those denied the right to vote or to stand for election include former members and suspected members of the PKI who have still to pass the official screening process or litsus (see below).
It is an offence punishable by up to five years' imprisonment to prevent others from exercising their right to vote, while the penalty for attempting to bribe someone not to vote or to vote for a particular party is three years in jail.

All five general elections conducted under the New Order government have resulted in comfortable victories for Golkar. However, the party — and thus the government — suffered a serious loss of face in the last election in 1992, when its overall share of the vote dropped by a full five percentage points (to 68.1 per cent from a 1987 high of 73.2 per cent) and it lost 17 seats, all but one of them to the PDI. While retaining a sizeable overall majority, this falling-away in support for Golkar was particularly significant in view of its very considerable advantages over the two opposition parties, and underlined the increasing sense of disenchantment among the electorate. The authorities are clearly determined to reverse this trend in the context of the forthcoming elections. Golkar has set itself the target of winning 70 per cent of the total vote.

Unlike Golkar, the PDI made considerable headway in the last two elections: in 1987 it obtained a three per cent rise in its share of the total vote (to 10.9 per cent) and increased its representation from 24 to 40 seats; in 1992, it again increased its share of the vote (by four per cent) and won 56 seats. This evidence of the party's growing popularity, it is widely believed, was one of the principal factors behind the government's decision to engineer a split in the party and the ousting of Megawati Soekarnoputri from her leadership position.

Support for the PPP, by contrast, has declined markedly compared to its position in 1982, when it won 94 seats in the DPR. It fell back to 61 seats in 1987 but recovered slightly to win one additional seat in 1992 (with 17 per cent of the vote).

Voting in the sixth general election under the New Order government will take place throughout Indonesia and East Timor on 29 May. The Suharto government's slogan for general elections is: langsung (direct), umum (public), bebas (free) dan rahasia (secret) — usually known by the acronym "luber". At first sight, it can appear as a genuine exercise in democracy. But this would be grossly misleading: the very nature and structure of the political system, together with the rights abuses which routinely stem from it, can only ensure that the elections are neither fair nor democratic.

5.1 Electoral Bodies

All aspects of the electoral process are under the control of the President. Under a decree approved by the MPR, he has sole responsibility for holding the elections, determining any technicalities and appointing the personnel needed to organize them.

Under the President, the LPU has responsibility to guide and supervise the PPI (Panitia Pemilihan Indonesia), Indonesian Election Committee, and its local branches, which oversee the organization and administration of the election. Officially, the LPU and PPI are held to be independent bodies, but this is belied by the facts — the LPU, for example, is placed administratively within the Ministry of Home Affairs and its chairperson is the Minister of Home Affairs.

The same Minister also heads the PPI, whose two deputy chairpersons are the Ministers of Justice and Information. The LPU's advisory council and the PPI do both include representatives from all three political parties but, in practice, decision-making rests with the chairperson, the Minister of Home Affairs.

5.2 Election Monitoring

The Panitia Pengawas Pelaksanaan Pemilu (Election Supervision Committee), or Panwaslak, chaired by the Attorney-General, is the official body charged with monitoring the conduct of elections and investigating alleged irregularities. Despite numerous complaints, however, involving many alleged violations of the electoral process, the Committee has failed to take effective action.
Numerous breaches of the official principles governing elections — direct, general, free, secret — were documented in a study of the 1992 elections. This found that most reported irregularities were committed by electoral officials employed by the government, notably those responsible for vote counting. Civil servants, especially sub-district and village level officials, and the security forces, were also alleged to have breached procedures on many occasions, and other breaches are attributed to Golkar officials. The study's findings suggested strongly that the very bodies established to ensure impartiality and the smooth running of the elections were, in fact, responsible for most of the violations. Moreover, officials alleged to have committed abuses had been allowed to do so with impunity.

By contrast, the *Jakarta Post* reported that two students from Semarang in Central Java were tried in March 1997 for allegedly circulating leaflets which accused government officials of violating election rules in favour of Golkar at the time of the 1992 elections.

The leaflets cited instances in which PPP and PDI symbols had been banned from display in public places and in which party activists had been denied the right to attend election rallies. The students were both convicted of sowing hatred against the government and sentenced to two-year jail terms.

