

# **THE RULE OF LAW AND THE FREEDOM TO CRITIQUE IN INDONESIA**

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## I. TO CONFRONT OR NOT TO CONFRONT?

The avoidance of conflict is an elevated art form in Indonesia. Professor Daniel Lev notes that

[s]ocial values tend to stress personal though usually guarded contact, communal solidarity, and avoidance of disputes; there is almost no support for the idea that conflict may be functional.<sup>1</sup>

He goes on to observe that “the predilection for conciliation” is particularly compelling and pervasive in Java and Bali and that

[t]he Javanese are inclined to exceeding care in their personal relations, to caution, diplomacy, reserve and respect for social status. Every effort is made to avoid personal conflict and, when it occurs to cover it over by refined techniques of social intercourse, pending the least damaging and humiliating solution.<sup>2</sup>

Since Javanese hegemony goes a long distance in the archipelago, this distinct cultural tendency<sup>3</sup> to avoid public disputes and bypass conflict as a formal function is reflected strongly in Indonesia’s formal legal system of justice:

The style of conflict resolution which these values encourage is one that, in legal terms, pays more attention to procedure than substance. Legal rules and

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<sup>1</sup> Daniel Lev, Judicial Institutions and Legal Culture in Indonesia, in Holt C. (Ed.) Culture and Politics in Indonesia, (Ithaca and London, Cornell University Press, 1972) p281.

<sup>2</sup> *Id.* at 283.

<sup>3</sup> Many observers have pointed out that it is difficult to discern a dominant or general “Indonesian culture” but the tendency to avoid open conflict is one of the common traits among Indonesians.

consideration of equity are not of course ignored. Rather they represent parameters which more or less define the outer limits of justice.<sup>4</sup>

The overlay of Dutch colonial law did not detract from the Indonesian desire to avoid interpersonal conflict because the legal system of the Netherlands is civil law and Dutch courts are inquisitorial as distinguished from the adversarial or accusatory nature of the common law system. The inquisitorial judge in the civil law family is expected to apply the letter of legislation, is limited in ability to modify a statute to fit the equities of the case, and will play an active role in determining the outcome of the case.

The notion of truth-seeking vis-à-vis a by-gone event through the employment of confrontation between prosecutor-defendant or plaintiff-defendant, that is the adversaries, is a legacy of English common law. American jurisprudence, being derived from the common law, maintains its trust in the adversary system.<sup>5</sup> The American Bar Association endorses the role of the lawyer as advocate within the adversary system thus:

The lawyer appearing as an advocate before a tribunal presents, as persuasively as he can, the facts and the law of the case as seen from the standpoint of his client's interest. ... In a very real sense, it may be said that the integrity of the adjudicative system itself depends upon the participation of the advocate. ... An adversary presentation seems the only effective means for combating this natural human tendency to judge too swiftly in terms of the familiar that which is not yet fully known. The arguments of counsel hold the case, as it were, in suspension between two opposing interpretations of it. ... Each advocate comes to the hearing prepared to present his proofs and arguments, knowing at the same time that his arguments may fail to persuade and his proofs may be rejected as inadequate. .... The deciding tribunal, on the other hand, comes to the hearing uncommitted. ... Viewed in this light, the role of the lawyer as a partisan advocate appears not as a regrettable necessity, but as an indispensable part of a larger ordering of affairs. The institution of advocacy is not a concession to the frailties of human nature, but an expression of human insight in the design of a social framework within which man's capacity for impartial judgment can attain its fullest realization.<sup>6</sup>

The Australian Law Reform Commission, drawing from comparative law, has made this observation of the adversarial system:

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<sup>4</sup> *Id.*

<sup>5</sup> Also known as the accusatory or adversarial system.

<sup>6</sup> Joint Conference on Professional Responsibility, Report (On Professional Responsibility in the Adversary System, 44 A.B.A.J. 1159, 1160-61 (1958)). The Report also gives this *caveat*: "The advocate plays his role well when zeal for his client's cause promotes a wise and informed decision of the case. He plays his role badly, and trespasses against the obligations of professional responsibility, when his desire to win leads him to muddy the headwaters of decision, when, instead of lending a needed perspective to the controversy, he distorts and obscures its true nature.

