

PERSPECTIVE

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Protests Against the Omnibus Law and the Evolution of Indonesia's Social Opposition

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EXECUTIVE SUMMARY

- Since it was tabled in parliament in April 2020, there has been ongoing criticism of the Omnibus Law for Work Creation. It was strongly opposed by trade unions and civil society organisations that saw it as detrimental to labour rights and the environment.
- On October 8, protests took place in over 40 cities and towns throughout Indonesia, mobilising students and civil society organisations as well as some trade unions.
- These protests showed significant similarities in leadership and composition to those in September 2019 when the parliament passed a law seen to be weakening the powers of the Corruption Eradication Commission. The manifest trend towards greater national coordination of the protests seems to point towards a consolidation of the social opposition in Indonesia.
- Even some segments of the political establishment outside the core of the ruling coalition have voiced calibrated criticisms of the Omnibus Law. They too probably sense the growing tide of social dissent and see it prudent to distance themselves somewhat from the government's unpopular policies.

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INTRODUCTION

On October 8, unionised workers as well as university and high school students protested for the repeal of the Omnibus for Work Creation Law (Omnibus Law) that had been passed by Indonesia's House of Representatives on October 5, 3 days earlier than expected. Some small protests took place immediately on October 5, while the demonstrations on October 8 were much larger – ranging from several hundred to around 15,000 people. They occurred in major cities such as Jakarta, Surabaya, Bandung, Jogjakarta, Semarang, Malang, Jambi, Medan, Banda Aceh and Jayapura, and in over 40 towns and cities. In the following days, catch-up actions took place in towns where they had not occurred on October 8, while follow-up actions were seen in the cities. Then on October 20, another major round of protests occurred throughout the country.¹

There had been criticism of the 1,000-page Bill since the beginning of the year. All Indonesia's trade unions joined in, whether they had supported President Joko Widodo or Prabowo Subianto in the 2019 Presidential election, or had boycotted the election altogether. Despite losing the election, Prabowo and his party Gerindra are now a part of the Widodo government. The unions criticised the Bill for provisions that weaken benefits to employees; these relate to permanency of employment, the ease of hiring and firing, the widening of possibilities for labour hire, the reduction in rights to leave and the removal of minimum levels for redundancy payments. The Bill also weakens the role of district governments in determining wage levels despite great variations in economic circumstances among regions.²

Others have criticised the Bill for weakening legal requirements for environmental impact studies, replacing royalties on coal exports with a less onerous value-added tax, and making logging of forests easier.³

The Bill has been defended by employer organisations such as the Indonesian Business Association and the Indonesian Chamber of Commerce.⁴ It has also been strongly defended by the World Bank.⁵ There has been some nervousness from business-aligned foreign observers about the timing and the process. *The Economist* magazine commented: “The economy is indeed tied up in red tape. Mandatory benefits for the few workers lucky enough to be in formal employment were definitely so lavish as to discourage firms from creating jobs. Yet to weaken them in the midst of the pandemic, which has prompted the steepest collapse in incomes in a generation, is tone-deaf, as a former senior official puts it.” It is likely that similar thinking has been expressed privately by some businesses active in Indonesia.⁶

The government parties passed the Bill into Law with only minor concessions to the criticisms,⁷ and spokespersons totally rejected many criticisms as being based on “hoaxes”—which further aggravated dissent against the government.⁸ Opposition to the Bill was further aggravated by what *The Economist* called the “murky” way in which it was pushed through parliament. The Parliamentary committee examining the Bill met for its last sessions in a luxury hotel⁹ rather than in Parliament where it would have been more easily monitored, and then it was passed suddenly three days before schedule even before a final copy of the Bill was available.¹⁰

POLITICAL SIGNIFICANCE OF PROTESTS

There are no signs at this point that the government will retreat in the face of these protests. Two parties – the Justice and Welfare Party (PKS) and the Democrat Party – did not vote for the Law; however, neither have they supported the protests in any significant way. The significance of these protests may not be found in their immediate effect on the government but on the extent to which they manifest underlying socio-political tensions.

