(Un)Civil Society and Political Change in Indonesia

A contested arena

Verena Beittinger-Lee

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(Un)Civil Society and Political Change in Indonesia provides a critical analysis of Indonesia's civil society and its impact on the country's democratization efforts that not only takes the classical, pro-democratic actors of civil society into account but also portrays uncivil groups and their growing influence on political processes.

Beittinger-Lee offers a revised categorization of civil society, including a model to define the sphere of 'uncivil society' more closely and to identify several subcategories of uncivil society. This is the first book to portray various uncivil groups in Indonesia, ranging from vigilantes, militias, paramilitaries, youth groups, civil security task forces and militant Islamic (and other religious) groups, ethnonationalist groups to terrorist organizations and groups belonging to organized crime. Moreover, it provides the reader with an overview of Indonesia's history, its political developments after the democratic opening, main improvements under the various presidents since Suharto's fall, constitutional amendments and key reforms in human rights legislation.

This book will be of interest to upper-level undergraduates, postgraduates and academics in political science and Southeast Asian studies.

Verena Beittinger-Lee obtained her PhD from the Department of Southeast Asian Studies at the Alexander von Humboldt University in Berlin in 2007 and now works at a law firm in New York.

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Routledge Studies on Civil Society in Asia addresses the role of civil society, nonprofit, philanthropic, NGO, religious and other organizations in their social context both in individual countries and in comparative perspective across East, Southeast, and South Asia. Themes include defining the role and scope of civil society; relations between civil society and the state; NGOs in regional and country contexts; governance and accountability in civil society; civil society and religion; the political role of civil society; the role of foundations, religious philanthropy, and other philanthropic organizations; business, philanthropy and civil society; ethnography of particular civil society, NGO, community-based or other organizations; transnational civil society organizations in Asia; the legal regulation of civil society; self-regulation and accountability; Asian diasporas and civil society; and resources and fundraising for civil society.

The series is edited by Mark Sidel, Professor of Law and Faculty Scholar at the University of Iowa, who has served in program positions with the Ford Foundation in Beijing, Hanoi, Bangkok and New Delhi working on strengthening the nonprofit sector, philanthropy, and civil society and has consulted widely in the region.

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For Herta, Raimund, Hyun and Gila

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Foreword

To identify is to risk misapprehension. Concepts are slippery and "civil society" is notoriously so. Since the 1980s the phrase has been used to denote everything from erratic social activists' associations to well-organized foundations. Hegel would find it baffling to learn that his "*bürgerliche Gesellschaft*" is no longer a single entity; today's capitalism has generated diverse social identities and conflicts. In countries where the notion of "middle class" occupies no distinct economic and cultural space, "civil society" is less a social formation than an articulation of engagements in which the social betrays the force of the political.

Verena Beittinger-Lee's is a laudable attempt to go through this irregular terrain and find patterns in the shifting paths and hedges of democratization, using Indonesia as a case study.

Needless to say that the story is far from over. Living through different stages of Indonesian history, I am persuaded to view democracy not as a political format but as the sound and fury of the practice of politics itself — especially when it is marked by the taking-part of those who have no part.

It is about time for an introduction to this often-confusing chronicle of Indonesia. Beittinger-Lee's work is one of the few readings on this largest Muslim country in the world, with its desire and drive to meet the perpetual demand for *adil dan merdeka*, or what a political thinker calls "*egaliberté*".

<div align="right">Goenawan Mohamad</div>

Acknowledgements

Abbreviations

AAM	Anti Apostasy Movement
ABG	*Aliansi Bubarkan Golkar*, Alliance to Disband Golkar
ABRI	*Angkatan Bersenjata Republik Indonesia*, Armed Forces of the Republic of Indonesia
adat	traditional law and customs
AGAP	*Aliansi Gerakan Anti Pemurtadan*, Anti-Apostasy Movement
AGG	Artha Graha Group
AJI	*Aliansi Jurnalis Independen*, Independent Journalist Alliance
Aldera	*Aliansi Demokrasi Rakyat*, People's Democracy Alliance
AMD	*ABRI Masuk Desa*, ABRI Enters the Village
AMP	*Aliansi Mahasiswa Papua*, Alliance of Papuan Students
AMPI	*Angkatan Muda Pembaharuan Indonesia*, Indonesian Renewal Youth Organization
ANO	*Anshoru Nahdlatul Oelama*
Ansor /Anshor	Ans(h)or's Youth Movement, NU's youth wing
APM	*Aliansi Perempuan Menggugat*, Women's Claim Alliance
APP-GMTPS	*Angkatan Penerus Pejuang Gerakan Mandau Talawang Pancasila*, Generation of Warriors to Continue the Pro-Pancasila Movement of the Cutlass and Shield
arisan	a savings and credit group
Babinsa	*Badan Pembina Desa*, Military Command on Village Level
BABINSA	*Bintara Pembina Desa*, non-commissioned officer for village guidance
BAIS	*Badan Inteljin Strategis*, (the military's) Strategic Intelligence Agency
BAKIN	*Badan Koordinasi Intelijen Negara*, State Intelligence Coordinating Board
BAKORSTANAS	*Badan Koordinasi Bantuan Pemantapan Stabilitas Nasional*, Agency for the Coordination of National Stability
banjar	part of a Balinese village, equivalent to *Rukun Warga*, community unit
banpol	*bantuan polisi*, civilian police assistants

Banser	*Barisan Serbaguna Ansor*, security task force of Nahdlatul Ulama's youth wing, Ansor
BAPPENAS	*Badan Perencanaan dan Pembangunan Nasional*, National Development Planning Agency
BBM	*bahan bakar minyak* (domestic energy products: motor gasoline, kerosene, diesel oil, fuels oils as well as electricity)
BEM	*Badan Eksekutif Mahasiswa*, Student Executive Council
beras perelek	traditional funeral insurance group
BKPRMI	*Badan Kontak Pemuda dan Remaja Masjid Indonesia*, Contact Organ of Indonesian Mosque Youth
BKSPM	*Badan Kerja Sama Pemuda Militer*, Military Youth Cooperation Agency
BKUI	*Badan Koordinasi Ummat Islam*, Coordinating Board of the Islamic Nation
BMI	*Banteng Muda Indonesia*, Indonesian Young Bulls
BMP	*Besi Merah Putih*, Red and White Iron
BOB	*Barisan Oposisi Bersatu*, United Opposition Front
BOKMM	*Barisan Oposisi Kaum Muda Mahasiswa*, Youth and Student Opposition Front
BPUPKI	*Badan Penyelidik Usaha Persiapan Kemerdekaan Indonesia*, Investigating Committee for Preparatory Work for Indonesian Independence
Brigass	*Brigade Siaga Satu*, Alert One Brigade
Brimob	*Brigade Mobil*, Mobile Brigades
BSY	*Bina Swadaya Yogyakarta*, Yogyakarta Community Self Reliance Development Agency
Buistu	*Barisan Umat Islam Bersatu*, United Front of the Islamic Nation
Bujak	*Pemburu Jejak*, Tracker
CEIA	Center for East Indonesian Affairs
CGMI	*Central Gerakan Mahasiswa Indonesia*, Indonesian Central Student Movement
CIA	Central Intelligence Agency
CIDA	Canadian International Development Agency
CIDES	Centre for Information and Development Studies
CIVICUS	World Alliance for Citizen Participation
CNRT	*Conselho Nacional de Resistência Timorense*, National Council for Timorese Resistance
Coker	*Cowok-cowok Kristen*/*Cowok-Cowok Keren*, Christian Boys/Handsome Boys
CPSM	Center for Participatory Social Management
CSIS	Centre for Strategic and International Studies
CSO	Civil Society Organization
dakwah	spreading the message of Islam
dalang	mastermind, lit. puppeteer

Daulah Islamiyah Nusantara	Pan Southeast Asian Islamic State
DDII	*Dewan Dakwah Islamiyah Indonesia*, Indonesian Council of Islamic Propagation
DEMOS	Center for Democracy and Human Rights Studies
DI	*Darul Islam*, house/abode of Islam
DPD	*Dewan Pewakilan Daerah*, Regional Representatives Council
DPR	*Dewan Permusyawaratan Rakyat*, House of Representatives
DSMPPT	*Dewan Solidaritas Mahasiswa Pemuda dan Pelajar Timor Timur*, East Timorese Youth and Student Solidarity Council
DSPM-TT	*Dewan Solidaritas Pemuda Pelajar dan Mahasiswa Timor Timur*, East Timorese Student and Youth Solidarity Organization
ELSAM	Institute for Policy Research and Advocacy
FAMI	Indonesian Students Action Front
FAMRED	*Front Aksi Mahasiwa untuk Reformasi Damai*, Student Action Front for Peaceful Reform
FAM-UI	*Front Aksi Mahasiswa Universitas Indonesia*, Student Action Front of the University of Indonesia
FBR	*Forum Betawi Rempug*, Betawi Brotherhood Forum
FKAWJ	*Forum Komunikasi Ahlus Sunnah wal Jama'ah*, Sunni Communication Forum
FKPM	*Forum Kommunikasi Pemuda Melayu*, Malay Youth Communication Forum
FKPPI	*Forum Komunikasi Putra-Putri Purnawirawan ABRI*, Communication Forum of the Sons and Daughters of Retired Military
FKSMJ	*Forum Komunikasi Senat Mahasiswa Jakarta*, Jakarta Student Senate Communication Forum
FMN	*Front Mahasiswa Nasional*, National Student Front
FMY	*Front Mahasiswa Yogya*, Yogyakarta Student Front
FND	*Forum Nasional Demokrat*, Democratic National Forum
FNPBI	*Front National Perjuangan Buruh Indonesia*, Indonesian National Front for Labor Struggle
Forbes	*Forum Bersama*, Joint Forum
Forkot	*Forum Kota*, City Forum
Forsa-repetil	*Forum Sarjana Pro-referendum dan Pengembangan Timor Leste*, Forum of Timorese Academics for Referendum and Development
Fosko	*Forum Studi dan Komunikasi*
FPB	*Front Penyelamat Bangsa*, Saviors of the Nation Front
FPDRA	*Front Perlawanan Demokratik Rakyat Aceh*, Democratic Opposition Front of the People of Aceh
FPI	*Front Pembela Islam*, Front of the Defenders of Islam
FPJ	*Front Pelajar Jabotabek*, Jabotabek Student Front

FPPI	*Front Perjuangan Pemuda Indonesia*, Indonesian Youth Struggle Front
FPPI	*Front Perjuangan Pelajar Indonesia*, Indonesian Student Struggle Front
FRAROB	*Front Rakyat Anti Rezim Orde Baru*, Anti New Order People's Front
FRETILIN	*Front Revolusioner Timor Timur Independen*, Revolutionary Front for an Independent East Timor
FUIB	*Forum Umat Islam Bersama*
FUNGSI	Muslim Supporters of the Constitutional Forum
Furkon	*Forum Ummat Islam Penegak Keadilan dan Konstitusi*, Forum of the Islamic Ummat of the Upholders of Justice and the Constitution
FUUI	*Forum Ulama Umat Indonesia*, Religious Scholars Forum of the Indonesian Muslim Community
GAM	*Gerakan Aceh Merdeka*, Free Aceh Movement
GAM	*Gerakan Anti Maksiat*, Anti-Vice Movement
Garap	*Gerakan Rakyat Anti-Premanisme*, Anti-Thuggery Peoples Movement
Garda Bangsa	*Gerakan Pemuda Kebangkitan Bangsa*, National Guard
gardu	security posts
GAZA	*Gerakan Anti-Zionisme dan Anti-Israel*, Anti-Zionism and Anti-Israel Movement
Gerdu Taksin	*Gerakan Terpadu Pengentasan Kemiskinan*, Integrated Movement on the Eradication of Poverty
GMIB	*Gerakan Mahasiswa Indonesia Bersatu*, United Indonesian Student Movement
GMKI	*Gerakan Mahasiswa Kristen Indonesia*, Indonesian Christian Student Movement
GMNI	*Gerakan Mahasiswa Nasional Indonesia*, Indonesian National Student Movement
GMNK	*Gerakan Mahasiswa National Kemerdekaan*, National Student Movement of Independence
GPI	*Gerakan Pemuda Islam*, Islamic Youth Movement
GPII	*Gerakan Pemuda Islam Indonesia*, Indonesian Islamic Youth Movement
GPK	*Gerakan Pemuda Ka'bah*, Ka'bah Youth Movement
GPK	*Gerakan Pengacau Keamanan*, Security threatening movements
GPK	*Gerakan Pemuda Kerakyatan*, Popular Youth Movement
GRMS	*Gerakan Rakyat dan Mahasiswa Surakarta*, Surakarta People and Students Movement
GSBI	*Gabungan Serikat Buruh Indonesia*, Federation of Independent Unions
Hansip	*Pertahanan Sipil*, Civil Defense

HIPMI	*Himpunan Pengusaha Muda Indonesia*, Young Entrepreneurs Association
HKTI	*Himpunan Kerukunan Tani Indonesia*, Indonesian Farmers' Harmony Association
HMI	*Himpunan Mahasiswa Islam*, Association of Islamic Students
HNSI	*Himpunan Nelayan Seluruh Indonesia*, All-Indonesian Fishermen's Association
hukum adat	traditional law
IAIN	*Institut Agama Islam Negeri*, State Academy of Islamic Studies
IDP	Internally Displaced Person
IJTI	*Ikatan Jurnalis Televisi Indonesia*, Indonesian Television Journalist Alliance
Ikohi	*Ikatan Keluarga Orang Hilang Indonesia*, Indonesian Association of Families of Missing Persons
ILO	International Labour Organization
imam	Islamic teacher
IMI	*Ikhwanul Muslimin Indonesia*, Indonesian Muslim Brotherhood
IMM	*Ikatan Mahasiswa Muhammadiyah*, Muhammadiyah Students Association
Impettu	*Ikatan Mahasiswa Pelajar Timor Timur*, East Timorese Student Association
INCIS	Indonesian Institute for Civil Society
INFID	International NGO Forum of Indonesian Development
INGI	International NGO Forum of Indonesia
IPB	*Institut Pertanian Bogor*, Bogor Institute of Agriculture
ISAI	Institute for the Study on Free Flow of Information
ITB	*Institut Teknologi Bandung*, Bandung Institute of Technology
JAKER/JAKKER	*Jaringan Kerja Kebudayaan Rakyat*, People's Cultural Network (also: *Jaringan Kerja Kesenian Rakyat*, Network of Popular Arts)
JI	*Jemaah Islamiyah*, Islamic Community
jihad	lit. struggle, holy war on behalf of Islam
JIL	*Jaringan Islam Liberal*, Network of Liberal Islam
Jaker	*Jaringan Kesenian Rakyat*, People's Art Network
Jarkot	*Jaringan Kota*, City Network
JMD	*Jaringan Mahasiswa Demokratik*, Democratic Student Network
JMJ	*Jaringan Mahasiswa Jakarta*, Jakarta Student Network
kabupaten	Indonesian administration unit: regency
KAMI	*Kesatuan Aksi Mahasiswa Indonesia*, Indonesian Students Action Front
KAMMI	*Kesatuan Aksi Mahasiswa Muslim Indonesia*, Indonesian Muslim Student's Action Front
kampung	village quarter, city quarter
Kamra	*Keamanan Rakyat*, People's Security

KOPKAMTIB	*Komando Operasi Pemulihan Keamanan dan Ketertiban*, Operational Command for the Restoration of Security and Order
KORAMIL	*Komando Rayon Militer*, Subdistrict Military Command
KOREM	*Komando Resort Militer*, Provincial Military Command
KORPRI	*Korps Pegawai Republik Indonesia*, Corps of Civil Servants of the Indonesian Republic
Kostrad	*Komando Strategis Angkatan Darat*, Army's Strategic Command
KOWANI	*Kongres Wanita Indonesia*, Congress of Indonesian Women
KPA	*Konsorsium Pembaruan Agraria*, Consortium for Agrarian Reform
KPK	*Komisi Pemberantasan Korupsi*, Corruption Eradication Commission
KPK	*Komite Perdamaian untuk Kemanusiaaan*, Peace Committee for Humanity
KPKPN	*Komisi Pemeriksaan Kekayaan Penyelenggara Negara*, Public Servant's Wealth Audit Commission
KPM	*Kesatuan Perjuangan Masyarakat*, United People's Movement
KPP-HAM	*Komisi Penyelidik Pelanggaran Hak Asasi Manusia Timor Timur*, Investigative Commission into Human Rights Violations in East Timor
KPU	*Komisi Pemilihan Umum*, General Election Committee
kristal	*krisis total*, total crisis
KT	*Kalimantan Tengah*, Central Kalimantan
KUHAP	*Kitab Undang-Undang Hukum Acara Pidana*, Criminal Procedure Code
KUHP	*Kitab Undang-Undang Hukum Pidana*, Indonesian Criminal Code
laskar	fighter, lit. pre-modern soldier
LBH	*Lembaga Bantuan Hukum*, Legal Aid Institute
LK	*Laskar Kristus*, Fighters for Christ
LKB	*Lembaga Kesadaran Berkonstitusi*, Institute for Constitutional Awareness
LKPN	*Latihan Ketahanan Pegawai Negeri*, Defense Exercise for Civil Servants
LMMDD-KT	*Lembaga Musyawarah Masyarakat Dayak Daerah Kalimantan Tengah*, Dayak Deliberative Council of Central Kalimantan
LMND	*Liga Mahasiswa Nasional untuk Demokrasi*, National Student League for Democracy
LP3ES	*Lembaga Penelitian, Pendidikan dan Penerangan Ekonomi dan Sosial*, Institute for Social and Economic Research, Education & Information

Kamtibmas	*Keamanan dan Ketertiban Masyarakat*, Society's Safety and Order
KAMTRI	*Kesatuan Aksi Mahasiswa Trisakti*, Trisakti Students Unity Action
KAPB	*Komite Anti Penindasan Buruh*, Committee Against Labor Oppression
KAPPI	*Kesatuan Aksi Pemuda Pelajar Indonesia*, Indonesian Pupil's Action Front
KASM	*Komite Aksi Satu Mei*, May First Action Committee
kelompok kematian	burial association
KISDI	*Komite Indonesia untuk Solidaritas dengan Dunia Islam*, Indonesian Committee for Solidarity with the Islamic World
KISRA	*Komite Indonesia untuk Solidaritas Rakyat Irak*, Indonesian Solidarity Committee for the People of Irak
KKN	*korupsi*, *kolusi*, *nepotisme*, corruption, collusion, nepotism
KMHD/KMHDI	*Keluarga Mahasiswa Hindu Dharma*, Hindu Dharma Student Family /*Kesatuan Mahasiswa Hindu Dharma Indonesia*, Association of Indonesian Hindu Students
KMJ	*Konsorsium Mahasiwa Jakarta*, Jakarta Student Consortium
KN	*Koalisi Nasional*, National Coalition
KNIP	*Komite Nasional Indonesia Pusat*, Central Indonesian National Committee
KOBAR	*Komite Buruh untuk Aksi Reformasi*, Workers' Committee for Reform Action
KOBER	*Komunike Bersama*, Joint Communiqué
KODAM	*Komando Daerah Militer*, Regional Military Command
KODIM	*Komando Distrik Militer*, District Military Command
KOKAM	*Komando Kesatuan Aksi Mahasiswa Muhammadiyah*, Action Command Unit of Muhammadiyah Students
KOKAR	*Korps Karyawan*, Corps of Functionaries
KOKARMENDAGRI	*Korps Karyawan Menteri Dalam Negeri*, the Corps of Functionaries for the Ministry of Internal Affairs
Kombat	*Komunitas Mahasiswa Bawah Tanah*, Underground Student Community
KOMNAS HAM	*Komisi Nasional Hak Asasi Manusia*, National Human Rights Commission
KOMPAK	*Komite Penanggulan Krisis*, Crisis Management Committee
KOMPI	*Komite Pelajar Indonesia*, Indonesian Student Committee
KOMRAD	*Komite Mahasiswa dan Rakyat Anti Dwifungsi ABRI*, Student and People's Committee against the Dual Function of the Armed Forces
KONTRAS	*Komisi Untuk Orang Hilang dan Korban Tindak Kekerasan*, Commission for the Victims of Violence and Disappeared Persons
KOPASSUS	*Komando Pasukan Khusus*, The Army's Special Forces

LPRM	*Laskar Pemuda Rakyat Miskin*, Poor People's Youth Militia
LS-ADI	*Lingkar Studi-Aksi untuk Demokrasi Indonesia*, Action Study Circle for Indonesian Democracy
LSM	*Lembaga Swadaya Masyarakat*, Civil Society Organization
lumbung desa	village rice barn
lumbung paceklik	traditional food security group
MAP	*Masyarakat Anti-Premanisme*, Anti-Thuggery Society
Masyumi	*Majelis Syuro Muslimin Indonesia*, Counsel of Indonesian Muslims
MMI	*Majelis Mujahidin Indonesia*, Indonesian Mujahidin Council
MPR	*Majelis Permusyawaratan Rakyat*, People's Consultative Assembly
MPRS	*Majelis Permusyawaratan Rakyat Sementara*, Provisional People's Consultative Assembly
MSI	*Masyarakat Sosialis Indonesia*, Indonesian Socialist Society
MUI	*Majelis Ulama Indonesia*, Indonesian Ulemas Council
musyawarah	consultation
NGO	Non-Governmental Organization
NKK	*Normalisasi Kehidupan Kampus*, Normalization of Campus' Life
NTB	*Nusa Tenggara Barat*, West Nusa Tenggara
NTT	*Nusa Tenggara Timur*, East Nusa Tenggara
NU	Nahdlatul Ulama
Ojetil	*Organisasi Juventude Timor Leste*, East Timorese Youth Organization
OKP	*Organisasi Kemasyarakatan Pemuda*, Youth Social Organization
OPB	*Operasi Pagar Betis*, Operation 'Steel Fence'
OPM	*Organisasi Papua Merdeka*, Free Papua Organization
OPR	*Organisasi Pertahanan Rakyat*, People's Defense Organization
ORBA	*Orde Baru*, New Order
ORMAS	*Organisasi Masyarakat*, Civic Organizations
Ornop	*Organisasi Non-Pemerintah*, Non-Governmental Organizations
ORSOSPOL	*Organisasi Sosial Politik*, Socio-political organization
pagar betis	iron fence (military tactic involving civilians)
pamong desa	Village administrative corps, appointed by the sub-district, responsible for carrying out everyday administrative tasks of the village
Pamsung	*Pengamanan Langsung*, Direct Security
Pamswakarsa	*Pasukan Pengamanan Swakarsa*, Voluntary Security Force
PAN	*Partai Amanat Nasional*, National Mandate Party
PBB	*Partai Bulan Bintang*, Crescent Moon and Star Party
PBI	*Pusat Perjuangan Buruh Indonesia*, Indonesian Center for Labor Struggles
PBHI	*Perhimpunan Bantuan Hukum dan Hak Asasi Manusia Indonesia*, Indonesian Legal Aid and Human Rights Association

PBSD	*Partai Buruh Sosial Demokrat*, Social Democratic Labor Party
PD	*Partai Demokrat*, Democratic Party
PDI	*Partai Demokrasi Indonesia*, Democratic Party of Indonesia
PDI-P	*Partai Demokrasi Indonesia Perjuangan*, Indonesian Democratic Party of Struggle
pecalang/pecalangan	Vigilante security guards in Bali
pembangunan	development
pembreidelan	media banning
perangkat desa	see '*pamong desa*'
Perpu	*Peraturan Pemerintah Pengganti Undang-Undang*, Government Regulations in Lieu of Law
pesantren	School of Koranic studies for children and adolescents
PGRI	*Persatuan Guru Republik Indonesia*, Teachers' Union of the Republic of Indonesia
PGRS/Paruku	*Pasukan Gerilja Rakjat Sarawak/Pasukan Rakjat Kalimantan Utara*, Guerilla Troops of the People of Sarawak/People's Troops of North Kalimantan
PK	*Partai Keadilan*, Justice Party
PKB	*Partai Kebangkitan Bangsa*, National Awakening Party
PKI	*Partai Komunis Indonesia*, Indonesian Communist Party
PKS	*Partai Keadilan Sejahtera*, Prosperous Justice Party
PMII	*Pergerakan Mahasiswa Islam Indonesia*, Indonesian Islamic Student Movement
PMKRI	*Perhimpunan Mahasiswa Katolik Republik Indonesia*, Catholic Union of University Students of the Republic of Indonesia
PNBK	*Partai Nasional Banten Kemerdekaan*, Banten National Awakening Party
PNI	*Perkumpulan Nasional Indonesia*, Indonesian Nationalist Association; founded in 1927 and later renamed into *Partai Nasional Indonesia*, Indonesian Nationalist Party
PNU	*Pemuda NU*, Nahdlatul Ulama Youth
Polda Jabotabek	*Polisi Daerah Jakarta-Bogor-Tangerang-Bekasi*, Greater Jakarta Metropolitan Police
Polri	*Kepolisian Republik Indonesia*, Police of the Republic of Indonesia
POPOR	*Partai Persatuan Oposisi Rakyat*, People's United Opposition Party
pos kamling	*pos keamanan lingkungan*, environmental security post
posko	neighborhood watch posts
Posko Kewaspadaan	Alert Watch Posts
PP	*Pemuda Pancasila*, Pancasila Youth (youth militia formed under Suharto)
PP	*Partai Pelopor*, Pioneer Party
PPBI	*Pusat Perjuangan Buruh Indonesia*, Indonesian Center for Labor Struggles

PPIM	*Pusat Pengkajian Islam dan Masyarakat*, Center for the Study of Islam and Society
PPM	*Pemuda Panca Marga*, Panca Marga Youth
PPMI	*Perhimpunan Pekerja Muslim Indonesia*, Indonesian Moslem Workers Brotherhood
PPMY	*Perhimpunan Pelajar Mahasiswa Yogyakarta*, Yogyakarta Youth Student Association
PPNU	*Persatuan Pemuda NU*, Nahdlatul Ulama Youth Unity
PPP	*Partai Persatuan Pembagunan*, United Development Party
PPPKI	*Panitia Penyidikan Persiapan Kemerdekaan Indonesia*, Drafting Committee for the Indonesian Independence
PPPN/ Papernas	*Partai Persatuan Pembebasan Nasional*, National Liberation Party of Unity
PPR	*Partai Perjuangan Rakyat*, People's Struggle Party
PPRI	*Pemerintah Revolusioner Republik Indonesia*, Revolutionary Government of the Republic of Indonesia
PPUUD	*Panitia Perancang Undang-Undang Dasar*, Committee for Drafting the Constitution
PRD	*Persatuan Rakyat Demokratik*, People's Democratic Association
PRD	*Partai Rakyat Demokratik*, People's Democratic Party. Officially founded in 1996, existed as 'Persatuan Rakyat Demokratik' before.
preman	"freeman", thug, hoodlum
pribumi	indigenous Indonesian
Prodem	*Jaringan Aktivis Pro Demokrasi*, Network of Pro-Democracy Activists
PRPS	*Persatuan Rakyat untuk Perubahan Sejati*, People's Union for Genuine Change
putra daerah	lit. sons of the region; refers to the indigenous population
PWI	*Persatuan Wartawan Indonesia*, Indonesian Journalists Association
Ratih	*Rakyat Terlatih*, Trained People. Civilian militia established by ABRI
ratu adil	Goddess of Justice in Javanese mythology
reformasi	Reform; Indonesian reform movement after the fall of Suharto in 1998
RI	*Republik Indonesia*, Republic of Indonesia
RIS	*Republik Indonesia Serikat*, Republic of the United States of Indonesia
RMS	*Republik Maluku Selatan*, South Moluccan Republic
RT	*Rukun Tetangga*, Neighborhood Unit
rukun	harmony, harmonious
RW	*Rukun Warga*, community unit

SARA	*suku* (ethnicity), *agama* (religion), *ras* (race), *antargolongan* (social class)
Satgas	*Satuan Tugas*, duty units
SD	*Sekolah Dasar*, elementary school
SDSB	*Sumbangan Dermawan Sosial Berhadiah*, Social Charity Contribution with Prices
selapanan	weekly meetings
SIAGA	Indonesian Solidarity for Amien (Rais) and Mega (Megawati Soekarnoputri)
SI MPR	*Sidang Istimewa MPR*, Parliament's Special Session
SIRA	*Sentral Informasi Referendum Aceh*, Aceh Referendum Information Center
Sishankamrata	*Sistem Pertahanan Keamanan Rakyat Semesta*, System of Overall People's Defense and Security
Siskamling	*Sistem Keamanan Lingkungan*, System for the Security of the Environment
SMID	*Solidaritas Mahasiswa Indonesia untuk Demokrasi*, Indonesian Student Solidarity for Democracy
SMP	*Sekolah Menengah Pertama*, junior high school
SMUR	*Solidaritas Mahasiswa untuk Rakyat*, Student Solidarity for the People
SPR	*Serikat Pengacara Rakyat*, People's Lawyers Union
SPRIM	*Solidaritas Perjuangan Rakyat Indonesia untuk Maubere*, Solidarity of the Indonesian People's Struggle for Maubere
SPSI	*Serikat Pekerja Seluruh Indonesia*, All-Indonesia Workers Union
SRI	*Sarekat Rakyat Indonesia*, Indonesian Popular Union
STN	*Serikat Tani Nasional*, National Farmers Union
subak	irrigation system (Bali)
TII	*Tentara Islam Indonesia*, Indonesian Islamic Military
Timtim	*Timor Timur*, East Timor
TNI	*Tentara Nasional Indonesia*, National Army of Indonesia
UDHR	Universal Declaration of Human Rights
UI	*Universitas Indonesia*, University of Indonesia
UIN	*Universitas Islam Nasional*, (Syarif Hidayatullah) State Islamic University
UKI	*Universitas Kristen Indonesia*, Indonesian Christian University
ulama	lit. learned man, Islamic theologian/religious leader
ummat	religious community; often used for the (worldwide) Muslim community
UN	United Nations
UNDP	United Nations Development Program
upacara bendera	flag ceremony
UPC	The Urban Poor Consortium
urmat	ind.: *hormat*, respect

USA	Uncivil Society Actor
USC	Unitarian Service Committee
USO	Uncivil Society Organization
UU ORMAS	*Undang-undang Organisasi Masyarakat*, Law on Civic Organizations
VOC	*Vereenigde Oostindische Compagnie*, (Dutch) United East India Company
wadah tunggal	'single container'
WALHI	*Wahana Lingkungan Hidup Indonesia*, Indonesian Forum for the Environment
Wankamra	*Organisasi Perlawanan dan Keamananan Rakyat*, Organization for People's Defense and Security
waria	transsexual/transvestite homosexual
warung	street kiosk
WNI	*Warga Negara Indonesia*, Indonesian citizen
YAKMI	*Yayasan Kesejahteraan Masyarakat Indonesia*, Foundation for the Welfare of the Indonesian People
YAPPIKA	*Aliansi Masyarakat Sipil Untuk Demokrasi*, Civil Society Alliance for Democracy
yayasan	foundation
YLBHI	*Yayasan Lembaga Bantuan Hukum Indonesia*, Indonesian Legal Aid Foundation
YLKI	*Yayasan Lembaga Konsumen Indonesia*, Indonesian Consumers Foundation

1 Introduction

To choose Indonesia as a research topic resembles the proverbial attempt to catch the wind. Too vast is the country, too diverse its people, too long its history to allow for a satisfactory analysis. The country that Sukarno and Hatta declared an independent nation on 17 August 1945 is an extremely heterogeneous society, with divisions along ethnic, religious, and racial lines. A clear split exists between *pribumi* (indigenous) and other ethnic groups, as the Chinese, Arabs, Europeans, and Eurasians. Moreover, the *pribumi* divides again into over 360 different ethnic groups. Another dividing line and source for conflict is Indonesia's religious diversity and the claim of parts of the Muslim majority to see their dominance expressed in political terms.

After some short and turbulent experiences with democracy in the 1950s, Indonesia remained under authoritarian rule until the fall of its second president, Suharto, in 1998. Civil society may not have been the key factor in the downfall of the 32-year-long authoritarian rule of President Suharto. Nevertheless, one of the most impressive images that stuck in the heads of observers around the world was the frantic demonstrations of hundreds of thousands of people flooding the streets of Jakarta and other major cities in the archipelago in the weeks before and after the parliament session that re-elected Suharto for another presidential term. The pictures of student protestors swarming over the site and roof of the parliament building like ants became a symbol of the people's resistance and uproar against the autocratic regime of the New Order and of their cry for reforms. However, the activities of civil society groups cannot be seen as separate from the context of the long-term socio-economic and political failures causing massive disparities and a political dead end. The societal destabilization that set in with the economic and political crisis in 1997, and the state's disability to provide sufficient security and help, catapulted long-existing demands for democracy that led to the resignation of President Suharto.

Needless to say, the expectations that the country would become a democracy after the Western liberal model were high in Indonesia and abroad. The role played by civil society and, most prominently, the student movement, in the events leading to the stepping down of Suharto moved civil society into the center of international attention. Much was written in the transformation

literature about Indonesia's civil society and its role in the process of demo-
cratization and democratic consolidation. Especially among the international
donor community that supported Indonesian NGOs and had established various
programs on democracy, civil society, good governance and the like, hopes
were high that Indonesia's civil society would profit from the political opening
and the suddenly arising new spaces. Civil society was widely expected to
promote democracy and help establish democratic norms and values—in
short: a democratic culture. Reports of tens of thousands of newly established
civil society organizations (CSOs) since the end of the New Order can tempt
observers into concluding that a liberal civil society (and with it a liberal
democracy) is quickly gaining ground in Indonesia.

Indeed, Indonesia has been going through several transformations simul-
taneously since the collapse of the New Order: the transition from autocracy
to democracy, from a highly centralized state to a decentralized one, as well
as reforms of the military, the judicial and governance systems. More negative
perceptions speak of a "negative transition from order to disorder" (Schulte
Nordholt/Samuel 2004), taking into account several deficiencies that impede
the reform process, such as money politics, corruption, opportunism, the lack
of a strong civil society, and the government's failure to restore the ailing
economy. Civil wars, riots, secessionist movements, state violence, ethnic and
religious violence, as well as criminality point at a weak state and political
destabilization (Törnquist 2000; Wessel/Wimhöfer 2001; Colombijn/Lindblad
2002a). Therefore, after the first two euphoric years of '*reformasi*', Indonesia's
democratic transition has been characterized by increasing disappointment.
Post-Suharto 'democratic' politics have been marked by too many similarities
with the authoritarian past. After the sudden and violent end of the New
Order regime, a member and close associate of Suharto, former Vice President
B.J. Habibie, took over the presidency. Despite his closeness with the old
regime and a cabinet that was filled with New Order high officials, he initiated
crucial democratic reforms. With his two successors in office, opposition fig-
ures Abdurrahman Wahid (1999) and Megawati Sukarnoputri (2001), dis-
illusionment quickly set in as dramatic political reforms failed to appear.
Although in the first years of Reformasi a great deal of attention and hope
was placed on the role of civil society in the transition process, after 2000 the
euphoria has continued to die away as well.

Especially in the context of Indonesia, the conditions given for a civil
society-based approach for democratization have to be carefully examined.
The growing number of critics of the commonly accepted civil society theory
that establishes a link between a vibrant civil society and democracy should
not be ignored. Contrary to widespread opinion, there is evidence that a lively
and strong civil society cannot be equated with a successful path to democ-
racy. As Omar G. Encarnación puts it, "more worrisome yet, such a civil
society can actually undermine rather than advance democracy, especially if
surrounded by failing or illegitimate political institutions" (Encarnación
2003). Civil society alone will not be able to create and support democracy

without working political institutions—an aspect that we should keep in mind while monitoring the evolution of Indonesia's civil society.

This analysis of Indonesia's transition with particular reference to civil society started out by applying a classical approach of civil society theory as well. It soon became apparent, however, that the political opportunities for civil society are clearly limited by the framework of failing state functions, corruption, and the persistence of predatory interests in society. Therefore, in order to understand the context in which civil society is developing and acting, it became necessary to analyze the political development of the state, its institutions, and politics as well. In this context, the party system, the functioning of democratic institutions, and the role of the military will be discussed. In addition, investigating Indonesia's human rights situation and the state of the rule of law will provide further insights into the framework for building civil society.

Why is it important to look at institutions? In the case of Indonesia, as a post-civil war society, the only way to create and maintain peace is to get conflict parties or more generally, various political actors, to deal with their issues or conflicts within the bounds of democratic institutions. However, if these institutions are dysfunctional or non-existent, uncivil structures and channels will be chosen. This brings us to the next crucial step: the state's challenge to eliminate uncivil repertoires of political behavior and expression as a precondition for democracy. Only by blocking alternatives can the "relevance of the common democratic institutions" (Gromes: 2005a: 2) be strengthened. In the wake of democratic opening, not only have pro-democratic civil society organizations mushroomed, but 'uncivil' society groups have come increasingly to the fore as well. Even (or especially) after the formal democratization of society, violence in various forms characterizes Indonesia's socio-political climate. The dividing lines are blurred between political, privatized, and criminal violence. On the non-state level, violence is executed by self-defense or self-protection groups (vigilantism), militias, fundamentalist religious groups, terrorist groups, and many more.

Many studies on Indonesia's political transition after 1998 focus on the state's role, elites, and the military (Emmerson 1999, Manning/van Diermen 2000, Forrester 1999, Baker et al. 1999, Mietzner 1999 and 2002, Kingsbury 2003, etc.). Only few deal with the role of civil society (Hadiwinata 2003, Nyman 2006, Hefner 2000, Falaakh 2001, Azra 2003), however, chiefly limiting their observations and assessment to case studies of social movements and pro-democracy actors, i.e. the 'good' side of civil society.

While transition research has produced numerous studies on the positive effects of civil society on democratization processes, only few deal with the possible threat emanating from those parts of civil society that are marked by a "civic deficit" (Boussard 2002: 160). However, we have to accept the fact that the sphere between market and state is populated by a wide range of diverse actors, among them some with ambiguous agendas, using partly uncivil methods to achieve them.

One of the main hypotheses of this study is that in order to really under-stand the dynamics and prospects of (democratic?) transition in Indonesia, it is not sufficient to focus on those groups and actors that represent a (mainly Western) concept of liberal democracy. By counting only pro-democracy and non-violent actors among the sphere of civil society and by blinding out other less democratic or even 'uncivil' forces, which nevertheless form a substantial part of Indonesia's civil society sphere, we exclude a substantial and influen-tial part of associational life from the beginning, and thus falsify the picture of Indonesia's civil society landscape.

Therefore, the use of a definition of civil society that allows us to include a wide variety of agents reflecting Indonesia's diversity and social reality is suggested here. It will be the aim of this study to discuss whether civil society is the "problem or solution to the ills of society and state" (Alagappa 2004a: 26) in Indonesia today.

This work also attempts to demonstrate that liberation and growth of the non-governmental/non-profit sector (civil society) cannot per se be deemed as entirely beneficial for Indonesia's further democratization. Whereas a main-stream approach (often called the 'neo-Tocquevillean' approach) assumes a positive effect of a vibrant civil society on democratization, a few dissenting studies have appeared in recent years, mainly dealing with the democratiza-tion processes in post-communist states such as Russia, Hungary, Ukraine, Poland, Slovakia, but also in Latin America.[1] Even earlier studies on regime change, such as those on the fall of the Weimar Republic 1930–34, already pointed to the possibility that a rich associational life may have effects dia-metrical to democracy.[2] These findings seem to caution us against considering the role of civil society in regime change as inherently positive. As Umland (2002) put it, "the role that civil society plays in a regime change is condi-tioned by the concrete political circumstances, such as the strength of political institutions, and the nature and legitimacy of the existing political regime." More and more scholars admit that a vibrant civil society can contain ele-ments that are anathema to democracy.[3] Other authors go even further and question the positive effects of civic participation for democracy in general when participation takes place in 'bad' civil society organizations.

Even if uncivil society organizations are small in number and membership, and thus unlikely to destabilize the state by mobilizing large numbers of people, there is the danger that they will silently erode liberal values and thus leave even a liberal democratic regime vulnerable.[4] As previous research has shown, uncivil society jeopardizes countries that lack stable democratic tradi-tions. For instance, the new civil societies of Russia and Eastern Europe show a high occurrence of CSOs promoting ultranationalist and fascist ideologies. Yugoslavia plunged into ethnic cleansing and civil war after the end of the communist era, despite its former vibrant civil society. Associational life in post-World War I Italy begot the fascist movement.

Another key correlation concerns socio-economic hardship and uncivil society, as well as powerlessness and uncivil society. Where do people turn when their

needs are not addressed? "Dissatisfied citizens may turn to groups that appear to offer answers to their frustrations but in fact offer only scapegoats," Chambers and Kopstein suggest (2001: 857). Uncivil society groups often provide a clear-cut picture of the 'enemy', and channels to vent frustration and anger. As Foley and Edwards conclude (1996: 48):

> Where the state is unresponsive, its institutions are undemocratic, or its democracy is ill designed to recognize and respond to citizens' demands, the character of collective action will be decidedly different than under a strong and democratic system. Citizens will find their efforts to organize for civil ends frustrated by state policy—at some times actively repressed, at others simply ignored. Increasingly aggressive forms of civil association will spring up, and more and more ordinary citizens will be driven into active militancy against the state or self-protective apathy.

Theoretical framework

This study is embedded into the theoretical framework of transition research, which assumes a causal connection between civil society and democracy. Civil society never stands alone and its position and role are crucially formed and determined by the other political actors. Therefore, analysis of the development of civil society will include parallel analysis of the development of the state, for the latter provides the framework within which civil society can (or cannot) flourish.[5] The democratization research proceeds from the assumption of a principle of cause and effect between the two levels of political actors and civil society actors. The greater the democratization potential of the classical political actors, the more likely that an efficient civil society will emerge in the democratization process whose strength will, in turn, contribute to the consolidation of the democratic regime and increase the democratization potential of the classical political actors. Thus, civil society is not only a subject, i.e. taking an active part as an actor, but also an object, i.e. depending on the environment shaped by the other political actors. Thus, internal factors underlie the democratization process according to this actor-centered approach.[6]

Indonesia bears two marks of a country where the development of civil society is rendered difficult: firstly, a long history of a strong state that reached a high degree of dominance over its citizens and, secondly, a growing influence of politically important Islamist groups.[7] The experiences of the past years show the problems that can occur when it is hoped to replace an authoritarian government with liberal democratic structures. Hadiz (2003: 592) addresses the need to look beyond factors such as elite pacts, the rise of civil society and the growth of 'social capital', and highlight the constellation of social forces and interests instead, because the outcome of political change after the ending of authoritarian rule is the "product of contests between these competing social forces." Hence, as civil society is only one of those competing social forces, it

has to be seen in the context of its interaction with the remaining players (social forces). Moreover, civil society itself is not an united and homogeneous force. The quality and characteristics of the new political institutions and arrangements on the national and local level depend on the dominant social forces. The case of Indonesia exemplifies the fact that even after authoritarian state structures and institutions unravel and new 'democratic' institutions take their place, the old legacy of the former regime can become the determining factor in its future political development. Therefore, according to McFaul, a clear political defeat of the old forces by pro-democracy reformists is necessary to pave the way for democracy and prevent the rise of new dictatorships.[8]

In order to assess the situation and prospects of Indonesia's democratic transition, a multitude of factors have to be considered. How does the country deal with the challenges of economic liberalization and globalization? Has it created the institutions and procedures necessary for the realization of democratic processes such as elections, etc.? Has a reform of civil–military relations taken place? Answering all these questions is clearly beyond the scope of this study, which hence will focus on the role of civil society as an important variable in Indonesia's democratization process. The following research questions will be answered in the course of the study: What was the historical and societal framework for the emergence and development of Indonesia's civil society, and what impact have the political regimes had since the birth of the nation, in particular the New Order? What effects did the end of Suharto's authoritarian rule in 1998 and the Reformasi era have on the state and the civil society landscape? Finally, an evaluation of the role of civil society within Indonesia's democratization process will be attempted. This study is a criticism of the neoliberal assumption that a strengthening of civil society per se is conducive to democracy, i.e. that the development and strengthening of civil society automatically bears a strengthening of democracy. The central hypothesis proposed here is that, depending on which actor or group of actors gains hegemony over the realm of civil society, civil society can have democratic or antidemocratic effects.

Research design

The present study is the result of an extensive exploration of Indonesia's political system and its political culture, and combines theoretical and empirical investigations. The focus of my research has been the New Order, as well as the political and social developments after the fall of Suharto in 1998.

The sources for the study have been collected through fieldwork as well as bibliographical studies (literature research). Relevant international as well as Indonesian publications on the theory of civil society, democratization, and transition research have been considered in its writing. Moreover, extensive material on the work of civil society organizations in Indonesia, the country's human rights situation and politics, as well as the occurrence of violence and bloody clashes have been evaluated and utilized.

As not much has been published internationally on the situation of civil society and CSOs in Indonesia, the bulk of materials used to analyze the development of civil society were retrieved through field research in Indonesia in 2001 and 2003. This included literature research in several libraries in Jakarta (among them the library of the Universitas Indonesia, as well as the libraries of Komnas HAM (*Komisi Nasional Hak Asasi Manusia*, National Human Rights Commission), LBH Apik, Komnas Perempuan, TIFA Foundation, LP3ES (*Lembaga Penelitian*, *Pendidikan dan Penerangan Ekonomi dan Sosial*, Institute for Social and Economic Research, Education & Information), Bina Desa, and ISAI) as well as the acquisition of newly published books from various bookstores across Jakarta. In addition, gray literature such as brochures, reports, campaign material, education manuals, etc. from various NGOs has been analyzed. The bibliographical research has been completed by exploring relevant newspapers, magazines, as well as material available through electronic media such as websites, blogs, mailing lists, and articles published on the internet over the course of the past years. In addition, in connection with my work as a researcher at the Institute of Asian Affairs in Hamburg, Germany, exhaustive newspaper research on Indonesia's human rights politics was conducted during a field trip in 2001, including the dailies *Kompas*, *Jakarta Post*, and *Republika*. Some of the results of my previous research on Indonesia's human rights politics under Suharto and in the Reformasi era, as well as the impacts of Indonesia's involvement in international human rights mechanisms have also been considered in this study.

In order to gain a comprehensive picture of the progress and challenges of Indonesia's civil society building, interviews were conducted with representatives of the civil sphere as well as the government. The interviewees included NGO leaders and activists, intellectuals, academics, as well as party members, former ministers and other government officials. Two sets of guided interviews were conducted in 2001 and 2003, with a total of 36 interviewees (see Appendix). Numerous informal conversations with colleagues, academics, as well as NGO activists at home and in Indonesia, have been another critical source of information.

Chapter outline

This study attempts to draw an overall picture of Indonesia's associational life and the dynamics between its actors. Equally important is to explore the character of the political community within which civil society emerges.[9] Therefore, a part of this study is dedicated to the framework for the development of civil society in Indonesia: the (past and present) political system and its implications for (civil) society, the role that religion (and in particular Islam) plays in Indonesia, the state of democratic culture, ethnic and other identities and the advancement of human rights. While introducing some actors of both 'civil' and 'uncivil' society, questions about the nature of interaction between civil society and the state as well as within civil society will be

answered. In addition, the impact of the observed groups on civil society in general will be analyzed.

Chapter 2 of the study is an introduction to the historical origin of the concept of civil society and the role of civil society in transformation theory. This section also deals with the question of the applicability of Western-generated civil society concepts to the Indonesian context. The idea of civil society reached Indonesia relatively late, in the 1980s. Indonesian thinkers have tried to adapt the concept to the local context and created some Indonesian civil society models or adoptions, most prominently the '*masyarakat madani*' model that was first introduced in Malaysia.

Chapter 3 deals with the emergence and making of the Indonesian state, its development until 1998, and the national politics that shaped the condition of the civil sphere. The first section is dedicated to a brief review of Indonesia's history. After a condensed overview over the colonial era, the national awakening during the early twentieth century, and the struggle for independence, some selected characteristics of the Indonesian constitution will be analyzed, as they lay the foundation for the understanding of the role of the state and society, the individual versus the community, etc. Concepts that had a crucial influence on the development of civil society and a civic or democratic tradition in Indonesia, such as corporatism, 'Pancasila democracy', depoliticization, etc. will be discussed here as well.

Chapter 4 is devoted to the emergence and development of civil society until 1998 and will present an overview of the goals of the various actors. It is not possible to treat the great variety of civil society actors in detail, because there exist countless numbers of NGOs, grassroots groups, peasant and labor unions, religious organizations, professional associations, and so on. The analysis therefore focuses on the progress of civil society as defined by the political regimes, as well as its chances and challenges.

Chapter 5 starts out by assessing the end of the New Order and the goals of Reformasi, and moves on to analyzing the political development in Indonesia's transitional democracy. New laws, constitutional amendments and other gains and shortcomings of reform go hand in hand with corruption, the survival of old elites, the weakness of state institutions, and the role of the military after 1998. Against this backdrop, we will investigate those phenomena that have made post-Suharto 'democratic' Indonesia most prominent in the news in past years: violence, unrest, religious fundamentalism, and terrorism.

Chapter 6 analyzes the situation of post-Suharto civil society and is divided into several sections. After introducing a revised concept for classifying the actors of civil society, the development of civil society under the changing presidencies since 1998 is discussed. This leads to an evaluation of the achievements in strengthening civil society over the past years, as well as a critical review of the reasons for the continuing weakness of civil society. Three outstanding CSOs working for building a strong civil society in Indonesia are introduced in brief case studies.

In Chapter 7 we will take a closer look at various manifestations of 'uncivil society' in Indonesia. The development of a culture of *premanism* in Indonesia will be the starting point of the analysis, followed by the introduction of several categories of USOs (uncivil society organizations), illustrated by case studies.

Chapter 8 consists of a final discussion, followed by the conclusion.

2 An uneasy correlation
(Un)civil society and democracy

> The process of democratic consolidation and the nature of democracy that exists in a society are perhaps reflected in the strength of its civil society. Civil society is, together with the state and market, one of the three 'spheres' that interface in the making of democratic society.
>
> (UNDP 1993, in Soesastro 1999)

> Only a democratic state can create a democratic civil society; only a democratic civil society can sustain a democratic state.
>
> (Walzer 1997, in Soesastro 1999)

> The problem is not so much that of forces of civil society challenging the totalizing control of the state, but rather how the state dominates civil society and the manner in which it deals with other non-state forces that challenge its dominion. Such a line of thinking would fit very well with the Gramscian notion that civil society is not a sphere of activity that is independent from the state, but rather an arena where ideas, thoughts, ideologies, and political principles are contested and debated. For the state, civil society is not so much an independent sphere, but a medium through which it can impose its own version of what is good for society as a whole.
>
> (Ramasamy 2004: 206)

> Civil society is nearly always idealized as an uncomplicatedly beneficial entity. Yet it would be a mistake to see it as an always united, consensual thing, a focal point of interest groups and associations necessarily pursuing the same objectives. Like any social phenomenon, civil society may well have a negative side: self-interest, chauvinism and animosity dwell side by side with humanity, justice and affinity. None the less, as already stated, the development of civil society is a crucial step towards realizing a politically freer and more just Third World.
>
> (Haynes 1997: 170)

In dealing with civil society, the first thing that stands out is the "fuzziness of the term" (Hall 1995a: 2) itself and the variety of definitions and theories around the concept of civil society, stemming from its long history in Western political thought and practice, as well as the different theoretical implications drawn

from the concept. Civil society can be understood as a historical phenomenon or an analytical concept, as this chapter will show.

Since the late 1980s, civil society and its actors have once again gained widespread attention and importance, in connection with the tumbling of many former socialist regimes in the Eastern bloc as well as authoritarian regimes in Latin America, Asia, and Southeast Asia. The works of Jean Cohen and Andrew Arato, Larry Diamond, Juan José Linz and Seymour Martin Lipset, John Keane, Robert Putnam, Jeff Haynes, Guillermo O'Don- nell, and Philippe C. Schmitter have been trendsetters in the generation of theories about the role and function civil society has played in these transition processes. Indeed, today most countries of the so-called 'Third Wave of Democratization' have developed more or less democratic institutional struc- tures and governments. However, writers such as Muthiah Alagappa, Vedi R. Hadiz, Petr Kopecky and Cas Mudde, Laurence Whitehead, Leigh A. Payne, P. Ramasamy, and Ian Douglas Wilson, to name just a few, point out the often ambivalent character of civil society in young democracies. Anders Uhlin's book *Indonesia and the Third Wave of Democratization*, Philip Eldridge's *Non-government organizations and democratic participation in Indonesia*, Muhammad A.S. Hikam's study *Demokrasi dan Civil Society* and his various articles on civil society in Indonesia, are some of the most substantial con- tributions on Indonesia's civil society and have become very important for my own work on the subject. However, their analysis does not go beyond the turning point in Indonesia's modern history: the fall of Suharto in 1998. Another valuable resource for the present work has been Edward Aspinall's *Opposing Suharto*, which focuses primarily on civil society prior to Suharto's fall, as it describes how opposition groups challenged the authoritarian regime. Bob Hadiwinata's book *The Politics of NGOs in Indonesia*, deals with the more recent developments after 1998, concentrating, however, on the so- called 'good' civil society organizations only. The anthology *Mencari Akar Kultural Civil Society di Indonesia* edited by Burhanuddin and published by the Indonesian Institute for Civil Society (INCIS) contains many noteworthy articles from the Indonesian perspective on the development of civil society post-1998. Another informative Indonesian compilation was *Indonesia's Post- Suharto Democracy Movement*, published by DEMOS in Jakarta. In addition to the above-mentioned sources and numerous other books, the latest academic working papers or essays published in various political science magazines, newspaper sources, online publications, and other material acquired during my research in Indonesia have been used.

This work aims at scrutinizing the actors of Indonesia's civil society. A new term, called USO (uncivil society organization), will be introduced here to distinguish certain elements of civil society from others that are either con- ducive to democracy or do not play any political role. In doing so, my research aims at further enriching the literature on post-transition societies and the crucial role that civil society plays in turning the scale. Which groups, with what kind of ideology, foster democratic values and structures in

Indonesia, and why? And which segments of Indonesia's civil society represent an obstacle to democratic consolidation? In order to answer these questions, a revised categorization of Indonesia's civil society groups became necessary. I thus started by drawing on Haynes's work entitled *Democracy and Civil Society in the Third World. Politics and New Political Movements*, as well as Anders Uhlin's *Indonesia and The Third Wave of Democratization*. It soon became apparent that neither approach did sufficient justice to Indonesia's extremely diverse society, which is mirrored in its manifold civil groups and organizations. Uhlin and Haynes both try to categorize Indonesia's politically active society, coming from different points of view: Jeff Haynes talks about 'action groups' while Uhlin's classification distinguishes 'actors of democratization' and their respective discourses on democracy/democratization only. The classification used in this study aims to take into account the often-contradictory roles and impacts of the various forms of Indonesia's civil society.[1]

Theoretically, this research can be categorized as falling under the tradition of Gramsci, who emphasized the meaning of civil society as a sphere of contesting ideologies, in which the state, among others, tries to gain the cultural and ideological hegemony.

Most definitions of civil society include only 'civil' groups, i.e. those that play a constructive civic role and whose behavior is thus conducive to democracy, embracing and advocating democratic values.[2] But the sphere between state and economy is not limited to organizations, associations, and groups that are pro-democracy. That "contested realm of society" we want to take a closer look at is defined by the tension between the struggle for dominion and domination by the state as well as by the competition between various societal groups with often contesting goals and agendas. Depending on which part of this contested arena gains the upper hand, we shall see whether we can talk about a 'civil' society at all in the Indonesian case. This, in turn, may provide us with clues as to the possible outcome of Indonesia's political transition, i.e. whether the assumptions of conventional transition theory and terms like 'democratic consolidation' are applicable to Indonesia at all. Rather than trying to solve the problem of a complex social universe by adopting a restrictive definition of civil society, I suggest embracing an approach that takes the breadth and contrariness of this sphere into account.

The struggle initiated by non-state actors against authoritarian regimes in Latin America, Eastern Europe, and parts of Asia showed that civil society could play a significant role in the process of democratization. Furthermore, the failure of some established democratic regimes to solve the problems of inequality and poverty and to bring about a more participatory political process revived hopes in societal organizations that were relatively independent of the state.[3] For now, however, civil society is still a contested concept and no agreement exists on what role it plays in serving the normative requirements of democracy. Democratization is often complicated by the nature of the political system. Does Indonesia have a 'statist' system,[4] and does the state still play the significant role that it played during the New

Order regime in shaping and structuring not only the politics of the country but also its social order? Does it still overwhelm with its dominance, and hamper the emergence of a liberal democracy? This brings us to the question of democracy in Indonesia: What is the nature of Indonesia's democracy? Can it even be classified as such, and if not, why not? This study is also an analysis of Indonesian democracy and how it has been constrained or fostered by the development, or lack of development, of civil society. Can we link the limited nature of Indonesia's democracy to the absence of a viable civil society? Liberal civil society theories acknowledge the powerful control exerted by societal organizations in constraining and checking the power of the state. However, the influence that *uncivil* organizations have on state power and democratization often fails to be taken into consideration.

There have been plenty of studies on democratic transition and the involvement of civil society forces already, including some studies regarding Indonesia. However, not much has been written about post-transition politics in those states. This work contributes to filling the gap with a study on Indonesia's politics after the regime change in 1998, its struggle to deepen and consolidate democracy, and the role non-state actors are playing in this process. Herein the focus will mainly be on the impact that 'uncivil society organizations' (hereafter USOs) have on these developments.

Historical evolution of the concept of civil society

The history of the idea of civil society and the formation of different schools of thought regarding the concept stretches over a two-thousand-year period. Therefore, it is beyond the scope of this study to provide a detailed historical account. However, a brief overview of how the concept has evolved over the centuries, and of which main contemporary models exist today, will be given.

Civil society is part of the distinctively Western tradition of individualism, liberty, absence of feudal constraints, pluralism and participatory politics, the middle class and free-market economics, freedom of association, etc.[5] Political thinkers such as Ferguson, Locke, Rousseau, Kant, Montesquieu, Tocqueville, and Gramsci (to name just some) have crucially shaped the modern understanding and concepts of civil society and will be briefly introduced here. However, the genesis of civil society goes much further back: The ancient Greeks conceived civil society as a "commonwealth of the politically organized citizens" (Wiarda 2003: 14). The Greek philosopher Aristotle (384–322 B.C.) created the term *koinonia politike* (Lat.: *societas civilis*) to mark an association of like-minded people free of domination, the *polis* community. This community of citizens included only economically independent male citizens, who coordinated their interests without an arbitral authority separated from society. This did not describe a form of pre-state community but rather a politically integrated society in which state and society were still united. The ancient, medieval, and feudal sphere of *societas civilis* was opposed to the sphere of domestic and slavish work, peonage and wage work, and had little

in common with the modern notion of democracy: there was no equality among adult citizens, as women and slaves did not possess civil rights.[6]

In the early and late Middle Ages, Thomas Aquinas (1225–74) used the term *societas civilis* for the medieval city-states that resembled the ancient Greek *polis*. However, he extended the conception by a *societas divinis*, a godly community. Later, Leonardo Bruni (1369–1440) used the term *societas civilis sive res publica* for all societal groups that had certain sovereignty, such as corporations, cities, liege lords, and kingdoms. The ancient idea of the republic was translated into the medieval *Ständestaat*,[7] where monarchs were opposed to seigneurs and guilds. The concept of civil society changed drastically in those times: state and civil society were no longer seen as united, and civil society itself no longer as a homogenous group. However, civil society and political society were still perceived as one entity.[8]

During the time of absolutism, all political power was taken from society and put into the hands of the monarch/sovereign. During this time period, the duality between the ruling despotic state and political society was created, and this was maintained until the time of emancipation that came along with Enlightenment. It was this monopolization of power that paved the way for the modern understanding of the state, which was later enriched with democratic premises during the French Revolution. Citizens became an apolitical association of subjects who were free to pursue their private interests. The economy went beyond the scope of the home (*oikos*) and became an activity purely value free and dictated by interest. Thus, the understanding of citizen was freed from the old-European integration with the political term 'depoliticized society'.[9]

Thomas Hobbes (1588–1679) was one of the first who differentiated between state and society in his *Leviathan*. He saw the natural state of man as being anarchic, marked by violent competition and selfishness. In order to secure peace and order and to rule 'uncivil' society, power was given to the only civil element, the state. Hobbes thus called a society forced by the state to be peaceful a 'civil society'.10 Based on his experiences with the tyranny of English absolutism, John Locke (1632–1704) refused the amalgamation of the people into one single political sphere embodied by the monarch and the state. In distinction to Hobbes, he developed the theoretically founded idea of a civil society appointed with rights against the state. He created a new societal sphere, a 'third sphere', separate and distinct from the state, acting in a pre-political and non-state private realm. Civil society was conceived as voluntary, individualistic, participatory (i.e. neither created nor manipulated by state or monarch) and democratic. For Locke, 'estate' (private property), individual freedom, democratic participation and the rule of law constituted the basis of civil society.[11] Civil society was thus perceived as a pre-political association of citizens ("contract of associations") to protect their life, freedom, and property against the state's and other's arbitrariness.

Charles Montesquieu (1689–1755) broadened the concept of civil society via another aspect: for him civil society was a network of legally protected

corporations that are independent from state bodies (*corps intermédiaires*). This network plays an important role in his model of the separation and balance of power in society. He distinguished between the government (*l'état politique*) and society (*l'état civil*), which are opposed to each other. According to Montesquieu, strong monarchic government had to be limited by the rule of law and countervailing powers.

Locke's and Montesquieu's perception of the dichotomy between state and society vitally formed the concept of civil society during the Enlightenment. However, other more classical notions that equated civil society with the political sphere and the state did still exist during that time, represented by Jean-Jacques Rousseau and Immanuel Kant, for instance. The classical idea of civil society was mixed with the notion of a state of nature of man that was overcome by the ideal civil (civilized) society. By constructing the term 'state of nature' and its overcoming, civil society received its connotation of peacefulness and civility, in contrast to the barbaric and martial. It was thus in the second half of the eighteenth century that terms like 'civilization' and the conceptual dichotomy between state and civil society were born.[12]

Hegel (1770–1831) defined civil society as "Bürgergesellschaft", the sphere between family and state in a market setting that allowed citizens to pursue their individual interests, restricted and guided by the laws and regulations of the state. Hegel understood it as the state's task to countervail selfish individuals and to mediate between particular interests and the general public concern. For Hegel and Marx, civil society was identical with economic society.[13] Marx equated civil society with the capitalist society of class divisions and expression of class interests.[14]

Alexis de Tocqueville (1805–59) expanded Montesquieu's ideas of the rule of law and democratic participation and emphasized the importance of free associations as the most important guarantor of a free commonwealth. Voluntary associations are understood as the modern form of what Hegel called the "corporations of civil society" (*Korporationen der bürgerlichen Gesellschaft*).[15] His study on associationalism in the United States in the nineteenth century came to the positive conclusion that volunteerism, independent associational life, and community spirit protect society against the arbitrariness of the state and keep it accountable.[16] He defined civil society as the sphere of political freedom of the citizens, a bulwark against the tyranny of monarchs as well as the majority. Civil society's main task was to create equilibrium in relation to the state and the market and to help build and embody civic values among citizens. De Tocqueville saw civil society organizations as "schools of democracy" in which democratic thinking and civil acting could be exercised and habitualized.[17] However, de Tocqueville already had a sense of the ambivalence of civic associations and the darker characteristics associational life can display. Thus, only truly civil groups fostering values like civility, self-government, and a mindset of community.[18]

Antonio Gramsci (1891–1937), the secretary-general of the Italian Communist Party, defined civil society as a public space, separate from state and

market, in which citizens form their political opinions and make their decisions. He differentiated between *societa civile*, i.e. the sum of private organisms, and *societa politica*, i.e. political society (or the state in the narrower sense). It is in the sphere of *societa civile*, between the economic sphere and the *societa politica*, that the contestation of ideological and cultural hegemony takes place. Civil society should therefore be understood as a ground of contestation between hegemonic and counter-hegemonic forces. A multitude of private civil society initiatives shape the apparatus of political and cultural hegemony of the ruling classes.[19] Gramsci was convinced that the reason for the failure of the communist revolution in Europe was the domination of the sphere of civil society by the ideology of the ruling classes within capitalist society. Therefore, for Gramsci civil society was not a buffer against the state, but an arena of ongoing conflict, competition, and ideological clashes. Ultimately, whoever gained control over civil society would succeed in creating consent among the masses.[20] Gramsci emphasized the importance of the intellectual domination of (civil) society through counter-hegemonic visions, i.e. alternative ideas, norms, and values. His ideas about civil society were very influential in the 1970s and 1980s in the context of resistance to totalitarian regimes in Latin America and Eastern Europe.[21] Gramsci's definition of civil society as a sphere of contesting ideologies will further accompany us throughout the course of this study.

On the concept of civil society

Although the concepts and connotations of civil society vary significantly in different countries, and have undergone a long and changing history, there is some minimal consensus in modern political science on the understanding of civil society: it describes a realm between the state and the private sector. This notion gives ample room for differing interpretations and characterizations. Following Larry Diamond's definition, civil society is "a realm of organized social life that is open, voluntary, self-generating, at least partially self-supporting, autonomous from the state, and bound by legal order or a set of shared rules" (Diamond 1999: 221). Civil society is distinguished from the state and economic society; therefore, civil society organizations cannot be primarily profit-oriented. At the same time, civil society is not identical with family life either. Whenever private persons come together to speak up collectively and publicly for their interests or to control the power of the state, it can be called a civil society action. Because this is true for a broad palette of organizations, civil society encompasses a wide spectrum of organizations, institutions, and associations that attend to public matters. They include civic, issue-oriented, religious, and educational interest groups and associations. Some are known as non-governmental organizations, or NGOs; some are informal and loosely structured.[22] However, overlapping is common, for example in corporatist unions, professional associations and trade organizations.[23]

It becomes clear that civil society is a public sphere in which citizens:

- act collectively to express their needs;
- try to reach shared/common goals;
- exchange information;
- address the state with their demands.

Although civil society actors may aspire to change or reform the state's power structures, they do not aim at controlling the state or obtaining a powerful position (or office for individuals) in it, as do the actors of political society.[24] Nevertheless, interaction with political society is necessary in order to have any influence over the country's political representation and to achieve legal realization of social claims. Therefore, whenever the activities of civil society are directed at the state, civil society needs a link-up with political parties and government authorities.[25]

It is also generally agreed that there is a close link between the existence of a vigorous civil society in a country and the vitality of its political life. Thus, the concept of civil society is linked to many other theories, such as democracy, citizenship, and social capital.[26] In Ernest Gellner's view, civil society is, foremost, an area and expression of freedom where individuals can choose their memberships in civil organizations, as well as their allegiances and loyalties, according to their free will, without becoming traitors to the state, society, or an ideology.[27] Thus, civil society is a sphere of the modern citizen, shaped by individualism.

Working definition of civil society

For the formulation of a working definition of civil society for this study I want to draw on the classical liberal formulation of John Rawls, who understood civil society as a neutral zone in which various virtues compete. Civil society should be defined as a value-free, neutral sphere per se, whose content and direction are determined by the values, norms, and ideology of the actor or group of actors who gain supremacy over this sphere. Hence, civil society presents a forum that allows and maintains continuing debate on a plurality of values, norms, and doctrines that society should subscribe to, and is thus an expression of democratic freedom in its purest form.[28] The contest in this arena takes not only place between the state and non-state actors, but also among non-state actors.

Muthiah Alagappa defines civil society as space, site, and agency, a realm in the "interstices of the state, political society, the market, and the society at large" (Alagappa 2004a: 32). In defining civil society as a space, it is not tied to specific actors who enter and leave the space, which can either expand or contract in respect to its issues, actors, sectors, and roles. The notion of civil society as a site of governance and strategic action follows Gramsci's conception of civil society as a sphere of struggle for ideological and cultural

hegemony. Conflicting interests and power struggles mark this sphere. Lastly, civil society cannot be understood as a solitary, united actor, but rather as an agency, a realm of heterogeneity and competition.[29] As Alagappa has put it:

> Like society at large, civil society is a realm of power, inequality, struggle, and conflict among competing interests. It is populated by diverse formal and informal groups and organizations, and although these may choose to cooperate on certain issues or reach accommodation of their conflicting interests, there is no necessary consensus among them.
>
> (Alagappa 2004a: 33)

Along the Gramscian notion, civil society is not a sphere of activity independent of the state, but more an arena where thoughts, ideas, political principles, and ideologies are contested and debated. "For the state civil society is not so much an independent sphere, but a medium through which it can impose its own version of what is good for society as a whole" (Ramasamy 2004: 206). In order to exonerate civil society from the accusation of being a static and ahistorical concept, we have to consider the complexity of the relation between state and civil society today, which transcends the simple conceptualization of a state/civil society opposition. Depending on which actor or group of actors gains the hegemony of the realm of civil society, civil society can have democratic or antidemocratic effects. Thomas Hobbes already warned, exactly the voluntarism and willfulness of groups could render them dangerous, due to their destructive energy, violence, and emotional intensity.[30] The effect of civil society depends therefore on the distribution of power among the actors involved, their goals and ideals, and the strategic relations that the leaders of civil society organizations entertain with the leaders of political society and the state, as well as the international framework.[31] In reference to Jean-Francois Bayart, White (2004: 10) also stresses that there is no teleological virtue in the notion of civil society, and therefore suggests an inclusive definition that recognizes actually existing civil societies, thus allowing insight into a more complete picture of the social forces that obstruct as well as facilitate democratization. It then becomes necessary in a next step to distinguish further between the different types of civil society actors, in order to identify their potential for the process of political democratization. Critics of the above conception of civil society point out the risks that come with moving too far away from a generally agreed definition:

- the danger of cultural relativism,
- the danger of including uncivil elements, and
- including clan and kin groups, which means drifting far off Gellner's view of civil society as a counter-balance to the "tyranny of cousins" (Gellner 1994: 7).

If we choose an exclusive approach that labels as 'truly civil' only those organizations and associations of civil society that refer to modern or liberal

notions, we eliminate others because they do not fit into the paradigm, due to their traditional, illiberal, or pre-capitalist outlook. Nevertheless, even if we define civil society close to the meaning that the term *societas civilis* implies, we will find organizations of fundamentalist, partisan, parochial or other nature that claim to belong to and play a role in civil society. Therefore, in order to gain a clearer picture of what tensions Indonesia is going through and what kind of opposing forces characterize Indonesia's civil society, it becomes necessary to use a definition of civil society that takes into account the variety of societal forces at work today. Any other definition that excludes possible 'uncivil' actors would automatically lead to the conclusion that civil society is good and supportive of democracy. For that reason, I argue for an empirically and theoretically broader definition of civil society that moves beyond the relatively narrow focus on pro-democratic actors.

An approach to civil society as an analytical category

The term 'civil society' and other concepts with which it is inextricably connected in the international development discourse, like 'democracy', 'social capital', 'good governance', etc. all stem from a Western historical context and are nonetheless used as if they were universal and unambiguous.[32] At first sight the concept of civil society therefore appears unsuited to be applied to other countries, due to its Western historical genesis. However, as Croissant, Lauth, and Merkel suggest, we have to understand civil society as an analytical category rather than a historical concept, in order to apply it also to different cultural contexts.[33] By developing a "functional-structuralistic concept" of civil society that focuses on the culturally and historically unspecific functions of civil society for democracy and democratization, Croissant, Lauth and Merkel have embedded civil society theory into transformation theory. By looking at the five general functions of civil society, the role specific actors play within civil society can be defined more precisely.

- *Protective function*: Based on John Locke's concept of political liberalism that defines civil society as a social sphere outside the state, the task of civil society is to protect citizens against state intervention in the private sphere. The function of civil society is to provide an autonomous social space for the protection of the individual's property (life, freedom, assets).
- *Mediative function*: Based on Montesquieu's model of the separation and interleaving of powers, civil society is understood as a mediator between the political and the civil sphere, between state and society.
- *Socializing function*: Based on de Tocqueville's theory of civil society as 'free associations' that create a political–participatory potential in society through the formation and habituation of civic virtues such as tolerance, willingness to compromise, and trust, that immunize society against attacks and temptations by either the state or the "tyranny of the majority" (de Tocqueville) that could threaten freedom.

- *Integrative function*: Participating in civil society can foster civic virtues and reconcile religious and ethnic differences. Furthermore, not only can political elites be recruited from within civil society, but also civil society organizations satisfy modern societies' need to build groups and bonds (*Gruppen-und Bindungsbedürfnis*). Moreover, civil society can lay the foundation for the execution of democratic decision-making procedures. However, as Croissant, Lauth, and Merkel point out, the precondition for civil society organizations to fulfill these functions is that they are not organized exclusively along ethnic, racial, or religious lines. Such organizations are prone to produce 'uncivil potential'.
- *Communicative function*: At the bottom of this function is the concept of a free public space, separate from state and economy, which gives citizens room for debate and participation in democratic decision making. Making the interest of even disadvantaged groups known to the public and thus creating a democratic public is one of civil society's key functions.[34]

The 'democratic functions' (*Demokratiefunktionen*), i.e. the potential of civil society for supporting democratic transformation, can be derived from the above general functions of civil society.

In order to arrive at a definition of civil society, Croissant, Lauth, and Merkel expand the above model with the so-called 'normative concept'. According to this theory, groups, actors, and movements belonging to the sphere of civil society have to fulfill certain modal criteria such as being non-violent (*Gewaltfreiheit*), public (*Öffentlichkeit*), and distant from the state (*Staatsferne*). The commitment to non-violence as well as religious, ideological, and political tolerance has to manifest itself not only in internal non-violence (within the group), but also in outward non-violence. Thus, for Croissant, Lauth, and Merkel, groups that are based on control, hierarchy, and social oppression cannot be attributed to civil society, due to their lack of freedom and pluralism. For the purpose of this study, the normative concept will be adopted in order to define 'good' civil society, as opposed to 'bad' or 'uncivil society'. However, unlike Croissant, Lauth, and Merkel, who exclude groups from civil society that do not fulfill the above-mentioned normative requirement, here they will be grouped under the term 'uncivil society'.

Uncivil society

The term 'uncivil society' has been used more and more frequently over the years. Even the United Nations adopted the terminology of 'uncivil society' in order to distinguish from 'good civil society' those non-state actors that have a negative influence on human development, peace, security, and democracy.

> This changing world of open borders and new actors presents us with new challenges. Not all effects of globalization are positive; not all non-state actors are good. There has been an ominous growth in the activities

of drug-traffickers, gun-runners, money-launderers and exploiters of young people for prostitution.

(Annan 1998)

Former United Nations (UN) Secretary General, Kofi Annan, first used the term 'uncivil society' in one of his speeches in 1998. For him, uncivil society means "those who use the benefits of globalization to traffic in illegal drugs, launder money, engage in terrorism and traffic in human beings".[35] It is interesting that Kofi Annan (and therefore the UN) also seems to adhere to a wider definition of civil society that subsumes uncivil forces into the sphere of civil society. The UN calls even traffickers 'civil society actors'. Initially, Annan limited his usage of the term 'uncivil society' to refer to international drug traders, traffickers, terrorists or other groups belonging to the 'dark side' of civil associations, which operate on the periphery or within uncontrolled spaces created by failed or failing states of the international system.[36] In a speech of 2004, however, he applied the term and concept of 'uncivil society' to phenomena *within* nation states as well, and referred to uncivil society in the context of post-conflict peace building: "Of course, civil society actors come in all shapes and sizes. Many make outstanding contributions to peace. Others—which I have in the past called 'uncivil society'—are drivers of conflict."[37] He emphasized the importance of peace-building missions to cooperate with the right kind of civil society actors, those "that are helping ordinary people to voice their concerns, and to act on them in peaceful ways," and contrasted good civil society groups, the "bridge-builders, truth-finders, watchdogs, human rights defenders, and agents of social protection and economic revitalization," with uncivil forces that "promote exclusionary policies or encourage people to resort to violence."[38] In addition, he regularly pointed out the waging of war between civil and uncivil society and called on civil society actors to help in fighting those "uncivil forces".[39]

Still the question remains, what is 'uncivil society'? For lack of a better way to theoretically treat organizations belonging to civil society that seem to be non- or antidemocratic, the literature on civil society often either ignores or subsumes groups such as the Mafia, the Ku Klux Clan, ethnonationalist movements or—more recently—militant Islamist groups under the little-specified term of 'uncivil society'.[40] Most academic treatment of the subject defines 'uncivil society' only indirectly, by pointing out what characterizes 'civil society' and what makes an organization belong to 'civil society' (e.g. Diamond 1994). Diamond, for instance, sees pluralism, diversity, and partialness as distinguishing characteristics of civil society, and thus excludes movements or organizations that claim to represent the only legitimate path, and all of a constituency's interests.[41] The use of violence seems to be the most common criterion by which to determine what kind of society (civil or uncivil) a group belongs to. Other criteria are the ideological foundation and internal structure of the organizations.[42]

However, there are some academic attempts to define 'uncivil society' explicitly, although there is considerable confusion about the criteria for categorizing

a group as either 'civil' or 'uncivil' society. Laurence Whitehead gives us a definition of the 'uncivil citizen' in his essay on the incivility of civil society "Bowling in the Bronx: The Uncivil Interstices between Civil and Political Society". Uncivil citizens are those who enjoy political rights while not being restrained by the norms of civil society. Whitehead poses the questions whether the greatest danger for democracy may be posed by the "'insecurity, rootlessness, arbitrariness, and perhaps even the social cannibalism' that have come to be associated with many post-transition liberalized societies" (Whitehead 1997: 94). He further defines 'uncivil society' by the absence of "commitment to act within the constraints of legal or pre-established rules" (based on Schmitter's definition of civil society)[43] and the "lack of a spirit of civility" (referring to Collingswood's definition of civility).[44] Some discourses and actions, while not illegal in a democracy, are nevertheless 'uncivil' and threaten such fundamental liberal norms as non-usurpation, tolerance, and pluralism. Examples are some forms of religious fundamentalism that may have to be tolerated within a democracy but cannot be classified as being part of "modern liberal 'civil society'" (Fine/Rai 1997: 107). The above characterizations of civil, respective of uncivil society, show that liberal democratic values usually underlie those definitions, thus excluding from civil society organizations that do not follow these values. The problem with an exclusive definition of civil society such as this is that it contradicts the very ideals and norms that liberal democracy claims to represent: tolerance and civility. Or, as Petr Kopecky worded it, "the crucial attribute of a liberal democratic polity is the right of all groups, including the adversaries of the system, to participate in it" (Kopecky 2003: 12).

Uncivil organizations and movements claim to identify and represent the needs of their political constituency, just as organizations within 'civil' society do.[45] Even seemingly illiberal and uncivil groups may develop competencies that render valuable services for democracy in some ways. It is therefore important not to exclude possibly crucial elements of associational life and democratic politics by a definition of civil society that is too narrow. As Kopecky argues, protest actions of contentious politics often turn to violence without necessarily pursuing illiberal or antidemocratic agendas.[46] Whether or not a group can be considered as part of contentious politics thus becomes another crucial distinguishing characteristic within 'uncivil society'.

I agree with others who define civil society as a "heterogeneous and highly fluid sphere of associations and organizations" that also includes uncivil movements, i.e. uncivil society.[47] In any case, a wider and more open definition of civil society requires careful consideration and discernment in order to classify actors as belonging to either the 'civil' or the 'uncivil' side. However, there are some characteristics, such as racism, intolerance, and the use of force, violence, and fraud to acquire power or political influence, that typically distinguish USOs.[48] Another way of dealing with "civic ambivalence" (Boyd 2004: 41) is to distinguish between groups that only foster greater community within and among groups with similar goals and outlook and those that

promote belonging to and integration into the "larger liberal democratic culture". This is also what Putnam means when he differentiates between associations that build good or bad forms of social capital, i.e. 'bridging' or 'bonding' forms of social capital. While 'bonding' social capital involves social ties among members of the same (religious, ethnic, etc.) societal subgroup that generate trust in one's own group, 'bridging' social capital is made up of social ties between members of different subgroups in society, and thus creates trust beyond one's own group. In a heterogeneous society, whenever a condition arises when 'bridging' social capital does not equilibrate strong 'bonding' social capital, it can be threatening to societal cohesion.[49]

Civil society—a Western import unsuitable for Indonesia?