Widespread frustration over Panwaslak's lack of independence and its unwillingness to implement its mandate, led in March 1996 to the creation of the KIPP (Komite Independen Pemantau Pemilu), Independent Committee for the Monitoring of Elections. Headed by Goenawan Mohamad, a respected intellectual and the editor of Tempo magazine until it was banned by the government in 1994, KIPP's formation was welcomed by many non-governmental, religious and other organizations whose members and supporters have come together under its banner to establish an independent election-monitoring initiative. Megawati Soekarnoputri, then still PDI chairperson, also strongly supported the establishment of KIPP. The PPP, too, gave support but expressed some doubt about KIPP's ability to function effectively as it is not officially recognized by the government.

Golkar, not surprisingly, was critical, arguing that there was no need for an independent committee in view of the existence of the LPU. Golkar's Chairman, Harmoko, is reported to have even gone so far as to claim that the establishment of KIPP contravened the 1945 constitution and the 1985 election legislation, an opinion backed by the head of the armed forces, General Feisal Tanjung.

Despite this, KIPP has survived until now, although it has experienced some harassment and intimidation from the authorities and attempts to put its credibility into question. Property used by KIPP has been attacked, some local KIPP activists have been arrested and KIPP-sponsored meetings have been halted by the police. Members of the Thai election monitoring organization, Pollwatch, who visited Indonesia in September 1996, also reported being followed by intelligence officers during their stay. The authorities have also alleged that Mulyana Kusumah, KIPP's Secretary-General, when he was at school, belonged to a student association affiliated to the PKI. Kusumah has strongly refuted the allegation, which appears typical of other smears used by the government in the past to intimidate its critics. As described above, accusations of communist links carry a significant, negative connotation in Indonesia arising from the PKI's alleged responsibility for the crisis of 1965.

The allegation against Kusumah appears to have been intended also to drive a wedge between him and staunchly anti-communist organizations which have associated themselves with KIPP. The smear failed, however, as it subsequently emerged that Kusumah, a university lecturer, must have passed a rigorous screening process undertaken by state security authorities in order to have been appointed to his teaching post.

In July 1996, KIPP called publicly for the cancellation of the 1997 elections, on the grounds that the state-engineered ousting of Megawati would ensure that they would be neither free nor fair. Since then, however, it has announced that it will nonetheless attempt to monitor the poll, giving priority to seven of the country's provinces, using local volunteers. The government has not indicated that it will prevent this, but KIPP monitors are not to be given access either to the transfer of ballot boxes from polling stations or to the counting of votes, though these are the parts of the election process most prone to manipulation and fraud. Similar restrictions, apparently, are to be imposed on foreign election monitors: in March 1997, Attorney-General Singgih, the chairperson of the Election Supervision Committee, said that such monitors would be able to observe but "not supervise, investigate, much less interrogate".
5.3 Voter Registration

Officially, the election process begins with the drawing up of the list of citizens eligible to vote, a process which begins around a year before the elections are scheduled to take place. Here, pro-Golkar bias and instances of electoral violations are already in evidence. The drawing up of the list of voters is done at the local level by a Panitia Pendaftaran Pemilih, or Pantarlih, Committee for Voter Registration, headed by the local village or district head and assisted by other local village officials. No representative of an opposition political party is a member.

In this way collusion between the Pantarlih and the local administrative structure and Golkar is facilitated as most heads of the villages and districts are members or supporters of Golkar. They simultaneously play two key roles: as head of local administration and as head of the team drawing up the list of voters. This results in various abuses, such as which voter registration cards are given to eligible voters. Two kinds of cards are available: Kartu C (C Card) and Kartu A/B (A/B Card). The C Card is provided to voters intending to cast their ballot in the area where they are registered as residents and restricts them to voting only in that area. The A/B cards, by contrast, are intended for people who apply to vote in a place other than the area in which they have been registered as voters and allow the holders to vote anywhere. Fraudulent use of these cards is difficult to detect, but there were a number of reports during the 1992 election of A/B Cards being provided to known Golkar supporters who were then able to vote more than once at different polling stations. The high number of A/B Cards distributed by the Pantarlih in East Java for the 1992 election, some seven million, raised particular suspicion of fraud as the area is generally seen as a PDI stronghold.

