Enabling Environment

Snapshot

Indonesia

29 January 2025

Context

Indonesia's enabling environment for civil society has presented challenges and opportunities in recent years. Significant restrictions on freedoms of expression, association, and peaceful assembly have been worsened by the implementation of the Electronic Information and Transactions Law (ITE Law) and the Societal Organisation Law, used by authorities to stifle dissent and target activists and civil society. Meanwhile, the relationship between civil society and the government remains complex, featuring occasional collaboration in policy-making processes, but also intimidation and repression. In addition, accessibility to funding has become increasingly difficult for grassroots organisations due to heightened government scrutiny of international funding. However, there has been a positive shift in public discourse, with greater visibility of civil society issues related to human rights and social justice, although meaningful participation from marginalised groups is still hindered by systemic obstacles.

1. Respect and protection of fundamental freedoms

Indonesia's civic space has faced challenges affecting civil society's freedoms of expression, association and assembly. Constitutionally protected, freedom of expression has been strained by the ITE law, used to criminalise human rights defenders and activists charged under its provisions on defamation (Art. 27A). Furthermore, CIVICUS Monitor reported that from 2018 until 2024, the state of civic space in Indonesia has been rated as obstructed with more than 400 protesters and activists arbitrarily arrested in 2024. One ongoing concern is the case of Daniel Tangkilisan, an environmental activist who was found guilty of "spreading hate" and sentenced to seven months in jail on April 2024 for criticising illegal shrimp farming in the Karimunjawa National Park through his Facebook page. Additionally, the Law on Societal Organisations, enacted in 2013 and amended in 2017, has broadly-defined, ambiguous restrictions that allow the government to suspend or shut down non-governmental organisations (NGOs) that are critical of its human rights policies and practices without undergoing the judicial process.

2. Supportive legal framework for the work of civil society actors

The Indonesian Constitution of 1945 guarantees freedom of association, peaceful assembly and expression. However, Indonesia also has the Foundation Law (Law No. 16 of 2001) and the Societal Organisation Law (Law No. 17 of 2013, as amended in 2017) that can sometimes hinder the operation and effective functioning of Civil Society Organisations (CSOs). Through Article 59 Letter C, this law allows the authorities to dissolve organisations that contradict the state ideology (Pancasila) or threaten national security, without judicial process. This vague phrasing gives the authorities broad

discretion to target and shut down organisations, particularly those that are critical of the government or advocate for controversial issues like human rights, environmental justice, or political reforms. The fear of arbitrary dissolution can discourage organisations from freely voicing opinions critical of the government or engaging in advocacy. Moreover, the Societal Organisation Law imposes stringent registration requirements on associations in order to obtain legal status and stipulates that registered organisations must align their activities with Pancasila (Art. 59). In addition, Ministry of Home Affairs Regulation 38 of 2008 concerning Obtainment and Granting Societal Organization Donations from and to Foreign Entities, Art 7(1) restricts the types of funding that organisations can receive, including limits on foreign funding, especially for   organisations that allegedly do not align with Pancasila. This restriction can impact the financial sustainability of CSOs, particularly those reliant on international support for their advocacy and service delivery.

3. Accessible and sustainable resources

Accessibility of funding for civil society in Indonesia has been a persistent challenge, and this situation has deteriorated over the past year. While more prominent and established organisations may have better access to funding from international donors, local CSOs, and grassroots movements often struggle to secure consistent financial support and core funding. In addition, there has been increasing pressure by the authority on international donors regarding the types of projects they can support, particularly those related to human rights, environmental issues and advocacy, or political reform. Organisations have faced barriers in accessing foreign grants due to the government's scrutiny of NGOs receiving international funding. Under Art 7(1) of Ministry of Home Affairs Regulation No. 38 of 2008, organisations are required to submit a plan for the approval of foreign assistance that details the source of the assistance, its purpose, and the plan for its utilisation. Furthermore, Indonesia's accession to the OECD will likely limit funding access for Indonesia's CSOs, as it is perceived as a middle-income country. Hence, the Civil Society Organisation Endowment Fund (DA OMS) working group was initiated. The DA OMS working group, led by INFID, is carrying out advocacy efforts to urge the issuing of a Presidential Regulation (Perpres) regarding CSO Endowment Funds, which would establish that CSOs are entitled to receive funding from the State Revenue and Expenditure Budget (APBN). DA OMS is a form of civil society demand for the state's responsibility for CSOs' sustainability. Additionally, if the Presidential Regulation about endowment funds is passed, it will strengthen CSOs in various sectors, particularly in funding.

4. State openness and responsiveness

The interaction between civil society and the government in Indonesia is characterised by a complex relationship that encompasses both collaboration and tension. Indonesian CSOs advocate for various issues, including human rights, environmental protection, indigenous rights and social equity, while the government often seeks to maintain control over political discourse and public participation through media influence, laws, regulation and arbitrary arrest.

There have been instances where civil society, including organisations representing women, minorities and marginalised groups, were consulted in decision-making processes. For example, discussions around gender equality and development planning have involved women's groups, reflecting an understanding of the need for diverse perspectives. However, meaningful consultation and incorporation of feedback from these groups vary. While some organisations have been engaged, many others report limited or tokenistic involvement in policy discussions, where their input is not fully considered or integrated into final decisions.

Despite formal channels, civil society often faces government resistance, particularly when advocating for policies that challenge the status quo. Instances of intimidation, harassment, or legal threats against activists and organisations critical of government decisions have been reported, creating a cautious attitude toward speaking up for the rights of the people or criticising the government.

5. Political Culture and Public Discourses on Civil Society

Civil society's representation in public discourse and political discussions in Indonesia has been multifaceted, reflecting both advancements and ongoing challenges related to inclusivity and recognition. Over the past year, CSOs in Indonesia have garnered greater visibility in public discourse, particularly concerning urgent issues such as human rights, environmental sustainability, and social justice. Campaigns in social media and advocacy efforts have raised awareness of civil society's role in addressing critical societal challenges. Several times, civil society organisations have been positively featured in media coverage, highlighting their actions, positions, and contributions to national debates and initiatives advocating for marginalised communities.

Furthermore, efforts have been made to enhance political participation among marginalised groups, such as women's rights organisations advocating for more meaningful representation of women in local and national development processes, and Indigenous groups that urge the government to pass the Indigenous People's Bill. Initiatives to increase political awareness and engagement among these groups reflect a growing recognition of the need for inclusivity in politics. Despite these efforts, significant barriers persist in achieving full inclusion. Marginalised groups can face systemic obstacles, discrimination, and a lack of access to platforms and decision-making

processes. Tokenistic representation in political discussions often undermines the substantive participation of these communities.

Challenges and Opportunities

Over the next four months, civil society in Indonesia may face increased scrutiny as the implementation of the Societal Organisation Law and ITE Law by the authorities could lead to heightened repression of critical voices and advocacy efforts. Therefore, a poor regulatory framework and limited funding access will have a destructive impact on Indonesia's CSO sustainability.

This year, the revision of the Societal Organisation Law in Indonesia suggests a governmental effort to update and improve the regulatory framework governing civil society organisations. The revision of the Societal Organisation Law will enhance the role of civil society organisations in Indonesia by creating a more supportive and effective regulatory environment.