In broad terms, an adversarial system refers to the common law system of conducting proceedings in which the parties, and not the judge, have the primary responsibility for defining the issues in dispute and for investigating and advancing the dispute.<sup>7</sup>

This position is echoed by other commentators on the common law, for example:

[T]he moral force of a judgment or decision will be at a maximum when the following conditions are satisfied: 1) The judge does not act on his own initiative, but on the application of one or both of the disputants. 2) The judge has no direct or indirect interest (even emotional) on the outcome of the case. 3) The judge confines his decision to the controversy before him and attempts no regulation of the parties' relations going beyond the controversy. 4) The case presented to the judge involves an existing controversy, and not merely the prospect of some future disagreement, 5) The judge decides the case solely on the basis of the evidence and arguments presented to him by the parties. 6) Each party is given ample opportunity to present his case.<sup>8</sup>

### Advocacy Within the Criminal Law System

The confrontation of advocacy occupies a crucial place within the criminal law. A crime by its very nature is viewed as an affront to the peace and tranquillity of the sovereign. Being such, a criminal offense is prosecuted by the might of government. The police are ordered to investigate the crime scene, gather and preserve evidence, interview witnesses, and make an arrest. Another arm of the government, the lawyer prosecutor takes the case into court wherein a judge presides over the trial of the accused. The criminal defendant faces the resources and power of the modern state. It is one thing if the accused is indeed guilty but what if he or she is innocent. How can anyone be sure that the government has hauled in the culprit? While the sovereign has a vested interest in maintaining law and order, it must also ensure that execution of the law is just. The innocent must not be wrongfully convicted and mistakenly punished.

In contrast with a civil case between citizens which can be resolved by mediation and other alternates means of dispute resolution, a criminal action involves the government and very often the incarceration of the accused. When the accused is innocent, he or she has very little choice but to confront and fight to the end with the hope to win an acquittal. The government, being funded at public expense and playing the majestic role

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<sup>7</sup> See Australian Law Reform Commission, Discussion Paper 62: Review of the Federal Civil Justice System.

<sup>8</sup> Lon Fuller, The Problems of Jurisprudence, pp 706-797 Brooklyn: Foundation Press (1949).

of the champion of public safety, rarely will back down unless overwhelming evidence to the contrary comes to the fore.<sup>9</sup>

This is the arena where the champion of the interests of the accused is absolutely indispensable. This advocate must present his client's case to the fullest and the judge must give every leeway for defense counsel to do so. The greater cause to be served and is the prevention of oppression by the prosecution and ultimately, the avoidance of general tyranny. In the United States, the right of the accused in a criminal proceeding "to have the assistance of counsel for his defense" is written into the Sixth Amendment to the Constitution and has been reaffirmed many times by the Supreme Court.<sup>10</sup>

## II. The Record Of Adversarial Confrontation and Advocacy in the Indonesian Legal System

The proponents of an independent bar must have been greatly cheered when *negara hukum*,<sup>11</sup> was expounded in the Elucidation to the 1945 Constitution.<sup>12</sup> The years of experimentation with the parliamentary system from 1950 to 1958 were satisfying years for Indonesian lawyers who believed in the ascendancy of the private advocate. These aspirations were dashed when a self confident Sukarno, flirting with socialism, reinstated the executive heavy 1945 Constitution. This period of charismatic dictatorship is known variously as Guided Democracy or the Old Order. Prof. Lev pointed out that

In the patrimonial order of Guided Democracy, law and legal process were, if anything epiphenomenal. So were advocates. While many had been politically active in the parliamentary system, they all but disappeared from the politics of Guided Democracy. Only one or two former advocates appeared in any of Soekarno's cabinets.<sup>13</sup>

The status of formally educated lawyers in private practice fell precipitously during this period of *hukum revolusi* and they were reduced to contending with the *pokrol bambu*<sup>14</sup>, untrained intermediaries with connections or fixers for clientele. Jamaluddin Dato Singo Mangkuto an advocate during Guided Democracy recalled:

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<sup>9</sup> For example, the true culprit comes forth and confesses, at the same time bringing physical evidence to support the professed guilt.

<sup>10</sup> See, e.g. Miranda v. Arizona, 384 U.S. 436 (1966) (the right to a warning against self incrimination and on the right to counsel), and Gideon v. Wainwright, 372 US 335 (1963) (right to free counsel for indigents); See also, Escobedo v. Illinois, 378 U.S. 478 (1964)(right to counsel triggers when an investigatory process becomes accusatory).

<sup>11</sup> A nation under the rule of law.

<sup>12</sup> The State of Indonesia is based upon law (*Rechstaat*), it is not based upon more power (*Maachtstaat*).

<sup>13</sup> D. Lev, Legal Aid in Indonesia, Working Paper No. 44. Centre of Southeast Asian Studies. (Clayton, Monash University, 1987) p6.