Another abuse is the deliberate omission from voter registration lists of the names of individuals who are known or suspected supporters of the PDI or PPP: instances of this have already been reported in connection with the May 1997 election. For example, in May 1996 the chairman of the provincial chapter of the PPP filed a complaint to the provincial LPU alleging that some 11,000 students at pesantren (Islamic boarding schools) and universities in East Java had still not been listed as eligible voters by the end of the first phase of voter registration. Syumli Sadli cited the case of two schools in Situbondo, where, he said, only 1,000 of the 6,000 students eligible to vote had been registered.

Thousands more students in the province were also reported to have been left off registration lists, an "error" which the province's governor blamed on a shortage of registration forms. However, as students at pesantren have traditionally voted for the PPP, there is suspicion that the omission may have been politically-motivated and deliberate. In another case, a representative of KIPP in Ujung Pandang, South Sulawesi, reported in January 1997 that thousands of student activists there had still not been registered.

In Sampang, Madura, a known PPP stronghold, local party leaders were threatened with violence by a village head in July 1996 to force them to sign a statement retracting their allegation that local election officials had failed to register 500 PPP supporters. Police were reportedly present during the incident but took no action.

Local officials in Central Java are also reported to have sought to intimidate people not to register to vote by conducting surveys which ask, among other things, for information about the political party for which they intend to vote. In April 1996 the PPP said that it would be submitting evidence to the government of this having taken place in the Belo district of West Nusa Tenggara, in the towns of Tegal, Pekalongan and Pemalang in Central Java, and in the Gresi and Pasuruan regencies in East Java. The Minister of Home Affairs, however, denied the allegations. Another method used to solicit votes was reported by KIPP to have been used in Bali, where Golkar has reportedly "lent" Rp. 7,000,000 (US$3,000) to each Hindu temple willing to declare "a pledge of allegiance" to Golkar in the presence of worshippers.

5.4 Parliamentary Candidates

Responsibility for approving the lists of candidates to stand for election is another important area in which the government retains tight control. Each of the three parties submits a list of up to 850 names of proposed candidates to the LPU, which is the body responsible for scrutinizing them for eligibility.
The list of candidates for the 1997 election has been the subject of considerable controversy with respect to all three parties. Megawati and her supporters sought to submit their own parliamentary list of candidates to the LPU, arguing that she remains the legitimate head of the PDI, but the LPU refused to accept it. The PPP, meanwhile, was critical of the screening process (described below) and also complained that some of the party's provisional legislative candidates for East Java had been crossed off the list by government officials.

Golkar's list, however, was criticized as displaying nepotism, with some 49 of those listed being the wives or other close relatives of senior political figures: they included four of the President's children, as well as a daughter-in-law, a cousin and a half-brother. Others included the relatives of Vice President Try Sutrisno, Information Minister Harmoko, Home Affairs Minister Memet, and armed forces head, General Tanjung.

A source of long-standing concern with respect to the approval process is the requirement that all potential candidates be screened for ideological suitability and, in practice, political acceptability. This process — known as "special investigation" (penelitian khusus or litsus) — not only lacks transparency but also clearly violates the fundamental right to freedom of opinion and expression. It also gives the government, through the LPU chair (the Minister of Home Affairs) - the power to dictate whether or not an individual can stand as a parliamentary candidate.

This screening, which is obligatory also for individuals seeking appointment to the civil service, involves candidates being questioned about their past and present affiliations, as well as those of their families. Anyone deemed to have views that conflict with Pancasila, to be a threat to national security, or to have any links - past or present - with communism are screened out. The screening is conducted by the National Screening Committee, a 17-member body comprising representatives of the Home Affairs Ministry, the General Election Institute and Bakorstanas, the government's internal security agency. The names of candidates who pass the screening are then forwarded for approval or rejection by the President.

As in previous election years, the screening process for candidates for the 1997 elections has been criticized by the opposition, particularly over the lack of information provided by the authorities about the reasons given for their rejecting certain proposed candidates' names. To date, however, neither of the opposition parties, and no would-be candidate, has ever sought to challenge this denial of access to information through the courts.