First, there is continuity with the September 2019 protests against the passing of a law that weakened the powers of the Corruption Eradication Commission (KPK).¹¹ The social composition of these two protests is the same: university students, high school students, and sections of the unionised workers. On October 8, university student mobilisations were probably slightly smaller due to the fact that most campuses were empty at the time due to the COVID pandemic. On October 20, the mobilisations were more tightly organised through the main union-student-civil society alliances. Mobilisations were reliant almost completely on social media. The participation of high school students, both from technical and non-technical schools, were very visible in these rounds of demonstrations.

There was continuity also where the initiators of the protests are concerned. In most cases, the activist alliances that organised the September 2019 demonstrations also called for the October 8 and 20 demonstrations. The precise character of these alliances differs from city to city, and town to town, which is not surprising since trade unions, student organisations and civil society groups, having evolved almost from scratch since 1998, find themselves in different situations in different cities.

The main forces are easily visible in Jakarta. Most of the trade unions that joined the recent call for protests and that were mobilised did so as part of an alliance called GEBRAK (Workers with the People Movement).¹² GEBRAK also played a major role in calling for the demonstrations in September 2019. The alliance includes several confederations and federations, the largest of which are Indonesian Trade Union Congress Alliance Confederation (KASBI) and the Confederation of United Indonesian Workers (KPBI).¹³ It also enjoys support from student, women, environmental and civil society organisations. The strategy appears to be to *build a broad multi-sector popular movement*.

The two largest trade unions, the Confederation of the All-Indonesian Workers Union (KSPSI) and Confederation of Indonesian Trade Unions (KSPI), did not issue instructions for their member unions to join the protests,¹⁴ but there are reports that some KSPSI workers at the district level did organise protests without direction from the national leadership. The KSPI definitely did encourage protests at workplaces.¹⁵

In the student sector, it is possible to identify three significant organised streams. One involves some formal student representative councils, organised as All Indonesia Student Executive Bodies (BEM-SI). BEM councils are elected and comprise mostly students from well-known student organisations, usually associated with the major political parties, but also some independent students. There is no available information for these numerous BEMs, but it is likely that the Indonesian Muslim Students Action Front (KAMMI),

associated with the PKS, plays a strong role. The BEM-SI organised its own mobilisations on October 8 and 20 in Jakarta.¹⁶

A second stream comprises student organisations known as the Cipayung Group, which are associated with long-standing political parties. This grouping also organised its own mobilisation on October 8.

The third stream is a new coalition of student organisations known as Indonesian Revolutionary Education Committee (KPRI), which comprises the more radical student organisations active in Jakarta, but also at least 20 campus campaign committees across the greater Jakarta area.¹⁷ It appears that many high school students joined KPRI's mobilisation, probably in response to KPRI's social media outreach. KPRI students merged with GEBRAK's mobilisation at the final gathering point at the Tugu Tani in central Jakarta,¹⁸ giving the mobilisation its focus. There is discussion inside KPRI on whether to work more closely with GEBRAK, reflecting their similar outlook of trying to build a multi-sector movement. On October 20, KPRI divided its forces between Bogor, Kerawang and Jakarta.¹⁹ Another multi-sector formation, the Peoples' Struggle Front (FPR), also had a modest presence.

In most larger cities, a similar variety of streams exists, with a different balance between them in each city. In Jogjakarta, for example, all three student streams operate within the same alliance, the Alliance of Peoples Movement (ARB), which also initiated the September 2019 actions. In Surabaya, the conjoining streams are expressed through the Movement Rejecting the Omnibus Law (GETOL),²⁰ in which the Surabaya Legal Aid Institute plays a significant role. GETOL also initiated the September 2019 actions.

Across the country, especially in the larger cities, there is a clear continuity in terms of leadership (articulation of critiques), in the forces initiating class for action, and in the social composition of the mobilisations, from 2019 to 2020. A social opposition²¹ is forming based on the trade unions that are not linked to mainstream political parties, alongside student and youth activist groups and critical civil society organisations (environmental, feminist, human rights and others). Although the demonstrations on October 8 were large and widespread and on October 20 were also significant in size, they have not been large enough to conjure the rise of a potential alternative governing coalition.

The demonstrations also revealed an increasing national coordination. The protests occurred in literally scores of towns and cities throughout the country, on the same day and the same demands. On October 11, probably the first-ever national press conference of the "people's movement", Konperensi Pers Gerakan Rakyat, was held.²² This was conducted by ZOOM and was supported by 13 alliances from cities around the country, with spokespersons from several of the alliances speaking. These alliances, and others, coming together and forming a united national campaigning network may be the most significant hint of a potential transformation of a social opposition into a political opposition.

