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HUMAN RIGHTS: MORE CRUCIAL THAN EVER

(POINTERS)

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INDONESIA AND HUMAN RIGHTS

Indonesia has a long history of coping with the issue of Human Rights. A history that, up to this time, found its climax after the fall of President Suharto. The newly elected *People's Consultative Assembly* (MPR) amended the Indonesian Constitution of 1945 that still is in force by entering all human rights contained in the *Declaration of human rights* by the United Nations in 1948. These amendments meant

that finally Human Rights were constitutionally anchored in Indonesia.

The discussion about human rights began even before independence. When in July 1945 the *Investigating Committee for Preparatory Work for Independence* (PPUPKI) were writing the constitution for a free Indonesia, there were sharp differences. The one party, ideologically a mixture between cultural romantic and fascist-imperial Japanese ideas, rejected human rights on the ground that they fostered Western liberalism, individualism, and distrust in the state. While others, lead by later Vice President Hatta pointed out that an Indonesian government could become a power-based government. The Constitution of 1945 only had some social Human Rights, but no democratic and liberal rights.

The Provisional Constitution of 1950 contained the full record of the Human Rights of the Universal Declaration of 1948. In the 50ths the elected Constitutional Assembly had already unanimously agreed on more than 20 Human Rights, were discussion another 20 Human Rights and had a further 13 Human Rights in preparation when in 1959 President Sukarno abolished the Assembly and decreed a return to the Constitution of 1945 which has been in force

since then. Under Suharto's New Order the old arguments against Human Rights were used to repel all attempts to give them a constitutional basis. Which ended with the amendments of the Constitution after Suharto stepped down as President.

HUMAN RIGHTS AND PANCASILA

As we shall see, there are still discussions about Human Rights up to this day. A decisive point is how Human Rights relate to Pancasila. As you know, Pancasila are the five ethic principles on which the Indonesian state is based.

These principles are: (1) Belief in One Divinity, (2) Just and civilized humanism (humanity), (3) Indonesia's Unity, (4) People's power (or: Orientation to the people) lead by the guidance of wisdom in common deliberation/representation, and (5) Social justice for the whole Indonesian people. These are the fundamental values, ideals, and fundamental ethical norms on which Indonesian politics are to be based. They are deeply grounded in Indonesia's culture and traditions and therefore become the basis on which Indonesia is based.

The point is, of course, that Indonesia is the ethnically, culturally, and even religiously most plural state of the

world. That these different ethnic, cultural and religious communities felt as one Indonesian nation and wanted to become one state, Indonesia was, and is, based on a condition: The willingness of all these different communities to respect and recognize each other in each's identity. And precisely this is the essence, or better, function of Pancasila: It is the consensus of Indonesians to accept and respect each other in their identities, based on the common heritage of these five fundamental values. Thus, because of Pancasila the identity of each ethnic, cultural, and religious community is not only not threatened or repressed by becoming Indonesians, but, in the opposite, is safeguarded and heightened by becoming Indonesians. Indonesian Muslims can fully live according to their aspirations by becoming Indonesian, and the same is true for Catholics, and Javanese can stay fully Javanese and Buginese fully Buginese although they are Indonesians.

Human rights are often dismissed with the claim, “We have Pancasila, so we do not need human rights.” This argument is plainly misguided.

Firstly, it is obvious and amazing that four of the five principles of Pancasila contain the four most fundamental Human Rights: Religious Freedom, Human Rights them-

selves, democracy and social justice (the third *sila* of Pancasila expresses the fundamental hope that the Indonesian state is anchored in the hearts of the Indonesians themselves).

But of course, the second principle, just and civilized humanism, would lose all meaning if it did not mean that humans have to be treated as humans, thus as stipulated in human rights. In other words, Human Rights are the explication of just and civilized humanism. If we ask what just and civilized humanism means, we find the answer in the list of human rights.

Thus, Pancasila is not an alternative to Human Rights, but it is a normative basis demanding respect for Human Rights. Pancasila becomes effective by meticulous respect to Human Rights.