<sup>14</sup> The bush or bamboo lawyers. See, Daniel S. Lev, Between the State and Society: Professional Lawyers and Reform in Indonesia, in Indonesia: Law and Society, (T. Lindsey, Ed.) The Federation Press, 1999, pp227-229.

Advocates were often considered simply “trouble-[makers],” interested only in making money by selling their services to clients. Negative views of this sort often caused tensions between judges and advocates. ... In criminal cases, judges would deny the request of advocates to read their case files ... Similarly, relations between advocates and prosecutors were very saddening.<sup>15</sup>

In 1963, a dozen or so of visionary advocates had organized the *Persatuan Advokat Indonesia* (*PERADIN* – Association of Advocates of Indonesia) as a professional association for lawyers. The fortune of advocates began to slowly improve under the New Order after 1965 when Suharto rallied the military to mercilessly crush the *Partai Komunis Indonesia* and to push Sukarno into obscurity. Perhaps Suharto needed to conveniently fill the power void created by the extermination of communist activists and to make allowance for a new channel through which social pressure could be vented before it reached explosive levels.<sup>16</sup> As noted by Sukarno’s remark that “You cannot make a revolution with lawyers,”<sup>17</sup> advocates must have appeared to be less of a threat to the Suharto regime than revolutionary communists. Even so, Suharto kept a tight rein over the control of the government, insisting that the executive remain supreme. The judiciary up to the *Mahkamah Agung*<sup>18</sup> remained within the Ministry of Justice and judges felt a need to show loyalty to the president.

Nevertheless, during the 32 years of the New Order, Indonesia experienced both impressive economic development and the growth of the private lawyer. The influx of foreign companies revived the demand for commercial negotiations, dispute resolution and litigation. However, as a source of critique and a driving force towards *negara hukum*, it is those lawyers who provide legal aid to the poorer Indonesians that have the loudest voice. But the winds of change were perceived to be rising and the political atmosphere was becoming suitable for legal advocacy. The first project of *PERADIN* was to work with the regular establishment of judges, prosecutors, and police to organize the *Pengabdian Hukum* (Servants of the Law), the avowed purpose of which was to rectify abuses of legal process and to begin reform from within the legal establishment. Given the track record of the Old Order, this achievement was hailed as being ground-breaking. When an activist advocate Yap Thiam Hien, a *PERADIN* delegate to *Pengabdian Hukum*, was jailed by offended authorities, *Pengabdian Hukum* demonstrated both its good faith and efficacy by getting him released in a week. However, *Pengabdian Hukum* in the long run

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<sup>15</sup> Jamaluddin Dato Singo Mangkuto, Masa Depan Profesi Advokat di Indonesia, (The Future of the Professional Advocacy in Indonesia), in *Penataran Pengacara Muda Se-Indonesia* (Seminar for new advocates in Indonesia, sponsored by the LBH, 5-7 April 1973) at p 42. Cited *Id.* at 7.

<sup>16</sup> While Indonesians are famous for enduring hardship with politeness and for using every device to avoid confrontation, there is also a tradition of *amok* – the final loss of self control and recourse to violence, sometimes against their detractors and other times against innocent bystanders,

<sup>17</sup> Attributed to Sukarno from a speech at a national conference of Indonesian lawyers in 1961 and published in “*Hukum & Masyarakat*,” Jakarta, Djambatan, 1962.

<sup>18</sup> The highest court in Indonesia. Under the New Order from 1981-1993, the *Mahkamah Agung* and the Ministry of Justice were staffed retired military officers loyal to Suharto. There is now more civilians within the court system.

was doomed to failure because the well meaning founders were few in number; most judges, prosecutors and police were not sold on the agenda, and more importantly, after a while, the New Order at the highest levels also wrote off this approach to reform.

The rank and file of *PERADIN* was also busy elsewhere, mostly in the commercial arena and many were doing well especially in the high rise offices of Jakarta and away from the jails and poorer parts of town. In 1978, *PERADIN* adopted a new *Ikrar Peradin* (charter-oath) that pledged member advocates to defend human rights; to pursue struggle to establish truth, justice and law, to promote democracy, clean government and an independent judiciary based on *Pancasila*; to fight for representative bodies that truly serve the people's interests; to obey the advocates' code of ethics; to defend the weak and the poor; to oppose all arbitrariness and oppression; and to be open to criticism and correction from any quarter.<sup>19</sup> This again proved workable only on paper.