> The concept of civil society contains within it the seeds of contradiction in being both unitary and divisive, and prescriptive and aspirational, but it nevertheless leads us to focus on changing structure and process.
>
> (Lewis 2001: 12)

If we remember that the concept of civil society originated in Europe, it is only legitimate to ask whether it is relevant to Indonesia at all. Opinions on this matter differ greatly. Supporters of a universal validity of Western democracy and civil society models will hold that civil society is generally seen as something universally desirable in the context of democracy building and strengthening. Their opponents, however, refuse the applicability of Western-originated concepts such as civil society that emerged at a particular moment in European history in other cultural, political, and historical settings. Another attempt represents a more adaptive approach. While civil society concepts can be potentially important in non-Western settings also, they will undergo an adaptation to local culture and thus receive different interpretations and characteristics. Lastly, some will argue that even in many non-Western societies civil society has long since been present through their colonial past of domination and resistance, although sometimes it may be unrecognized. It remains to be examined later which of the above claims apply in the Indonesian case.[50]

The expectations cherished by Western donors or experts towards emerging civil societies in non-Western contexts can become a danger whenever the observed developments and forms of civil society differ from the predetermined possible forms. This may lead to obstruction and criticism of local civil society development where it differs from Western ideals.[51] As Hann and Dunn (1996) point out, civil society takes many different forms even in Western societies. It therefore cannot be easily predicted whether the existing local traditions will 'click' with imported universal ideas of civil society or whether they will interfere with one another. Of course, the right balance needs to be maintained so as to avoid slipping into cultural relativism, on the one hand, and Western prescription, on the other. As Fukuyama argued, civil society in

Southeast Asia is much more related to religion, family and local communities, i.e. the level of 'culture', than seen as a 'public space'.[52] Although acknowledged as a concept rooted in Western tradition and political culture and "anchored on the notion of state and citizenship" (Porio 2000: 7), civil society often reflects many values and customs related to traditional communal institutions. In particular, voluntary associations can become the starting point for contemporary CSOs in Asia. Initially formed to secure basic social security requirements, they point at the inability of the state to fulfill the needs of its citizens. Porio claims that many voluntary associations in Asia resemble the Tocquevillean description of associational life in America a hundred years ago, and thus weakens the argument that civil society is an alien concept to Asia and its development in the West cannot be compared to the developments in Asia. However, she points out that in order to understand the dynamics between state and civil society, the different cultural, social, and economic contexts have to be taken into consideration.[53]

Another concern voiced before the Asian Crisis was the presumed incompatibility of 'Asian values' with the Western concept of liberal democracy. Many governments in East and Southeast Asia, headed by Malaysia and China, promoted economic development as their primary goal, while postponing the introduction of democracy to an uncertain point in the future. Consequently, civil society organizations aiming at changing state policies were not well favored, as civil society was seen as concept belonging to Western notions of democracy and thus conflicting with Asian culture.[54] To speak of 'Asian values' or an 'Asian view' is in itself problematic, due to the large and heterogenic geographic area that is covered by the term 'Asia', with its extremely different cultures, languages, religions, and political systems. The Asian values debate revolved around the nature of human rights, i.e. the question of cultural relativism against universalism, communitarianism as opposed to individual rights, and the primacy of economic development over civil and political rights,[55] and gained significance in the context of official statements and government rhetoric during the 1990s, when leaders from the region stressed cultural and value differences between the West and Asia at the World Conference on Human Rights in Vienna (1993) and other UN conferences. Political elites of Malaysia, China, Singapore, and Indonesia contended the validity of human rights norms, owing to their Western genesis and their roots in Christianity and a liberal philosophy based on natural law, and the idea of inalienable rights to life, liberty, and estate.[56] The concept of Asian values became a welcome tool for illiberal regimes to silence international and national criticism on their human rights records and development paradigms. 'Cultural specifics' were cited as an excuse for authoritarian governance and the suppression of political and civil rights for the sake of economic development. Some Asian governments emphasized their "right to development" and argued that human rights "must be considered in the context of a dynamic and evolving process of international norm-setting, bearing in mind the significance of national and regional particularities and various historical,

cultural and religious backgrounds."[57] Although, at first glace, the concept of 'Asian values' revolved mainly around cultural relativism and the individual's duties towards the family, society, and the state, it has to be seen in the wider context of the discourse on national sovereignty, the question of non-intervention and jurisdiction, i.e. whether or not a state decides to implement certain rights. Whether or not hiding behind the Asian values argument was mainly an attempt by some Asian leaders to justify their paternalistic authoritarian governments and present some alternative, or opposition to Western "reactionary imperialism" (Alagappa 1995), the Asian Crisis has swept away even the staunchest belief in a long-term successful 'Asian' development strategy based on repression of individual rights to libert. Furthermore, not only in Indonesia are modern CSOs based on traditional self-help and mutual exchange groups (such as *gotong royong*). The underlying values as well as the needs that those groups were set up to fulfill do not differ much from similar associations established in the West.[58]

Discourses and concepts: the debate on civil society in Indonesia

Even though the initial intention to form a civil society is not political, but aims at fulfilling the need for social affiliation beyond the close family circle, civil society does, at times, become intertwined with politics. Theoretically, civil society has to do justice to its name by practicing "civility" (Diamond 1994), thereby supporting democratic and pluralistic policies. Whenever the state injures the autonomy of its communities, disrespects its diversity, or rejects its "legitimate collective concerns" (Broadbent 1998), civil society may have a conflict with or even turn against the state. This has happened many times in the political history of Indonesia and has strongly shaped the understanding of civil society in intellectual discourse as well as in the people's perceptions. This tendency is also still reflected in the dominant discourses and definitions of civil society as presented in this chapter. Despite the critical changes the country has gone through since the end of Suharto's autocratic regime in 1998, new concepts of the role of civil society in Indonesia's society are still in their initial stages.

   In contrast to the common interpretation and definition of civil society as it is used in the West, Indonesia offers some of its own concepts, which will be introduced here. It is important to see Indonesian civil society models in comparison with Western models in order to understand why imported concepts of democracy are not easily applicable to Indonesia. Indonesian intellectuals and political thinkers have therefore developed their own theories, which incorporate Indonesia's historical and socio-political concepts, as well as other aspects. The most prominent concept is certainly the '*masyarakat madani*' model, which stems from a modernist Islamic background and attempts to apply the ideal of a social and political setting as the city-state Medina is described in the seventh century to today's Indonesia. Other concepts such as the '*masyarakat warga*' and '*masyarakat sipil*' models, though

shaped more closely after the Western example, emphasize specific Indonesian needs without being based on Islam. Therefore, these models correspond more to the nation's motto of pluralism, which has always striven toward finding values that can be shared by all Indonesian citizens, no matter what ethnic or religious background they may possess. The discourse on civil society in Indonesia can be tackled with either a philosophical approach or a conceptual and etymological approach, which differentiates between *masyarakat sipil*, *masyarakat madani* and *masyarakat warga*.

Iwan Gardono Sujatmiko distinguishes between three civil society discourses in Indonesia, based on a differentiation made by Michael W. Foley and Bob Edwards. The first group, called 'Civil society I' is based on de Tocqueville's concept of civil society and notions taken from 'Scottish moralists' such as Adam Ferguson, Adam Smith, and Francis Hutcheson. They have centered the focus of their work with regard to civil society on the ability to form associations, which is believed to foster 'civility' among the citizens of a democratic state.

The second group ('Civil society II') springs from the theories of Adam Michnik, Jacek Kuron and others and is reflected in more recent literature on democratization in Latin America. This faction of the civil society discourse places more emphasis on the independent character of civil society toward the state (counterweight function) and its ability as a 'sphere of action' to initialize resistance against repressive regimes.[59] The third category ('Civil society III') is a mix of the other two and emphasizes the horizontal as well as the vertical aspects of civil society. Sujatmiko believes that this third model is especially important for Indonesia, where the vertical relationship and its effects on democratization and political participation are closely connected to the horizontal situation, for example ethnic and religious differences (Sujatmiko 2003: 47).

Another Indonesian scholar, A.S. Hikam, also distinguishes between three main groups based on different schools of thought: Gramsci, Hegel, de Tocqueville.[60]

The followers of a Hegelian approach stress the importance of the middle class for the growth of a strong civil society, wherein special attention is to be paid to the economic sector. The Gramscian model focuses on the strengthening of civil society in order to counterbalance the dominant state ideology. This is the approach that is mostly favored by NGO activists. However, the Tocquevillean paradigm emphasizes the importance of independent organizations and a civic culture as prerequisites to a democratic conviction. According to A.S. Hikam, Indonesia's intellectuals and the above-mentioned different groups agree that the concept of civil society cannot just be applied to Indonesia one to one, without adjustment to the cultural, socio-political, and historical specifics of the country (Hikam 1999a).

Other reasons for putting civil society theories into the Indonesian context are traditions and specific values, which once revitalized could help to strengthen civil society and promote democratization. Such living traditions

can be found in religion or certain traditional arrangements, for example vil-
lage cooperation systems such as *subak*, *lumbung desa* or traditional educa-
tional institutions such as the *pesantren* in many areas of Indonesia. All groups
therefore agree that it is necessary to identify those specific cultural legacies
which are supportive of an implementation of civil society theories in Indo-
nesia. Nevertheless, supporters of the civil society project for Indonesia reject
the notion of the particularity of civil society and believe that this idea could
be adopted or even reproduced by non-Western societies as well.

Different approaches: masyarakat sipil, masyarakat warga, masyarakat madani

Upon observing the different linguistic concepts of civil society, several
directions of focus become apparent. The term *masyarakat warga* or *masyar-
akat kewargaan* emphasizes the importance of citizenship to a healthy civil
society and was first introduced by the Indonesian Association of Political
Science (AIPI). It has gained much support and popularity among Indone-
sian intellectuals ever since its inception. *Masyarakat sipil*, on the other hand,
is a very close translation from the English term 'civil society' and was not
very frequently used during the New Order, due to its conceptual proximity to
the ostracized slogan of 'civilian politics'. The third term, *masyarakat madani*,
was first used by Malaysia's Deputy Prime Minister Anwar Ibrahim and has
been taken over by Indonesian Muslim thinkers. The word '*madani*' comes
from 'Madinah', the city where Mohammad established a community, which
the supporters of this school deem as an example and a role model for a
civilized society.[61]

   While Muhammad A.S. Hikam has split the first group into two sub-
groups, *masyarakat sipil* versus *masyarakat warga* or *masyarakat kewargaan*,
I will merge them into one group in the following elaborations. I believe that
there are only two main groups, whose main difference is their understanding
of the position of civil society vis-à-vis the state.

Counterbalancing the state: *masyarakat sipil/masyarakat kewargaan*

The concept of *masyarakat kewargaan/warga* was brought up by Ryaas
Rasyid from the Indonesian Association of Political Science (AIPI) and
Daniel Dhakidae. Sujatmiko places this model in the second category (Civil
society II), which focuses more on the vertical aspect of the relationship
between civil society and the state, i.e. the autonomy of society towards the
state.[62] Rasyid himself points out that *masyarakat kewargaan* or 'civil society'
(he uses the terms synonymously) describes a society which is independent
and able to foster itself while limiting the state's intervention in its self-made
sphere of activity.[63]

   This first group defines civil society as voluntary societal organizations
outside the state, which play the role of a balancing power between the state,

individuals, and society in general. Thus, civil society comprises those spheres of social life that are organized and voluntary, self-generating, self-supporting, and are characterized by a high degree of independence toward the state and bound to legal regulations. The leading intellectual of this group was Muhammad A.S. Hikam, who was influenced by post-Hegelian and post-Marxist thinkers such as Ernest Gellner, Hannah Arendt, Antonio Gramsci, Jürgen Habermas, Andre Arato, etc.[64] This group surrounding Hikam and Ahmad Baso is strongly influenced by the democratic revolution in Eastern Europe and tends to see civil society as a counter-force toward the state or even an alternative to the state.[65] Moreover, they emphasize the universality of the civil society concept and its applicability in Indonesia, which is reflected in the translation of the term 'civil society' into *masyarakat sipil* or *masyarakat kewargaan* or *masyarakat warga*. With this translation into Indonesian, the focus lies clearly on the term 'civil' and 'citizen/citizenship'. In contrast to the second group and their term, neither *masyarakat sipil* nor *masyarakat kewargaan/masyarakat warga* has any Islamic or even religious connotation whatsoever. According to Prasetyo and Munhanif, this first group can be equated with the 'Traditionalists' (the traditionalist Muslims, *kelompok Islam tradisionalis*), i.e. the Nahdlatul Ulama and its affiliates.[66]

Masyarakat madani

The second group clearly refers to an ideal of civil society that has its origins in Islamic history. The term *masyarakat madani* follows the example of the ancient societal order established in the city of Madinah/Medina in the seventh century by the prophet Mohammad. The Modernist Muslims in Indonesia use the term *masyarakat madani* as something complementary or supplementary to the state. Therefore, if civil society is meant to counterbalance the state, the concept of *masyarakat madani* in the sense that the Modernists use it will not fit, because here Islam is in the center of power.[67]

According to Sujatmiko, the *masyarakat madani* representatives clearly belong to the first group (Civil society I). Those representatives of the *masyarakat madani* notion such as Nurcholish Madjid (also called Cak Nur) and Dawam Rahardjo place stronger emphasis on the horizontal aspect of civil society and on culture. They attempt to connect the idea of civil society today with a societal model from the seventh century.[68] With Islam being the dominant ideology, according to their argument, the foundation of values for Indonesian society must be drawn from Islam. According to one of his critics, Hikam, Dawam Rahardjo goes even one step further by attempting to 'Islamize' civil society.[69]

On the correlation between civil society and democratization

Any discussion on democratization will sooner or later lead also to the idea of civil society, as it is closely related to the question of the extent to which

social forces can limit, control, and define state power. Looking at the wave of democratization that has swept the world since the 1970s and converted former authoritarian regimes in Africa, Latin America and Asia into democracies, the role that emerging civil societies have played cannot be ignored. However, there is no consensus among political scientists on the link between democracy and civil society. While some argue that a strong civil society is a prerequisite for a successful democracy, other theorists take a more critical stand on civil society and refuse the notion of its necessarily supportive impact on democracy.

The dominant view on civil society and democratization is a liberal one, deriving from political theorists such as Samuel Huntington and others belonging to the modernization school of thought on democracy.[70] According to this theory of political development, democracy requires an autonomous and energetic civil society on one side and a strong and effective state on the other side to balance the various claims of different interest groups. Consequently, here democracy means liberal democracy. Drawing on his observations in America, de Tocqueville was one of the first who promoted civil society as an indispensable component for a robust and stable democracy. Neo-Tocquevilleans are primarily concerned with democratic institutions and procedures on the state level, and view civil society as "a supporting structure to democratize the state" (Alagappa 2004a: 41). Civil society is believed to expand democratic space in providing the social infrastructure for liberal democracy, deliver the means to limit, resist and restrain the excesses of the state and market, act as a backup for state and market wherever they fail, and deepen democracy by cultivating civic virtues and setting democratic norms.[71] Scholars of the New Left, however, emphasize the role of civil society in defending society against an invasive state and capitalist market, in creating an alternative form of democracy that includes the marginalized classes as well, and in formulating public will to influence the politics of the liberal democratic state.[72] Some famous representatives of a correlation between civil society and an effective democracy are neo-Tocquevillean scholars like Robert Putnam, Larry Diamond, Philippe Schmitter, and New Left scholars such as Jean Cohen, Andrew Arato, Robert Cox, and Jürgen Habermas.[73] There are several main factors that define the link between democracy and civil society: the relationship between civil society and the state, external aspects shaping civil society, and the internal disposition of civil society.

It is important to distinguish between state, civil society, and political society when talking about the relationship between civil society and democracy. While the state refers to the apparatus of administrative, legislative, judicial, and military organizations, political society means a variety of institutions, which mediate between the state and civil society.[74] Civil society needs to be strong and autonomous not only to play the role of balancing the state's power, but also to legitimate its authority based on the rule of law. According to liberal democratic theory, civil society should be equipped with civil and political rights and the freedom to associate. Liberal democrats see civil

society and the state as two spheres separate from each other while at the same time complementing one another. Civil society's task is to enhance the state's capacity for good governance by "channeling and processing the demands and concern of disparate interest groups to the state" (Mercer 2002: 7). The examples of some Latin American countries (Chile, Argentina, Brazil, Peru, and Uruguay) suggest, however, that a strong civil society does not automatically bring about democracy. Albeit fast-growing, politically active working classes and trade unions, i.e. civil societies, industrialization, and mass political participation, could not prevent military coups that resulted in authoritarian governments.[75] Apparently, the strength of a civil society versus the state depends on even further variables, which crucially determine the action strategies and organizational forms of civil society in the democratization process: the structure of the former authoritarian regime, the socio-cultural legacy, the socio-economic conditions, and international influences. The stronger and more durable the former authoritarian regime's institutionalization and the more effective its corporatist arrangements, the smaller the room available for civil society to organize and act.[76] A society's historical experiences and socio-cultural traditions strongly determine the configuration and procedures of civil society as well. If a society is marked by authoritarian patterns, absent or negative former experiences with democracy, or ethnic and religious tensions, these factors will likely stall the development of civil society. Another important determinant for the advancement of civil society is the socio-economic level of development a country exhibits. Two different effects can be observed. Generally, a higher level of economic development brings about a stronger, pluralized society. In some cases, however, economic and social crises have stirred and promoted civil society activities.[77]

In using terms like 'civil society' and 'strengthening', the debate on civil society and democratization is already colored with a normative view regarding how development towards democracy is ideally done (from a Western viewpoint). Consequently, this is the worldview against which the actual development in Indonesia and elsewhere is judged. Critics claim that the assumption of a correlation between civil society development and democratization is as outdated as its source, the modernization theory. The group of scholars who contradict a necessary correlation between civil society and democracy believe that civil society may either enlarge or contract democratic space, depending on its respective disposition.[78] One factor herein is the degree of penetration of civil society by the state. Depending on that, civil society will be able to counterbalance the state's hegemony and power, to a smaller or greater degree. Another area, which is usually attributed to the positive effects civil society can have, is the development of a civic culture with underlying civic virtues. However, if these values fail to be developed or are negative, 'uncivil' values are nurtured instead in the realm of civil society, and the resulting civic culture will hardly be a liberal democratic one. Therefore, critics warn that a growing civil society does not necessarily mean that public life becomes more democratic. The different social forces that make up civil society neither are necessarily

inclusive nor do they necessarily foster consensus and harmony in society.[79] As not all civil society groups fulfill the aforementioned normative requirements that classify them as 'good' civil society, not every civil society organization is per se supportive of democracy. Those who establish an interdependent correlation between civil society and democracy fail to consider these antidemocratic values and practices that occur in civil society. As Alagappa has observed: "If these are taken into account, civil society organizations may be a threat to democratic institutions" (Alagappa 2004a: 42). Under such conditions, voluntary associations can deepen conflicts in society and speed the disintegration of democratic regimes. Alas, civil society cannot be seen as a pure and sure blessing for democracy *per definitionem*, and may even have a detrimental impact on democratic consolidation.[80] Depending on its character, civil society can exert a negative influence on the development of democracy by complicating the formation of majorities, segmenting the political community, and deepening biases in society.[81] There is the danger of a civil society exhibiting strong ties that benefit members only of certain groups and exclude others. "Internally cohesive groups which isolate themselves from the rest of society may use their social capital to pursue goals at odds with the public good" (World Bank n.d.).

> Where civil society is considered to be weak, underdeveloped, or fragmented, or where there is severe socio-economic strain, corruption, an ineffective legal system, a tendency towards civil disruption and conflict and a lack of 'democratic culture', democratic consolidation is thought to be threatened.
> (Mercer 2002: 8)

Despite all this, the development of civil society with all its ambiguities is a necessary step towards democracy, because no functioning, participatory democracy with an accountable government is conceivable without a vibrant civil society.[82]

By keeping in mind that civil society is never a unified, univocal entity, but instead includes groups and associations pursuing often conflicting objectives, I will try to draw a more exact picture of the influence civil society is having on democratic consolidation in Indonesia.

Conditions for civil society to support democratic consolidation

Precisely what kind of democratic contribution can civil society make after the downfall of an authoritarian regime? The process of democratization is usually divided into several stages, mostly into democratic transition and democratic consolidation.[83] In each of those phases or stages civil society is supposed to play a different role. During democratic transition, civil society (i.e. its organized social groups such as NGOs, women's organizations, students, farmer and fishermen groups, trade unions, etc.) is believed to play a major role in mobilizing pressure for political change. During the consolidation of democracy, however, the task of civil society shifts to preventing the return to

power of authoritarian forces and to checking abuses of state power. Further-more, civil society is to encourage broader citizen participation in general and an increased surveillance of the state in particular.[84]

The emergence of a vital civil society is a necessary step for the develop-ment of democracy, but in no way sufficient for it to develop and persist. As soon as the authoritarian regime is successfully battled, civil society has to reshape and reform to fulfill the demands and challenges of this new phase: the consolidation of democracy. If before, removing the unwanted govern-ment was a common goal among different civil society groups, the new focus lies on "institutionalizing democratic competition between the interests and aspirations of various groups in the society" (Haynes 1997: 171). Therefore, the question will be how popular power is used after the transition in order to consolidate democracy and apply it to formerly excluded or marginalized groups as well. Indicators of the ability of the actors of society to follow that path are to launch crucial reforms, differentiate political forces instead of building one big coalition as previous to the transition, and to identify and conduct com-peting political projects. Another indicator for a successful consolidation is whether or not democracy is extended to marginalized groups.[85]

The developments in Asia in the recent past have shown that the active contribution made by civil society to democratization cannot be denied. Exam-ples are not only Indonesia, but also Thailand, the Philippines, and South Korea, where civil society supported the transition process.[86] However, to what extent has civil society contributed to democratic consolidation and political reform in Indonesia after 1998 so far, and what part will it play in the future? Not enough attention has been paid to civil society's vital function in the process of *consolidating* a new democracy. Most studies on civil society and demo-cratization deal with the role of civil society before the transition from an authoritarian state to a democratic one and overlook the part played by civil society and CSOs in shaping the nature of post-transition democratic states.[87]

The question of when democracy is consolidated is not an easy one to answer, because democratic consolidation is a process that involves many factors and actors. Generally, one can say, "democracy is consolidated when a reversal to authoritarianism is impossible" (Bunbongkarn 2004: 140). What are the essential conditions of a successful consolidation of democracy? First of all, the elites (politicians, government officials, intellectuals, political and economic decision makers, organizational leaders, etc.) must be fully committed to democracy and democratic principles. Second, a majority of the population has to think of democracy as the best type of government for that particular time. Third, social organizations and groups such as CSOs and interest groups, political parties, and others have to be fully committed to democracy[88] and only discourses relating to democratic norms and values will promote democracy, according to Nico Schulte Nordholt.[89]

"The more truly representative, viable democracies that have emerged out of the recent transitions must by nature have a strong social and cultural footing among the social actors who were active in the transition" (Haggard/

Kaufman 1995). On the reverse, this would mean that those democracies that are less stable and representative, and more restricted, lack cultural footing. Haggard and Kaufman hold that an inadequate socialization and popularization of democratic norms and ideals among the larger population is responsible for this.[90] In addition, Putnam's seminal book *Making Democracy Work*[91] claims that social capital plays a crucial role in stabilizing a democracy and rendering a government more accountable. Citizens who are active in local organizations (political as well as non-political ones) generally show more interest in public affairs. "This interest, coupled with interpersonal social capital between government officials and other citizens which is fostered when both belong to the same groups and associations, renders the government more accountable" (World Bank n.d.). However, social capital is not identical with civil society, although both concepts are often used interchangeably. While social capital refers to norms and values and thus a broader concept, civil society is an institutional and behavioral phenomenon referring to organized activities in the public realm. Nevertheless, civil society is often seen as a "key source of social capital" (Kopecky 2003: 10).

How can civil society contribute to democratic consolidation? Larry Diamond identified the following fundamental functions of civil society in promoting democracy:[92]

1 *Checking and limiting the state's power*: By monitoring the state's power, holding it accountable for its exercise of power and securing democratic procedures (by providing election watchdogs, observing court trials, etc.), civil society can help to diminish political corruption, abuse of power, and pressure the state to become more transparent and responsible. This, in turn, increases the state's legitimacy.
2 *Disseminating democratic ideas and values*: By participating in civil society organizations, democratic norms and values can be taught and applied. By nurturing the civic virtues of the citizens, their feeling of belonging to the social order is reinforced, which in turn stabilizes the state.
3 *Empowering the people*: Civil society organizations can act as representatives of the interests of the people, particularly marginalized groups. The sphere of civil society is an alternative forum to advocate rights and represent interests in order to ensure that the state is not held captive by a few groups only.
4 *Promoting equality and change from clientelism to citizenship*: Civil society can help, with horizontal structures based on equality, to further democratization and break open long-established patron–client relationships.
5 *Stimulating political participation*: Civil society organizations can stimulate people's involvement in politics, above all, elections. With this function, civil society acts as a supplement to political parties and helps to strengthen the legitimacy of democratic governments.
6 *Recruiting and training of political leadership*: Involvement in civil society activities can bring about organizational and leadership skills, and thus effectively prepare people for future political tasks.

7   *Resist authoritarianism*: A pluralist and vibrant civil society can help to prevent the structuring of society along ethnic, racial, or religious conflict lines. Furthermore, civil society organizations often act as neutral negotiators in ending violent conflicts, due to their high moral credibility.

Summary

Civil society is expected to play an important role in consolidating democracy. It is required to be vibrant and strong, autonomous, and able not only to resist manipulation by the state and business interests but also to check and balance the power of the state. Political education, raising public awareness, encouraging political participation of the masses, socializing democratic culture and thus increasing public acceptance of democracy, advocating human rights issues, fulfilling social security functions by helping the poor and marginalized, highlighting environmentally destructive policies, exposing corruption, nepotism, promoting and cultivating tolerance and pluralism— the list of tasks civil society is anticipated to fulfill is endless, and countless are the ills civil society is hoped to cure. However, under certain conditions the strengthening of civil society can lead to quite contrary results, such as a proliferation of USOs that cause or worsen political instability and impede democratic consolidation. Starting from this central assumption, this study will analyze the development of civil society in post-Suharto Indonesia and challenge the pretentious hopes set on civil society by liberal theorists. Defining civil society as a realm of contesting ideologies, the configuration parameters of Indonesia's civil society as well as the question of which parts of civil society are favorable to democracy and which are harmful will be discussed.

3 Historical and political framework for civil society formation in Indonesia

Nation building and the state before 1965

The understanding of state and society, of the political and civil sphere in Indonesia, has been strongly shaped by the country's historical experiences with feudalism, colonial rule, and the various concepts brought forward by its leaders since Indonesia's independence. This section will discuss the most important characteristics of the Indonesian state, its relationship with society, and the socio-political factors that favored the emergence of civil and uncivil society.

Before the first contacts with the West, the Indonesian archipelago was predominantly an agrarian society, marked by little village communities living on wet-field rice cultivation and shifting agriculture.[1] Beginning in the first century CE, several larger kingdoms strongly influenced by India replaced these territorially limited village associations. In the following centuries, agrarian inland states as well as coastal kingdoms living on regional and supra-regional trade emerged. Javanese feudalism was marked by a political system with a strong center and several outer circles of power. The sovereigns were perceived as god-like rulers, incarnations of Vishnu, Shiva, or Buddha, and represented an amalgamation of the religious and the political sphere. A weak administrative penetration and the distance from the reach of the monarch's cosmic and worldly power marked the periphery. The territorial borders of the patrimonial empires remained vaguely defined and showed signs of disintegration at the margins.[2]

Indonesia's feudal past and the Hindu–Buddhist cultural and religious influences that shaped the dominant Javanese culture have had a lasting impact on the country and resulted in a society marked by patrimonialism, a clear separation of ruler and subordinate, principal and dependent, father and son, etc. The traditional Javanese value system that is based on subordination and respect towards people of higher social position or higher age, the maintenance of harmony in all social relations, the suppression of dissent, anger and other coarse feelings, self-control and the acceptance of traditional values, still has a major impact on society and modern politics.[3] Traditional family structures marked by respect and subordination to elder family members still reflect this

system today. Conflict avoidance is the key to social harmony in the Javanese ethical system, and the society's welfare is ensured by the individual's commitment to adhere to collective norms.[4] Knowing one's place and rank in society and acting in accordance with the proper rules of etiquette ensures respectful interaction between individuals and prevents offense and aggression. Thus, the concepts of *rukun* (harmony) and *urmat* (respect) play a fundamental role in Javanese society and have a crucial impact on the attitude towards Western democracy.[5] Even today, the historical and cultural background makes it sometimes difficult to teach the meaning of equality before the law, gender equality in particular, and other basic human rights to the population of traditional rural areas.

The sixteenth century marked the beginning of the colonial period, when consecutive waves of Europeans (Portuguese, Dutch, and British) arrived in the Indonesian archipelago. In 1512, the Portuguese first sent exploratory expeditions from Malacca to the famous 'Spice Islands' and established a base in Ambon. Their aim was to dominate the spice trade in the region as well as to spread their Roman Catholic belief.[6] In 1595, a Dutch expedition reached the Indonesian archipelago, and between 1595 and 1601 several commercial settlements were established. Soon after, in 1602, the VOC (*Vereenigde Oostindische Compagnie*) was founded and given the authority to set up commercial settlements, make treaties, and lead wars.[7] After the VOC declared bankruptcy in 1800, debts and assets went to the Dutch government, which continued to colonize the archipelago until the National Revolution, only interrupted by a brief British interregnum from 1811 to 1815.

During the period from the beginning of the twentieth century to the Japanese occupation (1942–45), a national consciousness and a clearer cultural, religious, and political identity developed among the population of the Dutch East Indies. This time was characterized by the emergence of a new leadership elite, new parties, and civil society organizations. The first nationalist movement, 'Budi Oetomo', appeared in 1908 and the first mass organization, 'Sarekat Dagang Islam', in 1912.[8] The same year, the first political party ('Indische Partij') was founded, as well as Muhammadiyah, and a Peasant's Insurance Cooperative (*Asuransi Jiwa Bersama Bumi Putera*) was formed. The 1920s and 1930s were distinguished by a rising national consciousness and opposition to colonial rule. In 1920, the Indonesian Communist Party (*Partai Komunis Indonesia*, PKI) was formed, followed by the PNI (*Perkumpulan Nasional Indonesia*, Indonesian Nationalist Association) in 1927, which was turned into the Indonesian Nationalist Party (*Partai Nasional Indonesia*) one year later.[9] Another Islamic mass organization, the Nahdlatul Ulama (NU), emerged in 1926.[10] These parties and organizations and their leaders, most notably Sukarno, Mohammed Hatta, and Sutan Sjahrir, played a paramount role in the struggle for independence and the politics of the young republic. A further milestone was the 'Sumpah Pemuda' (Youth Pledge) proclaimed at the Youth Congress in 1928. It contained the three main goals of the nationalist movement: '*Satu Nusa, Satu Bangsa, Satu Bahasa*' (one nation,

one people, one language).[11] The same year, the PNI affirmed Bahasa Indonesia as the national language and adopted the red and white flag as the national flag of Indonesia.

The colonial past should have a lasting impact on the modern Indonesian state. Besides the extreme concentration of power in the center (Batavia/Jakarta), based on the fear that the decentralization of power would lead to disintegration and separatism, the new nation-state inherited a remarkable distrust towards its own people.

In his famous speech '*Lahirnya Pancasila*' (the 'Birth of Pancasila') on 1 June 1945, Sukarno declared the *Pancasila* (Five Principles, lit. *panca* = five, *sila* = pillar) to become the philosophical foundation of the Indonesian nation ('*Dasar Negara*').

The five principles of the Pancasila were:

1 The belief in one Almighty God (*Ketuhanan Yang Maha Esa*);
2 Humanitarianism or literal 'just and civilized humanity' (*Kemanusiaan yang adil dan beradab*);
3 Nationalism/the unity of Indonesia (*Persatuan Indonesia*);
4 Democracy guided by consensus (*Kerakyatan yang dipimpin oleh hikmat kebijaksanaan dalam permusyawaratan/perwakilan*);
5 Social justice for the entire Indonesian people (*Keadilan sosial bagi seluruh rakyat Indonesia*).[12]

The Pancasila became the preamble of the original Constitution of 1945 (*Undang-Undang Dasar* 1945 or UUD45), which was meant to be of provisional character, and was thus hurriedly written at the end of World War II to equip independent Indonesia with a basic law. However, representatives of political Islam within the Drafting Committee were not content with Sukarno's proposition for the first principle of the Pancasila to be simply the 'Belief in God'. Instead, they lobbied for a clear commitment to Islam as the foundation of the state. What became known as the 'Jakarta Charter' was a temporary amendment of the Constitution's introduction, which changed the heavily contested principle into the compulsory application of *shari'a* law for all Muslims in the country. Although the Jakarta Charter was abandoned, and Sukarno's broader nationalist idea of the state enforced, the initial wording of the first principle was changed into 'Belief in the One God' (*Ketuhanan yang Maha Esa*).[13]

The other issue dividing the Committee members was the competing concepts of *rechtsstaat* (state based on the rule of law, ind. *negara hukum*), advocated by Mohammad Yamin and Mohammad Hatta, and of an integralistic state, proposed by Supomo and supported by Sukarno. Supomo's view of integralism was heavily based on the principles of *adat* (customary law) and propagated a perceived unity of state and citizens, of ruler and subordinate, with the ruler acting like a benevolent father of his children (the people). According to Supomo, the integrated state would be marked by harmony, *musyawarah*

and *mufakat* (consensual mode of decision making), and be based on the family principle (*azas kekeluargaan*).[14] Supomo's admiration for Hitler's Germany and imperialist Japan, his usage of the terms 'totalitarian' and 'integralistic' as two sides of the same coin, and his concept of the integrated state showed the danger of its totalitarian nature. Individual rights and the right of opposition toward the state were not intended to be part of this system. Instead, Supomo referred to the traditional Javanese idea of unity between servant (*kawula*) and *gusti* (lord, master) to justify the concept of a determined position in life where the individual's highest duty was to fulfill the respective duties of this position.[15]

It is important to note that although the *rechtsstaat* idea captured a victory, and the term was integrated into the 1945 Constitution, the notion and foundation of *rechtsstaat* have been subverted by political, cultural, and legal developments in the more than four decades since the drafting of the constitution.[16] Moreover, as the 1945 Constitution did not provide any definition of *rechtsstaat*, the term remained open to interpretation by the various governments. Therefore, since the enactment of the 1945 Constitution, the two concepts of state have continued to compete in Indonesia.[17]

On 17 August 1945, two days after the Japanese surrender, Sukarno and Hatta proclaimed Indonesia's independence, and they were declared president and vice-president the next day, adopting the interim constitution (UUD45).[119] The four years following Indonesia's (unilateral) declaration of independence in 1945 were marked by an armed and diplomatic struggle between the Netherlands and Indonesia. The proclamation of independence was followed by the so-called 'social revolutions'. Across the country, people challenged the old social order and stood up against the symbols of feudalism and suppression, attacking and killing members of the aristocracy, village heads, and the wealthy. The unifying sentiment was hatred against colonial rule, resentment, hunger for revenge, and the execution of power. There were also some attempts by the Left to claim land and other resources and to convert them into popular ownership. In Java and Sumatra, plantations were seized, and even a short-lived attempt was made to set up a people's economy throughout the whole republic, based on 'equality and solidarity'.[19] Pro-Republic struggle groups (*badan perjuangan*) were formed, some of them made up of soldiers from the disbanded Peta and Heiho that had been established by the Japanese. Many youths joined these or other Islamic groups, such as the Islamic Laskar Masyumi, Barisan Hizbullah, or armed groups termed Barisan Sabilillah (Troops on God's Path). The term *kedaulatan rakyat* (sovereignty of the people), mentioned in the preamble of the Constitution, was used by the *pemuda* to justify not only the claiming of free goods, but also theft and extortion.[20]

The Revolution and the war against the Dutch had a lasting and multifaceted impact on Indonesia. The criminal world assumed a presentable position in society, gangsters became revolutionaries, prostitutes joined militias, and students mutated into socialist fighters, financing themselves by

extortion and the imposition of 'revolutionary taxes'.[21] Although the colonial administration system was destroyed, racial categorizations and prejudices survived into the era of independence and beyond. Moreover, a culture of violence (also directed against Indonesians) was established, which has resurfaced ever since in times of political, social, or economic insecurity.[22]

It was only on 27 December 1949 that the Netherlands finally acknowledged Indonesia's independence as a federation of autonomous states called the 'United States of Indonesia' (RUSI), due to fierce international criticism and pressure.[23] The new state included the territory of the former Dutch East Indies, excepting 'Netherlands New Guinea'. Within a year, the federal structure was dissolved, and on 17 August 1950 Sukarno proclaimed the Republic of Indonesia as a unitary state and adopted a new Provisional Constitution.[24]

The years between 1950 and 1959 are often called the 'democratic experiment', as the main elements of a liberal democracy such as free elections, party politics, freedom for popular political participation, an independent judiciary, freedom of the press and the creation of an independent parliament were realized.[25] By 1957, however, parliamentary democracy arrived at a dead end: the coalition between the four major political parties, the PNI, Masyumi, the NU, and the PKI was about to break apart and separatist movements in West and North Sumatra as well as in West Java and South Sulawesi gained strength. The population, disappointed and dissatisfied with the government's performance, turned to mob politics. The conflicts between the center and the periphery, between the supporters of an Islamic state and those voting for a secular state, between the military and civilians, and between the communists and their opponents, outgrew Sukarno's patience and led to the declaration of martial law in 1957.[26]

On 5 July 1959, in an extra-constitutional move by decree, Sukarno dissolved the 'Konstituante', the national assembly that had been elected in 1956 to draft a new Constitution, and reinstated the 1945 Constitution. This step marked the beginning of the authoritarian period of 'Guided Democracy' (*Demokrasi Terpimpin*).[27] The parliamentarian system was replaced by a presidential system, the 'Guided Economy' (*Ekonomi Terpimpin*) superseded the capitalist economy, and the country followed a socialist pattern of development marked by an anti-Western attitude, anti-capitalist policies, and a rapprochement with the Soviet bloc and China.[28] The next years were characterized by a worsening economic situation and political tensions. Sukarno depended partly on the support of the army, which had helped his political relaunch. To create a counterweight, he turned favorably to the PKI. The growing tensions climaxed when, in the morning hours of 1 October 1965, six army generals and one lieutenant were kidnapped and killed. The people behind the killings occupied the national radio station and identified themselves as the September 30th Movement (Gerakan 30 September/ G30S), a group led by Lieutenant Colonel Untung, allegedly loyal to President Sukarno. Their stated goal was to protect the president from a plotted coup d'état. Hundreds of troops loyal to the Movement occupied the Merdeka

Square, but the Movement was defeated the very same day, when General Suharto, Commander of Kostrad (Army's Strategic Command), launched a counterattack in the evening of 1 October. The official version created by Suharto and his regime taught that the PKI stood behind the G30S and had plotted a coup against Sukarno.[29] Suharto used the G30S as a pretext for the extermination of hundreds of thousands (some say over one million) of people allegedly affiliated with the PKI and the Movement. Suharto took advantage of the atmosphere of emergency and the desolate state of the nation, and gradually deprived Sukarno of his power and the presidency. By blowing the events up to become a large-scale attempted assault by the PKI against all non-communist forces, Suharto presented himself as the ultimate savior of the nation. The very legitimacy of his regime depended on the narrative that the PKI stood behind the G30S, and Suharto did everything to make the population believe this to be true. In the following years, anti-Communism was enshrined in textbooks and school curricula, and the events were commemorated in national holidays, movies, monuments, and museums.[30] Although it is beyond the scope of this book to reconstruct the various existing narratives and theories, it is of key importance to remember the tremendous effects that the massacres following the crushing of the G30S had on the course of Indonesia's history and on its civil society.[31] The large-scale instrumentalization of violent civil groups in the course of the mass killings set an example for the course of development of USOs in Indonesia. The G30S and its aftermath became the decisive event for the development of Suharto's regime. Suharto's attitude toward society and the Indonesian people was marked by his fear of popular politics and the perceived need for "a strong ruling hand to guide the people along the right path—towards a regime of security and development in which politics and the popular will would not be given any opportunity to assert itself" (Elson 2002: 183).

The New Order

The birth of the New Order regime

In order to analyze and understand Indonesia's attempt to democratize and to build a viable civil society, the history of Indonesia's state formation and its recent political past have to be taken into account. Many specialists on Indonesia believe that the legacy of the authoritarian New Order is a key impediment to successful regime transformation towards democracy. Therefore, to analyze the development of civil society in Indonesia, the role of the state has to be considered also, as neither of the two major forces, state or society, should be looked at as two separate spheres of social reality as they each transform and mutually empower the other.[32] States are not only objects but also actors of democratization, and their capacity is vital for the success or failure of the democratization process. Another aspect, for a successful democratization process, is the integrity of a state's sovereignty (statehood).[33]

There have been various scholarly attempts to conceptualize the New Order. The terms used to describe the extremely pervasive and effective regime range from "military-dominated power oligopoly" (Ufen 2005), to "corporatist state" (Reeve 1990), and "bureaucratic authoritarian regime" (King 1982), to "neopatrimonialism" (Anderson 1972; Crouch 1979) and "administrative patrimonialism" (Hutchcroft 1998).

The New Order was built on historic remnants of the past. Javanese patrimonialism, *priyayi* culture, Java-centrism, and the concentration of power in the capital became characteristics of Suharto's rule, who made tactical use of the glory of old times and cultural specifics where they served to strengthen his regime. Part of reconstructing the past was also the revival of the Javanese ideology of harmony and organicism. The Dutch colonialists had already used the selective revitalization of cultural and historical concepts in order to strengthen and consolidate the regime.[34] The New Order state must also be seen against the backdrop of its chaotic and fragile predecessor, the Guided Democracy of Sukarno, and the experiences with parliamentary democracy in the 1950s. The main goal of the new government was to secure stability and order, and thus lay the foundation for economic growth. The transition to Suharto's New Order reflected the total reorganization of political forces. The Left had been eliminated through drastic measures, and the remaining communist underground movements in some Javanese villages were weeded out by late 1968. Suharto's New Order quickly became a steeply hierarchically structured regime after 1966, marked by strict central control and long-term rule. Suharto himself stood at the top of the hierarchy, and made important political decisions practically alone while trying to balance the various interests of an extremely heterogeneous society. He presided over a bureaucratic state in which ABRI played a central role. Its members not only dominated the highest ranks of government and bureaucracy, but were also well represented at the regional and local level, where they diminished the influence of civil servants. Furthermore, the military enjoyed a disproportionate share in the national economy.[35]

The lack of a lively, progressive, and strong civil society in Indonesia is not surprising if we consider the type of regime by which Indonesia has been governed for the past three decades. Large sections of society were excluded from political participation, and state dominance over society became the major characteristic of Suharto's rule. The state was strong and virtually autonomous vis-à-vis society, liberal-individualist concepts of civil participation were seen as incompatible with Indonesian political culture, and political opposition was perceived as a threat to the regime's claim to power.[36] Industrialization and development (*pembangunan*) were not accompanied by the building of a 'good government', accountable to its citizens, that respected the rule of law, the separation of powers, and the autonomy of civil society. Consequently, trust in the state as the rightful custodian of law and human rights among the populace remained low, despite an impressive economic growth.[37] The state was forging what Robison and Hadiz (2004) call a

politico-business oligarchy, which consisted not only of civil and military officials who extracted rents, but of a whole political class made up of officials and their relatives, clients, agents, political and business partners. Thus, political and bureaucratic power, and public office also, were merged with private interest. The state apparatus gained immense institutional strength, and the 'density and interpenetration' of officials and families became an essential asset for the reproduction of the oligarchy after Suharto's removal from office.[38]

The New Order used direct and indirect strategies to depoliticize the Indonesian people. A whole set of laws (*Paket Lima Undang-undang*, Package of Five Laws) was implemented that served the depoliticization of society.[39] Other, indirect means included corporatism, co-optation, and the ideological hegemony by the state. The concept of 'floating mass' that had been introduced in the early 1970s became the foundation for a law passed in 1975, which prohibited parties from building chapters at the two lowest administrative levels, thus rendering the establishment of a mass basis impossible.[40] The government justified this step by the need to prevent social unrest and protect the people against manipulation by competing political parties. Communities were denied their political rights and not allowed to organize politically based on their cultural values, because of the threat to national unity seen in the so-called *politik aliran* (*aliran* politics).[41] This policy had an immense impact on the formation and development of civil society in Indonesia. In the countryside in particular, political activity was unknown for the longest time, and thus many civil society activities had to start from the scratch there.

Golkar, an association of all social groups (such as workers, peasants, etc.) established by Sukarno, was taken over by the military after 1965 and made into the regime's main political vehicle. Officially not a political party but a 'functional group' or ORSOSPOL (*Organisasi Sosial Politik*, Socio-political organization), Golkar and its associated organizations alone were allowed to be politically active at all levels of society down to the village level. The dogma of '*monoloyalitas*' introduced under Suharto forced all government officials to support the government and its organizations (and thus Golkar), while banning them from becoming members of other political parties. Golkar became the New Order's 'election engine' and secured victory in the orchestrated elections held every five years.[42] In 1973, the government dissolved all political parties and created two new ones, the PPP and the PDI. The PDI subsumed all national and Christian elements, while Islamic parties were absorbed by the PPP. The leadership of these two parties had to pass an intensive screening by which the government ensured their loyalty.[43] Even Western political scientists and economic advisors initially saw the New Order state as an alternative to chaos and economic decline. However, the economic liberalization did not result in political liberalization, democratization, or a loosening of the authoritarian grip. Although the government initiated deregulation and privatization, the result was the emergence of "powerful political and economic oligarchies" (Robison/Hadiz 2004: 9) and the privatization of

monopolies controlled by a few politico-business families. Political capitalism remained intact while the oligarchies diversified, took over former state monopolies, and moved into the finance and banking sector. Furthermore, new opportunities in mega infrastructure projects and upstream manufacturing opened up, further consolidating their position. Another important factor was the alliances between foreign investors, Chinese conglomerates, and the politico-business families.[44] These new oligarchic coalitions managed to appropriate state power in the 1980s without allowing democratization. They continued to secure their hegemony and rents by gradually pushing the military away from political processes and by transforming Golkar into a political instrument for their interests.[45]

The discourse about political *keterbukaan* (openness) and democratization was more than a conflict between reformers within the middle class and the authoritarian government. As Robison/Hadiz (2004: 04) point out, they reflected a "deeper conflict for ascendancy over strategic institutions of power within elites." State power became increasingly polarized between those who remained within the formal state apparatus and those who continued to base their power and influence on economic and social relationships with the powerful. Because of the rise of oligarchic interests, the military and the bureaucracy saw their interests increasingly marginalized. The new oligarchy, however, had to ensure the loyalty of the military and civil bureaucracy in order to guarantee the protection of its interests. At the same time, civil society had to be kept paralyzed and weakened. This task became increasingly difficult as a new middle class began to rise. This middle-class intelligentsia soon felt impeded by the state and a growing urban working class.[46] After the mid 1980s, Suharto gained the upper hand over the military and started to fill strategic military posts with loyal officers who acted as guardians of the system of oligarchy. The fact that, by the early 1990, 63 percent of all credits for the private sector conglomerates and the politico-business families came from state banks prepared the way for the bankruptcy of these institutions.[47] This system of state power survived for so long simply because it represented an ideal framework for national and international investors. Even after 1998, liberal economist reformers had to realize that institutional reforms like those propagated by the World Bank did not serve the interests of the politico-business oligarchy, who wanted to retain a state powerful enough to control rents and, in particular, large, off-budget funds.[48]

In the following pages, some of the characteristics of the New Order regime that had a lasting impact on civil society will be analyzed.

Organicism, the consensus principle, and 'Pancasila democracy'

The New Order propagated an integral understanding of the state based on the theories of Spinoza, Adam Müller, and Hegel, which was first proclaimed as the ideal state model by the nationalist figure Supomo in 1945. Organicism follows the assumption that the state has natural characteristics and forms a

harmonic entity with society, an integral unity with the state guaranteeing the well-being of its people. Indonesia's organicism under Suharto as the 'father of development' (*Bapak Pembangunan*) included several concepts: the dual function of the army (*dwifungsi*), the family principle (*kekeluargaan*), the rejection of notions of civil society and legitimate opposition, and the definition of rights as societal instead of individual.[49] Organicism and the doctrine of economic development (*pembangunan*) thus became inseparable, as both principles were anchored in the Pancasila, initially the preamble of the 1945 Constitution, which was later reinterpreted according to the regime's needs. The Pancasila became the official state ideology under Suharto, and a new term, 'Pancasila democracy', was introduced which stood for an 'Indonesian version' of democracy. State and society had to make decisions based on the traditional Javanese *adat* system of *musyawarah* (consultation) and *mufakat* (consensus).[50] Individual interests had to be subordinated to the welfare of the 'family', i.e. the nation.[51] Suharto skilfully drew on the benevolent state theory as an ideological make-up for the actual opposite: exploiting the state, its resources, and the people under the pretext of acting in the best interests of the broad majority. The New Order rejected the notion of universal human rights and Western democracy models. Suharto portrayed the repression of political opponents as a necessary and legitimate way to punish recalcitrant 'children' who disturbed the harmony, order, and welfare of society. This was bolstered by Javanese cultural virtues such as sacrificing individual interests to the common good, strong emphasis on social hierarchies, and patrimonial social power structures, i.e. the obligation to obey the patrons (*Bapak*).

   In 1966, the MPRS (*Majelis Permusyawaratan Rakyat Sementara*, Provisional People's Consultative Assembly) declared Pancasila to be the fundamental norm of the state. However, only in the mid 1970s did Pancasila become the main instrument of political indoctrination. In 1975, the *Pendidikan Moral Pancasila* (Education in Pancasila Moral) was introduced in schools and universities, and in 1978 the notorious P4[52] classes became mandatory for students and second-graders, bolstering its endeavor to indoctrinate society with the sole ideology, the Pancasila and its New Order interpretation.[53] In 1979, a new committee (BP7[54]) was established to implement P4 at all levels of society.[55] The government had the sole right to interpret Pancasila and to dictate ideology, which resulted in an increasing 'Gleichschaltung' and conformity of the political society. In 1983, all political parties had to adopt Pancasila as their sole foundation (*azas tunggal*), and soon after Supomo's integralism became official state ideology and was integrated into the P4 classes. Over the years, Pancasila and Pancasila integralism developed into a state doctrine that embraced all areas of public and private life.[56] The political hegemony of the New Order was not gained and preserved through intellectual consent, but rather by the restraints imposed on civil society. The above-described strategy exemplifies Gramsci's theory of civil society as the sphere where state and non-state actors compete for hegemony. Suharto allowed contestation of non-state actors to a certain degree, as long as they did not jeopardize his political hegemony.

Although criticism of the Pancasila and the integralistic/organicist ideology increased (particularly in the 1990s), the state ideology succeeded in prevailing intact to the end of the New Order in 1998.

The military and the New Order's security approach

The military's impact on Indonesia's politics and the proliferation of an uncivil society can hardly be understood without analyzing the role that it played throughout Indonesia's history. Due to the broadness of the subject, however, the following observations will be limited to some milestones in the development of the military into one of the most powerful institutions in Indonesia. More details on the relationship between the military and USOs in Indonesia will be provided in Chapter 7.

The immense sense of entitlement that the military portrays emerged from its self-understanding as the institution that continually saved Indonesia from various threats and predicaments. According to the military's self-image, it was it that won independence over the Dutch colonial rule and maintained national integrity during the 1950s, a time marked by the various threats to the unitary state posed by secession movements. Suharto and other high military officials were influenced significantly by the putting down of the alleged communist putsch attempts in 1948 and, more prominently, in 1965. After the power transfer in 1965–66, the process of uniting ABRI (*Angkatan Bersenjata Republik Indonesia*, Armed Forces of the Republic of Indonesia) and the centralization of the command structure that had already started in the 1950s were completed.[57] Suharto gained control over ABRI by gradually replacing officers loyal to Sukarno with his own followers. The army was placed over other state institutions and given preferential treatment in terms of budget, personnel, and equipment. ABRI was not willing to identify itself with Nasution's 'Middle Way' (*jalan tengah*) anymore, but saw its future as one of the country's main institutions whose role was much more than simply defending the nation.[58] From the very beginning of the New Order, national stability, internal security, and preservation of the status quo were therefore given highest priority by government and military leadership.[59] Two influential new intelligence units were established, the BAKIN (*Badan Koordinasi Intelijen Negara*, State Intelligence Coordinating Board), and KOPKAMTIB (*Komando Operasi Pemulihan Keamanan dan Ketertiban*, Operational Command for the Restoration of Security and Order), whose duty it was to coordinate the military's notorious special forces KOPASSUS (*Komando Pasukan Khusus*, The Army's Special Forces). Although dissolved in 1988, Kopkamtib was instantly replaced by BAKORSTANAS (*Badan Koordinasi Bantuan Pemantapan Stabilitas Nasional*, Agency for the Coordination of National Stability).[60]

Under Suharto, the country took a 180-degree turn that resulted in new ideas, economic liberalization, and a reorientation of the country's foreign policy towards the West. The ideology of '*stabilitas nasional*' (national stability), built on the government's security paranoia, and the criminalization of

political dissent made their entrance into Indonesian politics. The assumption of alleged internal threats to stability justified a tight system of control as well as the armed forces' so-called dual role (*dwifungsi*) as a social and political actor.[61] Political stability was perceived as a *conditio sine qua non* for economic reforms and the country's rehabilitation. Although tolerance and democracy were anchored in the Indonesian Constitution as principles of political life, they only existed nominally. Any form of political dissent was suppressed and severe action was taken against any attempt to leave the nation and gain autonomy.[62] Starting in 1967, the government launched a wide-scale program called *bersih lingkungan* (clean up the environment) in order to root out the homeless, vagabonds, and communist militias who were perceived as elements of social instability.

By the end of 1968, the military had become the most powerful political institution, and by 1970, Suharto enjoyed unlimited control over the entire armed forces.[63]

The perceived (or imagined) threat of the extreme Left (the 'communists') was kept alive throughout the New Order and used as a legitimation for the "scheduled militarization of social life" (Bertrand 2004: 332). Rising crime rates in the early 1980s caused the government to issue a brutal form of 'warning' to the criminal world with the so-called '*Petrus*' killings (*Pembunuhan Misterius*, mysterious killings), and to curb the influence of *preman* gangs and private security businesses. Between 5,000 and 10,000 criminals or 'gali' (*golongan anak-anak liar*, gangs of wild kids) were executed by the security forces between 1983 and 1985. The government tried to gain the upper hand over the rising crime scene and to reassert its position as the 'boss among the criminals' by what Suharto referred to as a "shock therapy" (Soeharto 1989: 390), and attempted to recentralize state power by breaking the relationship between local authorities and gangsters. However, the 'Petrus killings' were also part of an ongoing war between two conflicting generals, Ali Murtopo and Benny Murdani,[64] and also served as an indirect warning to Suharto's political opposition.

Another system of social surveillance, called Siskamling (*Sistem Keamanan Lingkungan*, System for the Security of the Environment), was introduced in the mid 1980s and was also used as a tool to integrate criminal gangs into the formal state structures. By resorting to old forms of surveillance established during the Japanese occupation and in forming new ones, the regime soon erected a waterproof system of close surveillance involving public and private agents.

> While the nightwatch rounds in the villages (*ronda malam*) date back to the Dutch colonial era, the *rukun tetangga* (RT, neighborhood units) and the *rukun warga* (RW, residential units) had been implemented between 1942–45, and were now revived and imbedded into the Siskamling. The smallest units, the RT, answered to the territorial military command and planned and coordinated the night watch rounds. Every village or *kampung* had a *pos kamling* (*pos keamanan lingkungan*, environmental security post)

at its disposal, where the *hansip* (*pertahanan sipil*, civil defense) watched out for suspicious figures entering or leaving the area. Although these guardian posts are rooted in local culture, they were instrumentalized for the ubiquitous system of social control and state repression under Suharto.

(Bertrand 2004: 332–33)

These measures of surveillance weakened criminal influence by putting the local *ronda* system under the supervision of the police and thus strengthened the state's monopoly of violence.[65] The plan was to share out the rewarding illegal businesses among the police and army on the one side, and the criminal world on the other. By mixing up formal state security systems with criminal underworld activities, the Siskamling as a public institution became corrupted. Hence, militia organizations and criminal behavior not only became socially acceptable, but also were approved by the state. Another indicator of the disastrous amalgamation of violent gangs and militia with the army and police is the fact that the first men trained by the police and army to become *satpam*[66] (*satuan keamanan*, security units) and *hansip* actually originated from violent street gangs in Jakarta and Surabaya.[67] As an integral part of the Siskamling scheme, *satpam* became another element in the network of semi-civil security instruments established during the New Order and strongly resembled the feared *preman*.[68]

Nation concept, identity politics, and national integration

> It may be productive to study civil society in Asia in terms of the emergence of 'transcending' in a broadly Kantian sense. On this view civil society may bring to Asian societies personal and organizational behaviours that require transcending proximate interests and sometimes identities.
>
> (Schak/Hudson 2003: 225)

The foundation on which a nation is based plays a decisive role in the formation of identities and a civil society. Ethnic, religious, gender, and other identities can either hamper or foster the emergence of civil society.

Although Indonesia's official slogan reads '*bhinneka tunggal ika*' (unity in diversity), the nation has not always been able to maintain the balance between the two. After proclaiming independence, the young nation needed to create a feeling of national unity among the vast number of people with different ethnic and religious backgrounds.

> The nation-state is a chimera; the hyphenation betrays its origins in two not quite compatible principles. The nation involves collective commitment; its impulses are egalitarian, its foundation is sentiment. The state, however, presents itself not as ideal but as fact. It is hierarchic, suspicious of mass energies; its element is stability, and its desire is for control.
>
> (McVey 1996: 11)

The idea of the nation is a modern invention that reached Indonesia only at the beginning of the twentieth century and was crucially shaped by European influence.[69] Indonesia uses a 'negative' nation definition that is based on racial criteria. This assigns the position of outsiders to a part of the population, for instance the ethnic Chinese, who were treated as a 'foreign minority' under the New Order regime. Indonesia's reformists are trying to change the long-bred perception of bogeyman images such as 'Chinese' or 'communist', which are still firmly established in the heads of many people. Negativity as a bond to create identity has proven to be very effective, but also very fragile under certain circumstances: if the bogeyman image fades, the enemy is defeated, or the conflict damages economic interests.

It is unquestionable that identity results from demarcation to other individuals or groups, or as Assmann (1992: 135) argues: "Identity […] is a *plurale tantum* and requires other identities."[70] That is, without multiplicity no unity, without otherness no sameness. By defining adherence with the Indonesian nation along ethnic instead of political lines, the floodgates of racism and discrimination of non-indigenous groups are opened. Detached from so-called 'Naturformen' (nature-given forms) of social identity we can find their augmented types in the shape of multiethnic, multicultural, and multipolitical states fighting with problems of integration and acculturation. The vital characteristic of ethnic alliances becoming a bigger ethno-political unity is their instability and therefore their special need for stabilization measures.[71]

> The dominant culture—that is the cultural formation of the dominant ethnic group—receives transethnic relevance and is exacerbated in becoming an advanced civilization, which marginalizes the superposed cultural formations. […] The symbolic sensory world of the thus exacerbated cultural formation not only has to fulfill the primary anthropological functions of facilitating everyday distance and environmental distance, communication and interaction, but has the additional tasks of stabilizing the extremely unsteady political formation and integrating a multitude of more or less heterogeneous socio-cultural formations.
>
> (Assmann 1992: 145, translation by the author)

Indonesia is one of those multi-ethnic alliances desperately searching for common ground. The dominant Javanese ethnic group considers itself to be the nation's heart, around which all other ethnic groups are permitted to revolve. Consequently, Javanese history, traditions, language, and culture have been elevated to become the actual true core of the Indonesian nation. Although the Pancasila and Indonesia's motto of 'unity in diversity' symbolize the idea of a pluralistic society, in reality Java-centrism not only shapes the relationship between the centre and the periphery in terms of spatial allocation of funds and infrastructural investments, but also constitutes the ideological foundation for the conceit of a majority of the military-industrial and bureaucratic elites.[72]

The founders of the nation, however, did not base the nation on a particular local language, religion, race, or ethnic group. In his famous speech of 1 June 1945, "The birth of Pancasila" (ind. *Lahirnya Pancasila*), Sukarno alluded to the thoughts of a renowned French writer, orientalist and historian of the nineteenth century, Ernest Renan. He defined the 'condition of a nation' as "*le desire d'être ensemble*".[73] With this he shaped the basic idea of a 'nation of will', one of the three great nation concepts.[74]

It is important to examine the official understanding of the Indonesian concept of '*bangsa*' (nation, race, people), because the interpretation of the term 'nation' shapes national politics towards ethnic minorities significantly. This in turn has a direct impact on the development of civil society. Which are the common features shared by certain individuals that become the point of crystallization for shaping ethnic consciousness? Which ones are outwardly propagated by the national ideology and which ones are practised respectively? On the one hand, it was Otto Bauer's idea of a common character or nature, grown from a "shared fate" (Abdulgani 1999: 114), which nurtured Sukarno's idea of the Indonesian nation. Sukarno, however, even surpassed him in his interpretation of *bangsa* in referring to an understanding of nation determined by a long-shared history, common goals and ideals for the present and future of the country: "Suchlike national heritage is supposed to evoke solidarity to unite within the bond of national integrity and unity […]."[75]

Sukarno stressed that this shared former glory and the decline of the old kingdoms created a sense of belonging together for all the different ethnic groups: "Therefore, once more, the Indonesian nation is at its core a sameness of spirit, of spiritual goals, and not simply a sameness of skin color, religion or clan."[76]

The nation was supposed to be based on a congeniality of souls (Abdulgani calls it *persamaan jiwa*), a shared destiny and the same origin and goal of life, and characterized by collectivity and solidarity. The following paragraphs will critically analyze these claims, taking the ethnic Chinese minority as an example of how much Indonesia's nation concept hampered the *de facto* unity of its people.

The constitution of 1945 (UUD45), chapter X, articles 26 and 27, officially recognized members of minorities (such as Arabs, half-breeds stemming from Dutch–Indonesian relations, and ethnic Chinese) as full citizens. Article 26, 1 stated: "All citizens, without exception, shall be equal before the law and in government and shall have the duty to respect the law and the government."[178] However, reality differed from the ideal. At the beginning of the twentieth century, when Indonesian nationalism was starting to grow, the Western idea of 'race' was introduced to differentiate who belonged to the 'Indonesian nation' and who did not. Prejudices, animosities, and marginalization had clearly already existed, as had integration and assimilation. Now 'foreignness' became scientifically backed up and presented as fully legitimate. It was only with the colonialists, the 'planters of racism', that the idea of a racist superiority or inferiority, and the perspective of master and servant implied in it, made its

entrance. As a result, the native nationalists classified certain ethnic groups, like the ethnic Chinese for instance, as a race not belonging to the 'indigenous ethnics' (Ind.: *suku pribumi* or *suku asli*), which formed the Indonesian nation. The constitution of 1945 already reflected an according point of view, stating that "citizens shall be all native-born Indonesians and other nationals who have obtained citizenship by virtue of law."[78]

Consequently, the Indonesian citizenship law of 1946 automatically granted Indonesian citizenship to all 'real' (*asli*)[79] Indonesians, while others had to fulfill certain preconditions.[80] The interpretation of Pancasila from 1982 gives us more detailed information on the third *sila* (column) '*Persatuan Indonesia*', entitled '*Persatuan bangsa yang mendiami wilayah Indonesia*', which talks about the common features that unite the culturally, religiously, and linguistically different people of the nation.

> The points of sameness are amongst others that they come from the same racial tribe, namely the Malay race, the same homeland, namely the archipelago, the same destiny and struggle, namely equally experienced colonialization for centuries and struggled for centuries as well to free themselves and now have the same life goal, namely the wish to realize a just and prosperous society within the receptacle of the unitary state.
>
> (Suhadi 1982b: 12)

In my view, this definition, propagated under Suharto, clearly showed that Malay-ness was prescribed as underlying 'Indonesian' identity and thus excluded a part of the population, due to racial criteria. Therefore, not every person who is a citizen of the Indonesian republic by law is in reality a member of the 'great community of solidarity', which the Indonesian nation (Ind.: *Bangsa Indonesia*) is meant to represent.[81] The nation as it exists today is a product of *masyarakat daerah*, i.e. the original *pribumi*-'nations', which own the most important characteristics of a nation: a unity of solidarity (*kesatuan solidaritas*) that possesses its own territory, culture, language, and identity.[82] The main task and also the main problem of national integration is thus the integration of the various *pribumi* nations into the Indonesian nation, while the integration of WNI with foreign ancestors (*WNI keturunan asing*) poses a different set of challenges.[83]

Social reality in Indonesia shows that identification with one's own ethnic group, tribe or the 'nation' among the so-called indigenous ethnic groups is stronger than the feeling of belonging to '*le grand nation*' under the red-and-white flag.[84] Especially, the New Order government paid too much one-sided attention to the issue of national integration and began forcefully to implement unity at the expense of diversity in the 1970s.[85] The developments since the downfall of Suharto have shown that if Indonesia wants to hold on to its unitary state model, it is crucial for the coherence of the Indonesian nation to lay the main stress on the development of just that 'feeling of belonging together' of the various ethnic groups. Solidarity should not only be an ideal but also be

reflected in social reality. Before demanding solidarity with the Indonesian nation from the people, however, the government has to provide for the highest equality possible among the different regions and ethnic groups.

Religion

The discussion on the inclusion of the Jakarta Charter in the 1945 Constitution set the backdrop for the ongoing tension between secular nationalist forces and those advocating a political Islam. The refusal of the Jakarta Charter became the starting point for the supremacy of secular forces in modern Indonesian history; however, demands for a greater political role of Islam in Indonesian politics repeatedly flared up. Against the backdrop of the Darul Islam movement,[86] the first two decades of the New Order were marked by a marginalization of Muslims in politics. While the New Order regime fostered the development of a religious infrastructure in the form of mosques, schools, etc. and tolerated Muslim activities in the civic sphere, any form of Islamic political aspiration was perceived as a threat to the secular unitary state and, in the vein of simplifying the party system in 1973, the remaining Islamic parties Parmusi, NU and other smaller ones were amalgamated into the PPP.[87] Because the sphere of civil society was much less controlled and restricted than the political sphere, the Nahdlatul Ulama left the PPP in 1984 and returned to its basic foundations, concentrating on religious education and social welfare.[88]

In the 1980s, Indonesia's Muslims embarked on a strategy of cultural Islamization of society instead of the former open confrontation with the state, and focused on spreading religious teachings and strengthening social institutions in order to increase Muslims' influence on society in general. Moreover, a new, educated Muslim middle class emerged, which was able to gain access to areas formerly dominated by non-Muslims, such as the state bureaucracy and industry. The strengthening of Islamic interests and structures in the late 1980s was also part of Suharto's response to the increasing criticism of his authoritarian rule. With the rapprochement with Islam, Suharto tried to create a new base of backing for his rule and to balance the dwindling support from the military.[89] Other results of this state-led Islamization were the placement of Muslims in high military positions and the establishment of the Institute of Indonesian Muslim Intellectuals (*Ikatan Cendekiawan Muslim se-Indonesia*, ICMI) in 1990, chaired by Suharto protégé B.J. Habibie. ICMI became a political forum for the critical Muslim middle class and a symbol of Suharto's turning away from his former strategy of containment of political Islam.[90] Suharto's change in attitude towards Islam was further expressed by his pilgrimage to Mecca and the inclusion of '*hadji* Mohammad' in his name.

The 1990s offered political Islam ample opportunities to expand its influence. While champions of a cultural Islam perceived the strengthening of Islamic values and institutions mainly as a means to further democracy and civil values, advocates of a formal Islam hoped the cultural strengthening of

Islam would be a first step towards an Islamic state.[91] After Suharto tried to co-opt moderate mainstream Muslim leaders and failed, he changed his strategy and turned to the radical Islamist periphery for support. The establishment of ICMI also has to be seen in this light, as the organization included proponents of political Islam. Another example is the co-optation of the ultra-conservative DDII (*Dewan Dakwah Islamiyah Indonesia*, Indonesian Council of Islamic Propagation), which had been banned from operating in some areas throughout most of the New Order in the 1990s, and its offspring KISDI (*Komite Indonesia untuk Solidaritas dengan Dunia Islam*, Indonesian Committee for Solidarity with the Islamic World).

The repression of political Islam from the 1960s to the 1980s led to two different results important for the study of the emergence of uncivil society in Indonesia. First, Islamism was successfully neutralized and any political ambitions of Islam channeled towards the safe container of the PPP. Second, banned from the official political arena, Islamism was driven underground and developed into a strong social movement within the sphere of civil society. Especially on university campuses and in Islamic boarding schools, Islamism became popular among students frustrated with the New Order's corruption and injustice.[92] Finally, although the political and symbolic concessions made by Suharto to political Islam during the last decade of his rule were part of his strategy to weaken pro-democracy forces within the moderate Muslim community, this attitude paved the way for the rise and strengthening of anti-democratic forces within the Muslim community in post-Suharto Indonesia, as we will see in the course of this study.

Human rights

Indonesia's position in relation to the universality of human rights has been strongly influenced by the country's cultural and historical background. Several characteristics of the dominant Javanese culture are in opposition to the liberal concepts of democracy, freedom rights, and civil society. The principles of *rukun* (harmony) and *hormat/urmat* (respect) contradict liberal notions, because all actions threatening social harmony and unity are socially discouraged. The principle of respect conflicts with the breaking down of hierarchies and the demand for social equality. Criticism towards superiors (including the government and its leaders) means a lack of respect, the community decides about an individual's responsibilities, and everyone knows his or her given place within the social hierarchy. Open conflict is avoided at any rate, and protest or social struggle are notions alien to Javanese society. The fact that an individual is not supposed to battle for universal social equality, but rather to fulfill his or her personal lot in life, adds to the fatalistic and deterministic point of view of traditional Javanese society.

Nevertheless, the early years of the Indonesian Republic were marked by an open and serious discussion on human rights, and the preliminary constitution of 1950 (UUDS 1950, *Undang Undang Dasar Sementara*) contained

28 articles of the Universal Declaration of Human Rights (UDHR). After 1968, however, Indonesia's human rights record had been marked by continuing regression. Suharto's regime held the view that "if implemented, the actual idea of human rights will lead to chaos and obstruct economic growth" and that "the implementation of human rights has to be postponed until economic development will be achieved" (Lubis 1993a: 437). The government advanced the view that the West one-sidedly emphasized the individual's civil and political rights while neglecting economic rights and the duties towards one's community. Indonesia thus became a champion of cultural relativism and insisted on its right as a sovereign state to define and restrict civil liberties in accordance with its cultural tradition.[93]

Only by the beginning of the 1990s, and especially with the massacre of Santa Cruz,[94] did Indonesia's human rights situation and the government's politics really seep into public consciousness on a global level. Since Indonesian troops occupied the former Portuguese colony in 1975 and declared East Timor to be the Republic's 27th province, more than 200,000 people have lost their lives under the brutal occupation. However, the atrocities of East Timor were no exception. Suharto's rule was marked by grave human rights violations. Suppression of the free expression of opinion, intimidation, extra-legal disappearances, torture and capital punishment not only for delinquents but also for nonviolent political prisoners, rape and other forms of sexual violence as well as extra-legal executions are only part of the repertoire of violence used by the government to maintain the Pancasila ideology and national unity.[95] The Indonesian armed forces in particular used terror, force, and human rights violations deliberately to suppress 'internal enemies' and 'subversive movements'. The list of atrocities is long and manifold. Particularly in the regions far away from the center, which had a history of resistance or struggle for independence, such as Aceh, Irian Jaya, East Timor, thousands of people were killed, tortured, raped, and intimidated over the years. However, in other areas of the archipelago too, civil and political rights were injured and social and economic rights neglected by unequal development.[96] The main instruments for securing state control during the New Order were the anti-communist decrees from 1966, the Anti-Subversion Law of 1963 (presidential decree Keppres No. 11/1963) enacted under Sukarno, as well as several articles in the criminal procedure code KUHAP (*Kitab Undang-Undang Hukum Acara Pidana*). The so-called *Haatzaai Artikelen*, a relic of the colonial age, avenged the 'sowing of hatred' against government representatives as a criminal offense. With these laws and regulations it was possible to imprison people suspected of undermining the state's integrity, without court hearing or trials.[97] Furthermore, despite judicial independence according to formal law, in reality no independent and impartial justice existed and the judicial system reflected and supported the political power structures. Repressive laws and regulations, arbitrary application of the law, and prevailing impunity for perpetrators of human rights violations made a mockery of the law.[98] Because the courts were directly subordinated to the Ministry of Justice, the executive had another means to

exert pressure, by deciding on salaries, posts, and promotions of prosecutors and judges. In order to justify its rigid measures for maintaining political stability and the paramount position of Suharto and his cronies, the regime advanced 'Asian values' as the appropriate answer to the international human rights discussion. In short, following the example of Malaysia's Premier Mahatir, Suharto declared Indonesian culture and traditions incompatible with the Western notion of democracy and human rights. This assertion was used later on to justify all sorts of interventions in civil matters and the curtailing of civil and political rights.[99] Starting with the late 1980s, economic liberalization and the emergence of illegal trade unions, parties, think-tanks, student unions, and a large number of NGOs resulted in a growing political consciousness among the population. The discourse on human rights and democratization became more common during this time, owing to a mix of growing international pressure, transnational human rights networks, and increasing legitimation of national opposition groups, which successively planted the idea of human rights in local structures.[100] International treaties and control mechanisms played a crucial catalyzing and complementing role in making human rights violations public, and pressured states to justify or even discontinue their conduct. In 1991, the year of the Dili massacre, Indonesia became a member of the UN Commission on Human Rights, which further legitimized the discourse on human rights within the country. In September 1992, members of the Non-Aligned Nations passed the so-called 'Jakarta Declaration', rejecting the Western pressure in relation to human rights matters and demanding a cooperative instead of confrontational discourse on human rights. Suharto perceived the discussion on human rights and civil and political freedoms as a threat to the regime's stability. He claimed that the government's definition of the community's rights was in accordance with the people's wishes. At the same time, a growing number of NGOs and activists contradicted this statement and refused the notion of an 'Asian human rights understanding'. In 1993, 240 delegates of 110 Asian NGOs attended a human rights conference in Bangkok and passed a declaration that rejected the Asian human rights concept championed by their respective state officials. The Indonesian government was not alone in having to recognize that the people did not share their definition of 'Asian values' and that civil and political rights could not be alienated in favor of economic development.[101] Indonesia, in an attempt to create an Asia-versus-West tone, denounced the "tendency by a group of countries to arrogate to themselves the role of judge and jury over other countries […] backed by the power of their biased media and single-minded NGOs."[102]

In his speech at the World Conference on Human Rights in Vienna on 14 June 1993, Foreign Minister Ali Alatas embraced the universal validity of basic human rights and freedoms and the UDHR. However, at the same time Indonesia lobbied to reduce the traditional focus of human rights activists on civil and political rights and demanded, together with Singapore, Malaysia, China, and Iran, that more stress be laid on national sovereignty and the

right to development. Alatas underlined that Indonesia could not support a purely individualistic approach to human rights, because the interests of society and nation needed to be safeguarded.[103]

Nonetheless, in 1993 Indonesia announced the establishment of a National Human Rights Commission (Komnas HAM, *Komisi Nasional Hak Asasi Manusia*), which took place in 1994. Despite this breakthrough, most government officials shared the view that enough concessions had been made to the pressure groups and that human rights were a luxury that Indonesia's economic development could not afford. Vice-President and former Armed Forces Commander General Try Sutrisno even denounced advocates of civil liberties and democratization as a "new generation of communists" and "new traitors".[104] It comes as no surprise that during Suharto's rule and before only UN conventions with a relatively narrow reach were ratified:

- The International Convention against Apartheid in Sports[105]
- The Convention on the Political Rights of Women[106]

Of the UN conventions with a controlling procedure and controlling bodies, Indonesia ratified the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)[107] and the Convention on the Rights of the Child (CRC).[108] Moreover, Indonesia signed the Vienna Declaration on Human Rights in June 1993, with its binding Programme of Action (UN-document A/CONF-157/23), which acknowledges the universality of human rights and defines international human rights standards.[109] It was within the context of the Vienna Programme of Action, that Indonesia announced the establishment of Komnas HAM, which started to operate in December 1993.[110]

In 1995, Indonesia participated in the United Nations Fourth World Conference on Women in Beijing and signed the Beijing Declaration and Platform for Action,[111] which aimed at strengthening and improving the situation of the woman in family, society, economy, and politics, and introduced specific women's rights. Central points were the abolition of coercion, discrimination, and violence against women in public and private life.[112] Within the scope of the action plan's commitments, the Indonesian government began to establish a national mechanism for implementing the Beijing Platform for Action and presented a national action plan.[113] In 1995 also, Indonesia participated in the United Nations World Summit for Social Development in Copenhagen and ratified several more conventions by UN special organizations such as the ILO (International Labor Organization).[114]

Summary

Although democracy is not a completely new experience to Indonesia, hundreds of years of absolutist rule and over 30 years of authoritarian rule under Suharto were more formative than the brief period of democracy in the 1950s.

That short but chaotic experience during Sukarno's presidency left a negative impression on the Indonesian people. The New Order laid the foundation for the development of the state and (un)civil society in the post-Suharto era. In particular, the 1980s saw a series of violent state/military interventions. The regime showed its true, violent face not only in the faraway province of East Timor, but also in the Tanjung Priok incident in Jakarta in 1984, in Lampung in 1989, and through the so-called 'Petrus killings' during the mid 1980s. During the 1990s, Indonesia faced an increase in criminality and political violence. In 1991, the bloody massacre of Santa Cruz in East Timor's capital Dili shook the whole world. Protests were ruthlessly suppressed and militias set out on campaigns of intimidation and 'political gang wars'.[115]

During Suharto's presidency, the state grew extremely powerful and controlled all areas of societal life, while the repression of political dissent and social unrest guaranteed political stability. The political system was marked by neo-patrimonialism and corporatism, two characteristics that had a disastrous impact on the development of civil society. The society's predominant patron–client structure, also, is diametrically opposed to the societal features needed for the building of civil society, which stands for flat hierarchies and horizontal relations marked by tolerance and equality. It was not only the decades of indoctrination with the Pancasila democracy ideology that impeded the development of a vibrant civil society in Indonesia. Certain cultural specifics, such as the Javanese tradition, have been (and still are) an important factor in weakening civil society and helping to maintain authoritarian structures. Hierarchy and paternalism particularly mark the Javanese worldview, but similar cultural traditions can be found all over the archipelago. Social status and rank shape everyday social interaction, and relations and are reflected in the usage of different levels of language (*ngoko* versus *kromo* in Java, for instance) and behavior. Equal dealing among the citizens would require freedom from domination. In such an environment, the establishment and internalization of democratic values and modes of behavior remains difficult.

4   Walking a tightrope
Civil society under Suharto

The emergence of civil society in Indonesia

Indonesia had no tradition of separating state and society prior to the colonial period. During the period of the kingdoms, state and society were a single entity. Furthermore, the notion of a separation between state and religion, as had occurred in Europe during the Enlightenment, never really applied to Indonesia. The kings of the old empires of Majapahit and Srivijaya were seen as the incarnation of God's will over his people; their reign was incontestable and ordained by God. Outwardly, the ruler's power was manifested in the hierarchy within his kingdom, in the layout of his court and estate, as well as in his spiritual abilities. The 'modern kings' of Indonesia, i.e. its presidents, built their legitimacy upon the same features and symbols. For instance, Suharto carefully erected his legitimacy upon an impression of divine legacy and descent, following the tradition of the old Javanese kings.

When, how and whether civil society emerged in Indonesia are questions that are difficult to answer. Even in pre-colonial times, groups and institutions already existed that would today fall under the category of civil society. Examples of these predecessors of modern civil society were, for instance, mutual self-help groups such as *kelompok kematian* (burial associations), *beras perelek* (funeral insurance group), *selapanan* (weekly meetings), *arisan* (a saving and credit group), *lumbung paceklik* (food security group) and others. In rural areas, many of these associations have survived until today.[1] During the colonial era, the first national organizations emerged. Some authors, like A.S. Hikam, connect the emergence of civil society with modernization. In the nineteenth century, when mercantilist capitalism arrived in the Netherlands East Indies, vast economic changes took place and profoundly transformed society. Industrialization, urbanization, and modern education brought about social changes and a new consciousness among the indigenous elite, a development which resulted in the foundation of modern social organizations at the beginning of the twentieth century.[2]

On 20 May 1908, Budi Oetomo (Noble Conduct) was set up by intellectuals. Initially for educational purposes, it later turned into a political organization. The Sarekat Dagang Islam (Association of Muslim Merchants) was

established by middle-class businessmen in 1912 to promote the interests of Indonesian businesses in the Dutch East Indies, and later turned into a political party (*Sarekat Islam*). In 1912 also, Muhammadiyah, a progressive Muslim organization, was founded to foster social and economic reforms. In 1924, Hatta and others set up the Indonesian Students Association (*Perhimpunan Mahasiswa Indonesia*), which became a main driving force of the nationalist movement. The other main Muslim mass organization, Nahdlatul Ulama (NU), was founded in 1926.[3]

The 1950s were a promising time for the development of Indonesia's civil society. During this period following independence, social and political organizations emerged freely and received considerable support from the euphoric, recently freed population. At that time, civil society had a very high standing in society and politics, and the government did not interfere yet. This phase did not last long, however. Soon the political and economic crisis hampered the development of civil society, and social organizations became mere instruments for the proliferation of contesting ideologies. The end of the 1950s marked a standstill for Indonesia's civil society, which soon turned into retrogression. In the late 1950s and the 1960s, civil society thus reflected the general picture of political life, which was marked by deep cleavages along ideological, religious, and class lines ('*aliran* politics'). Consequently, associational life was deeply polarized and organizations grouped around the major political parties. Edward Aspinall (2004: 62) remarked on this period: "Civil society became a mechanism, not for generating civility and 'social capital', but rather for magnifying sociopolitical conflict and transmitting it to the very bases of society." This fractured civil society did not help in ameliorating conflicts and building civility in society. The end of what is referred to as the 'Old Order' (*Orde Lama*) marked a failure to establish a strong, unified authority.

Civil society under the New Order

Considering the fact that the New Order was built upon one of the greatest massacres in modern history, it is not surprising that the development of a civil culture and a 'civil' society was seriously impeded. It is estimated that between 600,000 and two million people were killed in the years 1965–67.[4] Against this backdrop, the foundation for what Ufen (2005) calls an "oligopoly of violence" was laid. The regime coalition and its different actors of violence effectively controlled opposition and secured the state's stability until the late 1990s. National stability became the highest *Staatsraison*. Mass mobilization was henceforward used to back up and legitimize only Suharto's politics. The strengthening of the state's power and its intrusion into all spheres of life caused people's sovereignty and political participation to decrease. The space for development of civil society became increasingly restricted. During the first few years of the New Order, when civil society was not yet bundled into corporatist organizations and thus neutralized, rallies by student organizations were a frequent phenomenon. Open opposition to the New Order was

relatively infrequent from 1967 until the beginning of the 1990s. Workers and peasants did not form a unified opposition movement, and students publicly voiced their complaints only twice in the 1970s, for several weeks, and were then pushed back into oblivion by the NKK measures (*Normalisasi Kehidupan Kampus*, Normalization of Campus Life) introduced in 1978. Until the 1990s, politicians, bureaucrats, and business circles voiced almost no opposition to Suharto's neopatrimonial rule.[5] Only in the 1990s did oppositional civil society forces gain strength as NGOs, illegal parties, unions, and student organizations emerged, which openly criticized the regime. Religious and ethnic tensions erupted occasionally and separatist movements in Irian Jaya and Aceh became more vigorous.

The last century had witnessed a development of Indonesian civil society groups from mere community-based mutual self-help groups (*gotong royong*) to sophisticated NGOs with international connections. Despite all repressive measures, this development continued during Suharto's rule. The growth of the middle class through the 1970s and 1980s resulted not only in politically apathetic consumerism, but also in a new kind of middle-class culture that became apparent in the establishment of numerous NGOs throughout the country. Starting with a few hundred in the 1970s, the number of NGOs grew to about 3,000 in the 1980s[6] and approximately 6,000 in the 1990s.[7] Between 1996 and 2002, NGOs mushroomed from approximately 10,000 to 70,000 (Hadiwinata 2003). Other sources speak of about 8,000 in 1999.[8]

Civil society encompasses a variety of actors such as NGOs (non-governmental organizations), professional groups, intellectuals' and artists' associations, religious groups, think-tanks, human rights organizations, and many more. Because the majority of CSOs can be assigned to the organizational form of NGOs, the literature on Indonesia's civil society deals for the most part with NGOs. There have been several attempts to systematize the vast number and forms of NGOs in Indonesia: Eldridge differentiated three categories of NGOs called (1) "high-level, co-operation-grassroots development"', (2) "high-level, politics-grassroots mobilization", and (3) "empowerment from below". Groups belonging to the first category pursue a non-political approach and are limited to the execution of small programs at the village level and the enhancement of community participation within government development endeavors. By not aiming at changing the political structures, "high-level co-operation-grassroots development" NGOs protect themselves from government interference and reflect the traditional value of conflict avoidance.[9] NGOs belonging to the second category are more critical of New Order policies and seek protection from government restrictions through personal contacts with high-ranking government officials. Their work is aimed mainly at raising awareness and building the capacity for self-organization among their target groups. The third category of NGOs seek to initiate political and social change by directly empowering the people to become skilled and confident enough to negotiate with government agencies themselves. Thus, instead of acting as intermediaries between the grassroots level and the

state, these NGOs create awareness of rights among the people and help to build grassroots constituencies.[10]

Todung Mulya Lubis proposed a classification into cooperative and non-cooperative NGOs, based on the NGOs' reaction to the UU ORMAS.[11] Mansour Fakih divided Indonesia's NGOs into three categories called 'conformists', 'reformists', and 'transformists'. While the conformists include those NGOs that accept socio-political structures in general and try to avoid conflicts with the regime while restricting their work to charity-based activities, the reformists try to improve the situation of the poor by enhancing their management capacities, work structures, and mentality. The last group, the transformists or 'transforming' NGOs, identify political structures that cause poverty and inequality and see the first step for change in raising awareness among the people by empowering them to realize and claim their rights.[12]

Bob Hadiwinata differentiates between development (*pembangunan*) and movement (*gerakan*) groups. While development NGOs focus on improving equity and people's participation by promoting small-scale business and professional management in partnership with the government, movement NGOs act as a social movement with the goal of strengthening, empowering, and mobilizing the grassroots for popular resistance against injustice.[13]

What all these efforts to categorize NGOs have in common is the attempt to differentiate between groups that cooperate with the state and groups that have the potential to form a 'strategic' civil society that would eventually support democratic transition.