This year is unlikely to prove an exception despite the PPP's declaration, shortly after the results of the screening were announced in December 1996, that it would sue the LPU for "violations of procedures" in rejecting its legislature candidates "without clear grounds". Altogether 130 of the PPP's proposed candidates were rejected, compared with 21 candidates from Golkar and 106 from the PDI. The head of the National Screening Committee said that rejected candidates had failed to satisfy various administrative criteria but did not disclose whether any had been rejected for failing the political screening procedures.

However, according to the PPP's Secretary-General, 55 of the 130 PPP candidates who were rejected had not received statements from Bakorstanas clearing them of any communist links. He criticized the authorities' failure to divulge the reasons for this and suggested that three of the candidates, including a doctor at a state-run health centre and a lecturer at a government institute, had been rejected because they were civil servants.

A similar screening process operates for potential candidates for the provincial and municipal legislative councils. In their cases, their eligibility is decided by the provincial and municipal offices of the LPU respectively after they have first been screened by a provincial or municipal screening committee composed of local administrative and internal security officials.

5.5 Election Campaigning

It is at the campaigning stage of the elections that the undue advantage enjoyed by Golkar over its two rivals is perhaps the most obvious. The restrictions on the nature of permissible campaigning, which Golkar is largely able to ignore due to its close links to government, ABRI and the civil service, place the recognized opposition parties at a distinct disadvantage. This is heightened by abuses of the electoral process on behalf of Golkar which have already been
particularly marked in the run-up to the 1997 elections.

The restrictions limit the issues which the PDI and PPP are able to discuss during their election campaigning. The state ideology, Pancasila, is off-limits, as is strong criticism of the government or its development policies, or of government officials, especially the President. So too is any questioning of the legitimacy of ABRI’s prominent role in the country’s social and political life or in the “discrediting” of organizations, including political groups. Indeed under the New Order government the very notion of vibrant and outspoken opposition has been called into question, with the authorities instead emphasizing musyawarah (deliberation) in order to achieve mufakat (consensus).

Regulations also exist which restrict the nature of campaigning — for example the holding of political gatherings and rallies, and the dissemination of posters, banners and other promotional material — and weigh particularly heavily on the PPP and PDI. Under new campaign regulations, Presidential Decree No. 99/1996 and Government Regulation No. 74/1996, both issued in December 1996, popular street rallies and vehicle convoys which were a familiar feature of previous election campaigns are now prohibited. As a result, electioneering will be limited to public assemblies, media broadcasts, the distribution of leaflets and other printed materials, so limiting significantly the possibilities for the opposition parties to generate wider popular support.

Freedom of speech is further curtailed by requirements that all speeches must be examined by the government prior to being publicized on the grounds that it needs to ensure that they do not question the state ideology or have the potential to incite religious conflict. Initially, the government decreed that all those campaigning, whether at national or local level, would be required to obtain permits from the police before they could address any gathering, but this was withdrawn in March 1997 after widespread criticism. However, the names of all potential party campaigners must be submitted to the election institute for prior approval. The authorities have also gone so far as to insist that organizers of any political rallies that are permitted must provide the police with a list of the vehicles they intend to use at least seven days in advance.

In the May 1997 elections, the opposition parties will also face additional logistical hurdles. A new zoning system, which is ostensibly intended to prevent violence by ensuring that different political parties do not campaign in the same place on the same day, will require parties to prepare to campaign in two of the six designated campaign regions each day during the 27-day campaign period. Region I comprises the provinces in Sumatra; region II, those in Java; region III those in Bali, West and East Nusa Tenggara and East Timor; region IV, the provinces in Kalimantan; region V, the provinces in Sulawesi; and region VI, the provinces of Maluku and Irian Jaya.

This zoning system will further disadvantage the two opposition parties as their financial and other resources — they are largely dependent on government funding — are much smaller than those of Golkar, which benefits greatly from its access to government facilities and is thus much better placed to attract large donations from powerful business conglomerates. Both the PDI and the PPP have criticized the zoning arrangement, but there has been no indication up to now that the government is prepared to rescind it.

