INTERNATIONAL FELLOWSHIP OF RECONCILIATION (IFOR) and CONSCIENCE AND PEACE TAX INTERNATIONAL (CPTI)

Submission to the 108th Session of the Human Rights Committee

INDONESIA

(Military service, conscientious objection and related issues)

Revised June 2013.

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Summary

Although legislation allowing for conscription has existed in Indonesia ever since independence, it is not clear to what extent this has ever been implemented in practice.

In recent years, however, there have been reports that legislation to create a new obligatory military reserve service is under preparation, and attention has been drawn to the fact that this apparently makes no provision for conscientious objectors.

It is suggested that the State Party might usefully be asked about the current status of proposals to introduce an obligatory reserve military service and whether such proposals contain any provisions allowing the exemption of conscientious objectors.
INDONESIA: Basic Information

Population (November 2012, estimated\(^1\)) 248,645,000

Military service currently voluntary
(Legislation enabling conscription has existed since independence in 1948 but it is unclear whether this has ever been implemented in practice.)
No known provisions for conscientious objectors.

Minimum recruitment age\(^2\): 18

Manpower reaching “militarily significant age” in 20103: 2,263,892
Armed forces active strength, November 20124: 395,500
as a percentage of the number of men reaching “military age”: 17.5%
(There are also an estimated 280,000 paramilitary police and 40,000 members of the KAMRA People’s Security auxiliaries – see text regarding the latter.)

Military expenditure US $ equivalent, 20125 $6,866m
Per capita $28
As % of GDP 0.8%

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\(^1\) Source: The Military Balance 2013 (International Institute of Strategic Studies, London), which bases its estimate on “demographic statistics taken from the US Census Bureau”.
\(^2\) Source: Child Soldiers International (formerly Coalition to Stop the Use of Child Soldiers), Louder than words: an agenda for action to end state use of child soldiers, London, September 2012.
\(^3\) Source: CIA World Factbook. https://www.cia.gov/library/publications/the-world-factbook/index.html. The male population reaching “militarily significant age” - defined by the source as 16 - is more meaningful than total population in assessing the comparative impact of military recruitment in different countries.
\(^4\) As quoted by the International Institute of Strategic Studies (London) in The Military Balance 2013
\(^5\) Stockholm International Peace Research Institute (SIPRI), April 2013
Legislation allowing conscription into obligatory military service has existed in Indonesia ever since independence, but it is not clear that it has ever been systematically implemented in practice. There have however been reports that at various times in the past persons with particular skills have been selectively called-up.\(^6\)

The role of the military has always been pervasive; the "Military Balance 2013"\(^7\) observes: "Even under civilian rule, the army's 'territorial structure' continues to deploy military personnel throughout the country down to village level. Within the army the Strategic Command (KOSTRAD) and Special Forces Command (KOPASSUS) units are trained for deployment nationwide (...) The armed forces lack the capacity for significant autonomous military deployments beyond national territory". The prestige of a military career has always been high, and volunteers have usually been more than adequate to supply manpower needs\(^8\). Moreover the army's role has always been supplemented by a number of paramilitary or militia units, also at least in principle voluntary in nature. Of these the KAMRA "Peoples Security" police auxiliaries remain, but with a fraction of the manpower they boasted in the 1990's; their 40,000 members report for three weeks basic training each year.\(^9\)

Indonesia ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPCAC) on 24\(^{th}\) September 2012, and in the declaration made on ratification, seems to have firmly confirmed the voluntary nature of all military service: "(...) Article 28, paragraph (1) d, of the Law Number 34 Year 2004 on the Indonesian National Armed Forces regulates that “at the time of inauguration as a soldier, he/she shall be 18 (eighteen) years old at the minimum”. The recruitment of the member of the Indonesian National Armed Forces is genuinely voluntary. It is conducted openly and the public announcement is carried out by utilizing various means of communication and information technology. The recruitment requires, among others, birth certificate and proof of consent of parents or legal guardians, including for those who have aged 18 years."

Even so, there have been recurrent reports in recent years of legislation being in preparation which would institute a compulsory military service. In March 2004 the Ministry of Defence announced that it was drafting legislation which would require all students on completion of secondary education to undergo two months' military training. The Minister of Education however reportedly opposed this proposal, stating that there were other ways for students to "boost their nationalism".\(^10\) In late 2007, it was reported that the Ministry of Defence was proposing amendments to the Reserve Forces Act (RUU Komponen Cadangan) which would require all citizens between the ages of 18 and 45 to perform military service or training.\(^11\)

A source in 2010 indicated that the House of Representatives was deliberating a draft law to establish a national military reserve comprising “civilian troops”(sic), “similar to the Singapore Army Operational Reserve or United States National Guard.” According to the Ministry of Defence such a reserve “would enhance the capacity of the Indonesian Military to face military and non-military threats”. Particular reference was made to the likelihood of increased competition for resources over the next decade. Article 7 of the Bill reportedly stipulated that every citizen between 18 and 45 years old would be liable for service in the reserve, and whoever refused would be punished. There were exemptions for ill health, but no provision for conscientious objection. A Ministry of Defence spokesman however distinguished the proposal from military conscription:

\(^7\) Op cit, at page 302.  
\(^8\) Horeman & Stolwijk, op cit.  
\(^10\) Coalition to Stop the Use of Child Soldiers, Child Soldiers Global Report 2004 (London, 2004), p177  
“Military conscription demands that every citizen does military service, while for this reserve we will select those fulfilling several requirements in a recruitment processes.” 12 This leaves some doubt as to what precise form the new reserve would take in practice, and what the resource implications would be.

12 The Jakarta Post, 16th August 2010