

Indonesian Mayor's Defiance Said to Show Government Weakness

The Bogor mayor's refusal to obey a Supreme Court order to restore a congregation's permit casts doubt on the ability of the Indonesian government to enforce the rule of law, according to a leading rights group.

Muslim demonstrators and area police have continued to obstruct the services of the Indonesian Christian Church (Gereja Kristen Indonesia, or GKI) congregation in the Yasmin area of Bogor, West Java, which is worshiping on a roadside or in a member's home as the Bogor city government sealed its building last year. The city is also reportedly threatening to tear its church building down.

A spokesman for the Setara Institute for Peace and Democracy told a press conference on Nov. 30 that the process for resolving the conflict has gone on far too long since the Dec. 9, 2010 Supreme Court ruling to reinstate the building permit of the GKI Yasmin church. Bogor Mayor Diani Budiarto also rejected the July 8 recommendation of the National Ombudsman Institute to reinstate the permit, leaving the congregation to worship on a small strip of land as 15 to 20 Muslim demonstrators taunt them.

"Defiance of the Supreme Court decision and the recommendation of the Judicial Commission is clear evidence of denial of the rule of law," said Bonar Tigor Naipospos, vice-chairman of Setara.

Responding to a suggestion by Parliament head Marsuki Ali that the conflict be resolved through further community discussion and "renegotiation," Setara's Naipospos said such an approach would be erroneous – setting a precedent that court decisions

can be ignored and thus weakening the rule of law. Ali and other members of parliament met with church leaders on Nov. 29.

The GKI Yasmin case is critical in determining whether Indonesia will be governed by law or by special interest groups, Naipospos said.

"If we can get through this test, the supremacy of law is safe," he said.

Indonesian President Susilo Bambang Yudhoyono needs to order the mayor of Bogor to obey the court's decision, Naipospos said, adding that Yudhoyono should set an example of how law should be upheld.

"It is not enough to entrust this matter to the Minister of the Interior, Gamawan Fauzi, who actually supports the insubordination of the Bogor mayor," Naipospos said.

Lawsuit

A group of civil rights groups plan to file suit against the Bogor municipal government over the mayor's defiance, said a member of the legal team from the Jakarta Legal Aid Institute who goes by a single name, Sidik.

Setara, the Indonesian Legal Aid Foundation, the Commission on Lost Persons and Victims of Violence and the Indonesian Conference on Religion and Peace plan to file a citizens' lawsuit by the middle of next year, Sidik said.

"We are going to file a citizen lawsuit against the Bogor municipal government," Sidik said, adding that it will be on behalf of all citizens who have the right to enforcement of law for a more stable country, along with the GKI Yasmin church.

A legal practitioner who founded the Indonesian Legal Aid Foundation, Adnan Buyung Nasution, suggested either mediation

should be undertaken involving the GKI Yasmin church, the Bogor mayor, the minister of Interior and the coordinating minister for Politics and Security, or else the Supreme Court should issue an order to carry out its decision.

“Then the mayor can be arrested because he has broken the law,” he said. “It is inappropriate that such a person be a mayor.”

Nasution said that the Supreme Court has the right to order the government and police to act.

“I want the nation to be firm, but the government has done nothing,” he said. “If a decision of the highest [body] is ignored, where is this country headed?”

Tearing Down the Church

Far from complying with the court order, the head of the Bogor civil service police, Bambang Budianto, reported that the GKI Yasmin church building is going to be torn down, according to the website.

The Bogor government is already preparing a fund to compensate the church for the loss of its building, Budianto said.

“Soon the Bogor government is going to pay to replace the GKI Yasmin [building],” he told on Nov. 6, adding that the city of Bogor will find a new location where the GKI Yasmin congregation can worship peacefully.

In response, Bona Sigalingging, spokesperson for the GKI Yasmin legal team, asserted that such actions would be “most grave” and illegal. The decisions of the Supreme Court and the ombudsman are both binding, he said.

“Therefore, if the mayor and his underlings tear down the church building, they are in a dangerous position legally,” he said.

Sigalingging said that there have been no discussions between

GKI Yasmin and the Bogor government about demolishing the church building.

“If they tear down the church building, it would be the same as tearing apart the unity of the country,” he said.

The Rev. SAE Nababan, president of the World Council of Churches visited the GKI Yasmin church on Dec. 4 in order to assess the situation in person. A pastor originally from Indonesia, Nababan was there to encourage the congregation to continue Sunday services even though they were carried out in a member's home.

When Compass observed a GKI Yasmin worship service on a roadside strip between the church fence and the street on Nov. 13, members of the Islamic Community Communication Forum (Forum Komunikasi Masyarakat Islam) demonstrated against it, saying it disturbed the general welfare.

Police were on guard nearby, but they also interfered by parking their vehicles in front of the church. The congregation decided to move their worship to a member's home.