Golkar, meanwhile, is able to use its network of supporters in local government to pressure people to vote for the party. One common technique is to threaten the withdrawal or non-provision of key local services. Elsewhere, in areas affected by internal armed conflict, threats have been used against local people. In Aceh, North Sumatra, for example, where the government has faced longstanding opposition from the armed secessionist group, Aceh Merdeka, some local people were reportedly warned by local civil and military officials during the 1992 election campaign that they would be regarded as Aceh Merdeka supporters if they did not vote for Golkar. Such warnings, made against a background of widespread human rights violations by government forces, clearly may have had a significant effect.

Election campaigning is officially restricted to the few weeks leading up to the ballot. In 1997, the campaigning period will be limited to 25 days, from 27 April until 23 May. In practice, however, Golkar is able to flout this restriction with impunity due to the support it receives throughout the country, down to village level, from local government and ABRI officials. By contrast, the so-called “floating mass” concept effectively keeps the PDI and PPP out of village life for all but the few weeks before elections.

Set against the disadvantages facing the opposition parties, in practice, Golkar has effectively been campaigning for almost two years by means of the “kuningisasi” (“yellowization”) programme — the practice of painting all manner of both public and private property yellow, the colour of Golkar. (The PPP’s party colour is green, while the PDI favours red). This blatant electioneering, which breaches the official guidelines on election campaigning, has been in progress at
least since August 1995. Since then, it has continued almost unchecked, although severely criticized by KIPP, as well as the two opposition parties, and via several protest demonstrations. Its outcome is plain to see, with homes, offices, fences, and even tree trunks daubed in yellow, while yellow flags line the streets. Those who fail to join in have received both threats and inducements: in one Central Jakarta regency, for example, pedicab drivers were reportedly told that their tyres would be deflated if they refused to paint their vehicles yellow. In the West Java town of Bandung, on the other hand, motorcycle taxi riders were presented with yellow jackets by the provincial governor.

"Yellowization" has been most marked in Central Java, perhaps because of the ambitious target Golkar has set for itself of obtaining 80 per cent of the province's vote in May. Here, particularly, the government appears determined to ensure a marked improvement over the 1992 election, when Golkar's share of the vote dropped by more than 12 per cent, causing serious loss of face. In response to charges that the painting campaign constitutes nothing other than blatant, and unfair, electioneering, the local provincial governor lamely claimed that the colour yellow was being used simply to symbolize the province's mascot, the Oriole bird.

The "yellowization" process has met with strong opposition in some areas. In the town of Solo in Central Java, for example, a kind of "colour war" broke out in early 1997, with PPP supporters repainting the amenities white only for officials to re-paint them yellow again. The Megawati faction of the PDI then entered the fray: supporters began re-painting areas in red and white, the colours of the national flag. In March 1997, with the dispute still unresolved, the PPP filed a law suit against the Governor of Central Jakarta for encouraging people to paint public property yellow in order to promote Golkar's success in the elections.

At times, "yellowization" has become a source of amusement — as, for example, when civil servants in Tegal regency were reported to have been ordered to wear yellow undershirts. But there can be little doubt that its purpose is to give Golkar an unfair edge over its rivals: as elsewhere, the use of distinctive colours and symbols is regarded in Indonesia as a particularly effective way of increasing public awareness of a political party and of garnering support. As one protestor demonstrating in Jakarta outside the national parliament building commented in August 1995:

It looks trivial, but it has a great impact on the people's minds on what political organizations to choose in the coming 1997 general elections.

Both the PPP and PDI complain that, while Golkar benefits from "yellowization", their promotional material has been removed from public view by the authorities. For example, in March 1997, PPP Chairman Ismail Hasan Metareum criticized the banning of PPP calendars and the removal of PPP banners in East Java. The same month, there was violence in the Central Java town of Pekalongan when PPP supporters were angered by the removal of their party's banners and their replacement with Golkar banners, and over the news that Rhoma Irama, a popular dangdut singer and former PPP supporter, was to perform there as part of a Golkar celebration. Pekalongan is a centre of PPP support and was the only Central Java town in which the PPP defeated Golkar in the 1992 election. Further rioting erupted in Pekalongan and the Central Java towns of Temanggung, Rembang and Wonosobo, less than two weeks later, after clashes between rival PPP and Golkar supporters.

