

PERSPECTIVE

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COVID-19's Impact on Indonesia's Social Opposition: The Examples of Labour Rights and the Papuan Question

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EXECUTIVE SUMMARY

- While the rapprochement between President Widodo and his rival Prabowo Subianto has subdued the sense of polarisation among the Indonesian elite, signs of a polarisation between critical sections of civil society and the government and parliament continue to grow.
- Social opposition to the new Omnibus Bill for Employment Creation has continued to be active despite COVID-19 social distancing restrictions preventing an escalation of street protests and mobilisations.
- On another front, the COVID-19 restrictions against mass gatherings did not stop a wave of protests in June against racist violence and discrimination against Papuans under the banner of Papuan Lives Matter, inspired by the Black Lives Matter movement in the United States. These took place at a time when the Papuan question was attracting attention because of a string of court trials of Papuan activists in the preceding months.
- While the COVID-19 restrictions on gatherings have had a constraining impact on street mobilisations, they have, at the same time, boosted the discussion of these social opposition agendas through online forums and other social media activity. Despite a dampening impact of COVID-19 on some forms of activity, social opposition has sustained its campaigning.

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INTRODUCTION

By January 2020, the rapprochement between President Joko Widodo and his Presidential rival, Prabowo Subianto, had been consolidated.¹ While some allies of Subianto maintained their anti-Widodo stance, they had lost their place on the centre of the political stage.² Rivalries among the political elite were reduced to what were obvious manoeuvres for position. The illusion of polarisation has therefore faded.

Meanwhile, another polarisation appears poised to sharpen. Various elements of ‘civil society’,³ such as labour unions, environmental groups, human rights organisations and student activist groups, have begun to escalate their criticism of a new piece of legislation. This is the Omnibus Bill for Employment Creation. In many respects, these groups and forces mirror those that supplied the forces and energy for the large-scale protest mobilisations that took place in September 2019, which targeted other legislation, including a law weakening the Commission for the Eradication of Corruption (KPK) and other laws criticised for eroding civil rights.⁴

By February 2020, all trade unions were opposed to the Omnibus and were calling for protests. These calls were echoed by other elements of civil society: the *social opposition*. There appears a likelihood of another round of protest mobilisations, perhaps similar to that of 2019, but now led by unions. By March, however, COVID-19 had arrived on the scene, and large street mobilisations were no longer feasible or likely. During the months since March, however, the social opposition has not dissolved or dissipated. There was a moment in June, when protest expanded with a short round of mobilisations inspired by the Black Lives Matter movement in the US taking up the slogan “Papuan Lives Matter”.

THE OMNIBUS BILL

Trade unions have led the opposition to the Bill, opposing its reduction and elimination of overall rights for severance payments, the relaxation on the use of labour hire for core work activities, the end of minimum wages in some sectors, and the reduction of rights to paid leave in some circumstances. They also oppose the removal of the right to appeal to court the reasons for dismissal. Coming after the 2017 loss of the right to negotiate annually a cost of living increase, these revisions are criticised as a serious erosion of existing labour rights.⁵

Union opposition includes the two major unions aligned with political parties in the government coalition, namely the Confederation of Indonesian Trade Unions (KSPI), aligned with Gerindra and the Confederation of All Indonesia Trade Unions (KSPSI).⁶ All the unions independent of such alignments are also actively in opposition. Most, though not all, of these, are members of a coalition called Workers Movement Together with the People (*Gebrak*).⁷ A broader alliance, Indonesian Peoples Fraction (FRI), comprising 40 civil society groups, go beyond trade unions in their membership. FRI lists 12 points they have against the Bill⁸ which include criticism of the weakening of the provisions requiring environmental impact statement for new projects as well as the strengthening of the powers of the executive arm of government compared to parliament.

During January and March, some trade unions organised strikes, stoppages and other protest actions against the Bill and in many parts of the country, not just in Jakarta.⁹ A major

national mobilisation was projected for March 23 as the start to a build-up to May Day. Then on March 18, the coalition, the Indonesian Workers Assembly (MPBI) announced the cancellation of the March 23 rally because of the COVID-19 situation.¹⁰ This coalition comprised the KSPSI, KSPI and also the Confederation of Prosperity Labour Unions (KSBSI), which had also supported Joko Widodo for President in 2019. The unions' leaders had been stating their hope that the DPR would not take the opportunity of the cancellation of the protest to push through the Bill.