POLITICAL CONTEXT

Thousands of pieces of footage of protests taken by activists with handphones have appeared in the internet. They show protests, clashes with the police, as well as activists being beaten by police. Following October 8, there were more but smaller demonstrations alleging police violence and demanding the release of detained protesters. A police announcement on October 6 said that 5,198 people had been detained.²³

The demonstrations have also taken place at a time when polls show that up to 90% of the population are dissatisfied with the government's handling of the pandemic.²⁴ The social opposition groups, including trade unions which had supported President Jokowi at election time, have constantly demanded that the government concentrate on managing the pandemic rather than focussing on rushing the Omnibus Law through parliament.²⁵ There can be little doubt that pushing through a Law perceived as hurting the lower economic strata of the population more quickly than usual,²⁶ and in a "murky" way, during a pandemic that is filling hospitals and causing what *The Economist* describes as having "prompted the steepest collapse in incomes in a generation", has only increased anger.

The President's and government's blanket rejection of criticisms as hoaxes also exacerbated anger. Minister of Defence, Prabowo Subianto, claimed that protests were the work of unnamed foreign forces.²⁷ The wide circulation on social media of a telegram from the National Police command to all police to stop demonstrators at their starting point has added further aggravation. While the telegram mentions health aspects, it also uses formulations such as "the consideration of the Omnibus Bill is still experiencing rejection from some elements of workers and society ... that will have an impact on health, morals, the economy and law."²⁸

This atmosphere of public disenchantment may also explain the nervousness shown by some mainstream organisations and figures, especially those not integrated into the core of the ruling coalition and who need to think of their levels of public or membership support. In the parliament, the two main political parties not in the governing coalition, PKS and Demokrat, have echoed the social opposition calls to prioritise managing COVID instead of the Omnibus Law, and they did not vote to pass the Law. The Chairperson of the very large mainstream Islamic organisation, Nahdatul Ulama, issued a statement on October 8 calling the law oppressive and benefiting the rich and called for a review of the law, if necessary in the courts.²⁹ The Nahdatul Ulama and Muhammadiyah were also part of a coalition calling for the withdrawal of the section of the Bill dealing with education, for tending towards a deeper commercialisation of the education sector. That section was withdrawn.³⁰ The governors of Jakarta, West Java, Yogyakarta and South Kalimantan have sent letters to President Widodo conveying the stated aspirations of unions that mobilised on October 8, but did not express explicit support for those demands.³¹

The two largest trade unions, KSPSI and KSPI, have also been caught between being linked to the government and the foul public mood. Over several weeks, the government met with trade union leaders over the Omnibus Bill. Some unions boycotted these, or attended and then walked out in protest over how they saw the meetings being conducted.³² These are mainly unions who mobilised via GEBRAK. The leaders of the KSPI and KSPSI were more co-operative with the President.³³ However, they still maintained their criticisms of the Law

although they did not mobilise members to join protests in Jakarta on October 8 or 20. Since then, they have agreed to take up President Widodo's suggestion not to demonstrate but to take the Law to the courts for a judicial review.³⁴ Another significant union, the KSBSI, which also attended meetings with the President, is also joining this effort.³⁵

CONCLUSION

President Widodo and his governing coalition show no signs of repealing the Omnibus Law, or of making any further concessions on its provisions. Unless the campaign against the Law grows considerably larger in size and momentum, this is unlikely to change. However, the ability of the spectrum of trade unions, student organisations and civil society groups to continue to both present public criticism of the Law as well as mobilise on the streets in the midst of the pandemic and under threat of police dispersal, indicates that a consolidation of a social opposition is underway. The accelerated use of social media, enhanced by the pandemic situation, has also added a greater national character to the mobilisations.

Additionally, more moderate mainstream groups have also shown hesitation in being seen to fully support the Omnibus Law. The further consolidation of the social opposition, especially the development of greater national coordination, and stronger signs of nervousness among some mainstream elements are possible if disenchantment with the Widodo government increases.