Golkar has also been turning up the pressure on civil servants and their families to support the party. In November 1996, all civil servants were reported to have been urged by the provincial head of Korpri in Central Java to raise a Golkar flag in front of their homes to mark Korpri's 25th anniversary. In East Timor, civil servants were told by a local Korpri official, A H Latuconsina, in early 1997 that they and their wives should vote for Golkar:

civil servants are not being intimidated to vote for Golkar. It is just that as managers for the administration they should vote for Golkar.

A full year before the 1997 elections were due, teachers in Surabaya, East Java, revealed that donations for Golkar were automatically being deducted from their monthly salaries. Although the Governor of East Java denied that the levies were being made, the Jakarta Post reported that three districts in the Surabaya mayoralty, Bubutan, Rungkut and Simokerto, had been openly conducting the levy since August 1995. Meanwhile, state high school students are alleged to have been warned that they will not obtain passes in their examinations unless they vote for Golkar. In May 1996, several hundred such students in Mojokerto regency, Surabaya, East Java, were said to have been threatened by school principals, themselves under pressure from the local regent and Education Ministry officials, to get them publicly to pledge their intention to vote for Golkar - or face suspension or expulsion. More recently, the Governor of South-East Sulawesi was reported to have suggested in March 1997 that teachers who refused to vote should be dismissed, on the
grounds that their negative attitude could influence their students.

Civil servants are placed under particular pressure to vote for Golkar as they vote at their workplace and run a greater risk of detection if they elect not to vote for the ruling party. Any association with another party, they know, could well damage their career prospects. Indeed, any civil servant wishing openly to join the PPP or the PDI is under a legal obligation first to obtain approval from their superior.

Golkar, by virtue of its close ties with ABRI and the civil service, is readily able to circumvent the restrictions on political party activity and electioneering which hamper the two other parties. Local government officials are set targets for the percentage of votes that Golkar is expected to win in their areas, achievement of which may not only enhance their chances of personal advancement but also help secure practical benefits for their area, such as a clean water supply, the provision of metalled roads or electricity. A strong showing for either of the other parties, on the other hand, can have the opposite effect.

5.6 Election Day

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Despite the broad certainty of outcome, abuses commonly occur even on polling day. The PDI and PPP complain that official witnesses from their parties who are supposed to monitor procedures in the polling stations have faced various obstacles in the past. In some cases, they say that officials have refused, without reason, to register their witnesses. In other instances, designated opposition party witnesses have been prevented from arriving at polling stations by the appointed time and then declared ineligible by the members of the official body responsible for overseeing voting on election day, the Kelompok Pelaksana Pemungutan Suara (KPPS). In one extreme case in West Sumatra, a PPP witness was bound hand and foot, taken to the local police station and imprisoned there for five days, apparently to prevent him observing the polling.

Overt intimidation of party election witnesses and voters alike also occurs from time to time. For example, during the 1992 election, electors in the town of Agung in Lampung, South Sumatra, were faced by a force of armed members of the security forces.

Election irregularities, when reported, are liable to be ignored by officials and can result in action being taken against those making the complaint. During the 1992 election, for example, four PDI party witnesses in North Sulawesi were arrested by the local military command when they refused to sign the report of the vote count.

The most frequent abuses during the 1992 elections, according to the PDI, were directed against opposition party witnesses in order to prevent them carrying out their functions. The leader of the PPP, Ismail Hasan Metareum, took a similar view:

Some of our witnesses in several sub-districts were invited to the residence of the sub-district heads, while they were supposed to attend the voting and the ballot counting. ... By the time they returned to the polling stations for their monitoring tasks, they were refused entry because they were late.

PPP and PDI witnesses have also reportedly been coerced during past elections into signing declarations of voting results even before ballot counting had commenced.

There were many complaints of the fraudulent use of voters' cards during the 1992 election by individuals who were able to vote several times by going to different polling stations. One case in East Java reportedly involved the fraudulent stamping of 60 ballot papers by a Golkar sympathizer, while another at Situbondo, in the same province, reportedly involved the stamping of some 190 ballot papers in favour of Golkar. In Medan, North Sumatra, PPP supporters witnessed a truckload of people being taken to vote in one polling station after another to vote, apparently for Golkar.

