



Judul : House of Representatives Waging War Against Free Speech
Tanggal : Rabu, 14 Februari 2018
Surat Kabar : Jakarta Post
Halaman : 2

House of Representatives waging war against free speech

Is it just me, or are lawmakers currently at war with democracy?

Public debate over the controversial provisions in the draft penal code, which has been widely criticized for being anti-criticism, is not over yet. Now, out of the blue, lawmakers have just passed a law granting the House of Representatives (DPR) ethics body the power to press charges against those critical of the legislative body and its members.

On Monday, the House passed into law the amendment to the 2014 Legislative Institutions Law, known as the MD3 Law. The law outlines the authority of the nation's three legislative bodies — the House, the People's Consultative Assembly (MPR) and the Regional Representatives Council (DPD).

It was probably one of the most boring bills deliberated by lawmakers with the most contentious provision, at least until a few months ago, being the one outlining the structure of the House's

leadership.

The Indonesian Democratic Party of Struggle (PDI-P), which won the 2014 legislative election, was desperate to get a seat on the House's leadership, and had long sought to change the law to get it. The revision, therefore, was more important to the lawmakers than the public.

It is safe to say that most people could not care less about the MD3 bill, until a few days ago when it was revealed that the latest draft bill included new provisions empowering the House's ethics council (MKD).

Article 122 of the law stipulates that "the MKD is tasked with taking legal action and/or other actions against a person, a group of people or a legal entity that disrespects the dignity of the House and its members."

On the other hand, Article 245 says the MKD would provide consideration for the President before deciding whether law enforcers could summon and question a lawmaker implicated in a crime.

COMMENTARY

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Paired together, the two articles potentially gives the ethics council the power to criminalize critics and protect House members from prosecution.

It is unclear when the lawmakers inserted the controversial provisions in the MD3 bill, but journalists posted at the House claimed that they were not included in the 2016 draft produced by the House Legislative Body (Baleg).

Critics say the articles lacked detail and could be interpreted in such a way to serve the interests of lawmakers. The law does not



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specify or provide a clear definition of actions deemed as disrespectful to the House.

Baleg has argued that the article was necessary to protect the House from “contempt of parliament”, which is a crime in some countries. However, in countries where “contempt of parliament” is an offence such as Australia and the United Kingdom, the concept is mostly clearly defined as an attempt to obstruct the legislature or a lawmaker from carrying their duties.

The offense includes refusing to answer the House’s summons or produce documents related to an ongoing political inquiry.

According to Indonesian lawmakers, “contempt of parliament” includes false allegations against them, or even hasty generalizations.

When asked to cite an example of criticism that could land someone in jail, Baleg deputy chairman Firman Subagyo said “The House is a state institution that deserves the same respect as the

presidency. If you write all House members are corrupt, that is not allowed. Not all House members are corrupt.”

He added: “Say there is one lawmaker [who] commits a crime, don’t judge the institution.”

The latest Transparency International Indonesia (TII) survey has again placed the House as the state institution perceived as the most corrupt by the public. The March 2017 survey by TII, involving 1,000 respondents in 31 provinces across the country, showed that 54 percent of respondents named the House, not the police or tax office, as the most corrupt body.

Last year, the House launched an inquiry into the Corruption Eradication Commission (KPK) following the latter’s move to launch a major graft investigation that implicated dozens of former and active lawmakers. The House repeatedly denied the inquiry was related to the ongoing graft probe.

To be fair, the House has

passed a number of progressive laws since the downfall of the New Order, such as the Freedom of Information Law, the Corruption Law and the Human Rights Law, while playing a major role in fostering Indonesia’s democratic transition.

Lawmakers after 1998, regardless of their flaws, are largely more dynamic than their predecessors under the Soeharto regime, knowing they are now a product of a more democratic Indonesia. It is therefore reprehensible that the current lawmakers, elected 16 years after *reformasi*, are eager to kill freedom of speech, which is an integral part, if not the essence, of democracy itself.

The current House members have already passed two laws that are inimical to freedom of speech – the 2016 Cyber Law and the MD3 Law. With the much-decried Criminal Code bill set to be passed into law soon, we are now seeing, 20 years after *reformasi*, the beginning of the end of free speech in our country.