¹ For reports on October 8 see: https://tirto.id/aksi-protos-penolakan-uu-cipta-kerja-di-jakarta-f5JX?utm_source=Tirto&utm_medium=Terkait. On October 20 in Jakarta, see <https://tirto.id/demo-tolak-uu-cipta-kerja-berlangsung-aman-tanpa-bentrok-f6a3>

² <https://www.economist.com/asia/2020/10/15/how-not-to-reform-indonesia>; Amnesty International, *Commentary On The Labour Cluster Of The Omnibus Bill On Job Creation (Ruu Cipta Kerja)*, 2020 at

<https://www.amnesty.org/download/Documents/ASA2128792020ENGLISH.PDF>;
https://tirto.id/daftar-pasal-bermasalah-dan-kontroversi-omnibus-law-ruu-cipta-kerja-f5AU?fbclid=IwAR2C4fY77TGAIZ_Tmgth9cTYDkgT-z64JBQ5rPjr5hssMbSP6GDxBFkuTTE

³ <https://www.economist.com/asia/2020/10/15/how-not-to-reform-indonesia?>;
<https://en.tempo.co/read/1395681/walhi-job-creation-omnibus-law-rolls-out-red-carpet-for-corporations>

⁴ <https://www.cnnindonesia.com/ekonomi/20201006112336-92-554849/apindo-klaim-ruu-ciptaker-tak-cuma-untungkan-pengusaha> APINDO has been the at the forefront of the campaign in defence of the law. <https://en.tempo.co/read/1396384/kadin-on-job-creation-law-investment-needs-to-be-increased-to-7>

⁵ <https://www.worldbank.org/en/news/statement/2020/10/16/world-bank-statement-on-omnibus-law-job-creation>

⁶ Private communication from within business community.

⁷ The biggest concession was the removal of the cluster of clauses relating to the education sector.

⁸ <https://www.thejakartapost.com/news/2020/10/09/jokowi-dismisses-criticism-of-omnibus-jobs-law-as-hoax-news.html>

⁹ <https://www.cnnindonesia.com/nasional/20200928082342-32-551638/buruh-pergoki-dpr-rapat-ruu-cipta-kerja-di-hotel>

¹⁰ For a survey of criticisms of procedural aspects of the Bill, see

<https://indonesiaatmelbourne.unimelb.edu.au/major-procedural-flaws-mar-the-omnibus-law/>

¹¹ See <https://www.iseas.edu.sg/media/commentaries/students-protest-against-the-weakening-of-corruption-eradication-commission-kpk-by-max-lane/> In that case, the protests did not achieve forcing the President to annul the Law.

¹² For an analysis for the evolution of the political spectrum of Indonesian trade unions, see Max Lane, *An Introduction to the Politics of the Indonesian Union Movement*, ISEAS, 2019.

¹³ Another federation, F-SEDAR, mobilised representatives outside of the GEBRAK alliance. There are also some media reports indicating that workers from another significant union, the KSBSI, may have organised protests in some factory-belt areas.

¹⁴ Member organisations of GEBRAK include KPBI, KASBI, KSN, SGBN, Federasi Pekerja Pelabuhan Indonesia, Jaringan Komunikasi SP Perbankan, Sekolah Mahasiswa Progresif, Pergerakan Pelaut Indonesia, Serikat Pekerja Media dan Industri Kreatif untuk Demokrasi (SINDIKASI), AKMI, Perempuan Mahardhika, LMND-DN, and Konsorsium Pembaruan Agraria. See <https://buruh.co/buruh-akan-unjuk-rasa-tolak-revisi-uu-ketenagakerjaan-di-pidato-kenegaraan-jokowi/>

¹⁵ There are no indications of any call for mobilisation in the media by these unions. Activists from other unions or worker groups have confirmed that no KSPSI and KPSI joined the Jakarta mobilisations. See Max Lane, *op cit.*, for analysis of trade union politics.

¹⁶ <https://metro.tempo.co/read/1397413/bem-si-demonstrasi-lagi-tolak-omnibus-law-uu-cipta-kerja-estimasi-5-000-orang/full&view=ok>

¹⁷ KPRI includes the student organisations Pembebasan, Liga Mahasiswa Nasional Demokrasi DN, Serikat Mahasiswa Indonesia, Front Mahasiswa Nasional and Resistance.