GEBRAK, also had to eventually follow suit as the COVID-19 pandemic became more serious. The plans for more mobilisations leading up to May Day were cancelled. In April, the MPBI announced that May Day would be a digital event. The MPBI unions said that apart from a "digital strike" – calling on workers to state their opposition on social media – they would also carry out social activities, such as distributing hand sanitiser and other COVID-19 related activities.¹¹ The GEBRAK coalition launched a YouTube protest and also called on their members to send text messages to members of parliament on May Day.¹²

Workers in individual factories that were involved in industrial disputes, continued to mobilise using socially distanced picket lines and vigils. Although these protests were around disputes specific to their workplaces, their placards often also expressed opposition to the Omnibus Bill. Unions argued that the government and DPR should postpone any discussions on the Bill and focus on dealing with the COVID-19 pandemic.¹³ One party, the Democrat Party – the party of former President Yudhoyono –withdrew from the working group deliberating on the Bill.¹⁴ The DPR majority, however, refused to pause the deliberations.¹⁵

Between March and June, unions continued to oppose the Bill through press public statements and social media. No major strikes or street mobilisations were possible until July. In July, the environmental organisation, Greenpeace, held a demonstration by placing dozens of mannequins holding protest signs outside the DPR, as a COVID-19-safe form of protest.¹⁶ The Indonesian Forum for the Environment (Walhi) also continued its protests publicly refusing to participate in discussion with a DPR working group on the Bill.¹⁷ Trade unions have also used the tactic of refusing to participate in a working group discussing the Bill – this time a tripartite technical committee, involving business representation.¹⁸ The provisions weakening labour rights, as listed earlier in this essay, from a trade union perspective, were not up for negotiation.

While the COVID-19 pandemic has kept the campaign against the Omnibus Bill mounted by both labour as well as environmental and student groups¹⁹ from developing a momentum on the streets or in the workplace, it is clear that opposition to the Bill has been sustained during this period, with no signs of it weakening. In fact, critical discussion of the Omnibus Bill has expanded dramatically, potentially reaching the widest ever audience through the incredible expansion of online forums using platforms such as Instagram and Zoom.²⁰ At the same time, there are no signs that the political parties in the coalition supporting the government in the DPR are weakening their stance. The potential for this contradiction to sharpen and spur more protests and strikes is being dampened, but not killed, by the pandemic situation. The contradiction is not going away however. On July 16, the Gebrak coalition and other organisations were able to organise large demonstrations in a number of cities to protest against the Bill.²¹

A DIFFERENT KIND OF OUTBREAK: PAPUAN LIVES MATTER PROTESTS

The restrictions on mass gatherings because of COVID-19 have meant no mobilising momentum against the Omnibus Bill, with most labour actions being specific to workplace disputes. There was, however, one outbreak of protests which defied the COVID restrictions. Following the killing of George Floyd on May 26 and the ensuing Black Lives Matter protests in the United States, there was a wave of demonstrations in Indonesia protesting racist discrimination and violence against Papuans.²²

These demonstrations are significant to the assessing of the current evolution of the social opposition. First, it was significant that demonstrations took place in so many cities despite the restrictive atmosphere because of the pandemic. Second, there was a notable expansion in the breadth of support for the demonstrations. There had been a previous round of demonstrations in September 2019 following a racist incident in Surabaya against Papuan students.²³ Outside of Papua, the core participation for these came from Papuan student organisations such as the Papuan Student Alliance (AMP) and activist groups such as the Indonesian Peoples Front in Solidarity With West Papua (FRI-WP). Members of AMP and the non-Papuan spokesperson for FRI-WP were arrested after one of these demonstrations in Jakarta and put on trial for rebellion ('makar'). In May, they were sentenced to 9 months in prison.²⁴ Their case was followed by human rights and activist groups and reported in the mainstream media. At the same time, over 50 Papuans were arrested in the Papuan provinces and their trials also started and received publicity. In June, Papuans on trial for 'makar' (rebellion or treason) in courts in Balikpapan, to which they had been removed, were sentenced to up to 11 months, after prosecutors had demanded over ten years in some cases.