Because of the great variety of actors in civil society and the long period of time covered, the following paragraphs will merely provide a general overview of the development of civil society during the three decades of Suharto's rule.

The awakening: civil society in the 1970s

One of Suharto's most effective instruments of depoliticization was the establishment of corporatist organizations in the 1970s.[14] At the same time, Indonesia experienced a real NGO boom; numerous new NGOs were founded by intellectuals in reaction to the New Order's top-down development strategy. These NGOs mainly executed small development programs for the satisfaction of basic needs and for the improvement of health care, drinking-water quality, and non-formal education.[15] Famous examples of NGOs that emerged in this period were the Legal Aid Institute (LBH, *Lembaga Bantuan Hukum*, 1969), LP3ES (1971), and Bina Desa (1975). This "populist shift" (Aspinall 2005: 90) was accompanied by the emergence of new alternative development ideas that challenged the modernization strategy of the New Order. At the same time, this boom marked the re-emergence of a popular movement against the authoritarianism of the New Order. The establishment of new NGOs was accompanied by the decline of social mass organizations. In the mid 1970s, the *Gleichschaltung* of mass organizations began. All mass organizations (ORMAS, *organisasi massa*) formerly affiliated with the PKI

were dissolved, and all remaining ORMAS were amalgamated into larger umbrella organizations to become the "extended arm of the government".[16] Minority or other societal interests, like those of the lower classes, political opposition, etc., could no longer be articulated. To reach a maximum in stability, Suharto founded a great number of strictly hierarchical and centralized corporatist organizations, which bound and subordinated the different social groups to the regime and allowed an extraordinarily high degree of control over the activities of each social segment of society. Practically every societal group was organized according to the corporatist concept and represented in its own organization: doctors, teachers, journalists, lawyers, peasants, workers, etc. One organization only was recognized as the sole representative of each constituency's interests (*wadah tunggal*, 'single container'). The government usually appointed the leaders and delegates of these organizations, thus co-opting and controlling them. Lower-class organizations such as farmers' and workers' unions were either disbanded or placed under the umbrella of corporatist organizations.[233] One of the first corporatist bodies was KOKARMENDAGRI (*Korps Karyawan Menteri Dalam Negeri*), the Corps of Functionaries for the Ministry of Internal Affairs established by then Minister of Internal Affairs Amir Machmud. Civil servants were merged into several KOKAR (*Korps Karyawan*, Corps of Functionaries) in 1971 and later fused into a single organization called KORPRI (*Korps Pegawai Republik Indonesia*, Corps of Civil Servants of the Indonesian Republic).[18] The Central Coordinating Body for Farmers' Mass Organizations (BKS Tani) was transformed into the Indonesian Farmers' Union (HKTI, *Himpunan Kerukunan Tani Indonesia*) and several fishermen's organizations were almalgamated into the All-Indonesian Fishermen's Association (HNSI, *Himpunan Nelayan Seluruh Indonesia*) between 1973 and 1974. Furthermore, the Teachers' Union of the Republic of Indonesia (PGRI, *Persatuan Guru Republik Indonesia*), formed in 1945, was subsumed under Golkar as a professional group in 1973. Moreover, the state approved a reshaped KOWANI (*Kongres Wanita Indonesia*, Congress of Indonesian Women).[19] Some groups faced more repression than others, for instance the workers and journalists. Journalists were forced to become members of the PWI (*Persatuan Wartawan Indonesia*, Indonesian Journalists Association), while workers were subsumed under the roof of the newly founded FBSI (*Federasi Buruh Seluruh Indonesia*, All Indonesian Labor Federation) in 1973. In 1985, FBSI would be replaced by the even more centralized SPSI (*Serikat Pekerja Seluruh Indonesia*, All-Indonesia Workers Union).[20] The leaders of the large Islamic organizations were either co-opted or ferociously repressed. The remaining political parties were fused into a few agglomerations that were easy to monitor. State control was extended down to the lowest levels of associational life.

From the late 1970s onward, most Indonesian NGOs were funded by international donors, which rendered them more independent and critical of the regime and its *pembangunan* strategy.[21] Other than in the 1950s and 1960s, when civil society perceived mainly other civil society groups as their

antagonists, with the New Order the state became the main opponent and problem that civil society organizations had to deal with. Their major concern was now the constraint of the state's totalizing power and the advocacy of the rule of law, i.e. the creation of a just legal system and the guarantee of human rights by the state. The emerging oppositional movements were made up of middle-class NGOs, groups of intellectuals and student activists on the one hand, and peasant or workers' groups on the other hand. All these groups from various backgrounds had differing agendas, which impeded a common struggle and a shared ideology.

In 1977, a group critical of the regime emerged from the echelons of the military and high-ranking politicians to establish the Study and Communication Forum 'Fosko' (*Forum Studi dan Komunikasi*) and the LKB (*Lembaga Kesadaran Berkonstitusi*). Although these groups did not question the existence of the New Order in general, they nevertheless criticized Suharto's leadership style and the way the elites handled power. Both groups would become predecessors of the 'Petitsi 50' group.

Censorship and the NKK regulation introduced to regulate and control the students' political activities represented further milestones on the road to curtailing and repressing the development of civil society under Suharto. The military and intelligence were involved in implementing the NKK regulation, which meant the dissolution of student representative bodies at universities and their replacement with government-controlled committees.[22]

Most NGOs that emerged during the early years of the New Order saw their work as part of the state's modernization project, and thus cooperated with government agencies in order to implement their own projects on community development, poverty alleviation, etc. A prominent example of this kind of community development NGO is Bina Desa. The Indonesian Consumers Foundation YLKI (*Yayasan Lembaga Konsumen Indonesia*) is another NGO that worked closely with the government. Because of the often short-term nature of their goals, many NGOs were forced to cooperate with the government in order to achieve their aims. The government, in turn, tolerated such civil society activity because it remained limited to particularistic objects such as community development, poverty alleviation, and the like. Achieving these goals had priority over political democratization. Especially large, institutionalized CSOs developed a survivalist mentality for the sake of saving their staff, their programs, their funding, etc. As Aspinall (2005: 256) put it: "The very institutional interests upon which the growth of civil society was founded tended to become a drag on civil society's capacity to oppose the regime."

Repression and accretion: civil society in the 1980s

In 1980, a group called 'Petisi 50' emerged, consisting of fifty retired officers and civilian intellectuals, among them General (retired) Abdul Haris Nasution and Jakarta's ex-governor Ali Sadikin. Although never a real threat to the regime, due to the prominence of its members, Petisi 50 became a real nuisance

to Suharto, and some of its members were jailed in 1984 for their criticism.[23] Muslim groups in particular frequently voiced their criticism of Suharto in the early and mid 1980s, often ending in bloodshed, as illustrated by the infamous Tanjung Priok incident in 1984 and local Muslim insurgencies in Lampung. Other opposition groups included NGOs that fought for various issues such as human rights (especially land rights, legal issues, and indigenous rights), environmental protection, etc. The critique of liberal reformers was focused on the practices of the politico-business oligarchy: corruption, collusion, nepotism, bad debts, budget leakages, etc.

The regime succeeded in eradicating opposition for the most part. Power groups and influential leaders were co-opted by the government with offers of lucrative positions, business licenses, and access to power and wealth. Those who resisted co-optation were punished with the closing down of their organizations, the imposition of restrictions that aimed at strangling their interests, or the creation of new laws and regulations to end their activities. As socio-economic disparities began to show more and more and Suharto's leadership style grew increasingly authoritarian, student demonstrations reappeared as the vanguard of larger protests that were to come in the 1990s. As a consequence of the suppression of political activism among students in the early 1980s, many students turned to religion as new Islamic networks developed around the campus mosques. Besides these campus networks, other networks emerged, like the Contact Organ of Indonesian Mosque Youth (*Badan Kontak Pemuda dan Remaja Masjid Indonesia*, BKPRMI). Some of these networks became breeding grounds for Islamic radicalism in Indonesia.[24] Starting with the oil crisis, the position of NGOs versus the state was strengthened, due to their ability to mobilize external financial resources. In their function as intermediaries, NGOs were directly involved in official development programs. At the same time, the state's control over NGOs increased with the passing of the UU ORMAS (*Undang-undang Organisasi Masyarakat*, Law on Civic Organizations) in 1985, which forced civil society organizations to accept Pancasila as their sole foundation and adopt it in their statutes.[25] The 'Pancasila democracy' was marked by a high degree of corporatism that did not provide any institutional means for political participation beyond the existing corporatist ones. The government-created corporatist organizations were the only legitimate representatives of the various social groups. In 1985, the government passed specific laws that allowed it to ban political parties and other social groups threatening Pancasila. From that point on, only three parties were formally recognized: Golkar (*Golongan Karya*, Functional Groups), the PDI (*Partai Demokrasi Indonesia*, Democratic Party of Indonesia), and the PPP (*Partai Persatuan Pembangunan*, United Development Party). With the UU ORMAS, organizations could no longer be based on any other ideology than the Pancasila, including religion. With this law, Suharto also dealt a blow to Islam as a political force and nullified the "very notion of legitimate political opposition on the pretence that the state ideology emphasized cooperation and harmony between

different social groups".[26] Nevertheless, the number of NGOs grew dramatically, especially in the second half of the 1980s, in reaction to the decline and cutting back of mass organizations. Forming an NGO or entering one became a viable alternative to joining one of the government-controlled mass organizations for the educated urban middle class.[27] The late 1980s saw an increasing number of NGOs taking on public advocacy work and thus massively getting in the way of state-sponsored or foreign projects. The most prominent example is probably the struggle of NGOs against the Kedung Ombo dam project in Central Java.[28] Although their programs were aimed at rural development, NGOs remained concentrated mostly on Java and particularly in the urban areas, because their leaders emerged from the urban middle classes, and because the cities (especially Jakarta) guaranteed easier access to government departments and donor agencies. NGOs built coalitions and joined national and regional networks to prevent the government from subsuming single NGOs under the roof of one of its corporate organizations, which were led by functionaries of the regime. By forming networks, NGOs hoped to escape this threat, which would have meant the end of their (relative) independence. Another positive effect of coalition and network building among NGOs was the creation of democratic structures within the NGO community.[29] Probably the most influential network within Indonesia was the International NGO Forum of Indonesia (INGI), established in 1984–85 in order to monitor and pressure the government's donors and serve as a meeting point for national NGOs.[30]

In the late 1980s, a new era dawned. The progressing industrialization and capitalist modernization accompanied by the break-up of the cohesive regime coalitions forced the state into allowing a political opening. Deregulation and de-bureaucratization were on the agenda for the first time. This course was very much inspired by the trend triggered by Gorbachev's *perestroika*. In addition, internal conflicts within the ruling elite caused the regime's coherence to shake and gave room to more demands for democratization. During this period, the call for political reform grew louder among NGOs, intellectuals, religious leaders, student activists, and political figures. The discourse on civil society began to arise also, and various civil society groups assembled under the banner of democratization (*demokratisasi*).[31] What started as an exclusive discussion among intellectuals and academicians soon spread to a larger audience. Through public discussions and mass media, the discourse on civil society and the desirability of its strengthening as a means for democratization became fashionable, and even known to the people. At the same time, the new era of openness and the political opportunities that opened up in the late 1980s resulted in much internal conflict within many NGOs, as their previous survival-oriented outlook clashed with the ideals of reform and democratization of the young generation of activists. Although opposition from civil society increased, starting in the late 1980s, it never gained enough strength, consistency, and organizational efficiency to challenge the power of the New Order state.

Escalating discontent: civil society in the 1990s

The 1990s were marked by a growing dissatisfaction with the New Order government, which resulted in rising popular resistance. Since the late 1980s, some NGOs had become important players in preparing the democratic transition that would take place almost ten years later. Some of the prominent NGOs that advocated democracy in Indonesia were the YLBHI, KONTRAS (*Komisi Untuk Orang Hilang dan Korban Tindak Kekerasan*, Commission for the Victims of Violence and Disappeared Persons), the KPA (*Konsorsium Pembaruan Agraria*, Consortium for Agrarian Reform), the CPSM (Center for Participatory Social Management), INFID, and many more. Two NGO meetings in the 1990s marked a turning point for the development of NGOs in Indonesia: the 'Baturaden Meeting' on 19 December 1990, and the 'Cisarua Meeting' on 18–19 June 1993. At the end of the Baturaden Meeting, a statement was issued in which the involved NGOs expressed their will to turn away from being mere instruments of state hegemony, which of course earned them much criticism from the BINGOs close to the government.[32] During this period, those NGOs that had been consultants of the regime coalition grew increasingly critical of the government and its ability to bring about development based on equality and human rights.

The phase of liberalization and political opening that had started in the late 1980s and lasted until 1994 was characterized by the establishment of important institutions, such as Komnas HAM in 1993, and a surge of pro-democracy movements which represented the core of Indonesia's civil society potential.[33] In 1991, Suharto declared an "era of openness" and public discussions began to revolve around sensitive topics such as corruption, collusion, bank scandals, the prohibition of free trade unions, and the so-called SARA-related (*suku*, *agama*, *ras*, *antargolongan*—tribe, religion, race, inter-group) issues. The media became more assertive in their reporting on the elite's mismanagement, middle-class intellectuals published critical essays, organized theater performances, and established informal discussion circles. Among the NGO and student community, open expressions of discontent and demands for more democratic politics and human rights mounted. Moderate groups became better organized and confident, while more radical groups emerged at the same time that began to mobilize the rural and urban masses. In 1993, radical forces associated with the PRD established the National Farmers Union (STN, *Serikat Tani Nasional*), followed by the foundation of the Indonesian Center for Labor Struggles (PBI, *Pusat Perjuangan Buruh Indonesia*) in 1994. In May 1994, the People's Democratic Union (PRD, *Persatuan Rakyat Demokratik*) was launched by pro-democracy student and workers activists.[34] Apart from the aforementioned organizations, the Network of Popular Arts (JAKKER, *Jaringan Kerja Kesenian Rakyat*), the Center for the Indonesian Workers' Struggle (PPBI, *Pusat Perjuangan Buruh Indonesia*), the Indonesian Popular Union (SRI, *Sarekat Rakyat Indonesia*), as well as the SPRIM (*Solidaritas Perjuangan Rakyat Indonesia untuk Rakyat Maubere*) stood at the forefront

of the pro-democracy struggle. By 1993, Indonesia counted thirteen NGO forums, which included mostly the larger, reform-oriented NGOs willing to cooperate internationally.[35] In the course of the 1990s, NGOs were increasingly perceived as enemies and "national traitors" (Aspinall 2005: 112) by the government, and by military officials in particular. The advocacy work on behalf of farmers and workers earned NGOs a reputation as communist fronts. The consequences of the lack of organizational channels for expression of lower-class discontent began to show also. Especially after 1996, a series of violent riots by workers and farmers took place. Nevertheless, the increase in labor unrest did not have sufficient political power to seriously destabilize the system. Several advocacy campaigns were launched by NGO coalitions that received widespread national attention like campaigns against river pollution (1991–92), the construction of a golf course and the expropriation of peasants (1993), as well as the murder of labor activist Marsinah (1993–94).[36] Yet students became the main actors and "agents of popular resistance" (Hadiwinata 2003: 211) in the 1990s, by generating popular movements. Prominent student organizations that contributed to the building of a strategic civil society in the 1990s were, among others, INFIGHT, Aldera (People's Democracy Alliance), the Indonesian Students Action Front (FAMI), PIJAR (*Pusat Informasi dan Jaringan Aksi untuk Reformasi*, Information Center and Action Network for Reform), and SMID (*Solidaritas Mahasiswa Indonesia untuk Demokrasi*, Indonesian Student Solidarity for Democracy). The students' highlighted role can be explained by the weakness and inability of other civil society actors to seriously challenge Suharto's rule. From the mid 1990s on, students organized frequent street demonstrations demanding Suharto's removal.[37]

A milestone on the way to the end was Suharto's increasing sensitivity and over-reaction to any criticism and opposition. The end of the liberalization phase came with the banning of the three major political magazines, *DeTik*, *Tempo*, and *Editor*, in 1994 for their critical reporting. Furthermore, independent trade unions were repressed and their leaders jailed. With this, any assumed or expected correlation between economic development, liberalization, and democracy suffered a serious blow. Another fatal step was the so-called 'Sabtu Kelabu' (Dark Saturday), the brutal storming of the PDI headquarters on 27 July 1996 by Suharto-backed forces. The attack was part of a plan to remove then chairman Megawati Sukarnoputri, who had become a symbol for democratization and a reference for different segments of the opposition.[38] Several Megawati supporters were killed and over 200 more arrested and tried under the 'Haatzaai Artikelen' and the Anti-Subversion Law.[39] The way in which Megawati was ousted with the involvement of the military and thugs provided a glimpse into the future of post-Suharto politics. After that incident, a series of kidnappings of political activists began, and old and new human rights groups increased their campaigning.

The increased show of force by the regime and the resulting curtailment of freedoms had a positive side-effect on the pro-democracy actors within civil society, who started to focus more on the shared goal of reform instead of on

individual group interests.[40] In the second half of the 1990s, advocacy NGOs such as WALHI (*Wahana Lingkungan Hidup Indonesia*, Indonesian Forum for the Environment), ELSAM (Institute for Policy Research and Advocacy), and INFID (International NGO Forum on Indonesian Development) established links with student activists across Indonesia and sponsored forums on human rights, democracy, and political reform. These coalitions became the "backbone of the anti-Suharto movement" (Molyneux 2000), which in combination with the dramatic economic situation in 1997/1998 eventually resulted in the regime's downfall. Advocacy NGOs grew increasingly bold in challenging the government's policies on human rights-related issues and received considerable support from foreign governments and donor agencies.[41] The dialogue between national NGOs and international organizations such as the UN Commission on Human Rights, the ILO, as well as Western governments contributed to the delegitimation of the New Order regime, which eventually eroded the regime's credibility and prepared the ground for the fall of Suharto.

Nevertheless, by 1998 the opposition was strongly divided, poorly organized and lacked ideological coherence. When the New Order collapsed, opposition remained fragmented and weak, thus resulting in a rapid reconsolidation of the old forces that had underpinned the New Order and a blurring of reformist and old regime forces.[42] Many NGOs working in various fields, such as human rights, women's rights, children's rights, social and economic development, and environmental protection, were able to build connections and even partnerships with international NGOs and donor agencies as well as with global institutions such as the United Nations (UN). My research concerning the role played by national human rights groups in the context of influencing national human rights politics in Indonesia as well as human rights politics on the regional level (Southeast Asia) showed that various Indonesian NGOs were involved in national, regional, and international activities in preparing, attending, and following up on those UN conferences.[43] Even under the New Order regime, representatives from various Indonesian NGOs attended the preparatory meetings and the international conferences and were able to present an alternative view on the country's human rights situation by submitting NGO reports as a corrective to the official government reports. Hence, certain CSOs had a considerable influence on national government policies and shaped international perception of Indonesia's human rights situation. Through their involvement in international human rights conferences, their close connections with international NGOs with consultative status with the United Nations, and their reports, an alternative view on the national situation was presented to the international public, which increased the pressure on the government.

Assessment of civil society under Suharto

In assessing civil society, we have to differentiate carefully between two sets of questions. First, what role have CSOs played within the set borders of their

limited room for maneuver? And second, what did they actually contribute to the democratization process of their country? There is no doubt that NGOs have done important work under Suharto, or as Ganie-Rochman and Achwan (2005: 217) put it, "made a difference to the lives of the farmers of Kedung Ombo, the poor of Jakarta, and the workers in the labor-intensive industries", among other things. Nevertheless, it seems that Indonesia's civil society development has been halted, due to the 32 years of suppression under the Suharto regime. Although a considerable numeric growth has taken place, civil society was at no point a real political threat to the regime, as its actions remained restricted to influencing or at best limiting state action.

Due to its inability to forge coalitions among different layers of society, Indonesia's civil society continued to be fragmented and unable to pull the people and various societal groups together. For one, reformers (radical, liberal, and social democratic) were not sufficiently represented in civilian politics, and the liberal reform movement was almost entirely carried out by urban intelligentsia and lacked broad, middle-class support.[44] This lack of support is best explained by fear of the lower classes, which were perceived as a possible threat to middle-class interests.[45] Without any opportunity to form effective, organized political vehicles, middle-class reformers could join only one of the existing state-approved parties. By means of this tactic, Suharto very effectively prevented the emergence of political vehicles that could threaten the existing order.

Another reason for the degeneration of civil society is the weakness of the peasant and workers' movement in Indonesia. Radical labor and peasant unions were disbanded in the mid 1960s along with the PKI, but retained the stigma of communism. The state corporatism of the New Order was particularly geared toward demobilizing lower-class attempts to organize. The regime permitted only the FSPSI and the HKTI to operate, which ended up by preventing a genuine organization of the workers and peasants rather than representing their demands and needs. In particular, the paralysis of the urban working class impeded Indonesia's democratization, since strong labor movements often precede democracy. Because the possibility of rising lower-class dissatisfaction and unrest was the scenario that was most threatening to Suharto, any challenge from below was brutally suppressed. It was partly due to the peasantry's and labor's weakness as a force that neither the elites not the reformist middle class showed any interest in building a coalition with this segment of society, which left the workers and farmers without political allies at the end of the New Order, when the dramatic rise in unemployment and the impacts of the economic crisis became apparent.[46]

In addition, the heavy control imposed on the press curtailed its function as a watchdog and messenger of the condition of freedom in the country. The absence of an independent press prevented the creation of free public spheres, one of the prerequisites of a strong civil society. As New Order politics demonstrated, a weak civil society makes it much easier for the state to intervene and manipulate primordial sentiment in order to achieve its own goals. By

using *divide et impera* politics on its own people, the Suharto government prevented the expansion of civil society's scope for action. Suharto's strategy towards the ethnic Chinese, for instance, is only one example of how he succeeded in maintaining divisions and prejudices in Indonesian society in order to prevent the emergence of a strong middle class that could also gain political influence and jeopardize his autocratic rule.[47]

NGOs and other CSOs critical of the government, parts of the media, certain intellectuals, as well as other oppositional forces such as political parties (particularly the PDI-P and the illegal PRD) continued to challenge the state's hegemony over civil society during the New Order and thus prevented total control of this sphere by the state. Despite the many restrictions faced by opposition forces, their continued existence prevented the development of a totalitarian regime and allowed for a democratic opening. Although the fall of Suharto did not stem from a revolutionary civil society movement against his regime, but was rather caused by a multitude of factors, including the dramatic fading of the economic foundation of his regime in 1997, civil society played an important role in providing alternative conceptions of state and rule at a crucial point in Indonesia's history.

However, as we will see in the following chapters, it soon turned out that pro-democratic forces within civil society were not sufficiently prepared to dominate civil society after 1998 and to oust the old forces of the former regime as well as new anti-democratic players.

The New Order government was marked by an ambivalent attitude towards civil society. On the one hand, parts of civil society, especially those NGOs working in rural development, poverty alleviation, and the like, proved to be very useful for the government's own development agenda, as they filled gaps in areas and regions the state was unable (or unwilling) to provide for. Another reason for the government's relative tolerance of certain civil society activities was the fact that most of the NGOs' leadership elite came from the urban middle class. As a result, civil society leaders were often quite close (or even friends) with the national government elite, a fact that provided some protection for many CSOs. As these middle-class NGOs represented for the most part the rural population, the government preferred a narrow zone of (even critical) middle-class intellectuals to dealing with potentially broad rural protests. Many CSOs thus represented some kind of buffer between the grassroots level and the government.[48] Moreover, the government was eager to use the NGOs' mobilization potential, and NGOs were used for a cheap implementation of national development programs. By accepting help from NGOs, the government hoped to neutralize the people's potential for independent political participation.[49]

The authoritarian state structures of the Guided Democracy of Sukarno and the New Order have left Indonesia's civil society very weak and vulnerable. Civil society was successfully eliminated as a balancing force to state power, and politics were limited to state institutions only. Thus, civil society remained defensive in character and its boundaries with the state were often

blurred. There was much interconnection between societal and state actors, and the struggle for political change took place not only between state and civil society, but within civil society, its institutions, and the state apparatus as well. During the later phase of the New Order, official or semi-official institutions were sometimes used for purposes other than those they were established for, a method in another context aptly called "institutional amphibiousness" by a Chinese author.[50] Organizations like ICMI can be regarded as an attempt to reform or challenge the state from within through a semi-official organization.[51]

Although only little direct opposition to the New Order regime was possible, the achievements of CSOs in raising awareness and building a critical public opinion already had a considerable impact on the stability of the regime and its maneuvers. As the "terrain of political legitimacy" (Aspinall 2005: 258) was shifted under the government's feet, the regime had to adapt its policies and strategies to regain lost ground. This stands in close connection to the ascent of uncivil society and its actors. One example was Suharto's rapprochement with the radical fringes of Muslim civil society in order to counter the growing strength of the Muslim pro-democracy movement, which resulted in the vitalization and strengthening of such forces, a development whose implications became fully apparent only in the post-Suharto era. Another example is the proliferation of military-sponsored youth organizations such as the PP (*Pemuda Pancasila*, Pancasila Youth) and the PPM (*Pemuda Panca Marga*, Panca Marga Youth), built in an attempt to channel civic engagement of Indonesia's youth into corporate organizations.

Returning to our initial civil society model inspired by Gramsci, one can say that non-state contestations of the sphere of civil society under Suharto were mainly initiated by various critical and highly politicized NGOs. Although most of these NGOs failed to change the regime's policies directly, they were nevertheless crucial insofar as they provided alternative ideas, ideologies, and norms within the realm of civil society. While these CSOs lacked the political strength and means to dominate civil society and the general ideological discourse, they still prevented the New Order state from utterly monopolizing the arena of civil society. At the same time, civil society remained strongly entangled and interwoven with the political sphere.

5 Between reform and regression
Post-Suharto state and politics

The New Order comes to an end

Campaigns by civil society against the wrongs of the New Order regime, the repression and violation of human rights by the military, and the increasing inequality of public wealth, etc. contributed significantly to the destabilization and delegitimation of Suharto's regime. The main contribution made by civil society toward the gradual overthrow of the New Order was certainly to erode the "ideological foundations of authoritarian rule" (Aspinall 2004: 82) by guiding public national and international attention to the regime's failures and transgressions and by raising awareness of their rights among the population. Throughout the political and economic crisis, it was again civil society groups who continually pressured the regime and undermined its legitimacy. The political unrest was spurred by the worsening economic crisis.

New technologies and common media such as the internet, cellular phones, fax, and news forums enabled communication between reform forces, the spread of regime criticism, and the building of networks that finally put the military and the ruling elites under significant pressure.

During the months leading to the ousting of Suharto, civil society groups forged several coalitions and ad hoc groups. One of them was SIAGA (Indonesian Solidarity for Amien and Mega), founded by students, journalists, artists, and activists. SIAGA held several demonstrations in early 1998, calling for Suharto to step down and for economic and political reforms.[1] However, the demonstrations and mobilization that pushed the political transition were less an orchestrated joint effort of civil society than an outburst of frustration triggered by the killings of students at the Trisakti protests in Jakarta. Although the weeks and months leading to Suharto's abdication saw numerous protests, mainly organized by students, the protests and riots in May 1998 are better classified as 'society actions' than 'civil society actions', because they were composed mostly of students and urban poor. Or as Aspinall (2004: 84) remarked in reference to the urban poor, "their action—violent rioting in the streets—was the very antithesis of an organized and moderate civil society." Besides many student organizations staging structured protests, it was largely 'uncivil society'—or society in its rawest form—that drove the transition in a

visible way. The lack of civility shown during the popular upsurge would become a warning signal and harbinger of the violence to come. The sudden end of the New Order shocked many Indonesia experts and revealed the weakness of the regime.

Political change and failed reforms

After the collapse of the supposedly invincible New Order state, it became apparent that the state's power and ability to control society had mainly consisted of military repression. Consequently, the post-Suharto state was confronted with many challenges coming from either business or political forces that aimed to gain control over its assets. The government continued to be weak and showed a considerable lack of capable political leaders who could reconcile the conflicts among the various ethnic and religious groups that started to seriously threaten national integration.[2]

The ascent of 'uncivil society' stands in close connection with the failure of reforms and the political economy of the post-Suharto era. In the following, we will take a closer look at the reform efforts, on the one side, and the factors that impede democratization in Indonesia and favor the development and proliferation of uncivil society, on the other side.

Reformasi: the pursuit of the rule of law

> I think civil society is a sort of platform for the equality of all citizens. Whereas the communal sphere, culture, religion, ethnicities, and so on make up a sort of space of freedom, choices for good life etc. […] I personally would say that civil society has something to do with the equality of all citizens before the law. So that people who are different in terms of their own culture become equal in one thing, which is the law. And accordingly that they have equal opportunity to make use of all the opportunities within the politics for their own purpose and interest.
>
> (Interview with Ignas Kleden, 28.08.2003)

The term '*Reformasi*' (reform) became the most prominent catchword accompanying the upheaval in Indonesia before and after Suharto's resignation on 21 May 1998. Whether first used in talks between the IMF, the World Bank, and the Suharto government about the conditions for financial aid during the Asian crisis or not, the word soon became a unifying phrase for millions of Indonesians crying out for the abolition of KKN (*korupsi*, *kolusi*, *nepotisme*; corruption, collusion, nepotism), a change of government, and an end to the worsening social and economic conditions.[3] The reform agenda included the following six topics: ending the dual function of the military and police, amending the 1945 Constitution, enforcing the rule of law, implementing regional autonomy, empowering the democratic process and institutions, and eradicating KKN by starting to bring Suharto and his cronies to trial.[4]

The Reformasi movement was not limited to those groups of civil society usually categorized as 'civil' and thus 'good'. Extremist Islamic groups, violent student groups, *preman*, civil militias and other elements of the uncivil side of civil society participated as well, and had their share in the events.[5] Not only did the Reformasi movement involve uncivil elements, it also brought about new organizations that belong to the category of USOs.[6] One of the most important goals of Reformasi was the formation of civil society. This meant a complete shift in Indonesian state politics, because from that point on, civil society building was officially on the government's agenda. Previously, only non-state organizations and actors were concerned with the building and fostering of civil society. Henceforth, the state was actively involved in the discourse of civil society as well. In the first two years after the end of the New Order the number of civic associations, NGOs, private businesses, and media exploded. The number of print media grew from 289 prior to 1998, to 1,687 in 2000. The Department for Information, which had maintained strict control on censorship of the media during the New Order, was dissolved in March 2000.[7] On the national and elite level, remarkable democratic reforms were carried out, thus leading many observers to the conclusion that Indonesia had entered the democratic consolidation phase. The constitutional reforms enacted by parliament, the cutting back of presidential powers, and the limitation to serve only two terms became the cornerstones of these reforms. In the following, some important improvements and setbacks in the political development since 1998, which crucially impacted the formation of civil and uncivil society, will be discussed.

Political developments after 1998

Habibie (May 1998–October 1999)

After the forced resignation of President Suharto on 21 May 1998, Vice-President B.J. Habibie took over the office and promised extensive political and economic reforms. With the formation of a new cabinet, he dismissed former Suharto cronies and political hard-liners. He did not succeed in convincing significant opposition figures to cooperate, however, and they rejected him as Suharto's minion. Nevertheless, he tried to prove his credibility as a reformer as quickly as possible. One of Habibie's first steps was the introduction of a bill (UU RI 19/1998) that restored the freedom of the press. Under Suharto, it had been possible to withdraw press licenses without a court hearing, a practice that imposed a kind of self-censorship on the press.[8] During the first three months under the new government, more than one hundred licenses were given to newly founded newspapers and magazines.

On 24 July 1998, the government installed a Joint Fact Finding Team (*Tim Gabungan Pencari Fakta*), made up of government and NGO representatives and entrusted with shedding light on the incidents connected to the May riots.[9] On 13 August, the government agreed on collaboration with the UN

High Commissioner for Human Rights and allowed a UN delegation to visit Jakarta. Furthermore, the UN Special Rapporteur on Violence against Women and the UN Working Group on Arbitrary Detention gained access to Indonesia and East Timor.[10] Although the Pancasila remained the normative foundation of the state, from November 1998 it was no longer the binding 'sole foundation' for social organizations and parties. In particular, Muslim parties took advantage of the new ideological freedom and adopted Islamic ideology as their foundational principle.[11] During Habibie's presidency, most political parties and independent trade unions were legalized. In November 1998 several new electoral laws, as well as laws concerning the parliament and the formation of new parties, were enacted. Other significant reforms were the limitation of the possible terms of office for the presidency to two, and the cutting of the president's right to enact emergency legislation.[12] The MPR's (*Majelis Permusyawaratan Rakyat*, People's Consultative Assembly) legal capacity and ability to act has increased significantly since the end of the New Order, and it is now able to fulfill its initial task of electing and monitoring the president. Starting in late 1998, constitutional and electoral reform was at the center of public attention. With the president being elected by the MPR, it became essential to change the previous method of appointing or indirectly electing a crucial proportion of the MPR members. Under Suharto, the president himself, who thus secured the outcome of the elections, chose more than half of the 1,000 MPR members. By then 425 seats were taken by elected DPR members, 75 seats by appointed military members, and 500 by appointed regional and functional group representatives.

The new laws passed in January 1999 granted the military 38 seats (out of 500) in the DPR and 10 percent in the provincial and sub-provincial DPRD.[13] Furthermore, the MPR consisted now of 500 DPR members (which 38 were military appointees), 135 regional representatives and 65 representatives of the Functional Groups. The latter were to be appointed by an Electoral Commission of representatives from the government and political parties. Another important change was a regulation that prohibited civil servants from taking posts in political parties, which mostly affected Golkar.[14]

In March 1999, Habibie's government released 52 political prisoners, and in July trade union activist Dita Indah Sari was set free, followed in September by the East Timorese leader Xanana Gusmao. In April 1999, parliament abolished the Anti-Subversion Law of 1963; however, the fact that six key sections of this law are now components of the Criminal Code (KUHAP) causes concern.[15] According to these articles, one can still be arrested for an offense against the Pancasila and spreading of communist teachings. Another law that permits arrest for expressing one's opinion also remained intact.[16]

On 27 January 1999, Habibie announced his willingness to consider a far-reaching autonomy, or even independence, for East Timor. The referendum finally took place on 30 August, and 78.5 percent of the voters voted for complete independence from Indonesia. In the weeks leading up to the referendum, pro-Indonesian militias supported by TNI soldiers had already intimidated

the population. Refugee camps were attacked; civilians were expelled by force, massacred, murdered, tormented, violated, or kidnapped. Although the government had guaranteed the security of the referendum, no effective measures were taken. After the results were announced, a wave of violence and destruction broke out in East Timor. More than 250,000 East Timorese were on the run from killing and pillaging militias. It is estimated that between 1,000 and 2,000 people were killed, primarily civilians, members of the National Council of Timorese Resistance, politically active students, numerous refugees, but also children, priests, nuns, and UN employees. In many cases, it was reported that military and police units took part in the massacres.[17]

Other significant innovations under Habibie were the introduction of the 'Indonesian Human Rights Action Plan 1998–2003' on 25 June 1998 and the new Human Rights Law (UU No. 39/1999 HAM).[18] Moreover, in April 1999, the DPR passed the Law on Autonomy No. 22/1999 and Intergovernmental Fiscal Balance Law No. 25/1999. The bills aimed at enlarging the regencies' revenues from natural resources by guaranteeing them a bigger share of the income and expanding their fiscal management capacities. For the first time since 1955, free and fair elections were held in Indonesia, in June 1999. In order to make this possible, new electoral laws were passed. Consequently, 48 political parties ran in the elections. Various independent groups from all over the country joined in a unified effort to help monitor the elections.[19] Golkar lost its status as a single-majority party and the *monoloyalitas* doctrine that had formerly bound public servants to Golkar was abandoned. Furthermore, Golkar's supervisory board was abolished, and with it Suharto's control over the party, as head of the board.[20]

In spite of the positive initiatives and announcements by the government, human rights observers registered a large number of serious human rights violations. Although security forces exercised restraint in numerous student protests and riots, the manner in which protest actions were handled during the MPR's special session in November 1998 in Jakarta did not differ much from the methods commonly used under Suharto to suppress dissent. Sixteen people died, dozens were injured.[21] Despite the promises of the government to respect freedom of speech and freedom of assembly, critics continued to be arrested and human rights activists faced massive threats and disturbances in their work.[22] Although the reform processes made progress, the human rights situation deteriorated in many areas. It is no surprise that Habibie, being a crony of Suharto, resorted to New Order tactics in order to counter the growing political discontent. In late 1998, as a climate of legal and political uncertainty prevailed, people from the grassroots took matters into their own hands, raided shrimp farms, reclaimed land that had been illegally seized by the state, and sought revenge on regional and local government officials.[23] It was against this background that Habibie returned to New Order methods like "counter-mobilizing Muslim interests against student demonstrations, deploying civilian vigilantes, thugs and paramilitary groups in the streets as a form of extra-legal crowd control, and using outright military repression of

opposition" (Porter 2002: 226) to quench unrest. The implementation of a multi-party system by Habibie was followed by political disintegration, and no party could win a clear majority in parliament.

Wahid (October 1999–July 2001)

With Abdurrahman Wahid, a civil society leader became president. He provided ample space for the growth of civil society and advocated its central role in democracy building. Wahid's motto was 'the least government is the best government', and his politics aimed at including every important group in the democratization process. His goal was to dissolve the old, internalized economic and political power structures, to pacify the numerous conflict areas, to restructure the economy, to reform the legal and judiciary system, to gradually disempower the military, and to mediate between the various lobbies.

Shortly after he assumed office in October 1999, Wahid demonstrated his will for radical reforms. He appointed Marzuki Darusman to be his respected and powerful Chief State Prosecutor, who again took up the investigations against Suharto on 27 October 1999.[24] Furthermore, a Department of Human Rights was established, which was merged one year later, in the course of a cabinet reshuffle on 26 August 2000, with the Ministry of Justice under Yusril Ihza Mahendra.[25] On 4 November 1999, for the first time in the history of Indonesia, a member of the navy (Admiral Widodo) was appointed as commander of the armed forces. With this move, Wahid planned to break the army's supremacy within the TNI. Another reform concerned the lowering of the number of military and police members in the DPR directly appointed by the president from 75 to 38.[26] Through the TNI/Polri faction,[27] the military is still disproportionately involved in political decision-making processes. The direct assignment of seats in parliament should be abolished in 2009; in return, members of the military and the police will regain the right to vote.[28]

In September 1999, the UN established an international board of inquiry, which was allowed to visit East Timor and Jakarta between 25 November and 8 December 1999; however, it was not granted access to West Timor.[29] Furthermore, the UN's Special Rapporteur on arbitrary execution, violence against women and torture visited East Timor in November. The National Human Rights Commission (Komnas HAM) set up an Investigation Commission on Human Rights Abuses in East Timor (KPP-HAM, *Komisi Penyelidik Pelanggaran Hak Asasi Manusia Timor Timur*), which stayed in East and West Timor several times.[30] Both reports, that of the UN investigation team as well as that of the KPP-HAM, held the Indonesian armed forces immediately responsible for the acts of violence. As a result, when visiting East Timor for the first time in 2000, Wahid asked the population for forgiveness for the atrocities perpetrated by the Indonesian military during 25 years of occupation.[31] In December 1999, Wahid freed all political prisoners remaining from the Suharto era, a total of 196 persons.[32]

In order to strengthen the judicial system and to break open old structures, more than half of Jakarta's judges were transferred to the provinces in 2000, and corrupt judges were brought to trial. In August 2000, the judiciary was formally separated from the executive.[33] Moreover, as mentioned before, the police were formally separated from the military (UU No. 6/2000 and UU No. 7/2000) under Wahid's presidency, and defined as a civilian agency whose political role would end in 2004. In 2002, law UU No. 3/2002 revised the 1959 State of Emergency Law. Another crucial step was the implementation of the program of economic decentralization and regional autonomy on 1 January 2001, which was mainly based on two laws already passed in May 1999: Law No. 22/1999 on 'Regional Government' and Law No. 25/1999 on 'Fiscal Balance Between the Center and the Regions', and a set of Government Regulations. The three main goals of decentralization were democratization, prevention of disintegration, and the division of labor.[34] Aimed at delegating political power and economic responsibilities to the regions, and thus solving the ongoing conflicts in various provinces of the archipelago, the decentralization program also contributed to a re-politicization process of the Indonesian people and had a major impact on conflict dynamics in Indonesia.[35] It increased political and financial authority in the regions, especially on the level of *kabupaten* (district) and *kotamadya* (municipality), and allowed the establishment of new districts, sub-districts, and provinces for the first time (*pemakaran*), which, in some cases, amplified competition and conflicts between communal groups.[36] However, with regard to the development of uncivil behavior, decentralization had some unwanted negative impacts, like the heightening of political competition at the local level and the increase in corruption among local politicians, who often rely on criminal networks. It soon turned out that the work of DPRDs as monitoring bodies was hampered by nepotism, extortion, and racketeering by *preman*.[37] Many regions were and are effectively controlled by USOs, as in Medan, for instance, where two rival militias with ties to the police and military have power over parts of local business and politics.[38]

In Aceh, West Papua, West Kalimantan, and Maluku the wish for independence continued to be violently suppressed by the Indonesian armed forces and the police. During Wahid's presidency, Amnesty International documented hundreds of cases of arbitrary detention, as well as dozens of cases of disappearances and extra-legal executions in West Papua and Aceh alone. In Maluku, the security forces sided with various groups, supplied them with weapons, and themselves committed human rights violations.[39]

Despite the high democratic legitimization, Wahid's government had to struggle with many difficulties. Wahid inherited a tangled network of corruption in virtually all areas, and the great coalition impeded his government's ability to act effectively. In addition, ongoing internal factionalism and attacks against the president further weakened and destabilized the government.[40] Reformers within the government were thwarted by reactionaries who tried to impede the reform process by using resistance and terror, and by

blocking the accounting for the past. Thus, the growing instability, tensions, and political insecurity during Wahid's presidency increased people's skepticism of the political system and further discredited democracy in their eyes. Wahid lost public trust, and his shock therapy further worsened the "unmaking of civil society" (Azra 2003). Although the end of Wahid's presidency was marred by his ongoing refusal to relinquish power, as well as several corruption scandals involving the president himself,[41] a peaceful transition of power took place after Wahid was impeached by the MPR at a Special Session on 23 July 2001 and replaced by Megawati Sukarnoputri after months of growing tensions and Wahid's attempt to declare martial law.[42]

Megawati Sukarnoputri (July 2001—October 2004)

Many observers within and outside Indonesia initially hailed the takeover of power by Sukarno's daughter Megawati, who had been an icon of opposition against the Suharto regime. After some time, however, the new president's extremely low profile, her undetermined air, her weak stand towards the military, and her lack of a clear political ideology or agenda became increasingly obvious.

After the terror attacks on 11 September 2001, Megawati was quick to express her condolences to the U.S. and was in fact the first Muslim leader to visit the United States after the attacks. At her meeting with President Bush on 19 September, she assured her support for President Bush's 'War on Terror' and received in return the promise of a US\$ 530 million trade-and-aid package.[43] In the following months, however, her dwindling support for the U.S. crackdown on countries allegedly hosting terrorists, and her inability to root out alleged terrorist groups in her own country, earned her sharp criticism from the United States. The whole situation revealed Megawati's political immobility and weakness, as she tried to balance the various interests within the country and her coalition. Her inability to act more decisively towards Islamic extremists can partly be explained by her fear of alienating more conservative Muslim forces in the country (including her harshest critic, Vice-President Hamzah Haz[44]), as well as by her personality. The Bali bombings in October 2002 further intensified international pressure on Megawati's weak government.[45]

One of the positive aspects of Megawati's rule was the reunification of the fragmented political forces into a coalition. This step stabilized politics and allowed the government to start solving its long-term problems such as the violence and conflicts in some provinces (Maluku, Central Sulawesi, Irian Jaya, and Aceh).

In 2002, the MPR agreed to the direct election of government officials, which resulted in direct elections for president, vice-president, district leaders, and governors in 2005. This in turn increased the accountability of the candidates and minimized the chances of vote-buying and money politics. Furthermore, the MPR agreed in August 2002 to completely abolish the appointed

seats for TNI/Polri-members in the MPR and DPR by 2004. In addition, members of the police and armed forces were no longer allowed to run in legislative or regional executive elections or to become members of a political party.[46]

During Megawati's presidency, a rising trend to more repressive politics and retrenchment of political dissent was perceivable. While under Wahid all political prisoners of the Suharto era had been released, Megawati resumed trials against political prisoners for the first time since 1998. Numerous activists were detained for non-violent protests against rising oil and rice prices and the economic downturn in the country.[47] Parallel with the declining human rights situation in the country, the National Human Rights Commission (Komnas HAM) became increasingly marginalized and ineffective after 2002, and its investigations remained incomplete or half-heartedly done. Megawati entered into a close relationship (or even partnership) with the military, caused by her weak political position and her distrust of the Islamic parties within the great coalition. Consequently, many of the military reforms introduced under Wahid were reversed. In 2002, for instance, new provincial military commands were established in Aceh and Maluku, which was clearly against the goal of reducing the military's role to one of 'national defense'.[48] The war in Aceh was another concession to the hard-liners within the military. Nationally, the military presented itself as the bulwark against terrorism and was strongly supported by the U.S. and Australia during Megawati's rule. The Anti-Terrorism Laws[49] issued by Megawati in October 2002 were another result of the new relationship between the president and the military, as well as of the changed international political landscape after 9/11. The law is highly contested, due to its provisions that allow the police to detain a suspect for up to six months without formal charges or court order, and a stipulation that allows intelligence reports to be used as sufficient preliminary evidence for arrest.[50]

The fact that Megawati enjoyed only little support from the Muslim community added another reason for her irresolute approach toward militant groups. This, and the radicals' open support for the Taliban in Afghanistan and Osama Bin Laden, in turn scared off foreign investors and prolonged the economic crisis.[51] Another negative aspect of Megawati's rule was her failure to curb corruption in the bureaucracy and the judiciary, which remained weak.

Susilo Bambang Yudhoyono (SBY) (October 2004—today)

After a series of constitutional amendments between 2001 and 2003, Indonesia had by 2004 established a democratic government in terms of formal institutions. The president and vice-president were now directly elected, there were no longer directly appointed members sitting in the MPR, nor any reserved seats for the armed forces in the parliament. The MPR was now entirely made up of two bodies elected by the people: the DPR with 550 members, and a newly established Regional Representatives Council (DPD, *Dewan Perwakilan*

Daerah) with four seats for each province.[52] Nevertheless, a large number of experts assess Indonesia's chances of establishing a democratic government and bureaucracy truly accountable to the citizens as marginal.[53] Indonesia's parties remain strongly centralized, based on personal leadership, and possess only limited internal democracy. On 24 February 2004, the Constitutional Court issued a decree that revoked article 60 (g) of Law No. 12 of 2003 on General Elections, which prohibited people formerly involved in banned parties from running for office. With the annulment of article 60, citizens were granted equal rights before the law. However, other regulations, such as the Law on Election of the president, which prohibits a person with PKI involvement from becoming president, remained intact.[54]

The fact that Golkar did so well in the 2004 elections and that a former military general, Susilo Bambang Yudhoyono, was elected president, gave further substance to those pessimistic views. More worrisome yet, SBY and his Vice-President, Jusuf Kalla, enjoyed the support of Islamist parties after alleged deals with the Islamist movement.[55] Nevertheless, the 2004 elections resulted in a president with a level of high democratic legitimacy. The fact that his party PD (*Partai Demokrat*, Democratic Party) only constitutes a small minority in parliament could become a problem if he lacks support in parliament for important reforms. A similar constellation could be found during Wahid's presidency, whose party PKB (*Partai Kebangkitan Bangsa*, National Awakening Party) was in a position analogous to that of the PD today.

SBY requires the consent of all interest groups in order to implement his reform agenda, which makes it extremely difficult to fulfill his pre-election promises. The fact that SBY is a retired TNI general does not mean that he still enjoys much influence in army circles. Although the military has withdrawn from its former, outwardly visible, political role, military personnel are still represented at all levels of the government bureaucracy. One of the great successes of SBY's legislation was the revitalization of the Corruption Eradication Commission (KPK, *Komisi Pemberantasan Korupsi*), which had been established by Megawati and begun to investigate thousands of cases of corruption since. The fact that KPK does not discriminate between elites and the common people in its investigations, and that none of the cases unearthed so far is connected with the president or his family, has added to SBY's credibility.[56] Every two years, all civil servants who have been in office for a minimum of two years are obliged to report their wealth to the KPK. In March 2007, the KPK asked SBY to report his wealth again, after he assumed the post of the head of state in 2004.[57]

Some major corruption scandals disclosed during SBY's presidency have already proven the president's seriousness about eliminating corruption. In April 2005, Aceh's Governor Abdullah Puteh was sentenced to ten years in jail for attempting to misappropriate state funds and overstate the price of a helicopter purchased on behalf of the provincial government. In December 2005, KPU (*Komisi Pemilihan Umum*, General Election Committee) chairman

Nazaruddin Sjamsuddin was sentenced to seven years in prison on the grounds of receiving money from an insurance company which had won a contract with the KPU. Four other KPU members have been jailed on corruption charges as well. In April 2006, the former president director of the state social security company PT Jamsostek, Achmad Djunaidi, was sentenced to eight years in prison for his involvement in a US\$ 33.7 million securities scam.[58]

Constitutional amendments, new laws, and human rights politics

In November 1998, the MPR Special Session passed a resolution that acknowledged the validity of universal human rights for Indonesia.[59] With this decision, a fundamental change was set in motion, not only with regard to human rights. The curtailing of the state's rights in favor of individual civil and political freedoms, as well as the stipulation of the state's obligation to actively protect and promote human rights, marked a decisive step towards a democratic state.

Since the end of the New Order, the Indonesian Constitution has been amended four times and has grown from 37 articles to 70. As not all changes can be subjected to detailed discussion here, only a few of the most important changes that stand in close relation with civil society building will be introduced. About three weeks after the constitutive session of the newly elected People's Consultative Assembly (MPR) on 1 October 1999, the first constitutional amendments were adopted on 19 October. The modifications resulted in a strengthening of the national parliament (DPR) over the president.[60] About one year later, on 18 August 2000, several constitutional changes were carried out again by the MPR. The Second Amendment and several of the MPR decrees passed at the 2000 Annual Session concerned the following areas: civil–military relations, the decentralization of power to the regions, the separation of powers, and a bill of rights. The MPR paved the way for introducing civilian control over the military by laying a legal foundation on which the DPR could build: a distinction was drawn between the competencies of the TNI (internal security) and the Polri (law enforcement and maintenance of public order). Moreover, the police and the military were made subject to the civilian judicial system.[61] Besides articles containing an expansion of the autonomy and the rights of provincial governments[62] and others, which extended parliament's competencies and stipulated that its members would be appointed by public elections, a completely new passage on human rights was added, which anchored the most important civil and political rights explicitly in the Constitution. These include rights concerning the life, integrity, freedom, and security of every human being, as well as rights with regard to the exercise of jurisdiction, such as:

- the right to life and to defend one's life (Art. 28-A);[63]
- the right to found a family within a lawful marriage (Art. 28-B (1));
- the right of every child to live, to grow up, develop and to be protected against violence and discrimination (Art. 28-B (2));

- the right to security of person, the protection of family, honor, dignity and property as well as the right to security and protection from intimidation to be able to exercise one's human rights (Art. 28-G (1));
- the right to freedom from torture and degrading treatment and the right to seek asylum in other countries from persecution (Art. 28-G (2));
- the right to freedom of religion and to exercise one's religion, the right to self-determination, the free choice of education, employment, nationality, residence as well as the freedom of movement (Art. 28-E (1));
- the right to freedom of discrimination and protection against any discriminating treatment (Art. 28-I (2)); the freedom from slavery (Art. 28-I (1)); and
- the right not to be held guilty of any penal offence on account of a retrospective legislation (Art. 28-I (1)).[64]

Although the second amendment to the 1945 Constitution also guarantees the freedom of expression (Art. 28-E (3)) and freedom of association (Art. 28), the Constitution also stipulates that these rights can be restricted in order to "satisfy just demands based upon considerations of morality, religious values, security and public order in a democratic society" (Art. 28-J (2)).[65]

Although some examples from the catalogue of economic, social, and cultural rights and the so-called "third generation of human rights" (Volger 2000: 379) are now enshrined in the Constitution and mirror the concerns of the Copenhagen Summit, the resolutions of the Beijing Platform for Action are not reflected in any of the articles.[66] Gender-specific motives do not appear, and women are not mentioned in particular. The new version of the Constitution is widely criticized for its lack of a guarantee against arbitrary arrest and detention, disappearances and killings. Other articles of the amended Constitution curtail rights that have been already guaranteed in the Universal Declaration of Human Rights.[67]

In November 2001 and August 2002, the Constitution was further amended. Aside from the alterations discussed above, other crucial new changes included the establishment of a Regional Representatives Council (DPD), the stipulation of democratic, direct elections for the president, the abolishment of the Supreme Advisory Council, and the establishment of a Constitutional Court and a Judicial Commission.

In 2001, a new law on foundations was passed (UU Yayasan, Law No. 16/ 2001), which received strong criticism even before it took effect in August 2002. The points that raised concerns about a possible back door for the government to prevent the establishment of unwanted CSOs in the shape of foundations are found in articles 11, 12, and 13. These articles stipulate that the establishment of a foundation needs the consent and endorsement of the Ministry of Justice and Human Rights, and remain intact even after the revision.[68] Non-profit organizations in Indonesia can now choose between two forms of legal personas, '*yayasan*' (foundation) and '*perkumpulan*'

(association).[69] Most NGOs choose the shape of foundations, which are governed by UU Yayasan, while associations are still governed by a Dutch law enacted in 1870.[70] Although the law was amended in October 2004 by Law No. 28 of 2004, which took effect on 6 October 2005, the articles on the need to seek permission from the relevant ministry remained intact.[71]

The Indonesian Human Rights Action Plan 1998–2003

On 25 June 1999, the Habibie government presented the 'Indonesian Human Rights Action Plan 1998–2003'.[72] In this document the ratification of international human rights instruments within five years was heralded. The process was to happen gradually and to take the necessities of development and the needs of the Indonesian people into consideration (II, 10). The timeline for the ratification of international human rights instruments intended the immediate accession of the 'Social Pact' (International Covenant on Economic, Social and Cultural Rights, CESCR), the 'Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment' (CAT) and the 'International Convention on the Elimination of All Forms of Racial Discrimination' (CERD).[73] The ratification of the 'Convention on the Prevention and Punishment of the Crime of Genocide' as well as the 'Slavery Convention' was planned for the second year. During the third year, the 'International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families' would be addressed, and during the fourth year the 'Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others' were to be ratified. The ratification of the 'Civil Pact' (International Covenant on Civil and Political Rights, CCPR) was envisioned for the fifth year.[74]

On the national level, further actions were planned: to intensify the dissemination of information on human rights, to improve the structural foundation for the protection of human rights, to revise and reform existing legislation with regard to international human rights norms, and to implement those human rights instruments already ratified by Indonesia (II, 6). In addition, a national commission was to be established to draft the reports that are mandatory under the ratified conventions.

The preamble of the Indonesian Human Rights Action Plan 1998–2003 refers to the indivisibility of human rights; however, it points to the necessity of keeping balance and harmony between individual and collective rights, i.e. the rights of the individual and his obligations towards the community and nation (I, 2). While the preamble emphasizes the obligation of states to implement human rights, it also concedes the importance of taking respective value systems, history, cultures, political systems, the degree of economic and social development, and other factors into consideration. With this stipulation, the Human Rights Action Plan 1998–2003 continues to follow the government's previous position on the universality of human rights, as it was advanced under Suharto.[75]

The new Law on Human Rights (UU No. 39/1999 HAM) and the example of women's rights

On 23 September 1999, parliament passed the Law on Human Rights (UU RI No. 39/1999) in support of this decision.[76] With this step, Indonesia fulfilled some of its international obligations resulting from the signing of UN conventions. Taking the example of women's rights, this section will exemplify the impact of an international commitment (like the signing of the Beijing Platform for Action) on national human rights legislation. According to the report drafted by Indonesia for the Beijing +5 Follow-up Conference in New York in 2000, a multitude of activities were started to further women's rights as basic human rights, to facilitate women's access to development resources, to foster integrative education and training, and to improve the health of women and girls. Moreover, steps were taken to strengthen the institutional framework for women's development and a 'Zero Tolerance Policy' was introduced to contribute to the elimination of all forms of discrimination against women.[77]

Chapter 9 ('Women's Rights') of the new Law on Human Rights entails seven articles, which reflect the scope of the resolution of the Fourth World Conference on Women in Beijing. Article 45 defined women's rights as human rights. Article 46 refers directly to Item 7 of the 'Critical Areas of Concern of the Platform for Action' ("Inequality between men and women in the sharing of power and decision-making at all levels")[78] and guarantees the participation of women through the electoral system and the women quotas in parties, the legislature, executive, and jurisdiction.[79] Article 47 regulates the free choice of citizenship in case of marriage to a foreigner; article 48 meets the stipulation of education and training for women. Article 29 guarantees the right of free choice of profession, access to public office, and special protection for women working in environments that threaten their general and reproductive health. Special rights that women are entitled to, due to their reproductive role, are guaranteed and protected by the law. Articles 50 and 51 stipulate the same rights for men and women with regard to marriage, obligations, and rights concerning their children and their joint property, even in case of divorce.[80] With these articles, at least some of the demands of the Beijing Platform for Action for specific women's rights have been implemented in national legislation.

However, reality lags behind the good intentions stipulated in the Law on Human Rights.

Violence and discrimination against women are endemic problems that have not been resolved by the new regulations. Indonesian women are facing violence, gender discrimination, and numerous other violations of their rights in many areas. Compared to men, women become more often and in various forms the victims of violence and discrimination: in society, within their families, at the workplace, as well as through the state and military. Women are also disadvantaged in the areas of education and health services.[81] Malnutrition, disease, and illiteracy disproportionately affect women. In the crisis regions of Aceh, West Papua, East Timor, and West Kalimantan, hundreds of thousands of women

and children were displaced from their homes in the last years or lost their homes. Many became victims of violence and harassment. Women are also often the targets of physical and psychological violence within their families. There is only very limited data available on domestic violence and marital rape, because internal problems within the family are regarded as private matters. Moreover, due to the social stigma that adheres to the victim, cases of domestic violence or marital rape are seldom reported.[82] In 2004, a new law on domestic violence was passed (UU No. 23/2004 Tentang Penghapusan Kekerasan Rumah Tangga) that stipulates legal steps in order to eliminate domestic violence by preventing all forms of violence in the household, protecting the victim of violence in the household, taking action against the perpetrators of violence in the household, and by maintaining the intactness of a harmonious and prosperous household.[83]

Indonesia continues to be an important source, terminal, and destination for women and child trafficking for the purposes of prostitution and forced labor. Numerous women leave Indonesia as migrant workers and are often faced with catastrophic working conditions, violence, and sexual harassment abroad. Legal protection of migrant workers in Indonesia is still insufficient. Moreover, in Indonesia, the rights of women to adequate and equal pay are not met. Women and girls constitute the majority of the cheap labor force and are often utterly underpaid.[84] Sexual harassment is no criminal offense, according to Indonesia's legislation, because only physical abuse is punished; in addition, the testimony of two witnesses is needed. Accordingly, many female workers are exposed to sexual assault by their supervisors.[85]

Reality check: impact of Indonesia's commitment to international human rights standards

Since the end of the New Order, Indonesia has signed the following international human rights conventions:

- CEDAW-OP: Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Signature: 28.02.2000)
- CMW: International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Signature: 22.09.2004)
- CRC-OP-AC: Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (Signature: 24.09.2001)
- CRC-OP-SC: Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (Signature: 24.09.2001).

In addition, another important UN Convention has already been ratified:

- CAT: Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (Ratification: 27.11.1998).

The ratification of the International Covenant on Civil and Political Rights (CCPR) and the International Covenant on Economic, Social and Cultural Rights (CESCR) are of great importance for the improvement of Indonesia's human rights situation. Only recently, on 25 May 2006, has Indonesia agreed to be bound by the CCPR and the CESCR by accession, although it did not previously sign these instruments.[86] This can be assessed as a great step towards greater commitment to the most fundamental human rights. Another convention to which Indonesia committed by accession is the:

- CERD: International Convention on the Elimination of All Forms of Racial Discrimination (25.07.1999).

In 2000, Indonesia participated in the follow-up conference of the UN World Conference on Social Development ('Social Summit') in Copenhagen. Following this, further conventions set up by UN Special Commissions were ratified by Indonesia. Thses included several ILO conventions ratified after May 1998:

- ILO-Convention No. 87 on Freedom of Association and Protection of the Right to Organize[87]
- ILO-Convention No. 105 on the Abolition of Forced Labor[88]
- ILO-Convention No. 111 on Discrimination in Respect of Employment and Occupation[89]
- ILO-Convention No. 138 on Minimum Age for Admission to Employment[90]
- ILO-Convention No. 182 on The Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor[91]
- ILO-Convention No. 88 on Employment Service to Ensure Effective Recruitment and Placement.[92]

Particularly in the conflict regions, the situation is still disastrous in regard to civil rights. Rights like freedom from intimidation, freedom from arbitrary detention, violence, discrimination, torture and degrading treatment etc., although implemented in national legislation, are being violated on a daily basis. Guaranteeing human rights of the 'second generation', i.e. economic, social, and cultural rights such as the right to work, the right to an adequate standard of living, etc., becomes extremely challenging in a time of economic depression. Moreover, at the same time the population have to be made aware of their rights. In some areas the advancement of human rights is seriously impeded by religious or socio-cultural structures in society, for instance with regard to women's rights. This means that human rights are violated not only in the relationship between citizens and state, but also due to structural violence and societal or family norms and values.

At least in the field of legislation, Indonesia seems to be on the way towards an institutionalization and protection of human rights, as proven by the

implementation of numerous human rights principles in national legislation. In the context of implementing its international commitments, Indonesia has created several new human rights bodies, such as the National Human Rights Commission (Komnas HAM) in 1993, the National Commission on Violence against Women (*Komisi Nasional Anti Kekerasan terhadap Perempuan*, Komnas Perempuan), and the National Commission for Child Protection (*Komisi Nasional Perlindungan Anak*).[93] In March 2007, a new law on the Eradication of Trafficking in Human Beings (*Undang-Undang Pemberantasan Tindak Pidana Perdagangan Orang*, UU PTPPO) was passed by the government. The new law allows the incarceration of traffickers and their accessories from 3 to 15 years and the imposition of high fines. In recent years, the numbers of women and children who have become victims of trafficking, forced prostitution, and illegal labor migration have risen steadily.[94]

With the new Law on Human Rights (UU No. 39/1999 HAM), Komnas HAM gained a legal foundation, a general secretariat for administrative support, as well as the right to summon and to set up human rights tribunals. The number of Komnas HAM's members was raised to 35. These members are elected by the DPR, based on suggestions by Komnas HAM, officially confirmed by the president, and have a five-year term of office, which can be extended only once. Komnas HAM accepts individual and group complaints about human rights violations in oral or written form. The commission's main task is to create a climate conducive to the protection of human rights and to foster the advocacy and strengthening of human rights. However, Komnas HAM has no power to enforce its recommendations or to force the government to act upon them.[95]

State institutions

The military after 1998

There is a strong interconnectedness between the decreasing political role of the military and the proliferation of USOs in post-Suharto Indonesia. After 1998, a rising general distrust in the military was increasingly perceptible, mainly caused by the growing repression of political activists in the months (and years) preceding the fall of the New Order regime. The uncovering of the disappearance, kidnapping, and torture of PDR members and students in the spring of 1998 became an important milestone in the delegitimition of the military. In May 1998, security forces allegedly killed or were involved in the shooting of student demonstrators at the Trisakti University. With Reformasi and democratization taking hold in Indonesia, many of the military's atrocities were uncovered and publicly exposed in the media. The new press freedom allowed Indonesia's newspapers and magazines to report on bygone and current human rights abuses of the military, most notably in the provinces of East Timor, Aceh, and Papua. For the first time in decades, the role and legitimacy of the military were publicly discussed and questioned. Books on political reform,

human rights, the coup of 1965, and the military's involvement, the repression and expropriation of landowners by the state and military, the military's role in politics, etc. appeared on the market, reflecting the intellectual discourse taking place on those matters. When, in the midst of the euphoria of democratization and political reform, student demonstrators were again wounded and killed by the security apparatus during the MPR session in November 1998, the military's reputation was at an all-time low. The following years brought more and more atrocities to light, which further decreased the people's trust in the authority and properness of the security apparatus. In particular, reports on the corruptibility of soldiers and their involvement in illegal businesses wrecked the institution's reputation. More and more people (the wealthy, business owners, and politicians) resorted to hiring their own security personnel to protect their property, interests, and lives. As we will see in the course of this study, the proliferation of these kinds of private armies and security guards has created a new dimension of privatized violence in Indonesia.

Reform or revival of the national security state?

This section will deal with reforms to the military after 1998 and its diametrical attempts to restore the national security state within the new framework of a democratizing Indonesia.

The role of the military is a double-edged sword: on the one hand, democratic reforms aim at keeping the military and police out of politics, restricting the role of the military to its original purpose of defending the nation against external threats, and restoring civilian supremacy. The end of the military's interference in civil society and its withdrawal from politics are indeed preconditions for a successful democratization.[96] On the other hand, the military and police are the only legitimate institutions of violence within the rule of law, so that when violent conflicts in society erupt and cannot be checked, they have to come into play. "Violent civil conflicts create public pressure for the state to intervene and rescue society from itself" (Loveband/ Young 2006: 160).

In September 1998, following much external pressure for reform and accountability after the abduction of student activists, the Trisakti killings, and the May riots the same year, the military issued its 'Paradigma Baru ABRI' (ABRI's New Paradigm), thus signaling the intention to undergo internal reforms that would make it a suitable institution in the new *era reformasi* (reform era). The New Paradigm was the product of internal discussions among a team of senior officers, headed by Lieutenant General Susilo Bambang Yudhoyono, which had been going on for years.[97] After General Wiranto was appointed Coordinating Minister for Politics and Security in the new cabinet in 1999, he began to 'reform' the TNI on his own terms. The New Paradigm was to shift the military's focus from internal security to external defense and included some important changes, such as the 'Civilianization of the Public Administration': although individuals with military background

were still eligible to fill all civilian positions, active military personnel were no longer allowed to be appointed to non-military positions (*kekaryaan*), including political office. Consequently, two related offices were closed down, the 'Syawan ABRI', once responsible for placing military staff in civil positions, and the 'Babinkar ABRI', which had been responsible for the development and control of officers in non-military positions. Moreover, the Staff for Political Affairs was liquidated at the KODAM (*Komando Daerah Militer*, Regional Military Command), KOREM (*Komando Resort Militer*, Provincial Military Command), and KODIM (*Komando Distrik Militer*, District Military Command) levels.

On 1 April 1999, the National Police was formally separated from ABRI, had to report directly to the president, and was assigned to deal with internal security issues and to develop paramilitary capabilities to handle large-scale internal insurgencies.[98] The Indonesian Armed Forces regained their previous name TNI (*Tentara Nasional Indonesia*). The military assumed a neutral position toward all political parties, thus formally revoking its ties with Golkar. With the renaming of the Ministry of Defense and Security (HANKAM) into Ministry of Defense, the military expressed its new emphasis on defense, over internal security. This was further stressed in 1998 by the appointment of the first civilian Minister of Defense since the 1950s, Juwono Sudarsono.[99] Although this change had great symbolic meaning, the military's chain of command still leads from the president directly to the Armed Forces Commander, thus leaving the Ministry of Defense without command authority over the TNI.[100] On 6 November 2000, the DPR passed a new 'Human Rights Tribunal Legislation', which raised much hope for the ending of impunity. This law made it possible to prosecute all cases of human rights violations, whether committed by individuals or by organizations.[101] The implementation of legally anchored human rights norms often fails, due to a lack of awareness and education of personnel working in the military, bureaucracy, the penal system, the police, the judiciary, and education. The first, albeit small, positive approach was the handing out of human rights manuals to TNI soldiers in June 2000.[102]

The 'Paradigma Baru' was also supposed to replace the New Order doctrine of Sishankamrata (System of Overall People's Defense and Security). The practices of guerilla warfare and the involvement of civilians in the protection of internal security were thus formally abolished. Yet, years later it remained unclear how the doctrinal changes would be practically implemented and whether the TNI had come up with new doctrines for external defense.[103] Moreover, it soon became clear that the police were neither sufficiently trained nor staffed to deal with the various internal problems of the following years. Therefore, new legislation was passed in 2001, assigning four missions to the armed forces: the fight against smuggling, drug trafficking, insurgencies, and separatist movements.[104] Moreover, the inability of the police to handle serious internal insurgencies has served as an argument for the military to maintain its territorial structure, which allows it to influence political affairs at all levels of society and to forge political and business alliances.[105]

Although the number of seats in the DPR and MPR held by military personnel has been gradually decreased over the years and the focus of the military's political involvement has changed in post-Suharto Indonesia, it has, more than ever, a vital interest in the "institutions of predatory capitalism" (Robison/Hadiz 2004: 226). In addition, the military has repeatedly tried to re-establish its strong position in post-Suharto politics. In 1999, for instance, it tried to push through new legislation that would have transferred far-reaching powers from the civilian administration to the military in case of a national emergency.[106] Another attempt to revive the security state was the 'Bill on the Management of National State of Emergency' (RUU PKB, *Rencana Undang-Undang Penanggulangan Keadaan Bahaya*), issued during Habibie's presidency in September 1999. However, it was never enforced, due to strong opposition.[107] Prior to the devastating 9/11 terrorist attacks, the U.S. had cut military ties with Indonesia in response to international complaints about the TNI's human rights record. However, the experiences with administrative decentralization, i.e. the disadvantages emerging for U.S. commercial interests in the region, and the fear that a failed state in Indonesia might become a haven for terrorists, social violence, and global criminal activity, changed U.S. policies drastically.[108] U.S. and other foreign companies were now confronted with claims over land taken from local communities under Suharto, as well as regional governments demanding a share in profits and taxes according to the new decentralization laws. Decentralization had thus complicated business for companies and resulted in an unpredictable political environment made up of alliances between new regional government elites, businesses, and thugs. The change in U.S. policy was marked by the neo-liberal retreat from administrative decentralization and unconstrained liberal political and social agendas. Against the background of the threat of terrorism, the military was partly restored to its former position and received a grant of US$ 50 million for counter-terrorism training from the U.S. during Megawati's presidency.[109] Two anti-terrorism regulations issued a week after the Bali bombing in 2002 were widely supported by the population. Three months before, the Ministry of Justice and Human Rights had submitted a bill on anti-terrorism to parliament, which was received with much opposition by Muslim groups in particular. The decree gave rise to fears that the powers given to the security apparatus could be misused to curtail human rights and political freedom.

In 2003, the TNI published a Defense White Paper named 'Mempertahankan Tanah Air Memasuki Abad ke-21'. Although this paper was widely criticized for being published without prior public debate and for reflecting a domination of military interests, it showed at least some progress, as it defined different threat levels and the need for military or police intervention.[110]

As Kingsbury points out in relation to other state institutions' decline of power, the military may have retained much of its relative (or even absolute) power. Despite the reduction of the TNI's formal political role after 1998, it has nevertheless not lost the capacity to claim "highest political ground" (Kingsbury 2003: 140). Wahid's presidency debacle has taught succeeding presidents the lesson that a president is only as strong as his or her support

from the military. Subsequently, the military has regained political power under Megawati, the 'War on Terror', and SBY. Moreover, the ongoing impunity of military officials in higher positions (especially in reference to East Timor) has shown that the military has achieved actual immunity from prosecution for human rights violations.[111]

By applying its successful *divide et impera* strategy, the military has profited from the ongoing rivalry between religious and political constituencies. The pursuit of financial and political hegemony has led religious and political forces to enter into a symbiotic relationship with the armed forces.[112] Moreover, the military has skillfully used the troublesome years after the fall of Suharto to further expand its business interests, and still holds a considerable share in the national economy, on top of its illegal business activities, which undermine the process of military reform. Another obstacle is the ongoing incapability of the police to handle natural disasters and to maintain law and order. Most Indonesians at the grassroots level continue to view the military as the institution best suited to deal with a variety of issues and—faced with violent communal conflicts, corrupt local elites, and an incompetent police—the lesser of two evils.[113] The military continues to be conditioned by the old security doctrine of total defense, which results in the ongoing mobilization and involvement of civilians in the defense of the country's territorial integrity. Moreover, the current lack of detailed laws and statutes that implement the constitutional provisions concerning the TNI's code of conduct and orient them towards human rights is another important point of criticism.

The military has to be committed to give account and be bound to international human rights standards, just as the other democratic institutions. It cannot and should not be excluded from the democratization process, but has to redefine its self-image and its role. Although the old ideology has lost much of its credibility, binding ability, and acceptability even within military circles, a new democratic self-understanding is still lacking. The circle of impunity must be broken in order for the population to gain trust and respect towards the security forces. At the same time, it is indispensable that all human rights atrocities should be completely cleared up and the perpetrators sentenced by civil courts.

Weakness and ineffectiveness of state institutions

> Because institutions are established to reinforce a specific architecture of power relations, dominant social forces will resist institutional changes where they threaten control of economic surplus and the means of economic production.
> (Robison/Hadiz 2004: 27)

During the New Order, state institutions had been taken over by politico-business and politico-bureaucratic families, whose interests clearly lay outside those institutions and reflected personal rent seeking.[114] After the democratic transition in Indonesia began, it soon became clear that the 'democratic' political institutions were highly dysfunctional. Corruption, money politics, and

violence tarnished the functionality of the national and regional parliaments. The practice of vote buying and the use of violence and intimidation have in particular made a farce of elections in the regions. Even press freedom became threatened again, this time by attacks of *preman* groups, often hired by businesspersons or politicians who see their position and rents endangered by open press coverage. However, those elites that profit from the existing power relations keep these dysfunctional institutions alive.

When the first free and fair elections were held in June 1999, and Wahid was elected Indonesia's new president by the MPR in October, hopes for a fundamental transition from authoritarianism to liberal democracy were still high. However, this new era of electoralism, parties, and parliament turned out to be merely a new political environment within which old and new forces struggle for ascendancy.

Although Reformasi brought about a new system of control between the three branches of power, it existed mainly on paper. In theory, the legislature and the judiciary hold the executive accountable; however, if investigations occur, those in power usually cover up the unfavorable results. Even infamous cases of corruption such as those involving (former Speaker of Parliament) Akbar Tanjung or the head of Bank Indonesia did not result in severe or lasting sentences.[115] The main body for the investigation of corruption in the executive is the KPKPN (*Komisi Pemeriksaan Kekayaan Penyelenggara Negara*, Public Servant's Wealth Audit Commission). The commission reports directly to the police or the office of the attorney general—and this is where action often comes to a halt.

Despite these positive developments, the ineffective and corrupt judiciary poses a grave problem. Countless small and bigger scandals evolving around the judiciary during past years have illustrated Indonesia's difficulties in implementing the rule of law. Corruptible judges, money politics, intimidation, threats, and murder have assured that most of the old elites, most notably Suharto, have escaped prosecution for immense misappropriation of state funds, human rights violations, political murders, etc. Whether it concerns the 1998 May riots and Prabowo Subianto's involvement in them, the Dili massacres, or the murder of human rights activist Munir, the tactic is always the same: the government installs a pseudo-independent fact-finding team or body of inquiry, which it closely monitors. The findings lead to a show trial of a number of scapegoats and the real perpetrators in the higher echelons of power are acquitted. Scandals like the contract murder by Suharto's son Hutomo Mandala Putra, alias 'Tommy', exposed the state institutions' vulnerability to corruption and nepotism. Syafuddin Kartasasmita, a judge in Jakarta's High Court, had sentenced Tommy to 18 months for corruption. Soon after, Kartasasmita was shot in his car. Tommy was sentenced to 15 years in prison in July 2002 for ordering the murder; however, he was released after 5 years, owing to good conduct. The trial was meant as a litmus test for Indonesia's post-Suharto judiciary. The verdict of only 15 years for murder already had been received with much criticism and Tommy's release after only 5 years is seen as a proof of the still-intact power networks of the old elite.[116]

Another disquieting case that happened in the democratic era was the murder of human rights activists Munir, who was poisoned on a Garuda flight to Amsterdam on 7 September 2004. In August 2005, Garuda pilot Pollycarpus Priyanto was charged by Indonesia's prosecution with premeditated murder and falsification of documents, and he was sentenced to 14 years in prison in December 2005. However, the sentence was recently reduced to two years by the Supreme Court, which dropped the murder conviction. Despite the fact that it was clear that Pollycarpus had not acted alone, the recommendations by the presidential fact-finding team and the court to investigate several senior state officials identified as being involved in the murder were ignored by the police and prosecution. At the time of his death, Munir had been speaking up against corruption in the Coordinating Ministry for Political and Security Affairs, which was headed by the current President, Susilo Bambang Yudhoyono, who was then Coordinating Minister. Recently Defense Minister Juwono Sudarsono and the National Police rejected the involvement of the UN in the investigation of the murder.[117] President SBY had promised the public and Munir's widow to personally ensure a thorough investigation of the case shortly after his elections in 2004. However, although required by the investigation's terms of reference, the president even refused to make the names of those identified in the fact-finding team's final report public.[118]

Although a frightening level of corruption in the judiciary has been exposed in the post-Suharto era, there is not much hope for things to change for the better anytime soon. This is due to the judiciary's tight network of corruption and its readiness to protect its members. As the Global Integrity Report on Indonesia concluded:

> One part of the problem is that corrupt high court judges can only be removed by the Supreme Court, some of whose members have been accused of being part of the same network of corruption. The result is that once a corrupt judge is in place, he or she cannot be removed.
>
> (Holloway 2004: 3)

Consequently, human rights organizations are questioning the authority of the Indonesian judiciary and the functioning of the prosecution and police mechanisms. In particular, the police are still perceived as human rights violators rather than as defenders, because senior police officers were involved in gross human rights violations.[119] Furthermore, the police have close links with the military and the State Intelligence Agency (BIN).[120]

The new party system and its drawbacks

> Political parties have been less a vehicle to advocate contending policy agendas than machines for the capture of the terminals of patronage.
>
> (Robison/Hadiz 2004: 232)

Very early on in the reform process, Habibie eased the restrictions on forming new political parties, which resulted in the establishment of dozens of new parties in the months after Suharto's ousting. By the beginning of 1999, more than 180 political parties had emerged, of which only 148 registered. However, only 48 political parties were allowed to contest the elections; the others failed to fulfill the necessary requirements.[121] Many of the new parties were led by or included members of the old regime or the network of patronage at the central or local level. For a variety of interests, business and bureaucratic alike, political parties became the main vehicle to power and control over state institutions and revenues.

The great number of parties does not necessarily reflect a higher ability of the population to organize. A report by *Tempo* revealed that Suharto, his family, and allies paid 90 out of the total number of parties initially established after the end of the New Order.[122] The biggest and most influential new parties formed after 1998 were those of the three main reform figures: Megawati Sukarnoputri established the PDI-P, Amien Rais the PAN (*Partai Amanat Rakyat*, National Mandate Party), and Abdurrahman Wahid sponsored the National Awakening Party (PKB). However, their parties also became the home of various interests of the old elites and provided space for the ascendancy of new political fixers and entrepreneurs.[123] Golkar had been long established as a vehicle for the oligarchy, and even long before Suharto stepped down the party had already been packed with Suharto-loyal politicians and business partners in order to secure the oligarchy's interests after Suharto's departure by electing a suitable president.

Moreover, not all social forces had equal chances to use the new political freedom and the avenues of political representation through parties. Again, those groups most marginalized under the New Order, like the workers and peasants, were not able to establish a strong position in the political process, due to their long history of disorganization and the lack of support from powerful or politically influential allies. In the first elections of the reform era none of the parties representing workers and farmers won any seats in the DPR. Instead, the major winners were the PDI-P and, surprisingly, Golkar, the very party that represented the past and the status quo. The other big parties that gained the most votes were the PPP, the PKB led by Abdurrahman Wahid, and PAN (Amien Rais).[124] Golkar as well as the PPP drew on the still-existing political machinery of the New Order and, particularly Golkar, on its financial strength. Although today Golkar has to compete with other parties over access to state funds, it remains the strongest party, due to its organizational lead, its access to government facilities, resources, and the bureaucracy. However, even opposition parties such as PAN or PDI-P have close connections with elements of the New Order elite.

All the major parties show deep internal divisions, which make them partly ineffective and difficult to judge. PDI-P is split between old nationalists stemming from the PDI or PNI, military and Golkar officials that joined the party later on, and a small percentage of liberal intellectuals. As the party was

preparing for the 1999 elections, Golkar was divided between secular, bureaucratic elements around Akbar Tandjung, and Habibie supporters, mostly affiliated with ICMI. PAN as well had been affected by divisions between secular, liberal intellectuals around Amien Rais and the more traditional Muhammadiyah members. After disappointing results in the June 1999 elections, Amien Rais formed the so-called Middle Axis in order to build a strong position vis-à-vis the other presidential candidates, Megawati and Habibie. By forming a coalition with other Muslim parties such as the PK (*Partai Keadilan*, Justice Party), PPP, and PBB (*Partai Bulan Bintang*, Crescent Moon and Star Party), Rais left the more liberal/secular wing of PAN out in the cold. PDI-P enjoys the widespread support of the lower classes, despite not having a clear platform to help urban workers and the poor. PDI-P does not enjoy any real links with lower-class social movements, nor are representatives of labor or peasant organizations in the leadership. Although PDI-P originated as an opposition party of Suharto and entertained pro-reform rhetoric, it emerged to become more and more a successor of Golkar in representing and protecting oligarchic interests. Over past years, the populist and statist-nationalist section within the PDI-P has gained dominance over more liberal intellectuals and reformers.[125] Another major party, the PKB, gained popularity, owing to its unofficial leader and sponsor Abdurrahman Wahid. PKB relies on the support and patronage network of the NU and its enormous membership of 30–35 million people. PKB's main political platform was that of nationalism and, more concretely, of maintaining national unity.