¹⁸ All mobilisations were heading for the Presidential Palace but were blocked by police, and GEBRAK, BEM-SI, KPRI and Cipayung mobilisations then gathered at Tugu Tani.

¹⁹ Information from KPRI and Gebrak activists.

²⁰ See <https://www.instagram.com/rumahjuangrakyat/?hl=en> Getol's Instagram account.

²¹ It can be described as a social opposition because as yet it manifests neither in an opposition within parliament, nor via an electoral party, nor as a movement that presents any other form of alternative governing power. For an earlier discussion of the social opposition see, "COVID-19's Impact on Indonesia's Social Opposition: The Examples of Labour Rights and the Papuan Question", August 2020 at https://www.iseas.edu.sg/wp-content/uploads/2020/08/ISEAS_Perspective_2020_85.pdf

²² <https://www.youtube.com/watch?v=httuKFNOYo8> KONFERENSI PERS BERSAMA GERAKAN RAKYAT, posted by Yayasan LBH Indonesia.

²³ <https://www.cnnindonesia.com/nasional/20201013082314-12-557691/imbis-demo-omnibus-law-ditangkap-polisi-hingga-orang-hilang>

²⁴ <https://nasional.kontan.co.id/news/878-responden-tak-puas-pada-kinerja-menteri-tangani-covid-19-ini-alasannya>; <https://nasional.sindonews.com/read/89070/12/mayoritas-masyarakat-tak-puas-dengan-kinerja-pemerintah-tangani-covid-19-1593738478>; <https://www.wartaekonomi.co.id/read293073/rakyat-tak-puas-dengan-kinerja-pemerintah-tangani-corona>; <https://lokadata.id/artikel/survei-indo-barometer-pemerintah-gagal-atasi-covid-19-dan-isu-isu-penyertanya>.

²⁵ <https://nasional.kompas.com/read/2020/03/31/10462571/dpr-dinilai-tak-berempati-tetap-bahas-ruu-cipta-kerja-di-tengah-wabah-covid?page=al>;

<https://nasional.kompas.com/read/2020/05/04/13232401/dpr-dan-pemerintah-diminta-fokus-tangani-covid-19>.

²⁶ There had been less than six months of discussion in parliament of this 1,000-page legislation since its presentation to parliament in April, 2020. The process has also been criticised for skipping the step of being discussed in the 80-member Legislative Council.

<https://indonesiaatmelbourne.unimelb.edu.au/major-procedural-flaws-mar-the-omnibus-law/>

²⁷ <https://www.cnnindonesia.com/nasional/20201008153300-20-556037/prabowo-sebut-dalang-demo-omnibus-law-dari-asing>

²⁸ Surat Telegram Kapolri to Kapolda, 2 October, 2020 – widely circulated among activists.

²⁹ <https://www.thejakartapost.com/news/2020/10/08/nadhlatul-ulama-condemns-job-creation-law-as-oppressive-calls-for-judicial-review.html> For further analysis of NU's positions, see

<https://www.iseas.edu.sg/media/commentaries/nadhlatul-ulama-versus-jokowi-the-nu-normal/>

³⁰ <https://www.thejakartapost.com/news/2020/09/23/nu-muhammadiyah-join-coalition-opposing-educational-provisions-in-omnibus-bill.html>

³¹ <https://mediaindonesia.com/read/detail/351193-ridwan-kamil-surati-jokowi-menolak-omnibus-law> ;

https://www.sinarharapan.co/hukumdanpolitik/read/24696/beberapa_gubernur_dan_bupati_surati_presiden_terkait_aspirasi_pengunjukrasa

³² <https://buruh.co/serikat-buruh-walkout-forum-sosialisasi-ruu-cilaka>

³³ <https://www.tribunnews.com/nasional/2020/10/07/bertemu-jokowi-di-istana-2-presiden-buruh-andi-gani-dan-said-iqbal-konsisten-tolak-uu-cipta-kerja?page=2>

³⁴ <https://en.tempo.co/read/1395458/labor-union-prepares-to-file-judicial-review-against-job-creation-law>

³⁵ <https://www.antaranews.com/berita/1787869/ksbsi-berharap-judicial-review-uu-ciptaker-berijalan-keluar-terbaik>

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