



PERMANENT MISSION OF THE
REPUBLIC OF INDONESIA TO THE UNITED NATIONS
WORLD TRADE ORGANIZATION (WTO)
AND OTHER INTERNATIONAL ORGANIZATIONS
IN GENEVA

No: 91/POL-II/VI/2025

Geneva, 16 June 2025

Dear Madame and Sirs,

In reference to the Joint Communication from the Special Procedures Mandate Holders (Ref.: AL IDN 3/2025, dated 23 April 2025), the Government of the Republic of Indonesia (GoI) respectfully conveys its response, as attached herewith.

The GoI reaffirms its steadfast commitment to the promotion and protection of human rights. In particular, Indonesia underscores that the rights to freedom of opinion and expression, as well as the freedom of peaceful assembly, are fundamental liberties enshrined in the 1945 Constitution and further reinforced by Indonesia's obligations under the ICCPR. These rights are guaranteed without exception, including for journalists, media professionals, and human rights defenders.

As a current member of the Human Rights Council, Indonesia remains committed to constructive dialogue and cooperation with the Special Procedures. The Government upholds the principles of equality before the law and the equal protection of rights for all citizens, regardless of socio-cultural, religious, or economic background.

Accordingly, the GoI wishes to provide factual information and clarifications in response to the concerns and allegations set forth in the Joint Communication. These responses reflect Indonesia's ongoing efforts to promote and protect human rights while safeguarding public order and the safety of its citizens, in accordance with national legislation and Indonesia's international human rights obligations.

Please accept, Madame and Sirs, the assurances of my highest consideration.

Yours sincerely,




Achsanul Habib
Ambassador / Chargé d'affaires

Ms. Gina Paola Romero Rodríguez, Special Rapporteur on the rights to freedom of peaceful assembly and of association

Ms. Gabriella Citroni, *Chair-Rapporteur* Working Group on Enforced or Involuntary Disappearances

Ms. Farida Shaheed, Special Rapporteur on the right to education

Ms. Irene Zubaida Khan, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Ms. Tlaleng Mofokeng, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Ms. Mary Lawlor, Special Rapporteur on the situation of human rights defenders

Dr. Ganna Yudkivska, *Chair-Rapporteur* Working Group on Arbitrary Detention

**Reply of the Government of Indonesia
to the Joint Communication of the Special Procedures Mandate Holders
Ref.: AL IDN 3/2025 of 23 April 2025**

The Government of Indonesia acknowledges the concerns raised and reaffirms its strong commitment to upholding the rights to freedom of expression, peaceful assembly, and association, as guaranteed by the Constitution and international human rights instruments, including the ICCPR.

In response to these concerns (Ref.: AL IDN 3/2025, dated 23 April 2025), the Government has conveyed them to relevant ministries, agencies, as well as to the Indonesian National Armed Forces (TNI) and National Police (Polri), with a view to strengthening the implementation of relevant policies and practices on the ground. This includes efforts to ensure that the actions of security forces are fully aligned with human rights standards and democratic principles.

As a democracy, Indonesia is committed to respecting these freedoms while ensuring that they are exercised responsibly and in accordance with the law, with due regard for public order, security, and the rights of others. Limitations, where applied, are consistent with international norms and intended solely to protect the broader public interest.

We value our engagement with the UN human rights mechanisms and reaffirm our support for the Special Procedures, guided by the principles of independence, objectivity, and mutual respect.

Freedom of Opinion and Expression, and Freedom of Peaceful Assembly and Association as Constitutional Rights in Indonesia

The GoI reaffirms that the rights to freedoms of opinion, expression, peaceful assembly, and association are fundamental rights guaranteed by the Constitution (*Undang-Undang Dasar 1945/UUD 1945*) and national laws and are further upheld in line with Indonesia's obligations under the ICCPR.

Indonesia continues to strive for a careful and lawful balance between the full enjoyment of civil liberties and the broader responsibility to safeguard social harmony, public safety, and democratic values. This remains an ongoing effort, with room for dialogue and improvement to ensure that the implementation of relevant frameworks reflects evolving expectations and international human rights standards.

Articles 28, 28E (2), 28E (3), and 28F of the UUD 1945 explicitly guarantee the rights to freedom of opinion and expression. In parallel, Law No. 9 of 1998 on the Freedom to Express Opinions in Public regulates and protects the right to peaceful assembly, while also requiring that such expressions respect public order and the rights of others.

Furthermore, Law No. 2 of 2002 on the Indonesian National Police ensures the safety of individuals engaging in peaceful public demonstrations. This is implemented through Chief of National Police Regulation No. 7 of 2012, which provides guidelines to facilitate the protection of lawful assemblies. In addition, Law No. 17 of 2013 on Civil Society Organizations offers a legal framework to support the role and governance of civil society actors in national development.