The issue of violence against Papuans, and support for self-determination in Papua, was seen on placards and posters, and among the formal targets of the large student demonstrations in September was the DPR's passing of the law to weaken the Corruption Eradication Commission. The demonstrations in June 2020 indicated that the Papuan issue, in one form or another, had begun to be absorbed more firmly into the agenda of the evolving social opposition. Apart from receiving the support of all the established critical elements of the social opposition, these demonstrations drew in a spectrum of the university student population that had not previously been present. A prime example of this was a statement issued by the Students Executive Bodies (BEM) of several major universities from West Java. These included the Institute of Technology Bandung, Padjadjaran University, Indonesian Education University, the Telkom University, and Siliwangi University.²⁵ The protests took place in many major towns, including in Sumatra, East Kalimantan and Aceh.²⁶ In Aceh, the Student Executive Bodies from across Acehnese campuses issued a statement demanding the release of the Papuans on trial in Balikpapan.²⁷

There have been no street mobilising momentum around the country outside of Papua beyond June, no doubt partly due to the pandemic situation. However, there was a very sizeable and significant wave – in fact, it might even be described as massive – of online forums discussing Papua from a critical point of view.²⁸ This took off in the wake of the release of the six sentenced activists in Jakarta who became frequent speakers on online forum panels. The phenomenon manifested a spectrum of participation much broader than anything earlier. While COVID-19 has dampened street mobilisations, it has forced discussion online, quite possibly allowing a very significant widening of discussions. Online forum discussions on Papua, with a critical slant, were still ongoing in July.

CONCLUSION: UNRESOLVED CONTRADICTIONS

As with the social opposition's campaigning against the Omnibus Bill, the substantial campaign and discussion around racist discrimination and violence in Papua have not had an impact on the government nor on the political discourse among the political parties or political elite. On both fronts, the contradictions appear to be sharpening. This was also reflected in the ability of trade unions and some other organisations to launch the July 16 round of anti-Omnibus Bill demonstrations.²⁹ The social opposition – that is the spectrum of civil society non-government organisations, labour unions and student and youth – still does not, however, have either the organisational infrastructure or national profile to bring this polarisation to a head in the immediate future.

¹ See Max Lane, "Indonesian Politics After the Widodo-Prabowo Rapprochement" in *ISEAS Perspective*, April 20, 2020 N0 31 at https://www.iseas.edu.sg/wp-content/uploads/2020/02/ISEAS_Perspective_2020_31.pdf

² In recent weeks some of these forces have forced their way back into the national spotlight through their opposition to the Pancasila Ideology Bill (RUU H.I.P.), a Bill primarily sponsored by the Indonesian Democratic Party of Struggle (PDIP). The Bill includes provisions which define the essence of Pancasila as being "socio-democracy". This is both a secular concept and an idea closely associated with the left-wing politics of President Sukarno. Conservative and right-wing Islamic groups have staged demonstrations opposing the Bill accusing it to be a move towards communism. These elements, however, are still only operating in the extra-parliamentary arena and without clear or firm party allies in the parliament. See <https://www.kompas.com/tren/read/2020/06/25/055000265/apa-isi-ruu-hip-yang-masih-tuai-kontroversi?page=all>

³ The term "civil society" is widely used in the social sciences, often with different meanings. In Indonesian political life it has come to refer to those organisations, either formal or informal, that advocate critiques of government policy, often opposing those policies. I have introduced in this essay the term 'social opposition' to differentiate them from the 'political opposition' that is common in parliamentary democracies, where that opposition openly challenges for governmental power. In Indonesia, the social opposition campaigns to stop laws and policies but not, at this stage at least, present itself as an alternative government.