Unlike in Malaysia, where several political parties forged an alliance across ethnic and political borders and thus built a broad reform coalition, in Indonesia no such coalition has formed so far and no liberal party has succeeded in contesting power with the well-established, rapacious party apparatus that dominates the post-New Order political scene. Indonesia's party system is still fragmented and not capable of effectively supporting the government and making it more responsive to the needs of the people.[126] Instead, parties have become campaign machines and many of them are ruled by corruption and money politics. The whole system of democratic representation is led *ad absurdum* by the buying of votes to win direct elections. Despite new regulations on allowable contributions to presidential election campaigns and general elections, parties received 'donations' far above those margins in the run-up to the 1999 elections. Although the General Election Commission (KPU) reported this to parliament, no action was taken. Another channel open for corruption is that the funding for political parties remains without any requirement for auditing or public reporting.[127] Particularly on the local level, businesspeople or political elites buy the support of political parties, and vice versa. "Political parties also secretly make political deals with politicians and businessmen to help their candidates win the election", says Saiful Mujani, executive director of the Indonesian Survey Institute (LSI). An additional danger is that regional elites, who turned to money politics to win the elections, will not shrink from using corruption again to get their money back somehow.[128] Another

alarming trend is the use of civil militias as an instrument to secure certain parties' domination over the political regime. The PKB-linked civilian militia Banser helped the party to gain a strong position in the contest for power in Indonesia. Moreover, the paramilitary wings of the PDI-P, PDI *satgas*, have occasionally been engaged by industrialists to crush labor unrest.[129] The same was reported of the PKB/NU paramilitary wing Banser.

Political parties in Indonesia often lack clear ideologies and political agendas and seem to be more tactical alliances than the representatives of the people's interests. Many of them were established to secure access to and control over state institutions, power, patronage networks, and resources. Old and new predatory alliances have chosen the form of parties to pursue their goals. Especially on the local level, this competition has produced its own systems of patronage and coercion. It appears that local elites are mostly businessmen, bureaucrats, or politicians nurtured and grown under the New Order. Decentralization, and the improvement of control over economic resources that came along with it, have made local positions increasingly desirable. With the implementation of new legislation in January 2001, administrative and fiscal power was transferred to the sub-provincial levels. Unfortunately, decentralization has also led to the creation of decentralized corruption, local bossism, and "petty official fiefdoms" (Robison/Hadiz 2004: 246). Especially in the battles over positions in local legislatures, the use of naked force has become a common means of influencing the political process. Not only the parties' paramilitary wings (*satgas*) play a role herein, but also private *preman* groups and civil militias of the FPI (*Front Pembela Islam*, Front of the Defenders of Islam) or the GPK (*Gerakan Pemuda Ka'bah*, Ka'bah Youth Movement), both of which have alleged links to political parties as well.[130] Another alarming trend is that members of feared 'youth organizations' such as PP or Ikatan Pemuda Karya now occupy local political offices. Other local cases show that more and more business entrepreneurs are taking over political positions such as that of Bupati. Some of these politicians entertain connections with notorious youth organizations stemming from the New Order. Long-time bureaucrats from the New Order time hold other local positions as well.[131]

The absence of a real representation of worker and peasant interests in Indonesia makes a reform that genuinely benefits the lower classes unlikely. In July 2003, the leaders of PRD and over 50 mass organizations (among them the *Front Nasional Perjuangan Buruh Indonesia* (FNPBI), the *Liga Mahasiswa Nasional untuk Demokrasi* (LMND), and the *Serikat Tani Nasional* (STN)), founded the Party of United Opposition (POPOR, *Partai Persatuan Oposisi Rakyat*).[132] However, the party failed to pass the electoral threshold and was thus denied participation in the general elections. In September 2006, 27 new political parties registered with the Department of Justice and Human Rights in Jakarta.[133] On 23 July 2006, the National Liberation Party of Unity (PPPN or Papernas) was launched. The party, which has a nationalist, democratic, and populist ideology, is the successor of the failed POPOR chaired by Dita Indah Sari. PPPN's new chairperson is Dominggus Oktavianus, former

head of the Indonesian National Labor Front for Struggle (FNPBI).[134] PPPN is not the only party reapplying under a new name. Another party that failed to reach the electoral threshold before, the former 'Star Crescent Party', has been renamed to 'Crescent Star Party'. The registration of so many new parties has triggered a draft amendment to the 2003 electoral law in order to increase the electoral threshold from 3 percent to 5 percent. After the 1999 elections, the electoral threshold system was introduced. Consequently, only parties that gained 2 percent of the seats in the House of Representatives (DPR) were eligible to participate in the 2004 election. In 2003, a law was passed that raised the hurdle to 3 percent. Currently, in order to be eligible for participation in the elections, a party must have branches in more than 50 percent of the country's 33 provinces, and within these provinces, it must have branches in more than 50 percent of the districts, and in each district more than 30 percent of the sub-districts. The new regulations are particularly hard on the new small parties representing the lower classes that do not have the funds to buy branches. This move comes especially from the big parties such as Golkar and PDI-P that fear to lose support from the population. Surveys have shown that many people perceive legislators and the parties they represent as lazy, incompetent, and corrupt. As a result, apathy or hostility towards the traditional parties is growing and participation in regional elections is declining. At the same time, new parties representing local and issue-based agendas or those challenging neoliberal policies are emerging.

As a social reformist party struggling for the interests of the lower classes, PPPN/Papernas has already come under attack. On 17 September 2006, armed members of a militia group called Gertak (Tauhid anti-communist movement) disturbed the launching of Papernas' East Java branch and intimidated participants. Papernas' support for the victims of 1965 has already earned it the reputation of being a 'communist organization'. One of Papernas' main goals is to reunite the social protest and the progressive movement, which are extremely fragmented since Suharto's fall. Moreover, the party campaigns for the abolition of foreign debt, the nationalization of mining companies, and the development of the national industry for the welfare of the people.[135]

Telltale signs of a periled transition?

> The democratization process, the transition from an authoritarian structure to a democratic one, is not necessarily a peaceful process. Democratization means the political mobilization of social groups. The liberal philosophy sees this as the mobilization of citizens on the basis of political principles. However, social reality can be different. People can organize on the basis of primordial attachments. Democratization can lead to conflict and violence between groups.
>
> (Wolters 2002: 142)

The end of the New Order was heralded by an explosion of violence in Jakarta, Solo, and other big cities in the country. The violence that accompanied the

regime change in 1998 marked a trend for the years to come and was partly a result of Suharto's failure to establish peaceful channels to express discontent and political frustration. Aspinall speaks in this regard of an "absence of organizational means for instilling civility in much of the population" (Aspinall 2004: 84). The May riots not only destroyed property, but also cost several thousand people their lives.[136] However, those who thought that the end of the authoritarian New Order would also end violence in Indonesia were wrong: the number of violent clashes among different ethnic groups or communities and between the military and the population has risen. The rising number of violent incidents created a "constant flow of endemic violence" (Colombijn/Lindblad 2002b: 23), which in turn led to a progressive habitualization of violence among the population.[137] Furthermore, more cases of domestic violence and rape are recorded every year, which points to growing tensions inside families as well as to an increased public awareness and openness that came about with the democratic opening up of the country.

In 1998, mysterious killings led to a witch-hunt of *dukun santet* (magic healers) in Banyuwangi, in the course of which hundreds of people were killed by civilian mobs.[138] In 2000, several churches were destroyed by bomb attacks. Terrorist attacks that killed 202 people have shaken Bali in October 2002, and again in October 2005, claiming 20 lives.[139] In August 2003, a bomb exploded at the Marriott Hotel in Jakarta, killing 12, and another one at the Australian Embassy in Jakarta in September 2004, killing nine people.[140] Communal violence erupted in Central Sulawesi (1998–2001), West (1999–2001) and Central Kalimantan (2001), Ambon and Southern Maluku (1999–2002) and North Maluku (1999–2001).[141] The war in Aceh has continued after 1998, and in the wake of the referendum for independence in East Timor hundreds of thousands of people were displaced, between 1,000 and 2,000 people were killed, and the capital Dili was thoroughly devastated.[142] However, contrary to the impression conveyed by various media, even at its height between 1999–2003, violence in Indonesia was never widespread, but was rather concentrated and local in nature. In only 14 districts, which contain no more than 6.5 percent of the total population, collective violence occurred. Another interesting fact is that although ethno-communal violence constituted only 17 percent of all violence, it claimed 90 percent of deaths.[143]

We have to differentiate between communal (or horizontal) conflicts, which evolve around identity issues, resource competition, insecurity, as well as political competition, and vertical conflicts between the government and certain population groups or whole areas. In both cases, civil society engagement plays a crucial role. Decentralization has intensified identity politics in the regions and become a crucial factor in the occurrence of communal violence, which has been the most common form of violence in Indonesia since the early 1990s.[144] The fact that ethnic violence occurred only in some parts of Indonesia, while other areas with similar ethnographic make-up had no record of communal violence, shows that structural factors rather than primordial ethnic differences explain the occurrence of violence.[145] Equally

inappropriate is the ascription of violence to certain ideologies such as 'Islam' or 'communism'. It is, rather, regional disputes originating in the local political history and policies, or the local perception of globalized ideologies (as 'Islam', 'communism', etc.) that drive communal conflicts.[146] A recent peace and development analysis by the UNDP and Indonesian partner organizations identified three structural causes of conflict in Indonesia: the decline of traditional power structures, shifting inter-group horizontal inequalities, and the impacts of the authoritarian New Order rule.[147] I believe that another cause should be added in regard to the post-Suharto era: the weakness of the Indonesian state and the failure of its institutions to fulfill their tasks.

There are several approaches to explain the phenomenon of post-Suharto violence in Indonesia.

- Historical experiences

Violence is not only culturally but also historically embedded in Indonesia and has a long-reaching tradition.[148] Long before the New Order, elements of the criminal realm were part of the societal structure, even in rural areas. During the colonial era, it was the *jago* (lit. fighting cock) who became an integral part of the power structure by rendering valuable services as informants to the Dutch police. Inside its own community, the *jago* was used as a civil militia and guardian for the village.[149] After independence in 1945, a form of indirect government emerged in which the criminal and the political and administrative sphere worked hand in hand. This "parallel society" (Bertrand 2004: 26) was made up of *preman* for whom the exercise of violence became a career. In any case, Indonesia is a violent country and has been one since long before the end of the New Order.[150] It was often the "institutionalization of violence" (Colombijn/Lindblad 2002b: 15) that made it so resistant and ensured its continuation and survival into the era of democratization. With the ongoing violence after 1998, the 'culture of violence', i.e. a violent behavior that is chosen from a repertoire of possible ways to act, is becoming even more deeply entrenched.[151]

- Tradition and 'culture of violence'

Violence in Indonesia has a male face and often refers to the history and image of the *pemuda* (youths). By drawing on symbols and the glorious past of the *pemuda* during the war for independence, many groups claim a high level of legitimacy for the use of violence. For instance, some of the militias in East Timor, as well as the Pamswakarsa fighters, looked like *pemuda* and used the same kind of spear (*bambu runcing*). The systematic use of thugs (*preman*) is another specific of Indonesia's 'culture of violence'. This phenomenon dates back to colonial times as well, but Indonesia's modern history tells us that thugs were always an ambiguous element in politics also. They served the Dutch as intermediaries, helped the nationalists during the Indonesian

Revolution, and worked for Suharto as well, by killing communists in the years after 1965, assisting in bringing in votes at the elections, etc. The existence and the violence of these gangs strongly influence the overall level of violence in Indonesia, lead to an escalation of violence, and deepen the 'culture of violence'. Although *preman* and the state have been in a long-time relationship since colonial times, evidence points to the danger that *preman* will play an even greater role in the post-Suharto era than ever before.[152]

● Political culture of the New Order and state violence[153]

The New Order marked the dawn of a new form of state violence best described as "bureaucratized violence" (Bertrand 2004).[154] Social control was exerted through violence at all levels of society. This 'prescribed violence' must be seen separate from genuine communal, ethnic, or religious violence that was neither instigated nor triggered from the outside, i.e. by so-called '*provokator*' (provocateurs). The above examples have illustrated how the political system of the New Order put civil society to work in order to guarantee its internal security. However, to be able to simply 'trigger' violence, a certain potential and readiness for violence has to exist among the population. Suharto's regime hence created several scapegoats and alleged threats such as the 'political Islam threat', the bogeyman image of the 'nonpri'[155] and the 'communist/ PKI threat'. Many of today's conflicts also originate in Suharto's transmigration politics and the resource exploitation that went along with political and economic marginalization.[156]

● Prejudices and violence against 'enemy population groups'[157]

Violent conflicts in Indonesia often take the shape of a group action by members of a (perceived) in-group against outsiders. Violence hence becomes legitimate because the victims of violence are dehumanized and constructed as outsiders beforehand, a process that is closely connected with the creation and perpetuation of prejudices.[158] Who are the new enemies since the demise of the New Order? Looking at the examples of USOs and their right to exist, several 'threats' and 'enemies' can be made out: many of the most notorious militias, such as those in East Timor, fight against 'enemies of the state' and for Indonesia's territorial integrity. Groups such as Aitarak, for instance, were formed to turn down independence and secessionist movements and are often supported (or even set up) by the military. They are opposed by local secessionist movements like the GAM (Gerakan Aceh Merdeka) in Aceh and the OPM in Papua. Furthermore, there is a relatively new trend called 'communalism', often represented by ethno-national groups whose return to their cultural, historical, religious, or ethnic heritage puts them either in opposition or conflict with the existing national laws and shared values that the Indonesian nation is based upon. Some civil militia groups exercising vigilante justice are fighting against 'public enemies' like criminals, robbers, thieves, or other *preman*. Others, such as the FPI, the Laskar Pembela Islam, the Laskar Mujahidin Indonesia, and

the Laskar Jihad see the threat in the influence of Western (im)moral norms and values and claim to fight in the name of Allah against immorality and sin.[159]

- The weakening of state power after 1998

This led to an "intensification of conflictual patterns" (Bertrand 2004: 326) in society and thus to an increase in violence. In certain situations, violence is perceived as legitimate in Indonesia or even considered a good thing, for instance in cases of defending one's kampung or family.

- Pent-up frustration[160]

Globalization has not only led to an empowerment and resurgence of local identities and provided supranational moral values, but also created a space and opportunity for ethnic groups to forward their claims on an international level.[161] Many outbursts of violence can therefore be understood as a form of cultural expression by communities who are trying to come to terms with state violence, suppression, and identity or culture loss. Violence is hence often a 'late response' to state terror and violence triggered by the weakening power of the central state after 1998 and an answer to modernity and globalization in the form of a resurgence of 'tradition', which can take the shape of violent practices.

Other explanation approaches are:

- Provocation by outsiders (military/police/etc.)
- Economic crisis and the government's reaction to it (Farid 2006: 270–71)

The specifics of Indonesian violence show how the construction of identities, the creation and continuation of stereotypes and prejudices influence the emergence, perpetuation, and dissemination of violence. It is crucial to understand that human rights, i.e. the individual's right to life and property, are often limited to members of an identified in-group, while outsiders are perceived as outlaws. It is this knowledge that can help us to understand how Indonesian social values such as harmony, respect, politeness, and self-control can exist alongside a high incidence of violence and uncivil groups.[162]

Conflict and violence are equally an expression of and a breeding ground for the emergence and thriving of uncivil society. "Violence marks the limit of the cultural order", as Laurence Whitehead aptly remarked, implying that there is some sort of border that separates 'cultured' or civil behavior from the sphere where the "denial of sociality" (Whitehead 2004: 9) prowls.

One of the factors that intensified conflicts in many cases was the involvement of USOs such as civil militias, vigilantes, separatist, or religious extremist groups. Examples confirming this hypothesis are numerous. In November 1998, members of FPI attacked Ambonese Christians in Ketapang (Jakarta).[163] In 2000, the conflict in North Maluku was rekindled and aggravated by a local Islamic

militia that attacked Christian villages on Halmahera.[164] The arrival of the Islamic militia Laskar Jihad in June 2000 further intensified the ongoing conflict in Maluku. Clashes between security forces and Christian and Islamic militias marked the following year, particularly a group named Yongab. Not only in Maluku but also in Central Sulawesi, radical groups continued to destabilize the situation until 2003.[165]

The New Order and other previous regimes created some of the structures and conditions for the violence and the advancement of 'uncivil society'. These cover patronage, corruption, centralized rule, and concentration of revenues, the transmigration program and the resulting internal migration, as well as the presence and participation of the military in politics and economy on the local level.[166] The New Order regime was convinced that peace, prosperity, and harmony in society could only be guaranteed by repressive measures and surveillance. Mobilizing civil society to become part of the paramilitary apparatus was one element of this approach. It became necessary at a point where the state could not longer keep up with the culture of violence that it had created, and was forced to build new institutions to control this violence through even more violence and repression. The more unstable the socio-political situation, the more the security apparatus is in need of creating new security bodies. Some examples: in January 1997, after the riots in Tasikmalaya and Situbondo, the government established the so-called 'Posko Kewaspadaan' (Alert Centers) to monitor civil society activities. The information collected was handed over to Bakorstanas.[167] Later on, Pamsung (*Pengamanan Langsung*, Direct Security) was introduced. Another example, although it is a purely military body, was the creation of KODAM (*Komando Daerah Militer*), caused by the unrest in Ambon and Aceh. In 1998, when the Special Session of the MPR was approaching, Pamswakarsa appeared on the scene. Then, the new Ratih (*Rakyat Terlatih*, Trained People) and Kamra turned up.[168]

It is clear that even after the demise of the New Order, the ideology of violence has not changed much. The various governments, and especially the military, are still convinced that it takes violence to create social harmony. The social structure of Indonesia reflects the ideology of repression and control: down to the family level every one is under surveillance, the RT, RW, and *pos kamling* control the life of every individual; those institutions in turn are watched by KODIM and so on.[169] The more insecure and unstable the situation grew, the louder the call among the population for the security apparatus to intervene and provide for the missing feeling of security. Over the years, state repression has not caused the population to refuse violence, but instead has increased the acceptance of violence as part of everyday life.

Identity politics, ethnonationalism, and communal conflicts

The retreat of the state—or from a regional standpoint, a decentralizing state—is the proper context in which to situate these interwoven components along Indonesia's periphery. In particular, we are concerned not with central

government authoritarianism, but fluid yet notable local forms of ethno-religious authoritarianisms executed by groups whose growing supremacy had been forged in mass violence, often against the demonized, outside Other.

(Davidson 2003: 14)

Depending on its character, civil society can either act as one of the main institutions in preventing conflicts from turning violent—or do the opposite. The rise of many civil society groups organized along ethnic or religious lines clearly had a share in the outburst of violence in many areas of Indonesia. The country is marked by the dichotomy of the political ideology of 'Bhinneka Tunggal Ika' (Unity in Diversity), on the one side, which tries to unify various different ethnic groups under one umbrella, and those ethnic groups striving for cultural and political recognition from the state, on the other side. In a time marked by an identity and legitimacy crisis like the years following the breakdown of the New Order, nationalist movements in general, and ethnonationalist movements in particular, have gained popularity. By stressing a feeling of solidarity and a sense of community and belonging to a nation (or ethnic group), these movements try to fill the predominating vacuum of ideas and values.[170] Withdrawal into collective identities based on the long-suppressed SARA categories (race, religion, ethnicity, etc.) gives security and orientation in times of insecurity. Ethnic nationalism, however, stands for an exclusive concept of citizenship based on ethnic identity, which is therefore contradictory of democratic inclusive principles.[171] All these factors can play a decisive role in heterogeneous societies like Indonesia. Ethnicity politics and nation models are key driving forces for the emergence of USOs based on ethnicity, ethnonationalism, primordial sentiments, etc. Following Michael Jacobsen (2002: 6), ethnicity can be defined as "an imaginative framework that encompasses a variety of related identities. The latter are understood as products of ascription and self-ascription and generally based on ideologies of common descent." As Benedict Anderson once noted, politics of ethnicity take root in modern times, not in ancient history.[172] Therefore, social organizations often use ethnicity as a cultural matrix to which to relate. When occurring in the context of social organizations, ethnicity and ethnic identities can be "situational and fluid in content" (Jacobsen 2002: 6) rather than given primordial features.

Ethnonationalism[173] often takes aggressive and violent forms and is a frequent concomitant of political and economic crises. Especially in transition contexts that involve not only a restructuring of the political institutions but also unresolved nation-building questions, ethnicity is often mobilized as a political instrument and can impair democratic consolidation.

Ethnonationalism is the modern variety of nationalism, which itself was long thought to have been overcome in the age of globalization and modernization. However, on the contrary, the need for self-assertion and differentiation has increased.[174] It is typical for ethnonationalist movements to undermine the people's trust in the central state and to replace it with other

political loyalties, often based on an own 'collective identity'. The reasons for the emergence of ethnonationalism can be a perceived discrimination on the political, cultural, or economic level by the center (Michael Hechter called this phenomenon "internal colonialism"[175]), or a sense of superiority and development. In Indonesia, ethnonationalist movements often take the form of separatism, as is the case in East Timor, Aceh, and West Papua, because not enough channels are provided to voice complaints with the national model in a peaceful way and thus create pressure on the dominant groups. However, the 'heritage' of the New Order, in particular, nurtured the existing ethnonationalist feelings in several provinces of the archipelago: its national concept (i.e. a unitary state) that was forcefully implemented against all resistances, its identity politics that defined what a real 'Indonesian' was to be like, and its (physical and political) coercive measures to suppress political and cultural otherness. Bertrand (2002: 24) concludes: "Restrictions on local cultural expression, state-sponsored migration and state encouragement of spontaneous migration reflected the regime's assimilationist approach that, in the end, had the opposite effect of fuelling ethnonationalist identities."

The emergence of insurgencies and separatist movements is usually caused by several, often intertwined factors, like ethnonationalism, anger over human rights abuses, a lack of cultural and political rights, and the exploitation of local resources by the government without appropriate compensation.[176] Three popular examples of ethnonationalist movements in Indonesia are the Free Papua Movement in Irian Jaya/West Papua, the GAM in Aceh and the Fretilin and its armed wing Falintil in East Timor. After the dismissal of Suharto in 1998, these three ethnonationalist conflicts gained new strength and intensity. Unity was achieved only through the state's use of brute force, and the national model provided (especially under Suharto) did not satisfy the needs of those regions and was partly incompatible with local group identities.[177] The cases of Papua, Aceh (and East Timor) have shown that the government's attempt to integrate those areas by undemocratic means and military oppression, and on terms that threatened their identities, have not only failed to achieved their purpose but also fuelled ethnonationalist movements and conflicts, which in turn fostered the formation of USOs such as the GAM, the Fretilin, etc. Other examples of ethnonationalist or ethnoreligious violence with the direct involvement of USOs are the clashes in Poso (Central Sulawesi), and Lombok, where the Amphibi militia emerged as the main power holder after the riots.

Kalimantan

Particularly in young democracies, reinforced local identities can become a tool for local elites to mobilize the population for their own political goals and aspirations. The 'politicization of ethnicity' can spark violent ethnic conflicts, like the one between Madurese immigrants and indigenous Dayaks in Central Kalimantan.[178] Ethnicity hence becomes an important but not

primary element in conflicts. "Ethnic groups exist in politics only because of elites who advance private goals by manipulating ethnic groups in contentious politics" (Kivimäki 2005: 68). In Kalimantan, ethnicity was already an issue before the democratic opening in 1998. In West Kalimantan, the ethnic conflict between the indigenous population of the area (the Dayak) and the immigrants from Madura took a bloody turn in the years between 1995 and 1996. Although the conflict was (as in so many other cases) based on socio-economic inequalities between the two ethnic groups and was ultimately an outcome of the New Order's transmigration policy, it triggered the establishment of extremist ethnonationalist groups in the area after its forced settlement by the military and elites.[179] In 1997 and 1999, violent anti-Madurese riots occurred in the district of Sambas (West Kalimantan). What made this conflict special (or different from those in Central Kalimantan) were the involvement of Malays and the ethnic cleansing of Madurese that followed the clashes.[180]

While Dayak are indisputably counted as the rightful indigenous population of the area, the Malay are struggling to prove their indigenity in West Kalimantan. In the course of decentralization, the former district of Sambas was divided into an inland Dayak district and a Malay district along the coast. Since the latter was economically dominated by Madurese immigrants, who controlled the extortion racket business, transport, gambling, and other informal services, the Malay felt threatened in their domination. As Davidson (2003: 18) remarked, "in Indonesia where power is accumulated through the control of illegal rackets, business practices and the like, control of 'the street' is decisive." A Malay youth militia called FKPM (*Forum Kommunikasi Pemuda Melayu*, Malay Youth Communication Forum) was established weeks before the violent clashes escalated. The group had the blessing of the local business and political elite and was composed of a network of young hooligans and run by notorious local *preman*.[181] After an insignificant fight between a bus driver and a passenger, the smoldering conflict exploded and hundreds of people were killed in the following two months. Two weeks into the fights, Dayak joined the Malay in their actions against the Madurese. Around 50,000 Madurese were cleansed from Sambas and not allowed to return to the area. The FKPM and its *preman* and youths took over former Madurese rackets and enjoy substantial power in Sambas today.[182] As Gerry van Klinken observed, the mobilization of 'Malay identity' in Sambas and the Malay attacks against Madurese in Sambas were a case of "detached identity politics" (van Klinken 2005: 95). While Dayak identity had formed over a sufficiently long time, Malay identity was created on the spur of the moment by local elites inspired by the success of Dayak ethnicized provincial politics after 1998. The FKPM was created as a vehicle to achieve the goals of local Malay elite, i.e. to gain control over the Sambas district (and its crime scene), with a Malay district head at the top.[183]

One prominent organization promoting ethnonationalist ideology in Central Kalimantan is the LMMDD-KT, the Dayak Deliberative Council of

Central Kalimantan, founded by intellectuals in 1993. Its main goal is to secure a fair share in economic revenues and in political power for the indigenous people of Kalimantan, the Dayak. The group found ample support not only from local leaders, but also from the NGO community, who perceived it as an effort of self-empowerment by the grassroots.[184]

At the root of the conflict between Dayak and Madurese is the socio-economic inequality of these two ethnic groups. Although Madurese constitute only 7 percent of the total population of KT (*Kalimantan Tengah*, Central Kalimantan), they dominate the local economy, i.e. the mining sector, petty trading, logging, and transportation. The Madurese immigrated into Kalimantan through the state *transmigrasi* program that started in the 1960s and erected their settlements on Dayak land. The indigenous population were forced to give up their land without any compensation and move further into the woods and, being increasingly marginalized, they felt their existence threatened by the immigrants.[185] Dayaks constitute half or even two-thirds of the local population in Central Kalimantan and are marked by religious diversity. Their religious mix of Christian, Muslim, and Kaharingan[186] is seen as a threat to ethnic identity by some observers who explain the anti-Madurese violence as a means to unite Dayaks across religious cleavages.[187] The peak of the conflict was reached during the first four months of 2001, when thousands of Dayak attacked the town of Sampit, killing several hundred Madurese and forcing over 100,000 people to flee. The bloody showdown was preceded by several clashes between the two ethnic groups in which both sides killed dozens of people and destroyed property.[188] LMMDD-KT was involved in the intensification and escalation of the conflict not only by stirring anti-Madurese feelings. The police claimed that two Dayak officials (Pedlik Asser and his brother-in-law Lewis) had paid a group of Dayaks to kill five Madurese. Asser, however, was the secretary of the Sampit branch of LMMDD-KT and associated with the provincial leader of that time, Professor Usop.[189]

The examples from Kalimantan have shown that in both cases local ethnic elites backed up by USOs have benefited from the ethnic cleansing of the Madurese population and taken over lucrative posts and businesses. Thus, a local form of authoritarianism has developed where belonging to the right ethnic group is decisive for one's progress in the world of politics and business.

Maluku

During the years 1999–2001, an ethnoreligious war shook the Maluku province, killing about 10,000 people and leaving 700,000 IDPs (internally displaced persons). Here too, uncivil society groups played a decisive role in the development of the conflict and petty criminal gangs or *preman* emerged as beneficiaries of the war as they were sought after to provide security for ordinary people in the midst of turmoil.[190] The violence started with a more ethnic than religious target, as native Christian Ambonese attacked ethnic immigrants from Bugis and Buton who were Muslims. A minor fight between

a bus driver and some youths triggered the incident. After the violence escalated to a region-wide warfare, local Muslims from Ambon were included as targets, which finally rendered the conflict its religious (over ethnic) ascription. In contrast to the violent conflicts in Kalimantan, where ethnicity became the main mobilizing marker, in the Maluku case religious orientation stood in the forefront of the violence. The tensions between Muslims and Christians date back to the New Order, when, in the late 1980s, Suharto's politics began to favor Islam in order to secure his political survival. This shift in politics had a great impact on the balance of power between Christians and Muslims in Maluku.[191] At the same time there are many conspiracy theories evolving around the Maluku affair, mainly centered on the old elites (i.e. the Suharto family and loyal military officers), who allegedly tried to create disorder and unrest in order to smooth the way for a glorious return of the military.[192] Again, *preman* and USOs were involved in those schemes: hundreds of Jakarta *preman* of Ambonese descent left for Ambon to fight in the war. Earlier, about 20 churches had been burnt in Jakarta.[193] When around 500 Muslims were killed in December 1999 in Tobelo, Halmahera, radical Islamic groups began to mobilize in Jakarta in order to send out fighters (most prominently, the Laskar Jihad) to Maluku. In mid 2000, the first group of 3,000 militias arrived in Maluku, further increasing the bloodshed.[194] Gerry van Klinken suggested that the Maluku violence is best understood as the result of "primordialist social pathologies" being instrumentalized by local elites in the context of an intra-elite competition. Despite the military's apparent failure to create peace in Maluku, it seems unlikely that it acted as a provocateur financed by Suharto and his Jakarta cronies in order to destabilize the new democratic government.[195]

The cases of Papua, Aceh (and East Timor) have shown that the government's attempt to integrate those areas by undemocratic means and military oppression and on terms that threatened their identities have not only failed, but also fuelled ethnonationalist feelings in some regions, which found their expressions in movements that partly belong to the category of USOs. Other examples of ethnonationalist or ethnoreligious violence with the direct involvement of USOs are the clashes in Poso (Central Sulawesi) and Lombok, where the Amphibi militia emerged as the main power holder after the riots. Inadequate responses by the security forces to conflicts and violence are another major factor that fostered the proliferation of civil militias and criminal groups. Many societies are currently trying to reinvent or reanimate some aspects of their pre-colonial culture that was suppressed, curtailed, or marginalized during the New Order. People become more aware of their cultural distinctiveness and the fear of losing it causes them to start repairing and reinventing aspects of their culture and to demand cultural rights from the state.[196] The right to hold on to an ethnic identity besides one's national identity is guaranteed in the UN Universal Human Rights Charter, which Indonesia ratified in 1999. Therefore, the state has to carefully balance its claim to supremacy with the rights and wishes of Indonesia's ethnic groups that emerged as important players in the national political power bargain.

Civil society will continue to play a critical role in the development of Indonesia's society and its national and local politics. In particular, USOs increasingly imprint their character on Indonesia's society and foster the emergence and increase of violent conflicts in society. Decentralization has helped new coalitions and associations to emerge which do not always serve democracy and peace. In most conflict areas there is an apparent lack of influential *civil* society organizations that act beyond ethnic or religious lines and are thus able to mediate in times of rising tensions between communal groups.

Religious fundamentalism and terrorism

> Be brothers in difference, be different in brotherhood.
> (Ahmad Syafii Ma'arif, former chairman of Muhammadiyah)

Since the fall of Suharto, many incidents seemed to confirm the worst fears hedged about political Islam. In several provinces and *kabupaten* throughout the archipelago, calls to implement the *shari'a* were heard. Some militant movements, such as the Majelis Mujahidin, openly promoted the struggle for an Islamic state and *jihad* in Maluku. Groups like these made no secret of the fact that they would not hold back from using violence to achieve their goals. Some of the Muslim parties in parliament advocated the adoption of the infamous Jakarta Charter, which aroused heated debates during the 2001 and 2002 MPR sessions. Bomb attacks aimed at churches in six different provinces in Indonesia in 2000, the violent conflict between Muslims and Christians in Maluku, anti-Western demonstrations, the threat of sweepings against foreigners, and finally the bombing of tourist spots in Bali in 2002 and 2005, are just some of the alarming developments since Suharto's fall.[197]

Many new organizations founded by Islamic radicals or ultraconservative forces emerged in the wake of a previously unknown level of political freedom, some of them with the support of the military. FPI, for instance, was founded with the financial facilitation of some Indonesian generals.[198] In 2000, the 'Indonesian Council of Mujahidin' (*Majelis Mujahidin Indonesia*, MMI) was established in Solo, Central Java, by the spiritual leader of the terrorist organization Jemaah Islamiyah, Abu Bakar Ba'ashir. The implementation of *shari'a* law is one of the main goals of MMI and other similar groups, although it remains unclear what kind of *shari'a* the various groups are struggling for. As Absher-Abdalla notes:

> It's important to note that none of those demanding the implementation of shari'a has a clear definition of it. If we look at the popular understanding of shari'a among the laymen, it means merely an installment of Islamic morality in the public life, especially the morality that relates to the sexual conduct and relationship between men and women. It seems that this popular and lay understanding of shari'a is adopted by the provincial and district government as well.
>
> (Absher-Abdalla 2003)

Organizations as the MMI, however, apply a different understanding of *shari'a* that goes much further. They advocate the application of the Islamic penal code (*hudut*) and other conservative elements of *shari'a* that especially discriminate against women. In contrast to liberal Islamic teachings, the scriptualist point of view implies a life in accordance with God's word (here the Qur'an and the Sunnah) in its entire literal meaning, without taking into account social and cultural changes that have occurred over the centuries.[199] On 2 January 2002, the leader of NU, K.H. Hasyim Muzadi, and the leader of Muhammadiyah, Ahmad Syafii Ma'arif, met in the NU's office in Jakarta. The two groups agreed on the fact that Islam in Indonesia needed a 'fresh face' (*wajah sejuk*) because of the rising number of violent Muslim *laskar* that gave Islam a bad reputation for being ferocious.[200] This meeting was seen as an important sign for the public that the two mainstream Muslim organizations in Indonesia had joined forces to oppose radical Islamic tendencies in their country.

Only after the terror attacks in Bali in 2002 did the government seem to realize that it had to curb radical and terrorist movements in the country. Consequently, the terror network Jemaah Islamiyah, which was held responsible for the attacks, was sought out and officially broken up. Furthermore, the government adopted an anti-terror law, and another law on money laundering.[201] Megawati's compliance in the Western-led 'War on Terror' earned her much criticism from conservative Muslim parties (such as the PPP) within Indonesia for being 'anti-Islamic'. Up to the Bali bombings in 2002, groups like the Laskar Jihad, the FPI, and the Jemaah Islamiyah (JI) network operated freely in the archipelago. The deployment of Laskar Jihad militias to Maluku, amounting up to 10,000 fighters, happened without much resistance from government institutions as well.[202] The Bali bombings and the association of Islamic extremists with the attacks have also shown clearly that radical Islamic groups such as JI and Laskar Jihad enjoy minimal support among the mainstream Islamic community and became more sidelined and cut off from the wider Islamic community, as the major Islamic organizations Nahdlatul Ulama and Muhammadiyah supported the government's stance against terrorist groups. Nevertheless, many Muslims in Indonesia sympathize with the political opinions of radical groups on issues such as Palestine or the war in Afghanistan.[203] The Indonesian security forces, whose fight against terrorism began in 2002 with only very little experience, were able to crack down on some terrorist networks and make several arrests. Although much of the terrorist infrastructure is destroyed today, there are still dangerous groups remaining, particularly the Jemaah Islamiyah. After its former leader, Azahari Bin Husein, was shot dead by the Indonesian security forces in November 2005, Noordin Mohammed Top is now heading the group.[204] Jemaah Islamiyah has been blamed for major attacks that occurred between August and October during the years 2002 to 2006. It all began with the Bali bombings in October 2002 that killed 202 people, continued with the August 2003 Jakarta Marriot Hotel blast, the September 2004 Australian embassy attacks, and the October 2005 second Bali bombings.[205] Despite the worst fears, no major attack occurred in the autumn of 2006.

Security forces launched a new anti-terror unit called 'Detasemen 88' and were able to arrest many terrorist activists in recent years. For example, in August 2006, anti-terror units of the police surrounded three villages in East Java and made several arrests. Noordin Top, however, remains at large.[206]

Another point of concern for secular forces is the fact that some politicians, as, for instance, former Vice-President Hamzah Haz of the Islamic Party PPP and Amien Rais (PAN) showed signs of support for the goals of ultraconservative and even radical forces.[207] The exact number of organizations belonging to the radical and violent spectrum is unknown. Besides those organizations that will be further analyzed in Chapter 7, there are plenty of other groups, such as Ikhwanul Muslimin (led by Habib Husein Al Habsyi) Hizbut Tahrir, Jammah Tabligh, Mujahidin Indonesia, Gerakan Salafy, and many more.[208] Overall, a strengthening of orthodox, conservative agendas among the Muslims is perceivable. Aside from other controversial bills, a new law on education was passed in 2003. According to this law, all public and private schools have to offer religious classes for pupils of all religious denominations. This is also true for schools for religious minorities such as Protestants or Catholics, who feel deprived by the new law. In 2005, the Indonesian Ulemas Council (MUI) issued 11 edicts (*fatwa*) that sparked controversy among Muslims and upset national and international observers.[209] Among them were edicts against liberal Islam, secularism, pluralism, and a religious group called Ahmadiyah, which triggered violent attacks by radical Islamist groups such as the FPI against offices of JIL (*Jaringan Islam Liberal*, Network of Liberal Islam) and Ahmadiyah.

These developments have deeply unsettled and frightened not only religious minorities but also pro-democracy forces in Indonesia and political observers abroad. Radical Islamism is gaining ground in post-Suharto Indonesia, a trend that is closely connected not only to the national canvas in this transitional society but also to the global environment. Some observers fear that the war on terrorism may backfire and lead to a further radicalization of Islam that could transform non-violent Islamists into militant Islamists.[210]

However, the majority of Indonesia's Muslims still adhere to a moderate form of Islamic teaching. Secular nationalist and moderate Muslim forces dominate the Indonesian parliament. Islamists demanding the introduction of *shari'a* law have not yet been successful on the political stage. Most of the Muslim NGOs that have flourished since the 1990s have shown themselves to be very open minded towards non-Muslims and eager to engage in inter-religious dialogue and joint activities. Most Muslim NGO activists feel more at ease with their counterparts of Christian background than with fellow Muslims active in Islamist associations.

Long-established organizations such as the NU and Muhammadiyah do not receive the attention they deserve in the post-Suharto era, owing to the more vocal radical groups whose actions are more likely to make it into the news. However, they are important players in the process of civil society building in Indonesia, especially with regard to the role played by Islam. These

organizations have clearly refused attempts to reinstate the Jakarta Charter and play a crucial part in inculcating civic values in their constituencies.[211] Besides the two big mainstream organizations, there is a multitude of Muslim NGOs that contribute significantly to educating the population, as well as to the struggle for a democratic society in Indonesia, like LP3ES, Rahima, Syarikat, just to name a few.[212]

Summary

During the first three years of Reformasi, Indonesia succeeded in embodying an astonishing number of fundamental political rights into the Constitution or, respectively, into the new Law on Human Rights (UU No. 39/1999 HAM), including freedom of assembly, freedom of speech, freedom of the press, and the right of political participation. Some of these rights have even been put into practice: free elections have taken place, numerous new parties, NGOs and trade unions have been founded, and the media enjoy nearly unlimited freedom. Compared to the New Order, the ways of expressing one's (even political) opinion publicly have clearly improved. However, violent attacks on protestors by the security forces have still occurred, and freedom of assembly has remained curtailed.[213]

The holding of free, fair, and open elections in June 1999 has been one of the most crucial steps towards liberal democracy after the fall of Suharto. It signaled for the first time in decades that a change in political leadership was possible. Furthermore, the campaigning for the 2004 elections and the election day itself were also relatively peaceful and smooth, which can be assessed as a sign of a more democratic Indonesia.[214] The constitutional amendments made between 1999 and 2003 include, among others, new human rights legislation, the limitation of the presidential terms to two five-year terms, the establishment of a Regional Representatives Council (DPD), the abolition of the Supreme Advisory Council, and the establishment of a Constitutional Court and a Judicial Commission. Many of the old types of corporatist authoritarianism and its institutions have been abandoned. In September 2004, the military justice system was placed under the Supreme Court. The Ministry of Defense has already begun to regularize the status of military-run businesses and tried to replace extra-budgetary support with annual allocations from the national budget.[215] Political institutions such as the parliaments and political parties have gained tangible significance. The DPR and MPR are once again now real vehicles of political contestation. With the disintegration of central state power, regional institutions and elites have become important players in the political arena. Judicial and legislative reforms have reduced the power of the president, and the new power and dignity of the legislature are demonstrated by the DPR's ability to summon the president in order to answer questions about irregularities (as happened during Wahid's presidency in 2000 and 2001). Moreover, parliamentary investigations that lead to impeachment, once unthinkable under Suharto, are now a political reality. The MPR's

position is further strengthened by its annual sessions where the president has to deliver an accountability report on the progress of the past year (*Laporan Pertanggungjawaban Presiden*).[216]

Nevertheless, much remains the same. Despite reforms, the rights of the individual have materialized only a little, on account of the defective justice system. The existence of an independent, impartial, and uncorrupted judicial system is a prerequisite for enforcing legally guaranteed rights by legal action. NGOs' advocacy work for human rights also reaches an impasse where the precondition of an impartial judiciary is not guaranteed.[217] Another main stumbling block for reforms, besides corruption, collusion, and the deployment of force in order to bend the law, is the position of the Mahkamah Agung (Supreme Court). Because it does not have the authority of a constitutional court, it has no right to check the legislative process and the constitutional laws.[218] Even after the end of the New Order, there are old and new forces that are interested in maintaining a predatory system of markets and arbitrary political power. The old forces comprise parts of the New Order oligarchy that succeeded in surviving and reconstituting their influence through new alliances and money politics. The second group consists of new players and coalitions of business interests and politicians that operate increasingly on the regional and local level. Besides these national actors, there are 'virtual actors', such as international institutions, which shape the political format in Indonesia.[219]

Immediately after Suharto's removal, the state showed no resistance to the ideas previously put forward by the renegades of civil society, such as human rights, democracy, rule of law, and civil society, and accepted these as the foundations for the new political order. Although civil society provided the reform movement with the ideological underpinning for democratization, some of its characteristics undermined reforms in some ways. Because of the political moderation of a majority of its groups and its lack of unity, joint organizational structure, a clear definition of shared goals and purpose, civil society missed the moment to seize control of the reform movement. Instead, the old elites managed to survive the transition and, with them, many of the old practices such as corruption, hierarchic and patrimonial structures, and repertoires of behavior that also foster the proliferation of USOs.[220]

The contribution made by NGOs and other CSOs to the strengthening of civil society in Indonesia is undeniable. Although this is by no means a new development, the scope of programs and strategies was much expanded after the end of the authoritarian restrictions on CSOs. In the very beginning of Reformasi, i.e. the months leading to the fall of Suharto and the months after, CSOs played a significant role in the political reform process and helped to alleviate the effects of the 1997 economic crisis. The student movement was particularly active at this stage, but then lost influence, due to a lack of concrete strategies and policies. More moderate political parties stepped in and took over the reform process.[221] However, despite the more open climate for expressing various ideologies, Indonesia's political culture and landscape still

pose serious obstacles to the strengthening of certain groups and civil society in general. Particularly among the rural population, the conservative paternalistic outlook does not support or foster concepts of equality. Moreover, ultra-conservative Islamic forces also gained more space and took advantage of opportunities to spread their views, which in turn critically impedes CSOs trying to empower women and mobilize the rural and urban masses. Due to the lack of partnership and cooperation with the middle class and the continuing weakness of the working-class movements, it is also unlikely that the Indonesian lower class can defeat the dominance of oligarchy and help in bringing about effective democracy.[222]

What we witness in Indonesia today is therefore not the expected fundamental transformation of power relations and political processes, but rather a regrouping of the old New Order power relations in a new framework. Reforms are impeded by the fact that new alliances of predatory forces have easily accommodated themselves within the new Indonesian form of democracy characterized by arbitrary power, money politics, and the deployment of extra-legal ways to appropriate power and revenues. The reasons for the failure to forge liberal democratic coalitions that could eventually exert pressure for change are, as previously discussed, the disorganization of civil society, the suppression of lower-class political organization, and the co-option of the middle and capitalist classes. Initially, many observers held that after the fall of Suharto democracy was 'inevitable' for Indonesia and that, despite temporary backlashes, the country would eventually become a liberal democracy. They viewed the conditions for a successful transition to liberal democracy merely in technical terms: institutional reforms, good legislation, etc.[223] Numerous political transition theories applied to the Indonesian case (Huntington 1991, O'Donnell and Schmitter 1986, Di Palma 1990) laid their main focus on actors, especially elites, and the pacts achieved through negotiating the political transition. The developments in Indonesia have demonstrated, however, that the often-disregarded social structures and forces are of crucial importance.

The developments after 1998 illustrate that the major problem for reform of the political and economic sector was and is the failure of the state. Weak state institutions and a crippled civil society alone cannot provide the framework for a democracy and market economy to develop. It soon became clear that the removal of the authoritarian and interventionist state had plunged the country into unconstrained rent seeking by individuals from the politico-business world. Strong institutions setting rules and rights for the interaction of the markets and society are clearly lacking, and not much help can be expected from within Indonesian elites. International development and policy agencies have shifted their focus to institution building, good governance programs and public sector reform in Indonesia. However, the problem is that the members of Indonesia's business and middle class would rather continue to seek their profit within old and new patronage networks than initiate institutional change.[224]

Although a return to the old authoritarian regime seems unlikely, the valiant, reformist forces (liberal, social democratic, radical) remain weak and marginalized

in Indonesia. Despite the new political framework of democratic institutions (elections, parliaments, parties) now existing in the country, social change towards a liberal democracy is halted. There is still a perceivable organizational absence of those social forces that did not profit under Suharto, those that were bent towards political change (workers, farmers, part of the liberal intelligentsia, etc.). Simultaneously, we can witness the ascendancy of old elites and forces of the former regime. This was caused by the weak starting position of the opposition, as compared to the better conditions those groups nurtured under the New Order.[225] It is not the absence of civil society itself that poses the main problem in Indonesia (because there is a civil society), but rather the condition of this civil society. Crucial parts of civil society are anti-democratic and anti-market, and thus set their stamp on the development of the political process.[231] The ineffectiveness of civil society to struggle successfully for democratic reforms resulted in disappointment with the whole concept and meaning of 'civil society'. As a result, many have turned to radical groups that promise to take things into their own hands. We can witness a proliferation and spreading of uncivil society groups, and a new political climate that is increasingly marked by nationalist, populist, and Islamic expressions is developing in Indonesia today. The power struggle and the shaping of new coalitions are more and more frequently accompanied by the deployment of paramilitary groups, *preman*, civil militias, and by selective mass mobilization and political thuggery.

In conclusion, one can say that, despite the political shift from a centralized authoritarian rule under Suharto to a parliamentary democracy with electoral politics and political parties, the conditions of power have not changed much. The old junta, i.e. the long-established cliques, have managed to re-establish their power position within the new economic and political regime. Despite liberal market reforms, no group has emerged to fight for power against the entrenched predatory forces that gained hegemony in post-Suharto Indonesia by forging alliances with "new social forces that flooded in the world of politics" (Robison/Hadiz 2004). In the following chapter, we will take a closer look at one of these new social forces, uncivil society groups.

6   A contested arena

Civil society in post-Suharto Indonesia

A revised conception of civil society

Recent research has shown that there is no single definition of civil society that is accepted throughout all of Indonesia. In a study conducted to measure the degree of healthiness of civil society in Indonesia, only three out of six regions accepted the following definition proposed by CIVICUS:[1] "Civil society is an arena, apart from the state and the market, where the members of society build groups and interact one with another to define, proclaim and promote their values, rights and interests."[2]

Accordingly, no complete agreement on which groups belong to civil society could be reached. Depending on the definition chosen by the various regions, they included political parties and cooperatives. Kalimantan, Nusa Tenggara and Sulawesi-Papua, for instance, chose the spectrum of political parties to be part of civil society because they differ from the state institutions (executive, judicial and legislative).[3] Apart from that, the different regions chose a very similar spectrum of actors, which includes NGOs, also called LSM (*Lembaga Swadaya Masyarakat*) or Ornop (*Organisasi Non-Pemerintah*), student organizations, religious groups, ethnic groups, professional groups, women's organizations, peasant and fishermen's organizations, academic groups, *adat* groups, worker's organizations, the press, hobby groups, artists, cultural observers (*budayawan*), children and urban poor organizations, etc.[4] There is also no consensus on the question of which group could become a starting point for building civil society in Indonesia. According to Dawam Rahardjo, Indonesian civil society has to look for its roots in either the business community or the middle class, based on the assumption that as soon as the economy (and with it a business class) grows strong and builds networks and the middle class develops, civil society will emerge as well. However, recent years have not given much hope of this to coming about in the near future. Since the economic and political crisis in 1997/1998, Indonesia has not recovered its former economic strength. Therefore, it is not very likely that the economic sector and its business associations will succeed in forming a civil society.[5]

There are still only few 'homemade' concepts and theories on civil society in Indonesia. The existing ones seek to reshape Western models to make them

fit into the Indonesian context. Thus, the two main concepts of *Masyarakat Madani* versus *Masyarakat Sipil/Warga* introduced earlier primarily offer a mix of Western and Islamic theory. Irrespective of whether it is part of the '*masyarakat madani*' or the 'civil society' camp, the discourse on civil society in Indonesia is dominated by the liberals' concept of civil society and strongly influenced by the works of 'neo-Tocquevillean' scholars such as Robert Putnam, Larry Diamond, and Francis Fukuyama. Therefore, civil society is still widely believed to be the key to reviving or creating democratic cultures and traditions in Indonesia. Only occasionally are critical voices heard that make the positive influence of civil society on democracy subject to certain conditions that need to be fulfilled.

A new model of civil society and CSOs is necessary so as to cover the broad range of organizations that populate the civil realm today. Therefore, a new categorization for the actors populating the realm of civil society is needed that takes their uncivil potential or their degree of civility (and thus positive potential for supporting democracy) more into account (Table 6.1). Because of the anti-liberal and anti-democratic nature of some of the actors of civil society, a stratum of civil society called 'uncivil society' that is populated by 'uncivil society organizations' (USOs) or 'uncivil society actors' (USAs) has been proposed here. However, as the groups within this sphere of uncivil society vary greatly in their degree of 'incivility', it has become necessary to create sub-categories within the sphere of uncivil society to further differentiate the various USOs/USAs. The model created for this purpose will be presented in Chapter 7.

Civil society beyond Suharto

The Reformasi period was marked by an impressive change in the relationship between state and civil society. Literally as soon as Suharto had stepped down, a rush of energy went through society, resulting in popular mobilization and a remarkable expansion of civil society.

Moreover, some CSOs created political parties, a process that somewhat resembled the *aliran*-politics of the 1960s. The increasing activities of NGOs, intellectuals, and free associations could be interpreted as a rising societal involvement in politics. Nevertheless, the mere observation of increasing numbers of NGOs does not prove that there has been a strengthening of civil society. Many organizations are nothing more than passing crazes, hunting for foreign funds. Others are too much under supervision from their external funding agencies for their activities to really be labeled as being 'national' anymore.

As we have seen, even after 1998 New Order forces continue to prevail in Indonesia in politics, business, and in the military. While the New Order was brought down by the economic, political, and social crisis as well as by the student protests across the country, it is hoped that this ongoing "Suharto-ism" (Robison 2001) will be toppled by civil society forces. Thus, many

Table 6.1 New Civil Society Model

	Uncivil society			*Civil society*		
	Antagonistic to the liberal state	**Substituting state functions**	→ **State/military proxies**	**Politically ambivalent, may benefit the building of social capital**	**Politically ambivalent, foster civic virtues & empowerment**	**Pro-democratic, reformist, foster political change**
Outside the state and its rules						
Terrorist groups, organized crime	Militant religious groups, ethnonationalist groups	Vigilantes, community guards, private militias of CSOs, Satgas	State/military sponsored paramilitaries, youth groups	Civic associations, professional associations, etc.	Development NGOs, tolerant religious organizations, etc.	Movement NGOs
Uncivil society	→	→	→	→	→	Civil society

Figure 6.1 Increase in selected civil society organizations from the New Order to post-Suharto

Notes:
LU = Labour Unions (390%)
JA = Journalist Associations (566%)
LA = Legal Advocacy (1200%)
WA = Women's Associations (266%)
EG = Environmental Groups (900%)

expectations rest on civil society in Indonesia today, and the term is fervently used everywhere people talk about politics. The focal point of this debate has changed as well, and is no longer centered on civil society versus the state, but on its role in the democratization process. As Indonesian academic Ignas Kleden points out, it is no longer sufficient to understand civil society merely as a counterbalancing force against state domination in the Indonesian context.[6] For civil society to have its part in democratization depends on whether Indonesian society as a whole will be represented in its civil society. Only then can the situation of one particular social class ruling the rest of the people be prevented. In contrast to the older theory of a middle class as the motor for democratization, today there is a strong demand to spread the idea of people-based decision-making. Hence Indonesia's civil society must no longer merely contain members of the mainly urban-based middle class, such as students, intellectuals, academics, young professionals, and religious thinkers, but rather become more representative of the majority of the people, who are peasants, workers, fishermen, petty traders, vendors, and housewives. Thus, the theory of civil society building and strengthening gains wider acceptance among Indonesia's political thinkers and democratization figures, since this new model of civil society includes all social strata and stresses their importance for a successful democratization process.

First phase 1998–99

The number of NGOs increased drastically in the first two years after the end of the New Order, reaching about 70,000 in 2000.[7] After the successful removal of Suharto and the beginning of Habibie's interim government, civil

society faced new challenges. The main task was now to diversify and rebuild internal democratic structures in order to form a constructive civil society. According to transition theory, these are necessary preconditions for civil society to become a fertile breeding ground for a democratic, pluralistic society.[8]

Before the fall of Suharto, CSOs played a pivotal role as opponents of the 'old order' (ancient regime). After the removal of the authoritarian rule, however, their role retained little "institutional clout" and can at best be described as "monitors and petitioners" (Weiss 2006: 233). Foreign agencies such as foundations (the Ford Foundation, Asia Foundation, etc.) and government-funded aid agencies played a major role in strengthening civil society in Indonesia. After 1998, civic education programs were implemented, election-monitoring groups were established and many new NGOs were involved as local partners in carrying out development programs.[9] Later policies helped to legitimate non-state political actors and embedded them in the context of international partnerships.[10] During this first phase of political development after the fall of Suharto, NGOs remained occupied mainly with supporting the government in its poverty-alleviation efforts. The Asian crisis and the change in political leadership had severely weakened the state, which was incapable of dealing with the impacts of the '*kristal*' (*krisis total*, total crisis).[11]

There is no doubt that civil society forces were decisive in the earlier stages of the Reformasi movement. Towards the elections in 1999, however, political parties took over the initiative and civil society actors were pushed more into the background. CSOs have been brushed aside by new political parties and still employ the same 'transgressive tactics' as under the New Order: demonstrations and petitions. Therefore, the main influence of CSOs in the reform process was exerted through consciousness raising, political education, and initiating critical discourse. In particular the media will continue to play a significant role as a medium of monitoring and of raising awareness. Intellectuals mostly refrained from joining political parties. They seemed to prefer influencing political discourse and reform through think-tanks, NGOs, and the media. One reason could be the general low esteem that political parties occupy in public opinion. However, some famous civil society figures (activists as well as academics) like Abdurrahman Wahid, Muhammad A.S. Hikam, Wimar Witoelar, Amien Rais, Nurcholish Madjid, and others moved from the sphere of civil society into politics, and assumed positions as ministers, party leaders, etc. The two main figures of Islamic civil society, Amien Rais and Abdurrahman Wahid, migrated into the political sphere as well. Abdurrahman Wahid founded the PKB, and Amien Rais established PAN. On the one hand, their reputation for cleanness gained in their former positions in civil society "may lend credibility and legitimacy to political parties and the government" (Weiss 2006: 235). On the other hand, fellow activists and intellectuals often lament their entry into formal politics as a loss for the struggle for reform.

A unified reform coalition did not form in Indonesia, due to the fragmented factions of civil society, with their various ideologies and agendas.

Although many different groups participated in the reform process, they did not necessarily cooperate. Unlike Malaysia, where only one main figure, Anwar Ibrahim, led the reform process, Indonesia's opposition was represented by several important political figures: Abdurrahman Wahid, Megawati, Amien Rais and other political leaders. Their failure to cooperate at the critical moment determined the future conditions of the whole reform movement, characterized by an immense difficulty in uniting the various reformist forces and in finding consensus on pressing political issues.[12]

Second phase: Wahid

At the beginning of Wahid's presidency, civil society was not very present in the public sphere. Only a few demonstrations took place, probably because those who had fervently demanded the complete turning away from the old regime and a replacement of the political leadership were initially contented that Wahid and Megawati, two main opposition figures, stood at the top of the state. At this point, civil society needed to reformulate its strategies and goals and develop a new vision, which was not achieved. Influential civil society actors lacked a direct and close relationship with the grassroots, and thus the people's mandate to represent and advocate their interests. This, in turn, deprived them of motivation and a clear goal.[13] Although the general development of civil society stagnated during Wahid's presidency, the human rights movement made progress. An improvement in terms of the protection and advocacy of human rights, as well as a rising level of discourse, were clearly perceptible.[14] Nevertheless, civil society proved not to be prepared to participate actively in political decision-making processes. The severe fallout of the decades-long depoliticization and repression came to light. CSOs were accustomed to opposing the regime; however, they had not learned how to contribute constructively to the formulation of democratic policies.

As the tables turned for Wahid, and his politics came into the crossfire, civil society was back on the scene. The great hopes that civil society had in its democratically elected president were utterly dispelled, and students took to the streets again, demanding Wahid's resignation.

Third phase: Megawati

Megawati's presidency turned out to be another great disappointment for those who had hoped that, now that the greatest oppositional figure during the New Order finally held the presidency, Indonesia would take a big step towards democratic consolidation. It soon turned out that Megawati was also not the long hoped-for *ratu adil*, but instead just a weak politician without much profile. Her close cooperation with the military and her apparent dependency on them soon turned even many of her former supporters against her. Society and civil society grew more disenchanted with politics as well, even more so than under Wahid. This in turn made it extremely difficult for

CSOs to fulfill their task as a 'constructive' civil society. Civil society is expected to monitor the elites during the democratization period, so as to reduce the risk of a return to authoritarian politics.[15] One remarkable incident during Megawati's term allowed a brief glimpse of the potential power of a 'new composition of civil society'. In the beginning of 2003, thousands of protestors from various segments of civil society, such as students, labor, housewives, etc. went onto the streets to combat Megawati's plans for price increases in fuel, electricity, and telephone services (BBM—*bahan bakar minyak*). This example showed how important and powerful the unification of civil society forces is to achieving common goals. None of the parties would have been able to enforce its agenda without the others; only when it was united was their bargaining power strong enough to force Megawati's government to revoke its plans and modify them.

During Megawati's presidency, many of the improvements achieved under Wahid were reversed. The discussion about the introduction of a law modeled after the notorious Internal Security Act (ISA) of Malaysia, and her policies in Aceh and Papua, were seen as a return to the New Order.[16] Indonesia's elections in 2004 demonstrated that Indonesia's voters have clearly learned the system of 'reward and punishment'. By withdrawing support from Megawati's party, PDI-P, which gained a clear majority in the previous elections, they expressed their discontent with Megawati's efforts to fight corruption and restore the economy.

Fourth phase: Susilo Bambang Yudhoyono (SBY)

The successful democratic elections of 2004 exemplified the significant role played by civil society monitoring bodies. Apart from about 600 observers from foreign monitoring bodies, members of Indonesia's civil society also observed the elections. Across the country's 32 provinces, 581,000 polling stations had been set up. In the legislative election in April, the Indonesian People's Network for Voter Education (JPPR) deployed around 100,000 observers in 351 districts and 2,020 sub-districts to detect any irregularities. The Center for Electoral Reform (Cetro) deployed more than 15,000 observers to 11 provinces during and after election day. The same monitoring procedures were used again during the presidential election runoff on 20 September. Civil society monitored not only the election process itself, but also the General Election Committee (KPU), the body responsible for running both parliamentary and presidential elections in Indonesia. Prior to the General Election of 2004, the KPU was made up of one representative from each of the 48 officially recognized parties, as well as five government appointees. Today, members of the KPU must be non-partisan.[17]

Early on in his term, President Susilo Bambang Yudhoyono put civil society building on the agenda. The president signed a letter of understanding with the PKS (*Partai Keadilan Sejahtera*) on 26 August 2004 to formally settle the goals of their cooperation. One of the main points was to "continue

the process of democratization and reform within the framework of building civil society […]"(Al-Banjari 2004).

The past years under President Yudhoyono have led to an ongoing democratization of the political system. This should also result in an opening up of new opportunities and fields for civil society to participate in and influence the democratization process. However, the ongoing suppression of CSOs, especially those concerned with human rights issues, by the military, or by unidentified militias that are very likely connected to the military, indicates that civil society's action and scope continues to be curtailed. The evolution of civil society into a constructive element of democratic politics in Indonesia is still impeded by the undemocratic behavior of some of the political elites. Even if SBY were willing to push democratic reforms and strengthen civil society, he has no power over the military and the government departments, which are definitely not all on the same reform course as the president.

Achievements and positive developments

Greater civil and political freedoms since the fall of Suharto had a nurturing impact on the growth of civil society, which experienced an unprecedented boom. The freedom of assembly and association paved the way for numerous new organizations, networks, and platforms to emerge. Countless new NGOs, labor unions, student associations, networks, newspapers, and magazines were established. The growth of various labor unions after 1998 is just one example of how the new climate positively impacted the associational life and situation of workers in Indonesia. In a way, NGOs were the big winners of the *kristal* because international aid agencies promoted them as partners in their programs to overcome the social and economic impacts of the crisis, and to build good governance and democracy. In general, CSOs have much more freedom to promote their ideological goals and no longer have to hide behind the Pancasila ideology. Moreover, these democratic steps also opened new channels of cooperation with national, regional, and international partners. The freedom of the press and the internet contributed considerably to CSOs learning about areas of conflict, deficiencies in the development approach, and the problems of the population. This in turn has critically shortened the response time, which renders NGOs today capable of reacting much more quickly to natural disasters and to other incidents requiring immediate humanitarian aid. It is safe to say that post-Suharto civil society is quite active in conflict prevention and management, in poverty alleviation, and in combating corruption. For instance, CSOs played a critical role in helping to alleviate the effects of the 1997 economic crisis. One example of this was the newly introduced approach to poverty alleviation 'Gerdu Taksin' (*Gerakan Terpadu Pengentasan Kemiskinan*, Integrated Movement on the Eradication of Poverty) that was adopted by the government with 'Inpres No. 21 Juli 1998'. Based on this, the Coordinating Minister for Welfare and Poverty Alleviation developed a new plan for poverty alleviation, an 'integrative movement' to

eradicate poverty that involved NGOs, other organizations, universities and the affected families. This new development approach aims not only at strengthening the actors in the economic sphere, but also at strengthening the whole population, and families in particular.[18] Another positive aspect has been the improvement of cooperation between government agencies, NGOs, universities, and the civilian population, which in turn has strengthened integrative development programs. CSOs are much more involved in policy making in post-Suharto Indonesia. Today, NGOs and other members of civil society have much easier access to the government, which has already resulted in improved collaboration in the area of women's politics, for instance.[19] The government calls on experts from civil society to give their input. This is crucial when it comes to the drafting of new laws and regulations that formerly were made with a top-down approach.[20] A recent study on civil society in rural Central Java by Pamerdi G. Wiloso concludes that, at the village level, civil society has an active influence on local politics.

> Actors are capable of defending their interest based on their own resources and self-help and ask the village administrators to account for its actions. They are not using any new institutions, but use precisely the institutions they have already been provided by the government. The type of civil society that they struggled for is not the neoliberalist or classical concept of civil society, but rather a civil society in which there is an awareness of the values of harmony (*rukun*), respect (*hormat*), courtesy (*sopan*), openness, justice, and humanity.
>
> (Wiloso 2004)

The same field study holds that, in the observed setting, a public space does exist where civil society and government interact with one another, and the input of NGOs is considered by the legislative and executive bodies.[21] Generally, the widening of the public sphere after 1998 made it much easier for societal actors to interact with state agencies in order to advocate their aspirations. Many promising projects have been launched in the last years, amongst others the *Program Pemulihan Keberdayaan Masyarakat* (Community Recovery Program) and the *Program Kemitraan untuk Pembaruan Tata Pemerintahan di Indonesia* (Partnership for Governance Reform in Indonesia). The former is executed in cooperation with the UNDP (United Nations Development Program) and attempts to reach the poorest and most vulnerable members of society by involving NGOs and target groups alike in the projects.[22] Twenty-seven NGOs from all over Indonesia formed a syndicate to establish the Community Recovery Program, and received US$ 20 million from foreign countries, the Indonesian government, and the UNDP.[23] The 'Partnership for Governance Reform in Indonesia' is another cooperation project aimed at fostering transparent and effective government by encouraging dialogue between the government, civil society, and the private sector. Although these and many other initiatives have been launched and supported

by international donors, here the UN, and the participation of local NGOs or other actors of civil society is a crucial factor in the successful implementation of such programs.[24]

Undoubtedly, there are NGOs that have made a significant contribution to civil society building, before and after the end of Suharto's rule. Bob Hadiwinata concludes in his study on civil society in Indonesia that the NGOs analyzed, such as the Yogyakarta NGO Forum, Yasanti, BSY (*Bina Swadaya Yogyakarta*), and others taught the people how to exercise their democratic rights through lobbying, articulating their interests, and negotiating with the government, etc.[25] NGO networks such as the Yogyakarta NGO Forum, for instance, experienced a revival in their political activities. With the guidance of the Forum, people began making political statements, participating in public hearings, and taking opportunities to voice their concerns and grievances to local government officials.[26] The Forum organized several activities to disseminate democratic modes of behavior, tolerance, and non-violence among the population. This was achieved partly through workshops, an anti-violence campaign with flyers and posters promoting peace, theatrical and cultural performances involving local figures. Several radical Islamic groups in Yogyakarta responded with much resistance to these activities and the to network's attempt to connect and mobilize people at the grassroots level. As the leader of the Forum, Taufiqurrahman, remarked in an interview on 6 July 2001:

> In the past the main enemy of NGOs was the New Order government, which tended to use coercion to thwart those NGOs failing to conceal their radical agenda. Today, although we live in a democratic political system, NGOs seem to have a new enemy, namely the radical Islamic groups which felt threatened by NGOs' attempt to introduce the idea of tolerance, equality, justice and non-violence to society.
>
> (Hadiwinata 2003: 227)

This example is a well-suited illustration of the battle for ideological supremacy taking place within the sphere of civil society. On the one side, there are NGOs trying to introduce ideas of pluralism, tolerance, non-violent conflict management and gender equality, and on the other side there are local radical groups such as the Hamka Radikal, the Hajar Azwad, the Joxin Brigade, and others who try to dominate the discourse with their views on Islamic law. Radical groups like these suspect attempts at grassroots mobilization by NGOs to be part of a wider communist scheme, and oppose the empowerment of women, based on a belief that it is against Islamic law.[27]

New networks emerge

One of the positive developments of the last years has been the establishment of some new NGO networks and other forms of collaboration among CSOs. Although they are more the exception than the rule, some of these initiatives

will be presented here. For instance, several networks have been established to counter the growing trend of '*premanisme*' in the country. One of them is the Anti-Thuggery Society (*Masyarakat Anti-Premanisme*, MAP) in Yogyakarta, which is made up of AJI, the NGO Forum, the Yogya Student Front (*Front Mahasiswa Yogya*, FMY), the Yogyakarta NGO Forum, the Yogyakarta Youth Student Association (*Perhimpunan Pelajar Mahasiswa Yogyakarta*, PPMY), and the Indonesian Student Struggle Front (*Front Perjuangan Pelajar Indonesia*, FPPI). Another alliance calls itself the Anti-Thuggery People's Movement (*Gerakan Rakyat Anti-Premanisme*, Garap), and consists of BEM students from the Surabaya National University, the Solo Indonesian Journalists Association (PWI), PWI Reform, AJI, PFI Solo, the Solo High School Student Front, and other NGOs.[28] Another example of collaboration between groups from different ethnic and social backgrounds was a demonstration held by the 'Alliance of Blora People' in Central Java in 2001. The Alliance was made up of farmers, workers, and other professions from various ethnic backgrounds, including Indonesian-Chinese from 16 districts. The demonstration addressed an alleged conspiracy to overturn President Wahid.[29] Following a conference of 13 organizations working on indigenous rights in Indonesia, held in March 1999, the network 'AMAN', an alliance of independent indigenous people's organizations from all over Indonesia, was established. AMAN is working in five fields of activity: (1) advocacy and defense of indigenous people's rights, (2) indigenous governance and legal system strengthening, (3) indigenous economy development and AMAN funding, (4) indigenous women's empowerment, and (5) indigenous people's education program. After a consolidation of the indigenous people's movement had been achieved, AMAN went on to set up indigenous people's organizations in those regions that had none before, such as South Aceh, Toraja, Togean, Baliem Valley, Paser, Sangir-Talaud, and Banggai. In addition, AMAN actively advocates the amendment of certain policies that violate indigenous rights and threaten their sovereignty. For this purpose, AMAN joined several teams to push for the amendment of the Constitution and the Forestry Law.[30] Although the network is facing problems with the consolidation of its regional representations, the establishment of AMAN can be assessed an as extremely important step towards greater representation of the issues and needs of Indonesia's indigenous population.

Another trend is to create new networks and action committees as topics occur: one example of this was the establishment of many solidarity forums when the war against Iraq started in 2003. In March 2003, 300,000 people from the so-called Indonesian Committee for Solidarity with the People of Iraq (*Komite Indonesia untuk Solidaritas Rakyat Irak*, KISRA) held a demonstration in front of the U.S. Embassy in Jakarta. Among parties like PK, PAN, PPP Reformasi, the PRD, the Pioneer Party, and several other political parties, mass organizations, as well as students from a number of campuses, also participated. On 4 April 2003, members of the North Sumatra Islamic People's Solidarity for Iraq (*Solidaritas Masyarakat Muslim Sumut untuk Irak*),

which consists of 31 mass organizations and Islamic political parties, held a demonstration at the Freedom Square in Medan. In Solo as well, members of the Surakarta People and Students Movement (*Gerakan Rakyat dan Mahasiswa Surakarta*, GRMS), which is made up of BEM students from the Surakarta National University, KAMMI (*Kesatuan Aksi Mahasiswa Muslim Indonesi*a, Indonesian Muslim Student's Action Front), the PRD, LMND, GPK, and several other groups, held a demonstration opposing U.S. aggression against Iraq.[31] Another alliance involving students, workers, women, and NGOs is the 'May First Action Committee' (*Komite Aksi Satu Mei*, KASM), which held a demonstration in Jakarta on Labor Day in 2003. KASM consists of groups such as KAPB (*Komite Anti Penindasan Buruh*), GMIB (*Gerakan Mahasiswa Indonesia Bersatu*), APM (*Aliansi Perempuan Menggugat*), the KN (*Koaliasi Nasional*), and others.[32]

Reasons for the weakness of civil society

This section will analyze the impediments that post-Suharto civil society is facing. The findings presented here are mostly drawn from interviews with Indonesian CSO leaders, politicians, government officials, intellectuals, and academicians, as well as from personal impressions and experiences during my research in Indonesia.[33] As the development of civil society is inseparably connected with many (internal and external) factors, such as economic, social, political, and international developments, the results presented here do not claim to be exhaustive and can only reflect a small part of the complex causal relations of civil society building in Indonesia.

Fragmentation and frictions within civil society

The emergence of new political parties and a free press further increased and empowered the civil society camp over the last years. However, the new freedom of the *era reformasi* did not only result in an energy boost for civil society, but also caused friction between different civil society actors. Although this is normal in periods of transition (O'Donnell and Schmitter 1986), the vital concern is how these frictions will be resolved.

   While before 1998 the focus of attention was more on the problem of the weakness of society vis-à-vis the power of the state, a shift has taken place in the civil society discourse over the last several years. The main concern for Indonesia is now the breaking up of its society into many small interest groups. Subsequent to the end of the New Order, the state itself appears to be weakened, and the greatest danger now seen to the strengthening of civil society in Indonesia lies in a lack of coherence in society. After the ending of authoritarian regime—which had held all the ethnic and religious groups together—the cohesion of the nation has been constantly threatened by the prevalence of primordial bonds and interests. It has become evident that a civic culture is badly needed, to which every element of society can refer. Too

often, local values prove to be incompatible with the national ideology. To quote Moeslim Abdurrahman, "Indonesia had a constitutional reform, but real politics are still dominated by primordial values."[34] Indonesia's civil society is marked by various prejudices and sentiments that impede the development of synergy. There are many civil society organizations, but no shared, joint direction. Competition and rivalry are often stronger than the will to find a common aspiration. This is especially true among advocacy and development NGOs, with the latter often being suspected by the former of being merely the instrument of the government, or of foreign interests. Another problem is the lack of orientation after the end of the New Order. Before 1998, the state was the mutual enemy for many CSOs, and their joint agenda was to fight Suharto and his politics.

Frictions and tussles can also be observed between pro-human rights activists and activists of Islamic organizations over issues of the validity of human rights for all religious and ethnic groups in equal measure. When interreligious conflicts occur, Muslim activists often complain that Christians seem to get more sympathy than their Muslim counterparts. Therefore, it is necessary for human rights organizations to issue explicit public statements that all ethnic and religious groups enjoy the same rights, and will be equally defended.[35] This is just one example of unsettled issues within civil society that continue to weaken its internal coherence and strength and make it susceptible to intrusion by the state. As Muhammad A.S. Hikam, one of Indonesia's leading experts on civil society, put it: "We are not used yet to looking for a common denominator. We tend to look for differences instead of commonalities. Our culture hasn't discovered the 'politics of reconciliation' yet."

This seems to be particularly true for the discourse on democracy and human rights. Under Suharto, the public discourse on human rights was very restricted. Barely any discussion on the various models of democracy was possible, because they all contradicted 'Pancasila Democracy'. Following the end of the New Order, there is a great need for dialogue. "The discourse between the West and Islam or 'Eastern Values' has not been successfully carried out yet," according to Hikam.[36] The Islamist groups that also populate the realm of civil society often criticize the human rights discourse as something 'unislamic' and 'Westernized' and refuse the Universal Declaration on Human Rights as something 'secular'. Tb. Ace Hasan Syadzily points to a similar direction:

> There hasn't been a mainstreaming in human rights yet among the population in Indonesia. NGOs are acting in various specific fields like fighting corruption, promoting gender equality, etc. What is missing, however, is a general consensus on human rights and a consciousness about the interrelatedness of civil society and human rights. Human rights have to be discussed in the context of civil society. Civil society building is not possible without taking the issue of human rights into consideration.
> (Interview with Tb. Ace Hasan Syadzily, 9 September 2003)

Hence, civic education plays a crucial role in overcoming primordial differences, learning to tolerate one another, and in finding a common ground.

Communalism

Another important question to consider is whether post-Suharto Indonesia has been shaped more by communalism or by an emerging civil society. According to Jamhari, the main obstacle for Indonesia's civil society is the still prevailing strength of communalism.[37] Certain ethnic groups or religions adhere to customs and traditions, which may be good for them, but are not applicable to the rest of society. As soon as those particular values are placed above the common values that can be shared by every member of a society, communalism becomes a danger to civil society building (as well as nation building). Examples are radical Islamic groups, as well as exclusive associations based on race or ethnicity. Many local religions, as well as organizations of traditional society (*masyarakat adat*), could not survive under the New Order, but they experienced a revival after the end of 1998 and numerous NGOs started to raise awareness among indigenous people of their rights, struggling for cultural rights that had been violated under the New Order, such as land rights, indigenous rights on the forest, etc. However, although regional autonomy has softened hierarchical structures a little, the patrimonial system still exists as before, and one of the unwanted side effects of emphasizing cultural rights has been the reanimation of local aristocratic groups who dominate the local economy and resources.[38]

If well conducted, communalism does not necessarily have to be something negative. Organizations founded on communal values and beliefs are conducive to civil society only as long as their members manage to cooperate with other civil society organizations and feel committed to a broader set of values and shared interests. Civil society based on racial or religious identities is much more likely to be absorbed by communalism. The tendency to '*mempersempit diri*' (narrow oneself down) could be one of Indonesia's cultural peculiarities that endanger not only civil society building, but also nation building. Many Indonesian thinkers point out the lack of a real citizenship concept (*kewarganegaraan*) in the people's consciousness, whose ways of acting and decision making are still defined by primordialism. Due to the lack of a feeling of solidarity among citizens of the various ethnic and religious backgrounds, adherence to the idea of pluralism can become useless, and even a danger in Indonesia's current situation.[39]

Lack of networking

The ability of Indonesia's CSOs to form and maintain networks is still very limited in post-Suharto Indonesia. Again, this largely rests on the problem of communalism. The development of a public discourse and cooperation among the various civil society actors is seriously inhibited by the fact that

religious and ethnic groups are seldom involved in a discourse with people from other groups. Praiseworthy exceptions are efforts by the large Muslim organizations NU and Muhammadiyah, along with the Catholic and Protestant churches, to build alliances and bridges, the so-called 'moral movement'.[40] The issue of networking is closely related to the previously mentioned need to build what Putnam calls 'bridging' social capital. Direct and indirect links already exist between student activists and political parties. Moreover, NGOs could potentially draw on their members' connections to the student movement, as well as political parties to forge new coalitions. However, the various actors of civil society represent very different clientele and agendas: "Students see themselves as 'angelic', NGOs espouse largely middle-class interests, and Islamic organizations represent distinct subsets of Muslims and have had a stake in party politics from the outset" (Weiss 2006: 237).

Loss of trust

Post-Suharto Indonesia is marked by a great loss of trust on all levels, which is probably the most serious of all impediments to the establishment of a strong civil society. Trust is essential for building social capital, even more so where social capital of the 'bridging' type is concerned. Indonesia's elites distrust each other, and the people have lost trust not only in other individuals and groups, but also in state institutions such as the DPR, MPR, and the judiciary. The realm of civil society is affected by the disease of distrust as well, a fact that observers ascribe to the impact of the New Order and communalism. As Muhammad A.S. Hikam remarked in an interview on 4 September 2003: "Because we lived under an authoritarian regime for so long, the most fatal sickness Indonesia's society is suffering from is the loss of trust." The fact is that this distrust has been present for a long time already, yet it was covered up by Suharto's ban on discussing topics with a potential of disturbing social order, the so-called SARA issues.[41] The example of racial and ethnic discrimination serves as a good example of how the New Order state dominated the discourse and the sphere of civil society and has shaped public perceptions. Civil rights organizations faced great obstacles in their endeavors to change discriminatory attitudes and laws even after the end of the New Order. This proves how deeply racial, religious, and ethnic discrimination is entrenched in Indonesia's society. Due to the New Order's SARA policy, prejudices and misunderstandings between the various religions and ethnic groups have mushroomed over the decades and they cannot now be easily removed.[42]

Dependency

The role of independent and strong organizations and associations is considered crucial for Indonesia's democratization process. Undoubtedly, Indonesia enjoys a wealth of civil society organizations (CSOs), especially since the

liberalization period after 1998. During the New Order, being banned or co-opted by the government had been the greatest threat to NGOs. Once they lost their autonomy, they became mere instruments of state power and unable to perform their initial task of empowering civil society. Today critics say that many of Indonesia's NGOs never freed themselves from Suharto's developmentalist paradigm. After the end of the New Order, more and more NGOs and other free associations are funded by foreign agencies and are therefore risking their authenticity and independence. If they were previously 'arms of the state', some of them may now be just as dependent as they were before, but controlled from abroad instead from within the country. For instance, LBH and other human rights organizations have experienced funding shortages in the post-Suharto era, because some donor agencies consider Indonesia to be a democratic country now and see no need to fund such organizations. Hence, the focus (and the money) is being shifted to other organizations.[43] Freeing themselves from external domination and finding new ways to support themselves are some of the greatest challenges (post-ORBA) NGOs are facing today. They must rethink their agenda and reposition themselves in the new state–society relations, which is part of the democratization process.

Lack of civic culture

There is only little disagreement globally and in Indonesia about the importance and legitimacy of ideology and the institutions of democracy. Indonesia has widely accepted normative beliefs about the rightness of democratic institutions and the underlying market structures. Moreover, institutions shaped after their liberal role models such as elections, a multiparty system, the parliamentary system, a judicial system, and a free market economy have been adopted. However, underlying institutions and ideology are values or, more specifically, 'civic virtues' which belong to the sphere of culture, which includes family structure, moral values, religion, ethnic consciousness, particularistic historical traditions, and 'civic-ness'.[44]

   In looking at the actual Indonesian literature on Reformasi, the ongoing societal transformation process, and democratization, it is striking how little is written on possible cultural or religious obstacles to a successful implementation of democracy and democratic, i.e. civic, values in Indonesia. Indonesia displays several characteristics that can (but do not necessarily have to) impede the building of a vibrant civil society, one of which is certainly religion, i.e. a dogmatic and exclusive religious understanding that inhibits the building of a democratic culture.[45] In addition, the patrimonial culture is still very strong and hampers the development of independent and rational choices. Especially in rural areas, clientelism results in traditional choices, i.e. people follow their patrons' examples, try to please their leaders, their teachers, etc. These cultural traits become most apparent during elections, when people vote on the basis of their religious affiliations, or to meet societal obligations.

