

Indonesian court imposes nominal jail term on parliamentary speaker

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An Indonesian court last week found parliamentary speaker Akbar Tandjung guilty of corruption and sentenced him to three years in jail. The trial was one of a series of high profile cases that have been watched in international financial circles for signs that the country's legal system was prepared to curb the corruption rife under the former Suharto regime.

Akbar was accused of embezzling \$4.5 million in state funds for use in the 1999 election campaign. He is chairman of Golkar—the ruling party of the Suharto junta—and, at the time, was State Secretary to President B.J. Habibie who was installed after Suharto was forced out of office the previous year. Golkar, which ran second to President Megawati Sukarnoputri's Indonesian Democratic Party-Struggle (PDI-P), was accused of bribery and buying votes during the poll.

The methods used by Akbar were not unusual. He diverted money from the State Logistics Agency (Bulog) to the Raudlatul Jannah Islamic Foundation ostensibly to manage a food distribution program for the poor. Under Suharto, Bulog was notorious as a slush fund for the personal and political needs of the junta as well as being central to the network of state monopolies and contracts that benefitted Suharto family members and their business cronies.

According to Dadang Sukandar, director of the Raudlatul Jannah Islamic Foundation, he appointed Winfried Simatupang to manage the food distribution. The project never materialised, however. Winfried first claimed that he had spent the money, then later discovered it "under his bed" and repaid it in installments.

The prosecutors, who accepted much of the defence story on face value, did not investigate what actually happened to the money. There were obvious political reasons to limit the case. Any attempt to follow the

money trail had the potential not only to more directly implicate Akbar but also to ensnare other senior Golkar officials, state bureaucrats and possibly Habibie.

A five-judge panel heard the case in the Central Jakarta District Court and took eight hours to read out its decision on September 5. Presiding judge Amiruddin Zakaria said Akbar had been "proven guilty" and declared that he had "damaged the government's credibility, misused an Islamic foundation and caused suffering to the poor".

Even though the charges carried a maximum penalty of 20 years' imprisonment, the prosecution requested only a four-year term. The court lowered the figure to three years, arguing that the return of the money was a mitigating circumstance. The two co-defendants—Dadang and Winfried—were also found guilty and sentenced to 18 months in jail. Akbar has been permitted to remain on bail pending his appeal.

The court's decision was an attempt to balance competing interests. In conditions where foreign investment in Indonesia has slumped, a guilty verdict was required to reassure the international markets that the legal system was being cleaned up.

At the same time, however, the light sentence reflects the fact that Akbar is a powerful political figure with connections to the highest levels of the military, the state bureaucracy and the judiciary. He has refused to stand aside or resign as head of Golkar or as speaker in the House of Representatives. In fact, he is due to depart for Vietnam to lead a parliamentary delegation to the International Parliamentary Union conference in Hanoi next weekend.

Around 300 students shouting "Hang Akbar Tandjung" and "Disband Golkar" clashed with pro-Golkar supporters outside the court.

The decision itself has been criticised by legal reform

groups. Legal Aid and Human Rights Association director Hendardi said that the verdict showed that the Attorney General's Office was not serious in eradicating corruption. "From the beginning, I have had no faith in the government to fight against corruption," he told the *Jakarta Post*.

Indonesian Corruption Watch coordinator Teten Masduki commented: "The judges should have given Akbar Tandjung a heavy sentence and ordered his immediate detention." He said that the lenient sentence was "part of a political compromise" between Golkar and PDI-P.

The close collaboration of President Megawati with Suharto's political apparatus—not only Golkar but the military top brass—has certainly influenced the outcome of the Tandjung trial. Megawati's cabinet includes a number of Golkar members, along with five top generals who fill most of the main security positions. She blocked moves earlier in the year to establish a parliamentary committee to investigate Tandjung and has opposed any parliamentary disciplinary action.

Several legislators from the PDI-P and the National Awakening Party (PKB) have called for measures to remove Akbar as parliamentary speaker. Last Friday, however, the PDI-P's parliamentary faction failed to reach any agreement. Its chairman Roy B.B. Janis left the matter up to individual members to decide.

Taken together, the limited character of the prosecution case, the lenient sentence and Tandjung's ability to keep his positions underscore the cosmetic character of the trial. Like the conviction of Suharto's son Tommy in July for the murder of a Supreme Court judge, the outcome was pitched primarily at convincing the IMF and international investors that favoritism and corruption are being ended.

Neither the government nor the courts have any plans to seriously probe the many crimes carried out by the brutal Suharto regime during its 32-year rule or to prosecute the perpetrators. Any attempt to do so would inevitably lead to those who continue to wield the power in Jakarta. While Suharto was forced to step down in 1998, the apparatus through which he ruled—the military, the state bureaucracy, the courts and Golkar—remains substantially intact and, with the support of Megawati, is increasingly flexing its muscles.



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