Another seemingly more potent agent of change came in the form of *Lembaga Bantuan Hukum* (LBH – Legal Aid Institute), an offspring of *PERADIN*. In the beginning, the LBH, enjoying the tacit support of the new Suharto government, especially Ali Sadikin, the liberal mayor of Jakarta, achieved many legal successes. Legal aid lawyers attained near legendary fame, some of the names being Adan Buyung Nasution, Yap Thiam Hien, and H. J. Princen.<sup>20</sup> The LBH and its spin-off offices specialized in providing legal advice and litigation expertise for the poor and notwithstanding its dependence on official financial support, appeared not be shy away from taking on issues that involved legal confrontation with the government. The LBH plunged into both civil and criminal matters and became recognized for grappling with the most difficult and oftentimes sensational issues of the day, including religious matters, issues of conflict of political values, and collective disputes with the government. In all of the legal battles fought by the legal aid community, a close and effective ally was the public media. Press leaders such as Mochtar Lubis, the famous newspaper editor, and the late Oyong Peng Koen, a successful publisher gave unflinching support to the cause of legal reform.

After this remarkable honeymoon of about a decade and a half, the New Order during the late 1970s began to diminish the latitude given to advocates opposing government policies. The plan was to streamline the now out of favor *PERADIN* and other lawyer organizations under one nationally approved association (*wadah tunggal*) and through it impose official disciplinary oversight over the entire legal profession. Consequently, in 1985, the government created *Ikatan Advokat Indonesia* or *IKADIN*<sup>21</sup>, but *PERADIN* and other legal organizations refused to disband and subsume their memberships into *IKADIN*. Instead, certain advocates fought messy political battles for control of *IKADIN*.

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<sup>19</sup> See *PERADIN* (1978:97-98) for the resolution and the oath. Cited by Daniel S. Lev, *Between the State and Society: Professional Lawyers and Reform in Indonesia*, in *Indonesia: Law and Society*, (T. Lindsey, Ed.) The Federation Press, 1999, p237. Unfortunately, Prof. Lev observed that “[t]he two documents, unabashedly idealist, are also unashamedly disregarded by most private lawyers. Yet they represent authentically the professional and political values to which advocates lay claim.

<sup>20</sup> These two lawyers together with Lukman Wiriadina (chairman of *PERADIN*) and Suardi Tuarif (his successor) are considered to the founders of LBH.

<sup>21</sup> Like the loftiness of *PERADIN*, the motto of *IKADIN* is *Fiat Justitia Ruat Coelum* (Let Justice be Done though the Heavens Fall).

The government responded just as clumsily against select advocate “trouble-makers.” A notorious example of matters coming to a head is the contempt of court action against Nasution during the trial of Lt. Gen. Dharsono (retired) for subversive complicity in the Tanjung Priok riots of September 1984 and the subsequent revocation of the registration of his law license for one year.<sup>22</sup>

During the remainder of the New Order, the regime was determined to domesticate the free spirit of the more stubborn lawyers. These efforts bore mixed fruit as even those within *IKADIN* found the strong approach of the government hard to stomach – finally in 1991 *IKADIN* split into two organizations – one ready to submit to the aegis of the government and the other the old *PERADIN* group. The wheel has rotated a full circle. The *perjuangan* for liberal legal reform continues currently and always with press in support.

### III. Freedom of the Press In Indonesia to Critique the Government

The salient case that comes to mind in the area of freedom of the press in Indonesia is the case of *Tempo*, the popular current affairs magazine which at the time it ran into trouble with the government had a readership of about one million. On June 11, 1994, *Tempo* published a critical article about the involvement of the Finance Minister over the pricing of German naval vessels in a purchase initiated by Minister for Research and Technology, Dr. B. J. Habibie. On June 21, the Ministry of Information in a notice of decision canceled the SIUPP (*surat izin usaha penerbitan pers* – the permit for press publishers<sup>23</sup>) issued for *Tempo* and two other magazines.<sup>24</sup>

*Tempo* through its editor and employees applied for relief in the newly created *Pengadilan Tata Usaha Negara* (PTUN – National Administrative Law Court). On May 3, 1995, the Jakarta PTUN headed by Judge Benyamin Mangkoedilaga ruled for the applicants on the ground that, *inter alia*, the withdrawal of the SIUPP had the same effect as a *pembreidelen* (banning or censorship). *Pembreidelen* was prohibited under Article 4 of the Law on the Press No. 21 of 1982 and therefore the withdrawal was overruled. The decision was upheld by the five judges of the Administrative Court of Appeal on November 21, 1995. However, the case did not end there – the Minister

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<sup>22</sup> *Id.* at 243.