⁴ Max Lane, "Students Protest Against the Weakening of Corruption Eradication Commission (KPK)", *ISEAS Commentary*, 24 September, 2019 at <https://www.iseas.edu.sg/media/commentaries/students-protest-against-the-weakening-of-corruption-eradication-commission-kpk-by-max-lane/>

⁵ For an English language summary of the Bill's provisions, see Esther Samboh, "Guide to omnibus bill on job creation: 1,028 pages in 10 minutes", in *Jakarta Post*, February 24, 2020 - <https://www.thejakartapost.com/news/2020/02/21/guide-to-omnibus-bill-on-job-creation-1028-pages-in-8-minutes.htm> For more on Indonesian labour rights and conditions, see: Max Lane, "The Politics of Wages and Indonesia's Trade Unions", *ISEAS Perspective*, No 4, January, 2018 at https://www.iseas.edu.sg/wp-content/uploads/pdfs/ISEAS_Perspective_2018_4@50.pdf

⁶ See for example, <https://nasional.kompas.com/read/2020/02/16/15353591/ini-9-alasan-kspi-menolak-omnibus-law-cipta-kerja?page=all>

⁷ <https://kasbi.or.id/2020/03/20/pernyataan-sikap-gerakan-buruh-bersama-rakyat-gebrak/> - This GEBRAK press release opposed the Omnibus Bill lists 22 member organisations, seven of which were union federations, and the others student organisations or human rights NGOs.; see also https://kbr.id/nasional/01-2020/gebrak_upah_per_jam_itu_akal_akalan_pengusaha/102021.html

⁸ <https://www.thejakartapost.com/news/2020/01/30/12-reasons-why-activists-enumerate-reasons-to-reject-colonial-spirited-omnibus-bill.html>; <https://en.tempo.co/read/1337262/may-day-workers-plan-massive-social-media-rally>. Below are the points made by the FRI:

1. The Bill will legitimize investments that lead to environmental destruction, while the government tends to ignore existing investment by the people and indigenous communities, which is more environmentally friendly and bring more prosperity to the people.
2. There have been defects in the Bill's deliberation process because it was drafted in closed-door meetings without any participation from civil society organizations. It also included unconstitutional provisions.
3. The Bill is elitist and does not accommodate the interests of citizens affected by the regulation.
4. It will concentrate authority within the central government, which is in contrast to the spirit of reform.
5. There is a threat of corruption increasing due to a lack of monitoring and supervision as well as the elimination of citizens' rights to sue.
6. It will lead to the seizure and destruction of the people's living space.
7. It will worsen the environmental crisis due to unsustainable investments that lead to pollution, man-made ecological disasters and further destruction.
8. It will create modern slavery through the flexible manpower system as shown by provisions allowing workers to be paid under the minimum wage standard, allowing hourly-rate wages, and an expansion of outsourcing working contracts.
9. It will create massive lay-offs and worsening working conditions.
10. [It will establish] an education system to create cheap labour for industry in line with the massive number of investments.
11. It will threaten farmers, fishermen, indigenous communities, women and children, disabled people and other minority groups of faith, gender and sexuality.
12. It will create potential for criminalization, repression and excessive force by the state apparatus against the people while the state provides legal immunity and privileges to businesspeople.

⁹ <https://www.cnnindonesia.com/nasional/20200311184804-20-482602/buruh-mahasiswa-jatim-desak-jokowi-batalkan-omnibus-law>; <https://news.detik.com/berita-jawa-tengah/d-4896219/massa-pekerja-yogya-demo-tolak-omnibus-law-cipta-kerja-di-dprd>; <https://buruh.co/buruh-dan-mahasiswa-jambi-geruduk-dprd-tolak-omnibus-law/>; <https://kbr.id/nasional/01-2020/gebrak-upah-per-jam-itu-akal-akalan-pengusaha/102021.html>; <https://mediaindonesia.com/read/detail/282328-buruh-tolak-ruu-omnibus-law-cipta-lapangan-kerja>. There are many media reports of such actions, especially in Jakarta, in February and early March.