On the 'Inglehart-Welzel Cultural Map of the World', which visualizes the cross-cultural comparison between countries from different cultural backgrounds at various stages of human development and the strong correlation of values in different cultures, we find Indonesia in the segment of societies with high traditional values, which means that religion still plays a major role and that Indonesia still belongs to the societies characterized by Survival Values.[46]

> Societies characterized by Survival Values emphasize materialist orientations, show relatively low levels of subjective wellbeing, report relatively poor health, tend to be intolerant of out-groups, such as foreigners, women and homosexuals, rank relatively low on interpersonal trust, and emphasize hard work, rather than imagination or tolerance, as important things to teach a child.
>
> (Inglehart/Welzel 2005: 174)

This dimension is linked with the transition from industrial societies to post-industrial societies. In the process of modernization, priorities shift from an emphasis on economic and physical security, toward an increasing emphasis on subjective well-being, self-expression, and quality of life. The shift from Survival Values to Self-expression Values correlates with a growing perception of subjective well-being that is favorable to an "atmosphere of tolerance, trust and political moderation" (Inglehart/Baker 2000), in which "people place a relatively high value on individual freedom and self-expression, and have activist political orientations. These are precisely the attributes that the political culture literature defines as crucial to democracy" (World Values Survey n.d.). Indonesia's subjective well-being score lies at -2.40 and is the lowest out of 82 surveyed in the 2004 World Values Survey (see Figure A.1 Subjective well-being rankings of 82 societies in the Appendix). From the above we can conclude that Indonesia still ranks relatively low on those values that are conducive for democracy.

The shift from predatory values to civil values requires a certain level of social development and security, and sufficient resources. As long as a huge part of the population has to struggle for survival in the first place, they will not have time or energy to expand their virtues as citizens or strive for 'emancipative actions'. The 'integrated model for human choice' assumes that economic development yields increased opportunities for choice, which allow people to redefine and reshape their motivations and values. The result of this process is mostly the replacement of former, traditional values with a new set of "emancipative values" that could also be called "civic cultural values", "self expression values", "individual modernity values" or "liberal values" (Pettersson 2003: 2). Economic and social development accompanied by increased education, knowledge and information, rising life expectancies, and improved health are the factors commonly believed to explain the emergence of these new values. This is based on the assumption that a better-off society gives

more room for human choice and thus represents a better environment for the emergence of "emancipative values". These values in turn are said to favor democratization.

The Indonesian case confronts us with a great variety, horizontally as well as vertically: regional disparities are reflected in different values embraced in different areas. The same is true within various regions. However, the framework for value change is far more complex (especially looking at the individual) than the simple (but still plausible) linkage between growing resources and rising emancipative values. For a better understanding of the mechanisms governing the value change from conformist to emancipative value orientations, extensive field research is necessary that cannot be provided in the framework of this book. However, it is important to take into consideration that not only Indonesia's political structure, but also society and its values, norms, and systems of belief, bears the mark of drastic change. By looking at the various forms these changes take (here in the form of CSOs and USOs) we can draw conclusions as to the underlying values.

The 'uncivil' forms of action taken by many groups in Indonesia today seem to confirm the assumption that taking the right decision about the correct course of action is a matter of the citizen's civic capacity.[47] Which are the values that can become a solid foundation for building civic capacity? The concept of 'civic virtues' or 'civic values' as the underlying drivers of civic capacity is important in this context. Galston distinguished the following civic virtues: general virtues (courage, loyalty, law abidingness), social virtues (open mindedness, independence), economic virtues (work ethic, ability to adapt to technological and economic changes, capacity to delay self-gratification), and political virtues (respect for the rights of others, willingness to engage in public discourse, ability to evaluate the performance of those in office).[48] Others, like Berkowitz, defined 'civic virtues' as "self-reliance, discipline, rational understanding, sympathetic imagination, reflective judgment, self-restraint, toleration, and ability to cooperate."[49] The question is, whether these values stemming from the Western tradition are equally important for building civic capacity in a (political) culture like the Indonesian one. Kerry J. Kennedy argues:

> From the point of view of building civic capacity the issue of local cultural values and their relationship to political values and structures is a crucial one. If political structures are based on a foreign set of values, then the kind of virtues needed to support those structures are likely to be alien to citizens.
>
> (Kennedy 2000: 25)

In the case of Indonesia, which has already had experience with the values debate, the construction of new civic values, which are neither completely alien nor a (partly) constructed set of traditional 'Asian' or 'Indonesian' values seems necessary. Confronted with the process of globalization and trying to actively embed a Western liberal democracy, it is not surprising that

we can observe trends such as regionalism, communalism, communitarianism, and ethnonationalism in Indonesia today. However, taking the development of human rights advocacy in Indonesia as an example, it has become clear that universal values such as justice, freedom, basic rights, etc. are accepted and sought after in Indonesia also. Indonesian intellectuals themselves argue that if Indonesian democracy is to work, all citizens have to agree upon a set of shared values.[50] Pluralistic societies like Indonesia become *civil* societies when their members develop a shared knowledge that transcends all separating cultural differences and upon which a minimum consensus civil society can be based. In order to find this minimum consensus, fair 'rules of the game' for living together and resolving conflicts have to be developed.[51] The society needs a normative framework of 'liberal virtues', which are valid regardless of the cultural, religious, or social background of the citizens.[52] To develop these kinds of liberal virtues is the goal of civic education. The far-reaching economic, political, social and cultural changes that have taken place in Indonesia have also given rise to questions about the meaning of citizenship and citizenship education.[53]

Infiltration by old elites and uncivil elements

A new and alarming trend is the attempt by old forces, which were nurtured under the old system of power and successfully re-established themselves in the new political framework, to undermine, co-opt, and paralyze civil society. Many of the old elites try to infiltrate civil society by founding their own CSOs and attacking any civil society organization that threatens their interests or stands in their way. One impressive example of this strategy is the case of the Yayasan Swa Prasidya Purna, a potentially self-reliant community for the disabled in South Jakarta founded in 1975 by Harapan Kita, one of Suharto's foundations. After the end of the New Order, Harapan Kita stopped supporting the community, and the 70 families living within it struggled to survive. Harney and Olivia report about this case:

> Several days before we met with the community, a man had left his card with the community's organizer. His card said he was from a human rights organization, and his organization was interested in helping the disabled in Indonesia. He was prepared to provide money for the land and to resettle the community outside the city. Further investigation revealed that he was an agent for one of Suharto's children, who wanted the very valuable land for development. As the community organizer told us, "groups/individuals using our misfortune as disabled people as a tool for their own interests" remain the greatest threat to their struggle for self-reliance and partnership and fake human rights CSOs were a new adaptation of the predator.
>
> (Harney/Olivia 2003: 5–6)

The fight for supremacy is now often shifted into the realm of civil society. If under Suharto elites simply banned or persecuted civil society organizations

they disliked, today the warfare is much more subtle and obscure. More examples of this conflict are events such as the intimidation of protestors by 'civilians' who act as undercover agents of political forces. On 22 July 2001, a tent occupied by hunger strikers was set on fire by thugs suspected to be military personnel in plain clothes, in Lampung. Another example was the violent dissolution in Depok, in June 2001, of an international conference organized by the Asia Pacific People's Solidarity Network and co-sponsored by the PRD, JAKER (*Jaringan Kerja Kebudayaan Rakyat*, People's Cultural Network), and the independent worker's union FNPBI. After the police had arrested international participants, local militia groups were informed, and attacked the site with swords, injuring several Indonesian participants.[54]

Other cases of infiltration of civil society are those of civil militias that are set up or used by members of the bureaucracy, the military, or politicians in order to intimidate or disband civil society organizations threatening their supremacy. On 17 February 2006, the offices of SIRA (*Sentral Informasi Referendum Aceh*, Aceh Referendum Information Center) were attacked and vandalized by a militia group demanding its disbandment. According to witnesses, a police intelligence officer was recognized among the militia members. SIRA had been established by a coalition of student organizations in 1999 to struggle for a referendum for Aceh to allow the people to decide whether to remain with Indonesia or regain their sovereignty.[55]

Lack of pressure capacity

Another precarious problem of Indonesia's civil society is its institutional weakness. The New Order corporatism has left deep scars. When Reformasi began in 1998, societal organizations were not ready at all to play a truly constructive role. Even political parties have disappointed the people, because they could not really carry the people's aspirations. As Hendardi, Director of PBHI (*Perhimpunan Bantuan Hukum dan Hak Azasi Manusia Indonesia*, Indonesian Legal Aid and Human Rights Association), put it in an interview: "Indonesians are not used yet to build real organizations that work, not organizations that are mere name plates."[56]

In terms of institutions, Indonesia's civil society is already relatively well developed. On the organizational level, lawyers' groups, professional groups, religious organizations, and the various NGOs do not differ much from their counterparts in the West. Nevertheless, most CSOs lack the capacity to exert political pressure. This weakness is closely related to the other impediments discussed here, such as a lack of cooperation among CSOs, caused by splits and frictions among the various groups, as well as their dependence on external funding. One main reason for the lack of capacity to exert pressure lies in an insufficient development of human resources, organization, and management within many CSOs, resulting in an underdevelopment of expertise to confront the state. Added to that is the strong distrust between NGOs and political parties. NGOs are rarely invited by political parties to share

their opinions and to criticize party politics, because many parties believe that NGOs are merely instruments of foreign interests. Members of NGOs, on the other hand, tend to perceive political parties per se as belonging to the 'enemy's', i.e. the state's, side. What they often underestimate is that, due to their political power, parties play a crucial role in strengthening civil society and are at the forefront when it comes to educating people towards a better understanding of citizenship that is based not on primordial ascription but on equality. Former NGO activists who migrated into party politics faced much criticism and contempt from their former colleagues. However, there is hope that they can become a bridge between the two poles.

Lack of mass basis

A general problem of post-Suharto civil society is that the vast majority of CSOs are either extremely fragile or highly sectional. Most CSOs lack the ability to generate a broad consensus or public involvement. A reappearing point of weakness of Indonesia's emerging civil society is the fact that it largely remains an elite phenomenon, and very few organizations have a significant grassroots base or rural infrastructure. After long-lasting authoritarian experiences, the country lacks individuals with experience in establishing and sustaining democratic institutions and promoting social change. Local informal leaders, who could become influential in building trust and encouraging people to participate in democratic processes, are often not involved in public politics.[57]

Illiberal state structures

As Robison and Hadiz point out, it is wrong to expect the development or existence of a vigorous civil society in a state that does not provide and guarantee civil rights. It should be added here that civil (and political) rights alone do not suffice if they are not extended to the full range of human rights, i.e. social, economic, and cultural rights. The collapse of the authoritarian regime alone did not create the right conditions for civil society to prosper. Initially, the replacement of Suharto's regime with an "increasingly fragmented, ineffective and diffuse form of government" (Robison/Hadiz 2004: 31) did not produce any advantage for civil society to thrive. Ironically, it was during Habibie's presidency that the majority of liberal reforms occurred. New unions and NGOs evolved despite the still existing law on mass organizations (UU ORMAS 1985).

Despite the progress made by civil society, especially in the field of advocating and protecting human rights, NGOs nevertheless faced renewed repression from the state. Particularly during Megawati's presidency, human rights organizations were stigmatized as being 'unpatriotic' for bringing up critical issues like the government's role in Aceh. In the context of public discourse, this kind of stigma is devastating for the work of NGOs fighting for human rights issues, like KONTRAS and YLBHI, because their relationship

and contact with the broad population is not strong enough to counter these negative images.[58] Civil society strengthening needs state strengthening as well. The state must be stable in order to be able to uphold the law in a consistent manner and set the limits of freedom. Today, the state is still an arena for the power games of the elites, such as the military forces, old elites, and new players. What we witness is lack of commitment to real reforms among the elites. As H.S. Dillon stated in an interview: "Political elites all talk about reform but in reality it's more like 'I'm all for reform—but not in my backyard'." At present, there is still a disconnection between the agenda of the elites and the people's welfare. The people still believe in the elites, and believe that poverty is their inherited lot in life. "Our main goal is to show the people that what was and still is going on is impoverishment caused by the elites' corruption. What they have to realize is that the leaders of this country do not stand on the side of the people."[59]

KKN

The credibility and reputation of civil society depends to a large extend on the cleanness of the organizations and associations in this realm. Several corruption cases involving NGOs have raised questions about the accountability and trustworthiness of this form of organization. It is generally known that many CSOs in Indonesia embezzle funds, a fact that disquiets national and international observers alike, as it severely threatens the development of a vital civil society.

One of the largest scandals of the past years evolved around the prestigious General Election Committee (KPU). In 2004, a coalition of non-governmental organizations made up of the Independent Committee for Election Monitoring, the Indonesian Forum for Budget Transparency, the Jakarta Legal Aid Institute, Indonesia Procurement Watch and the Indonesian Forum for Parliamentary Concern, had filed a complaint with the Corruption Eradication Commission (KPK) accusing the KPU of corruption.[60] Investigations in 2005 resulted in a huge corruption scandal involving human rights activists and former vice-chair of the KPK Mulyana W. Kusumah, KPU chairman and UI professor Nazaruddin Sjamsuddin, as well as the Minister for Justice and Human Rights, Hamid Awaluddin. The case shocked the Indonesian public because the personalities involved had been appointed because of their good reputation as being incorruptible.

Weakness of the middle class

Social and economic change has long been seen in political science as the trigger for democratic transitions. According to this theory, economic growth produces and strengthens social classes, which eventually demand more representation in the system and begin to press for political change. The most important factor in democratic change has been ascribed to the strengthening

of the middle class (Lipset 1959; Moore 1966). There has been a long discussion among scholars on the question of whether the middle class will play an important role in strengthening Indonesia's civil society and act as an agent of democratization. The fact that the middle class (*kelas menengah*) contains intellectuals, NGO activists, professionals, academics, etc. who are not completely controllable (or controlled) by the state, supports this claim. However, Indonesia's middle class cannot per se be evaluated as a motor of political reform and liberalization, as it consists of various different groups such as urban professionals and intelligentsia, teachers, journalists, bureaucrats, managers, rural *ulama* and so on, with differing political stands ranging from liberalism to conservatism. Parts of it were involved in the foundation of the authoritarian New Order and supported Suharto's authoritarian corporatism, others were radical reformers, others again were just concerned with their lifestyle.[61] Indonesia's middle class produced the leadership for such reformist organizations as the YLBHI (*Yayasan Lembaga Bantuan Hukum Indonesia*, Indonesian Legal Aid Foundation), KONTRAS or student activists, and also the leaders of conservative organizations that were part of the regime, such as CIDES (Centre for Information and Development Studies) or CSIS (Centre for Strategic and International Studies). Although Indonesia's middle class grew in numbers and became more confident and politically active during the three decades of economic growth up to 1997, it remained highly dependent on the state. Being one of the main beneficiaries of the rapid growth under the New Order, it was this group that most appreciated the political stability and social order of Suharto's regime over a long period of time. Although the middle class was becoming more politically assertive in the 1980s, and NGO work was mainly an expression of the changing middle-class consciousness, as a main beneficiary of the New Order it still avoided political radicalization. The middle class was highly fragmented and weak, with the liberal sectors forced back by business interests. It was this part of the bourgeoisie, the business oligarchies, that profited from the shelter provided by the authoritarian state, its subventions, its investments and credits, and it therefore had no interest in removing the predatory system, patronage networks, and monopolies and replacing them with free market structures. In addition, liberal middle-class reformers neither were able to form coalitions with the working class, which lacked organizational representation, nor did they have the opportunity to form effective organized political vehicles and they could therefore only join one of the existing state-approved parties. By this tactic, Suharto very effectively prevented the emergence of political vehicles that could threaten the existing order. The middle-class reformers were so unsuccessful in their endeavors for several reasons: reformers (radical, liberal and social democratic) were not sufficiently represented in civilian politics and the liberal reform movement was carried out almost entirely by urban intelligentsia and lacked broad middle-class support.[62] However, as the middle class became more confident and vigorous over the years, a small percentage of middle-class civil society organizations began to fight for greater independence from the state.

Looking at the middle class in Indonesia today does not provide much hope for fundamental changes emerging from the work of this group alone, as it is weakened by primordial resentments and ties which have a negative impact on the development of solidarity and the feeling of belonging to one nation. Undoubtedly, there are many selfless and hard-working individuals who strive to make use of their position and knowledge for the benefit of the poor and socially weak. However, the majority of the middle class in Indonesia is busy accumulating wealth and narcissistically enjoying the fruits of their education and positions. It is therefore no wonder that many observers do not invest much hope in the middle class' empowering Indonesia's civil society, but instead emphasize the importance of mass organizations and associations such as the students' movement, the labor movement, or religious associations, which, it is assumed, will have the force and penetrating power, once mobilized, to challenge the state. An alliance between the margins (masses) and the middle class (intellectual resources) is therefore highly desirable.[63]

Religion: potential or stumbling stone for civil society building?

> Religion can become an asset, if religious values are interpreted with a tolerant understanding.
>
> (Tb. Ace Hasan Syadzily)

What role does religion in general, and Islam in particular, play for civil society building?

Like other countries, Indonesia is trying to find ways to indigenize the idea of civil society to make it more easily understood and accepted by its people. The use of the term '*masyarakat madani*' by Nurcholish Madjid can be seen as being in line with this effort. Another strategy is to delve into the treasury of religion and culture in search of ritual practices and collective traditions that support and strengthen social networks and help in solving public problems through the mediation of cultural and ritual institutions.[64] Thus, religion can be a strong link for holding societies together, and often lays the foundation for states and nations and functions as a resource for building and strengthening civil society. For instance, the values shared by all followers of one religion, or even by several different religions, could act as a starting point for the needed feeling of sameness and shared goals. Religion-based charity and development organizations are clearly a strong part of (Indonesia's) civil society. Faith in God and the belief in a transcendental world and justice are enormous resources for mobilization and, through involvement with religious institutions religion, becomes a strong political force. Even in a fragmented society, religious organizations bring people together into a collective and their involvement in church or other religious activities brings about civic engagement and more trust towards fellow citizens.[65] However, religion can also jeopardize civil society building. The implementation of the *shari'a* into some regional legislation following Indonesia's decentralization,

for instance, has increased the danger of communal disintegration. If ethnic, religious or other groups put their main emphasis on their specific identity, other ethnicities and religions are excluded and the possibility of being incorporated into a more broadly defined identity is blocked. Instead of building a strong civil society founded on common values, fragmentation of society becomes inevitable.

Considering the fact that the majority of Indonesia's population are Muslim, it is only fair to hope that they will play a positive role in the processes of strengthening civil society and of democratization. However, the relevance of Indonesia's Muslims for civility and democracy has yet to be proven. The question is whether the growth of Muslim civil society will be helpful for the process of democratization in Indonesia or not.[66] There is a long tradition of doubt, especially among Western scholars, about the compatibility of Islam with democracy and the existence of civil society. Samuel P. Huntington is one of the best-known postulators of the thesis of incompatibility, put forward in his famous study *The Clash of Civilizations and the Remaking of World Order* in 1997. The specific historical context and setting under which civil society emerged in the West also made Ernest Gellner believe that non-Western communities would have problems (or even find it impossible) to adopt the concept. Furthermore, he explicitly pointed out that Islamic tradition would not go with the notion of civil society and its values of individualism, voluntarism, self-support, and self-generation.[67] Indonesian academics, however, seek to find the cultural and historical roots of civil society particularly in Islamic traditions and organizations. By finding traditions supporting the main characteristics of civil society, they aim to prove that civil society is not a unique product of Western culture, but is also rooted in Indonesian culture and society.

The Turkish sociologist Serif Mardin worked on answering the question why Muslim societies, especially in the Middle East, do not develop a civil society. He discovered that a lack of individualism, a weak link to the law, as well as strong charismatic leaders are the cause. Furthermore, according to Mardin, Muslim societies inherit a collective memory of a time when Muslims possessed a culture and a form of civilized life that differed from the Western notion thereof. Thus, the Western concept of civil society appears to be inferior and therefore not suitable to become a blueprint for the *ummat*. As a result, a movement against the indigenization and acculturation of (Western) civil society models emerged in Islamic countries.[68] However, other studies seem to contradict this hypothesis. Based on research in the Middle East, various studies reveal that civil society can be found in Muslim societies as well (Norton 1995, Norton 1996, Sullivan 1994). However, there are as yet only limited research results concerning Muslim societies and the relation between their belief and non-Muslim civic engagement. Nonetheless, recent studies in Indonesia have shown that the majority of Indonesia's Muslims feels connected to Islamic organizations such as the NU, Muhammadiyah, and local religious groups like the *Majelis Taklim*, *Remaja Masjid*, *Jamaah Yasinan*, *Jamaah*

Wiridan, etc. This would indicate that Indonesia's Muslims are, for the most part, involved in "Islamic civil society" (Mujani 2003: 12). Mujani also discovered that whenever Muslims are represented in the form of Islamic civil society, Islam contributes to involvement in non-religious civil society as well. Furthermore, Muslims who participate in civil society are not favoring an Islamic political orientation. His findings also clearly indicate that involvement with Islamic civil society and non-religious civil society correlates with political engagement (*kultur politik partisipasi*), while there is no correlation between an Islamic political orientation and the above-mentioned political engagement.[69] From this we can conclude that religion, or more specifically Islam, can be conducive to the building and strengthening of civil society and can help to increase political involvement, which in turn correlates positively with political tolerance, one of the prerequisites for a civic culture needed to establish an efficient democracy.

Looking back at de Tocqueville's civil society model, which was based on his research on American civil society, his findings confirm that the development of civil society (at least in the American case) was promoted by the country's many pluralistic religious organizations (de Tocqueville 1969) that helped its members to interact with other societal groups and taught them tolerance towards different religious interpretations. According to Serif Mardin, the notion of civil society is a "Western dream" stemming from the desire to establish a civil supremacy over religious traditions and the kingdoms, although he believes that the Muslim world never shared this dream. Nevertheless, he sees two conditions for the growth of civil society in Muslim societies: the existence of civic values and civic associations.[70]

A study by the 'Pusat Pengkajian Islam dan Masyarakat' (PPIM) of the UIN (*Universitas Islam Indonesia*) on the concepts and views Islamic organizations in Indonesia have on civil society found that Indonesian Muslims have a high tendency to association, whereas their associations tend to take on a religious form. The survey also revealed that the different groups tend to have a hegemonic view of the interpretation of civil society. For instance, Muhammadiyah interprets civil society in close relation with the concept of 'Masyarakat Madani' and therefore roots its interpretation in the teachings of the prophet Mohammad. Traditionalist circles, on the other hand, view civil society as the strengthening of society in order for it to become more independent and active in political and social decisions. Based on these findings and nationwide surveys, Jamhari goes so far as to compare Indonesia with America and sees the usefulness of religion and religion-based organizations for the increase of civic engagement in Indonesia as proven.[71]

Without a doubt, religion and religious organizations play a crucial role in the development of a tolerant and equitable society, and for a long time Indonesia was propagated as a role model for a nation where various ethnic and religious groups lived peacefully together. The Islamic community with its organizations is certainly one of the strongest elements of civil society in Indonesia. The majority of Muslims adhere to the cultural Islam that has

prevailed since the 1970s/1980s, refuse the notion of an Islamic state, and promote tolerance and pluralism instead. The two largest mass organizations in Indonesia—the NU with an estimated membership of 40 million, and the Muhammadiyah with about 30 million members—are based on Islam and have a strong bargaining power in relation to the state, due to their large membership.[72] The NU, Indonesia's (and probably the world's) largest Islamic organization provides a system of village-based religious schools (*pesantren*) as well as assistance in financial development, health care, and family planning. Similarly, Muhammadiyah possesses a network of universities and schools, teaching over 20 million students.[73] NU represents the 'traditionalists' among Indonesia's Muslims, i.e. those who adhere to a 'syncretic' form of Islam that incorporates elements of Javanese mysticism as well as old Hindu and Buddhist traditions. The majority of NU's members come from the Javanese countryside.[74] Under Abdurrahman Wahid's leadership (1984–99), the NU represented an inclusive Islam, marked by tolerance, pluralism, and open-mindedness. During the beginning of his chairmanship, Wahid entertained a cooperative relationship with the regime coalition. With the establishment of ICMI in 1990, however, Wahid saw the role of Muslims in democratization as threatened, and joined the opposition. His relationship with Suharto deteriorated increasingly, and Wahid founded his own think-tank, the Forum Demokrasi in 1991.[75]

In the cities, the Outer Islands and among the emerging middle class, Muhammadiyah is the prevailing organization. Muhammadiyah represents the camp of 'modernist' Islam in Indonesia, which stems from a Middle Eastern movement reconciling the teachings of Islam with the challenges of modernization. In its execution, this means a return to more orthodox teachings and a purer form of Islam. Although not a political movement, the modernists seek to improve governance by including Islamic ethical values.[76] Towards the end of the New Order, Muhammadiyah was led by Amien Rais, who progressed to become a main reform figure through his uncompromising critique of the regime. He branded Suharto's leadership as corrupt and called openly for the regime's replacement with a clean government and democratic institutions.

Both organizations, NU and Muhammamdiyah, reach into every town and village, offering diverse services in community development, education, health, and welfare, and are among the few institutions that possess the institutional infrastructure and moral authority necessary to generate democratization on a mass basis. They represented critical elements of pro-democracy civil society during the last years of Suharto's rule and exercised immense pressure on the regime under the leadership of Abdurrahman Wahid and Amien Rais, two of the New Order's main opposition figures. They have the capacity to mobilize broad public support and to educate their constituency for a democratic society in which violence and uncivil groups can be minimized. Many of their members are also active in other non-religious organizations, thus building the much-needed 'bridging' social capital. In cooperation with many other

NGOs, the NU was very active in voter education in the run-up to the general elections in 1999. Moreover, since NU's institutions and autonomous bodies reach down to the village level, the organization proved very useful in the process of election monitoring. In 2001, the NU had about 330 branches at the district level, over 6,000 *pesantren*, and 21,000 schools all over the country.[77] Islamic leaders have great influence on the public and exercise authority over decision makers as well.[78]

Whereas uncivil society groups (especially radical Islamic ones) receive much public attention and media coverage, the important work of many Muslim NGOs is often forgotten or sidelined. One prominent example of an Islamic CSO promoting peace and democracy in Indonesia is the Muslim NGO Syarikat Indonesia. Syarikat's goal is to strengthen a peaceful culture of conflict resolution and equality. The group's struggle is directed at reconciliation, and compensation of the victims of the massacres of 1965 by setting the history of 1965 straight, opening up mass graves and identifying the bodies. Furthermore, Syarikat established a forum for solidarity and reconciliation in cooperation with the NU. The idea is to restore the victims' (and their families') civic rights, their reputation, and their status in society.[79]

Another quite extraordinary group set up in the post-Suharto era is the Jaringan Islam Liberal (JIL). The network of young Muslim intellectuals emerged as a direct response to the Bali bombings and struggles for the dissemination of liberal interpretations of Islam. It is seen as a major contribution to the moderation of Islam in Indonesia and deals mostly with issues like pluralism, the compatibility of Islam and democracy, rights of the individual, and religious tolerance.[80] The main teachings of JIL include the free interpretation (*ijtihad*) of the Koran and the Sunnah based on the ethical-religious spirit of the texts rather than their literal meaning. Furthermore, JIL promotes an understanding of truth as being relative in a religious context and refuses Islamic interpretations that are directed against minorities and the oppressed. Moreover, JIL struggles for freedom of belief and faith and the separation of religious and political power. Apart from its website, which has become a forum for discussion, JIL features booklets, books, radio talk shows, and discussion groups at universities, the site of ISAI/Komunitas Utan Kayu, the Goethe Institute and many others. With this and its various other activities to promote a tolerant, liberal form of Islam, the network has developed to become a major source of counterbalance for radical and fundamentalist Islamic ideologies and forces.

In reaction to a controversial article published by Ulil Absher-Abdalla, one of the founders of JIL, the FUUI (Religious Scholars Forum of the Indonesian Muslim Community) issued a *fatwa* (opinion on religious law) against him in November 2002. The article was declared blasphemous and it was ruled that, according to Islamic law, such an offence was punishable by death. Even before this incident, JIL had already become a target of criticism by fundamental forces. In a book entitled *The Dangers of Liberal Islam* Hartono Ahmad Jaiz, one of the key Muslim thinkers of DDII, called for death

penalty for those rejecting Islamic law. The idea of the death penalty was further promoted in DDII's magazine *Media Dakwah*.[81]

Islam, and even political Islam, can play a positive role in Indonesia's democratization process if Islamic politics are based on the "acceptance or openness toward democracy, equality," and a "good and democratic form of nationalism" (Hefner 2004: 2). Groups like JIL, Syarikat, Lakpesdam (*Lembaga Kajian dan Pengembangan Sumber Daya Manusia NU*) fulfill a crucial role in building and cultivating civic values within the Muslim community. The work of INCIS further confirms that religion and religious associations can become a vital asset for civil society. One of INCIS' strategies is to strengthen already existing social institutions that have developed in society in the shape of religious organizations and to use them as channels to educate the people and to increase participation. For instance, INCIS utilizes local religious groups that already display civic values, such as women's groups that meet to teach Islam.[82]

It is crucial for Indonesia's civil society to build interreligious networks capable of encompassing the highly diverse religious constituencies. In the face of a rising politicization of belief and religion, networks like these could mediate in conflict situations, respond to crises and improve cross-communal cooperation. Apart from many local initiatives, two associations, MADIA and INTERFIDEI, operate somewhat more supraregionally. The idea of MADIA was born in November 1996, when representatives from a variety of religious backgrounds met in Jakarta, among them Paramadina, KWI (*Konperensi Waligereja Indonesia*, Indonesian Bishops' Conference), the Center for Research and Development of the Indonesian Churches Association (PGI), IAIN (*Institut Agama Islam Nasional*, National Institute of Islamic Religion) Jakarta and several other religious organizations. Since then, MADIA has started several multilateral and bilateral (Muslim–Christian) dialogue projects and frequently organizes Muslim–Christian conferences.[83] MADIA's projects are generally aimed at religious leaders and the youth. Its most recent project started in 2002 and deals with the cultural and political impacts of the implementation of the *shari'a* law.[84] Founded in December 1991, INTERFIDEI is located in Yogyakarta and is the oldest of the existing inter-faith dialogue groups in Indonesia. The organization is active in several regions in the field of education (seminars, workshops, forums, etc.) and research (on the role of religion in conflicts in Indonesia, religious education in Indonesia's school system, etc.). Moreover, INTERFIDEI publishes newsletters, magazines, and books on inter-faith dialogue and pluralism in Indonesia.[85]

More than ever, religion plays a very important role as a means of creating identity. This is especially true for the young and unemployed who are marginalized from modernization processes and development, and therefore lack other points of reference for the creation of a sense of belonging and pride. Moreover, as the example of Pamswakarsa has shown, religion can be instrumentalized in the process of militarization of civil society: religious feelings are easily stirred and have been used to recruit civilians into militias. Indonesia's Islam has great potential to serve as a source and breeding ground of

democratic and civic values. Whether a tolerant civil society has a chance to develop in Indonesia depends to some extent on the result of discourse within Islam as well. Religion can only act as a potential and resource for democracy if religious fanaticism is conquered and a progressive and liberal approach dominates the public discourse.

Civic education

> In my observation, Indonesian people in general have a very obscure idea about democracy and related subjects. As a result, Indonesia's march toward democracy has continued to be hampered by undemocratic attitudes and practices that in turn could even put the existence of democracy into question.
>
> (Azyumardi Azra, 1 December 2005)

A lack of cultural grounding of democracy in Indonesia contributes to making the consolidation process bumpy and us the fact that democracy will still continue to be fragile. The experiences with democracy in the 1950s and the resulting political instability and turmoil have not helped to improve the reputation of democracy at all. Furthermore, the ongoing economic crisis the country has been in since the fall of Suharto and the transition to democracy have made things even worse, so that many people hold democracy responsible for their worsening living conditions and are yearning for the 'good old times' of economic growth under the New Order regime. Civic education is closely related to the concept of a good society. Not only the strengthening of the legal foundation of democracy and the deepening of the democratic processes are important in the transition process, but also democratic education (*pendidikan demokrasi*) or civic education (*pendidikan kewargaan*) of the citizens. Only a strong civil society will bring about civility and a civic culture in society as well as in the polity.[86]

Thus, education can be seen as a way to equip citizens with the competence and capabilities they need to decide what makes a society a good one (Gutmann 1999; Azra 2005). Citizens need to be given the opportunity to participate in public life in order to acquire the experience that leads to competent participation in democracy (de Tocqueville 1969). Democracy describes not only a set of rules, but also what is meant by democratic political culture. There is a mutual causal relationship between democratic institutions and certain behavioral ways and attitudes. Civic and political education fosters the building of 'bridging social capital' and at the same time strengthens the position of civil society. The more people adhere to civil values, the more will get involved with civil society and its work. To understand the values underlining democratic institutions and arrangements, citizens need not only to be made aware of these values (through civic education) but also to be involved in debates and discussion about them.

"Democracies might be built on their institutions and their underpinning ideologies. But they are sustained by civil society," Kennedy (2000: 28) argues. Ideally, citizens are able to influence the path of their democratic ideologies

and institutions through active citizenship in civil society. Although as early as 1946 a subject called *Tatanegara* (state doctrine) or *Tatahukum* (legal system) containing the same topics as modern civic or citizenship education was taught in Indonesian high schools, in 1962, the Indonesian Ministry of Education introduced a subject called *Kewarganegaraan* (civics) into the curriculum for SMAs (*Sekolah Menengah Atas*, Senior High School), which included lessons on Indonesian history, geography, politics and economy, speeches of President Sukarno, the Universal Declaration of Human Rights, and the United Nations (Somantri 1969 in Azra 2005: 8). In the late 1960s, both terms *Pengetahuan Kewarganegaraan* (citizenship knowledge) and citizenship education (*Pendidikan Kewarganegaraan*) were in use for a subject taught at all three school levels (SD, SMP, SMA).[87] During Suharto's 'Pancasila democracy', citizenship education was changed into *Pendidikan Moral Pancasila* (PMP, Pancasila Moral Education), in 1975. The subject thenceforward focused on the Pancasila ideology and was based on the P4 (*Pedoman Penghayatan dan Pengalaman Pancasila*, Guidelines for the Internalization and Implementation of Pancasila) guidelines. From that point on, civic education became 'PMP', and thus pure political indoctrination in order to sustain the regime's political stability. In 1989, the government passed a new law on education, the UU No 2/1989 tentang Sistem Pendidikan Nasional (UU SPN), which introduced Pancasila and Citizenship Education (*Pendidikan Pancasila dan Kewarganegaraan*, *PPKn*) into the curriculum of elementary and high schools. On the university level, this course was supplemented by the so-called *Kewiraan* course teaching the importance of the military's *dwifungsi*.[88]

With the end of the New Order, a new paradigm on education was introduced in 1999, which aimed at realizing the ideas of *reformasi* in the education sector. The PPKn course was no longer a mere vehicle of political indoctrination through the Pancasila; however, it was still seen as insufficient for civic education because of its focus on Pancasila. The changes made at university level were slightly more far reaching. Here the *Kewiraan* class was dropped and the Pancasila course was modified into a 'Pancasila Philosophy' course. Further, some universities added a new course to their curriculum called *Kewarganegaraan* (citizenship). Despite those formal changes, much remained the same in terms of content. This was partly due to the teachers, who continue to teach the old content. The IAIN/UIN in Jakarta has launched a pilot project and removed both the Pancasila and the *Kewiraan* course from its curriculum. Instead, a new course was introduced called *Pendidikan Kewargaan* (civic education), thus emphasizing civil society and civil culture over citizenship. Today, the civic education class is taught at almost all Islamic institutes of higher education. Moreover, the UIN has published two books on higher education and conducted several short trainings for *pesantren*[89] teachers, *ulamas*, and student leaders.[90]

Along with civic education, the need for a multicultural education that considers Indonesia's ethnic, social, and cultural diversity has become clear during the transformation era. Azra points out that multicultural education

"is to help students to acquire the knowledge, attitudes, and skills needed to function effectively in a pluralistic democratic society and to interact, negotiate, and communicate with people from diverse groups in order to create a civic and moral community that works for the common good" (Azra 2005: 13, see also Zamroni 2001: 181). This kind of education will be important for the future of Indonesia's people and help to prepare them to work towards structural equality in institutions and organizations by developing attitudes, values, and skills necessary for a democratic society.

Case studies

One area of progress in the 'new era' that started after 1998 was the founding of many new organizations which promoted democratization, human rights, gender equality, law reform, and civic education, to name just a few. In addition, the topic of 'civil society' has been taken up again under entirely new premises. The following case studies illustrate examples of organizations that have identified the causes for the backwardness of Indonesia's civil society and developed strategies for its strengthening.

INCIS

One important organization dedicated to civil society strengthening is the Indonesian Institute for Civil Society (INCIS), a relatively new organization that was founded in February 1999 by a group of young people, social activists, and thinkers.[91] INCIS is affiliated with the Center for the Study of Islam and Society (PPIM, *Pusat Pengkajian Islam dan Masyarakat*) of IAIN (*Institut Agama Islam Negeri*, State Institute of Islamic Studies) in Jakarta and the Liberal Islam Network (*Jaringan Islam Liberal*). Despite this Islamic background, INCIS does not necessarily champion a religion-based approach to civil society. Its vision is to help build a favorable climate in society for the creation of a civil society founded on the principle of civility.

> One important point about civil society is that it is not just about having groups in society participate and articulate their needs, and to bring forward their political aspirations. More important is what we call 'democratic civility', a process of political participation that is based on a civilized democracy and in accordance with the norms.
>
> (Tb. Ace Hasan Syadzily)[92]

In this context, it is interesting to note that INCIS uses the two terms *masyarakat madani* and civil society synonymously. The official definition used by INCIS is: "Civil society denotes organized areas in social life distinguished by their voluntary, self-generating and self-supporting character and a high commitment to legal norms or values adhered to by their citizens. Civil society can materialize in community organizations such as the NU or Muhammadiyah,

voluntary organizations in the society, NGOs, hobby associations or organizations for sports, culture, etc."[93] Therefore, the civil society that INCIS seeks to build is not one that is in opposition to the state, but one that acts as a critical partner of the state.[94] Civil society is seen as a precondition for successful democratization, and its building requires the existence of what Syadzily (2003: 31) calls "*modal sosial*" (referring to Putnam), which denotes networks, values, and trust among the members of a society. An open, highly disciplined, rational, and dynamic community life is believed to be the key to a life based on civility. To attain these ideals, INCIS seeks to develop an understanding of civil society that takes the historical, socio-political, and cultural background into consideration.

INCIS believes in a close correlation between successful democratization and the people's desire to participate in socio-political processes in Indonesia and therefore fosters people's involvement in associations that build such values as trust, tolerance, and openness. INCIS' main goals are to help society to become an entity, and to help the people to participate in the public sphere. Its mission is to support and conduct socio-cultural programs for the growth of civil society in Indonesia, on a practical as well as theoretical level, and to raise the people's consciousness in order to make them more civilized in their way of thinking, acting, and living together. It is INCIS' conviction that not all political participation results in something positive, if there is no planned process or clear direction. After 1998, civil society grew quickly, and strongly expressed various political aspirations. "This is good, but only if well organized," states Tb. Ace Hasan Syadzily, INCIS' Executive Director. The role of INCIS is to make sure that civil society development takes place in a good and orderly manner so that a process of civilized participation can be realized. "Because without this, what emerges is social anarchism, which often happens during transitions like this," Syadzily warns.

The example of religious fundamentalism shows that civil society strengthening is not mainly about increasing public participation. Radical groups have been quite visible in the public sphere during past years. Their level of participation and involvement in public life is quite high already. However, this kind of political articulation does not follow democratic procedures. Aspirations, needs, and political goals have to be expressed through democratic channels, through peaceful demonstrations, the DPR, political parties, etc. INCIS believes in the importance of creating political awareness among the population as a first necessary step to a valuable strengthening of civil society. The next step is the socialization of political rights through campaigns educating people in their relationship with the state and how they have to behave in various contexts. After that, people are left to express their political rights through legitimate and legal political channels.

INCIS uses a two-step strategy to achieve the goal of strengthening civil society:

1 Political education and socialization: INCIS understands civil society as a process to give people a consciousness about their civil and political rights.

This political education includes the teaching of civic values like tolerance, trust, multiculturalism, etc.

2 Community organization: As soon as the people have been made aware of their rights, they will develop a wish to unite and to organize within the context of civil society. At this stage, INCIS helps organizations to develop a systematic concept for their struggle.

By connecting various civil society elements, INCIS fosters partnership and cooperation in civil society building. Because, according to Syadzily, many NGOs are more political lobby groups than societal organizations, the organization seeks to build an NGO movement truly based on society by providing training for young leaders, local figures, and religious leaders, with the hope that these people will act as transmitters to the grassroots. Other main elements of INCIS' work are the formation of research centers, the development of networks, and the publication of books, articles, and magazines such as the INCIS Bulletin.

In its struggle for democracy and civil society strengthening, INCIS identified corruption, traditional patron–client structures, and a dogmatic interpretation of religion as main obstacles. On the other hand, INCIS believes that religion characterized by tolerance can be a helpful resource in the building of civil society in Indonesia and works closely with the NU (*Nahdlatul Ulama*) and the Muhammadiyah. One example of this cooperation is a joint program between INCIS, Muhammadiyah, and the NU to strengthen civil society and to overcome corruption in the province of Banten. One of INCIS' main projects so far has been to carry out a survey on the status of civil society in Jakarta and Tangerang, with the objective of identifying challenges and obstacles for the strengthening of civil society in that region, in order to formulate custom-made solutions and programs. This research project was supplemented by seminars, discussions, and community organization in that area. The survey was designed to find answers to the question of how to bring the citizens of Jakarta to participate in the context of their common problems or problems with the government and other institutions.[95] "We found that civil society in Jakarta is weak, because the knowledge on democratic civility is low. This is mainly a result of the depoliticization politics of the New Order," concluded Syadzily. The results of the survey were intended to become a manual with recommendations and solutions for public strategies. Consequently, INCIS was invited by BAPPENAS (*Badan Perencanaan dan Pembangunan Nasional*, National Development Planning Agency) to present recommendations on national political education programs.

Yappika

YAPPIKA (*Aliansi Masyarakat Sipil Untuk Demokrasi*) stands for 'Civil Society Alliance for Democracy' and was founded to foster a democratic and pluralistic civil society in Indonesia and the development of vital NGOs at

the local level. YAPPIKA is convinced that democracy can only work in conjunction with respect for human rights, society's involvement in social and economic development, and the elimination of all forms of discrimination based on religion, race, gender or ethnicity. Another of YAPPIKA's names is 'Indonesian Foundation to Strengthen People's Participation, Partnership and Initiative', which shows even more clearly the organization's vision.[96]

YAPPIKA's three strategic goals are the support of people's initiatives to develop social reconciliation, the strengthening of the capacity and governance of civil society, and social and economic development. With the help of the Canadian Government, YAPPIKA devotes its energies primarily to strengthening civil society through empowerment of partner NGOs, NGO networks, or other CSOs at the grassroots all over the Indonesian archipelago. YAPPIKA took on the extraordinary task of coordinating NGO coalitions that are working on various issues. One example was YAPPIKA's coordination of the activities of numerous NGOs advocating against the new foundation law in Indonesia. Furthermore, YAPPIKA is advocating for a bill that assures citizens' participation in policy formation. It also supports activities aiming to improve the political education of the people, gender equality, conflict resolution strategies, the development of democratic local governments, and environmental programs.[97] YAPPIKA strengthens CSOs in their capacities through financial aid (credits/grants), technical assistance, training, and network building, while helping them to achieve financial self-reliance. YAPPIKA cooperates with 36 CSOs and six CSO networks in five regions, namely Nangroe Aceh Darussalam, Yogyakarta, South Sulawesi, East Nusa Tenggara, Maluku and Papua. Although the activities of the respective CSOs are quite multifaceted, they all share the same concerns: the strengthening of local communities through training knowledge transfer, the organizing of society, and advocacy.

The so-called 'Partnership for Development Program' has been the focus of YAPPIKA's work since 1997 and went into its second phase in July 2003. During the first phase (PPD I), the projects pursued ranged from the strengthening of national forums, to community education, community-based natural resource management, community-based economic development, and national policy dialogue.[98] The second phase of the Partnership for Development Program (PPD II), which began in 2003, lasted four years and focused on efforts to develop democratic local governance in 18 regencies in East Java, East Nusa Tenggara, Nangroe Aceh Darussalam, South Sulawesi, Central Sulawesi, Maluku, and Papua. This includes building the capacity of CSOs in poverty alleviation and effective advocacy for influencing public policy at the regional level.

In the following section, the *Program Tata Pemerintahan Lokal yang Demokratis* (Democratic Local Governance Program) will be used as an example to illustrate YAPPIKA's work. The aim of the program is to create democratic local governments in Indonesia that serve the people's needs. YAPPIKA is supported by CIDA (Canadian International Development Agency), and cooperates with the USC Canada (Unitarian Service Committee, a Canadian

NGO) in carrying out the above-mentioned program over a period of four years. For its implementation, YAPPIKA collaborates with a number of local NGOs working in the 15 chosen *kabupaten* (regencies) and cities. YAPPIKA defines democratic local government as a government that is open, accountable, participative, and responsive to the needs of the broad spectrum of the population. To achieve this kind of government takes a strong commitment by the local officials to provide widespread engagement in public affairs, not only in policy formulation, but also in its implementation. According to YAP-PIKA, after three decades of arbitrariness, where public authorities alone enjoyed the right to decide on development programs without considering the interests of the people, Indonesia's bureaucracy is far from achieving this objective. Decentralization has not changed much in this regard; on the contrary, one can speak of a decentralization of corruption, bribery, and injustice. Against this background, it is obvious how urgently civil society organizations are needed. YAPPIKA's research showed clearly that CSOs, especially on the regency level, still lack the strength and expertise needed to push their agendas through successfully. Aside from structural obstacles, it is often a lack of capacity within the organizations that finally causes the failure to negotiate needs and demands with the government, and thus achieve policy changes. Therefore, the 'Democratic Local Governance Program' focuses on building the capacity of the participating organizations through training in fundraising, management, conflict resolution, legal drafting, policy advocacy, public campaign planning, monitoring the government's performance, and other specific qualifications needed to successfully implement the planned programs. Another goal is to increase public discourse on democracy and clean government in those areas and to channel public support for changes in local policies and regulations.[99] YAPPIKA provides financial resources for programs that will be conducted in the midst of the target societies, so-called *program lapangan terpadu*, which focus not only on the immediate daily needs of society, but also on 'critical education'.[100] Through advocacy and training, the community's access to and control of decision making at the local level is to be increased. To inform the public and other organizations and to gain their support, books, brochures, posters, as well as reports on development issues are published and discussion forums, public dialogues, etc. are offered. To draw the government's attention, partner CSOs conduct workshops, do legal drafting, as well as produce position papers and policy recommendations and hand them over to the respective government agencies and parliament members. The next step is to assure effective communication between civil society and the government through lobbying and networking with like-minded government officials.[101]

The success of all these actions will be measured through several indicators:[102]

- an increase in the number of community organizations involved in policy formulation and their active participation in public debates and advocacy activities;

- the number of public policies proposed by the society that will be accepted by decision makers in the government. These include new policies, as well as revisions;
- the level and quality of coalitions and networks built to influence the tackling of specific issues by the government;
- the number of NGO staff and members trained in the course of the program whose competence in fundraising, management, networking etc. has increased;
- the frequency of monitoring of public policies by CSOs;
- the frequency of public consultations and the number of community members involved.

Naturally, the aforementioned examples only reflect a few of the measurements taken. Another way to measure the impact of the program will be to examine how far surveillance by the community effectively changes the working culture of the local government apparatus.

YAPPIKA emphasizes the need to cooperate with international and national organizations sharing the same goals, and therefore collaborates with international agencies such as UNDP, OXFAM and Common Ground as well as with national organizations such as the Partnership for Governance Reform. Lili Hasanuddin, Executive Director of YAPPIKA, stresses: "The strength of Indonesia's NGOs is their international network."[103] Moreover, he continues to point out why international cooperation is so crucial for Indonesia's NGOs: "The government is very closed-minded. Especially during the Suharto era, but if I might say so, even today. The government does not appreciate initiatives by the people, therefore whatever [programs] we release, they don't care. But if the government receives pressure, questions or protest letters from abroad, they care very much." However, according to Hasanuddin, the government's appreciation towards NGOs has increased, as compared to the Suharto era, because of the weakness of the state and its need of support after the economic crisis. The other reason is international pressure.

One of the main weaknesses of Indonesia's civil society is, as we have seen in previous chapters, the lack of cooperation among the various actors. According to Hasanuddin, there has lately been a slight change in outlook. For instance, NGOs working in the field of the environment have also started to pay more attention to human rights related issues, and vice versa. In Jakarta, several coalitions of NGOs coming from various sectors have been established. One example was when NGOs working in the field of natural resources wanted to lobby for a new integrated law for the protection of Indonesia's natural resources. At the same time, other groups launched a campaign for the direct election of the president. They all met at the DPR and formed a coalition to push their agendas together. This new trend towards greater synergy is the outcome of a reflection process among Indonesian NGOs that resulted in the conclusion that their impact on the people's situation remains too insignificant without cooperation. However, despite sporadic attempts to join forces,

the lack of a joint strategy remains one of the biggest obstacles for the strengthening of Indonesia's civil society: "Unfortunately, in Indonesia no common platform exists—a platform that is seriously discussed and agreed upon. Every sector has its own platform, but technically, they all struggle for the same thing: democratization."[104]

Although several platforms exist in various fields, such as the 'Anti-corruption network' or the 'Environmental network', there is no big umbrella under which all these efforts are being pooled. LP3ES initiated an association of NGOs to build a joint platform. Their efforts are impeded by the tradition of independence among Indonesia's NGOs and bad experiences with corporatism, which left Indonesia's NGOs traumatized and resulted in a very cautious approach to umbrella organizations. Because national policy dialogue is another of YAPPIKA's areas of concern, political parties also became a target group for NGO work after 1998. Their aim is to improve the capacity of political parties, their candidates, etc. For NGOs, political parties are seen increasingly as a chance to influence politics and thus broaden their range. In conclusion, one can say that YAPPIKA is an example of an organization that has recognized the importance of civil society involvement for Indonesia's democratization process. Although they are headquartered in the country's capital, YAPPIKA's work clearly focuses on awareness building and empowerment of local communities in the villages. YAPPIKA's strategy of building new NGO networks and of supporting already existing ones to work together towards certain goals can be assessed as extremely important and outstanding in the Indonesian context. Although not a new organization, YAPPIKA succeeded in expanding its range and intensity of advocacy in accord with the new opportunities and freedoms after 1998.

Ceia

Another new CSO that tackles problems specific for Indonesia's civil society building is the Center for East Indonesian Affairs (CEIA) founded by Dr. Ignas Kleden, an intellectual with German education. CEIA emerged from its predecessor, 'goEast', which was founded in 2000. According to Kleden, the over-assertiveness of traditional communities that appeared after the end of the New Order poses a new problem for democracy and civil society building. Traditional communities became more ambitious, and their understanding of rights is sometimes not conducive to democracy. "Human rights are not seen as a universal thing, but every group defines their own rights according to their own history," says Kleden. For instance, *hukum adat* (traditional law) is understood as a specific law that is only valid for the respective community. Moreover, some communities adhere to a communitarian ideology that is an antithesis to liberal democracy, as it refuses the notion of the individual (and individual rights).[105] Another problem that arose with the introduction of regional autonomy was growing corruption on the local level, according to Kleden: "In many areas autonomy was not seen as the opportunity to have

more freedom for self governance, but rather perceived as an opportunity to be less controlled and thus have more chances for making money."[106] The reduced dependence on other *kabupaten* resulted in many cases in the arbitrary rule of some Bupati who do not care what is going on in other *kabupaten*. CEIA seeks to foster cooperation between Bupatis by organizing activities such as the 'Forum Bersama Bupati-Bupati NTT' (Joint Forum of East Nusa Tenggara Bupatis). CEIA believes that civil society can play a crucial role in ameliorating these problems: "It is civil society's duty to transform the particulate cultural systems of the communities into a 'civic culture'. Moreover, civil society has to help to transform the state's rule of power into the rule of law."[107] Ignas Kleden points to a crucial necessity in building civil society: the separation between public life and private life. One can have personal preferences in the private sphere, such as religion, values, the way to raise the children, etc. As soon as one enters into the public sphere, into civil society, "we have to start speaking another language that is understandable and accessible to other citizens belonging to their own culture," states Kleden. Traditional communities with their values and civil society can develop in parallel. These traditional values and norms can still be nurtured, however, as soon as one enters the public sphere, one has to "talk in the language of civil society."

> One must never use religious, ethnic, or cultural arguments in public affairs. One cannot discuss on the basis of the Koran or the Bible, one has to use general rational arguments. One has to generalize values, has to debate on the ground of universal values.
>
> (Ignas Kleden)[108]

This seems to be particularly difficult for Muslims, because they make no distinction between state and public sphere, between society and state.

Another main concern of CEIA is the inclusion of the broad population such as fishermen, workers, peasants, housewives, etc. into civil society to avoid the building of a merely urban-based civil society, which would just mean the building of a new political class. "It is important to watch that civil society is not becoming a forum for certain dominant classes only," as Kleden warns.

CEIA sees its main task in the area of conflict prevention. The organization has conducted training for social scientists in the 16 *kabupaten* of NTT with teachers from LIPI and the UI. It is CEIA's hope that through trainings like this a network can develop that will find solutions for the problems of religious and ethnic exclusivism in the area. Another main area of concern is to instigate a dialogue between the various religious groups. In Sampit, CEIA conducted a Workshop for participants of the National Dayak Congress. In the run-up to the 2004 elections, CEIA was actively involved in voter education and became a member of the Consortium for VICI (C-VICI, Voters Information Campaign for Indonesia) that was launched in late 2003. One

part of the campaign was a political talk show ('Samstag Café') aired by Metro TV, aiming to inform the public about issues related to the upcoming parliamentary elections in 2004.[109] In addition, CEIA held a seminar and a public discussion in each of nine eastern regions concerning interests of the particular regions and the programs of the presidential candidates. These workshops were completed by activities at sub-regional level, such as seminars, workshops, radio talk shows, village discussions, and the distribution of posters and stickers. Moreover, PSAs (public service announcements) were placed in local newspapers in the provinces of Maluku, East Nusatenggara, West Irian Jaya, and Papua.[110] On the national level, CEIA produced and broadcast five episodes of the television talk show 'Kafe Presiden', which featured four of the five vice-presidential candidates.[111]

Summary

Hardly anywhere in the world has the term 'civil society' been used as passionately, of late, as in Indonesia. However, as Harney and Olivia conclude, in Indonesia too, its meaning and definition remain nebulous.

> It is often defined negatively, as not the state and not the economy, as if those spheres were easily defined by comparison. When it is defined positively, it is defined as a set of values or a dialogue nurtured away from the state and the economy, but this notion of autonomy only begs the question.
>
> (Harney/Olivia 2003: 1)

The ambiguity of the Indonesian concept, terminology, and meaning of civil society result in a misjudgement about what civil society can or cannot accomplish, and vague strategies for its strengthening. Many activists not only entrust civil society with promoting democratization and a more just society, but also expect it to restructure capitalist relations by taking care of those marginalized by urban and rural economic development. Civil society is expected to protect and provide for those exploited by capitalist class relations. Civil society is conceived as a remedy for all diseases, which the transformation process is bringing about. Civil society is not only the space where activism takes place, but also the very breeding ground where the values for activism grow, the home of noble values of Enlightenment like personal liberty, freedom, individualism, rationalism, and human rights.[112] It follows from this that CSOs are supposed to act as guardians of those values, and fight for them in the realm of state and economy as well. This very idealistic view of civil society is reflected in the statement of Indonesia's NGOs in 1999: "Civil society groups play a crucial role in reforming both state and capital; civil society needs political space to play this role in a proper way" (INFID 1999). These high expectations run the risk of resulting in disappointment with the concept of civil society and democracy.

General wisdom among Indonesian activists conceives civil society as being a space limited only by the former suppression by the Suharto regime and its remnants. The mainstream discourse on civil society in Indonesia is led by the assumption that civil society strengthening will bring about democracy. Only a few organizations, among them INCIS, YAPPIKA, and CEIA, provide a more diverse spectrum of discussion about the opportunities of civil society and the threats involved by the opening of civil space. Only few realize the Janus-faced outcome of the new openness after Suharto that resulted not only in a strengthening of 'pro-democratic' forces, but also in the emancipation of other political and civil forces, like radical Islamic groups, *preman*, etc. However, as the above findings indicate, the impediments civil society is facing in acting in a constructive way toward democracy give reason for doubt. Indonesia's civil society failed to reposition itself after the end of the New Order and to live up to the challenges of the new political framework, i.e. to help in building and shaping the new democratic system. It remained in the position of an opponent, critic, and observer of the state instead of providing sound help, as would be expected of a 'constructive' civil society. This shows that Indonesia's civil society is not able to keep up with the pace of transition, but is lagging behind. The corruption scandals involving members of the Election Monitoring Commission KPU have left deep scars on the reputation not only of the commission but also of civil society itself. Much of the people's trust in CSOs and their cleanness has been lost, which throws civil society even further back.

The strengthening of civil society's active involvement in shaping Indonesia's democracy is highly dependent on state actors. Unless civil society is allowed to get involved in decision-making processes, it will continue to play a marginal and often passive (or at best reactive) role. If civil society is to gain any influence, parliament must open new channels for hearing input from CSOs. For a long time, Indonesian intellectuals and pro-democracy activists perceived the state as a threat. This is based on Indonesia's experience not only under foreign colonial rule, but even more so after its independence. Not only the total bankruptcy of the country's economy after the failure of Sukarno's rule, but even more so the brutal exploitation by General Suharto and his cronies and family members over three decades, have left their scars. Even before the arrival of the Dutch in Indonesia, rule and power through local princes and kings was connected with arbitrariness, unpaid labor, tribute payments, and land expropriations under normal circumstances, as well as death, rape, kidnapping, and forced marriages whenever the ruler wanted something from his subordinates which they did not grant freely. Indonesia has a long history of absolutist rule, followed by subjugation and exploitation by colonial powers, which peaked in exploitation and abuse by the modern version of the ancient kings, Sukarno and Suharto. How, then could the state and its power not be perceived as something primarily and fundamentally threatening? Therefore, Indonesians have the impulse to quarantine the state "in a vain effort to keep its power from spreading" (Harney/Olivia 2003: 14).

As a result, leftist and anti-statist theories of civil society based on Marx and Foucault are flourishing in Indonesia today. The idea of a 'pure' civil society is promoted as one that can resist the attacks of the state. Thus, the ideal civil society is one completely autonomous from the state, which develops democracy in its own quarters. This "retreat into civil society in Leftist scholarship," as Harney and Olivia call it, can be observed in Indonesia's discussion on democratization and civil society as well.[113] There is an immanent danger in leaving all power in the hands of others that is seen by some activists who changed sides into politics, whose aim is not to betray their former ideals, but to carry them into official politics.

Civil society remains chiefly in its role as a critic and opponent of the ruling elite, rather than playing its part as 'constructive' civil society, and is thus still far from fundamentally shaping democratic politics in Indonesia. As analyzed in this chapter, there are prevailing reasons for the relatively insignificant role of civil society in Indonesia:

- lack of professionalism among the CSOs
- competition among various actors
- segmentation of civil society along primordial lines
- lack of repositioning in the new era; civil society is still struggling to define its new role and tasks
- lack of a shared vision among the actors of civil society about what civil society is, which organizations are included in this sphere, and what role civil society has to play in democratizing Indonesia.

Indonesia's civil society is still in the making and therefore weak. The fact that parts of civil society act in an undemocratic or even anti-democratic way further delegitimizes civil society in the eyes of the people, which in turn results in further weakening. Moreover, civil society is still perceived as a threat to the state, which is due partly to civil society's self-definition as an opponent of the state rather than a balancing factor. However, due to the weakening of the state caused by the ongoing economic crisis and the end of the authoritarian regime, many CSOs have reconsidered their strategies and their position towards the state. If before they opposed the state and tried to keep aloof from involvement in state policies, they now aim to engage in state policies and influence them according to their agendas.

Much of the struggle has shifted from opposing the state to opposing neo-liberal agents, including those within the state as well as external institutions. Since the end of the New Order, however, there is no clear dichotomy between state and civil society. For one thing, state and the sphere of civil society display an increasing overlapping and interpenetration. The state and civil society shape each other to varying degrees. In addition, the struggle for democracy is now not only taking place between civil society (as the positive, pro-democratic force) on the one side and the state (as the oppressive, negative opponent) on the other. The developments in past years have shown that the battle is

increasingly fought out within the realm of a civil society that is not only filled with groups representing opposing political and ideological directions, but also invaded by the state and elites of the ancient regime. The latter players are using civil society as a new battleground and CSOs as new vehicles in the old fight for ideological supremacy that carries political and financial power.

The new political openness after the fall of Suharto has resulted in a more candid discourse on issues previously off limits, such as religion, ethnicity, and race. The sphere of civil society is no longer obviously dominated by the New Order discourse and ideology, but open for contestation between the state and non-state actors on the one hand, as well as among non-state actors on the other hand. Not only is the government trying to gain hegemony in the sphere of civil society by dictating the official ideology—what we are witnessing today is an increasing battle between various civil society actors for hegemony within the arena of civil society. New parties, with their ideologies and programs, vie for the attention of the electorate and numerous CSOs promote good governance, human rights, transparency, democracy, and other laudable values. However, other civil society forces that have radical, illiberal, fundamentalist, or anti-democratic goals on their agendas also populate the same arena and are aiming to gain the ideological upper hand.

As Ramasamy (2004: 203) points out, "civil society is an arena of contestation; whichever force that succeeds in dominating the civil society will succeed in manufacturing the necessary consent for political domination." Gaining hegemony over civil society is therefore much more than simply dominating this sphere; it means achieving ultimate political power, which in turn means economic power as well.

7   The rise of uncivil society

Uncivil society in Indonesia

Despite the establishment of a new regime in Indonesia after 1998 with 'democratic' institutions like parliaments, elections, and parties, the Indonesian case teaches us that democratic change is not necessarily a linear process and that good governance and the emergence of a liberal democracy depend on more factors than just the crafting of the right kind of democratic institutions. Like other multi-ethnic states in transition, Indonesia's post-authoritarian society resembles the well-known Pandora's box suddenly opened. Long-suppressed aspirations, ideologies, religious dogmas, and political agendas finally found ways to be expressed through political parties and inside the public realm of civil society. Needless to say, not all of them are distinguished by a moderate, tolerant, and liberal worldview. The differentiation into civil and uncivil society reveals that not all 'civic engagement' is conducive to democracy per se and that it can have various goals and impacts. Some of the radical ethnic and religious groups pose a threat to democracy by disregarding basic civil rights such as religious freedom and minority rights. Vigilantes and civil militias perform functions that the state institutions fail to provide. Others use brute force to achieve their political or ideological goals.

In this chapter, some of the 'uncivil' elements of Indonesia's civil society will be analyzed and questions will be answered, such as:

- What impact do these groups and their activities have on civil society in general?
- What role do these organizations play within the communities they are supposed to serve?
- What impact do the political heritage and the current political system and culture have?

The case studies selected will show us the 'dark' side of Indonesia's civil society, groups, and movements that are considered as non- or anti-democratic, as well as those using 'uncivil' methods in order to serve an allegedly 'good' cause. Although various very different groups are summed up under the term

'uncivil society' here, they vary greatly in their degree of incivility, and range from terrorist groups to neighborhood vigilantes. The author is well aware of the difficulties of comparing groups of such different background and provenance with one another. Nevertheless, they all share certain characteristics that qualify them as 'uncivil'.

Needless to say, only a very small selection of Indonesia's landscape of USOs can be presented here. Since ethnonationalist groups are treated in connection with unrest and violence in Chapter 5, they will not be discussed again in this section. Not all of the groups analyzed in this chapter evolved in the post-Suharto era. As was pointed out earlier, the culture of violence and *premanism* dates back to colonial times. However, many of the USOs still existing today were established during the New Order, among others paramilitary youth groups like the Pemuda Pancasila and the Pemuda Panca Marga.

In the case of Indonesia, the following groups represent 'bad' forms of civil society:

- militant religious groups
- violent vigilante groups
- militant youth groups
- violence-prone militias
- racist/radical ethnonationalist groups

In addition, there are other organizations and groups that *can* take an uncivil form, such as Satgas (*satuan tugas*, duty unit/taskforce), the paramilitary forces that back up political parties in Indonesia. Satgas cannot per se be classified as USOs. The same is true of the NU's paramilitary youth wing 'Banser'. However, the example of the Satgas PDI-P will show that these organizations, too, can become an uncivil element, despite being initially established to support a genuinely democratic instrument, i.e. political parties. Groups that act as substitutes for the weak state use violence because the state can no longer fulfill its functions (protection, justice, punishment, etc.). However, it is the state that has the monopoly on the legitimate use of violence and all other uses of forms of force are thus illegitimate and 'uncivil'. The emergence of vigilante groups and the weakness of the state are mutually dependent. Whenever the state is weak, groups emerge that take the law into their own hands (for instance by conducting lynchings). These groups in turn weaken and delegitimize the state and its institutions. In general, it should be pointed out here that categorizing groups of very different provenance, character, and organizational form all within this chapter is certainly a b venture. The aim is not to stamp the groups presented in this chapter as 'uncivil' and 'bad' per se, but rather to point to the potential danger these groups present already, or may present in the future, to the development of liberal democratic values and a democratic society in Indonesia. However, as civil society and 'uncivil society' are fluid spheres, actors of one or the other sphere are able to leave and 'switch sides'. This means that what is presented here has to be considered a

snapshot of the current degree of 'uncivil-ness' of the groups discussed. Theoretically, all of them have the potential or choice to change fronts. In addition, some of these groups oscillate between civil and uncivil behavior, like Banser, for instance.

Also, the fact that very different groups are treated in this chapter does not imply that they are all 'bad' or 'uncivil' to the same degree and equally imposing or threatening to democracy. This is in no way an assertion that Jemaah Islamiyah and Satgas PDI-P are for instance 'the same'. Nevertheless, all the groups discussed here share some of the characteristics listed below that render them 'uncivil' in one way or another (compare Table A.7, Sub-categories of uncivil society, in the Appendix):

- the use of force, violence, and fraud to acquire power or political influence
- the pursuit of illiberal or anti-democratic agendas
- undemocratic internal structure
- an ideological foundation that is opposed to liberal democratic values
- a lack of a 'spirit of civility'
- racism, intolerance, uniformity
- illegality/criminal activities

With these criteria in mind, the following model was developed that allows us to distinguish and classify the actors of uncivil society in Indonesia to some degree.[1] Because of significant overlap between the different categories, this can merely constitute an attempt to facilitate orientation in the landscape of Indonesia's USOs.

The following sub-categories of uncivil society can be distinguished:

I State/military proxies

This category includes various types of paramilitaries, youth groups, and civil security task forces. Some of them are (at least partly) state-sponsored or co-opted by the state, i.e. the military. Nevertheless, since they are not a part of the official state institutions of force, but rather constitute civilian associations, they belong to 'civil', i.e. 'uncivil' society.

II Compensating or utilizing state weakness

The groups in this category carry out tasks that the state, i.e. its institutions like the police, the judiciary branch, etc. should perform. Vigilantes and other civil security task forces aim to protect their communities from crime and often take the law into their own hands by administering self-justice. Party Satgas and private militias of religious and other societal organizations not only serve to secure public venues like parades and conventions, but are also used as a lever in political strife. Neither group refrains from using violence and coercion to push its goals.

III Antagonistic to the liberal state

This category includes militant Islamic (and other religious) groups, ethnonationalist groups, and groups of thugs that try to curtail civil and political rights. Groups belonging to this category often adhere to racist, sexist, or other exclusive or discriminative ideologies and threaten the very fundamentals of the democratic state such as pluralism, tolerance, partialness, the rule of law, and civility. They are not committed to the principle of non-usurpation and therefore try literally to force their political agendas through. Groups that propagate an Islamic state belong to this category as well, if they underscore their claim with violence and other characteristics of an illiberal and uncivil attitude.

IV Outside the state and its rules

Groups belonging to this category comprise terrorist organizations and groups belonging to organized crime. These groups operate outside the state and its rules and seldom have an explicit political program. Terror organizations in Indonesia fight against Western decadence and Western-style democracy without being directly involved in building an Islamic state as a political alternative.

It is essential to acknowledge a fundamental difference between associations that are used to undermine democratic regimes by promoting illiberal and anti-democratic values and the fact that the "legitimate and indeed positive role of associations sometimes involves resisting and contesting the liberal state" (Chambers/Kopstein 2001: 839). However, the groups presented here do not execute violence or other 'uncivil' modes of behavior as part of contentious politics. As with other phenomena in Indonesia, such as ethnonationalism and social and religious unrest, the roots for the proliferation of USOs date back long before the New Order came to an end and made room for the expression of political aspirations. The foundation for a parallel 'uncivil society' marked by criminality, gangsterism, and violence was already laid, early on in Indonesia's history, and further nurtured under the security state of the New Order. In the following we will investigate further the beginnings of uncivil society in Indonesia, and the military's role in its proliferation.

Premanisme

> Ask any bus driver, shopkeeper or trader: they can tell you how *preman* haunt them all the time. They pay protection money in order to be able to go about their business in peace. This is pure blackmail. They will also tell you that often it is people in uniform that come and collect their money, suggesting that state institutions—the police and the military—are involved. Ask big businesses; they too, privately, though perhaps not publicly, will tell you that they have to pay bribes and protection money on a regular basis, either to thugs, or worse, to units of the police or military. The thugs who come and collect their

Table 7.1 Categorization of Uncivil Society Groups in Indonesia

	State/military proxies I	Compensating/ utilizing state weakness II	Antagonistic to the liberal state III	Outside the state and its rules IV
Type of organization	State/military sponsored paramilitaries, youth groups	Vigilantes, community guards, private militias of CSOs, Satgas**	Militant religious groups, ethnonationalist groups	Terrorist groups, organized crime
Explanantion	Semi-state USOs, set up or coopted by the state	Societal agents of violence are carrying part of the burden of securing public order. Cases of ‚main hakim sendiri' belong to this category as well	Anti-democratic, often belonging to the fringe of violent radical Islamism. Aiming for the establishment of an Islamic state, or rule based on racial or ethnic criteria	Groups that operate underground and outside the pre-established rules and laws
Examples	• Pro-integration militias in East Timor.[1] • Ratih • Kamra • Pamswakarsa • Pemuda Pancasila • Pemuda Panca Warga	• Pecalangan • Ansor / Banser • Kokam • Militias in Lombok (Bujak, Amphibi, Elang Merah, Ababil, etc.) • Satgas PDI-P • FBR	• Pro-integration militias in East Timor • LMMDD-KT • FKAWJ / Laskar Jihad* • FPI* • Hizbut Tahrir • MMI • KISDI* • DDII • Komando Jihad • Laskar Jundullah	• Jemaah Islamiyah

Table 7.1 (continued)

State/military proxies	Compensating/utilizing state weakness	Antagonistic to the liberal state	Outside the state and its rules
I	II	III	IV
		• IMI (Ikhwanul Muslimin Indonesia) • GAZA (Gerakan Anti-Zionisme dan Anti-Israel) • Coker • Laskar Kristus	

Notes:

1 Compare Table 7 (Table of Pro-integration Militias in East Timor) in the Annex. *** Considering their organizational form, the pro-integration militias of East Timor belong to category I. Their ideological outlook, their ties with the old elites, and their strife to impede the people from using their democratic right to voice their opinion in the referendum with brute force, renders them antagonistic to the liberal state and thus also belonging to category III.

* These groups are reportedly supported by military officials. The question remains to be answered whether radical groups such as Laskar Jihad, FPI, and Komite Indonesia Untuk Solidaritas Dunia Islam (KISDI) are genuine Islamist groups or acting on behalf of a number of retired generals, several former government officials, and members of Suharto's family. During the years of increasing social violence across Indonesia, the involvement of these and other groups was often interpreted as the work of discontented generals working behind the scenes. Cf. Laksamana.net 2002.

** Depending on whether political parties are considered part of the state or not, Satgas could also fall under the category of 'State/military proxies'.

money, and who torment you if you don't pay up, are only the tip of the iceberg of a much larger problem. The thugs are usually pawns working for someone more powerful, and more menacing. While the thugs are visible, their sponsors are not. In all likelihood, these thugs are parts of large organized crime.

(*Jakarta Post*, 18.03.2003)

Phenomena such as *preman*[2] (gangster/thug), paramilitary and militia groups are not new to Indonesia. During the colonial period, they were already prevalent and constituted the material of which the Indonesian national army was made.[3] Before 1900, there was no standardized police force in the Dutch colony 'Nederland Indies' and the local security guard system of voluntary neighborhood watches (*ronda*) was common.[4] During the New Order, quasi-official youth organizations such as Pemuda Pancasila and Pemuda Panca Marga were established to help maintain the regime's stability through intimidation and violence. Its members often came from gangs or other criminal backgrounds. Under Suharto *preman* were a civilian militia force to secure order and discipline at the grassroots level. Their job was to watch out for dissent, especially political dissent, and to perform minor acts of intimidation or violence on behalf of army and police officers, in return for a small share of the profits. Benefiting from a symbiotic relationship with the military and political and social elites, *preman* were given the freedom to conduct shady business such as protection rackets or exerting control over a small sector of the local economies. The distinction between *preman*, politician, criminal, and soldier was often very blurry. As Kristiansen (2003: 113) noted, "The toughs, or preman, were central to the comprehensive systems of violence and corruption under the Suharto regime." The foundation and roots for the rise in paramilitary activity after 1998 were laid already during the New Order through the establishment of a corporatist state which co-opted 'youth organizations' and used them as political capital. The use of civilian groups had been justified by the military's system of defense and security called Sishankamrata (*Sistem Pertahanan Rakyat Semesta*, System of Overall People's Defense and Security). During the New Order, *preman* were closely associated with police, military, and other government authorities from whom they received *beking* or *deking*[5] ('backing'). In this way, everyone involved gained a share of the money pressed from business owners through protection rackets. Moreover, most public places such as shopping malls, markets, and bus terminals were in the hands of some specific 'ethnic gang'.[6] Eventually, virtually all areas of public life under Suharto, from public transport to narcotics were controlled through the '*beking/deking*' system.

As Suharto's power was declining and the position of the state vis-à-vis the people became weaker, the state (and especially TNI/ABRI) mobilized the masses in paramilitary organizations to support the developmentalist ideology of the regime.[7] After the end of the New Order, the old *beking* structures collapsed and *preman* were forced to look for new niches or to fight against newcomers for territories. These 'turf wars' conveyed an impression of uncontrollable

and rising criminality to the citizens, which led in turn to an increase in vigilantism. Although after the end of the New Order state-sponsored violence declined, an increase in coercion and brutality carried out by vigilante and paramilitary groups, mainly independent of state control, has since taken place. Furthermore, as corrupt businessmen, religious leaders, and politicians could no longer fully rely on the protection of the state for their exploitation, *preman* groups underwent a revival as organizations now belonging to civil society. From that time on, the growing independence and power of pro-democratic forces (activist CSOs, student movements, organized workers, and peasants) was again checked by *preman*, this time acting in the realm of civil society rather than serving the state or the military directly.[8] As Lindsey (2006: 32) points out, a clear separation between state corruption and violence, and private corruption and extortion, has become almost impossible: "The delicate political mechanism of decking can transform private violence into a corrupt tool of the state. Extortionists and thugs morph into paramilitaries and political associations." The pro-integration militias created in East Timor are an example of this phenomenon.

Decentralization reforms have resulted in a rise in conflicts between different militia and *preman* groups. Especially on the local level, political parties have formed their own civilian militias or paramilitary wings. In Yogyakarta, for instance, various Islamic paramilitary groups such as the Gerakan Pemuda Ka'bah (GPK) and the Front Pembela Islam (FPI) are active, in addition to Satgas such as the Satgas PDI-P.[9] Members of the latter groups support political parties whenever a display of force is needed, especially during local elections. In North Sumatra, it is still the old New Order youth organizations Pemuda Pancasila and Ikatan Pemuda Karya that dominate the protection racket scene as well as illegal prostitution and gambling. As Hadiz found out, some members of these groups even occupy seats in the local parliament. For example, in Medan three of the parliamentarians are actually the leaders of local *preman* organizations.[10] In general, the fight over resources, political power, and the constituency that was formerly under the hegemony of the central government in Jakarta now involves new players, including members from violent and criminal groups.

In April 2001, Sutiyoso, Governor of Jakarta, launched his highly criticized 'war on *preman*'. He deployed about 2,000 *banpol* (*bantuan polisi*, civilian police assistants) for which he recruited shady characters, who were thought to be only little better than *preman* themselves, in addition to 800 police officers. This action to 'catch thieves with thieves' raised the concern that rather than pushing *preman* out of the city it would be more a matter of replacing one group of thugs with another.[11]

The *era reformasi* succeeded in identifying and denouncing some of the criminal state systems. Thus, some of the most notorious rogueries in which the state was directly involved (such as the clove monopoly of Suharto's son Tommy, for instance) were forced to stop operating. Nevertheless, a fundamental change of the system could not be achieved and some areas formerly

dominated by the state were simply taken over by private groups of thugs.[12] The relative weakness of the post-New Order state and its partial loss of the territorial monopoly over the legitimate use of violence point to the actual danger of Indonesia's becoming a "preman state", as Schulte Nordholt calls it.[13] One of the major obstacles to regaining state control over organized violence is the too great autonomy and power of the armed forces and their lucrative involvement in business.

The historical roots of uncivil society

Although there have been civil militias since the struggle for independence in Indonesia, the emergence of new militias and the revitalization of old ones in the reform era may seem surprising at first sight. In their book *Premanisme Politik*, the authors stress a close connection between the Indonesian military, especially the army (TNI), and the existence of civil militias. In the conclusion of their study, they raise the question whether with the elimination of the military's 'dual function', the existence of militias would also disappear. Today, several years after the official abolition of Dwifungsi, we know this not to be true. USOs were and are still established, years after the end of the New Order and the military's reform. The existence of some of the USOs in Indonesia today is closely related to the military's history, and in particular the army's. Much of the structure of Indonesia's society, its bureaucracy, and even civil organizations that we find today date back to the time of Japanese occupation in the 1940s. The territorial command structure of the military is one heritage from the Japanese, as are the semi-military bodies set up to back up their politics. The establishment of those organizations was accompanied by an ongoing and advancing militarization that permeated the country's civil life also.

The concept of Dwifungsi paved the way for ABRI to co-opt the socio-political life of Indonesia's civil society.[14] On 17 June 1957, Nasution founded the Military Youths Cooperation Agency (*Badan Kerja Sama Pemuda Militer*, BKSPM) and four youth organizations, namely GPII (*Gerakan Pemuda Islam Indonesia*, Indonesian Islamic Youth Movement), Pemuda Ansor, Pemuda Demokrat, and Pemuda Rakyat. In addition, he signed a joint working program of military youth. BKSPM was supposed to assist the military in the fields of security, education, culture, economy, and the perfection of faith in the respective religions.[15] In the 1950s and 1960s, CSOs and political parties established militias as well. The NU created Banser, Muhammadiyah founded Kokam (*Komando Kesatuan Aksi Mahasiswa Muhammadiyah*, Action Command Unit of Muhammadiyah Students), and the PKI established the Pemuda Rakyat.

Past examples show that training and using civilians as quasi-soldiers for a certain time is not a completely new phenomenon in Indonesia. During the 1950s, for instance, Nasution created a civilian force called OPR (*Organisasi Pertahanan Rakyat*, People's Defense Organization) to put down the

rebellions of Darul Islam (DI) and the Tentara Islam Indonesia (TII). Another way to involve civilians in military actions was the OPB (*Operasi Pagar Betis*, Operation Steel Fence), in which the inhabitants had to build a circle around their village to avoid the flight of suspected rebels while ABRI was 'cleaning' the village. In 1962, Nasution created the Hansip and placed them in schools, factories, and offices for protection. Furthermore, civil servants were required to undergo training in national defense (*Latihan Ketahanan Pegawai Negeri*, LKPN). Baladhika (Baladhi Karya) is another civil force founded in 1963 to counter the growing power of the PKI. Today, Baladhika is supposed to watch out for the population's safety and order (Kamtibmas, *Keamanan dan Ketertiban Masyarakat*).[16]

With Suharto's rise to power, however, a grand operation to militarize and co-opt civil society was launched, with the military's help. With its share in politics and the business world growing, it is little surprise that the military grew very much stronger during the New Order, while trying to keep civil society under check and prevent an increase in the bargaining power of any other sector of society.[17] The New Order regime employed its own people to join in the apparatus of oppression against their fellow citizens.[18] Within this context, militias were created, backed, and funded by ABRI. Some groups, such as Makikit, an offspring of KOPASSUS, became notorious in connection with the annexation of East Timor in 1974. In general, militias created under the auspices of Suharto were meant to serve the ideology and political goals of the New Order, i.e. economic development, national security, and stability. Civil society was instrumentalized to keep (civil) society under surveillance and report any suspicious actions or movements.[19] During the New Order, countless youth organizations emerged to support Golkar's victory and to fight off student demonstrators. The New Order government used the BKPSM as a model for setting up its corporatist youth organizations such as the Pemuda Pancasila, Pemuda Panca Marga, Forum Komunikasi Putra-Putri Purnawirawan ABRI (FKPPI) and the Angkatan Muda Pembaharuan Indonesia (AMPI, Indonesian Renewal Youth Organization). These organizations completed the military commands that existed at all levels of society: the KODAM (*Komando Daerah Militer*) at the regional level, KODIM (*Komando Distrik Militer*) at the district level, KORAMIL (*Komando Rayon Militer*) at the subdistrict level, down to BABINSA (*Bintara Pembina Desa*) in the villages. Every province had its own youth groups, for example the Angkatan Muda Diponegoro in Central Java or the Angkatan Muda Siliwangi in West Java, which were subordinate to the regional military commander-in-chief.[20] Other programs and institutions supporting the militarization of civil life were 'ABRI Masuk Desa' (AMD, ABRI Enters the Village), *upacara bendera* (flag ceremony), roll calls, *perangkat desa* (village administrative corps),[21] Siskamling, Hansip, and Wanra.[22]

The practice of involving civilians in military operations was used on a grand scale during what became known as 'Operasi Ganesha/Operasi Kikis' in 1981 in East Timor. The military pressed around 80,000 men to form a huge *pagar*

betis in order to force members of the resistance fighters 'Fretilin' out of their hiding places. Because the civilians built the front and walked ahead of the military, they were also the first to encounter Fretilin fighters, who were thus forced to either shoot their fellow citizens or turn themselves in. In Aceh as well, the military used the same tactic to hunt down members of GAM.[23]

Starting in the late 1990s, however, the New Order approach towards civil militias changed. In order to create horizontal conflicts in society the government paved the way for militias with very specific goals to emerge. Within its very successful *divide et impera* strategy, many groups emerged using so-called SARA issues as their means of mobilization.[24] Although the New Order formally ended when Suharto stepped down in May 1998, and the military's Dwifungsi was *de jure* abolished in November 1998 by the MPR, its ideological influence was kept alive far into the reform era.[25] The Indonesian military is located at the very center of the problem of the proliferation of USOs. Even after the reforms, TNI's role and its involvement in civil and business activities are still strong. The fact that the state covers only approximately 35 percent of the military budget means that the military relies for about 65–70 percent on its own entrepreneurial talent and income sources and continues to raise money from sources that remain unaccountable to the public.[26] Due to its involvement with the economy and the criminal world, TNI/ABRI cannot be categorized as a 'hierarchically integrated organization' (as it should be), but rather comprises of a network of warlords hunting for income and profits.[27] This is partly due to the decentralization laws' failure to give regional governments control over military troops and police units stationed in the area.[28] The chaotic situation and lawlessness in many areas of the archipelago helped corrupt and greedy officers to take advantage of legal loopholes and opportunities to accumulate wealth through racketeering, drug trafficking, and involvement in other illegal practices and businesses. Moreover, during the New Order the number of police has continually declined and the institution is chronically short of personnel and funding. Consequently, Polri personnel are involved in illegal activities to increase their wages, and remain vulnerable to bribery and corruption. Due to the shortage of police personnel, youth organizations and civil militias prosper and support the police in civil emergencies.[29] Rivalries between the military, the police, and criminal security groups are common in post-Suharto Indonesia. Before the separation of police and military in 1998, the police was subordinated to the military's command. Polri's new independence and economic interests have brought the institution in competition, and sometimes conflict with, the TNI. Today, the two often clash. Triggers can be private disputes, or the interference of interests. The military's involvement in illegal activities has made it largely ineffective as a domestic security force. In conflict areas, soldiers often fight more against civilians and the police than against armed separatists, in order to secure their own profits. The re-civilization of the military poses a serious problem: decades of brutal counter-insurgency combats against their fellow citizens have made it difficult for the soldiers to become defenders of the people against outside threats, rather than securing

'internal security' by suppressing disobedient civilians.[30] The fact that police or military personnel often stand by and watch when people take the law into their own hands is closely connected to the proliferation of privatized violence. There are different possible explanations for this phenomenon. On the one hand, due to their negative human rights records the military and police have started to act more carefully and have shown a low profile since 1998. On the other hand, they have a vital interest in the occurrence of chaos and anarchy, because of their hope for the call for a 'strong arm' to restore law and order. Finally, the military and the police are often involved with the groups that perpetrate vigilante justice or coercion, and thus benefit from raids, racketeering, etc. Even since the end of the New Order, TNI/ABRI holds a huge share of Indonesia's economy in its hands.[31] Therefore, it is not surprising that the military has a great interest in restoring the economy (for instance by creating a safe environment to encourage foreign investments) on the one hand, and in suppressing certain parts of civil society (such as the workers' movement), on the other hand, to ensure its financial advantages.[32] Moreover, the social and economic crisis, the rising social tensions, and the disappointment of the population with the 'democratic' achievements left the new governments after Suharto in great need of legitimation and of security personnel that the military and police alone could not satisfy. Thus, the creation of militias and semi-military groups became *ultimo ratio* to secure the nation's stability. Not only was it too expensive and too difficult to increase the size of the police force at such short notice, because they needed extensive training, but creating militias such as Kamra and (the new type of) Ratih gave at least parts of the ailing population a way out of unemployment and poverty.