<sup>23</sup> Up to the 21 June action, the press in Indonesia into three categories: those with a publishing licence (SIUPP), those with only registration (*surat izin terbit* - STT), and those lacking either. The first category is generally considered the professional press - newspapers such as *Kompas*, *Suara Pembaruan*, *Jawa Pos* and so on. The second category covers campus newspapers, and publications such as *Pancasila Abadi* containing propaganda material of the mass organization *Pancasila Youth*. For campus newspapers, the rector or deputy rector usually has the position of advisor. In the case of organizations, the chairperson acts both as advisor and 'protector' in case of legal problems. Publications lacking any form of permit are grouped into the third category. This covers student papers, bulletins of non-government organizations or magazines of professional associations.

<sup>24</sup> The other two were *Editor* and *Detik*.

appealed by *kasasi* (cassation) to the *Mahkamah Agung*. On May 13, 1996, the high court reversed the Administrative Courts, finding that the action of the Minister was distinguishable from *pembreidelen*. The response of the Editorial Chief of *Tempo*, Goenawan Mohamad was that “in the current political constellation, it should not be hoped that the MA would produce an independent or virtuous decision.”<sup>25</sup>

Besides the control of the printed word, Suharto kept a tight grip on the various other media. Non-governmental radio news was illegal, and all television stations were either government-run or owned by Suharto's associates. With the fall of Suharto, the leadership of the media worked with concerned legislators to make press freedom a legal reality. On September 13, 1999, the DPR passed a 21-article press bill. On September 23, B. J. Habibie, in one of his last acts as president, signed Law No. 40 of the Republic of Indonesia on the Press of 1999, overruling the 1966 and 1982 press laws. This new Press Law (1) guarantees press freedom and gives it protection (2) annuls the SIUPP and other regulatory restrictions on publishing, and (3) revives a multitude of print media publications and organization. Article 15 creates an independent Press Council which will help prevent outside interests interfering with press freedom, settle public complaints arising from news stories, and increase the quality of the profession.<sup>26</sup>

President Wahid in a vote in the MPR abolished the Ministry of Information on the belief that information is society's business, and not that of the government. The legislative and executive tug-of-wars to be expected, the perennial question remains: is the new press law a certain safeguard for press freedom against executive action? Indonesia still has laws that a judge can use to override the new press law if a lawsuit affecting press freedom comes to court. Indonesia's penal code has several anachronistic articles from the Dutch colonial period that could put a journalist in jail for legitimate reporting. Article 134 of KUHAP, provides for a maximum prison sentence of six years and a fine for the purposeful defaming of the President and Vice President. Defamation, or *penghinaan*, is defined in the penal code as written or oral communication in public with four or more people attending that the affected party may find offensive. Articles 154 and 155, the “hate-sowing” articles prohibit the spreading of ill will toward the government in public.<sup>27</sup>

Interestingly, the other concern of the media sector is the proliferation of poor quality publications, especially in terms of content and responsibility. The plan is to self-

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<sup>25</sup> (*Kompas*, 1996:13). Quoted in Julian Millie, *Indonesia's Press Law, the Pengadilan Tata Usaha Negara and the Negara Hukum*, in *Indonesia: Law and Society*, (T. Lindsey, Ed.) The Federation Press, 1999,p272.

<sup>26</sup> Trade newsletters are circulated to news organizations for the benefit of working journalists. These newsletters include *Sendi* in Surabaya, *Buletin Media Watch* in Makasar, *Kupas* in Medan, and *Independenwatch!* in Jakarta.

<sup>27</sup> Another conceivable limitation against freedom of the press is the controversial state security bill passed by the DPR rather interestingly on September 23, 1999. The bill, the *Penanggulangan Keadaan Bahaya*, could give unchecked power to the government and military if the president, or a governor at provincial level, were to declare a state of emergency. The Habibie government bowed to public pressure and announced the next day the bill's signing into law would be postponed. This bill appears to be in legislative limbo. Given the realpolitik in Indonesia, such law can be readily revived in the event of instability.

monitor through the Press Council and the other media watch groups the new press law has encouraged to come into existence.

#### IV. Freedom of Workers to Organize And Negotiate for Better Terms of Employment

Industrial relations and collective bargaining are other subjects that the legal system of Indonesia must become developed in. While not directly involving the government other than when the state is the employer, it is an area that could draw the government into conflict. The breakdown of industrial peace and the onset of labor strife could easily spill into unrest in the streets<sup>28</sup>, escalating social instability and weaken the credibility of the government.