While these rights are protected, they are not absolute. Article 28J of the UUD 1945 provides for necessary limitations in the exercise of freedoms, solely to ensure the recognition of others' rights, uphold public order, and maintain morality, security, and religious values within a democratic society. Specifically, Article 28J (2) of the UUD 1945 states that "*in exercising his/her rights and freedoms, every person shall have the duty to accept the restrictions established by law for the sole purposes of guaranteeing the recognition and respect of the rights and freedoms of others and of satisfying just demands based upon considerations of morality, religious values, security and public order in a democratic society.*"

This constitutional limitation is in line with Article 19(3) of the ICCPR, which acknowledges that the right to freedom of expression carries duties and responsibilities and may be subject to restrictions that are necessary for respect of the rights of others, national security, public order, public health, or morals.

Moreover, Articles 6 and 15–18 of Law No. 9 of 1998 underscore the Government's commitment to facilitating peaceful public expression, provided it complies with established procedures, respects the rights of others, and does not endanger public safety or disrupt social harmony.

Response to Alleged Restrictions on Civic Space and Excessive Use of Force During Demonstrations Related to the Revision of Law No. 34 of 2004 on the Indonesian National Armed Forces (RUU TNI)

The Gol takes note of concerns raised regarding the protection of civic space in the context of public demonstrations, particularly involving students, journalists, and human rights defenders, related to the revision of Law No. 34 of 2004 in the Indonesian National Armed Forces/*Tentara Nasional Indonesia* (TNI). We reiterate our commitment to upholding human rights and democratic values as enshrined in the UUD 1945, as well as in Indonesia's obligations under the ICCPR, particularly Articles 19 and 21.

As mentioned before, freedom of expression and peaceful assembly are guaranteed under **Articles 28E(2), 28E(3), and 28F of the Constitution**, as well as under **Law No. 9 of 1998** concerning the Freedom to Express Opinions in Public, which sets out the procedures and guarantees for lawful demonstrations.

In the context of the demonstrations, the Gol underscores that law enforcement authorities have sought to **facilitate and protect peaceful protests**, while also safeguarding public order and safety. In instances where demonstrations escalated into violent acts, such as vandalism and threats to public facilities or personnel, law enforcement officers have acted in accordance with their mandate to respond **swiftly, proportionally, and professionally**. These actions are guided by national law and internal regulations, including:

- **Chief of Police Regulation (*Peraturan Kepala Kepolisian Negara/Perkap*) No. 8 of 2009** on the Application of Human Rights Principles and Standards in Police Duties;
- **Perkap No. 16 of 2006** on Guidelines for Handling Public Demonstrations;
- **Perkap No. 1 of 2009** on the Use of Force and Firearms;
- **Perkap No. 2 of 2022** on the Supervision of Members by Superiors in the National Police.

The Gol strongly rejects any forms of intimidation, arbitrary detention, or use of excessive force. Where such allegations are substantiated, thorough, impartial, and independent investigations are carried out in accordance with the law. The existing internal accountability mechanisms within the Indonesian National Police (Polri), including the Division of Profession and Internal Security (Propam), are actively engaged in monitoring and addressing complaints of misconduct.

In support of transparency and public trust, Propam Polri has launched a 24-hour public complaint service, accessible via WhatsApp and walk-in offices, to report suspected abuses by law enforcement personnel. This initiative serves as a concrete mechanism to uphold accountability and foster public confidence.

With respect to concerns over individuals reportedly 'missing' during protests, these cases were, in fact, detention for brief periods (typically not exceeding 24 hours) in connection with public order enforcement. These instances do not constitute enforced disappearances, as defined under international human rights law, given the detentions were lawful, time-bound, and their location was verifiable.

The Government acknowledges that such incidents may raise concerns over possible serious violations. Therefore, moving forward, the Government has encouraged law enforcement officers to enhance communication with the families of those concerned to avoid misunderstanding and ensure transparency.

Concerning the Press Freedom and Protection of Journalists in Indonesia

The Gol reaffirms its steadfast commitment to upholding freedom of expression and freedom of the press, as guaranteed in the UUD 1945 (specifically Articles 28, 28E(2), and 28E(3)) and reinforced by Indonesia's international obligations under the ICCPR. We recognise the vital role of journalists and media professionals as the fourth pillar of democracy and as key partners in advancing transparency, accountability, and the protection of human rights. Ensuring their safety and ability to operate freely is not only a constitutional mandate but also a moral responsibility. Accordingly, the Gol is committed to safeguarding the rights of journalists to carry out their professional duties in a safe and enabling environment, free from threats, violence, intimidation, or reprisals.