The following case studies will present one or more examples of the various manifestations of uncivil society in Indonesia.

Manifestation I: state/military proxies

> While money politics takes other forms than organized violence, the ongoing incidence of militia violence orchestrated by well-funded provocateurs is the most troubling perversion of open democratic processes and community self-expression. Unless the maintenance of public security and order can be kept in the hands of legitimate, democratically accountable institutions of law and order, then there is little hope that reforms that empower local societies will find solutions to the many instances of deep-seated inter-communal conflict.
>
> (Loveband/Young 2006: 159)

This section will treat militias that are established, supported, and funded by the state to increase its power versus civil society. Notorious examples are the Pamswakarsa troops and the pro-integration militias of East Timor. Groups of the first category tend to be co-opted by the state, and represent issues congruent with the economic and political needs of the state. Their organizational structure is top-down.[33]

Civilian defense forces

Pamswakarsa

One of the first 'civilian security corps' that emerged after Suharto's dismissal was the Pamswakarsa or Pam Swakarsa guard (*Pasukan Pengamanan Swakarsa*, Voluntary Security Force) initiated by General Wiranto and General Kivlan Zain in 1998.[34] Around 30,000 civilians were recruited to assist the military and police forces in securing the SI MPR (*Sidang Istimewa MPR*, Parliament's Special Session) in November 1998. Although the exact role played by Wiranto in connection with the creation of Pamswakarsa remains unclear, there is little doubt that the military, and particularly Wiranto, tacitly approved of the group. It is widely assumed that mainly pro-Habibie interests allied to MUI and ICMI provided much of the manpower and logistical support for Pamswakarsa.[35]

The SI MPR marked the peak of the political conflicts around the power struggle after Suharto's dismissal. Tens of thousands of students and citizens went onto the streets demonstrating against the MPR's Special Session. The reason for their opposition was the fact that those sitting in parliament still belonged to the old New Order elites and that Habibie's presidency was perceived as unlawful. Some, such as Famred (*Front Aksi Mahasiwa untuk Reformasi Damai*, Student Action Front for Peaceful Reform), voted to install an interim government, others for a People's Committee (*Komite Rakyat*) to rule the country (Forkot, KOMRAD, FKSMJ (*Forum Komunikasi Senat Mahasiswa Jakarta*, Jakarta Student Senate Communication Forum), Forbes, etc.). At the same time, some groups believed that Habibie was the rightful representative of Islam to lead Indonesia, among them HMI (*Himpunan Mahasiswa Islam*, Association of Islamic Students), GPI (*Gerakan Pemuda Islam*, Islamic Youth Movement), Banser NU, Furkon (*Forum Ummat Islam Penegak Keadilan dan Konstitusi*, Forum of the Islamic Ummat of the Upholders of Justice and the Constitution), Brigade Hizbullah, BKUI (*Badan Koordinasi Ummat Islam*, Coordinating Board of Islamic Nation), KISDI, Liga Muslim, Remaja Masjid Islam Al-Furqon Bekasi, Mahasiswa Islam Bandung, etc. They feared that the creation of a people's presidium or people's committee would threaten the position of Islam in politics.

Although there was some controversy about who brought the Pamswakarsa to life and commanded it, its expressed goal was to counter the growing opposition to Habibie's presidency. Pamswakarsa was mainly composed of militant Muslim groups such as FPI, Furkon, and FUNGSI (Muslim Supporters of the Constitutional Forum), as well as Pemuda Pancasila, AMPI, Pemuda Panca Marga, Warga Jaya, Hansip and other nationalist organizations, youth groups, and the unemployed.[36] Other members were civilians, mostly youths from the countryside, recruited by ABRI. Some Pamswakarsa fighters admitted having been briefly trained by members of ABRI and given bamboo spears.[37] Pamswakarsa was therefore more a "rent-a-mob" (MacDougall 2003) than a genuine civilian vigilante phenomenon. Many individuals funded the deployment

of people to join Pamswakarsa, acting on religious motives. The 'Kongres Umat Islam' had called on the *ummat* to support the smooth proceeding of the MPR's Special Session.[38]

About a week before the beginning of the Special Session, truckloads with hundreds of people belonging to the Pamswakarsa arrived in Jakarta. The arrival of the Pamswakarsa forces further increased the existing tensions between tens of thousands of supporters and opponents of the SI MPR. Several incidents occurred, leaving three students, eleven civilians and five Pamswakarsa members dead.[39] There are various theories about what happened during those days in Jakarta. One is the assumption that ABRI tried to ignite horizontal conflict between civilians by involving a civilian defense force such as Pamswakarsa, knowing that they could not handle their MPR opponent's numbers with their available forces. Another possible scenario is that the military and those belonging to the ancient regime stirred the impression that the student protestors were not only against the SI MPR and Habibie, but also against Islam, thus playing the card of religion. In any case, the vertical conflict between state and people was transformed into a horizontal conflict among the people.

The mobilization of such a huge group of civilian forces reflected the government's realization that other actors in society, such as the NU and the PDI-P, were already in possession of well-organized and numerous paramilitary wings.[40] This resulted in a spiral of growth in paramilitary groups on both sides: the state-sponsored and -backed vigilantes on the one hand, the civil militias on the other. It is interesting that ABRI employed former enemies of the regime, the 'extreme right' (i.e. political Islam) to fight against the students, who were branded as belonging to the 'extreme left'. The Muslim parts of Pamswakarsa received briefings from the military justifying the struggle against the students, and thus saw their involvement as a 'Holy War' to defend the state and the constitutional proceeding of the Special Session. Defending the MPR proceedings and fending off the student-led pro-democracy movement that demanded the abolition of the dual function and the military's guaranteed seats in parliament was vital for ABRI, as well. Nevertheless, Pamswakarsa was not only a military creation or part of Habibie's strategy to intimidate oppositional forces. Muslim leaders themselves perceived Megawati and her nationalist approach as a threat to the political interests of Islam.[41]

Later on, former head of military General Wiranto denied knowledge of the existence of the Pamswakarsa and its deployment at the Special Session of the parliament in 1998. In 2004, former members of Pamswakarsa publicly asked Wiranto to acknowledge his involvement in the creation of Pamswakarsa, as he had been responsible for the 'Operasi Mantap' during the time that included the formation of Pamswakarsa.[42] At the same time, Furkon claimed to be the one who founded Pamswakarsa as a means of defending the nation. However, they acknowledged the involvement of Kivlan and Wiranto in providing accommodation and transportation when rescuing Pamswakarsa

from the horizontal conflict between supporters and opponents of the Special Session in 1998.[43]

Ratih and Kamra

In post-Suharto Indonesia, police and military can count on the help of several civil militia forces, such as Kamra (*Keamanan Rakyat*, People's Security). The establishment of Kamra or Wankamra (*Organisasi Perlawanan dan Keamananan Rakyat*, Organization for People's Defense and Security) and other civil defense organizations such as the Hansip (*Organisasi Pertahanan Sipil*, Civilian Defense Force) dates back to the end of the 1950s. Army and police needed civilian support to fight insurgencies and criminality. Hansip was constituted by General Nasution in 1961 and the establishment of Hansip all over Indonesia was formally ordered by presidential decree in 1962. In the following years, Hansip was involved not only in the campaign against Malaysia and against rebels in Kalimantan (PGRS/Paruku: *Pasukan Gerilja Rakjat Sarawak*/*Pasukan Rakjat Kalimantan Utara*, Guerilla Troops of the People of Sarawak/People's Troops of North Kalimantan), but also in campaigns against the OPM in Irian Jaya.[44] In the early 1990s, the total number of militia personnel was estimated to range between 70,000 and 100,000. Militias can be deployed as back-up forces in emergencies and are then under the command of the respective area commander. The general term for military-trained militia groups is Ratih (*Rakyat Terlatih*, Trained People). Under Suharto, those comprised Kamra as well as Wanra (*Perlawanan Rakyat*, People's Resistance). Members of Kamra are civilian paramilitaries educated by the army in order to form supplementary units for either the police or the army. Other militias, such as Hansip and Pamswakarsa, are organized by the military, while Ratih was technically under control of the Ministry of Home Affairs. The Hansip are recruited from the local community, provided with weapons and material by the military, and are officially answerable to the Ministry of Home Affairs. However, it is the army that ultimately supervises Hansip.[45]

The original Ratih used to be a crucial element of the Sishankamrata (*Sistem Pertahanan Rakyat Semesta*, System of Overall People's Defense and Security) under the New Order, designed to assist the army in its defense duties. Ratih's task was to counter rebellions and invasions; however, up to today it was never used in the latter function, but only to put down expressions of discontent with the central government. Kamra, on the one hand, was responsible for regional security, while Wanra had to focus on external enemies and stood under KOREM command.

In late 1998, then defense minister General Wiranto launched the idea of a new form of Ratih which would act as auxiliary forces to the police and TNI in cases of security disturbances. The new organization was supposed to supply jobs for unemployed youths hit by the economic crisis.[46] Although the initial proposal to develop a new kind of Ratih failed to gain public (civil

society) support and the approval of some high-ranking military officials, Kamra was removed from the structure of the Ministry for Home Affairs and established outside.[47] In January 1999, the military started to recruit approximately 40,000 youths who were subsequently trained for three and a half months.[48] Apparently, the funds for the new Ratih came not only from various *yayasan* (foundations) of former president Suharto and government departments, but also from abroad. Foreign Minister Muladi explained in December 1998 that foreign investors had an interest in supporting Indonesia in her attempts to make the country a safe haven for investments, with the help of groups such as Ratih.[49] In 1999, a new law concerning Ratih was discussed in the DPR (RUU Ratih). This law contained many repressive elements and was a great concern to human rights advocates in the country, due to its potential for providing a new instrument for a further militarization of society.[50]

Kamra was established during President Sukarno's rule in the 1950s in order to help crack down on the Darul Islam rebel movement in rural Java. Today, Kamra forces are enrolled by the Defense Minister and meant to support the police in tasks such as regulating the traffic, disaster aid, putting out fires, etc. However, although legally not authorized to partake in executing state violence, Kamra was trained to use violence by KODIM. Kamra forces were used to suppress student protests and thus became a political instrument. In June 1999, for instance, then Commander-in-Chief General Wiranto recruited 40,000 Kamra to patrol the streets of Jakarta to prevent public unrest. In effect, Kamra units were used to check IDs, lead interrogations, and arrest people.[51] It is very likely that Kamra was established by the military precisely to go beyond their initial mission and support the TNI in suppressing social unrest.[52]

In October 2000, shortly before their contracts were to expire, several thousand Kamra members threatened to riot if the government did not offer them jobs in the police or administration. Consequently, thousands of Kamra were employed in public administration, the Department of Public Security, and to protect businesses.[53]

The reaction of the Indonesian population to the appearance on the scene of paramilitary forces such as Ratih, Kamra, and Pamswakarsa has been divided. The lower class, the poor people who have nothing to lose, fought against Pamswakarsa forces in 1998 because they were perceived as an obstacle to much desired and needed political change. The middle classes, however, have been more opportunistic towards the deployment of militias.

Militant youth groups

As elsewhere in the world where an authoritarian regime has crumbled and left a vacuum, the demise of the New Order left many young people without any state-organized youth activities. The militarization of the youth culture during the New Order bequeathed a legacy upon which new and old 'Youth Social Organizations' draw equally.[54] What makes Indonesian youth or

pemuda different is the legacy of the Indonesian Revolution and the "legitimacy derived from an idealized image of young revolutionaries" (C. Wilson 2005: 49). Especially under the New Order, Indonesia's media of film, print media, literature, and art has contributed to the image and perception of what constitutes illegitimate and what idealized force. Up to today, being a *pemuda* and joining a militia is a role model eagerly followed. Other reasons for young men to join militias are reasons of security, economic rewards, the search for identity and a group to belong to, coercion, and religious or ideological motives.[55]

During the New Order, the military maintained a symbiotic relationship with mafia or *preman* groups such as Pemuda Pancasila, Pemuda Panca Marga, and others. In the 1990s, this system evolved to become a "guerilla warfare doctrine", as O'Rourke (2002: 107) calls it. BAIS, the Military's Strategic Intelligence Agency (*Badan Inteljin Strategis*), controlled the network of civil militias and gangs.[56] Up to today, many (if not all) of the so-called youth groups have connections to the military and act as henchmen of the reactionary forces, i.e. members of the old elites of the Suharto regime.[57] The Pemuda Panca Marga, for instance, made up of the sons of military personnel, is notorious for intimidating groups such as KONTRAS, PBHI, and Syarikat that protest against the government's policies (under the New Order as well as after 1998).

In the following, one of these youth groups, Pemuda Panca Marga, is presented as an example for this type of USO.[58]

Pemuda Panca Marga (PPM)

Just as Pemuda Pancasila, the Pemuda Panca Marga is another Golkar-affiliated group that survived Reformasi. It is led by Yansen Binti, who is also the chairman of APP-GMTPS, an ethnonationalist group in Kalimantan.[59] In Jakarta, PPM is headed by Harianto Badjoeri, an official at the Tourism Office who issues licenses for bars and clubs.[60] Pemuda Panca Marga's membership consists of the sons of soldiers and veterans, as well as others who embrace its ideology. PPM is notorious for intimidating political activists and conducting protection rackets. In past years, there have been several reports of pro-government violence carried out by Pemuda Panca Marga. According to the Asian Human Rights Commission, the members of PPM not only wear military-style uniforms but also show political behavior similar to that of the military.[61]

PPM has strengthened its position against another remnant of the New Order, the youth group Pemuda Pancasila, by winning over the notorious militiaman 'Hercules' as one of its members. Hercules, an East Timorese who used to be Prabowo Subianto's personal guard, was lured to Jakarta by Suharto's eldest daughter, 'Tutut', who promised him and other youths jobs—which they never received. Consequently, Hercules and some other men joined forces with PPM and won control over some parts of Jakarta (Tanah

Abang and parts of Kota).[62] On 26 May 2003, members of Pemuda Panca Marga demonstrated in front of KONTRAS' office and attacked famous human rights lawyer Munir, the organization's founder, and destroyed the office. The attack was allegedly carried out to protest a remark by Munir, who was actually at that time already director of 'Imparsial', about human rights abuses in Aceh.[63] On 27 May, PPM returned, destroyed office equipment, and attacked staff members before moving on to the offices of PBHI, where they harassed a staff member.[64] Following coverage of the above incidents by *Tempo*, PPM filed a civil lawsuit against the magazine in December 2003, accusing it of libelous statements in covering PPM. Although the group lost the suit on grounds of vague and obscure allegations against *Tempo*, it filed another lawsuit in October 2004.[65]

Another incident, which happened on 20 May 2006, showed that the faithfulness of Pemuda Panca Marga in defending past abuses by the Suharto government has not faltered. Members of PPM and Laskar Siliwangi dissolved a peaceful meeting of victims of the massacres of 1965 in Bandung and threatened and pursued the participants. The meeting was organized by Syarikat, an NGO working for the reconciliation of the victims of 1965 and the civilian perpetrators of the massacres.[66] On 14 December 2006, a discussion on the international Marxism movement in a bookstore in Bandung was dissolved by 30 members of PPM, who interrupted the presentation and started to throw and destroy chairs. The leader of the group, Adang Supriyadi, declared that the group would not tolerate communist actions in its town. PPM took eight people, including the speaker, and brought them to the police office. Reports implied that PPM and police had cooperated in breaking up the discussion.[67] The fact that PPM has received training from Kostrad units in the past leaves no doubt about the organization's political affiliation.

Pro-integration militias in East Timor

Ever since Timor Leste was invaded by Indonesia in 1975 and added to the Republik Indonesia as the province Timtim (*Timor Timur*, East Timor), part of the population had been fighting for independence from Jakarta. After the fall of Suharto, Habibie's government surprised national and international observers by offering the population of East Timor the option of a ballot to decide for themselves whether they wanted to stay within the fold of Indonesia as an autonomous province or become altogether independent. On 27 January 1999, then foreign minister Ali Alatas announced the government's decision, and soon after the tensions erupted between those who wanted autonomy and those who voted for independence.[68] On one side there were groups supporting independence from Indonesia, often youth and students, such as Impettu (*Ikatan Mahasiswa Pelajar Timor Timur*, East Timorese Student Association) or *Dewan Solidaritas Pemuda Pelajar dan Mahasiswa Timor Timur* (DSPM-TT, East Timorese Student and Youth Solidarity Organization), Ojetil (*Organização de Jovens e Estudantes de Timor*

Leste, Organization of Youths and Students of East Timor), Forsa-repetil (*Forum Sarjana Pro-referendum dan Pengembangan Timor Leste*, Forum of Timorese Academics for Referendum and Development) as well as the Fretilin and CNRT (National Council for Timorese Resistance) led by Xanana Gusmao. On the other side, there were a great number of supporters of integration into Indonesia, many of whom were recruited into militia groups such as Makikit, Aitarak, Mahidin, and many more.[69] There was much evidence of logistical and other support of the pro-integration militias by the Indonesian military.[70] Soon, pro-integration militias started to intimidate and terrorize the population of Timtim in order to prevent their voting for independence.

Most of the militias involved in the conflict emerged at the beginning of 1999, while having their roots in older organizations, however, that came into existence after the Indonesian annexation of East Timor. These organizations' aim was to fight the independence movement and to uphold tight social control over the population. Many leaders also came from the background of *Garda Paksa*, a civilian guard corps established by KOPASSUS in the early 1990s.[71]

The case of East Timor and the deployment of militias there showed how ultra-nationalist feelings in the population were exploited for the regime's imperialistic goals. The Indonesian army, and particularly the Special Forces KOPASSUS, are said to be the masterminds behind the establishment of many of the most notorious militia groups in East Timor. Initially formed to fight Fretilin, militias became the army's 'extended arm' in East Timor. In a deserted KODIM office in Dili, proof was found that the government even paid some militia groups a salary and supported them with ammunition, weapons, and food.[72] There is much evidence that the Indonesian army had been recruiting and training East Timorese youth to become pro-integration militias, even admissions by army TNI/ABRI members to providing financial support and weapons to militias.[73]

One of the worst cases of violence happened in Liquica on 6 April 1999, when members of the militia group BMP (*Besi Merah Putih*, Red and White Iron), together with Brimob (*Brigade Mobil*, Mobile Brigades) and police, slaughtered at least 25 civilians who were hiding in a church complex.[74] On 30 August 1999, the population voted for its independence from Indonesia, triggering another wave of violence and terror by pro-Indonesia militias, later known as the 'Scorched Earth Campaign'. Widespread killings took place, and whole towns were burnt to the ground, leaving East Timor with scarcely any infrastructure.[75] UN investigations exposed the fact that the Indonesian military had been organizing the campaign in advance.[76] Around 250,000 East Timorese were displaced, of whom about 100,000 had to flee across the border to West Timor; years later around 50,000 of them were still living in refugee camps under terrible conditions.[77] Only when a peace-keeping force landed in East Timor in September 1999 could the pro-Indonesia militias be defeated.

The recent incidents in East Timor have shown that the assessment made in an article from 1999 was quite right: "'The Timorese component of the militia is minimal,' says a diplomat in Dili. 'If the army withdrew, the militia would disappear overnight.' But the destruction, fear and hatred they are sowing now will take years to fade."[78]

Manifestation II: compensating or utilizing state weakness

Within this category, we find vigilantes, Satgas, and groups executing self-administered justice.

Vigilantes

> As Indonesia succumbs into civilian violence, images and signs of abjection, acquiescence, and resistance appear commingled and confused. As narratives of civility and national progress come undone, who is set apart by the signs of the severed head and the dismembered body? No one, I would answer. To the contrary, they are emblems of citizenship—for victims, victimizers, the panicked, the grieving, the vengeful—emblems of citizenship in a republic of fear and reprisal.
>
> (George 2004: 44)

The perceived ineffectiveness of the state in providing security and order resulted in many communities setting up their own vigilante groups in order to fight vice, crime, and *premanism*. In the beginning, this was greeted positively by state officials, as vigilantes were stepping into the power vacuum caused by the separation of military and police.

A prominent incident, which serves as an illustration, happened in the fall of 1998 when East Java was shaken by the mysterious killings of dozens of Muslim teachers and leaders. The so-called 'Ninja killings' were interpreted by many Javanese as being conducted by supernatural assassins who had magical powers and could turn themselves into animals. Due to rumors and the portrayal in the mass media, a panic spread among the population that peaked in mass violence and vigilantism. About a hundred people were interrogated by self-appointed Ninja-patrols and, if found 'guilty', were beaten, chased, tortured, or even killed. Pictures of beheaded alleged 'Ninjas' disseminated by the media, and wild rumors, resulted in a widening of Ninja hunts beyond East Java.[79]

Forum Betawi Rempug (FBR)

A typical example of a vigilante group that has emerged in the post-Suharto era is the Betawi Brotherhood Forum (*Forum Betawi Rempug*, *FBR*). The FBR evolved to represent members of the ethnic Betawi working class and was founded in 2001 by Fadloli el-Muhir, a former chair of the anti-Megawati

faction of the PDI in Jakarta. Today he serves as a member of the *Dewan Pertimbangan Agung* (Supreme Advisory Council), a body that advises the president on various issues, and thus enjoys immunity.[80] Officially, the FBR was created to support the indigenous lower-class population of Jakarta, which was politically and culturally marginalized during the New Order. Thus FBR recruits its members mainly from *preman*, unemployed, local *pencak silat* associations, and blue-collar workers. FBR provides its members with free loans and other local economic benefits such as small cooperatives, etc. FBR's headquarters and main area of activity is in Cakung, East Jakarta. Here the FBR has established more than 100 *gardu* (security posts) to conduct neigh-borhood patrols and to provide cultural services such as traditional weddings, art performances, etc. The *gardu* system is a reincarnation of the New Order Siskamling surveillance network.[81] FBR presses local businesses in their ter-ritory for protection money and has its own agents who watch out for crim-inals, drug dealers, and gambling operators. The FBR justifies the use of violence as an act of self-defense in order to guard morals and the economic cohesion of the ethnic community. FBR has repeatedly attacked bars and cafes run by non-Batavi known for gambling and prostitution.[82]

In 2002, FBR assaulted members of the Urban Poor Consortium (UPC) protesting in front of Komnas HAM, leaving 17 demonstrators hospitalized. FBR was suspected of having acted on behalf of governor Sutiyoso, whose politics towards the urban poor were criticized in the protests. The connection between Fadloli and Sutiyoso allegedly goes back to 1996, when Suharto planned and executed the storming of the PDI headquarters when Fadloli had a say in the pro-New Order faction of the PDI.[83] The example of FBR illustrates how vigilantes take over public space such as markets, bus term-inals, etc. and extort money from those trying to make a living there. What Wilson (2005: 23) calls an "informal taxation system" further increases the hardship of those living at the social margins.

Militias in Lombok

In Lombok as well, the post-New Order era has seen the proliferation of vigilantes such as the 'Bujak', the 'Amphibi', the 'Elang Merah', and the 'Ababil', who claimed to protect their communities from theft. In 2001, there were already 13 larger self-help security forces operating in the NTB (*Nusa Tenggara Barat*, West Nusa Tenggara) province.[84] The oldest of these groups, the Bujak (*Pemburu Jejak*, Tracker), dates back to the economic crisis in 1997, when rising poverty caused crime rates to skyrocket. Bujak acted as bounty hunters, promising to bring stolen goods back to their owners. How-ever, Bujak aroused suspicion of cooperating with the thieves when it turned out that many members of Bujak were former criminals themselves. Another group, called Amphibi, with an Islamic background, appeared on the scene, founded by an Islamic cleric named Tuan Guru Haji Sibawaihi and his brother. Membership is this group was relatively expensive, at 103,000 rupiah,

which included, however, a "supernaturally charged invulnerability jacket" (MacDougall 2003).[85] While Bujak focused on the retrieval of stolen goods, Amphibi promised to hunt down the criminals. In 1999, the two rival groups started a bloody battle against each other, with Amphibi emerging victorious. By 2000, Amphibi already had more than 200,000 members in Lombok, and in 2001, according to a police report, even 480,000 members.[86] In 2000, Amphibi moved into Mataram and Northern Lombok, two areas where historical tensions exist with Eastern Lombok, the region where Amphibi is based. In the North, however, Amphibi was perceived fearfully as an intruder, as its goal was to cleanse the Sasak communities there of criminal elements. In Mataram, the Balinese community founded its own security task force called 'Dharma Wicesa' in response to violent assaults by Amphibi.[87] Amphibi must be seen as a lucrative business. Its activities extend from security jobs, to the insurance sector, a petrol station, a co-operative, and an employment agency. Besides these legal enterprises, Amphibi carries out debt collection, protection rackets, surveillance, and illegal labor trading, just to mention a few of its activities.[88]

The Pecalangan in Bali

Even in Bali, the 'Island of the Gods', the post-Suharto era has brought some changes that disturb the notion of peacefulness on which the island depends for its tourism industry. Apart from the bomb attacks in Kuta in 2002 and Jimbaran in 2005, an increase in vigilante justice (as elsewhere in Indonesia) and the establishment of new militias is marring the image of Bali as a paradise. Increasingly frequently, petty thieves caught in the act are being killed on the spot without any court hearing or involvement of the police. Instead, law and order are increasingly perceived as something the village or *banjar* community has to take care of, as the police are seen as being too corrupt and incompetent to be entrusted with those matters. Moreover, in the course of strengthening and empowering *adat*, culture, and tradition against the forces of the state, more and more issues are seen as belonging to the sphere of *adat*. Since 1998, virtually every village has established its own security force or '*pecalangan*'. There is no consensus on where the Pecalangan come from historically, i.e. whether they are a revival of those groups that committed the mass killings of alleged communists in 1965, or stem from the security task forces built in 1998 to secure Megawati's PDI-P party conference in Bali. Although the roots are unclear, it is generally agreed that the Pecalangan constitute some form of recovered and rekindled Balinese traditional heritage, which distinguishes them from other vigilante or militia groups in other parts of the archipelago. Officially, Pecalangan have ritual duties such as guarding the cockfights carried out during temple ceremonies, regulating the traffic, and overseeing the proper dress code of temple visitors, among others.[89] However, there are many cases of Pecalangan carrying out identity card raids with the police, and providing protection for nightclubs, bars, and

brothels in exchange for money. Another field in which Pecalangan are becoming active is protecting hotel owners against protests from locals concerning labor or land issues. While militia groups in other parts of the archipelago are being sharply criticized and condemned, the Pecalangan of Bali are nationally and internationally lauded as some sort of 'model militia', even when they are involved in killings.[90] Pecalangan draw on an 'imagined' cultural background, function, and legitimation and are thus seen and protected as a 'cultural heritage' rather than viewed as a recent phenomenon evolving from an overall feeling of insecurity.

Satgas: **preman** *(in)* **politics**

> But it is the type of satgas associated with militarism, violence, and characters like Eurico Guterres that has come to assert itself in the public sphere over the last five years. Led and legitimized by the big political parties and fed by various criminal syndicates and 'youth groups', satgas have expanded across the archipelago.
>
> (King 2003)

With the foundation of more than 100 new parties by 1999, *preman* found new opportunities in the newly established paramilitary forces of political parties (Satgas). However, not only party militias are called Satgas. The term is used widely to denote any kind of private security forces established by associations.[91] These militias are usually relatively independent of state interests and exhibit a bottom-up organization structure. The initiative to found those organizations usually comes from a CSO member and is later on sanctioned by either the leader of the CSO or a political party. Usually the group's ideology correlates with that of the organization or political party behind it.[92] Satgas groups have existed since the early 1980s for the PDI, PPP, and Golkar; however, they experienced a revival with the founding of new parties post New Order. Nowadays, every bigger party has an active paramilitary wing at its command, and other support groups associated with it as well. Examples are the National Guard (*Gerakan Pemuda Kebangkitan Bangsa*, Garda Bangsa) of PKB and the PAN Youth Force (*Barisan Muda PAN*).[93]

While officially protecting the party and its membership, Satgas act as a link between the criminal and legitimate political world. Wilson (2005: 5) writes: "The reality has been that satgas have been akin to private mercenary armies, intimidating opponents and critics both within and outside of the party, providing 'muscle' for the private sector and operating their own protection rackets alongside of other criminal activities." In the wake of the elections in 1999, various cases of conflicts between rival Satgas groups characterized the political scene. Most cases were allegedly connected with the rivalry of candidates for the district legislature who forged coalitions with Satgas commanders to back up their claim of winning the elections. The Satgas PDI-P has become especially infamous for its violent behavior and

various cases of intimidation against NGOs and journalists. In 2001, a district Satgas PDI-P commander was killed in connection with factional rivalries with the party branch.[94]

During Suharto's reign, local youth groups and military commanders curtailed the size of Satgas. However, after the end of the New Order and the restoration of competitive party politics, Satgas experienced a revival and grew quickly, recruiting their members primarily from unemployed urban youth suffering from the economic crisis. On the outside, the task of Satgas is to ensure that party campaigns run smoothly. The internal structure of Satgas units is modeled after military hierarchy, from the regional commander down to the platoon. Other parallels are found in the existence of logistics and intelligence wings, fatigues, jackboots, and training drills.

Although Satgas are not a new phenomenon, their presence has become a regular disturbing reality in the post-Suharto era and is rated as being far worse in the Reformasi period than ever before.[95] In particular, Jakarta has been the stage for paramilitary groups rallying in the streets during every sitting of parliament. In 2001, President Abdurrahman Wahid faced impeachment and threatened to mobilize the NU's paramilitary forces Banser (*Barisan Serbaguna Ansor*) and Ansor (Ansor Youth Movement, NU Youth Wing) if his presidency was ended before its term was over.[96] Not only did rivalries occur between the Satgas of parties such as PPP, PKB, and PDI-P, but violence occurred also between rival units of Satgas within a party in competition for economic rents in their areas.[97]

By 2004, party politics had become more institutionalized, which was reflected in a decrease of mass mobilization and *preman* involvement. Many members of the old Pemuda Pancasila school are now officially raised into politics and decorate the high ranks of parties such as Golkar, PDI-P, PAN, and others.[98] Another reason for the decline of 'Satgas-politics' during the election of 2004 was the increase of Satgas forces of all major parties, to a point where the use of force no longer promised certain gratification. Nevertheless, the fact that Satgas stand by and can be deployed renders them vital instruments of political contention.

Satgas PDI-P

Megawati Soekarnoputri's party, PDI-P, allegedly has the largest paramilitary backing, the so-called 'Laskar Merah' (Red Fighters). Under the roof of Satgas PDI-P (PDI-P Security Taskforce) are three other militias called 'Komando Bela Mbak Mega' (Defend Mega Command), the 'Banteng Muda Indonesia' (Indonesian Young Bulls) and the 'Brigass' (*Brigade Siaga Satu*, Alert One Brigade). These four organizations are only those operating on a national level, and only one of them, the PDI-P Satgas, is formally integrated into the party structure and acts as PDI-P's security wing.[99] It claims a membership of 10,000–50,000. Besides these, there are other militias belonging to the Laskar Merah, such as 'Satgas Wirapati', 'Satgas Sumbernyawa', 'Pasukan Banteng

Tengkorak', 'Satgas Pasopati', 'Dewaruci', and 'Pasukan Bela Mega'. During the election campaign in 1999, Satgas PDI-P established neighborhood watch posts (*posko*) everywhere, which provided it with a strong presence on the local level. As the members of Satgas PDI-P automatically become party members, PDI-P developed a successful strategy to raise a mass base.[100] Brigass has developed a private security service over the years, called PT Brigass Lustrilanang Security, and can be hired by government institutions as well as the private sector. Its leader, Pius Lustrilanang, used to be one of Indonesia's student movement leaders and was kept in captivity for two months by the military in the spring of 1998. Today, he is said to have close ties with certain military officers who train the Brigass forces.[101]

Banser (Barisan Ansor Serbaguna)

Ansor or Pemuda Ansor is Nahdlatul Ulama's militant youth wing. Ansor emerged from an internal split within the Nahdlatul Wathan, an organization preceding the NU. In 1924, those youths supporting KH Abdul Wahab Hasbullah founded a group called Syubbanul Wathan (Pemuda Tanah Air), which became the embryo of what later would be called the Persatuan Pemuda NU (PPNU), Pemuda NU (PNU), the Anshoru Nahdlatul Oelama (ANO), and finally the Gerakan Pemuda Ansor. The present-day Ansor was founded in 1934.[102] Pemuda Ansor played a major role in the eradication of alleged communists in parts of Java in 1965–66.[103] Banser, or Barisan Serbaguna Ansor, is the security task force of Ansor. A meeting of around 40,000 members of Banser in Kediri on 31 August 1996 showed the size of the movement.[104]

Banser has repeatedly protested against newspaper and magazine articles or caricatures that allegedly discredited the PKB (National Awakening Party) or the NU. The PKB was founded by Abdurrahman Wahid, who was NU chairman for 15 years. In 2000, the Surabaya-based daily *Jawa Pos* was attacked by Banser militias[105] after printing a special report on alleged corruption by NU members.[106] In 2001, Banser members were deployed to Jakarta to express support for Abdurrahman Wahid's presidency. According to Rofiq, chairman of the East Java branch of Ansor, who claims to have around 200,000 Banser members under his command, the goal of sending Banser to Jakarta was to ensure the constitutional proceeding of the MPR Special Session.[107] Many of the Banser members had vowed to shed their last drop of blood to defend Wahid, who was facing impeachment.[108] Despite its military-style uniforms and intimidating appearance, Banser is rated as rather harmless by some observers and seen more as "overgrown Boy Scouts" (Barton 2002: 267). At the same time, Banser's leaders themselves claim that the organization is dedicated to the democratization process: "We have to keep in mind that we are anti-violence, anti-destruction. We cherish peace. We'll never manipulate religion for our own interests," Ansor chairman Syaifulloh Yusuf said in an interview with the *Jakarta Post* in 2000.[109] In December 2005, Banser guards volunteered to support the police in safeguarding Christian churches

on Christmas Eve and shopping malls and entertainment venues during the New Year's celebrations. After warnings over the possibility of attacks had been issued, Banser and the Indonesian Bishops' Council (KWI) signed a memorandum of understanding (MOU) on security cooperation.[110] Another recent example of Banser's commitment to a democratic and plural society was the group's involvement in protecting JIL and the offices of Komunitas Utan Kayu against an announced attack by the FPI in August 2005.[111]

In conclusion, one can say that Banser is a group not easily categorized as either a civil or an uncivil force. Its actions and affiliations are somewhat confusing, considering the organization's official democratic commitment. The fact that even after 1998 Banser threatens to use violence makes the group's potential difficult to assess. However, experience has shown that Banser is vulnerable to political manipulation as well. Banser's large membership and a past that has proven its readiness to exert the uttermost forms of violence render the organization a possible threat. The question is, just as with other paramilitary groups in Indonesia, whether it could be dispensed with.

BSM (Barisan Shirotol Mustaqim)

The BSM is a violent youth group established 1999 in Yogyakarta. Its members belong to PDI-P, are male, and mostly without a formal job. The ideology of the BSM is a combination of Sukarno's nationalism and Islamic teachings. Divided into a Religious and a Skills Division, the organization conducts Islamic discussions as well as training for its members in order to improve their chances on the job market. BSM's main (formal) objective is to avoid chaos caused by religious conflict and the use of civilian arms and vigilante justice.[112] However, the BSM is far better known for its violent clashes with other USOs, like the GPK in Yogyakarta,[113] and its members' involvement in protection rackets and the security business.

Arbitrary law: Main Hakim Sendiri

Another alarming trend of the post New Order period is the increasing tendency of '*main hakim sendiri*' (lit. 'play judge oneself') or vigilante justice. The lynching of criminals increased fivefold in the years between 1998 and 2001.[114] In the period 1999 to May 2002, 318 cases of suspected criminals being beaten by crowds were recorded by the Polda Jabotabek (Greater Jakarta Metropolitan Police) in Jakarta, Bogor, Tangerang, Bekasi, and some areas in West Java.[115] The alleged criminal is judged by a *pengadilan jalanan*, a street court held by the crowd, which often ends with the sentencing and execution of the perpetrator, regardless of his being guilty or not.[116] Although allegedly a new and disturbing phenomenon of the Reformasi period,[117] the burning alive of criminals or suspects had already occurred during the New Order.[118] There is much evidence to be found in newspaper articles and other sources, indicating the existence of extra-judicial justice and lynching during Sukarno's

presidency, and even during the colonial era.[119] Cribb maintains that vigilante justice is one possible way of reaffirming or even restoring the social order by removing the outsider, the blemish, from the community.[120] Many Indonesian societies know concepts similar to this, which all aim at maintaining or rebuilding social (and/or spiritual) balance through customized rituals.[121] In many old indigenous legal codes of the region (Java, Malacca, Bali, Makassar, Sumatra, etc.), the killing of thieves on the spot was permitted after the sixteenth century. It remains unclear whether mob justice was also common before this time, since no documents from earlier times are available. These codes of conduct became ingrained in the local cultures over the centuries and may still play a role when it comes to choosing a repertoire, despite the ban on killing thieves in the present criminal code of Indonesia (*Kitab Undang-Undang Hukum Pidana*).[122] That means that lynching is one possible action out of a whole repertoire of behavior and explains why in some areas of Indonesia vigilante justice is more common than in others. Phenomena like mob justice, i.e. the often inhuman ways in which 'outsiders' were killed or mutilated, point to an important aspect of Indonesian culture and sociology. As Kees van Dijk has argued, rules of normative behavior only apply to members of the in-group. As soon as someone outside the group is concerned, he/she becomes an outsider and thus an outlaw whose killing can be more easily justified.[123] The practice of mutilation and destroying the human traits of the victim, common in cases of vigilante justice, further supports this argument. Dehumanizing the victim and thus marking it as an outlaw, an outsider, and the 'other' is a fact that can be observed in many cases of violence in Indonesia, such as the Petrus killings, military violence in remote areas, or the anti-Chinese riots in May 1998, to name only a few.[124] Although not a new practice, *main hakim sendiri* is an expression of the still-enduring feeling of powerlessness among the poor. Before 1998, vigilante justice was the logical concomitant of a corrupt and repressive regime that failed to give justice to its people. Reformasi has led to the increased expression of frustration by the poor. For disempowered groups the 'instant justice' delivered by beating or burning to death thieves and other suspected criminals is a means of receiving not only outside attention and recognition, but also satisfaction of their longing for power. As Wardoyo (2005) argues: "As long as the law remains weak and corrupt in Indonesia, *main hakim sendiri* will be a tolerated means of dispensing 'justice', even to close friends and neighbors."

Unfortunately, no complete crime statistics could be found, but the data from 2002 clearly mark a trend: according to Tempo Interaktif the total number of crime incidents occurring in the area of the District Police of Greater Jakarta (*Polda Metro Jaya*) reached 34,270 cases in 2002, an increase of 2.96 percent compared to the previous year. The report emphasized the disquieting number of cases of "mass anarchy" (59 cases), mass riots (37 cases), vigilante justice (97 cases), bomb threats (57 cases), bomb attacks (8 cases), and street crime (1,586 cases).[125] Some analysts interpret the rapid increase in

mob justice after 1998 as an attempt to break the state's monopoly of the use of physical violence. Freek Colombijn, however, holds the partial collapse of the state in the Reformasi period responsible for the increased numbers of lynchings after the end of the New Order.[126] Cases like the one of the lynching of four young men who tried to steal a motorbike in Bekasi have shown that vigilante justice is not only tolerated by the state or the police, but also sometimes legitimized. Here the police gave free reign to the burning of the four thieves after a meek attempt at taking two of the victims who were still alive away from the mob.[127]

The general explanation of *main hakim sendiri* by ordinary Indonesians as well as by sociologists and legal experts alike is that it is a faster, cheaper, and safer solution than going to the police to report a crime. Furthermore, it is generally known and expected that individuals will not be prosecuted for committing street justice.[128] However, distrust of the legal apparatus is seen not only as an inheritance of the New Order. Some hold that the New Order also taught citizens to cultivate violence as an answer to their problems. Others explain the increase in vigilantism as an excess of the Reformasi era, in which people think that now 'anything goes'. Members of the legal apparatus, on the other hand, blame the worsening economic situation and social inequality for lynchings.

Although the perceived increase in vigilante justice that has been reflected in media reports since 1999 cannot be backed by empirical data, it seems plausible if one looks at the circumstances that influence the possibility of lynching being chosen from an array of repertoires. As Colombijn (2002: 324) concludes: "What has changed with the Reformasi is not so much the degree of dissatisfaction with the weak judicial apparatus, but the changed perception of the risk that participants in mob justice will be prosecuted by a weak judiciary." It is this changed perception and the new prominence that cases of *main hakim sendiri* have gained in the media that have made lynching become a more frequent choice of repertoire. Whether the result of a feeling of distrust towards the state's ability to protect law and order, an actual failing of the judicial apparatus, or a perverted outcome of the new freedom of expression, the increasing quantity of crime, vigilante justice, terrorist actions, and violence perpetrated by civil militias speaks its own language on the tensions that still prevail in society and mar the democratization process.

Manifestation III: antagonism to the liberal state

Militant Islamic groups

> There is no doubt that violent religious extremism is on the rise in Indonesia, and it presents a greater challenge to democracy and freedom than spectacular acts of terrorism.
>
> (Gary Lamoshi)

> In Indonesia as in all of the Muslim world, there are many streams to Muslim politics. […] In the Indonesian case, however, the decisive variable in determining the precise political impact of these groupings proves to be the relationship of state to society and the cohesiveness of the political elite. As the state became more factionalized, its diminished capacity and heightened rivalries led some to reach out into uncivil segments of 'civil' society. The resulting plague of paramilitary mobilization greatly diminished the influence of moderate Muslims, while amplifying that of the sectarian minority.
>
> (Hefner 2002: 26)

Islamic radicalism is by no means a post-New Order phenomenon, but has instead a long and multifaceted history in Indonesia.[129] The sudden rise and visibility of radical Islamist groups, however, is largely owing to the new opportunities for political expression after the fall of Suharto. By Suharto's courting of ultra-conservative Islamic groups at the end of his rule, the course of development of these groups in the post-Suharto era was already set. By including Islamic radicals in order to satisfy elite interests, these groups enjoyed a relatively carefree starting point in the new 'democratic' era, without suffering many restrictions until the Bali bombing aroused the government. After the fall of Suharto, hundreds of radical and fundamentalist Muslims returned to Indonesia, taking advantage of the new political liberalization that provided them with ample space to further their radical agendas and aspirations. The government did not stop militant Islamic groups that either used violence or threatened to use it. By failing to take decisive action against militias such as the Laskar Jihad and others, the government tolerated the extra-legal use of force by such groups and gave away part of its power.

Dealing with Islamic groups requires a distinction between several terms that are often used synonymously: 'Islamist', 'fundamentalist', 'radical Islamist', 'militant', etc. Carlyle A. Thayer proposes a differentiation between religious views (radical, fundamentalist, moderate, etc.) and public actions (militant, peaceful, violent). Moreover, he draws a distinction between militant Islam and 'Islamism', with the latter referring to the ideology of groups aiming at installing an Islamic state in place of the secular order. A 'militant group' is one with an organizational structure and leadership that publicly pursues its objectives by psychologically or physically intimidating its opponents, which can result in aggression and violence. Islamists argue that only a truly Islamic society will be able to overcome the problems of modern life and therefore try to push the state to put a greater emphasis on the Islamization of society and the implementation of *shari'a* law.[130]

Indonesia's Muslim fundamentalist groups, which often turn militant, mar the image of Islam in Indonesia, where it was associated for the longest time with tolerance and peace. Furthermore, several bomb attacks that have happened since 1998 and the allegations of such groups being involved with the terrorist network Al-Qaeda have frightened away tourists and foreign investors alike.[131] It is this part of uncivil society that gained notoriety and attracted a great deal of attention through foreign press coverage on the

country. Although very small in numbers, in relation to the majority of Indonesia's moderate Muslims, these USOs create a picture of Indonesia as being a terrifying country where lawlessness, violence, terror, and Islamic fundamentalism prevail. Many of the USOs acting on religious (i.e. Islamic) grounds use the term '*jihad*' when referring to their actions. Although, according to liberal Islamic teachings, *jihad* refers to the spiritual warfare between good and evil inside a person's soul, nowadays much violence, terror, and destruction is done in Indonesia (and elsewhere) in the name of Allah.

Many Muslims in Indonesia and elsewhere believe that Islam is under threat from an international conspiracy made up of the enemies of Islam or from national forces, which influenced the incidents in East Timor, Ambon, and Poso. Others identify the threat as more invisible, in the form of corrupt Western morals infiltrating the life of Indonesia's Muslims. Some radicals even perceive activities by more moderate Muslim NGOs as a threat to 'real Islam'. Because of their increased support for moderate Islamic organizations after 9/11, international organizations such as the Ford Foundation, USAID, etc. are subsumed under the heading of enemies of Islam also. This perceived threat is answered by a call to defend Islam, and the number of so-called '*mujahidin*' (defenders of faith) groups has increased, particularly since the end of the New Order. Besides some of the larger groups that will be introduced here, there is a great number of local or regional groups, such as Ikatan Keluarga Madura (IKAMRA), Gerakan Reformasi Masyarakat Banten, Front Pemuda Islam Surakarta, Ikatan Silaturrahmi Maluku, Gerakan Anak Monginsidi, Forum Silaturrahmi Remaja Masjid Jakarta, and Majelis Dzikir Nurhaerat Poso.[132] Although many of the groups presented in this chapter show some connection to either the old Suharto junta or the military, we should not assume that they do not represent a genuine phenomenon of radicalization of Islam in Indonesia today. Hefner also emphasized a similar point:

> It is important, however, not to see the Islamist paramilitaries as mere puppets of an all-powerful military. For one thing, in the post-Suharto era there is no all-controlling state power. 'State capacity' is now dispersed across a variety of regional and national centers, many of which are in turn plagued by fierce intra-elite competition. A key characteristic of this competition in the post-Suharto era has been the efforts of some elites to reach out to 'uncivil' forces in civil society using the crudest of ethnic and religious appeals, and using vigilantes and paramilitaries to tip the contest for power to their favor.
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> (Hefner 2002: 6)

The military or certain elites may at some point see an advantage in cooperating with or supporting these groups for their own political agendas. However, as some of these groups operate on the margins of or even outside the reach of the state, we should not underestimate their potential to elude any kind of control and to act on their own.

Front Pembela Islam (Front of the Defenders of Islam, FPI)

Founded on 17 August 1998 by K.H. Fathoni and K.H. Adrus Jamalahe, FPI is a radical Muslim fundamentalist group, led by Habib Muhammad Riziq Shihab and his 'war general' Muhsin Alathos, which has branches all over Indonesia.[133] The FPI holds Muslims influenced by secular behaviors responsible for Indonesia's socio-economic problems. The implementation of *shari'a* law is FPI's main objective; however, the group is not dedicated to the creation of an Islamic state in Indonesia.[134] Initially planned as a support group for the PPP, FPI remodeled itself to become a street-level anti-vice movement when the PPP-aligned Gerakan Pemuda Ka'bah (GPK) appeared on the scene. FPI's mission is based on the belief that it is a devout Muslim's duty to initiate good things and to call people to do good deeds (*amar ma'ruf*) and to avoid evil and lead people away from evil (*nahi munkar*).[135] The Front also campaigned against choosing Megawati as a woman for president. The Pesantren Al-Umm is FPI's home base; however, most activities are run from its headquarters in Petamburan (Jakarta), located close to Habib Rizieq's home.[136] FPI's members are mostly poor urban youths fascinated with the organization's agenda and uniform that resembles popular images of the nine Muslim saints (*wali songo*) who are believed to have spread Islam in Java. By 2003, FPI was estimated to have a membership of 100,000, with branches in 22 provinces. Its organizational structure is formally divided into a supreme advisory council, a secretariat, numerous departments, and a paramilitary wing (*Laskar Pembela Islam*). The secretariat has six 'council fronts' for different issues such as 'sinful practices', 'recruitment', and 'investigations', while the departments reflect a government structure with a 'women's issue department', a 'national defense department', a 'foreign relations department', etc.[137] FPI's internal structure is modeled after the military with its ranks and divisions. In September 1998, FPI made its first 'public appearance' and attacked Christian student activists in Jakarta. One month later, 14 people died in a bloody clash with Ambonese Christian security guards in Central Jakarta. FPI is notorious for its violent attacks on institutions and businesses accused of breaking Islamic law. FPI vehemently condemns immorality and thus proceeds against prostitution, gambling, drugs, and drinking establishments such as bars and certain *warung*. While initially limited to the fasting month of Ramadan, the moral raids soon took place at any time in the capital and varied in intensity, from smashing signs to attacking staff, locals, and patrons with machetes and clubs, and burning down buildings. Moreover, other more liberal Islamic institutions are under verbal or physical attack by the FPI also.[138] Along with other radical Islamist groups, the FPI sent fighters to North Maluku in 1999 to take part in the armed conflict between Christians and Muslims.[139] For the FPI, violence is an instrument for effecting social change and for implementing their religious and moral norms. The group is very outspoken about its opposition to U.S. presence in Indonesia and Afghanistan, and has repeatedly threatened to target Westerners.[140] Moreover, the FPI condemned

American policies and protested in front of the U.S. Embassy in Jakarta.[141] On 8 April 2002, FPI announced the formation of the Komite Pembebasan Al-Aqsa (Al-Aqsa Liberation Committee) together with leaders from Laskar Jihad, the Perhimpunan Pekerja Muslim Indonesia (PPMI), Partai Bulan Bintang (PBB), the Dewan Dakwah Islamiyah (DDI), and the Gerakan Anti-Zionisme dan Anti-Israel (GAZA). Its goal was to unite the Muslim *ummat* to expel Israel from Palestine. Its first action was to send 100 jihad fighters to the Middle East.[142] After the Bali bomb attacks, the FPI declared its dissolution in November 2002, thus responding to growing international and national pressure.[143] Between 1999 and 2002, the relationship between the FPI and the police had grown increasingly tense. Soon after the Bali bombings, Rizieq was arrested and convicted for sowing public hatred against the government and causing public unrest. Although later released and placed under house arrest on condition of the suspension of the raids carried out by his organization's paramilitary *laskar* wing, he had to return to prison in April 2003 after leaving the country for a visit to Iraq and thus breaking his house arrest.[144] On 19 November 2003, he was released from prison and started reorganizing and reforming his organization, which emerged strengthened and far more disciplined.[145] Since 2004, the FPI has resumed its raids against entertainment places in Jakarta and, although widely criticized and condemned, the police did not enforce the security of the affected areas, nor did legal action follow.[146] In April 2004, after 12 people were killed during riots in Ambon, IMI (*Ikhwanul Muslimin Indonesia*) and FPI agreed to send 7,000 *laskar* to Ambon to take over the police's duties to protect innocent citizens.[147] Later on that year, after the tsunami disaster in Aceh, FPI volunteers set up a refugee camp for tsunami victims, helped to remove corpses, provided clean water, and cleaned up mosques, while at the same time warning Christian relief agencies not to preach Christian values.[148] FPI was not the only hard-line Islamist group that poured into Aceh after the tsunami disaster. Other violent nationalist militias such PPM and members of the Indonesian Mujahidin Council (*Majelis Mujahidin Indonesia*, MMI) were seen patrolling the streets in their camouflage uniforms, distributing foreign aid goods and assisting the military. The tsunami catastrophe provided radicals with an opportunity to travel to Aceh, where they were suspected of disseminating radical views in the only province of Indonesia where a limited version of *shari'a* had already been implemented in 2002.

The FPI also took part in the violent protests spreading all over the world that were ignited by the Muhammad caricatures in the Danish newspaper *Jyllands Posten* in September 2005. As did others, FPI claimed that the U.S. had masterminded the caricatures depicting the prophet Muhammad. Together with other hard-line groups such as the Anti-Apostasy Movement, FPI members demanded that foreigners who supported the caricatures leave Indonesia. In February 2006, the FPI staged a violent protest at the U.S. embassy in Jakarta, protesting the picture of the prophet Muhammad on a marble relief at the U.S. Supreme Court in Washington since 1932, and demanding its removal.[149]

FPI believes Indonesia's society to be under serious threat from Western immorality and decadence. While accepting that the upholding of order and morals is the state's responsibility, that FPI claims that, if required, every citizen has the right and even the obligation to defend the community against immorality, if necessary using physical force. Looking behind the scenes, there is much evidence that parts of the old elites supported the founding of the FPI. Former Defense Minister and Armed Forces Commander General Wiranto, former Jakarta Police Commander Nugroho Jayusman, and former Jakarta Military Commander Djaja Suparman allegedly are among the initiators. Mochsin Mochdar, husband of Habibie's sister Sri Rahayu, was another source of funding, along with Fuad Bawazier, former General Director of Taxes and Finance Minister under Suharto.[150] Another indicator of the group's political affiliation was the FPI's presence and moral support for Wiranto in December 1999 when his involvement in human rights violations was investigated by the UN/KPP HAM.[151] Furthermore, it is striking that the FPI does not extend its 'moral fight' to apparent evils such as KKN, human rights violations in Aceh, etc. On the contrary, the FPI entertains strong ties to 'arch-nationalist cadres' within the Indonesian Armed Forces.[152]

Laskar Jihad (LJ) and FKAWJ

The Laskar Jihad (LJ) emerged as the paramilitary arm of a Muslim organization called *Forum Komunikasi Ahlus Sunnah wal Jama'ah* (Ahlus Sunnah wal Jama'ah Communication Forum, FKAWJ) that was founded in 1998 by Ja'far Umar Thalib. The FKAWJ is led by a council of 60 religious leaders who describe themselves as the only true representatives of Sunnite Islam in Indonesia. The council rejects Western liberal values and democracy as incompatible with Islam, and aspires to replace the Indonesian government with a so-called 'Council of Experts' that would elect the head of government and supervise state affairs. The FKAWJ also rejects the secularization of Indonesia and political parties as manifestations of democracy.[153] Following the eruption of a violent conflict between Christians and Muslims in Maluku in 1999, the FKAWJ called upon the *umma* to defend their Muslim brethren after 500 Muslims had been killed in an incident in Halmahera in December. In 2000, the FKAWJ's militant wing LJ was founded by Ustad Ja'far Umar Thalib, a teacher and preacher of Arab-Madurese descent who spent two years in Afghanistan fighting with the Mujahedin against Soviet forces in 1988–89. Ja'far Umar Thalib suspected Christians of planning to erect a Christian Republic in Maluku, West Papua, and North Sulawesi.[154]

As Thalib pointed out in an interview, the support was not only of a physical but also of a spiritual nature:[155]

> Some 3,000 initial volunteers will go to Maluku (soon). Yet, our volunteers are basically religious preachers, armed with religious knowledge to preach to locals. An investigation team I chaired revealed recently that

Muslims in Maluku are not only subject to physical suffering but also to spiritual suffering because of their lack of religious understanding. Spiritually, they have no idea how to overcome their problems. Based on this, and also because most Muslims' solidarity movements for Maluku are focused more on handling the physical side of the problems, we decided to send preachers along with donations.

(Ja'far Umar Thalib, quoted in Mulyadi 2003:84)

Laskar Jihad's first public appearance was at a rally in Jakarta where 100,000 to 400,000 people called for Muslims to start *jihad* in Ambon. Twenty-two militant Muslim organizations, among them also KISDI and the FPI, attended the gathering, which was addressed by national politicians such as Amien Rais, Fuad Bawazier, and Hamzah Haz.[156] In April 2000, LJ sent thousands of paramilitary militias to the area to fight against Christian militias.[157] LJ fighters also attacked and killed civilians, destroyed villages, and forced many Christians to convert to Islam and undergo ritual circumcisions.[158] The presence of LJ in Maluku only aggravated the conflict and prevented the rival parties from ending hostilities. It was reported that Laskar Jihad fighters even threatened to kill local Muslim leaders who wanted to make peace with the Christians.[159] During 1999–2000, more than 5,000 people were killed in battles and about 500,000 had to take refuge.[160] In August 2001, another conflict sprung up in Central Sulawesi (Poso), and LJ send out hundreds of militias, who together with other Muslim fighters destroyed several Christian villages, hunted down Christians and killed them. The fighting and killing only stopped after the United States identified Poso as a training ground for international terrorists.[161] Although the government opposed the sending of LJ fighters to Maluku, they nevertheless went, and arrived there without facing any restrictions. This naturally led many observers to assume that the military or police were backing and supporting the LJ.[162] However, Thalib rejected the idea and claimed that neither the police nor the military supported LJ.[163] Several journalists were attacked by LJ members after negative reports of the group's involvement in Maluku had been published.[164] It is estimated that LJ sent out around 6,000 fighters in total to the Moluccas and Sulawesi. According to several sources, a network of high-ranking military officers who allegedly attempted to destabilize Abdurrahman Wahid's government supported LJ. Moreover, LJ was backed by PPP, PBB, as well as KISDI and DDI during the Maluku violence.[165] In May 2001, Ja'far Umar Thalib was detained for ordering the stoning to death of a member on grounds of inciting religious hatred.[166] In May 2002, the police finally de-armed the LJ and arrested Thalib for offending the president and sowing hatred. However, he was released in January 2003, after all charges had been dropped.[167] A few days after the Bali bomb attacks on 12 October 2002, the LJ announced its dissolution and removed all remaining *laskar* from Poso and the Moluccas.[168] The FKAWJ, however, remained active in its educational *dakwah*.[169] It was reported that after its official disbanding in 2002, LJ moved 2,000 to 3,000 members to

Papua, where they received training from the military and allegedly formed links with local authorities and the pro-Jakarta militia Satgas Merah Putih.[170] When violence erupted again in the Moluccas in April 2004, LJ reappeared on the political stage and threatened to send some of the available 10,000 LJ fighters to Ambon if the government would not solve the conflict.[171]

Exclusivism, gender discrimination, and narrow Islamism make LJ and FKAWJ genuine examples of uncivil society. They are convinced that the mainstream Indonesian Muslim organizations NU and Muhammadiyah are corrupted by non-Islamic sources and have deviated from the true teachings of the prophet. In addition, FKAWJ does not allow women to assume leadership positions within the organization, nor are women permitted to join the LJ.[172] FKAWJ and Laskar Jihad are anti-democratic and believe in a genuine Islamic society, where God's law reigns over the people's will.[173] LJ's very likely involvement and cooperation with the TNI and its interest in maintaining the territorial integrity of Indonesia render the organization a hybrid between a nationalist group, a radical Islamist group, and a state/army proxy. Finally, Laskar Jihad's alleged connections with other national Islamist groups such as the Mujahidin Council of Indonesia and Laskar Jundullah,[174] as well as with regional terror groups such as the Abu Sayyaf in the Philippines and Kumpulan Mujahidin Malaysia (KMM), and its suspected links with the Taliban in Afghanistan and with Al-Qaeda, render the group one of the most dangerous threats to liberal democracy in Indonesia.

Majelis Mujahidin Indonesia (MMI)

After the fall of Suharto, notorious Muslim radicals, including Abdullah Sungkar and Abu Bakar Ba'asyir, returned to Indonesia. The MMI (*Majelis Mujahidin Indonesia*, Council of Indonesian Mujahedin) evolved from a regional network of Islamist groups that had formed by the late 1990s, covering parts of Sumatra, Java, Sulawesi, as well as Malaysia, Singapore, and the Southern Philippines. In mid-2000, Abu Bakar Ba'asyir and Irfan Awwas Suryahardi, himself not a member of Jemaah Islamiyah, founded the MMI as the network's front organization and made Ba'asyir its leader.[175] The council was established to serve as an umbrella organization for all groups planning the introduction of *shari'a* law in Indonesia and the erection of an Islamic state. Headquartered in Yogyakarta, the organization coordinates many Islamic hard-line and militant organizations and is alleged to be part of the Jemaah Islamiyah network. There is much evidence that the MMI serves as a front for Ba'asyir's terrorist activities, as many of its members are involved in JI as well.

According to Zachary Abuza, the MMI constitutes a channel for financing small radical and militant Islamic groups that do not have international contacts. Although in 2003 MMI had branches in 30 cities already, it is impossible to assess the real size and strength of the network, as no membership list exists.[176] The MMI has set the establishment of an international caliphate as

its primary goal, and fights for the implementation of *shari'a* law in Indonesia, based on the argumentation that the majority of the population is Muslim.[177] "Sharia is a foregone conclusion, we can't trade it with anything, including pluralism. We can bargain about mundane affairs but not sharia," was Ba'asyir's comment.[178] From 2000 until 2002, the MMI's strength was growing significantly. The then Vice-President, Hamzah Haz, had accepted to speak at their national Congress in 2003, but cancelled immediately after the Marriot bombing in August 2003.[179]

Abu Bakar Ba'asyir was released in 2006, after serving less than 26 months in prison for conspiracy in the first 2002 Bali bombings. During his time in jail, MMI suffered from the stigma of terrorism, and many of its activities were forbidden by local authorities. In July 2006, after Ba'asyir's release, MMI convened a two-day meeting to reconsolidate the organization in Yogyakarta. At the end of the convention, Ba'asyir gave a sermon, which was attended by thousands of Muslims.[180] Ba'asyir has made no attempts in the past to hide his contempt for Western society and secular institutions, and called for the governments of Australia, the United States, Britain, Singapore, and others to be attacked and brought down. Although Abu Bakar Ba'asyir was not convicted of any criminal or terrorist activity and had served his prison term for being part of a conspiracy leading to the 2002 Bali bombings, he was designated as a terrorist financier by the United Nations and the United States and is on the latter's list of foreign terrorist organizations.[181]

Gerakan Pemuda Ka'bah (GPK)

The Ka'bah Youth Movement GPK (Gerakan Pemuda Ka'bah) is a violent Islamic organization that is active nationwide, with branches in 20 provinces, and based on local *laskar* groups.[182] The GPK has a close connection with the Islamic party PPP and, while formally not belonging to the party, membership in the PPP is a precondition for joining the GPK. It is GPK's self-imposed responsibility to bring the people back to a proper moral way of living in accordance with Islamic teachings and rules. The GPK conducts 'dismissals' against those who resist the imposition of Islamic values and thus looks back on a long list of attacks on gambling spots, brothels, and bars. Furthermore, violent attacks during a gay seminar in Yogyakarta showed the group's stand on the issue of sexual tolerance. The main source of income of GPK's members is from patrolling 'their' areas in gangs and demanding protection money for security.[183]

As the Special Session of the MPR (14–21 October 1999) approached, a group named Forum Umat Islam Bersama (FUIB) emerged to stand up against those who wanted to prevent the holding of the MPR session. The FUIB consisted of 23 different *laskar* groups and drew on religious sentiment to mobilize hundreds of thousands of participants. Some were particularly outspoken about defending Habibie, namely GPK, PPMI, Laskar Jihad, Laskar Fisabilillah, Forum Silaturahmi, FPI, Barisan Umat Islam Bersatu

(Buistu), DDII, and Persatuan Islam. The others were ready to stand up against any group, including students or supporters of Megawati, if they seemed to threaten the smooth course of the MPR session.[184] Another group of militias, named Satgas Tebas, included the Laskar Putih and was clearly connected to the 'Keluarga Cendana' (Suharto and his family); however, it used religious symbols for its political goals. Satgas Tebas was founded in the second half of 1998 by Tutut (alias Siti Hardiyanti Rukmana, Suharto's eldest daughter) and operated under the umbrella of YAKMI (*Yayasan Kesejahteraan Masyarakat Indonesia*, Foundation for the Welfare of the Indonesian People), a charity established by Tutut a few months earlier.[185] Other militias were set up along religious lines as well, such as those created by the NU (Pagar Nusa, Pelopor Banser, Corps Disipliner Banser, and Anjal) and those affiliated with Amien Rais (Laskar Bulan Sabit Indonesia).[186]

In 2000, members of GPK and the Anti-Vice Movement (GAM) attacked some pro-democracy activists and student demonstrators. In November 2000, GPK assailed and injured 32 participants during an Aids event in Yogya-karta, where the group stormed the venue, destroyed furniture and equipment, and attacked the participants, who were mainly homosexuals, *waria*, and activists.[187]

Dewan Dakwah Islamiyah Indonesia (DDII)

The DDII (Islamic Propagation Council of Indonesia) was founded in 1967 by the former leader of Masyumi, Mohammad Natsir. After the modernist party Masyumi was banned in 1960 and its revival seemed impossible, DDII was established to continue the struggle for the Negara Islam Indonesia (NII, Islamic State of Indonesia) and to counter the efforts of Christian missionaries. Sidelined by the anti-Islamic policies of the early Suharto years, the group received support mainly from Arabic welfare organizations.[188] After its co-option by the New Order regime, however, DDII became one of the fiercest defenders of Suharto's presidency.[189] In 1987, DDII founded the Indonesian Committee for Solidarity with the Islamic World (KISDI) in order to support Muslims in Palestine, Mindanao, and Kashmir as well as Bosnia.[190] During the New Order, the organization enjoyed close connections with Suharto's half-brother Probosutedjo and Suharto's notorious son-in-law, Prabowo Subianto, and therefore with parts of the ruling elite and high military circles. KISDI was (and still is) among those groups that spread conspiracy theories revolving around liberal Indonesian Muslims, ethnic Chinese businessmen, and the leftist student opposition, thereby receiving strong support from pro-Suharto generals Prabowo Subianto and Z.A. Maulani.[191] KISDI openly sympathizes with the Al-Qaeda and Abu Bakar Ba'asyir[192] and is notorious for its staunch anti-communist and anti-Christian ideology. DDII displays a strange ideological mix of "a belief in the superiority of Western-style democracy over the neo-patrimonial forms of rule adopted by both Sukarno and Suharto" and "an almost paranoid obsession with Christian

missionary efforts as a threat to Islam" (Absher-Abdalla 2003). However, DDII's main goal remains the erection of an Islamic state in Indonesia. The organization is said not only to entertain political connections with Golkar and to be the basis for the Crescent Moon and Star Party (PBB), but also to have ties with the Jemaah Islamiyah.[193] DDII became notorious for its anti-Chinese and anti-USA rhetoric in past years. Towards the end of the 1990s, DDII founded a group called KOMPAK (*Komite Penanggulan Krisis*, Crisis Management Committee) whose task was to coordinate aid efforts for the regions mostly affected by religious conflict and violence, Maluku and Central Sulawesi. KOMPAK produced videos documenting the atrocities against Muslims in Ambon and Poso that were used by JI to recruit new members. Furthermore, the KOMPAK branch in Makassar allegedly sent arms to Poso.[194] Moreover, as investigations had proved in 2000, a KOMPAK branch in Central Sulawesi hosted Malaysians and Filipinos involved in the bomb attacks on the Malaysian embassy and the residence of the Philippines Ambassador in Jakarta.

Others

Out of the large number of Islamic USOs, a few more groups will be presented here briefly, due to the attention they have attracted in past years. One of these groups is the Islamic Youth Movement GPI (*Gerakan Pemuda Indonesia*), the former Youth Wing of the Masyumi Party. In the post-Suharto era, GPI demonstrated its readiness to fight for the Muslim cause by launching a campaign called 'You will die, America!' in 2001, with which it recruited volunteers to support the Taliban's fight against U.S. troops in Afghanistan. Moreover, the organization sent over 300 youths to Lebanon to join the *jihad* in Palestine. "Indonesian Muslim Youth are not only sent to Lebanon and Palestine but also South Philippines, Iraq and Afghanistan will become the target of GPI," said Syamsuddin UBA, External National Bureau Chief of GPI.[195]

Another group active in Indonesia is the Hizbut-Tahrir (or Hizb ut-Tahrir), a transnational movement struggling for the establishment of a world caliphate. The Hizbut-Tahrir refuses the concept of a nation-state, as well as democracy, because they clash with Allah's sole sovereignty. The group does not participate in politics and elections.[196]

The Anti-Apostasy Movement (AAM) is an umbrella organization of 27 Islamic organizations which is allegedly responsible for the closing down and destroying of various churches in Java. AAM actively propagates the implementation of *shari'a* law in Indonesia.[197] AAM's coordinator, Muhammad Mukmin, was detained by the police in February 2006 for distributing questionnaires at international hotels in Bandung in order to find out who among the foreigners supported the cartoons of the prophet Muhammad. "If they support the cartoons, we will have no other choice but to ask them to leave Indonesia," Mukmin was quoted as saying.[198]

Christian militias

The conflict in Maluku has served as a cautionary tale that religious funda-
mentalism and violence in Indonesia is not limited to Muslim groups. In
Ambon and other islands of Maluku, Christians have mobilized forces as
well. Two local Ambonese *preman* groups led by Agus Wattimena and Berty
Loupatty, which cooperated with Jakarta *preman*, were at the core of the
Christian militias. These two *preman* groups were able to activate and coor-
dinate units of 100–200 men who used traditional weapons, home-made guns,
and some automatic weapons. Beginning in April 1998, Agus Wattimena
organized his forces into the Laskar Kristus (LK, Fighters for Christ), while
Berty Loupatty formed Coker (*Cowok-cowok Kristen*/*Cowok-Cowok Keren*,
Christian Boys/Handsome Boys).[199]

Another Christian militia organization in Maluku was the 'Front Kedaulatan
Maluku' (FKM, Moluccan Sovereignty Front) led by Alex Manuputti, estab-
lished on 15 July 2000 in Ambon. The alleged aim of this organization was to
revive the banned RMS rebellion (*Republic Maluku Selatan*, South Moluccan
Republic) and restore the sovereignty of the Moluccan people. Through some
distortion in the Muslim-controlled media, the presence of this organization
fanned the fear among Moluccan Muslims that a Christian state was to be
erected in Maluku. The fact that Muslim Ambonese were also involved in
founding the RMS liberation movement in the 1950s was forgotten.[200]

Curtailing democratic freedom: press intimidation by USOs

Premanism has not drawn a line at the press either. Indonesia's press freedom
and freedom of information, while granted by the constitution since 1945,[201]
are effectively curtailed by mob attacks and threats in the post-Suharto era.
The attack on the offices of *Tempo* magazine in Central Jakarta on 8 March
2003 by supporters of the powerful businessman Tomy Winata, following the
prestigious magazine's article on an alleged insurance scandal involving Tomy,
revealed anew the impotence of the police to prevent such acts of violence.[202]
The 200 protestors consisted of members of the Artha Graha Group (AGG),
the Banteng Muda Indonesia (BMI), and followers of Tomy.

> The attack on Tempo woke us up to the reality that *preman* have become
> a real menace, that even a magazine as influential as Tempo, considered
> an icon of press freedom and a national institution, is not spared from
> the violence that thugs can inflict upon us. The reality is that *preman* rule our
> streets. And, we suspect, at a higher level, *preman* also rule this country.
> ("Editorial: War on thugs", *Jakarta Post.com*, 18.03.2003.)

Another notorious incident happened during Abdurrahman Wahid's pre-
sidency in March 2003, when supporters of the National Awakening Party
(PKB) of East Java descended upon the offices of the *Jawa Pos* newspaper

and turned the facility upside down.[203] On 16 January 2004, a journalist of the newspaper *Radar Jogja* was attacked and beaten by two men on his way home from the office. The case was believed to be connected to the paper's coverage of the Regional Parliament DPRDK and the problems with preparing for the 2004 elections. A few days before the incident, the journalist had written about the candidates for the legislature, the respective parties, and some irregularities that had occurred.[204] Another case occurred on 20 December 2005, when the office of the daily *Harian Indopos* was attacked by a group led by 'Hercules', five reporters were injured, and office equipment was destroyed.[205] More recently, on 23 April 2006, a group of *preman* called 'Kerukunan Keluarga Flobamora Mimika' attacked the offices of the editorial office of *Timika Post* in Mimika, Papua. Around 50 men led by a local Golkar official named 'Iwan' stormed the office carrying sharp weapons, forcing journalists and other employees of *Timika Post* to end their strike and leave the office. The strike had been started after the nomination of the newspaper's new head, who had been rejected by the journalists and employees of *Timika Post* on the grounds of his political aspirations, because it was feared that he would use the newspaper as a tool for his campaign to win the Golkar candidature for the 2006 elections in Mimika. Although the police were called to help and to protect the newspaper from the *preman* attack, no one from the nearby police office showed up.[206] Although these are just some of many incidents, media-watch reports give testimony to the increasing frequency of acts of violence and intimidation against the press since 1998. Between January and mid-October 2000, the Alliance of Independent Journalists (AJI, *Aliansi Jurnalis Independen*) documented 118 cases of attacks and threats against journalists.[207] In a later report released by AJI, there were at least 80 cases of violence against the press in 2001 and 65 cases in 2002. The report revealed that police forces were significantly involved in the violence either as perpetrators or otherwise. In 1999, the police were involved in 17 cases, in 2000 in 18 cases, in 2001 in 19 cases, and in 2002 in 14 cases. In the period between 3 May 2005 and 3 May 2006, AJI collected data of 53 cases of violence against journalists and media offices. The Indonesian Television Journalist Alliance (*Ikatan Jurnalis Televisi Indonesia*, IJTI) recorded 14 cases of violence against TV reporters from 1999 to 2006. Ironically, all of these cases occurred after the passing of the New Press Law in 1999 and in spite of the protection of journalistic work guaranteed by the constitution.[208]

In the post-Suharto era, the government with its restrictions such as the SIUPP[209] and *pembreidelan* is no longer the main adversary of press freedom; the new threat is physical violence against media institutions and journalists, committed by people who use intimidation, threats, physical violence, and sweepings instead of the means now provided in the new era of democracy to express discontent with the press: the right of answer (*hak jawab*) and the right of correction (*hak koreksi*) prescribed by article 5 paragraph (2) and (3) of the Press Law (UU No. 40/1999), the opportunity to report to the Press Council (*Dewan Pers*), reporting to the ombudsman of the respective media, mediation, or finally, judicial means according to article 18 paragraph (2) of

the Press Law UU No.40/1999.[210] In addition, society is called to maintain and increase the quality of the national press by reporting violations of the law, ethical principles, and technical mistakes.[211]

Many Indonesians suspect a *dalang*, or an invisible hand, behind violent actions against the press, and see *premanism* as one way in which the powerful take revenge on the press. Since the political climate of democratization no longer allows direct intervention against the press, whose transparent and upfront coverage has uncovered corruption, collusion, and nepotism, exercising violence has become a viable alternative. It has to be feared that the power of money is often above the law, and some powerful figures are 'untouchables'.[212]

Indonesia is clearly in need not only of laws, but also of their consistent application to protect the media from thuggery, physical violence, and damage, no matter who is involved. As the freedom of the press, together with freedom of speech and opinion, is being violated, cases such as those described above have to be treated as human rights violations and prosecuted. Article 18 (1) and article 4 (2) of the Press Law No. 40/1999 stipulate two years' imprisonment and/or a fine of a maximum of 500 million Rupiah for anyone preventing the press from looking for and disseminating information.[213] Article 4 (3) guarantees the freedom of the press and its right to search, collect, and publish views and information. On 9 February 2006, Bambang Harimurti's conviction for criminal defamation was overturned by the Supreme Court. The verdict set an important precedent, as it ruled that, in cases of defamation by journalists, the Press Law should be used instead of the Criminal Law. The decision was viewed as an important victory for press freedom over the power of money and political connections.[214]

The latest controversy, in 2006, revolved around the publication of *Playboy* magazine in Indonesia. After the magazine's appearance on 7 April, sweeping actions in bookstores and hotels took place in Bandung, and the editorial office of *Playboy* in Jakarta was visited by a group of people demanding that the editors call off the magazine's publication. In Yogyakarta and Makassar, the mob threatened to stop the magazine's circulation using its own methods.[215] The case of *Playboy* showed that the legal means provided for expression of dissatisfaction and concern with the press were not being used by the people. Although the government had already approved the publication of *Playboy*, complaints about the alleged immorality (i.e. the accusation of spreading pornography) of the material should have been directed to a court and supported with proof. Any other course of action violated article 4 (2) of the Press Law, which states that the national press must not be subject to censorship, *pembreidelan* and the banning of publications.[216]

Several organizations, such as AJI, LBH Pers (*Lembaga Bantuan Hukum Pers*, Press Legal Aid Institute), the Press Council, and the Indonesian Television Journalist Alliance have built a Press Alliance Against Premanism (*Solidaritas Pers Anti Premanisme*), and urged the Head of the Indonesian Police, General Sutanto, to arrest the perpetrators of thuggery and violence and put them on trial.[217]

Manifestation IV: outside the state and its rules

Terrorist organizations

Van Bruinessen considers the same questions regarding the status of such organizations as the Jemaah Islamiyah and the Laskar Mujahideen KOMPAK:

> Does it make sense to consider these organizations as part of civil society? They are to the extent that they are voluntary associations and that their members join in activities for societal ends and—in their own view—for the purpose of creating a better society. The activities of the Jama'ah Islamiyah are not exactly characterized by 'democratic civility,' but such civility does not always accompany the activities of all organizations that are more widely accepted as part of civil society either. It is inherent in the nature of civil society that the common good may have to give way to group interests.
>
> (van Bruinessen 2003)

Jemaah Islamiyah (JI)

The Jemaah Islamiyah (JI) is in some ways a modern successor of the Darul Islam movement of the 1940s and 1950s. JI's founders, Abu Bakar Ba'asyir and Abdullah Sungkar, were alleged members of the notorious 'Komando Jihad', an offshoot of the Darul Islam movement that was responsible for some terror attacks in the 1970s.[218] JI is a community of radical Moslem scholars and students that adhere to the Salafi-Wahabbi school of Islamic thought.[219] In 1973, Abu Bakar Ba'asyir and Abdullah Sungkar, a veteran of the Afghan war, formed the Pondok Ngruki in Solo, Central Java, an Islamic *pesantren* (boarding school). At that time, they were supporters of Darul Islam[220] and had the goal of creating an Islamic state in Indonesia. After their arrest for subversion in 1978, Ba'asyir and Sungkar left Indonesia and settled down in Johor, a famous Indonesian expatriate area in Malaysia.[221] Their vision had now expanded to creating a Pan-Southeast Asian Islamic State (*Daulah Islamiyah Nusantara*) including Indonesia, Malaysia, Singapore, Brunei, the southern part of the Philippines (Mindanao) and Southern Thailand. JI developed an administrative structure in Malaysia and on the regional level. Several Islamic boarding schools were established by JI and about 1,000 members of JI trained in terrorist camps in Afghanistan over the years. Besides training and ideological indoctrination, the JI network is cemented by a complex web of marriages between the female family members of the JI leaders and their subordinates.[222] Starting in the 1990s, JI actively sought to extend its network over Southeast Asia and made connections with Al-Qaeda leaders in Afghanistan. Since its formal foundation, JI has openly advocated violent means to fulfill its aspirations, and started training extremist Muslims for terrorist attacks in Southeast Asia in the late 1990s. Its targets are decadent Westerners and those believed to be associated with them.[223]

After the end of the New Order, Ba'asyir and Sungkar returned to Indonesia and Ba'asyir became the spiritual leader of JI. JI established a *syurah* (Regional Advisory Council) that supervised other JI cells in Malaysia, the Philippines, as well as Singapore. There also existed a close connection to the MILF in the Philippines and other militant groups from Myanmar, Aceh, and Sulawesi. JI terrorists were allegedly involved in the car bomb attack on the Ambassador of the Philippines in August 2000, as well as another bomb attack on the metro in Manila.[224]

Besides its involvement in several bomb attacks in Indonesia in 2000, JI was responsible for the biggest act of terrorism in Southeast Asia up until now, the Bali bombing on 12 October 2002 that killed over 200 people. Hambali, reportedly an Al-Qaeda top official, is said to have guided the planning of the Bali 2002 attacks. The attacks themselves led to internal dissension within the JI, with Ba'asyir rejecting such tactics.[225] The main perpetrators of the first Bali bombings belonged to a group closely associated with the Ngruki *pesantren* network. Although there is much evidence that JI was involved in the Bali bombings, the Indonesian government has not criminalized the organization as of yet. Unless JI is declared illegal by the government, it remains very difficult to prosecute members or associates of JI, as the case of Abu Bakar Ba'asyir has shown. Although JI was damaged when its leader Hambali (Riduan bin Isomoddin) was captured in August 2003, the group is still active, as demonstrated by its alleged involvement in another suicide bombing in Bali on 1 October 2005.[226] While members of JI deny the very existence of the organization, the United States CIA unveiled JI's involvement with Al-Qaeda and put Abu Bakar Ba'asyir on the list of its main terrorist suspects.[227] As a result of the 'War on Terror', JI cells in Singapore and Malaysia have been eliminated. Moreover, around 180 JI suspects have been arrested or detained all over Southeast Asia. However, the United States estimates that another 500 active members of JI exist in the region.[228] Recently, JI cells have been discovered in Pakistan and Bangladesh also.[229]

Laskar Mujahideen KOMPAK

Laskar Mujahideen KOMPAK was created by a faction of JI that found the organization's structure too bureaucratic and inflexible. Today, Mujahideen KOMPAK acts independently of JI, and is marked by its readiness to react quickly and deploy a rapid-response unit. In addition, the group trains and equips the local population for their struggle. The group operates in Central Sulawesi, but is held responsible for attacks in various parts of the archipelago, such as the November 2001 bombing of a church in North Jakarta, the killings of several Christian villagers in October 2003, and the beheading of three Catholic schoolgirls in Poso on 30 October 2005. Mujahideen KOMPAK's goal is the creation of an Islamic state in Indonesia, and it does not acknowledge the legitimacy of the Indonesian state. The group is believed to be a more extreme and meaner version of JI, mainly concerned with committing terrorist attacks.

