Responding book banning in Indonesia

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Abstract. The prohibition of books conducted by the government through its apparatus without any due process of law is unfortunate. The Constitutional Court of the Republic of Indonesia (MKRI) in 2010 was decided that book banning is contradictory to the 1945 Constitution (UUD 1945). The purpose of this paper is to know Indonesia, according to the Constitutional Court must absolutely carry out the function of due process of law that is law enforcement in a judicial system when it wants to prohibit printed material which is a book, whether it is a book that is considered criticism and books that teach radicalism. It would be wise for anyone who disagrees with a book, and then responds by writing through a book. The result of this article is to support and suggest that the government and its apparatus in the state of the law should not arbitrarily impose a book ban. Likewise, people should not take violent action to respond this issue. In historical records, the prohibition of books without due process of law is always followed by the withdrawal of books and make people unable to deal with differences, especially in knowledge. That’s why, the government and its apparatus must create a conducive situation and support the creation of various perspectives in the framework of the progress of science through a book. It would implicate that people can respect in any perspective and thought.

1. Introduction

In a democratic country, the ban and burning of books can indeed and often occur. From the case, it is often done by a group in society based on arguments or moral judgments of certain moral authorities[1]. In many countries, book bans have occurred, for example the ban on Mein Kampf in Germany and in some countries such as Poland, France and England. In the case of Mein Kampf, the prohibition is based on the argument that the book propagates racial superiority that is completely incompatible with the basic principles of a civilized society. Furthermore, in Indonesia there is also a book ban. For political reasons, in 2007 in western Java, Central Java and South Sulawesi, the authorities burned more than 30,000 high school textbooks in front of the students. The book is considered inconsistent with the government version of the 1965 event in Indonesia[2].

Indonesia is a democratic country that provides power based on the principle of human equality. Democracy places humanity as the owner of sovereignty known as the principle of popular sovereignty. Many scholars and politicians, ancient, modern, and contemporary, have maintained that
democracy and argued that democracy represents a fundamental factor in the development of the law, since it has the unique potential to reflect and react to changing political and social reality. Democracy also contributes to the validity and legitimacy of the law. It must be stressed, however, that questions have been raised since ancient times about the possible misuse of law by a democratic power, in the form of a threat posed to individual sovereignty and creativity by the majority represented by the government. New interpretations of such principles as nondiscrimination and equal participation and representation, equal treatment, or equal protection of rights appear which try to encompass different lifestyles, life worlds, and life experiences[3]. Why the democratic system is a system used as a pillar in the administration of the state, there are some important things in the context of freedom of expression through printed matter, especially the ideas disseminated in a book.

In a democratic country, every citizen has the right to express ideas as well as freedom of expression. However, in Indonesia there is still a ban on the circulation of printed materials, especially a book that is considered potentially violating public order. Besides democracy, Indonesia is also a law state. In a state of law, the real rule is a law, not a group of people. Law is the unity of the rule of law that culminates in the constitution. that is, the rule of law requires the supremacy of the constitution. The constitutional supremacy in addition is a consequence of the concept of the rule of law, as well as the implementation of democracy because the constitution is the ultimate form of social covenant[4]. Historically the state law (rechtstaat) is the idealized state by the founders of the Indonesian nation as in the general explanation of the 1945 Constitution and Indonesia is not based on the political power of the state (machtstaat).

2. Methods
This article uses literature studies and books about book banning around the world, especially in Indonesia and currently still debatable. Furthermore, the writer of this article also uses some news about book banning report and its reaction. Then, Decision of Indonesian Republic Constitutional Court about regulation of printed material such as book, newspaper, journal etc. used to analyze the further situation in society about a banning book.

3. Results and Discussion
The decision of the Constitutional Court of the Republic of Indonesia on Wednesday (13/10/2010), which ruled that Law Number 4/PNPS/1963 concerning the Security of Printed Goods whose Contents Can Disturb Public Order (Law on Printed Products Security) is contradictory to the 1945 Constitution, should be appreciated together. Articles that concern to the authority of the Attorney General concerning the prohibition of books was declared by the Constitutional Court the Republic of Indonesia has no binding legal force.

Then, the Constitutional Court also stated that the banning of books can only be done after a court decision has a permanent legal force. In his legal opinion, the Constitutional Court stated that the process of banning book conducted by the Attorney General is not accordance with the principles of the rule of law. Absolutely, due process of law must be enforced. Printed materials that are categorized as unlawful and may disrupt public order must be processed through the judiciary. Therefore, any form of authority to ban or censor a book can not be done by any government agency without a court decision.

3.1. The end of Clearing House
In every book banning, the attorney general office has its own mechanism for assessing a book called a clearinghouse forum. This forum has at least the main task of providing input to the Attorney General about the content and material of a printed matter.

Furthermore, such advice or opinion is used as consideration by the Attorney General in establishing a decree to prohibit the circulation of certain printed articles, one of which is a book.
Together with other relevant agencies, the attorney general interprets that its agency has the right to ban a book if the book is labeled as violating public order or against the state. For example, when the Attorney General issued a decree number. D19/A/JA/03/2007 on the banning of history books in schools (secondary school and high school). Textbooks that are prohibited from publication and must be withdrawn from circulation are books that do not include the phrase PKI in the events of G 30 September 1965[5].