Once voting has been completed, ballot boxes are held at local government offices or those of the military, where they cannot be independently monitored. Voting figures may also be open to interference as they are passed through the various administrative channels up to the national level: in 1992, for example, no votes for the PPP were registered in
Datar Lebar village, Bengkulu, South Sumatra, yet 43 villagers said they had voted for the party. Likewise, at Lamceu in Aceh, North Sumatra, only three votes were officially registered as having been cast for the PPP but 100 villagers swore that they had voted for the party on polling day.

Other forms of vote rigging recorded in the 1992 election included a case in which, at two polling stations in Aceh, North Sumatra, the number of votes cast was 20 per cent higher than the number of registered voters. In another case a group of students in Padang, West Sumatra, who witnessed the switching of a ballot box during the 1992 election, were themselves arrested and accused of trying to steal the box when they reported the incident to the local police. In Kota village, in Lampung, South Sumatra, election officials recorded a 100 per cent win for Golkar without even counting the votes.

6 THE GOLPUT FACTOR

Voter turn out in general elections under the New Order government has been remarkably high, averaging around 90 per cent, and is a something in which the authorities take considerable pride. Eligible voters who choose not to vote, or to spoil their ballot papers, are criticized by the government as irresponsible and as failing to be "good" citizens. Yet, the May election may well see a marked increase in the number of eligible voters who opt to become Golput - Golput is an acronym for Golongan Putih, meaning White Group - and is the term used to describe those who choose not to vote or to do so only to invalidate their ballot papers either by marking the white margin of the ballot paper or by punching the symbols of all three political parties.

Young people are generally those most likely to choose the Golput option, and recent political developments — including the government's ousting of Megawari Soekarnoputri from the PDI leadership, the events of 27 July 1996, and the aggressive "yellowization" campaign in Central Java — will no doubt increase the number. In the May election, some 20 per cent of the electorate will be first time voters. Two recent surveys, though based only on small samples, point to growing disenchantment among young people. Thus, a recent survey conducted at Gajah Mada University in Central Java found that 36.6 per cent of the 500 respondents did not intend to vote. Another 11 per cent had yet to register and a further 28 per cent remained undecided over whether or not to vote. An even more astonishing figure emerged from a survey of young people in Malang, East Java, which was conducted by the Indonesian National Youth Committee in March 1997. This found that, of the 945 people surveyed, over 90 per cent opted for Golput.

Under the law, an individual is free to decide whether or not to vote, but it is an offence to urge others not to do so. A number of young people have already been arrested for advocating an election boycott. Prosecutions may be mounted under several different laws, including the 1985 law on general elections, which prescribes a sentence of up to five years' imprisonment for preventing others from exercising their right to vote. The government is also likely to use articles in the Criminal Code, including the widely criticized so-called "Hate-Sowing Articles", against those advocating a boycott. More disturbing still, the government has invoked the draconian Anti-Subversion law, which carries a possible death penalty, to charge three founder members of PUDI in connection with a call made by their party for a boycott of the May elections and against the re-election of Suharto as President. The boycott call was contained in Muslim greetings cards sent out by the party, which is not recognized by the government. One of the three, the former parliamentarian Sri Bintang Pamungkas, was still being held awaiting trial in mid-April 1997; by then, Julius Usman and Saleh Abdullah, the other accused, had been released on condition that they report regularly to the authorities.

The case for Golput received support from a surprising quarter in early 1997 when the normally conservative Konferensi Waligereja Indonesia (KWI), Indonesian Bishops' Conference, issued a pre-Easter pastoral letter which stated expressly that it is no sin for a person to decide not to vote. The letter openly criticized widespread corruption and human rights violations and stated:

If you truly do not feel represented and can truly say with a clear conscience that there is no outlet for [the expression of] your sovereignty, we can understand it if you express your responsibility and freedom by not voting, and you are not sinning if you do not vote.
The letter led the Attorney General to summon Cardinal Julius Darmaatmadja SJ, Indonesia's senior Catholic churchman, for an explanation, though no further action is known to have been taken by the government.