In this regard, the Government takes seriously the concerns raised regarding the alleged violence and intimidation against journalists covering public protests, including those mentioned:

- a. With respect to the case of **Mr. Herry Kabut**, the editor-in-chief of Flores.co, who was reportedly subjected to mistreatment while covering a protest in Poco Leok, NTT, the police clarified that the action taken was an attempt to ensure public safety, given that Mr. Kabut could not immediately verify his status as a journalist. Nonetheless, the police accepted his report and will be processing it in accordance with applicable procedures, underscoring zero-tolerance policy against misconduct.
- b. Regarding the case of **Mr. Andri Somantri** who sustained injuries during a protest in Sukabumi, West Java, it is regrettable that he was harmed despite identifying himself as a journalist. The protest had turned violent, complicating the ability of officers to

distinguish between demonstrators and members of the press. The Government underlines that law enforcement should investigate the matter thoroughly and transparently.

- c. In the case of **Mr. Rama Indra**, who was reportedly received physical abuse while covering a protest in Surabaya, the journalist has filed a formal report to the East Java Police. The case is currently under active investigation, including through a medical examination (*visum et repertum*) conducted at Bhayangkara Hospital. Should there be sufficient evidence of wrongdoing, the perpetrators will be held accountable.

In addressing the broader issue of **intimidation against media institutions**, the GoI strongly condemns such acts and has been working closely with civil societies and independent national institutions to resolve the matters. The National Human Rights Commission (*Komnas HAM*) has conducted an independent inquiry and is coordinating closely with the Criminal Investigation Agency (*Badan Reserse Kriminal/Bareskrim*) of the Indonesian National Police. Based on the instruction of the Chief of Police, a formal investigation has been launched to ensure that these acts are prosecuted according to the law.

The GoI emphasizes that no one is above the law, and every allegation of misconduct, whether involving state actors or civilians, will be subjected to legal scrutiny under Indonesian law. However, we believe that national mechanisms should be allowed the necessary space to carry out their functions in accordance with the rule of law.

We remain open to further dialogue and cooperation with all parties to ensure the full protection of civic space and the safety of journalists.

Response to Concerns on the Revision of Law No. 34 of 2004 on the Indonesian National Armed Forces (RUU TNI)

The GoI acknowledges and takes note of public concerns regarding the revision of Law No. 34/2004 on the Indonesian National Armed Forces (TNI), particularly with regard to the scope of military roles in civilian institutions, accountability, and the public consultation process.

Indonesia remains firmly committed to the principle of civilian supremacy and democratic governance. The revision of Law No. 34/2004 is not intended to restore the dual-function role of the military (*dwifungsi* ABRI), but rather to modernize the institutional framework of the TNI in addressing evolving security challenges, including non-traditional threats such as cyber threats and hybrid warfare. The TNI continues to operate under the command of the President, with strategic defense policy coordination vested in the Ministry of Defense.

Through its new provisions, the revised Law reinforces the separation between military and civilian spheres by clearly defining and limiting the scope of military personnel's involvement in civilian institutions. TNI personnel may only occupy positions in specific ministries and agencies as regulated by law. Should a TNI officer be appointed to a role outside of these designated institutions, they are required to formally resign or retire from active duty.

With regard to accountability, Article 65 of Law No. 34/2004 remains intact, which stipulates that members of the TNI are subject to military courts for military offenses, while for general criminal acts, they fall under the jurisdiction of civilian courts. This distinction preserves the

integrity of both military and civilian legal systems and upholds the principle of equal accountability under the law.

The Government of Indonesia recognizes the importance of public participation in legislative processes, particularly for matters of national significance. The revision process has been underway for over a decade, with the draft included in the National Legislation Program (*Prolegnas*) since 2010. The draft bill underwent 18 months of deliberations in Parliament and included 12 rounds of consultations with civil society organizations, academic institutions, and legal experts. The GoI affirms that the process adhered to democratic and legal principles in accordance with Indonesian legislative procedures.

A formal judicial review of the revised Law on the Indonesian National Armed Forces (TNI) is currently underway before the Constitutional Court (*Mahkamah Konstitusi*), filed by civil society groups including students and academics. The petition challenges the law on both procedural and substantive grounds. This ongoing process reflects the strength and responsiveness of Indonesia's democratic institutions and legal system, which provide structured mechanisms for public participation, oversight, and lawful correction of policies considered problematic.

Finally, Indonesia remains open to continued dialogue, constructive input, and concrete technical assistance from the Special Procedures Mandate Holders and the Office of the High Commissioner of Human Rights (OHCHR) to further promote the application of human rights standards across all sectors, including among law enforcement and security actors.

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