

# Spirit of freedom fighters still needed to build nation

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**T**o establish or achieve one thing is difficult, but to maintain an achievement is much more difficult. Such a principle was once stated by Indonesia's founding president Sukarno in one of his speeches: "My struggle was easier because it was to repel colonialism, but your struggle will be more difficult because it will be against your own people."

What was said by Bung Karno is true. Currently, corruption is rampant in various societal levels of the nation. Corruption is so massive and effectively damaging to the existing systems in the government and the judiciary that it is considered common for people to enrich themselves without limit — and, sadly, without shame.

The current spirit of nationalism is no longer to resist colonialism, but to fight corrupt practices that have become an epidemic and uncontrollable. For that reason, we need to cultivate and promote honesty, morality and high integrity, as well as an anticorruption attitude among the people.

Promoting modern nationalism in the current *reformasi* era must be held through practices, especially in law enforcement. The challenge is how to solve all these legal disarrays because of poor law enforcement and widespread corruption in all aspects of life.

Law enforcement will lead to the achievement of a welfare state as was the goal of the current government. And as a country ambitiously pursuing development programs, the absence of firm law enforcement will very likely hamper the success of the already planned programs.

There is one thing to be noted from the judicial process in Indonesia, which is about the integrity of law enforcement officials as well as judges and lawyers. Such integrity can be achieved if law enforcement agencies — the Prosecutors' Office, the police and the judiciary — are independent. For the judiciary, it must

also be impartial in its decisions.

The meaning of "independence" in law enforcement here is that a judge should not be controlled or influenced by other parties through power or money. Meanwhile, impartiality is the attitude of a judge who is neutral and does not take sides in issuing a verdict, which is solely based on evidence, free from intervention, influence, coercion, pressure and threats, directly or indirectly, from any party and for any reason. Independence and impartiality are absolutely necessary as a guarantee that justice and truth can be enforced.

Moreover, the legal profession has the lowest level of public trust due to practices of "buying and selling" court verdicts. To that end, all elements of law enforcement must have the spirit of "modern nationalism". It means that law enforcement officials and those in the legal profession must remain devoted to the nation and the state and not merely look for financial benefits in all their activities. Modern nationalism means that they must put forward an anticorruption attitude and serve the development of the nation and the state in all aspects of life.

The government's intention to reinstate repressive articles in the draft Criminal Code, namely the article on insults against the president and vice president, is a setback in the course of our democracy. In fact, such an article had been annulled by the Constitutional Court through its verdict on a judicial review filed in 2006.

The *haatzaai artiekelen* (hate sowing articles) were introduced by the colonial ruler with the aim to silence the independence movement. They were eventually eliminated because freedom of speech and expression is indeed guaranteed in the 1945 Constitution. In addition to being in conflict with the Constitution, the *haatzaai artiekelen* are also incompatible with respect for human rights.

The government should be pro-people in the ongoing democratization process in Indonesia today, where criticism as a form of public



**Partner in crime:** The second wife of North Sumatra Governor Gatot Pujo Nugroho, Evy Susanti, emerges from a questioning session at the Corruption Eradication Commission office in South Jakarta. The KPK arrested Gatot and Evy for allegedly bribing Medan State Administrative Court judges, amid efforts to weaken the anticorruption body.

participation in governance should not be limited, let alone silenced. In the issue of insults to the president, there are a lot of things to consider before the government continues with a plan to pass the new draft Criminal Code — with its repressive articles — into law.

Judges are the center of the country's law enforcement and legal system. They are supposed to be highly respected and have wisdom in issuing verdicts that largely affect our daily lives. However, it is a fact that the law can still be bought and sold in Indonesia, while law enforcement is far from just because the court is not independent and impartial. This has therefore led to the apathy of the public toward the judiciary, with people becoming skeptical and pessimistic about the legal process in the judiciary.

To that end, the meaning of the "mental revolution" declared by the government of President Joko "Jokowi" Widodo must be completely understood. In an emergency situation in a country that suffers from rampant corruption, the legal policy must be aimed at eradicating

corruption in all sectors, including the judiciary, consistently and thoroughly.

The issue of law enforcement should not be left to the law enforcement officials themselves, but the government of President Jokowi, who has introduced "mental revolution" as his government's slogan, must come clear in elaborating programs for corruption eradication in the legal circle — the Supreme Court, the Corruption Eradication Commission (KPK), the Judicial Commission, the police, the Prosecutor's Office and the bar associations — so that the government will not walk alone in the fight against corruption or its mental revolution campaign.

On the other hand, President Jokowi must also be firm with his policies and programs. Everyone under the President has to carry out his orders. There have been some instances that require the President's firmness in carrying out law enforcement, such as the issue of two commissioners of the Judicial Commission who were declared suspects for allegedly "verbally" defaming a judge, as well as the is-

sue of two KPK commissioners who have been declared suspects. The two cases do not reflect the commitment for a mental revolution that was launched in Jokowi's presidential election campaign.

Mental revolution within the framework of a constitutional state is expected to play a major role in bringing about just law enforcement. Law enforcement itself should be supported by the course of the mental revolution toward a new Indonesia that upholds just law enforcement. Without a change in the mental attitude of law enforcers and judges, it is impossible that the legal disarray experienced by this country can be overcome.

Perhaps we can learn from Singapore, which remains consistent with its strict law enforcement. Fifty years after its independence in 1965, reforms have been carried out in all fields. The island nation was formerly known as a home of international crimes such as drugs, prostitution and transnational crimes. But now, as Lee Kuan Yew once said in his autobiography, *From Third World to First*, Singapore has been trans-

formed into a country whose economic growth is respected in Asia due to its high gross domestic product (GDP), as a center for finance, industries and high technology, as well as being famous for its order and consistent law enforcement.

Such an achievement does not happen overnight. It is thanks to the consistency of the Singapore government that their national development runs continuously, starting from the development of the law, followed by the development of the economy, finance, industries and high technology. Equitable development efforts in all these areas should be implemented consistently in Indonesia. However, it requires human resources that are competent, professional, honest and have high integrity.

Finally, in commemorating the 70<sup>th</sup> anniversary of Indonesia's independence, we need to ponder the grand design of Indonesia for the next 50 years and whether our country's long journey since independence has reached the best results — for the benefit of the people and national development of Indonesia. There is still much to improve from all sectors of life in this nation in order to catch up with other countries. To that end, we have to renew and uphold the spirit of our freedom fighters in building the country and the nation.

People are getting tired of hearing promises boasted by political leaders and parties. The government, in this regard, must have a clear legal policy in the future, so that the goal of establishing a prosperous Indonesia through just law enforcement can be achieved. Lies will not last, as Abraham Lincoln said: "You can fool all the people some of the time, and some of the people all the time but you cannot fool all the people all the time."

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