In addition, the Attorney General's Office also banned books in 2009. After discussing and reviewing, the Attorney directly without "due process of law" officially banned five books through the clearing house because the book was considered to have violated the public order and violated the provisions of the 1945 Constitution on Pancasila, Religion and ethnic group. The five books are *Lekra Tak Pernah Membakar Buku, Suara Senyap Lembar Kebudayaan Harian Rakjat 1950-1965* (Lekra Never Burning Book, Voice from Harian Rakjat 1950-1965) by Rhoma Dwi Aria Yuliabtri and Muhidin M Dahlan, *Dalih Pembunuh Massal Gerakan 30 September dan Kudeta Suharto* (Mass Murder The September 30th Movement and Suharto's Coup d'Etat in Indonesia) by John Rossa, *Suara Gereja Bagi Umat Tertindas, Penderitaan Tetesan Darah dan Cucuran Air Mata Umat Tuhan di Papua Barat Harus Diakhiri* (Church Voice for Oppressed People, Blood Dripping Suffering and Tears of God's People in West Papua Must Be Ended) by Socrates Soefyan Yoman, *Enam Jalan Menuju Tuhan* (Six Ways to God) by Darmawan, *Mengungkap Misteri Keberagaman Agama* (Unraveling the Mystery of Religious Diversity) by Drs. H Syahrudin Ahmad.

Not only in their policy, sometimes, the Attorney General's instruction was followed up by the State Prosecutors throughout Indonesia. Through the instructions of the intelligence chief of the Public Prosecutor's Office, the books considered disturbing public order were banned in all bookstores and distributors. In fact, school textbooks that have been withdrawn from circulation by the High Prosecutor's Office and Public Prosecutors across Indonesia will be burned for destruction.

Based on this clearinghouse investigator, the attorney general’s aggressiveness often becomes a barrier to conveying thoughts and ideas through books. Like a large wall that is difficult to pass, the attorney general as a state of the arms becomes an obstacle to the democratization process through books and writing in Indonesia. Instead of the clearing house the Attorney General is used to guarantee objectivity, but in reality it becomes a sole monopoly of interpreters unilaterally based on the prosecution's subjectivity.

Therefore, after the Constitutional Court's decision to declare that the Printed Printing Law is contradictory to the 1945 Constitution and that any banning of the book must be through due process of law, the clearing house forum shall automatically be dissolved by the Attorney General's Office. Directorate of organizational structure which has authority in supervising and prohibiting circulation of printed or book become irrelevant. Right now, after the decision of constitutional court was decided in the court, the Attorney General's Office have no juridical action on the prohibition of printed materials anymore, which is prohibiting books through clearing house.

### 3.2. Book Democratization

Any discussion of the book in Indonesia returns to one of the basic underlying social factors: the level of interest in reading among the population generally. There is probably no scientific method of measuring such an intangible thing as a population’s “reading habit,” but a number of signs are often used to indicate trends. The fact that bookshops are invariably crowded with people reading, if not buying, is often given as empirical evidence that there is a thirst for reading books in Indonesia. The popularity of the annual Jakarta book exhibition is also often given as proof of the growing reading habit. Several writers have cautioned against feelings of optimism regarding an increased use of books or that Indonesia could be described in Toffler’s term as an “information society”[6].


Every nation and state want their society aware with literacy. For example, in Poland, their publishing industry’s needs in light of the nation’s overall economic and social needs, continued reform and investment in book trade will help preserve the nation’s literary heritage[7]. Publishing book is one way to develop science and build human resources to realize the goal of education, which is to form an intelligent and educated society. Related to the book banning, the books prohibited by the Attorney General's Office in reality actually provide new information to the community and help people understand a social reality with a different perspective that is rarely known to the public.

The more various kinds of perspective in the book will show different perspectives and facts. The perspective should not necessarily be the same as the country's perspective in interpreting the book. This is a plurality that must exist in our society that is getting smarter and smarter towards the development of science that must be developed and preserved. The right to freedom of expression in any form and any means guaranteed by Article 28E Paragraph (2) of the 1945 Constitution which explains that, “Everyone has the right to freedom to believe in his belief, to express his thoughts and attitudes, in accordance with his conscience” must be realized by the state as well as the whole society Indonesia. Thus, the state must also guarantee the right to obtain information and disseminate it. The provision is contained in Article 28F of the 1945 Constitution which states, “Every person shall have the right to communicate and obtain information to develop his / her personal and social environment, and shall have the right to seek, obtain, possess, store, process and convey information by using any available media.”

Basically, every book must have the spirit of the era, whatever kind of book, whether textbook history, social, political, literature, economy and religion. That is, all published books always represent a representation of something in every era. So, it is very disappointing if there is prohibition and withdrawal by the state through the Attorney General. In every time the prohibition or withdrawal of books by the Attorney General's Office actually tends to make people not smart and educated. Furthermore, based on the incident, there was a forced withdrawal by a certain group based on SK no. D19 /A/JA/03/2007 without any prior discussion based on scientific argumentation. it will cause chaos and burning of books by certain groups of people in Indonesia

4. Conclusion
It would be more interesting if the books are written scientifically replied also with the book. Everyone can be different in thinking and writing books. Thus, the tradition of discussion and writing within the scientific framework will further develop in our society. Therefore, democratization of books must be created by all communities in Indonesia. In other words, the nation and the country and its people will be wise if they actively contribute to create a conducive situation and support the creation of various perspectives in books and other printed materials in order to advance science.

To keep democracy in balance, the Constitutional Court through nomocratic approach has shown that the banning of books is an action that does not reflect the provisions of Article 1 paragraph (3) of the 1945 Constitution that Indonesia is a state of law. Based on the Constitutional Court's decision to declare that the Law on Printed Materials Security is contradictory to the 1945 Constitution, let us celebrate by democratizing the book. No book shall be prohibited and banned anymore except by due process of law or has been decided by a judiciary whose decision has permanent legal power.

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