Due to its extremism, Mujahideen KOMPAK occupies an outsider position even within the fundamentalist Islamist community. The conflict with other rival groups has occasionally led to violent clashes.[230]

Summary: the proliferation of privatized violence and prospects for democratization

As predicted by Fowler, the strengthening of civil society in Indonesia has, as in other similar cases, led to an increase in social tensions in the short term, because "more voices are better able to stake their claim to public resources and policies."[231] Furthermore, as demonstrated above, not only those types of civil society organizations that please foreign funding agencies and the champions of a link between civil society development and democracy have evolved and blossomed since 1998. More than ever, 'uncivil' groups and organizations shape the political and social landscape of Indonesia today and their impact on the further development of democracy remains difficult to predict. An initial problem is the diversity of the groups presented in this section, which again is only a small piece of the whole picture. There are vigilante groups set up to protect neighborhoods with few political or religious goals beyond the local need to prevent theft and violence in their particular *kampung*. Others again, such as the GPK, possess a clear political agenda and are active on a nationwide scale. Some groups are clearly distinguishable as terrorist organizations; others operate on the margins of legality. The fact that some of the biggest civil organizations in the post-New Order era are paramilitary or militia groups is definitely disturbing. To claim that all groups that have evolved since 1998 were set up or encouraged by the military or certain elites would simplify matters too much, because genuine civilian groups that have emerged from society itself are among them. They recreate the control exercised by the military and police during Suharto's rule in a new 'civil' but by no means less brutal fashion. It is difficult to determine to what extent the social unrest and violence outwardly created by paramilitary groups, as in the Ambon/Maluku conflicts, was masterminded and set up by members of the old junta. In that case, militia groups could simply be categorized as mobs-for-rent on a large scale. More disquieting, however, is the assumption that the growth of uncivil groups is a development imminent in Indonesia's society and will for an indefinite time mark the country's road towards democracy or another form of political regime. The acceptance of some of the USOs by the population shows that in Indonesia the belonging of a group or organization to the sphere of 'civil society' is not always and conditionally tied to embracing 'civil' or 'civic' values as defined in the Western understanding. Moreover, the proliferation of local groups based on ethnicity, race, religion, and other particular values, the keenness with which these organizations are accepted and supported by their respective members, and the popularity these types of organizations have enjoyed over the last years, clearly highlight a trend in Indonesia.

In the following, the reasons for the proliferation of USOs will be summarized once more. The experiences of colonialism and the brutal rule of the military over decades have furthered the emergence of uncivil and violent groups in Indonesia. Some take the form of civil militias or vigilante groups; others represent ethnonationalist movements or militant religious groups. During the course of the New Order, the ongoing militarization of civil society provided the government with security personnel in all areas and at all levels of society. This system was much cheaper to build and maintain than a permanent army, especially in times of peace. Furthermore, Suharto's politics of creating threats and bogeyman images (communist, fundamentalist, Westerner, separatist, etc.) nurtured the process of militarization, including that of civil society. Through this reproduction of force and violence, force and violence also became the only way out. The New Order's restrictions on people organizing in the sphere of civil society and in party politics resulted in a lack of ways to peacefully channel complaints and needs. Therefore, most people did not have the opportunity to train 'civil values' and modes of behavior and actions inside civil society associations.[232]

In the post-Suharto era, it is the lack of civil and democratic consensus among the civil social actors that fosters the spreading of uncivil behavior patterns and sympathy for anti-democratic actors. Another possible danger for civil society in general, but especially in the context of a new democracy, is the so-called "civil society gridlock" (Blair 1997), which appears whenever too many different or competing interests and claims paralyze a healthy political and social coexistence. According to Lewis, this is particularly true in cases of weak governments, which tend to be further weakened by too many claims made by civil society.[233] An aggravating factor was the radicalization of civil-social actors accompanying the democratic opening, which in turn led to a reaction of rightist conservative forces.

Indonesia fulfills the three conditions of a state prone to develop mafia organizations: a weak legitimate government, excessive bureaucratic power, and the financial potential of illegal markets.[234] Consequently, the end of the New Order revealed the inability of the state to sustain its monopoly of violence. In combination with social insecurity and unrest, this provided new business opportunities in gambling, debt collection, bribery, extortion, and private security.[235]

As we have seen in the previous sections, the emergence and proliferation of USOs, especially those using violence as their means, is based on several agendas: the fulfillment of material interests, the creation of identity and pride at a time of social, political, and economic instability and uncertainty, and political motives. In many cases, the (temporary?) weakness of the military and the police, combined with a certain power vacuum and lack of national leadership, gave civilian movements (civil and uncivil ones) the opportunity to move into spheres previously controlled by formal institutions. After the breakdown of the New Order regime, the claim for territorial integrity and unity of the many different regions, ethnic groups, and religions was questioned

publicly for the first time in decades. Ethnic, religious, and regional identities that had been successfully suppressed under the New Order returned to the fore and open attempts at separatism in Aceh, West Papua, and other regions, stirred discussion of the future shape and character of the Indonesian nation. Trust in the military and the police was very low, people looked for security in other places and relied increasingly on *preman* and vigilante groups. The temporary weakness and demobilization of the police, the military and its political paramilitary forces resulted in an increase in violence in the private sector.[236] The fact is that many USOs filled a (real or sometimes only per- ceived) gap or vacuum, which state institutions could not fill. Just as NGOs working to secure social security are helping the government out, some of these USOs, like the Pecalangan in Bali, the FBR, and others are partially adopting functions that government institutions should perform. Vigilante justice such as the mob lynching and torturing of criminals is an indication or result of a weak state whose right to punish is challenged by the public, and thus a backwards step in the history of humanity.[237] It is in fact a reciprocal process: the fragility of the state in post-Suharto Indonesia has increased the frequency of extra-judicial or vigilante justice. As Tilly (1981, cited in Colombijn 2002: 13) has pointed out, a change in "repressive tolerance of the state" can lead to a change in repertoire (here lynching). "A change in state repression does not automatically indicate weakness, and can also occur because the state may have a self-interest in tolerating or fostering certain repertoires." The devolution of state power causes people to gather the courage to demon- strate or even riot. The same phenomenon can be observed in connection with the development of uncivil society and USOs, whose proliferation in turn has the potential to further weaken the state's legitimacy and its monopoly on the use of physical force.

It appears that not patriotism or heroism, but rather poverty and unem- ployment are the driving forces behind the phenomenon of the growing membership that civil militias, violent youth organizations, and *preman* groups have witnessed in the post-Suharto era.[238] The economic and political crisis that hit Indonesia in 1997, the impact of which is still evident today, led to a skyrocketing of inflation rates, unemployment, and the number of people living below the poverty line. Many drifted off into criminality and violence. Unemployed male youths, especially, often see membership in a USO as the only way to increase their income, strengthen their self-confidence, and pro- vide them with an identity and perspective. As Wilson (2005) has aptly remarked, "Preman based organizations are both a product of poverty and unemployment, and a factor further exacerbating it." Groups such as the FBR claim to adopt the role of 'benefactor to the people' in providing loans for their members, or taking law and order in their own hands. The growth of paramilitary groups like this has to be seen in the context of the Indonesian state not fulfilling its duty as provider of human security and protection, law enforcement, taxation, and employment. The post-New Order state still cannot guarantee basic human rights (i.e. civil, political, economic, and social rights)

to its people. Consequently, poverty and social insecurity foster the proliferation of vigilante groups that offer some deceptive protection, benefits, and security. For example, the FBR sets up security posts to 'protect' the inhabitants of *kampung*s from the very *preman* the protectors themselves are made up of. A survey in 2006 shows that the problem of unemployment and poverty will worsen still over the coming decade, which makes a continuing growth of USOs very likely. Sixty-four percent of the 11 million unemployed in Indonesia are aged 15 to 24 and will mature, marry, remain poor, and be unable to pay the school fees for their children. According to prognoses, the unemployment rate could increase to 20 percent by 2015 and the number of poor families (currently estimated at 19.2 million) could double.[239]

Despite recurring calls from high-ranking officials to disband civil militias and extremist groups as inappropriate for a democratic system, they nevertheless continue to grow and prosper.[240]

> New Order-approved gangsters now operate as covert enemies of the government. An ironic consequence of this is that it is now much more difficult for the state to control *preman* activity because the state is no longer the 'boss'. This is one of the reasons for the surge of violence across the archipelago since Soeharto.
>
>   ("State loses control over 'preman'", *Jakarta Post*, 19.03.2001)

The entry and institutionalization of uncivil and criminal behaviors into the sphere of security services and the political world was already pronounced during the New Order. It is now, in post-Suharto Indonesia, however, that the fruits of this policy are becoming even more evident. While under Suharto the power of *preman*, militias, and other uncivil elements was checked by the state, the political changes and the economic crisis after 1998 led to a disorganization of the state's security sector and a loss of control over those grey areas of interaction between the criminal and the political worlds. State security agents such as the police and the army are fighting among each other and against representatives of the criminal world over illegal markets. The army's shrinking reputation and falling incomes resulted in an increase of soldiers' 'side-businesses' such as smuggling, extortion, and Satpam jobs to bolster their wages.[241] Media reports of battles between police and army units have been frequent since 1998 and point to retaliatory acts by army units against police stations. In many cases, the fight revolves around protection disputes and turf wars.[242] Another consequence or indicator of the unfortunate partnership between the criminal sphere and the political arena is the proliferation of Satgas. Every political party boasts a paramilitary corps of Satgas nowadays, whose bad reputation is based on the frequent use of violence and intimidation.

The relationship between vigilante and militia groups and the post-New Order state is marked by instability and issue-orientation. Political elites form temporary alliances with *preman* groups whenever it serves their political agenda. Examples are manifold, like the alleged cooperation between militia

and high-ranking military officials in East Timor and Ambon, or the coopera-
tion between local bureaucrats, politicians, and *preman* groups during election
times. At the same time, paramilitary groups have become a form of political
capital for politicians and other leaders with high aspirations.[243] Some of the
paramilitary groups try to gain more direct political power through alliances
with politicians or, the most infamous example, by setting up their own poli-
tical party. In 2003 for instance, Pemuda Pancasila founded the formally
registered *Partai Patriot Pancasila* (Pancasila Patriot Party) under Japto
Sulistio Soerjosoemarno, one of its leaders.[244] Often however, alliances with
members of the elite have so far been only temporary and served only short-
term interests. The integration of paramilitary or vigilante groups into state
structures is difficult and bears the danger of further delegitimizing the state,
its judicial system, and institutions. People lose trust in the state as repre-
senting the "territorial monopoly over legitimate violence" in the Weberian
sense (Wilson 2005: 25). The Kamra affair showed the danger of employing
criminals in the police, army, and civil militias. By opening the door to uncivil
elements, Kamra, Hansip, and Satpam nowadays hold a powerful position
within the state administration. In 2001, there existed about 5 million Hansip
and around 200,000 Satpam in Indonesia.[245]

> Towards the end of the New Order and especially during its demise, it
> became clear that a sharp analytical distinction between state and society
> was no longer valid, and it probably never had been. The security state
> had blurred the boundaries between (legitimate) state violence and (illegal)
> criminality, and between formal institutions and semi-informal criminal
> gangs. Problems were ultimately not solved by the rule of law or bureaucratic
> procedures but by violent means.
>
> (Schulte Nordholt/Samuel 2004)

In conclusion, one can say that, since the end of the New Order, decen-
tralization, reforms (or better, the disillusionment of people therewith), and
the role of the military have had a great impact on the conflict and peace
dynamics as well as on the development of USOs in Indonesia. The slow pace
of reforms in the field of the judiciary and the military/police has led to an
upsurge in violence and vigilante justice among the population. Another
approach to explaining some of the horizontal conflicts in Indonesia is the
theory that certain factions inside the military have tried to create unrest and
chaos in order to impede military reform and point to the need for a strong
military presence in the regions.[246] In the first two years after the fall of
Suharto, many of the violent incidents involving militias and *laskar* can be
assessed as part of the old regime's strategy to regain its former power. By
creating disorder and terror, the old elites hoped to mar the beginning of the
reform era in such a way that the population might be inclined to think back
fondly to the good old days under the New Order. Indeed, it is true that
many complaints were heard (and still are) among the broad population

about how things have worsened since the dismissal of the long-time '*Bapak Pembangunan*', Suharto.

As Hefner pointed out in his study on Islamic civil society in Indonesia, "a healthy civil society requires a civilized state" (Hefner 2000: 20). He goes on to emphasize that "the creation of such a public culture of democratic civility will be impossible unless it can build on the solid ground of civil Islam." As long as uncivil groups such as the FPI, Laskar Jihad, KISDI, etc. are given free reign in the Indonesian public sphere, this remains highly unlikely. Radical Islamic USOs like the Laskar Jihad or the Jemaah Islamiyah oppose liberal democracy and believe it incompatible with Islam. Although groups like these constitute a small minority in Indonesia, their acts of violence and the stirring up of religious clashes and hatred will continue to impede the democratization process. Furthermore, there is always a danger that their radical views could gain more ground among the moderate Muslim majority.

Another significant milestone on the road to democratic consolidation is the way a young democracy deals with its past human rights violations. This is seen as an important indicator of how well the judicial system works and how far the old elites have really been removed. The East Timor trials are particularly interesting in this regard, because they deal not only with human rights violations by the military, but with those perpetrated by civil militias as well. On 25 November 2004, the Special Panel for Serious Crimes of the Dili District Court convicted eight former members of the militia 'Aitarak' of abduction and torture as crimes against humanity. Alarico Mesquita and Florindo Moreira were each sentenced to six years and eight months in prison. By November 2004, the Special Panels for Serious Crimes had convicted 72 perpetrators of human rights violations. However, although sentenced to ten years in jail by the Indonesian ad hoc human rights tribunal, Aitarak's leader Eurico Guterres was a free man in 2006, pending his Supreme Court Appeal. In August 2003, he allegedly formed Laskar Merah Putih (or Red and White Warriors) in Indonesian Papua and also set up a Laskar Merah Putih camp with 900 members in Aceh.[247]

With the New Order gone, organized crime also experienced new opportunities to restructure and form organizations. These range from vigilante groups involved in illegal businesses and crime, to mafia organizations implicated in the prostitution and racketeering business, to networks of traffickers in human beings, weapons, and drugs. Because the dividing lines are blurred, it is difficult to make a clear analytical separation between USOs and organized (professional) crime. Most of the groups and organizations analyzed fulfill not only remunerative purposes, but were established, just as CSOs, to provide their members with a forum and instrument for publicly sharing and expressing their opinions and political goals. FBR is an excellent example of such a group.

Which of the USOs poses the biggest threat to democracy in Indonesia?

1 Those military-trained militias that try to avoid reconciliation, stir hatred and frictions in society, and try to resolve problems with violence. They are

particularly dangerous because of the weapons and logistical support provided by the army.

2   Religious militant groups. The danger of terrorist attacks is very prominent in Indonesia. Furthermore, radical groups threaten religious tolerance and peace in Indonesia, which can result in bloody inter-religious clashes, as we have witnessed in Ambon and Poso. These USOs rank among the most dangerous groups for Indonesia's democracy, particularly if not checked or banned by the government. The increase that especially violent radical Islamic groups enjoy today is closely connected with the overall national (and international) political and socio-economic condition since 1997/1998. By distancing themselves from the mainstream and contrasting their ideological beliefs with other communities, radical religious organizations gain new followers and provide a means of dignity for those who are detached from "the benefits of modernization and consumerism" (Kristiansen 2003: 134).

The government has to find and follow a clear course of action in dealing with the various very different USOs. A '*Rechtsstaat*' (constitutional state founded on the rule of law) is marked not only by freedom of speech and pluralism, but also by a government that is able to guarantee and protect those values and norms that the community has agreed upon.

Anti-constitutional groups pursuing goals that threaten national integrity, pluralism, and tolerance or stir up conflicts need to be penalized and forbidden. Indonesia is right now in a difficult stage of finding the right balance between the various democratic virtues, freedoms, and duties.[248] In March 2006, the Central Jakarta District Court sentenced Muslim militants to between 14 and 20 years in prison for beheading three Christian schoolgirls in Central Sulawesi's town of Poso in 2005. This verdict can be seen as a positive sign that the state is at last taking charge of punishing violent actions perpetrated by USOs that sparked widespread bloodshed in the past.[249]

8 Summary and conclusion

(Un)civil society and the future of democracy in Indonesia

> What is apparent, however, is that democratic consolidation will require not just a civil society of independent associations (although these are important too) but a public culture of equality, justice, and universal citizenship.
>
> (Hefner 2000: 20)

This study has attempted to probe the more "subtle and challenging questions about the conditions and qualities of the processes toward consolidated democracy" (Heryanto/Mandal 2003a: 19) in concentrating on civil and uncivil society groups.

After exploring the historical roots of the concept of civil society, its discourse in Indonesia and its applicability in the Indonesian context (Chapter 2), the making of the Indonesian nation and the development of the state under Sukarno and Suharto's rule were analyzed (Chapter 3). As described earlier, the development of civil society was seriously hampered by the restrictions on civic life applied during the New Order. Although on an institutional level civil society continued to grow constantly, it eventually became ideologically and ethically eroded (Chapter 4). Civil society's internal weakness and vulnerability were manifested in its inability to play a lasting constructive role in the political strife after the end of the New Order. The political developments after 1998 have revealed a partial failure to break with the past, as many of the remnants of the old regime are still in privileged positions while corrupt practices continue to impede the rule of law (Chapters 5 and 6). Parallel to these developments, uncivil groups have thrived since 1998, which has aggravated religious and ethnic tensions as well as violence in many areas, increased instability and fear among the population, and further weakened the state institutions (Chapter 7).

As the examples presented in this study suggest, a definition of civil society as an arena of contesting ideologies along the Gramscian notion suits the Indonesian context best. After the end of the New Order, this sphere has been increasingly attacked, undermined, and contested by anti-democratic forces from within and outside civil society. Because struggles for ideological and political hegemony are increasingly fought out within the civil sphere, they are much harder to distinguish than the former struggles between the state

and its repressive apparatus on the one side, and civil society forces on the other side.

The experiences with civil society in Indonesia have proven that there is no simple correlation between democracy and an active associational life. During the 1950s and 1960s, Indonesia had a very vibrant civic life where even the lower classes were organized in civil society organizations. This, however, did not result in a democratic regime, but on the contrary in Sukarno's 'Guided Democracy' and finally in the authoritarian New Order. In the 1990s, a revival of the long-suppressed civil society was visible as new independent organizations emerged. Although NGOs were now more assertive and some more radical groups even openly challenged the existing political order, civil society remained relatively weak compared to the all-penetrating associational landscape during the 1960s. Nevertheless, civil society organizations, especially student groups, contributed to the final downfall of Suharto and the subsequent transition period. Civil society in particular created an ideological climate that supported the societal uprising preceding Suharto's resignation.

The fall of Suharto's New Order and the ensuing democratic opening have resulted in an unprecedented civil society boom. Tens of thousands of new CSOs emerged, thousands of new press licenses were issued, and almost every day a demonstration is staged in the capital or elsewhere. Nevertheless, the mere observation of increasing numbers of NGOs does not prove that there has been a strengthening of civil society.[1] Neither does it tell us anything about the quality of civil society and its democratic potential. Although there are many groups in civil society calling for the implementation of social justice and the rule of law, still no common civil society platform exists that could challenge the prevailing power of predatory forces. This trend is paralleled by the shipwreck of many of the goals of Reformasi.

The case of Indonesia seems to refute all neoliberal theories on capitalism and political change. Although capitalism has continued to flourish in Indonesia, creating a middle class and the buds of a civil society, reformist politics have ended in deadlock. The years after the sudden breakdown of the authoritarian New Order regime showed that Indonesia's political and civil elite did not manage to create a lasting and sustainable ideological and institutional framework and foundation for democratic politics. This failure revitalized the old reactionary forces that had retained their position and influence throughout the regime change.

Indonesia has been through enormous economic, political, and social disruptions from 1997 onwards. This societal destabilization, and the state's inability to provide sufficient security and support, catapulted long-standing demands for democracy that led to the resignation of the autocratic President Suharto. The process was accompanied by the formation of numerous civil society groups in a variety of places throughout the archipelago. What we witnessed in Indonesia after the regime change in 1998 was a fracturing of the old political power coalitions and a deconstructing of the authoritarian regime that had sustained them for so long. Although this process carried the

potential for a fundamental reordering of political and social power relations, a decade after the fall of Suharto it has become increasingly clear that, despite many democratic reforms, the expected fundamental changes did not take place.

The years of democratic transition have left Indonesia with many unsolved problems that caused the burgeoning of violent civil conflicts, ethnonationalist and separatist movements, and the emergence of USOs. The state and its institutions are clearly weakened, as compared to the authoritarian New Order regime. The legal system is still defective, corruption is rampant at all levels of society and is particularly visible in the regions (the so-called 'decentralization of corruption'), the police are understaffed and the army fractionalized, the ongoing economic crisis is still accompanied by high unemployment rates, and the reformers in both government and civil society struggle to agree on a shared agenda. The weakness or incapacity of formal political institutions to address the needs of the population often result in their turning to civil or even uncivil society for help. The role played by civil society is thus fundamentally dependent on the wider political context, i.e. the strength of political institutions and the legitimacy of the political regime. Coupled with state weakness, as in the Indonesian case, civil society and its organizations do not necessarily have to be a positive element in the democratization process.

Hence, as the findings of this work suggest, the growth of societal associations in Indonesia after 1998 has to be evaluated with care. Not only has the post-Suharto era yielded a proliferation of CSOs, but illiberal, uncivil forces within Indonesia's civil society have thrived as well and are claiming a growing space within the sphere of civil society. These groups range from those that weaken democracy, civic values, and the state, to those that are explicitly anti-democratic and advocate alternative state concepts. Many USOs are typified by advancing radical Islamic theories that clearly threaten the integrity of the basic rights of Indonesia's people. The introduction of the *shari'a* in some areas in Indonesia is one example. The emergence of groups that openly promote self-administered justice or take the defense of their communities in their own hands is another disquieting trend that clearly challenges the state's rightful power monopoly. Terrorist groups such as the Jemaah Islamiyah or violent radical Islamist organizations such as the FPI, Laskar Jihad, and others complete the spectrum of non- or anti-democratic associations. Indonesia has proven to be very susceptible to uncivil groups and movements like radical Islamic organizations, violent vigilantes, militias, etc. This can partly be explained by Indonesia's status as a post-authoritarian country in transition. Civil society organizations are vulnerable to primordial sentiments and can turn into USOs provoking social disruption, violence, and de-consolidation. The groups belonging to the uncivil society sphere do not advocate liberal values, but instead threaten democratic structures and in some cases even further weaken and delegitimize political institutions. Moreover, parts of the elite (old and new) have formed alliances with uncivil forces in order to strengthen their position in the new political environment. This work has

shown how the formal realms of politics and economics are mixed up with criminality and illegal economic activities. Business and state institutions have entered into relationships with uncivil society groups and formed networks of corruption and extortion. Police and military personnel, politicians, business-men, and criminals stand in close and complex relationships with one another. As other studies have shown for India (Harriss-White 1999) and Thailand (Pasuk 1998), the formal sectors of economy and state contain informal arrangements and networks. Adjacent to the state, i.e. its formal bureaucratic institutions, exists a 'shadow state' where criminals, politicians, officials, and businessmen interact. "Although the formal state may at first sight look like a relatively small and weak set of institutions, the real state, which is char-acterized by the privatization of public institutions and the institutionaliza-tion of private interests, is a far-reaching and powerful octopus" (Schulte Nordholt/Samuel 2004). Another new trend in post-Suharto Indonesia is the selective mobilization of parts of civil society by contending elites. Rent-a-crowd rallies and demonstrations have been very common in the post-Suharto era. One example was the labor unrest in the Yogyakarta area, which the Sultan of Yogyakarta believed to be organized by political rivals to discredit his administration. Although it is very difficult to find out with certainty who is behind such cases of labor uprising, some of Hadiz's findings suggest that at least in some cases major political parties and/or affiliated youth organiza-tions were responsible. This new trend points to the possibility of party elites to forge alliances with certain groups of civil society in order to use them for support in times of power struggles. This selective mass mobilization is par-ticularly in vogue with labor organizations like the PPMI, which has clear party affiliations to the PBB (Crescent Moon and Star Party). This kind of affiliation between party politics and civil society carries the danger of resulting in manipulation and exploitation of civil society forces rather than in the expected greater access to power of CSOs.[2]

Since 1998, long-suppressed tensions have erupted and ethnonationalist movements and communal violence have become a prominent phenomenon of post-Suharto Indonesia. However, parts of civil society itself triggered, rekin-dled, or nurtured such violence. As we have seen in the cases of communal violence in Maluku, Kalimantan or Sulawesi, the involvement of USOs was crucial in the development and dimensions that violence has taken on there. The horrendous wave of violence that broke out over East Timor became a sad showcase of the deadly power that civil militias can develop, especially when working hand in hand with the military. Wherever uncivil society actors formed an alliance with government elites (on the national, or more fre-quently now, on the local level), the outcome is particularly dangerous. Lack of civility and desperation paired with corrupt and avaricious elites who pro-vide financial support turned out to be a deadly combination in many cases. The bloody religious and ethnic clashes of past years resulted in a loss of mutual trust and tolerance. It can therefore be assumed that even in the years to come civil society will remain a site of violent conflicts.

Suharto's desperate strategy to consolidate his power once more at the end of his rule, by turning to ultra-conservative and even fundamentalist forces, allowed radical Islamic organizations to socialize with influential groups within politics and the military and to gain access to financial resources. After the end of the New Order, these groups continued to proliferate, due to an ongoing state of lawlessness and disorder. The fact that mainstream politicians sympathize with radical Islamist forces and that hate propaganda against the United States and Israel not only found its way into public discourse, but was even reproduced by high government officials, gives enough reason for concern. It seems as if illiberal, anti-democratic rhetoric used by USOs has spilled over into the popular discourse. Once racist or other discriminative ideologies gain entrance into the public discourse, they carry the danger of infecting the political mainstream. Liberal democratic values have not yet had a chance to settle deep into the hearts and minds of the Indonesian people, which leaves them even more vulnerable to the propaganda and promises of USOs. Moreover, the lengthy economic crisis and disappointment with the new democratic institutions lured many into membership of radical groups. As we have seen, there is a strong correlation between socio-economic scarcity and the joining of illiberal groups. It is not a coincidence that groups such as the FBR, Satgas, and other USOs draw their membership mainly from the unemployed or the otherwise materially deprived. Although this is not a new phenomenon and various studies exist on this topic, it is nevertheless an important reminder of how imperative is a development strategy geared toward equality as well as the consideration of social and economic rights for Indonesia's democratization process. "Poverty, downward social mobility, diminished economic expectations, and even basic inequality […] can create illiberal citizens that no amount of deliberation will convince otherwise" (Chambers/Kopstein 2001: 848).

As has been demonstrated, a rich associational life does not in all cases necessarily indicate a democratic inclination of the people, especially where groups evolved during times of strain are concerned. It remains highly questionable whether what resembles a civil society in Indonesia will be sufficient to change social power structures. Although a free and critical press is in existence now and a large number of NGOs, professional organizations, community groups, and social welfare associations emerged after the end of the New Order, the mere presence of these institutions can not replace a strong, united reformist impulse, "politically organized into a disciplined and coherent force able to capture state power" (Robison/Hadiz 2004: 258). This is particularly true with regard to the lack of a true liberal reform party that is driven by a consistent and articulate ideological agenda. Despite the many parties that surfaced in the wake of 1998, no liberal party committed to the rule of law, transparency, good governance, and market reform that could also capture the lower classes has since emerged. The chances that a cohesive reform movement might materialize seem more unlikely than ever.

Mainstream literature on democratic transition assumes that, after the demise of an authoritarian regime, a country will pass through the stages of

'transition', 'consolidation', and 'maturation',[3] and that Indonesia is still in the middle of that process towards the ultimate goal, a liberal democracy and open society (Kingsbury/Budiman 2001, Manning/van Diermen 2000, King 2003). However, as O'Donnell and Schmitter already noted in their seminal work *Transitions from Authoritarian Rule* in 1986, transition from authoritarian regimes can result in something other than a liberal democracy. "That 'something' can be the instauration of political democracy or the restoration of a new, and possibly more severe form of authoritarian rule. The outcome can also be simply confusion, that is, the rotation in power of successive governments, which fail to provide any enduring or predictable solution to the problem of institutionalizing political power. Transitions can also develop widespread violent confrontations" (O'Donnell/Schmitter 1986: 3). Some authors argue that predatory forces have reinvented themselves in Indonesia's democracy and that the social, economic, and political patterns and rules are quite firmly established by now (Robison/Hadiz 2004; Robison/Rosser 2000). According to the latter point of view, what violence, arbitrariness, corruption, and money politics we witness today are not the "growing pains of an infant liberal democracy" (Robison/Hadiz 2004: 256) but entrenched symptoms and characteristics of a state that is not a liberal democracy but the apprehended 'something else'. These symptoms, as well as the fact that Indonesia portrays some (but not all) of the characteristics of a weak or even 'failing state', such as the rise of factionalized elites, the criminalization and delegitimization of the state, severe economic decline, the arbitrary application of the rule of law, led some political scientists to the conclusion that Indonesia belongs to the category of defective democracies or failing states.[4] The ongoing proliferation of uncivil forces is another indicator pointing in this direction. As a consequence of the failure of state institutions such as military and police to provide security, the legislative and executive to guarantee law and order, and of the judiciary to hold up justice, people turn their hopes away from the new democratic institutions towards alternative ways of advocating their political agendas and expressing their grievances and needs. Therefore, although nominally a democratic state, Indonesia is more accurately called a 'hybrid regime', due to its considerable signs of state frailty.[5] Elements of liberal democracy exist side by side with remnants of the authoritarian rule. Although Indonesia does not have a textbook democracy with full-scale civilian supremacy, human rights, effective law enforcement, social justice, and the like, it is neither any longer a system where the military and central government bureaucrats determine the fate of the country as they once did. The case of Indonesia has shown that the political change from authoritarianism is primarily shaped by the "contests between competing social forces" (Hadiz 2005: 36) and not, as suggested earlier in the process, so much by the form of chosen democratic institutions and rules.[6] Hence, the constitution of democracy is not only a contest between state and civil society, but also depends on the conflict patterns within civil society regarding norms, power, and interests.[7] Therefore, in order to understand what is going on in Indonesia today, it is

not sufficient to think of Indonesia's transition simply in terms of liberal democratic concepts like civil society, elite pacts, social capital, etc. Instead, as this study confirms, it is necessary to focus on the constellation of social forces and interests that shape the conditions and results of political actions.

As Larry Diamond pointed out, democracy can be regarded as consolidated when a majority of the people believe that democracy is the best and most suitable form of government for that particular time. The commitment to democracy among Indonesia's social organizations and groups such as CSOs, interest groups, political parties, etc. is still deficient, which handicaps the country in its efforts to consolidate democracy. The surfacing and proliferation of uncivil groups that use non-democratic methods to further their cause, such as violence, exclusion, and propaganda based on ethnic, racist or religious beliefs, has to be seen in this context. In addition, Indonesia's elites are far from standing united behind democracy. Many political and societal decision makers and opinion shapers are not committed to democratic values, beliefs, and principles at all. The problem is not that a large part of the elites favor authoritarian rule over liberal democracy, but rather that they do not act in accordance with democratic standards. Corrupt practices, the bribability of decision makers and judges, and all the ills that come with what is called 'money politics' are crucial factors within. One large group that contains political leaders as well as high-ranking military officials and bureaucrats can be categorized as the 'old elites', i.e. those who strove under Suharto's rule and who wish to preserve or regain their political power. By forging new alliances and networks of patronage, they rebuilt their predatory relations within an electoral system with political parties and parliaments. In addition, the contest over power is strongly marked by the emergence of new contending forces that often refer to nationalist, ethnonationalist, populist, and xenophobic sentiments. These forces range from those liberal reformers who aim at a more fundamental change of the social and political system, to new and old business and political entrepreneurs that struggle to gain or maintain dominance over predatory arrangements serving their interests. Not all social forces and interests gained a favorable starting position in the race after the 32-year-long systematic disorganization and repression. The main beneficiaries of democratization are, ironically, the old elites and new contenders for economic and political power who tend to use undemocratic and illiberal methods to achieve their agendas. The analysis of the years since 1998 has revealed that reformist interests have been marginalized from political contestation shortly after the downfall of Suharto, while the old New Order forces have risen like a phoenix and again occupy key positions in formal political institutions and business. The resurfacing elements of the ancient regime were not only better organized but also better equipped financially, and thus have comparative advantage over other groups in society.

The post-New Order era has been marked by an increasing importance of democratic institutions and mechanisms for political struggle such as elections and political parties, as well as the national (DPR) and regional (DPRD) parliaments. The new way to power for the old elites is now through parties

and other democratic institutions, which renders them in danger of being perverted into vehicles for political predators. Those who lurked in the medium and lower ranks of the New Order patronage system have benefited most from democratization. Moreover, many of the notorious *preman* of the New Order have found more powerful and rewarding positions, accompanied by social prestige in local politics.[8]

What is new, however, is the fact that since the sphere of civil society has grown so excessively in past years, it has become another arena where political struggle is fought out.

One of the main tasks the Indonesian state will need to contend with in the future will be to answer the question as to where the line needs to be drawn between freedom of association and the interests of a (democratizing) state. The question is: When is the state justified in limiting an association for the sake of liberal democratic values? Radical, violent, extremist, and other 'uncivil' parts of civil society can become a threat to democracy if they are not confined to the margins of political and social life. Indonesia's public and government will have to evaluate carefully what kind of contribution the various groups and associations in the realm of civil society make to "society's stock of civility" (Boyd 2004: 41). As Diamond (1999: 67) argued, it is normal for every democracy to have its "share of cranks, extremists, and rejectionists." However, the share of groups that oppose democracy must stay politically insignificant in order to reach a truly consolidated democracy. Otherwise, the refusal to accept the democratic system's legitimacy can produce ongoing instability and seriously threaten democratic consolidation or lead to "de-consolidation" (Linz/Stephan 1996: 5). Uncivil groups that openly threaten the democratic order or are not in compliance with the norms and socially agreed values would be marked as anti-constitutional and banned under every truly democratic system. In Indonesia, however, the capacity of the state to monitor and judge civil society organizations according to their commitment to democratic principles is not yet fully developed. The organizational capacity and deep infiltration of some of the USOs into political institutions poses another serious problem and indicates that illiberal ideas will continue to play a central role in Indonesia's politics in the years to come.

What we witness in Indonesia today illustrates a phenomenon that the transition research calls 'regression scenario'. Young democracies are often trapped in a cycle of political crises, which results in a decline and stagnation of the liberal and constitutional body of democratic norms and structures.[9] This condition is accompanied by a decline in civil society activities and strength. It is in this phase that a civil society is most susceptible to uncivil elements, which can slow down or impede democratic consolidation. It is particularly difficult in this phase of democratization for a government to control and curtail USOs, because the state and its new democratic institutions are often still weak and overtaxed. As Kreuzer (2002: 31) remarked: "At present, state agents of violence are delegitimized—their loss of status, prestige and respect is overwhelming—whereas the corresponding societal agents of violence not only

continue to function, but even thrive in the democratic political system. Therefore, the partial monopoly on violence by the state is further undermined not only on the level of political action, but also in the area of belief and social order."

The reform of the security apparatus, the resulting lack of capacity to cope with security issues, and the occupation of the resulting vacuum by criminal elements, is a situation common for transitions. This gap leads to demands for more effective security maintenance among citizens and businesses that often result in the formation of private vigilantes or the resort to private security forces. Another impact of the existing (or perceived) security gap is the tolerance of or favor for authoritarian responses to crack down on crime.[10]

Until now, Indonesian politics are strongly shaped by playing on fears. In this context, USOs play a crucial role, as they often mirror primordial sentiments or fears that continue to lurk subliminally in society. As the examples given in this study have shown, the post-Suharto era has created a political arena for political or business elites and the military to abuse these sentiments, fears, and prejudices for their own ends. The creation of many (but not all) militias and USOs can be traced back to elite interests. Other groups represent a genuine expression of hatred and fears lying dormant for a long time.

In a democracy in its infancy, USOs act like pathogens or an infection; they activate the democratic defense mechanism. Radical Islamic tendencies, for instance, result not only in an activation of the state's defense mechanisms (military, laws, etc.), but also in a social delineation and positioning against these uncivil groups by the rest of the society. Unlike other countries with a consolidated democracy where anti-constitutional organizations, parties, etc. are banned and persecuted, Indonesia is still in an embryonic preliminary phase of such a state and must first restore itself. Its identity is still in the making, amoebic and fluctuating. In the years after the fall of Suharto, various political and religious groups and ideologies are struggling again for supremacy: old elites, reformist groups, the military, moderate Islamic forces, radical Islamist groups, etc. It is not decided yet which group will prevail and leave its mark on the country. This struggle is far from being resolved by introducing a multi-party system with free elections. A democracy can be neither crafted nor sustained by democratic institutions alone. It is the realm of contesting ideologies, of civil society, that must be conquered. These struggles for supremacy are covert and subtle. They take place beneath the visible political affairs and are thus difficult to monitor and analyze. The true meaning of civil society for Indonesia's democracy today is less defined by its function as a custodian of popular interests towards the state. As this study has shown, it is more rewarding to take a look behind the scenes of this sphere of contention between various political and ideological adversaries and analyze who is gaining access to this sphere and how; does cooperation take place, and if yes, among which groups? How do the various actors shape public opinion in their favor? Whenever civil society is defined as a realm of contesting ideologies, uncivil actors must not be blanked out if an insight into the current condition of the 'patient Indonesia' is to be gained. It therefore appears to be

reasonable to re-evaluate the function of uncivil currents in Indonesia's society as positive insofar as they act as a necessary infection (to stay within the clinical terminology) that a country needs in order to build a resilient democratic culture (or immune system). Only if this process takes place in a natural way will Indonesia be able to fight future authoritarian, totalitarian, and fundamentalist attacks from within or from without. An external 'immunization with democracy' to spare the country from going through all its 'diseases' is doomed to failure. The years to come will be marked by the challenge for public policy to mediate between civil and uncivil associations and to tip the scale toward the side of civil associations as opposed to uncivil ones. Public policy will have to focus more on encouraging those kinds of associations that embrace the virtues of civility and thus nurture democratic culture. Civility should become a "normative value to be taken into account in public policy" (Boyd 2004: 40).

The findings in this work support the assumption that democracy in Indonesia cannot be attained without paying equal attention to the development of a civil society and democratic political culture through civic education *and* economic development. Without an improvement of the living conditions of most Indonesians, civic values and virtues are unlikely to advance. These civic values in turn are necessary for the advancement of a 'good' civil society and 'bridging social capital'. As long as many Indonesians have to take matters into their own hands, have to adopt vigilantism to protect their communities instead of being able to rely on the state to provide protection for their lives, possessions and rights, USOs will continue to emerge and gain popularity.

We have seen that the lack of socialization and popularization of democratic norms and ideals among the larger population, the lack of 'cultural grounding' of democracy, has resulted in a less representative (and probably less stable) democracy in Indonesia.[11] During transition, civil society is believed to have the potential to undermine the cultural basis of authoritarianism and neo-patrimonialism and therefore becomes the starting point for democracy. In this context, the importance of citizenship is central. To be able to support democratic development effectively, civil society must share a sense of identity beyond the borders of a political unit. Citizenship implies a set of rights and responsibilities that everyone must agree to.[12] This truth has already sunk into the minds of Indonesia's intellectuals and academics, as the multitude of publications on citizenship proves. A strong commitment by the government to implementing a new citizenship education and a methodical political, democratic, and human rights curriculum into the formal education system is needed.

Considering the fact that to build civil society as well as democracy means, above everything else, institutional development, i.e. the development of democratic procedures, institutions, and behavioral patterns, it is obvious that this process will in all probability take several decades. Against the background of these dimensions, the study presented here can only be a snapshot of political and social processes in Indonesia, with the intent, however, of having shed light on both the potential and the challenges for the future course of Indonesia's political development.

Appendix

List of interview partners

Guided interviews in 2003

1   **Mr. Daniel Dhakidae**, Director, R&D Department, KOMPAS, 25.08.2003.
2   **Mr. Stanley Adi Prasetyo**, Director of ISAI, 26.08.2003 and 05.09.2003.
3   **Ms. Rebeka Harsono**, LADI (Indonesian Antidiscrimination Foundation), 27.08.2003.
4   **Mr. Ignas Kleden**, Director, CEIA (Center for East Indonesian Affairs), 28.08.2003.
5   **Mr. Romo I. Ismartono**, Konperensi Wali Gereja, 28.08.2003.
6   **Mr. Moeslim Abdurrahman**, Executive Director, Maarif Institute, 29.08.2003.
7   **Mr. Jamhari**, Executive Director, PPIM (Center for the Study of Islam and Society), 30.08.2003.
8   **Mr. Rustam Ibrahim**, Senior Research Associate, LP3ES, 01.09.2003.
9   **Mr. Rainer Adam**, Resident Representative, FNS (Friedrich Naumann Stiftung), 01.09.2003.
10 **Mr. Muhammad A.S. Hikam**, Deputy Chairman PKB, 04.09.2003.
11 **Ms. Felia Salim**, Executive Director, TIFA Foundation 05.09.2003
12 **Mr. H.S. Dillon**, Executive Director, Partnership for Governance Reform, 08.09.2003
13 **Mr. Hendardi**, Executive Director, PBHI (Indonesian Legal Aid and Human Rights Association), 08.09.2003.
14 **Mr. Tb. Ace Hasan Syadzily**, Executive Director, INCIS (Indonesian Institute for Civil Society), 09.09.2003.
15 **Mr. Arief Patra**, YLBHI, 22.08.2003 and 09.09.2003.
16 **Mr. Asmara Nababan**, Executive Director, DEMOS, 10.09.2003.
17 **Mr. Antonio Prajasto**, Deputy Director, DEMOS, 10.09.2003.
18 **Mr. Daniel Hutagalung**, Director of Research and Education, YLBHI, 11.09.2003
19 **Mr. Lili Hasanuddin**, Executive Director, YAPPIKA, 12.09.2003
20 **Ms. Abdi Suryaningati**, Vice Director, YAPPIKA, 12.09.2003

Conferences and workshops in 2003

- Round Table Conference on Papua, 20.08.2003.
- "Akar-akar Kultural Masyarakat Madani", Workshop organized by INCIS, 26.08.2003.

Guided interviews in 2001

1 **Ms. Dr. Mayling Oey-Gardiner,*** Professor for Demography at the UI and Executive Director of Insan Hitawasana Sejahtera, 08.05.2001.
2 **Ms. Lies Marcoes,**** Senior Associate, Insan Hitawasana Sejahtera, 08.05.2001.
3 **Ms. Tini Hadad,**** Acting Deputy Director, PKM (Program Pemulihan Keberdayaan Masyarakat/Community Recovery Program) and Member of Board of Directors, YLKI (Yayasan Lembaga Konsumen Indonesia), 08.05.2001.
4 **Ms. Nursyahbani Katjasungkana,**** Founder and Secretary General, Koalisi Perempuan Indonesia and Founder and Executive Director, LBH Apik. Member of Parliament (MPR), 10.05.2001.
5 **Mr. Dr. Anhari Achadi,***** Deputy Minister for Information Management, 10.05.2001.
6 **Mr. Dr. Suyono Yahya,****** Secretary General to the Coordinating Minister for People's Welfare (Azwar Anas), 10.05.2001.
7 **Ms. Endang Kusuma Inten Soeweno,****** Minister of Social Affairs (Sixth Development Cabinet), 11.05.2001.
8 **Mr. Ignatius Setyoko,******* Member of Yayasan Kesejahteraan Sosial Teratai, 11.05.2001.
9 **Mr. Riza Primahendra,******* Head of Study and Communication Bureau, Bina Swadaya, 21.05.2001.
10 **Ms. Mien Sugandhi,*** former State Minister of Women's Roles (Sixth Development Cabinet), 22.05.2001.
11 **Ms. Zumrotin,**** Executive Director, PKM, 22.05.2001.
12 **Ms. Dr. Poedji Hastuti,****** Deputi II, BKSN (Badan Kesejahteraan Sosial Nasional, Department for Social Welfare, 23.05.2001.
13 **Ms. Tati Hartono,*** Vice-President, KOWANI, 23.05.2001.
14 **Ms. Prof. Dr. Yaumil C. Agoes Achir,*** Deputy Secretary of then Vice-President Megawati Sukarnoputri, 25.05.2001.
15 **Sita Kayam (Sita Aripurnami),**** founding member of Kalyanamitra, Member of Komnas Perempuan and Komans HAM, 25.05.2001.
16 **Mr. Bambang Ismawan,******* Executive Director, Bina Swadaya, 30.05.2001.

Informal conversations in 2001 and 2003

1 **Mr. Moch Muslich Suwito**, Deputy Director for General Affairs, Directorate for Multilateral Economic Cooperation, Department of Foreign Affairs, 01.06.2001.

2 **Mr. Goenawan Mohamad**, ISAI, on several occasions in May 2001.
3 **Mr. Ahmad Sahal,** ISAI, on several occasions in May 2001.
4 **Mr. Afriadi**, INSEP (Indonesian Institute for Society Empowerment), 26.08.2003.
5 **Mr. Djafar H. Assegaff**, Deputy Director Metro TV, 27.08.2003.
6 **Mr. Very Muchlis Ariefuzzaman**, INCIS, 09.09.2003.
7 **Mr. Prof. Dr. Franz Magnis-Suseno**, Sekolah Tinggi Filsafat Driyarkara, 05.09.2003.
8 **Mr. Goenawan Mohamad**, ISAI, 05.09.2003.

Notes

* Member of the Indonesian government delegation to the World Women Conference in Beijing (1995).
** Member of the NGO delegation to the World Women Conference in Beijing (1995).
*** Member of the government delegation to the follow-up conference of the Copenhagen Summit ('Copenhagen +5', Geneva, June 2000).
**** Member of the government delegation to the United National Social Summit in Copenhagen (1995).
***** Member of the NGO delegation to the United National Social Summit in Copenhagen (1995).

Twelve indicators of state vulnerability

Social indicators

1 Mounting democratic pressures
2 Massive movement of refugees or internally displaced persons creating complex humanitarian emergencies
3 Legacy of vengeance-seeking group grievance or group paranoia
4 Chronic and sustained human flight

Economic indicators

5 Uneven economic development along group lines
6 Sharp and/or severe economic decline

Political indicators

7 Criminalization and/or delegitimization of the state
8 Progressive deterioration of public services
9 Suspension or arbitrary application of the rule of law and widespread violation of human rights
10 Security apparatus operates as a "state within a state"
11 Rise of factionalized elites
12 Intervention of other states or external political actor.
    Source: The Fund For Peace (2007), www.fundforpeace.org/web/index.php? option=com_content&task=view&id=102&Itemid = 327 (accessed 15.04.2007).

Table A.1 Subjective well-being rankings of 82 societies

High		Medium High		Medium-Low		Low	
Puerto Rico	*4.67*	**Saudi Arabia**	**3.01**	S. Africa	1.86	Estonia	0.24
Mexico	*4.32*	**Singapore**	**3.00**	Croatia	1.55	Serbia	0.21
Denmark	**4.24**	**Britain**	**2.92`**	Greece	1.45	Tanzania	0.13
Ireland	**4.16**	**W. Germany**	**2.61**	*Peru*	*1.32*	Azerbaijan	0.13
Iceland	**4.15**	**France**	**2.61**	China	1.20	Montenegro	0.06
Switzerland	**4.00**	*Argentina*	*2.61*	S. Korea	1.12	India	0.03
N. Ireland	3.97	Vietnam	2.59			Lithuania	-0.07
Columbia	*3.94*	*Chile*	*2.53*	Iran	0.93	Macedonia	-0.14
Netherlands	**3.86**	Philippines	2.32			Pakistan	-0.30
Canada	**3.76**	Taiwan	2.25	Poland	0.84	Latvia	-0.70
Austria	**3.69**	*Domin. Rep.*	*2.25*	Turkey	0.84	Albania	-0.86
El Salvador	*3.67*	*Brazil*	*2.23*	Bosnia	0.82	Bulgaria	-0.87
Venezuela	*3.58*	**Spain**	**2.13**	Morocco	0.74	Belarus	-0.92
Luxembourg	**3.52**	**Israel**	**2.08**	Uganda	0.67	Georgia	-1.11
U.S.	**3.47**	**Italy**	**2.06**	Algeria	0.57	Romania	-1.30
Australia	**3.69**	**E. Germany**	**2.02**	Bangladesh	0.54	Moldova	-1.63
New Zealand	**3.39**	**Slovenia**	**2.02**	Egypt	0.52	Russia	-1.75
Sweden	**3.36**	*Uruguay*	*2.02*	Hungary	0.41	Armenia	-1.80
Nigeria	3.32	**Portugal**	**1.99**	Slovakia	0.40	Ukraine	-1.81
Norway	**3.25**	**Japan**	**1.96**	Jordan	0.39	Zimbabwe	-1.88
Belgium	**3.23**	Czech Republic	1.94			Indonesia	-2.40
Finland	**3.23**						

Notes:
High-income countries are shown in bold type face. All 28 high-income countries (in **bold type**) rank high or medium-high on subjective well-being; and all ten Latin American countries (in *italics*) except Peru also rank high or medium-high. All 25 ex-communist countries (names underlined) except Vietnam, Slovenia and Czech Republic are low or medium-low (the median ex-communist country has a negative score); and all ten ex-Soviet countries are Low (eight of the ten have negative scores).

Sources: Ronald Inglehart et al. (2008), "Social Change, Freedom and Rising Happiness: A Global Perspective, 1981–2007", Perspectives on Psychological Science (July, 2008): 264–285.

Table A.2 Indonesia on the Failed States Index

	Total Score	Indicators											
		Social					Economic		Political/Military				
		Demographic Pressures	Refugees Displaced Persons	Group Grievance	Human Flight	Uneven Development	Economy	Legitimacy of the State	Public Services	Human Rights	Security Apparatus	Factionalized Elites	External Influence
2005	87.0	8.6	7.0	6.3	8.9	9.0	4.0	9.2	4.0	8.6	7.6	8.8	5.0
2006	89.2	7.5	8.2	6.3	8.3	8.0	6.8	6.7	7.2	7.5	7.5	7.9	7.3
Point Change	+2.2	+1.1	+1.2	0.0	-0.6	-1.0	+2.8	-2.5	+3.2	-1.1	-0.1	-0.9	+2.3
Pct Change	+1.8%	+11%	+12%	0%	-6%	-10%	+28%	-25%	+32%	-11%	-1%	-9%	+23%

Table A.3 Types of international human rights instruments

Type of instrument	Name of instrument	Possibilities for action on violations
Legally-binding, *with* a complaints mechanism	• International Covenant on Civil and Political Rights • Convention on the Elimination of all Forms of Racial Discrimination • Convention Against Torture	• Complaints to a treaty body • Comment on or criticism of content of a report • Public criticism in UN or media over violations
Legally binding, but *no* complaints mechanism	• International Covenant on Economic, Social and Cultural Rights • Convention on the Rights of the Child • Convention on the Elimination of all forms of Discrimination Against Women	• Comment on or criticism of content of a report • Public criticism in UN or media over violations • NGO reports to the Committees
Not legally binding	• Universal Declaration of Human Rights • Other declarations • Draft Declaration on the Rights of Indigenous Peoples (still under discussion)	• Public criticism in UN or media over violations

Source: Office of the United National High Commissioner for Human Rights (2004).

Table A.4 Indonesia's Commitment to UN Conventions

Convention	Status	Signature Date	Entry into Force (EIF) Date
CAT-Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment	Ratification	23/10/1985	27/11/1998
CCPR-International Covenant on Civil and Political Rights	Accession		23/05/2006
CEDAW-Convention on the Elimination of All Forms of Discrimination against Women	Ratification	29/07/1980	13/10/1984
CEDAW-OP-Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	Signature only	28/02/2000	
CERD-International Convention on the Elimination of All Forms of Racial Discrimination	Accession		25/07/1999
CESCR-International Covenant on Economic, Social and Cultural Rights	Accession		23/05/2006
CMW-International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Signature only	22/09/2004	
CRC-Convention on the Rights of the Child	Ratification	26/01/1990	05/10/1990
CRC-OP-AC-Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	Signature only	24/09/2001	
CRC-OP-SC-Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	Signature only	24/09/2001	

Source: http://www.unhchr.ch/tbs/doc.nsf/newhvstatusbycountry?OpenView&Start=1&Count=250&Expand=80#80 <accessed 08.03.2007>

Table A.5 Pro-Integration Militias in East Timor

Name	Leader	Base	Affiliation	Claimed Membership
Ablai (Aku Berjuang Lestarikan Amanah Integrasi)	Julio Tilman de Andrade	Same	-	-
Ainaro	-	Ainaro	-	92
Aitarak	Eurico Guterres	Dili	Members were recruited from Garda Paksi (Garda Muda Penegak Integrasi)	150
Alfa	Edmundo da Conveicao Silva[1]	Lospalos	-	100
Ami Hametin Integracao /Ami Hadomi Integrasi (AMI)	-	Aileu	TNI	150
Besi Merah Putih (BMP)	Manuel de Sousa	Liquisa	Kopassus	600 - 3,000[2]
Dadarus Merah Putih	-	-	-	-
Darah Integrasi	-	Ermera	-	-
Darah Merah	Alfonso Pinto (Lafaek Saburai)	Dili	-	500
Guntur Kailak	-	-	-	-
Halilintar	Joao Tavares[3]	Maliana	-	250
Jati Merah Putih	Edmundo Da Conceicao Silva	Lospalos	-	200
Laksaur Merah Putih	Olivio 'Moruk' Mendonca	Suai, Kova, Kovalima	-	-
Liquida	-	Liquida	-	9
Mahadomi	-	-	-	-
Mahidi (Mati Hidup Integrasi dengan Indonesia)	Cancio Lopez de Carvalho	Dinaro	-	1,500

Table A.5 (continued)

Name	Leader	Base	Affiliation	Claimed Membership
Makikit	Afonso Pinto	Viqueque	Kopassus	100
Morok	-	Manatuto	-	34
Naga Merah	-	-	-	-
Pejuang 59-75 Yunior	-	-	-	-
Railakan	-	Ermere	-	136
Saka	Joanico[4]	Laisurulai, Baucau	Kopassus	150
Sakunar	Simao Lopes[5]	Oekusie, Aileu	-	1,000[6]
Same	-	Same	-	102
Sera	Sera Malik	Baucau	Kopassus	150
Suai	-	Suai	-	22
Tim Pancasila	-	-	-	-

Notes:
[1] The Bupati of Laurem.
[2] The number of members is unclear. Cf. Asasi 1999 and Globalsecurity n.d. http://www.globalsecurity.org/military/world/indonesia/militia.htm.
[3] Ex-Bupati of Bobonaro.
[4] Kopassus member.
[5] Ex-Camat of Oekusie.
[6] Another source talks about 31 people. Buletin Tapol No. 149/150, Dec 1998.
Source: ASASI, May 1999; Buletin Tapol (1998).

Table A.6 USOs in Indonesia

Name	Unions	Date of foundation	Leader/ Founder	Affiliation	Claimed Membership	Purpose	Incidents
Baladi Karya	-	1963	Soksi	TNI/ABRI	-	Help the TNI to destroy the PKI	-
Angkatan Muda Siliwangi; Angkatan Muda Diponegoro	-	1070s	Ali Murtopo	TNI/ABRI	-	Support Golkar in the elections, fight off student protests	-
Makikit[1]	-	1976	-	ABRI	-	Established by Kopassus to support the annexation of East Timor and fight Falintil	-
Laskar Penegak Pancasila[2]	-	End of 1989 by Syarwan Hamid, Colonel of the 011 Liliwangsa Division	-	Kopassus (ABRI)	-	-	-
Banser[3]	-	-	-	NU	-	-	-
Pemuda Rakyat[4]	-	Sukarno	-	PKI	-	-	-
Pemuda Demokrat	-	Sukarno	-	-	-	-	-
Cuak/ Tenaga Pembantu Operasi (TBO)	-	-	-	ABRI	-	Surveillance of GAM Activities in Aceh; villagers forced to become TBO by ABRI	-

Continued...

Table A.6 (continued)

Name	Unions	Date of foundation	Leader/Founder	Affiliation	Claimed Membership	Purpose	Incidents
Komado Kesatuan Aksi Muhammadiyah (Kokam)	Kokam was a part of Angkatan Muda Muhammadiyah	1965	Muhammadiyah	Muhammadiyah	Menumpas gestapu PKI	-	-
Angkatan Muda Muhammadiyah	-	-	-	-	-	-	-
Mauhu	-	-	-	ABRI	-	Surveillance of civil society in Timtim	-
Jihad Fisabilillah	-	Late 90s	-	-	-	-	-
Furkon	-	Late 90s	-	-	-	-	-
Pamswakarsa	-	1998	-	TNI	-	-	SI MPR November 1998
Front Pembela Islam (FPI)	-	1998	Founders: KH Fathoni and KH Adrus Jamalahe	Alleged affiliation with political elites	100,000 (estimate from 2003)[5]	-	SI MPR November 1998
Ratih (Rakyat Terlatih)	-	Legalized by UU No. 20, 1982	-	-	-	-	-
Kamra	-	-	-	-	-	Supposed to help police: regulating traffic, disaster aid, extinguish fires, etc.	-

Name	Unions	Date of foundation	Leader/ Founder	Affiliation	Claimed Membership	Purpose	Incidents
Pamsung (Pengamanan Langsung)	-	-	-	TNI	-	-	-
Posko Kewaspadaan	-	1997 or 1998	-	-	-	-	-
BKSPM (Badan Kerja Sama Pemuda Militer)	-	-	-	-	-	-	-
GPII (Gerakan Pemuda Islam Indonesia)	-	-	-	-	-	Part of BKSPM	-
Pemuda Pancasila	-	New Order	-	ABRI	-	-	-
Baladhika (Baladhi Karya)	-	24.10.1963	-	-	500,000	Check the power of PKI; today used in the area of Kamtibmas	-
	-	-	-	-	-	-	-
Pemuda Panca Marga	-	New Order	Joko Purwongemboro	ABRI	1.5 Mio.	-	-
Forum Komunikasi Putri-Putri Purnawirawan ABRI (FKPPI)	-	New Order	Indra Bambang Utoyo	ABRI	1 Mio.	-	-
Angkatan Muda Pembaharuan Indonesia (AMPI)	-	New Order	-	ABRI	-	-	-
Laskar Putih[6]	'Satgas Tebas' (ST)	-	Beni Muchtar Biki	Suharto family	-	-	SU MPR 1999

Continued...

Table A.6 (continued)

Name	Unions	Date of foundation	Leader/Founder	Affiliation	Claimed Membership	Purpose	Incidents
Satgas Tebas[7]	ST	1998	Dion Adikusumah	Suharto familiy	-	Secure the convention of the SU MPR and fight off critical students and Megawati supporters	SU MPR 1999
Pelopor Banser[8]	-	1999	KH Muhyiddin Abdusshomad	NU	-	-	-
Pagar Nusa[9]	-	1999	Lora Cholil	NU	-	Established to protect activities in the NU environment	-
Corps Disipliner Banser[10]	-	1999	KH Muhyiddin Abdusshomad	NU	-	Set up as a Banser special force to take care of some political and social problems in society, e.g. the 'dukun santet issue' in Banyuwangi	-
Anak Jalanan (Anjal)[11]	-	1999	Lora Cholil	NU	-	Established to protect activities in the NU environment	-
Laskar Bulan Sabit Indonesia[12]	-	1999	Taufik Hidayat	Muhammadiyah, Amien Rais,	-	Established to support the parties of the 'middle axis' (poros tengah)	-
Forum Umat Islam Bersatu (FUIB)	-	1999	Eggy Sudjana	BJ Habibie (Political Islam)	-	Secure the convention of the SU MPR and fight off critical students	-

Table A.6 (continued)

Name	Unions	Date of foundation	Leader/Founder	Affiliation	Claimed Membership	Purpose	Incidents
PPMI (Persaudaraan Pekerja Muslim Indonesia)	Forum Umat Islam Bersatu (FUIB)[13]	-	Eggy Sudjana	-	1,000	-	-
Forum Masyarakat (Formas)	FUIB	-	Hendrik	-	5,000	-	-
Banser	FUIB	-	H. Tatang Hidayat	NU	500,000	-	-
Ababil	FUIB	-	Tubagus Sulaeman	-	15,000	-	-
Sabilillah	FUIB	-	A. Soleh Nur Hidayat	-	10,000	-	-
Hisbullah	FUIB	-	Kol. Daut Ibrahim	-	25,000	-	-
Badan Komunikasi Pemuda Remaja Masjid Indoenesia	FUIB	-	Idrus Marham	-	5,000	-	-
Forum Silaturahmi Remaja Masjid Jakarta	FUIB	-	Zaghlul	-	5,000	-	-
Front Pemuda Islam Surakarta	FUIB	-	Taufik	-	250,000	-	-
Ikatan Keluarga Madura	FUIB	-	H. Ali Badri	-	5,000	-	-
Laskar Jihad	FUIB	-	Supeli	-	5,000	-	-
Gerakan Pemuda Ka'bah (GPK)	FUIB	1998	M. Yunus / AM Saefuddin[14]	-	10,000	Support Habibie's efforts to become president	-

Continued...

Table A.6 (continued)

Name	Unions	Date of foundation	Leader/ Founder	Affiliation	Claimed Membership	Purpose	Incidents
Pemuda Potensi Masyarakat (Potmas)	FUIB	-	Abdul Hadi	-	1,000	-	-
Barisan Umat Islam Bersatu	FUIB	-	Harry A. Aziz	-	7,000	-	-
Ikatan Silaturahmi Maluku (ISM)	FUIB	-	Ongen Sangaji	-	1,000	-	-
Pagar Nusa	FUIB	-	Ir. Samfudin	-	20,000	-	-
Gerakan Pemuda Islam (GPI)	FUIB	-	Darwin	-	50,000	-	-
KISDI	FUIB	-	A. Sumargono	-	5,000	-	-
Kiblat	FUIB	-	Kosasih	-	25,000	-	-
Pemuda Bulan Bintang	FUIB	-	Hamdan Zoelva	-	50,000	-	-
Furkon	FUIB	-	Wahyudi Patra	-	5,000	-	-
Front Pembela Islam (FPI)	FUIB	-	Habib Riziek Syihab	-	200,000	-	-
Badai Timur	FUIB	-	Ibrahim Bethan /Tuam Poliraja	-	-	-	-
Satgas Wirapati	-	1997	Soesilo Muslim	PDI-P nationalist-secular	-	Protect PDI-P activities and events, support Megawati's claim for presidency	-
Satgas Sumbernyawa	-	-	-	PDI-P	-	-	-

Continued...

Table A.6 (continued)

Name	Unions	Date of foundation	Leader/ Founder	Affiliation	Claimed Membership	Purpose	Incidents
Pasukan Banteng Tengkorak	-	1998	Krismas Irmono	PDI-P	-	Support Megawati's claim for presidency	-
Satgas Pasopati	-	-	-	PDI-P	-	-	-
Dewaruci	-	-	-	PDI-P	-	-	-
Pasukan Bela Mega	-	-	-	PDI-P	-	-	-
Besi Merah Putih (BMP)	-	-	-	ABRI	-	One of Timtim's pro-integration militias	-
Mahidi (Mati Hidup Demi Integrasi)	-	-	-	ABRI	-	One of Timtim's pro-integration militias	-

Note:
[1] Cf. Simanjuntak 2000: 9.
[2] Ibid.
[3] Ibid.
[4] Ibid.
[5] Cf. Wilson 2005.
[6] Cf. Simanjuntak 2000: 61.
[7] Cf. ibid.: 61.
[8] Cf. ibid.: 61–62.
[9] Ibid.
[10] Ibid.
[11] Ibid.
[12] Ibid.
[13] All groups belonging to FUIB are listed in Tajuk 1999.
[14] According to the findings of ISAI, AM Saefuddin is the founder of GPK. Cf. Simanjuntak 2000.

Table A.7 Sub-Categories of UNCIVIL Society

	Organizational Type	Examples	Ideological foundation	Link/ Connection with state institutions	Use of force, violence, and fraud to acquire power or political influence	Illegality/ Criminal activities	Pursue of political goals	Pursue of illiberal or anti-democratic agendas	Internal structure	Protest = part of contentious politics
I. State/ military proxies	State/military sponsored militias	Pamswakarsa, Kamra, Ratih, Pemuda Pancasila, PPW, Pro-integration militias in East Timor	Ultranationalist, 'New Order ideology'	X	X	%	X	%	hierarchic	–
II. Substituting state functions	Vigilantes, community guards, private militias of CSOs, Satgas	Banser, Satgas-PDI-P, Pecalangan, Bujak, Amphibi, Elang Merah, Ababil	Arbitrary law, protection of community/ associated organizations	%	X	X	%	%	hierarchic/ anarchic	–

Table A.7 (continued)

	Organizational Type	Examples	Ideological foundation	Link/Connection with state institutions	Use of force, violence, and fraud to acquire power or political influence	Illegality/Criminal activities	Pursue of political goals	Pursue of illiberal or anti-democratic agendas	Internal structure	Protest = part of contentious politics
III. Antagonistic to liberal state	Militant Islamist groups, ethnonationalist organizations,	KISDI, Laskar Jihad, FPI, Hizbut Tahir, MMI, DDII, LMMDD-KT	Fundamentalist Islamic teaching, 'jihad'; ideology based on racial exclusivity	%	X	X	X	X	hierarchic	–
IV. Outside the state and its rules	Terrorist groups, organized crime	Jemaah Islamiyah	Fundamentalist Islamic teaching, 'jihad', foundation of an Islamic state	–	X	X	X	X	hierarchic	–

Notes:
X = yes
– = no
% = partly

Notes

1 Introduction

1 Refer to the studies of Payne (2000), Kopecky/Mudde (2003), and Kürti (2003).
2 On civil society in the Weimar Republic, see Sheri Berman (1997), "Civil Society and the Collapse of the Weimar Republic" and *Rehearsals of Fascism: Populism and Political Mobilization in Weimar Germany* by Peter Fritzsche (1990).
3 Compare Robert D. Putnam's book *Bowling Alone* (2000), particularly the chapter called "The Dark Side of Social Capital", as well as Simon Chambers and Jeffrey Kopstein's article "Bad Civil Society" (2001).
4 Cf. ibid.: 843.
5 The transition research identifies the government, opposition, military, parties and associations as classical actors. Cf. Lauth/Merkel 1997.
6 This approach derives from the works of Guillermo O'Donnell, Philippe Schmitter, and Laurence Whitehead, and represents also the current state of research, which mainly focuses on the institutional and structural deficiencies of Indonesia's democratization process, thereby mainly concentrating on the role of the state and economy.
7 Haynes 1997: 6.
8 McFaul 2002. This contradicts the common point of view among transformation theorists, that a liberal democratic regime is the product of a stalemate situation where conservative hardliners and reformers strike a compromise rather than engage in conflict. The idea of a pact reached thus was first put forward by O'Donnell and Schmitter in 1986 and has since served as a starting point for new theories on democratic transitions. Cf. Hadiz 2003: 593.
9 Cf. Kopecky 2003: 15.

2 An uneasy correlation: (un)civil society and democracy

1 The revised classification of civil society in Indonesia will be introduced in Chapter 6.
2 Haynes, for instance, only examined those groups that were "building blocks of civil society and democratic polities" (Haynes 1997: 5).
3 Cf. Ramasamy 2004: 198.
4 The term is borrowed from Jesudason (1995), who applied it to Malaysia's political system.
5 Cf. Wiarda 2003: 3.
6 Cf. Dubiel 1994: 58; Schade 2002: 8–9.
7 A state dominated by estates, a corporative state.
8 Cf. Schade 2002: 9–10.
9 Cf. Cohen/Arato 1990: 87f.; Schade 2002. 10.

10 Keane 1988: 36–39; Dubiel 1994: 67–72. Much later, Hegel described how the centralization of politics in the royal and revolutionary state caused the emergence of a depoliticized society, whose activities are mediated through the market and directed solely at satisfying mutual needs. Thus the citizens relate to themselves only as private, isolated individuals.

11 Cf. Wiarda 2003: 17–18.

12 Cf. Schade 2002: 11.

13 Cf. ibid.: 12–13.

14 Cf. Ramasamy 2004: 201.

15 Cf. Cohen/Arato 1999: 143–47.

16 Cf. Lewis 2001.

17 Cf. Forst 1994: 181–82.

18 Cf. Boyd 2004: 23.

19 Cf. Lewis 2001.

20 Cf. Ramasamy 2004: 202.

21 Cf. Lewis 2001.

22 Cf. Diamond 1999: 222.

23 Cf. Croissant/Lauth/Merkel 2000: 17.

24 Cf. Diamond 1999: 223.

25 Cf. Croissant/Lauth/Merkel 2000: 16.

26 Cf. Kumar in Wolters 2002: 3.

27 Cf. Gellner 1994 in Wolters 2002: 4.

28 See John Rawls' *Theory of Justice* (1999) and *Politischer Liberalismus* (1998).

29 Cf. Alagappa 2004a: 33.

30 Cf. Boyd 2004: 12.

31 Cf. Alagappa 2004a: 40.

32 Cf. Mercer 2002: 5.

33 Cf. Croissant/Lauth/Merkel 2000.

34 Ibid.: 11–14.

35 United Nations, Press Release SG/SM/6586 GA/9412, 08.06.1998.

36 In this study, the term 'uncivil society' will be applied to all groups operating on the national and/or international level. It is important to keep in mind that many of these groups emerge from and operate within "zones where regulatory frameworks and/or enforcement by national or supra-national agencies are missing" (Harneit-Sievers 2004: 2).

37 "Secretary-General's opening remarks at the Security Council debate on 'The role of civil society in post-conflict peacebuilding'", New York, 22.06.2004, at: www.un. org/apps/sg/sgstats.asp?nid=989 (accessed 20.12.2006).

38 Ibid.

39 Ibid.

40 Cf. Kopecky 2003: 10.

41 Cf. Diamond 1994: 6.

42 Cf. Kopecky 2003: 11.

43 Philippe Schmitter (1995) in Whitehead 1997: 100.

44 Definition of civility by Collingwood (1992), cited in Whitehead 1997: 100–101.

45 Cf. Payne 2000: xix in Kopecky 2003: 18.

46 Cf. Kopecky 2003: 13.

47 Cf. Kopecky 2003: 14–15. See also Payne 2000.

48 Linz/Stephan 1996: 5; Diamond 1999: 67.

49 Cf. Putnam 2000. For a discussion of the 'social capital argument', refer to Foley/Edwards 1996.

50 Cf. Lewis 2001: 4–5.

51 See the study of Garland 1999, for example. Garland cited in Lewis 2001: 6.

52 Cf. Fukuyama 1995b.

53 Cf. Porio 2000: 8.
54 For a discourse on the Asian Values Debate, refer to Josiane Cauquelin et al. (1998), *Asian Values. An Encounter with Diversity* and Han Sung-Joo (1999), *Changing Values in Asia*.
55 Cf. Kraft 2001.
56 Cf. ibid.
57 Cf. Final Declaration of the Regional Meeting for Asia of the World Conference on Human Rights/Bangkok Declaration 1993.
58 For instance, the civic tradition of Italy's society described by Robert Putnam (1993) in his study *Making Democracy Work*.
59 Cf. Sujatmiko 2003: 41.
60 Cf. Hikam 1999a.
61 Cf. Ibid.
62 Cf. Prasetyo/Munhanif et al. 2002: 44.
63 Cf. Rasyid 1997: 3
64 Cf. Azra 2003: 60.
65 Cf. ibid.: 61; Baso 1999: 173–219.
66 Cf. Prasetyo/Munhanif et al. 2002.
67 Cf. Kusnadiningrat 2002.
68 Cf. Rasyid 1997: 42.
69 Cf. Hikam 1999b: 11, cited in Sujatmiko 2003: 43.
70 In the following, I will further distinguish between neo-Toquevilleans and the New Left, who both associate civil society with democracy.
71 Cf. Alagappa 2004a: 41.
72 Cf. ibid.: 43.
73 See, for example Cohen and Arato's seminal work *Civil society and political theory* (1990), Robert Cox 1999, Roberts Putnam's *Making Democracy Work* (1993), Kamrava 2000, and Jürgen Habermas 1981.
74 Cf. Stepan 1988: 3–4.
75 Cf. Haynes 1997: 19. In Indonesia, the ruling group was made up of Suharto and his cronies, the leaders of huge business conglomerates, high-ranking military officers, and bureaucrats. Just as in Latin America in the early 1980, it was vital for Suharto to exclude the masses from making political decisions and therefore maintain a clear separation between civil society and state. Growing demands for more people-oriented policies and democracy were perceived as threatening the goal of industrialization. However, similar to Latin America, where democratization processes were triggered by political and economic crisis in the late 1980s, Indonesia's development towards democracy had its breakthrough in a time of economic hardship and the decline of the New Order government's authority.
76 Cf. Croissant/Lauth/Merkel 2000: 21, 23.
77 Cf. ibid.: 20–30. Welzel's theory of human development supports this assumption as well (Cf. Welzel/Inglehart/Klingemann 2003 and Welzel/Inglehart 1999). The theory of human development tries to explore the influence of economic development, democratization, and postmaterialism on human behavior.
78 Compare, for instance, Heryanto 2006.
79 Cf. Migdal 1994: 28–29. See also Wolters 2002: 4.
80 Cf. Schmitter 1997.
81 Cf. Alagappa 2004a: 46.
82 Cf. Haynes 1997.
83 On behalf of many others, refer to Linz/Stephan 1996; Diamond et al. 1995. An alternative way of distinguishing the different phases is to divide them up into liberalisation, transition, and consolidation.
84 Cf. Diamond 1994: 5–7.
85 Cf. Karl 1990: 17, cited in Haynes 1997: 171.

86 Cf. Bunbongkarn 2004: 37.
87 Cf. Kamrava 2000: 188.
88 Cf. Bunbongkarn 2004: 140.
89 Cf. Schulte Nordholt 1999.
90 This topic will be further discussed in Chapter 6.
91 Putnam 1993.
92 Cf. Diamond 1999: 239–50.

3 Historical and political framework for civil society formation in Indonesia

 1 Cf. Wertheim 1959: 90.
 2 Cf. Herrmann 2005: 62ff. and 72. Ufen 2002: 36ff.
 3 Cf. Magnis-Suseno 1997: 154. Geertz 1960: 242.
 4 Cf. Magnis-Suseno 1997: 125.
 5 Cf. Geertz 1960: 243–48. The principle of *rukun* describes a condition of social harmony reached by preventing dissonances within society by avoiding the eruption of conflicts. *Urmat* calls on Javanese to assign social ranks to people and to treat them respectively. The Western understanding of democracy is not fully satisfying to the traditional Javanese way of thinking because, due to the majoritarian principle, elements of the population constantly see their interests betrayed.
 6 Cf. Drakeley 2005: xix, 25.
 7 Cf. Liem 1986: 126ff.
 8 The Sarekat Dagang Islam was later renamed to Sarekat Islam.
 9 Cf. Drakeley 2005: 62.
10 Cf. ibid.: xx.
11 There are several different variations of the Youth Pledge. Another version goes: "*Satu tanah air, Indonesia; satu bangsa, Indonesia; satu bahasa, bahasa persatuan Indonesia*". Ricklefs 1998: 282.
12 On the emergence of Pancasila see Lubis 1993: 75–77.
13 Cf. Hefner 2000: 42–43. Through this move only monotheistic religions remained in accordance with the philosophical foundation of the state, a fact that was used later on in Indonesia's political history to discriminate against members of other religions.
14 Cf. Lubis 1993: 91.
15 Cf. Stockmann 2004: 33.
16 Cf. Lubis 1993: 86. As we will see in the following chapters, the very basics of *rechtsstaat* (rule of the law, judicial review, independence of the judiciary, and the due process of law) have suffered particularly during the New Order. As the existence and factual validity of a *rechtsstaat* is the very precondition for the guarantee of human rights such as civil and political rights, among many others, this had a tremendous impact on Indonesia's civil society building.
17 Although integralism was not accepted by all the founding fathers of the Indonesian nation (i.e. Mohammad Hatta), and was dropped when the 1945 Constitution was enacted and the state took the form of a republic, the concept served as a theoretical justification for crucial doctrinal foundations of the New Order regime. Cf. Lubis 1993: 93. Since the mid 1960s, the integralistic state concept has been the dominant ideology on which laws were based. Cf. Bourchier 1996 and Stockmann 2004: 28.
18 Cf. Drakeley 2005: 75.
19 Cf. Vickers 2005: 102–103.
20 The actions were usually directed at outsider groups like the Dutch, Chinese, Eurasians, Ambonese and people branded as spies, and ranged from intimidation over robbery to murder and massacres. Cf. Vickers 2005: 101–4 and Reid 1974: 49.
21 Cf. Anderson 2001b: 12ff.

22 In particular, the deep conflicts that divided the countryside under Dutch rule would continue to re-emerge. Cf. Colombijn/Lindblad 2002b.

23 Only on 17 August 2005 did the Dutch government recognize 1945 as Indonesia's year of independence and express regrets over the Indonesian deaths caused by the Netherlands Army. Cf. "Dutch withhold apology in Indonesia", *Associated Press*, 16.08.2005, online at www.iht.com/articles/2005/08/16/news/Indo.php.

24 Cf. Lubis 1993: 60–63. For a comprehensive account of the events, especially the declaration of the independent Republic of South Maluku (RMS), see Reid 1974: 170–72 and Ricklefs 1998: 350–552.

25 Cf. Feith 1962: 38–41.

26 Cf. Ufen 2005: 61f.

27 The 1945 Constitution replaced the Provisional Constitution of 1950, in which far more basic human rights had been enshrined. Cf. Lindsey 1999: 17.

28 Cf. Thee 2003: 17.

29 Cf. Ricklefs 1998: 427–31.

30 Cf. Roosa 2006: 5–7.

31 The latest treatment of the G30S riddle is the very informative book *Pretext for Mass Murder* by John Roosa (2006). Roosa reveals hitherto undiscovered materials concerning the coup and constructs a new version of the events.

32 Cf. Migdal/Kohli/Shue 1994.

33 Cf. Uhlin 2002: 2.

34 Cf. Ufen 2002.

35 For more detailed information on ABRI's business interests, refer to Iswandi 1998.

36 Cf. Schmit 1996: 178.

37 Cf. Robison/Hadiz 2004.

38 Cf. ibid.: 60.

39 Cf. Hikam 1996: 244–45.

40 Cf. Schwarz 1994: 33 and Porter 2002: 26. According to Porter, the floating mass principle was introduced in 1971.

41 This term was introduced by Clifford Geertz in the late 1950s. According to Geertz, an 'aliran' consisted of a political party and a set of voluntary social organizations formally or informally linked to it. Cf. Geertz 1959.

42 Cf. Ufen 2002: 277.

43 Cf. Kingsbury 1998: 70.

44 Cf. Rosser 2002: 27, 35. Beittinger 2004.

45 Cf. Robison/Hadiz 2004: 103–104.

46 Cf. ibid.: 103–105.

47 *Tempo*, 20 July 1991, cited in Robison/Hadiz 2004: 78.

48 Cf. ibid.: 125.

49 Cf. Reeve 1990: 159.

50 Cf. Beittinger 2004. Herb Feith (1962: 100) has remarked on the practice of *musyawarah* that it requires a disposition of the members of the consultation to pay regard to the larger interest. During the New Order, the principle of *musyawarah* and *mufakat* was also exercised in parliament, where ballots usually ended with a unanimous vote. Cf. Ramage 1999.

51 Cf. Reeve 1990: 159; Ufen 2002.

52 P4 stood for 'Pedoman Penghayatan dan Pengamalan Pancasila' (Guidelines for full experience and implementation of the Five Principles).

53 Cf. Vatikiotis 1998: 106.

54 Badan Pembinaan Pendidikan Pelaksanaan Pedoman Penghayatan dan Pengamalan Pancasila.

55 Cf. Ufen 2002: 90.

56 Cf. Bourchier 1996; Bourchier 1999a: 249.

57 Cf. Dahm/Weyand 1993: 108. In 1967, the loose alliance of military units became a hierarchically structured association.

58 The army's dual function had evolved in the 1950s, when General Nasution pre-scribed the role of the military as 'Middle Way' in Magelang in 1958. In his opinion, the army should neither attempt to seize political power nor become a will-less tool of politicians. Instead, the military was supposed to be actively involved in both areas, and thus be trained not only in combat, but also in the country's ideology and politics. Cf. Dahm/Weyand 1993: 105.

59 Suharto held on to the Pancasila as state doctrine. The contents of the five principles, however, were reinterpreted. For example, the maintaining of the status quo became the highest maxim. Cf. Dahm/Weyand 1993: 110.

60 Cf. Kingsbury 2003: 130.

61 According to *dwifungsi*, the armed forces act both as defenders of the nation and as a socio-political force in national development.

62 Members of the independence movements 'Free Papua' (*Organisasi Papua Merdeka*, OPM) or the 'Revolutionary Front for an independent East Timor' (*Front Revolusioner Timor Timur Independen*, FRETILIN) were exposed to torture and killings committed by special units of the armed forces. Economic interests were often closely connected with the government's actions against so-called 'Security threatening movements' (*Gerakan Pengacau Keamanan*, GPK). See Iswandi 1998: 89ff. Many gross human rights violations were committed by the military in Irian Jaya, East Timor, and Aceh as well as against political activists and Muslims ('Tanjung Priok Killings'). Cf. Forrester 1999: 200, 207.