¹⁰ <https://www.liputan6.com/bisnis/read/4205508/ada-virus-corona-buruh-tunda-aksi-besar-besaran-tolak-omnibus-law>; <https://www.cnnindonesia.com/nasional/20200323180905-20-486196/demo-tolak-omnibus-law-di-jatim-ditunda-karena-corona>

¹¹ <https://www.thejakartapost.com/news/2020/04/30/may-day-rallies-go-online-amid-covid-19-restrictions-as-workers-continue-to-oppose-job-creation-bill.html>

¹² <https://www.thejakartapost.com/news/2020/05/01/on-may-day-workers-marches-go-online-to-avoid-coronavirus-risk.html>

¹³ <https://www.cnnindonesia.com/nasional/20200407152602-32-491264/buruh-dpr-tak-peduli-rakyat-bahas-omnibus-law-saat-corona>

¹⁴ <https://en.tempo.co/read/1334356/democrat-party-withdraws-from-omnibus-bill-committee>

¹⁵ <https://nasional.kompas.com/read/2020/03/31/06333251/pembahasan-omnibus-law-ruu-cipta-kerja-di-tengah-wabah-virus-corona>; <https://www.cnnindonesia.com/nasional/20200402160310-32-489673/setuju-bahas-omnibus-law-dpr-dinilai-manfaatkan-wabah-corona>

¹⁶ <https://news.detik.com/berita/d-5072315/aksi-tolak-omnibus-law-puluhan-manekin-demo-di-depan-dpr>

¹⁷ <https://www.cnnindonesia.com/nasional/20200610150354-32-511840/walhi-tolak-undangan-rapat-dpr-omnibus-law-bukan-buat-rakyat>

¹⁸ <https://www.koranperdjoeangan.com/ini-alasan-kspi-keluar-dari-tim-teknis-omnibus-law/>

¹⁹ There were also student demonstrations in early March against the Omnibus Bill. This included a demonstration by students from several campuses in Yogyakarta organised by the Gejayan Memanggil coalition that had carried out the large September 2019 demonstration.

<https://www.cnnindonesia.com/nasional/20200309120623-20-481680/gejayanmemanggil-tolak-omnibus-law-mahasiswa-mulai-ke-jalan>. For background on the 2019 demonstrations, see:

<https://news.detik.com/berita/d-4925013/tolak-omnibus-law-cipta-kerja-bem-si-gelar-demo-di-dpr>

There were also student demonstrations in early March in Jakarta protesting against the environmental aspects of the legislation.

²⁰ There has been a massive boom in online forums discussing every kind of topic since the COVID-19 pandemic began.

²¹ <https://www.cnnindonesia.com/nasional/20200716131745-20-525430/pekik-massa-aksi-tolak-omnibus-law-di-dpr-rezim-anti-rakyat>; <https://www.cnnindonesia.com/nasional/20200716171748-20-525564/massa-aksi-anti-omnibus-law-belakangi-kantor-gubernur-jatim>;

<https://www.cnnindonesia.com/nasional/20200716202812-20-525656/massa-aksi-tolak-omnibus-law-kecewa-dpr-tutup-telinga>

²² See Karina Utami Dewi, “Comparing Black Lives Matter in the US and Papuan Lives Matter in Indonesia, what are the similarities and differences?” at <https://theconversation.com/comparing-black-lives-matter-in-the-us-and-papuan-lives-matter-in-indonesia-what-are-the-similarities-and-differences-140346>; also <https://foreignpolicy.com/2020/06/16/black-lives-matter-papua-indonesia/>

²³ Max Lane, “The Papuan Question in Indonesia: Recent Developments”, *ISEAS Perspective*, No 74, 19 September 2019.

²⁴ <https://www.cnnindonesia.com/nasional/20200526141450-12-506991/surya-anta-bebas-dari-rutan-salemba>

²⁵ See here for the text of their statement

<https://drive.google.com/file/d/1TyvfjSdt9FAsbT7Oq28RqIFVD8GHcLBI/view?usp=sharing>

²⁶ There is a list of actions compiled from around the country to date, but even a brief perusal of some social media will reveal the wide extent of the protests.

²⁷ <https://harianrakyataceh.com/2020/06/16/konferensi-pers-aliani-bem-se-aceh-tuntut-penegak-hukum-bebaskan-7-aktivis-papua/>

²⁸ These forums are advertised through social media, especially that part accessed by the broad civil society community.

²⁹ <https://www.cnnindonesia.com/nasional/20200716131745-20-525430/pekik-massa-aksi-tolak-omnibus-law-di-dpr-rezim-anti-rakyat>

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