President Sukarno courted the support of communists but this policy came to an abrupt and bloody end after 1965. Communists were hunted down and trade unions were effectively put out of business, especially those units affiliated with the *Sentral Organisasi Buruh Seluruh Indonesia* (SOBSI – the Indonesian Central Organization of Labor). However, by 1973, Suharto and the military felt secure enough to allow the formation of labor organizations once more beginning with the *Federasi Buruh Seluruh Indonesia* (FBSI – Indonesian Federation of Labor) and then the *Serikat Pekerja Seluruh Indonesia* (SPSI – United Workers of Indonesia). Government workers were organized into the *Korp Pegawai Republik Indonesia* (KORPRI – Indonesian Civil Service Corp). All of these were government sponsored organizations and were usually headed by military officers.

Over the years, and in particular towards the end of the New Order, new independent unions began to emerge<sup>29</sup> and women became active in the labor movement.<sup>30</sup> Megawati came to power on a campaign that courted the support of workers and that promised more rights to workers. As the most pressing issues facing the new president is financial solvency and separatist pressures, it is not clear what the government posture towards labor relations and unions will be – only time will tell on this question.

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<sup>28</sup> As was seen in the rioting in Medan in 1994 and in Jakarta in 1998.

<sup>29</sup> E.g. *Serikat Buruh Merdeka* (SBM – Union of Independent Labor or Solidarity as it was popular called), *Serikat Buruh Sejahtera Indonesia* (SBSI – Indonesian Workers Prosperity Union) and the Alliance of Independent Journalists (AJI).

<sup>30</sup> A tragic case involved Marsinah who was raped, tortured, and killed during a course of a labor dispute in Porong, East Java. Another rising and more fortunate woman is Dita Indah Sari, president of the National Front for Workers' Struggle Indonesia was among those who organized the grassroots movement that helped topple Indonesia's autocratic ruler Suharto in 1998. In 1994, she helped launch the Indonesian Center of Labor Struggle. In 1997, she was sentenced to seven years in prison for leading a strike of 20,000 workers. She was released two years in 1999.

## V. Conclusion

Indonesia is experiencing her most free and liberal period since 1959, when Sukarno, father of President Megawati Sukarnoputri and strongman father of the nation, dissolved parliament and ended the nation's first experiment with democracy. Suharto, a former general whose martial abilities were tested in the 1965 coup, also ruled Indonesia with a strong hand and contributed to the building of the Indonesian economy until the last Asian financial crisis. B. J. Habibie and A. Wahid served short caretaker terms and they will be remembered as having accomplished very little for a country in severe economic distress. It is only with the election of Megawati that Indonesia once more is engaged in a renewed experiment with democracy.

Critics of the Megawati Administration already speculate that it will swing towards a more authoritarian approach under the leadership of Sukarno's daughter. They point towards her stance on the issue of separatism in the provinces of Aceh and Irian Jaya, her defense of military personnel implicated in human rights violations in East Timor, and her sporadic speeches in which she stresses national integrity, stability, and order. They are alarmed by the proposal of the Indonesian Democratic Party of Struggle (PDI Perjuangan) to reinstate the Ministry of Information and the possibility that Megawati will acquiesce. She also is criticized to being too much in debt to the military for her rise to and continuation in power.<sup>31</sup>

Others point to her campaign record with the Indonesian Democratic Party of Struggle that supported rights for workers, journalists and farmers to argue that it is too soon to judge. Will Megawati continue to nurture and protect the democratic chorus of pluralistic voices, some of which are critical of her policies or will she clamp down, starting with her most outspoken critics? Given the few months that President Megawati has been in office, it is actually too soon to say where she and Indonesia are heading – only time and the will of the Indonesian people shall reveal the answer.

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<sup>31</sup> Leo Batubara, executive director of the Indonesian Newspaper Publishers Association notes that "the people around Megawati have learned two things from our history: If you want to hold on to power, you have to be close to the military, and you have to control the press." He is merely restating the realities of Indonesian politics. Hince Panjaitan, a lawyer who runs the Indonesian Media Law and Policy Institute, says members of Megawati's party have been at the forefront of efforts to water down legislation that would guarantee press freedom, particularly for the broadcast media.  
See, <http://www.csmonitor.com/durable/2001/07/24/text/p10s1.html>.