63 Cf. Dahm/Weyand 1993: 110; Crouch 1988.

64 For further discussion on the 'Petrus killings', see Elson 2002: 185–86 and Schulte Nordholt 2002: 48.

65 Cf. Kristiansen 2003.

66 *Satpam* are security guards trained and licensed by the police, but paid by their employer, whose job it is to protect businesses, public spaces, homes or offices against vandalization, and to run little errands.

67 Cf. Barker 2001: 25–26.

68 Cf. Bertrand 2004: 334.

69 Cf. Anderson 1993: 116–24.

70 Translation by the author.

71 Cf. Assmann 1992: 145.

72 One author even calls this Java-dominated understanding of national identity 'internal colonialism', as it results in a devaluation of other ethnic groups and constitutes the cultural frame for state violence. Cf. Kreuzer 2000: 44–47.

73 "The desire to be together", translation by the author.

74 The other two concepts are 'state nation' (*Staatsnation*) and 'cultural nation' (*Kulturnation*). Cf. Bredow 1996: 453f. See also Anderson 1983: 14–17 and Hobsbawm 1991: 25–58.

75 Sukarno, cited in Abdulgani 1999: 144. Ind.: "Wawasan kebangsaan demikian dimaksud membangkitkan solidaritas kebersamaan dalam ikatan persatuan dan kesatuan bangsa […]." The "national heritage" referred to the former glory and greatness of the old kingdoms of Srivijaya (ca. 650 to end of the fourteenth century) and Majapahit (1294 to ca. 1520). Cf. Dusik 1992: 106f., Osborne 1995: 29f.

76 Sukarno, cited in Anderson 1983: 24. Ind.: "Karena itu sekali lagi, kebangsaan Indonesia adalah berintikan persamaan jiwa, persamaan cita-cita spiritual, dan bukan semata-mata persamaan warna kulit, agama, atau suku."

77 Suhadi 1982: 33. Ind.: "Segala Warga Negara bersamaan kedudukannya di dalam hukum dan Pemerintahan dan wajib menjunjung Hukum dan Pemerintahan itu dengan tidak ada kecualinya." For the English version of the 1945 Constitution, refer to www.indonesiamission-ny.org/issuebaru/HumanRight/1945cons.htm.

78 UUD45, Chapter X, Article 26 (1). Cf. www.indonesiamission-ny.org/issuebaru/ HumanRight/1945cons.htm. Ind.: "Yang menjadi warga negara ialah orang-orang bangsa Indonesia asli dan orang-orang bangsa lain yang disahkan dengan undang-undang sebagai warga Negara." Cf. Coppel 1994: 23 or Suhadi 1982: 32.

79 The term *asli* transcended the meaning of 'origin' (Ind.: *asal*), 'birthplace' (Ind.: *tempat kelahiran*) and 'native' (Ind.: *pribumi*) and contained also the connotation of *murni* and *sejati*, that are best translated into 'pure', 'genuine, 'original'. For a comprehensive account of the citizenship law (UU No. 3, 1946), cf. Coppel 1994: 23.

80 Cf. Suhadi 1982: 32. The other, non-indigenous races ('peranakan Arab', 'peranakan Belanda', 'peranakan Tionghoa') were granted to become Indonesian nationals if they a) lived in Indonesia b) identified themselves with Indonesia as their homeland and c) were loyal to the Indonesian state.

81 Cf. Bachtiar 1976: 6f.

82 Looking at it this way, there is a 'Batak nation', a 'Minangkabau nation', etc.

83 Certainly, the dangers and problems occurring in the context of the absence of integration of citizens of foreign background are different from the difficulties of integrating various *pribumi* groups into the nation. For one, the *keturuann asing* (people of foreign descent) do not possess their own territory inside the Indonesian archipelago and thus there is no risk of separation and foundation of their own nation (state). The integration of ethic groups of foreign origin seems to become problematic because of the rejection by members of the nation to which they are trying to belong. This in turn prevents the development of the feeling of solidarity and belonging among the *keturunan asing*, which is needed to keep the nation together. Cf. Bachtiar 1976: 8f.

84 Cf. ibid.: 12f.

85 One example is the New Order's focus on the absolute need for assimilation of the ethnic Chinese.

86 The rebellion began in 1947 in West Java, spread to South Sulawesi and Aceh and lasted until 1962, when the leaders of the movement were caught and executed. Cf. van Dijk 1981.

87 Cf. van Bruinessen 2003.

88 This reorientation was called '*kembali ke khittah 1926*' (return to the Khittah of 1926). Cf. Fox 2004: 12.

89 This so-called 'honeymoon period' between Islam and the government started in 1988 with a new law on education, which advanced religious education at all school levels. Furthermore, from 1989 on, religious courts were allowed to administer justice in divorce, inheritance, and marriage matters. Cf. Hefner 1997: 427–35.

90 Cf. Geske 2003: 46. ICMI was far from being a coherent political force, nor did it have a clear purpose. Muslims of various ideological and political backgrounds were represented within ICMI and finally gained a vehicle for voicing their Islamic aspirations. Cf. Ramage 1995: 75–79 for an assessment of ICMI.

91 Cf. Geske 2003: 47.

92 Cf. Barton 2005: 89.

93 Cf. Schwarz 2000: 250.

94 On 12 November 1991, 270 people (mostly youths fighting for independence) lost their lives in a massacre committed by the military at a cemetery in Santa Cruz, East Timor. Cf. Kingsbury 1998: 182ff.

95 For detailed information on Indonesia's human rights situation and human rights violations, refer to the Human Rights Watch World Reports available from 1989 to today at http://hrw.org/doc?t=asia&c=indone. See also the Country Reports on Human Rights Practices by the U.S. Department of State (available from 1999–2006) at www.state.gov/g/drl/rls/hrrpt/.

96 Cf. Beittinger 2001; Lawyers Committee of Human Rights/ELSAM 1995; Remi/ Tjiptoherijanto 2002; Chaniago 2001; Subono 2000.

97 By its vague formulation, the law allowed the prosecution of anybody who actually or allegedly criticized the state philosophy Pancasila, the government, its institutions, and policy, and who thus threatened public order. People accused of subversion even faced the death penalty in the worst cases. In such cases, laws of the criminal trial order that guaranteed the legal protection of prisoners were not applicable. According to paragraph 154, the "public expression of hostility, hatred or contempt against the government" can be punished with imprisonment for up to 7 years. Paragraph 155 prohibits the expression of like feelings or opinions through the media and stipulates a maximum punishment of 4.5 years' imprisonment. According to paragraph 160, the instigation of a third party to break the law or non-compliance with government instructions will be punished with up to 6 years in prison. Article 134 of the penal law likewise stipulates up to 6 years' imprisonment for presidential defamation. Cf. Kingsbury 1998: 195, Amnesty International 1994: 65. In 1969, the Keppres No. 11/1963 was converted into the law UU No. 5/1969. Cf. Asian Forum for Human Rights and Development 1995: 53.

98 Cf. Amnesty International 1994: 9–14 and 59–65. Further details on laws, which undermine the independence of the judges or legitimize interference, as for example UU No. 12/1965 or Article 5/UU No. 2/1986, see Lubis 1993: 97ff.

99 Refer to chapter 2. Moreover, compare Johan Ferdinand "Human Rights and Javanese Ethics", in Plantilla/Raj 1997: 250–91.

100 Cf. Jetschke 1997: 1.

101 Cf. Schwarz 2000: 253.

102 Cf. Jones 1993.

103 Cf. A report on the World Conference on Human Rights in Vienna, online at: www.china-net.org/CCF93/ccf9329–1.html (accessed 13.09.2001).

104 Cf. Schwarz 2000: 254.

105 Signed by Indonesia on 16 May 1986, ratified on 23 July 1993.

106 Signed on 31 March 1953; ratified on 16 December 1958.

107 Ratified on 13 September 1984.

108 Ratified on 5 September 1990. Cf. Arnim et al. 1999: 303–21 and www.unhchr/ch/html/intlinst.htm.

109 The significance of signing this document is curtailed by the fact that Indonesia (together with Singapore, Malaysia, China, and Iran) belonged to the lobby demanding a decrease in the traditional focus of human rights activists on civil and political rights. Instead, these states lobbied for a greater weight on national sovereignty and the right for development, claiming that the Asian view on human rights differed considerably from the Western understanding.

110 None of the leading Indonesian human rights activists was involved, however. Cf. Amnesty International 1994: 184–86.

111 Cf. Beijing Declaration and Platform for Action, Fourth World Conference on Women, 15.09.1995, at: www.1.umn.edu/humanrts/intree/e5dplw.htm (accessed 25.08.2000), and Amnesty International 1996.

112 To what extent the "12 Critical Areas of Concern" of the Action Plan were taken into consideration within the new human rights law of 1999 is briefly discussed in Chapter 5.

113 An edited version of the Action Plan can be found with Woman Watch, "Follow-up to Beijing: Summary of national action plans and strategies for implementation of the Platform for Action", at: www.un.org/womenwatch/followup/national/asiasum.htm. Indonesia's Follow-Up Country Report ('Indonesian Country Report on the Implementation of the National Plan of Action to the Follow-Up to the Beijing Platform for Action') issued in 1999, can be found at: www.un.org/womenwatch/daw/followup/responses/Indonesia.pdf. In 2005, Indonesia submitted its latest report to CEDAW. Cf. www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/10cbcfeeebf36c25c1257221005b97a6/$FILE/N0540418.pdf.

114 Because all these ratifications happened in or after 1998, please refer to Chapter 5 for further details.
115 Cf. Schulte Nordholt/Samuel 2004.

4 Walking a tightrope: civil society under Suharto

 1 Cf. Hadiwinata 2003: 90.
 2 Cf. Hikam 1996: 4.
 3 Cf. Indonesian Consulate of Los Angeles, "History of Indonesia", http://kjri-la.net/history.html (12.02.2007) and Culla 1999.
 4 Cf. Anderson 2001b: 9.
 5 Cf. Ufen 2002: 306–8.
 6 Cf. Molyneux 2000 and Kusumahadi/Holländer 2004: 82.
 7 Cf. Molyneux 2000.
 8 Other sources speak of about 8.000 in 1999. Cf. Asian Development Bank 1999.
 9 Cf. Eldridge 1995: 36; Hadiwinata 2003: 103.
10 Cf. Eldridge 1995: 37–38.
11 Cf. Lubis 1993.
12 Cf. Fakih 1996: 125–32.
13 Cf. Hadiwinata 2003: 103ff. A similar approach underlyies Aspinall's differentiation into "community development NGOs" and "rights-oriented NGOs" (Aspinall 2005: 88).
14 In the context of an authoritarian state, corporatism or state corporatism means the forced integration of societal and economic organizations into hierarchic decision-making processes. By officially recognizing and exclusively licensing certain social, religious, economic, or popular organizations, the state effectively restricts public participation in the political process and limits the power of civil society. With this strategy of incorporating organizations, the state co-opts their leadership and minimizes their ability to challenge state authority by establishing the state as the source of their legitimacy. Based on a definition of Philippe C. Schmitter (1979) in Eklöf 2003: 59.
15 Cf. Eldridge 1990a.
16 Cf. Sinaga 1994.
17 See Porter 2002: 24–37 (chapter 3).
18 Cf. Porter 2002. 26.
19 Cf. ibid.: 27.
20 Cf. Romano 2002: 92–93. During the 1980s and 1990s, workers' protests increased in number and intensity and several independent unions emerged, such as the SBSI (*Serikat Buruh Sejahtera Indonesia*) in 1992. In 1994, SBSI was banned by the government and its leader, Muchtar Pakpahan, was jailed for several years. Cf. Kingsbury 1998: 188.
21 Cf. Aspinall 2005: 93.
22 Cf. Hadiwinata 2003: 63; Aspinall 2005: 120.
23 Petisi 50 challenged Suharto's unaccountability by issuing statements and printing flyers; however, its criticism remained confined to powerful individuals rather than the whole political system. Nevertheless, Suharto perceived the links Petisi 50 established with another critical discussion group (Fosko) and Muslim activists as a possible threat, and he did not hesitate to crush the alliance by imprisoning some of its leaders. Furthermore, the members of Petisi 50 were hassled by restrictions to leave the country and impeded in their business endeavors. Cf. Ufen 2002: 321f.; Honna 1999: 106; Honna 2003: 218.
24 Cf. van Bruinessen 2003.
25 Cf. Eldridge 1990a. The law 'Undang Undang Ormas 85' was enacted to further control the work of civic organizations (Organisasi Masyarakat). Before 1985, the only legal condition for NGOs was to register as a foundation (*yayasan*).

26 Cf. Robison/Hadiz 2004: 122.

27 Cf. Sinaga 1994.

28 The NGO networks INGI and SKEPHI-INFIGHT launched widespread public campaigns to defend the rights of the local inhabitants who were threatened with losing their land by the dam project, with no or only little compensation.

29 Cf. Eldridge 1990a: 525–26.

30 Cf. Aspinall 2005: 96. INGI was later renamed into INFID (International NGO Forum of Indonesian Development).

31 Cf. Soesastro 2000: 255.

32 The 'Baturaden statement' included the following resolutions: (1) Be bold and open in self-analysis and correction. Reassess your role in the overall present and future social context, (2) Take account of the hegemonic structure of international capitalism in relation to the Third World, (3) Establish democratic and just internal structures in order not to become agents of such hegemony, (4) Make people the dominant actors. Make decisions on a collective basis with a clear system of public accountability, (5) Pursue your functions transparently as an instrument of the people's movement. Disseminate information and political education based on principles of non-violence and solidarity both among yourselves and in your relations with people. Concentrate on activities that emphasize advocacy and people's organizations rather than on short-term projects that stifle popular struggle, (6) Reassess your relationships with funding agencies, which often are found to be a major factor in distorting your vision and mission. Rely more on your own resources. Be more critical in choosing partners from foreign funding agencies, and in checking out their background and political orientation. Cf. Asian Development Bank 1999: 6 and Hertel 2005: 49.

33 Cf. Uhlin 1997: 60–61, Hadiwinata 2003: 206–11.

34 In 1996, PRD was converted into a (illegal) political party and its name was changed to Partai Rakyat Demokratik (Democratic People's Party). Cf. "Winning democracy in Indonesia: New stage for the progressive movement", *ASAP*, 02.05.2004. Online at www.asia-pacific-action.org/southeastasia/indonesia/resources/reports/links_newstage4progresivemovement_july1994.htm (accessed 06.04.2007); "Partai Rakyat Demokratik (Indonesia) Archives", International Institute of Social History, 02.04.2007, online at www.iisg.nl/archives/en/files/p/10863977full.php (accessed 06.04.2007).

35 Cf. Kusumahadi/Holländer 2004: 90.

36 Cf. Aspinall 2005: 97.

37 Cf. Uhlin 1997: 145ff. for a comprehensive account of the students' goals and demands. See also Aspinall 1993 and Aspinall 1999.

38 Cf. Robison/Hadiz 2004: 139.

39 Cf. Soesastro 2000: 255.

40 Cf. Hadiwinata 2003 and Kusumahadi/Holländer 2004: 90.

41 Cf. Molyneux 2000.

42 Cf. Aspinall 2005: 5.

43 The conferences analyzed were the Women's Rights Summit in Beijing in 1995, its respective PrepCom (Preparatory Committee) meetings and its follow-up conference 'Beijing +5' in New York in 2000, as well as the World Summit for Social Development ('Social Summit') in Copenhagen in March 1995, its respective PrepCom meetings, and its follow-up conference in Geneva in June 2000.

44 Cf. Robison/Hadiz 2004: 126–27.

45 Cf. Rüschemeyer et al. 1992: 8.

46 Cf. Robison/Hadiz 2004: 136–38.

47 For a discussion of New Order politics towards the ethnic Chinese minority in Indonesia, refer to Beittinger 2004.

48 Cf. Frings 1991.

49 Cf. Eldridge 1990a.
50 X.L. Ding quoted in Aspinall 2004: 73.
51 ICMI has been a very controversial institution that earned much criticism from within Muslim ranks as well. Cf. Ramage 1995: 75–121.

5 Between reform and regression: post-Suharto state and politics

1 Cf. Weiss 2006: 199.
2 Cf. Bunbongkarn 2004: 142.
3 Cf. Heryanto/Mandal 2003a: 7.
4 Cf. Rachmat 2001.
5 See Hefner 2000: 202–204 and Aspinall 2004.
6 See Chapter 7.
7 Cf. Heryanto/Adi 2001.
8 Cf. Schwarz 2000: 40.
9 Cf. Human Rights Watch World Report 1999: 191.
10 Cf. Amnesty International Country Report Indonesia/East Timor 1998.
11 See, for instance, Porter 2002: 220.
12 The regulation was realized in article 5 of the first constitutional amendment from 19 October 1999.
13 As Mietzner (2002a: 24) points out, one seat represents a constituency of 400,000. Because the military was only 300,000 strong, the number of seats granted was highly disproportionate.
14 Cf. Robison/Hadiz 2004: 229–30.
15 Cf. U.S. Department of State 2000: 5.
16 According to Article 23 II UU RI 39/1999 of the Human Rights Law of 1999, freedom of speech is only granted under the reservation that religious norms and values, morality, order, the public interest, and the intactness of the nation are taken into consideration. See 'Undang-Undang Republik Indonesia Nomor 39 Tahun 1999 Tentang Hak Asasi Manusia', online at: www.indopubs.com/tarchives/0226. html (accessed 29.11.2000).
17 Cf. U.S. Department of State 2000: 6–7.
18 Cf. "The Indonesian National Plan of Action on Human Rights 1998–2003", 25.06.1998, online at: www.ottawa.org/news/Hot%20Topics/ht98sep/ht_ham.htm (accessed 01.11.2000). See Chapter 5 for detailed information on the Action Plan on Human Rights and the new Human Rights Law.
19 Cf. Heryanto/Mandal 2003a: 12–13.
20 Cf. Porter 2002: 219.
21 Cf. Amnesty International 1998.
22 Examples are Munir, the former leader of the human rights group 'KONTRAS', which examines the disappearance of activists; father Sandyawan Sumardi ('Romo Sandy'), leader of 'Tim Relawan Kemanusiaan' (Volunteer team for Humanity); and Ita Nadia of the women's right group 'Kalyanamitra'.
23 Cf. Soetrisno 1999: 163ff.
24 Cf. Ufen 2000.
25 Cf. "Susunan Kabinet Abdurrahman Wahid in 2000–2004", Kompas Cybermedia, online at: www.kompas.com/data/kabinet/ (accessed 28.08.2000).
26 Under Suharto, there were still 100 directly appointed members (75 military personnel and 25 civilians).
27 *Polri* is the acronym for *Kepolisian Republik Indonesia* (Police of the Republic of Indonesia).
28 Cf. Herrmann 2000: 10f. At first Army Chief Widodo had announced on 25.02.2000 that the military was willing to give up all seats in Parliament by 2004. Cf. "Reformasi dan Persatuan Nasional 1998 to 2001, online at: www.gimonca.

com/sejarah/sejarah11.html (accessed 09.11.2006). A constitutional amendment in 2002 finally regulated the end of reserved seats for the military by 2004.

29 Cf. UN Office of the High Commissioner for Human Rights, Report of the International Commission of Inquiry on East Timor to the Secretary General, online at: www.un.org/News/ossg/etimor_report.htm (accessed 12.04. 2000).

30 Refer to the KPP-HAM's report: "Komisi Penyelidik Pelanggaran Hak Asasi Manusia Timor Timur, Ringkasan Eksekutif Laporan Penyelidikan Pelanggaraan Hak Asasi Manusia Timor Timur", 31.01.2000, online at: http://home.snafu.de/watchin/KPPHAM.htm (accessed 12.04.2000).

31 Cf. "Kniefall in Osttimor", ai-Journal April 2000, online at: www.amnesty.de/berichte/index.html (accessed 30.08.2000).

32 Cf. U.S. Department of State 2000: 5.

33 Cf. *Jakarta Post*, 20.04.2000.

34 Cf. ibid.: 14.

35 For further reading on decentralization, see ICG 2003b and World Bank 2003.

36 Cf. Wilson 2005: 24.

37 These are findings from a study by the Asia Foundation called "Indonesia Rapid Decentralization Appraisal: Third Report", quoted in Wilson 2005: 15.

38 Cf. Vickers 2005: 221 and Hadiz 2003.

39 Cf. Amnesty International, Länderkurzinfo Indonesien, online at: www.amnesty.de/berichte/index.html (accessed 28.11.2000).

40 Cf. Sudibjo 2000: 120.

41 The so-called 'Buloggate' involved US$ 4 million missing from the State Logistics Agency (BULOG). The missing cash was found with Wahid's masseur, who claimed that Wahid had sent him to BULOG to collect the cash. Although the money was returned, Wahid's opponents took the chance to accuse him of being involved in the scandal and of being aware of what his masseur was up to. The second scandal, 'Bruneigate', revolved around US$ 2 million donated by the Sultan of Brunei to help Aceh. Wahid was accused of keeping the money for himself and failing to account for it. Cf. Barton 2002: 304–305.

42 Cf. "Indonesia Muslim Students Call For Wahid's Resignation", *Hong Kong* AFP, 31.10.2000; "Bulog Scandal—Parliament Committee offered bribe to stop probe", *The Strait Times*, 08.11.2000.

43 Cf. Sherlock 2002.

44 Hamzah Haz is notorious for his relationship with Muslim extremist groups and came into the crossfire for visiting Laskar Jihad's leader Jafar Umar Thalib in prison in May 2002. Before the Bali bombings, he even refused the notion of active terrorist groups in Indonesia and attacked Megawati for her support of the 'war on terror'.

45 Cf. Sherlock 2002.

46 Cf. C. Wilson 2005: 27.

47 The return to repressive politics and the reimposition of colonial legislation happened in July/August 2002. Besides the arrests of political activists in Jakarta, the police in Bandung shot two unionists on 19 August 2002. Cf. U.S. Department of State 2003.

48 Cf. Human Rights Watch 2003.

49 These laws are the 'Government Regulation in Lieu of Law No. 1/2002 on the Eradication of Criminal Acts of Terrorism', and 'Government Regulation in Lieu of Law No. 2/2002 on the Eradication of Criminal Acts of Terrorism in Relation to the Bomb Explosion Incident in Bali, 12 October 2002'.

50 Cf. Lindsey 2002.

51 Cf. *Asia Times online*, 19.01.2002, at: www.atimes.com/se-asia/DA19Ae01.html (accessed 23.05.2002).

52 Cf. Hill/Sen 2005: 6–7.

53 For a comprehensive review of the critical assessments, refer to Crouch 2003, Hadiz 2003, Hill/Sen 2005.

54 Cf. Adam 2005: 39.

55 As Greg Barton suggests, Jusuf Kalla even has a "political genealogy in South Sulawesi that goes back to the Darul Islam movement" (Barton 2005: 97).

56 Cf. Hertel 2005: 97.

57 Cf. "News: KPK Minta SBY Laporkan Kekayaan", Komisi Pembertasan Korupsi, 26.03.2007. www.kpk.go.id/modules/news/article.php?storyid=2071 (accessed 04.04.2007).

58 Cf. Global Integrity 2006 Country Report Indonesia, online at www.globalintegrity. org/reports/2006/INDONESIA/timeline.cfm (accessed 04.04.2007).

59 TAP No. XVII/MPR/1998, Ketetapan Majelis Permusyawaratan Rakyat Republik Indonesia Nomor XVII/MPR/1998 Tentang Hak Asasi Manusia', online at: www. geocities.com/CollegePark/Hall/1981/tap17.htm (accessed 30.11.2000).

60 Nine out of the 37 articles of the Constitution were amended or complemented. Cf. "UUD 1945 Perubahan Pertama dan Perubahan Kedua", *Kompas Online*, 21.08.2000, online at: www.kompas.com/liputan/stmpr/news/0008/21/0132.htm (accessed 29.11.2000).

61 Cf. King 2001. In addition, the appointment or dismissal of the TNI commander and chief of police by the president must from now on be approved by the DPR.

62 These were the Article 18, 1–6; Article 18-A, 1–2 and Article 18-B, 1–2. Cf. "Perubahan Kedua Undang-Undang Dasar Negara Republik Indonesia Tahun 1945", *Kompas Online*, 18.08.2000, www.kompas.com/liputan/stmpr/news/0008/ 21/0132.htm (accessed 29.11.2000).

63 This means the protection against all kinds of threats to life and survival.

64 This list is not exhaustive. For a complete listing of all the rights included in Art. 28, refer to *Kompas Online*, 18.08.2000. Although originating from Article 11(2) of the Universal Declaration of Human Rights (UDHR), the article prohibiting prosecutions under retrospective legislation has proven very controversial in the light of the need to deal with past human rights violations by the military and police.

65 Cf. Council on Foundations 2007.

66 These are the right to work, just and favorable remuneration and treatment (Art. 28-D (2)); the right to personal development by satisfaction of basic needs, the right to education, the right to enjoy the arts and to share in scientific advancement and its benefits (Art. 28-C (1)); the right to struggle collectively for rights that foster the development of society, nation and state (Art. 28-C (2)); the right to communication and free handling of information (Art. 28-F); the right to a physically and intellectually fulfilling life, a shelter, an intact environment and health care (Art. 28-H (1)); the right to alleviations for the establishment of equal opportunities and benefits for everyone with the goal of equality and justice (Art. 28-H (2)); the right to social security (Art. 28-H (3)). The rights listed here were partially abridged. For the original wording, refer to *Kompas Online*, 18.08.2000.

67 Compare article 28-B, article 28-D (2), as well as article 28-E (1). For a critical review, cf. "ELSAM: Amandemen UUD 45 Soal HAM Perlu Direformulasi", *Detik.com*, 16.08.2000, www.detik.com/peristiwa/2000/08/16/2000816–004533.shtml (accessed 13.11.2000).

68 Cf. Law on Foundations No. 16 of 2001 and Law No. 28 of 2004.

69 Both legal personas can be achieved by registering Articles of Association before a notary, however the Minister of Justice has the last say, i.e. the right to register or to refuse to register CSOs.

70 Cf. Council on Foundations 2007.

71 Cf. Karnadi 2006.

72 For more detailed information, refer to: "The Indonesian National Plan of Action on Human Rights 1998–2003", 25.06.1998, online at: www.ottawa.org/news/

Hot%20Topics/ht98sep/ht_ham.htm (accessed 01.09.2000). The numbers in brackets refer to the respective sections of the National Plan of Action on Human Rights.

73 CAT, CERD, CCPR, and CESCR have been ratified/accessed by this time.

74 Amnesty International, Indonesia: Recommendations to Indonesia's Development Assistance Partners, March 1999, online at: www.amnesty.org/ailib/aipub/1999/ ASA/32101499.htm (accessed 14.09.2000). For Indonesia's actual status of ratification/accession/signature, compare Table A.4 (Indonesia's Commitment to UN Conventions) in the Annex.

75 Refer to the statement of the former Indonesian Minister of Foreign Affairs, Ali Alatas, at the Second World Conference on Human Rights on June 14, 1993 in Vienna, online at: www.dfa-deplu.go.id/english/ ham_stmt.htm (accessed 24.07.2000).

76 Cf. 'Undang-Undang Republik Indonesia Nomor 39 Tahun 1999 Tentang Hak Asasi Manusia' (UU No. 39/1999 HAM), 23.9.1999, online at: www.indopubs. com/tarchives/0226.html (accessed 24.11.2000).

77 Cf. State Ministry for the Role of Women of the Republic of Indonesia 1999.

78 Cf. Platform for Action, Chapter III, Critical Areas of Concern, at: www.un.org/ esa/gopher-data/conf/fwcw/off/a–20.en (accessed 13.03.2007).

79 The Beijing Platform for Action contained twelve 'Critical Areas of Concern', which the signing states committed to pay special attention to: (1) Women and Poverty, (2) Education and Training of Women, (3) Women and Health, (4) Violence against Women, (5) Women and Armed Conflict, (6) Women and the Economy, (7) Women in Power and Decision-making, (8) Institutional Mechanism for the Advancement of Women, (9) Human Rights of Women, (10) Women and the Media, (11) Women and the Environment, (12) The Girl-child. Cf. www. un.org/womenwatch/daw/beijing/platform (accessed 14.03.2007).

80 Cf. 'Undang-Undang Republik Indonesia Nomor 39 Tahun 1999 Tentang Hak Asasi Manusia', 23.9.1999, at: www.indopubs.com/tarchives/0226.html (accessed 24.11.2000). For a comprehensive account of the stocktaking on the progress five years after the Fourth World Conference on Women ("Beijing +5") refer to Womenwatch, Follow-up to Beijing, online at: www.un.org/womenwatch/confer/ beijing/ (accessed 14.03.2007).

81 This is implied by the high maternal death rate of 650 per 100,000 births. Cf. U.S. Department of State 2000: 44.

82 Cf. Klute 1999: 35–39.

83 Cf. UU No. 23/2004 regarding the Elimination of Violence in the Household, Chapter II, Article 4, online at: www.komnasperempuan.or.id/public/UU%20No %2023%202004%20PKDRT-%20English.pdf (accessed 13.03.2007).

84 On 11 May 1958, Indonesia ratified the ILO Convention No. 100 on Equal Remuneration for Men and Women Workers for Work of Equal Value. Cf. ILO Jakarta Office, ILO Core Conventions, online at: www.ilo.org/public/english/region/asro/ jakarta/convention/index.htm (accessed 13.03.2007).

85 Ibid.: 42.

86 The Civil Pact guarantees among other things the classic basic human rights, fundamental rights of the judiciary, non-discrimination and protection of minorities. By ratifying an optional protocol, individual complaints can also be admitted. The Social Pact stipulates the obligations of the state in the first place and contains among other things the right to work, the right to education, the right to health, maternity protection, and the right to form trade unions. Cf. Table A.3 (Types of International Human Rights Instruments) in the Appendix.

87 Ratified on 5 June 1998. Cf. ILO Office in Jakarta, "ILO Core Conventions", 08.05.2000, online at: www.ilo.org/public/english/region/asro/jakarta/core.htm (accessed 04.12.2000). According to Amnesty, the convention was ratified in May 1998. Cf. Amnesty International 1999. According to the World Report of Human

Rights Watch 1998, the convention was ratified only at the end of 1998. Cf. Human Rights Watch 1998: 190.

88 Ratified on 7 May 1999. Cf. ILO Office in Jakarta. According to Human Rights Watch 1999, the conventions No. 105, No. 111, and No. 138 were ratified on 23 April 1999.

89 Ratified on 7 May 1999. Cf. ILO Office in Jakarta.

90 Ratified on 7 May 1999. Cf. ibid.

91 Ratified on 28 March 2000. Cf. ibid.

92 Ratified by Presidential Decree No. 36 of 2002. Cf. www.ilo.org/public/english/region/asro/jakarta/convention/index.htm (accessed 23.07.2003).

93 Komnas Perempuan was established via presidential decree Keppres No. 181/1998. Cf. State Ministry for the Role of Women of the Republic of Indonesia 1999.

94 Cf. "Perdagangan Manusia Meningkat", *Pos Kota*, 20.03.2007.

95 U.S. Department of State 2000: 39. Refer also to Undang-Undang Republik Indonesia Nomor 39 Tahun 1999 Tentang Hak Asasi Manusia, 23.09.1999, online at: www.indopubs.com/tarchives/0226.html (accessed 24.11.2000).

96 For further reading on decentralization, see ICG 2003b and World Bank 2003.

97 Cf. Wilson 2005: 24.

98 Cf. ibid.: 14.

99 These are findings from a study by the Asia Foundation called "Indonesia Rapid Decentralization Appraisal: Third Report", quoted in Wilson 2005: 15.

100 Cf. Vickers 2005: 221 and Hadiz 2003.

101 Indonesia's historical and cultural background poses a problem insofar as the figure of 'jago' and the modern version (militiaman) enjoy a dangerous acknowledgement. Against the background of the revolutionary wars, guerrilla fighters are often celebrated personalities. Cf. Loveband/Young 2006: 160.

102 Cf. Sebastian 2006: 68. See also Rabasa/Haseman 2002: 25–30. According to the latter, the New Paradigm was announced in August 1998 by General Wiranto.

103 Cf. Rabasa/Haseman 2002: 26. The new division of functions is stipulated in Decree No. 6 and 7 of 1999. Furthermore, the role and functions of TNI and Polri are further clarified in the new State Defense Act (enacted in 2001) and the Indonesian Police Act.

104 In 2000, he was succeeded by Professor Mohammad Mahfud Mahmodin, who later was replaced by former PKB leader Matori Abdul Djalil in 2001. In October 2004, Juwono Sudarsono was appointed Defense Minister again in the Cabinet of President SBY.

105 Cf. Rabasa/Haseman 2002: 50.

106 "House of Representatives ratifies Human Rights Tribunal Legislation", Summary of World Broadcasts FE/D3992/CNS 081100, 08.11.2000; "Yusril reassures international community on rights violators", *The Jakarta Post.com*, 01.09.2000.

107 Besides handing out the manuals ("Guidance for Army Personnel on the Application of Human Rights"), military training and education facilities have allegedly begun to teach human rights principles. Cf. "Indonesian Soldiers Issued with Human Rights Handbooks", *Kompas Online*, 04.07.2000.

108 Cf. Sebastian 2006: 177 and Rabasa/Haseman 2002: 26.

109 Cf. Rabasa/Haseman 2002: 27.

110 Cf. Robison/Hadiz 2004: 249.

111 Cf. ibid.: 226.

112 Cf. Sebastian 2006: 148.

113 Cf. Robison/Hadiz 2004: 262.

114 Cf. *Tempointeraktif*, 11.08.2002.

115 Cf. Sebastian 2006: 150.

116 Cf. Human Rights Watch 2002a; van Klinken/Bourchier 2002.

117 Cf. Mietzner 2002a.

118 Cf. Mietzner 2002a: 25.

119 After 1993, the oligarchy made sure that members of their families occupied key positions in Golkar. Suharto's children themselves sat on the Executive Board of Golkar (Bambang Trihadmodjo and Siti Hardiyanti Rukmana), together with relatives and children of influential bureaucrats and businessmen.

120 Cf. "Pembahasan Penonaktifan Akbar Tanjung di DPR", *Tempointeraktif*, 12.05.2004.

121 Cf. "Diktatorensohn mit 'guter Führung'", *taz*, 31.10.2006.

122 Cf. "Police wary of UN rapporteur in Munir probe", *Jakarta Post*, 01.11.2006. "Indonesia rejects activist death inquiry", *Associated Press*, 01.11.2006.

123 Cf. "Pressure to release report on activist's murder" *Green Left Weekly*, 18.10.2006.

124 Examples are East Timor (1999), Abepura (2000) and Wasior (2001).

125 Cf. Asian Human Rights Commission 2006a.

126 Cf. Ufen 2006.

127 Cf. *Tempo*, 15 February 1999, quoted in Robison/Hadiz 2004: 231.

128 Cf. Robison/Hadiz 2004: 228.

129 From 1999–2004, Amien Rais (also called the 'Father of Reformasi') was the speaker of the People's Consultative Assembly (MPR) and is now (2006) a professor at Yogyakarta's Gadjah Mada University.

130 Cf. Robison/Hadiz 2004: 234–40.

131 Cf. Bunbongkarn 2004: 142.

132 Cf. Holloway 2004: 3.

133 Cf. "Cash for votes deals a blow to development of democracy", *Jakarta Post*, 18.10.2006.

134 Cf. *Tempointeraktif*, 03.05.2000.

135 In the case of GPK, there is a connection with PPP, whereas FPI is said to cooperate with several Islamic-oriented parties, among them the PAN. Cf. Robison/Hadiz 2004: 247.

136 Cf. ibid.

137 Cf. "Sejumlah Ormas Dirikan Partai Popor", *Kompas*, 28.07.2003, online at: http://kompas.com/kompas-cetak/0307/28/nasional/456871.htm (accessed 12.06.2005).

138 Those were the Generation Party (*Partai Generasi*), the Indonesia Young Awakening Party (*Partai Indonesia Muda Bangkit*), the Indonesian Advance Party (*Partai Indonesia Maju*), the Indonesian Archipelago Party (*Partai Nusantara Indonesia*), the Islamic Party of Unity (*Partai Islam Persatuan*), the Labor Solidarity Party (*Partai Solidaritas Buruh*), the Labor Party (*Partai Buruh*), the My Republic Party (*Partai Republikku*), the Indonesia Murba Party (*Partai Murba Indonesia*), the Marhaen Masses Indonesian Nationalist Party (*PNI Massa Marhaen*) and the Marhaen Indonesian Nationalist Party (*PNI Marhaen*), the National Party of Concern for the People (*Partai Peduli Rakyat Nasional*), the National Solidarity Party (*Partai Solidaritas Nasional*), the Defense of the State Party (*Partai Bela Negara*), the Christian Democrat Party (*Partai Kristen Demokrat*), the New Order Party (*Partai Orde Baru*), the Sartria Piningit Party (*Partai Sartria Piningit*), the Party of Democratic Reform (*Partai Demokrasi Pembaruan*), the Crescent Star Party (*Partai Bintang Bulan*), the Indonesia Women's Christian Party (*Partai Kristiani Indonesia*), the National Party (*Partai Nasional*), the Peace and Prosperity Party (*Partai Damai Sejahtera*), the Indonesian Democracy Party (*Partai Demokrasi Indonesia*), the Peace and Prosperity Party of Reform (*Partai Pembaharuan Damai Sejahtera*), the Independent Peoples Party (*Partai Rakyat Merdeka*), the Democrat Prosperity Party (*Partai Demokrat Sejahtera*) and the Peoples Liberty Party (*Partai Kemerdekaan Rakyat*). Cf. "27 new parties register, including the New Order Party", *Detik.com*, 25.09.2006.

139 Cf. "Another new political party registers", *Java Post*, 01.10.2006.

140 Cf. "Restrictions sought on electoral participation", *Green Left Weekly*, 11.10.2006.

141 Cf. Beittinger 2004. Detailed information can be found in the Human Rights Country Reports by the U.S. Department of State and the World Reports by Human Rights Watch.

142 The late Munir, one of Indonesia's top human rights activists, argued that the increase of violence as a medium of communication had already reached all segments of the society. Therefore, more and more problems are communicated through violence. Cf. Munir 2000.

143 For an account of the Banyuwangi murders, see Brown 2000. In contrast to others, Brown assesses the involvement of organized militias as unlikely and believes in a spontaneous outburst of violence against everything that was rated "bad" (among others, black magic) in the wake of Reformasi.

144 Cf. "In Depth: Bali Terror Attacks", *BBC News*, online at: http://news.bbc.co.uk/ 2/hi/in_depth/asia_pacific /2002/bali/default.stm (accessed 23.03.2007).

145 Cf. "JI claims responsibility for blast", *Sydney Morning Herald*, 10.09.2004.

146 Cf. van Klinken 2005: 81.

147 Cf. U.S. Department of State 2000: 6–7. For a comprehensive account of violence after 1998, see a database established by the United Nations Support Facility for Indonesian Recovery, online at: www.unsfir.or.id/publications.htm. For further discussion on the violence in East Timor, see van Dijk 2002 and van Klinken/ Bourchier 2002.

148 The data were compiled by UNSFIR in a study on communal violence from 1999 to 2003. Cf. Varshney et al. 2004: 37f.

149 Cf. Tadjoeddin 2002. Communal violence is violence between different communal groups, i.e. groups within a community based on ethnicity, religion, tribe, race, etc.

150 Cf. C. Wilson 2005: 6.

151 Cf. Whitehead 2004: 7.

152 Cf. Wilson 2005: 34.

153 Cf. Colombijn/Lindblad 2002a.

154 Cf. Bertrand 2004: 328–29.

155 For further discussion on the 'Indonesian history of violence', see Lindsey 2006, Siegel 1999, and Schulte Nordholt 2002.

156 Cf. Colombijn/Lindblad 2002b: 14.

157 Cf. Schulte Nordholt 2002.

158 See Farid 2006 as an example for this explanatory approach.

159 Freek Colombijn (2001) described the same phenomenon as "endemic state violence". This state violence included territorial security issues as well as violence against individuals and groups who were perceived as a threat to the New Order regime.

160 Nonpri—non pribumi, i.e. ethnic Chinese.

161 In the course of *transmigrasi*, Javanese who were perceived as 'trustworthy Indonesians' were exported into areas of trouble such as Aceh, West Kalimantan, East Timor, and Papua in order to help build loyalty towards the central government. Cf. Budiardjo 1986 in Davidson 2003: 9.

162 Colombijn/Lindblad 2002b: 13.

163 Cf. Beittinger 2004. The May riots and the atrocities against the ethnic Chinese minority in 1998 are one of many excellent examples of how this system of 'othering' works. Other cases of dehumanization and the construction of outsiders are the extinguishing of members of the PKI in 1965–66, the 'Petrus killings', the mass rapes and killings in East Timor, etc.

164 For more information on specific anti-Western/anti-American actions, compare Noorhaidi 2005: 9ff.

165 Cf. Colombijn/Lindblad 2002b: 13; van Dijk 2002; C. Wilson 2005.

166 Cf. Jacobsen 2002: 14.

167 Cf. Colombijn/Lindblad 2002b: 24. See also Coppel 2006a.

168 Cf. Aditjondro 2001.

169 Cf. ICG 2002b.
170 Cf. ICG 2004.
171 Cf. C. Wilson 2005: 17.
172 Cf. Sebastian 2006: 83.
173 Cf. Munir in Simanjuntak 2000: 33. For more detailed information on Ratih and Kamra, refer to Chapter 7.
174 Cf. Munir 2000: 34.
175 Cf. Suppan/Heuberger 1994: 11–32.
176 Cf. Bertrand 2002: 3–4.
177 Anderson 1987, cited in Jacobsen 2002: 6.
178 Ethnonationalism is defined as the ideology of people who understand themselves as nations without territory and aim at building their own nation state while justifying their claim with factual or alleged ethnic and cultural peculiarities. Cf. Puhle 1995: 46.
179 Cf. Helmerich 2004: 20.
180 Cf. Hechter 1975 cited in Helmerich 2004: 21.
181 Cf. C. Wilson 2005: 20.
182 Cf. Bertrand 2002: 12.
183 Cf. Jacobsen 2002.
184 Cf. ICG 2001; Loveband/Young 2006. Compare also Smith/Bouvier 2006 on the roots of violence in Kalimantan.
185 Cf. Davidson 2003: 16.
186 Cf. van Klinken 2005: 95. *Putra daerah* (lit. sons of the region) refers to the indigenous population.
187 Cf. Davidson 2003: 19.
188 Cf. also Loveband/Young 2006.
189 Cf. ICG 2001: 6.
190 Cf. ibid.: 14–15.
191 Kaharingan is a local Dayak religion.
192 Cf. Davidson 2003.
193 Cf. Human Rights Watch 2002: 234.
194 Cf. ICG 2001: 6–7.
195 Cf. Davidson 2003: 30; van Klinken 2002.
196 See van Klinken 2001 on the historiography of the tensions in Maluku.
197 Cf. Human Rights Watch 1999a: 9; "Preman Jakarta Dituding, Korban Tewas di Ambon Menjadi 39 Orang", *Media Indonesia*, 23.01.1999.
198 Cf. Umam 2006.
199 Cf. Davidson 2003: 29.
200 Cf. van Klinken 2006: 129, 133.
201 Cf. Jacobsen 2002: 10.
202 Cf. "Christmas bombing campaign hits Catholic churches across Indonesia", *The Independent*, 26.12.2000; U.S. Department of State 2002.
203 Cf. Hefner 2002.
204 Cf. Absher-Abdalla 2003.
205 Cf. Alfian M. 2003: 13.
206 Cf. Ufen 2004: 18.
207 Cf. ICG 2002b.
208 Cf. Sherlock 2002.
209 According to an earlier report by the Associated Press from 22 March 2006, Abu Dujana, a young Indonesian militant, was alleged to lead Jemaah Islamiyah. Following this source, Noordin Top had started working outside the Jemaah Islamiyah and declared himself al-Qaeda's representative in Southeast Asia. Cf. "Indonesian now leads Jemaah Islamiyah", *Associated Press*, 22.03.2006.
210 Cf. "Former JI leader warns of new terror attacks this year", *Agence France Press*, 12.09.2006.

211 Cf. "Indonesien kämpft gegen sich wandelnde Terrorgruppen", *Deutsche Welle*, 27.08.2006.
212 Cf. *International Herald Tribune*, 08.01.2000.
213 Cf. "Mereka yang di luar Mainstream", *Republika*, 14.03.2002. See also Tables A.5 and A.6 in the Appendix.
214 Cf. "MUI does not fully understand our political and social map", *The Jakarta Post*, 06.08.2005.
215 For a discussion on the undesired side effects of the 'War on Terror', refer to Barton 2005.
216 Cf. van Bruinessen 2003.
217 While Rahima is a Muslim women's NGO dealing with gender issues and trying to establish an Islamic feminist discourse, LP3ES was the first NGO that attempted to improve Muslim rural communities through a program of promoting *pesantren*. Syarikat's aim is to bring justice and reconciliation for the victims and perpetrators of the massacres in 1965.
218 One of many examples of this was a rally in favor of a referendum in Aceh. During a protest on 10/11 November 2000, security forces tried to hinder people from traveling to the capital of Aceh to express their wish for independence. At least 20 people were killed. Cf. "Thousands of Acehnese Demand Referendum on Self-determination", *Hong Kong AFP*, 11.11.2000.
219 Cf. Ananta et al. 2005: 34, 122.
220 Cf. U.S. House of Representatives 2005.
221 Cf. O'Rourke 2002: 304.
222 However, the widely demanded complete autonomy of the judiciary could worsen the situation as well: if the judges are independent and corrupt. Until now, the government has the chance to influence as well as control the judges, for example through the Justice Department.
223 Cf. Lindsey 1999a.
224 Cf. Robison/Hadiz 2004: 225.
225 Cf. Aspinall 2004: 85.
226 Cf. Weiss 2006: 238.
227 Cf. Rüschemeyer et al. 1992 in Robison/Hadiz 2004: 135. Robison and Hadiz draw an important distinction here between electoralism and actual democracy, with electoralism only reaffirming the bourgeois dominance over the political sphere without achieving social justice or political representation for the poor.
228 Cf. Budiman 1999; van Klinken 1999: 59–60; Lindsey 1999.
229 Cf. Robison/Hadiz 2004: 21–22.
230 Cf. Hadiz 2005.
231 Cf. Rodan 1996a.

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 1 Cf. Suryaningati 2003: 111–16.
 2 Suryaningati 2003: 15 (translation by the author).
 3 Cf. Suryaningati 2003: 16.
 4 Cf. ibid.: 115.
 5 Cf. Burhanuddin 2003a: x.
 6 Cf. Kleden 2003.
 7 Cf. Kusumahadi/Holländer 2004: 91.
 8 Cf. Lauth/Merkel 1998: 8–9.
 9 Interview with H.S. Dillon, 08.09.2003.
10 Cf. Weiss 2006: 236.
11 Cf. Hadiwinata 2003; Beittinger 2001.
12 Cf. Weiss 2006: 238.

13 Cf. Hertel 2005: 73.
14 Interview with Muhammad A.S. Hikam, 04.09.2003.
15 Cf. Kusumahadi/Holländer 2004: 93.
16 This was the general tenor in most interviews held in 2003.
17 For more details about the most recent corruption scandal around KPU, refer to Chapter 5.
18 Indonesian Department of Foreign Affairs 2000: 4–5, cited in Beittinger 2001: 185.
19 Interview with Nursyahbani Katjasungkana 10.05.2001.
20 Interview with Tb. Ace Hasan Syadzily, 09.09.2003.
21 Ibid.
22 Cf. Beittinger 2001.
23 Cf. Hadiwinata 2003: 252.
24 Cf. Beittinger 2001; interviews with H.S. Dillon, 08.09.2003 and Felia Salim, 05.09.2003.
25 Cf. Hadiwinata 2003: 253.
26 Cf. ibid.: 223–24.
27 Cf. ibid.: 227.
28 Cf. *Pembebasan* Number 7, April 2003.
29 Cf. *Jakarta Post*, 02.02.2001.
30 Cf. Yulianto 2003: 582–84.
31 Cf. *Pembebasan* Number 7, April 2003.
32 Cf. www.walhi.or.id/kampanye/psda/aksi_hrburuh03_030503/ (accessed 02.11.2004).
33 As all interviews were conducted in Bahasa Indonesia, the extracts cited here have been translated into English by the author.
34 Interview with Moeslim Abdurrahman, 29.08.2003.
35 Interview with Muhammad A.S. Hikam, 04.09.2003.
36 Ibid.
37 Cf. Jamhari 2003: 27.
38 Interview with Daniel Dhakidae, 25.08.2003.
39 Interview with Jamhari, 30.08.2003 and with Ignas Kleden, 28.08.2003.
40 Interview with Romo I. Ismartono, 28.08.2003.
41 SARA: *Suku* (ethnicity), *agama* (religion), *ras* (race), *antargolongan* (social class).
42 Fur further discussion on this topic, see Lan 2004.
43 Interview with Hendardi, 08.09.2003.
44 Cf. Fukuyama 1995b: 8.
45 See also Chapter 5 and Chapter 7.
46 Cf. Inglehart-Welzel Cultural Map of the World at www.worldvaluessurvey.org/images/feature_pics /valuemap.gif.
47 Cf. Kennedy 2000: 23.
48 Cf. Galston 1991: 221–24.
49 Berkowitz cited in Kennedy 2000: 24.
50 Interview with Ignas Kleden, 28.08.2003.
51 Cf. Frank 2005.
52 Cf. Galston 1991.
53 See for example Joesoef 2001; Zamroni 2001. For an Islamic perspective on education, see Suprat 2001; Zein 2001.
54 Cf. Harney/Olivia 2003: 5.
55 Cf. *Tempo Interactive*, 17.02.2006.
56 Interview with Hendardi, 08.09.2003.
57 Interview with Tb. Ace Hasan Syadzily, 09.09.2003.
58 Interview with Muhammad A.S. Hikam, 04.09.2003.
59 Interview with H.S. Dillon, 08.09.2003.
60 Cf. "Indonesia's peaceful poll: How they did it", *Asia Times Online*, 29.09.2004.

61 Cf. Chalmers 1993; Robison/Hadiz 2004.
62 Cf. Robison/Hadiz 2004: 126–27.
63 Interview with Ignas Kleden, 28.08.2003. Refer also to Hikam 1996.
64 Cf. Burhanuddin 2003: 5.
65 Cf. Mujani 2003: 10.
66 Cf. Nakamura 2001: 13.
67 Cf. Burhanuddin 2003: 4. For a discussion of Gellner's view and the Indonesian case see also Wolters 2002 and Porio 2000.
68 Cf. Serif Mardin in Burhanuddin 2003: 4.
69 Cf. Mujani 2003: 15.
70 Cf. Jamhari 2003: 26.
71 Cf. ibid.: 27.
72 Cf. Barton 2002: 13.
73 Cf. "The New Face of Islam", *TIME International Magazine*, Vol. 148, No.13, 23.09.1996.
74 Cf. O'Rourke 2002: 15–16.
75 Cf. ibid.: 19–20 and Ramage 1995: 71f. The Forum Demokrasi consisted of religious and liberal intellectuals and political figures. Although the Forum Demokrasi united some of Indonesia's most critical minds, it could never play an active role in formal politics, due to the ban on becoming a political party.
76 Ibid.
77 Cf. Falaakh 2001: 40. Cf. Ramage 1999 for more details on the NU.
78 Cf. "The Fall of Suharto: The Final Days. When Friends Rebel, A Reign Ends Quickly", *The New York Times*, 24.05.1998.
79 For more information see the organization's website www.syarikat.org.
80 Cf. Jaringan Islam's website at www.islamlib.com and Harjanto 2003.
81 Cf. Muzakki 2006.
82 Interview with Tb. Ace Hasan Syadzily, 09.09.2003.
83 More on MADIA and its work can be found in a book entitled "Meretas Horison Dialog: Catatan dari Empat Daerah" published by the organization itself. Cf. Sutanto/Sinaga 2001.
84 The Pluralism Project at Harvard University, www.pluralism.org/research/profiles/display.php?profile=74168.
85 For details, see the network's website at www.interfidei.or.id/profile.php.
86 Cf. Azra 2003.
87 SD = *sekolah dasar*, elementary school. SMP = *sekolah menengah pertama*, junior high school.
88 Cf. Azra 2005: 9.
89 Islamic boarding schools.
90 Cf. Azra 2005: 10.
91 For general information on INCIS, refer to the institute's website at www.incis.or.id. Unless otherwise indicated, the information in this section is derived from an interview with Tb. Ace Hasan Syadzily, the Executive Director of INCIS, 9 September 2003, as well as an informal conversation with Very Muchlis Ariefuzzaman from INCIS on the same day.
92 Interview with Tb. Ace Hasan Syadzily, 09.09.2003.
93 Syadzily/Burhanuddin 2003: 43 (Translation by the author). This definition was taken from the above-mentioned Indonesian intellectual Muhammad AS Hikam, who himself makes reference to Tocqueville.
94 Cf. Syadzily/Burhanuddin 2003: 21.
95 Cf. ibid.: 33.
96 All information in this section derives, unless otherwise indicated, from an interview with Lili Hasanuddin, Executive Director of YAPPIKA, and an informal conversation with Abdi Suryaningati, Vice Director of YAPPIKA, on 12 September

2003. In addition, two of YAPPIKA's annual reports ('Annual Report 2001–2' and 'Annual Report 2002–3') have been referred to.
97 Cf. Profil Yappika, http://dbyayasan.org/yappika/index.html.
98 Cf. YAPPIKA n.d.a and YAPPIKA n.d.b.
99 Cf. Yappika 2003: 1–2.
100 Cf. Yappika 2003.
101 Cf. ibid.: 4–5.
102 Cf. ibid.: 3–7.
103 Interview with Lili Hasanuddin, 12.09.2003.
104 Lili Hasanuddin, 12.09.2003.
105 Unless otherwise indicated, all information in this section derives from an interview with Ignas Kleden, Director of CEIA, on 28 August 2003.
106 Ignas Kleden, 28.08.2003.
107 Ibid.
108 Ibid.
109 Cf. "FNS: Indonesia News", www.fnfasia.org/news/indonesianews/jan-19-samstag scafe.htm (accessed 22.03.2007).
110 Cf. "Newsletter Number Six, Support to Indonesia Elections 2004 GoI/KPU/ UNDP Programme", www.undp.or.id/elections2004/documents/newsletter_no_006.pdf (accessed 22.03.2007).
111 Cf. "Newsletter Number Eleven, Support to Indonesia Elections 2004 GoI/KPU/ UNDP Programme", 09.08.2004, www.undp.or.id/elections2004/documents/newsl etter_no_011.pdf (accessed 22.03.2007).
112 Cf. Harney/Olivia 2003: 3.
113 Ibid.

7 The rise of uncivil society

1 There are several possible lines along which USOs could be differentiated. One possibility is to look at their political goals. Some of the groups that aspire to the establishment of an Islamic state in Indonesia or to the implementation of the *shari'a* can be assigned to the sphere of uncivil society, others have particular group interests (secular or individualistic), some try to achieve security and order for their constituency by using arbitrary violence, others again seek political power. However, this kind of differentiation along the lines of goals and aspirations turns out to be quite difficult because many groups qualify for more than one of the above categories. Hence, the decision to make the relationship with/position towards the state the decisive criterion.
2 The term stems from the Dutch '*vrijman*' = free man.
3 Cf. Wilson 2005: 1.
4 Cf. Anderson 2001b: 10.
5 Several different spellings exist for this word: *deking*, *dekking*, and *decking*.
6 Cf. *Jakarta Post*, 05.05.2001.
7 Cf. Simanjuntak 2000: 3.
8 Cf. Harney/Olivia 2003: 5. Wilson 2005: 1.
9 The FBI is allegedly linked to PAN (nominally secular) and other Islamic-oriented parties. Cf. Hadiz 2003: 603.
10 Cf. ibid.: 604.
11 Cf. *Jakarta Post*, 05.05.2001.
12 Cf. Lindsey 2006.
13 Schulte Nordholt 2002.
14 Cf. Rinakit 2005: 8. The historical legitimacy of ABRI's social and political role became the backbone of justification for the Dwifungsi under Suharto. The role of the military as a social force that acts as a 'dynamo and stabilizer' was further

strengthened and legalized by the 1966 MPRS Act on a New Police for Security and Defense (Act No. XXIV/MPRS/1966), the law No. 20/MPR/1982 on the Defense and Security Principles, and Law No. 2/MPR/1988 on ABRI Servicemen.

15 Cf. Simanjuntak 2000: 45.

16 Cf. ibid.: 104–5. See also Robinson 1995 on civil violence in the 1950s/1960s.

17 Cf. Iswandi 1998; Simanjuntak 2000: 49ff. Another example of this concerns Indonesia's ethnic Chinese minority. See Beittinger 2004.

18 Another interesting point of view was brought forward by Munir in an interview in 2000. He argued that the creation of paramilitary forces often did not happen with a genuinely evil intention by the government/military, but is rather caused by the (mis)perception of social conflicts as being directed towards the regime. Cf. Munir 2000.

19 For instance, the militia group Cuak that was set up to spy on and survey the activities of GAM in Aceh. Cf. Simanjuntak 2000: 8–9.

20 Cf. Simanjuntak 2000: 103–4.

21 More about the village level in Antlöv/Cederroth 1996: 79.

22 Cf. Simanjuntak 2000: 46, 64.

23 Cf. ibid.: 106–12.

24 Examples are Pamswakarsa, FPI, Furkon, and others.

25 On the central meaning of *dwifungsi* for the New Order regime and after, see Honna 2003.

26 Cf. The Burma Fund 2002.

27 Cf. Schulte Nordholt/Samuel 2004. For a comprehensive account of the business activities of the TNI, refer to Iswandi 1998 and Kingsbury 2003: 188–221.

28 Cf. Mietzner 2002.

29 Cf. C. Wilson 2005: 29–30.

30 Cf. ibid.

31 Cf. Iswandi 1998; Hill 2000; Rabasa 2001: 57.

32 Cf. Simanjuntak 2000: 26–27.

33 Cf. ibid.: 171.

34 In the province NTB (Nusa Tenggara Barat), the term Pam Swakarsa was adopted later to describe security groups outside the police or military forces, organized above the sub-village (*dusun*) level. An earlier usage of the term Pamswakarsa dates back to the 1980s. According to Kees van Dijk (2001: 155), the groups of citizens entrusted to protect their own villages as part of the Siskamling system were already referred to as Pam Swakarsa in the 1980s.

35 See Porter 2002: 227 among others.

36 Cf. Wilson 2005: 3; Porter 2002: 227.

37 Cf. Simanjuntak 2000: 92.

38 Cf. ibid.: 13–14.

39 Cf. ibid.: 99–101.

40 Cf. Bourchier 1999.

41 Cf. Porter 2002: 228.

42 Cf. *Kompas*, 29.06.2004.

43 Cf. *Equator News*, 27.06.2004.

44 Cf. van Dijk 2001: 155–56.

45 Cf. Kingsbury 2003: 115.

46 Cf. van Dijk 2001: 158.

47 Cf. Kingsbury 2003: 113; van Dijk 2001: 158.

48 Cf. Kingsbury 2003: 114.

49 Cf. *Suara Merdeka*, 16.12.1998.

50 See especially Pasal 30 and Pasal 32 to 38 RUU Ratih 1999.

51 Cf. Bertrand 2004: 336.

52 Cf. Munir 2000: 41–42.

53 Cf. Bertrand 2004: 337.

54 We know this phenomenon well from former communist states such as Hungary and the German Democratic Republic. Cf. Kürti 2003: 37–54 and Kopecky 2003: 16.
55 Cf. ibid.
56 Cf. O'Rourke 2002: 107.
57 Another violent youth group that meets this criterion is the 'Laskar Siliwangi'.
58 Much has already been written about the more famous 'Pemuda Pancasila' (for example Ryter 1998; Kristiansen 2003), therefore it was decided not to treat this youth group here again.
59 Cf. van Klinken 2002.
60 Cf. Ryter 1998: 69.
61 Cf. Asian Human Rights Commission 2006.
62 Cf. Ryter 1998: 69.
63 Cf. *Tempointeraktif*, 27.05.2003.
64 Cf. www.humanrightsfirst.org/defenders/pdf/reformasi-resist-052505.pdf and Human Rights Watch, "Indonesia: Jakarta Rights Group Attacked for Aceh Stance", (New York, 28 May 2003) http://hrw.org/english/docs/2003/05/28/indone6103.htm (accessed 05.06.2006).
65 Cf. "PPM files new suit against 'Tempo'", *Jakarta Post*, 06.10.2004.
66 Cf. Asian Human Right Commission 2006.
67 Cf. "Diskusi di Toko Buku Ultimus Bandung Dibubarkan Pemuda Panca Marga dan Polisi", IMC Jakarta, 15.12.2006, online at: http://jakarta.indymedia.org/ newswire.php?story_id=1184&condense_comments=false (accessed 03.01.2007).
68 Cf. Simanjuntak 2000: 127.
69 Cf. ibid.: 127. General Wiranto himself spoke of a number of 11,950 members in various pro-integration militias in August 1999. Cf. Wiranto 1999 in Simanjuntak 2000: 158. See Table A.5 in the Appendix for more pro-integration militias.
70 The Human Rights Commission's (KPP HAM) investigations found proofs of the Kopassus intelligence units' (SGI, *Satuan Gabungan Intelijen*) involvement in planning, coordinating, and supporting militias all over East Timor. SGI Kopassus was an active part of militia meetings and trainings. Cf. Simanjuntak 2000: 149–50.
71 Cf. *Asiaweek.com*, 17.09.1999.
72 Cf. Simanjuntak 2000: 150.
73 Cf. Yayasan Hak/Fortilos 1999: 24–36.
74 Cf. Simanjuntak 2000: 132–36. An eyewitness remembered seeing at least six truckloads of bodies hauled away by the military.
75 Cf. "Exposed: Indonesia's scorched earth plan", *Sydney Morning Herald*, 31.01.2000, online at: www.etan.org/et2000a/january/22–31/31iscor.htm (accessed 12.11.2006).
76 Cf. Dodd 2000.
77 Cf. U.S. Department of State 2000: 6–7; see also House Resolution on International Tribunal on East Timor, 12.03.2001, online at: www.etan.org/legislation/ hrconres60.htm (accessed 13.02.2005).
78 "Murderous Puppets", *Asiaweek.com*, 17.09.1999.
79 Cf. George 2004: 42.
80 In order to question him, the police need a letter of permission from the president.
81 During the New Order, the *ronda malam* (night watch rounds) originating in the Dutch colonial period, were reactivated and integrated into the extensive 'Siskamling' system. The army structured the 'Siskamling' on the territorial level and had the night watches carried out by teams of men, organized by the leader of each RT (*Rukun Tetangga*, Neighborhood Unit). Cf. Bertrand 2004: 332.
82 Cf. Wilson 2005: 10–12.
83 Cf. ibid.: 15.
84 According to a 2001 police report from the West Nusa Tenggara District office, quoted in Kristiansen 2003: 124.

85 Other sources speak of 120,000 Rp. Cf. Kristiansen 2003: 124.
86 Cf. ibid.
87 Cf. ICG 2003: 17.
88 Cf. Kristiansen 2003: 125.
89 In 2002, the DPRD in Bali passed a law on *pecalang*, formally legalizing them. According to this law, *pecalang* are responsible for safety and order in the villages and for safeguarding religion and *adat*. *Pecalang/pecalangan* are elected and de-elected by a village forum.
90 Cf. Santikarma 2003.
91 As van Dijk (2001: 159) remarked, "Elsewhere organizations, whether they be in favor or against something, have started to boast about the Satgas they have founded or the physical support they could mobilize, the leaders making it clear that they are not afraid to use such groups should their political enemies threaten their ideals."
92 Cf. Simanjuntak 2000: 171.
93 Cf. Bertrand 2004: 339.
94 Cf. King 2003.
95 According to a survey in the newpaper *Jawa Pos* in 2000. Cf. King 2003.
96 Cf. *Tempointeraktif*, 03.01.2001.
97 Cf. King 2003.
98 Cf. Ryter 2005.
99 Brigass is led by former student activist Pius Lustrilanang. The Banteng Muda Indonesia, headed by notorious East Timorese militia leader Eurico Guterres, is only informally affiliated with the PDI-P. It was the Banteng Muda Indonesia who attacked the *Tempo* office in Jakarta in March 2003 after *Tempo*'s article on Tommy Winata, which caused a libel suit.
100 Cf. Wilson 2005: 6–8; Simanjuntak 2000: 62.
101 Cf. *The Strait Times* 2003.
102 Cf. Ansor's website at http://gp-ansor.org/.
103 Cf. O'Rourke 2002: 169. Asvi Warman Adam claims that the mass killings in East Java were mostly committed by the Banser NU and other members of the Islamic community. Cf. Adam 2005: 31. In the post-Suharto era, NU youth initiated efforts for reconciliation with the families of the victims. As a result, a joint cultural performance was held on 25 May 2002 at the public park of the Trisula Monument in Blitar, East Java. The monument had been erected in 1968 by the Suharto government to commemorate the successful elimination of the PKI. Cf. Adam 2005: 37–39.
104 Cf. Porter 2002: 192.
105 Another PKB-affiliated militia, Garda Bangsa, was involved as well.
106 Cf. "Criticism pours in over role of 'Banser'", *Jakarta Post*, 10.05.2000.
107 Cf. "Banser prepare for mass-mobilization", *Jakarta Post*, 11.01.2001.
108 Cf. "Wahid says he is preparing high-profile arrests, confident of survival", *Joyo Indonesian News*, 09.02.2001.
109 "Banser gathers to back President's policies", *Jakarta Post*, 07.02.2000.
110 Cf. "NU civilian guards to help secure churches on Christmas Eve", *Jakarta Post*, 09.12.2005.
111 Cf. "Jaringan Islam Liberal Bersiap Sambut Massa FPI", *Tempointeraktif*, 05.08.2005, online at: www.tempointeraktif.com/hg/jakarta/2005/08/05/brk,20050805–64902,id. html (accessed 03.07.2006).
112 Cf. Kristiansen 2003.
113 Cf. *Jakarta Post*, 21.02.2001.
114 Cf. Colombijn 2005.
115 In 2000, 145 alleged petty criminals were killed by mobs at the scene in Jakarta and in other urban areas of West Java, East Java, and North Sumatra. However, countrywide statistics were not available at year's end. U.S. Department of State (2002).

116 Many accounts of vigilante justice can be found in the Indonesian press.
117 Cf. *Kompas*, 18.06.1999.
118 Cf. Colombijn 2002: 314.
119 Cf. ibid.: 314–15.
120 Cf. Cribb 1990: 33.
121 One example is the Balinese with their cleverly devised system of personal, social, and spiritual balance and order, the maintenance of which has highest priority in daily life activities.
122 Cf. Colombijn 2002: 316–17. See articles 338–50 and 359–67 of the KUHAP.
123 Cf. van Dijk 2002.
124 Cf. Colombijn 2001.
125 Cf. "Kejahatan di Jakarta meningkat", *Tempointeraktif*, 31.12.2002.
126 Cf. Colombijn 2002: 300–301.
127 Cf. Wardoyo 2005.
128 Cf. Colombijn 2002: 302.
129 For an overview of the roots of radical Islamic teachings in Indonesia, refer to Azra 2004: 143–54 as well as the article by M. Syafi'i Anwar (2005), "The Role of Civil Islam in Dealing with the Issues of Radicalism and Terrorism".
130 Cf. van Bruinessen 2002; Thayer 2005; Barton 2005: 84–85.
131 Cf. "Indonesian militants a law unto themselves", *Asia Times Online*, 19.01.2002, online at: www. atimes.com/se-asia/DA19Ae01.html (accessed 09.05.2006).
132 Cf. Fox 2004: 14–15.
133 Cf. Simanjuntak 2000: 114. According to Wilson (2005: 16), FPI emerged from the Pamswakarsa forces in August 1998. Other sources track the establishment of the group further back, to immediately after the financial crisis in 1997. Cf. MITP Terrorism Knowledge Base, "Front for Defenders of Islam", www.tkb.org/Group. jsp?groupID=4026.
134 Cf. Umam 2006: 10.
135 Cf. Universitas Islam Indonesia n.d.
136 Cf. Fox 2004: 15.
137 Cf. Wilson 2005: 16–17.
138 Some of the FPI's local branches, such as the Surabaya branch FPIS, with an estimated 12,000 members, operate independently from FPI. In August 2000, the Yogyakarta local branch of FPI (FPIY) attacked the office of the student magazine *Arena* of the State Islamic Institute Sunan Kalijaga (IAIN Suka), destroyed equipment, and stole a computer. Three days later, on 21 August, a meeting between the FPIY and members of the university's student senate and executive council as well as Arena staff took place. When the meeting ended with no results, FPIY and Arena members clashed and three staff members of the magazine were beaten by FPIY, with one of them being abducted. FPIY justified their attack on the offices of Arena with the explanation that reports from Arena (reflecting their tolerant, pluralistic, and leftist outlook on Islam) had upset FPIY. In Yogyakarta, the PBI has links to the PPP (United Development Party) (Cf. *Detik*, 21.08.2000). In 2005, FPI threatened to come to the site of Komunitas Utan Kayu/Radio 68H to take revenge on the Liberal Islam Network for its opinion on the latest *fatwa* issued by MUI (*Tempointeraktif* 2005b).
139 Cf. Bolte/Möller/Ryzttka 2003: 19.
140 Cf. *Asia Times Online*, 26.10.2004.
141 For example *Tempointeraktif* 2001a, *Tempointeraktif* 2003a.
142 Cf. *Tempointeraktif* 2002b.
143 Cf. Stange 2005: 55.
144 Cf. Liputan6.com 2003a.
145 Cf. Liputan6.com 2003b.
146 Cf. *Tempointeraktif* 2004a/2004b/2004c.

147 Cf. "IMI dan FPI Akan Kirim 7.000 Laskar ke Ambon", *Tempointeraktif*, 26.04.2004.
148 Cf. *Tempointeraktif* 2005a.
149 Cf. Tupai 2006, *Jakarta Post* 2006.
150 There are reports of even earlier financial support for vigilantes. In November 1998 Yayasan Al-Kautsar, a charity belonging to Mochdar's family, organized transportation for Pamswakarsa members and provided financial rewards for the villagers from West Java recruited for Pamswakarsa. Furthermore, two of Mochdar's brothers work for several companies of the Bimantara Group belonging to Suharto's son, Bambang Trihatmodjo. According to Laksamana.net, there is a possibility that Suharto's family also supported the FPI. Fuad Bawazier, on the other side, is associated with Suharto's family, Tomy Winata, and other businessmen affiliated with former plywood king Bob Hasan and Amien Rais. Cf. "Radical Islam: Suharto proxies or al Qaeda?", *Laksamana.net*, 24.09.2002.
151 Cf. Simanjuntak 2000: 115.
152 Cf. "Politics muscles in on tsunami crisis", *Aljazeera.net*, 07.01.2005.
153 Cf. Fealy 2001.
154 Cf. Stange 2005: 57. For details on Thalib's rhetoric and tactics, see Noorhaidi 2005. LJ's headquarters are based in a small *pesantren* in Degolan, a village north of Yogyakarta.
155 "Jihad Force is No One's Political Tool: Commander Ja'far Umar Thalib", *Jakarta Post*, 15.05.2000, quoted in Mulyadi 2003: 84.
156 At this very early stage, a connection with the old elite became apparent, as Fuad Bawazier was allegedly involved in financing Laskar Jihad through Suharto's 'Yayasan Amal Bhakti Muslim Pancasila' foundation. Cf. "Radical Islam: Suharto proxies or al Qaeda?", *Laksamana.net*, 24.09.2002, online at: www.angelfire.com/rock/hotburrito/suharto/laks240902.html (accessed 07.03.2006).
157 For a detailed account of the arrival of LJ fighters, the euphoric welcome given by the Muslim population in Ambon and their actual involvement in combat see Noorhaidi's dissertation on Lakar Jihad (2005).
158 Cf. MIPT Terrorism Knowledge Base, "Laskar Jihad", online at: www.tkb.org/Group.jsp?groupID=4402.
159 Cf. "Indonesian militants a law unto themselves", *Asia Times Online*, 19.01.2002, www.atimes.com/se-asia/DA19Ae01.html (accessed 09.05.2006).
160 Cf. ICG 2000.
161 Cf. *Asia Times Online*, 19.01.2002.
162 Cf. ICG 2002b.
163 Cf. *Gatra*, 25.03.2000 in Umam 2006: 18.
164 Cf. Hadiwinata 2003: 225. The journalists concerned were Usman Asyari from BBC Indonesia, Victor Cahyadi from AFP, and a freelance journalist named Hinarius.
165 Cf. Bolte/Möller/Rzyttka 2003: 20
166 Cf. Inside Indonesia 2001.
167 Cf. Bolte/Möller/Rzyttka 2003: 20.
168 Cf. "Indonesian Muslim extremist group announces disbandment", *Associated Press*, 16.10.2002, online at: www.idsnews.com/news/story.php?id=12312 (accessed 11.02.2006). According to another source, LJ and FKAWJ were already formally dissolved on 7 October 2002, but the decision was not made public until 16 October 2002. Cf. Umam 2006: 19.
169 Cf. Fox 2004: 17; Umam 2006: 20.
170 Cf. "Laskad Jihad still in Papua", *Laksamana.net*, 24.02.2003, online at: www.angelfire.com/rock/hotburrito/laskar/laks240203.html (accessed 12.02.2007). See also "Laskar Jihad, alive and well in Papua Indonesia", Barnabas Fund, 05.03.2003, online at: www.angelfire.com/rock/hotburrito/laskar/barnabas050303.html (accessed 12.02.2007).

171 Cf. "Laskar Jihad Akan Kembali ke Ambon", *Tempointeraktif*, 27.04.2004, online at: www.tempointeractive.com/hg/nasional/2004/04/27/brk,20040427–34,id.html (accessed 23.08.2005).
172 Interview with Jafar Umar Thalib, quoted in Fealy 2001.
173 Ibid.
174 Cf. Thayer 2003.
175 Cf. van Bruinessen 2003. Ba'asyir is also considered to be JI's spiritual leader.
176 Cf. Abuza 2003: 142, ICG 2004: 141–42.
177 "Indonesian militants a law unto themselves", *Asia Times Online*, 19.01.2002, online at: www.atimes.com/se-asia/DA19Ae01.html (accessed 09.05.2006).
178 Cf. "Ba'asyir consolidates forces", *Jakarta Post*, 26.06.2006.
179 Cf. "Does Abu Bakar Bashir still wield influence among radicals?", Radio Australia, 14.06.2006.
180 Cf. "Ba'asyir consolidates forces", *Jakarta Post*, 26.06.2006.
181 Cf. "Does Abu Bakar Bashir still wield influence among radicals?", Radio Australia, 14.06.2006.
182 Because the group is not officially linked with PPP, it has been classified as belonging to category 3. However, GPK is one of the examples of groups that show considerable overlapping with other categories, and could be listed under the Satgas in category 2 as well.
183 Cf. Kristiansen 2003: 130.
184 Cf. Simanjuntak 2000: 59–60.
185 Cf. Aditjondro 2000. The Satgas Tebas provided many of the Pamswakarsa militias who demonstrated against the student activists demanding the trial of Suharto and his cronies.
186 Cf. Simanjuntak 2000: 61–62.
187 Cf. "Banser to patrol Yogyakarta", *Jakarta Post*, 17.11.2000.
188 Cf. Hefner 2000: 19–20.
189 Ibid.
190 Sources on the founding year of KISDI vary. According to Aditjondro (2000), the organization was founded in mid-February 1994 after a mass gathering in solidarity with Bosnian Muslims in front of the Al Azhar Mosque in the Kebayoran district of Jakarta. A committee chaired by Probosutedjo was set up to facilitate the sending of volunteers to Bosnia-Herzegovina for *jihad* and to build a mosque in Sarajevo. Aditjondro exposes that the funds raised landed on a bank account of Probosutedjo's bank and no mosque was ever built.
191 Cf. van Bruinessen 2003.
192 Cf. Bolte/Möller/Rzyttka 2003: 13–14.
193 Cf. ICG 2004: 4 and ICG 2002a.
194 Cf. ICG 2002a.
195 Cf. Islamic Da'wah Foundation Malaysia, online at: www.yadim.com.my/english/BeritaAnt/BeritaAntPenuh.asp?AntNewsId=3090 (accessed 24.02.2007).
196 Cf. van Bruinessen 2003.
197 Cf. Evers 2006.
198 "AAM group involved in shutting down churches in West Java", *Jakarta Post*, 25.02.2006, online at: www.thejakartapost.com/yesterdaydetail.asp?fileid=20060225.b03 (accessed 07.08.2006).
199 Cf. Noorhaidi 2005: 207.
200 Cf. ibid and Aditjondro 2001: 115.
201 Article 28F of the UUD 1945 states "Every person has the right to communicate and to retrieve information to develop his personality and his social environment, and has the right to search, retrieve, own, store, process and pass on information by using every kind of channel available." (Translation by the author)

202 In its 3–9 March edition, *Tempo* reported that Tomy Winata had submitted a proposal at the Regional Government of Jakarta for renovating the Tanah Abang market, which burned down shortly after. Tomy denied any of the accusations and later went on to sue *Tempo* for libel.
203 Cf. "Aksi Premanisme terhadap Pers", *Sinar Harapan*, 14.03.2003.
204 Cf. "Wartawan Radar Jogja Dipukul", *Tempointeraktif*, 16.01.2004.
205 Cf. AJI 2005.
206 Cf. AJI 2006a, "Hentikan Kekerasan dan Kriminalisasi Terhadap Wartawan di Papua", 30.04.2006.
207 Cf. www.cpj.org/attacks00/asia00/Indonesia.html.
208 Cf. AJI 2006c, "Surat Terbuka Koalisi Media Untuk Kemerdekaan Pers", 03.05.2006.
209 SIUPP – *Surat Izin Usaha Penerbitan Pers*. Press license required for all print media under Suharto.
210 Cf. AJI 2005, "AJI Jakarta Mengutuk Penyerbuan Kantor Redaksi Harian Indopos", 21.12.2005.
211 UU No. 49/1999 Article 17 (2a).
212 Cf. *Sinar Harapan*, 14.03.2003.
213 Cf. AJI 2005a, "Solidaritas Pers Antipremanisme: Tangkap Penyerbu Indopos!", 23.12.2005.
214 Cf. "Criminal defamation: tide is turning in South East Asia", International Federation of Journalists, 22.02.2006, online at: www.ifj.org/default.asp?Index=37 34&Language=EN (accessed 13.01.2007).
215 Cf. AJI 2006b, "Siaran Pers Aliansi Jurnalis Independen (AJI) Indonesia Gunakan Saluran Hukum Yang Tersedia Dalam Menyikapi Terbitnya Majalah Playboy", 09.04.2006.
216 Cf. AJI 2006b.
217 Cf. AJI 2005a.
218 Cf. "Komado Jihad", MITP Terrorrism Knowledge Base, www.tkb.org/Group.jsp?groupID=4100.
219 Cf. Thayer 2003.
220 The Darul Islam movement was founded in the 1940s during the nationalist struggle for independence. In the 1950s and early 1960s, Darul Islam continued to fight for the establishment of an Islamic State in Indonesia.
221 The sources available vary on this information. In some, the year of Sungkar and Ba'asyir's flight to Malaysia is dated to 1985. Cf. Thayer 2003.
222 Cf. ICG 2003a: 31.
223 Cf. MITP Terrorism Knowledge Base.
224 Cf. ICG 2003a: 33; Thayer 2003.
225 Cf. Thayer 2003a.
226 Cf. "Jemaah Islamiya", MITP Terrorism Knowledge Base, www.tkb.org/Group.jsp?groupID=3613.
227 Cf. Laksamana.net 2002.
228 Cf. Thayer 2003a.
229 Cf. ibid.: 26.
230 Cf. "Mujahideen KOMPAK", MITP Terrorism Knowledge Base, www.tkb.org/Group.jsp?groupID=4141.
231 Fowler (1997), cited in Wolters 2002.
232 Cf. Aspinall 2004: 88.
233 Cf. Lewis 2001: 6.
234 Cf. Anderson 1995 in Kristiansen 2003: 115.
235 Cf. Kristiansen 2003: 116.
236 Cf. Wilson 2005: 23.

237 Cf. Colombijn 2002: 312. Similar practices could be witnessed in Europe in the eighteenth and nineteenth centuries until public torture and killing were replaced by imprisonment.
238 Cf. Simanjuntak 2000: 10–12.
239 Currently it is estimated that 40 per cent of the about 106 million working people in Indonesia are unemployed or underemployed. Cf. "Youth unemployment to get worse over next decade", *Jakarta Post*, 01.11.2006.
240 Military chief Sutarto included even those Satgas groups affiliated with political parties and political organizations. Wilson 2005: 8.
241 Cf. Bertrand 2004: 338.
242 For a summary of events, see Roosa 2003.
243 Cf. Wilson 2005: 22.
244 In the 1990s, Japto Sulistio Soerjosoemarno was one of the most notorious militia leaders. He openly admits having committed murders.
245 ICG 2001 in Bertrand 2004: 337.
246 Cf. C. Wilson 2005: 15.
247 Cf. "Fears of Militia Aggression in Papua", *Laksamana.net*, 29.11.2003; "Deadly militia sets up in Aceh", *Courier Mail*, 18.01.2005, online at: www.etan.org/et2005/january/13/18deadly.htm (accessed 15.03.2007).
248 Cf. *Tempointeraktif* 2005c. The discussion that evolved around the *fatwa* issued by MUI in 2005 is one example of this difficult process. The president's passivity in this matter was sharply critized by liberal circles who demanded a clear stance on the consequences such radical fatwas have for the population. The above-mentioned *fatwa* against the religious group Ahmadiyah resulted in violent acts by radical organizations against Ahmadiyah that do not match the ideal of religious tolerance adhered to by Indonesia.The banning of Ahmadiyah by President Yudhoyono further triggered the violence against the group.
249 Cf. *Jakarta Post.com*, 21.03.2006. The signing of a peace agreement ('Malino Declaration') in 2001 ended the worst violence. After the beheadings in 2005 and the September 2006 execution of three Roman Catholic militants convicted of leading an attack on an Islamic school in 2000, tensions flared again.

8 Summary and conclusion: (un)civil society and the future of democracy in Indonesia

1 Beittinger-Lee 2005: 111.
2 Cf. Hadiz 2003: 606–7.
3 Cf. van Klinken 1999: 59.
4 For a comprehensive account of the indicators of state vulnerability, refer to the Failed State Index by the Fund for Peace, online at /www.fundforpeace.org. See also Appendix (Figure A.2) for an assessment of Indonesia's state frailty.
5 More on hybrid regimes in Rüb 2003.
6 Cf. McFaul 2002. Compare also Bellin 2000.
7 Cf. White 2004.
8 Cf. Hadiz 2003: 597.
9 Cf. Croissant/Lauth/Merkel 2000: 35.
10 Cf. Cavallaro/Mohamedou 2005: 147–48.
11 Cf. Haggard/Kaufman 1995.
12 Cf. Haynes 1997: 173.

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