With the approach of the elections, open support for Golput is growing. Anonymous campaigns have been mounted in various provinces, involving graffiti messages and the circulation of leaflets and stickers calling for a popular boycott of the elections. The issue has also been the subject of lively debate both in the mass media and in unlicensed publications which circulate. This has clearly caused official concern: in early April, President Suharto ordered the armed forces to launch a drive to prevent an election boycott. Referring to the official view that the high voter turnout of previous elections reflected a high degree of popular political awareness, he warned:

This high political awareness should not be disturbed by irresponsible parties which mislead the people by inciting them not to use their rights to vote.

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7 CONCLUSION AND RECOMMENDATIONS

The democratic process, as it exists today in Indonesia, is fundamentally flawed and in urgent need of reform. The basic human rights intrinsic to any genuine democracy - freedom of opinion and expression, the rights to information and to freedom of association and assembly - are all severely curtailed both by law and in practice under the New Order government. Individuals are not permitted freely to form political parties, and even the two officially-recognized opposition parties are able to operate only in a situation of state-contrived disadvantage.

The key role of the media in ensuring democracy has been widely recognized internationally and is enshrined in international law. The New Order government, however, has shown itself reluctant to accept this fact: Indonesia remains one of the diminishing number of states who have yet to accede to the International Covenant on Civil and Political Rights (ICCPR), whose Article 19 proclaims the rights of everyone "to hold opinions without interference" and to:

... freedom of expression: this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

The Indonesian media is far from free. It operates under heavy legal and other constraints, despite a promise by President Suharto in 1990 that the media would, in future, be permitted more "openness" (keterbukaan). The banning of three increasingly outspoken independent weeklies - Tempo, DeTik and Editor - in June 1994, however, gave the lie to this. Likewise, when independent journalists established a new professional association, AJI, they were targeted both by the government and by its tame official journalists' organization, the Persatuan Wartawan Indonesia (PWI), Associa Indonesian Journalists. In this context, despite the courageous efforts of many journalists and some editors, it is simply impossible for the Indonesian media adequately to perform either of the two key roles expected of the media in any genuine democracy - to inform the people about matters of public concern and to act as a "watchdog" of government accountability.

Consequently, when millions of people go to the polls in Indonesia on 29 May, they will not have had access to the fullest range of information in order to make their choice as to the future government of the country. Nor will they be given a free choice as to their country's future leadership, other than to decide between the parties and candidates approved by the New Order government. Even then, they will know that the dice have already been loaded to ensure a resounding Golkar victory once more.

Real democracy in Indonesia will not be achieved until there is an end to violations of freedom of expression and related rights, and the denial of media freedom. Such abuses, while they persist, undermine any claims the New Order government may make to be democratic or to hold power by virtue of a genuine expression of the popular will.

Many and far-reaching reforms are needed to guarantee freedom, democracy and human rights in Indonesia. Principal among these, are the following:
• All laws restricting freedom of expression should be repealed or amended to bring them fully into line with relevant international human rights standards, notably the ICCPR. In particular, the Anti-Subversion law, the so-called "Hate-Sowing Articles" and other Criminal Code provisions which criminalize peaceful political dissent should be abolished outright, and those being imprisoned on account of their peaceful exercise of freedom of expression should be released immediately and unconditionally.

• Current restrictions on the formation of political parties should be abolished and the rights to freedom of association and assembly should be fully guaranteed, in both law and practice, in accordance with international human rights law and standards.

• Curbs on media freedom should be lifted and the government should take all possible steps to promote the early emergence of a free, independent and pluralistic media, including through a process of legal reform, by permitting journalists freedom to form their own associations independent of the PWI, and by transforming state-owned radio and television into genuine public service broadcasters.

• The roles of the armed forces and civil service should be redefined in order to ensure that they operate as politically impartial institutions committed to the furtherance of the public interest, and not to the partisan interests of a particular political party or grouping.

• Indonesia should accede to the ICCPR and other relevant international human rights instruments without further delay, and thereby signal to the wider international community its commitment to universal human rights.