

## **Interview 14: INDONESIA: Dinda Yura**

Ms. Dinda Nuurannisaa Yura holds a Bachelor's degree in Law and is currently working as journalist for HukumOnline, an online media organization which focuses its news and reports on legal issues.

### **What do you think of the policing system of your country?**

If we're talking about law, we can see the policing system in three aspects: substance, structure, and the culture. I would say that the 'substance' aspect of policing system in Indonesia is quite good, because in 2009, the Chief of National Police enacted a regulation which obliges Indonesian police officers to respect human rights in exercising their duties. If you read this regulation, you will see that the Indonesia police's perspective on human rights appears to be very good. However, unfortunately, the 'structure' aspect is not that good because we still hear about torture cases conducted by police on a regular

basis. For example, in the framing and torture faced by Mr. Aan - the latest torture case to have emerged - Mr. Aan was investigated in a building and tortured because the police wanted him to state false information.

Besides torture, another interesting issue relating to the police in Indonesia is the shooting of terrorist members conducted by the Special Detachment on Terrorism, Densus 88. Densus 88 is part of the Indonesian National Police but the Chief of Indonesian National Police's regulation on human rights does not apply to them. According to information I've received, in some cases, the police has been known to shoot people who are alleged to be terrorists even after they have surrendered. Recently in Solo, there were two alleged terrorists who were shot to death by the police, but the police didn't know their identity and who they actually were. The human rights violation is one issue in this case but another thing we need to question is the validity of information that Densus 88 has, because they didn't even know who the person they shot was! That's what we see in terms of the 'structure' aspect of the policing system in Indonesia.

In the 'culture' aspect, it's no longer a secret that the culture of violence is strong within the policing institution. I do believe that what they are practicing now is what they learnt in the police academy.

### **What do you think of the police's use of torture?**

In my opinion, torture is unjustifiable under any circumstances. Suspects and accused persons have the right to be presumed innocent before a court decides contrarily, so if they don't confess what they've done, the police have to find other ways - additional evidence and witnesses - to prove that the suspects are guilty.

### **What is your idea of an ideal relationship between police and society?**

Besides maintaining security, the police has an obligation to serve society. I'd describe the ideal relationship between the police and society like this: the society should be able to place their trust in the police. If someone faces a problem, for example if she has her treasure robbed, she should be able to go and file a complaint to the police safely and comfortably without feeling any fear that she's going to be fooled or extorted by the police. What happens today in Indonesia is not like that. Indonesian society doesn't have any trust in the police and I think corruption within the policing institution is the most significant

reason why such public distrust exists. It is no longer a secret, for example, that if we have our friends, family or colleagues arrested by the police then we have to bargain with the police about how much we have to pay them in order for the person to be released. It's just like what happens when we're dealing with prosecutors; we can 'order' them to charge us with the provisions we choose depending on how much money we can pay.

**If you have a problem, would you feel safe going to the police to make a complaint?**

This is exactly the problem. I myself don't really trust the police but like it or not, according to the law, the police is the only institution which has an obligation to accept any complaints regarding criminal cases. So for me, even if I file a complaint with the police it's not because I believe in them, but more because they are the only institution that I can go to. It's because I don't have any options or alternatives. But what I can do is show them that I understand the legal system so they won't be able to fool me. And if someone doesn't have any legal background then I think it's important for them to be assisted by lawyers when they go to the police station. Hopefully, this will minimise the possibility of the police fooling them.

**Is there a law against domestic violence in Indonesia? If yes, is it well implemented? If not, what are the problems?**

Yes, we have a law against domestic violence in Indonesia and I have to admit that it's such an improvement for Indonesia. Before this law was enacted, there were only a small number of domestic violence cases that came to the surface, but after this law was enacted we see that the number of domestic violence cases handled by the police is increasing. People often misunderstand this fact, they say things like, "see, after the law against domestic violence was enacted, the number of domestic violence cases is increasing!" but actually it's not like that. It's that after the enactment of the law, the police has been handling cases of domestic violence more seriously than before. For all this time, domestic violence has always been considered as private issue. It was taboo for women to speak up about this issue. But since the enactment of the law, I would say that Indonesian women's eyes are more open now, even though I'm sure there are still a lot of domestic violence cases which are not spoken about. I do believe that the number of domestic violence cases that come to the surface is not representative of the real number of domestic violence cases in Indonesia. If we see the 'structure' aspect of this issue we will also see that many police officers and prosecutors don't have a good perspective or understanding on women's and gender issues. This is just an example: if a woman files a complaint of domestic violence case, her husband will file a complaint against her for defamation. And if that's the case, the police and prosecutor will try to process the defamation case first. I spoke about this issue with a female prosecutor once, asking her the reason why, and she replied that it's easier for them to process the defamation case first! But that's not how it should work, of course. What should happen is that they should process the domestic violence case first, and if the suspect is not found guilty then they can process the defamation case, right? If the suspect is not convicted then you can say that the complainant has conducted defamation. But that is something that cannot be understood by many police officers and prosecutors in Indonesia. So this is an important problem, in my understanding, that many police officers, judges, and prosecutors don't have a good perspective on women's and gender issues. Even the female police officers, judges, and prosecutors!

**It is interesting that you said 'the number of domestic violence cases emerged to surface is not representative of the real number of domestic violence cases in Indonesia.' Why do you think such a thing happens?**

I think cultural factors contribute to most of this problem. Many Indonesians still think that this is a private issue. In many cases, women know about the law against domestic violence, and they have been encouraged by NGO's or legal aid institutions to bring their cases before a court, but they consciously decide not to file a complaint. If a woman's husband is arrested, detained and punished, then how will she eat? Who will feed her family? So in my opinion, the root of the problem lies in the strong patriarchal culture in Indonesia, which results in women's dependency on men. Many people - even women themselves - still think that it's the job of men to earn money and feed the family so once their husband is not with them, they don't know what to do.

**Do the police treat women differently from men? If yes, in what way?**

Well, I think women and men should be treated differently, indeed. Police should implement affirmative action when they treat women. We often hear stories of women going to the police to file a complaint of rape, and the police's response or reaction is not particularly sensitive. The police might ask: "how many times have you been raped? How did it feel? Did it feel good?" So if the police treat women just like they treat men, I don't think that's how it supposed to be.

**In what way do women suffer differently from human rights violations related to the police, compared to men?**

As far as I know, both men and women experience ill treatment when they are arrested and detained. But I can say that for women, usually they will face sexual harassment from the police as well as mental or physical abuse. I know of a young girl who lived on the street. She was arrested by the police and was asked to take off her clothes.

**Is there anything else that you want to say?**

I just want to emphasize that in the end, this is a cultural problem and that's why this is so difficult. One example of this is that women often can't get access to tampons when they are menstruating. Like I've mentioned before, most law enforcement officers don't have a decent understanding of women's and gender issues. Even the female law enforcement officers themselves don't have a good perspective on these issues.