MISCONCEPTIONS ABOUT HUMAN RIGHTS

From the very beginning Human Rights were said to be a sign of liberalism, Western individualism and contrary to religion. This is, of course, total nonsense - raising the question whether those that raise these objections now can be regarded *bona fide*. Human Rights are not identical with liberalism although liberalism was important to spread

the awareness of human rights. We distinguish three generations of human rights: the first, enlightenment, generation, including rights to freedom - like freedom of religion, freedom to move, freedom from persecution. The second generation was inspired by the fighting of workers and suppressed classes, thus by socialism - like the right to freedom of poverty, to education, to a roof above one's head. The third generation only grew after the process of decolonialization was finished, regarding collective rights of people - usually isolated populations - to their cultural identity and their traditional way of life.

Human rights are, of course, not fostering individualism, but defending them against it. Modernity has, indeed, individualized humanity: every person needs the individual working place, without an identity card you are nothing, six-year-old children get official education based on individual ranking (where helping each other during an examination is punished), and without money in your individual pocket you are just nothing, you can die.

Human Rights are precisely the opposite. It is the weak, poor, neglected, powerless that benefit from Human Rights, while the right and powerful do not need them. Human rights are the declaration of a society to its poor and

powerless members that "although you cannot threaten us and we do not need you, you are our sisters and brother, we respect you in your dignity as humans and we will make sure that you can live a human life". Thus, it is a big lie, at least an extreme stupidity, to connect Human Rights with the spread of individualism. We have become aware of Human Rights in response to the individualization modernity brought with it.

Thus, Human Rights are not vehicles of individualism, but in the opposite proof of the solidarity of a society with their weakest, most powerless members. Respecting human rights means the powerful, or a majority, do not use its power to sideline and suppress a minority, but even respect them when their rights and interests stop them pursuing their own interests. Thus, respect for Human Rights is proof of the solidarity of a society with their weakest members.

HUMAN RIGHTS AND RELIGION

Sometimes Human Rights are said to claim a right that is exclusively God's, thus only God has absolute rights. This is a grievous misconception. My Catholic Church, shocked by the anti-Church policies of the French Revolution -

which promulgated the first, famous, while not complete, list of human rights - for a long time rejected the concept of human rights. But the terrible experiences of the 20th century made her re-orientate her position. Since before the Second Vatican Council (1962-1965) Human Rights have become the corner stone of Catholic theology of humans.

Why did this happen? Because Human Rights are not directed towards God, but towards us humans. Humans have, and need not have, rights towards God. But Human Rights are the commands of God of how humans must treat humans.

Human rights can be called the operationalization of respect for human dignity. Thus, if we ask what the implications are of recognizing the dignity of every human, the answer is: act towards them always while respecting their Human Rights! Thus, Human Rights mean making real respect for the dignity of every single person.

But what is the basis for claiming that every single human person has dignity - a dignity which animals do not have (although we should always treat them in an effective way)? That humans have dignity cannot be explained by

evolution. There is only one basis, that humans are created with a special dignity by God. Thus, human dignity, and therefore, human rights, are commands by God. We must respect Human Rights because God made humans having human dignity. Judaism, Christianity and Islam, all teach that God created humans as special creatures, different from all others, in God's image or as God's representative. This is the basis of Human Rights.

Thus, if religious people violate human rights, kill people randomly, make them become slaves, raped the spiritually, physically, or sexually, do not accept the identity of people - like the identity of LGBT people - they are behaving liken infidels, like *kafir*.

I resume: Respect for Human Rights is founded in respect for God Himself Who created humans are persons with special dignity, a dignity owned by the rich and the poor, man, women and bi-sexual, people in power and powerless, free and slaved people, black, white, brown, red or yellow people alike.

THREATENED AGAIN

Although our Constitution now safeguards human rights, they remain under threat.

They face threats from two directions.

They are threatened by the old, culturally ingrained feudalism, or neo-feudalism, especially alive among some retired military that have not yet really accepted that "Reformasi" stripped the military of political power. They still polemized against the principle of "one man one vote", they want to give an elite, possibly some sort of *People's Consultative Assembly*, to speak in the name of simple people that "do not understand" what the nation is all about. They use the same old arguments from 74 years ago about liberalism and individualism.

There must be no way back from democracy and Human Rights.

But Human Rights are more threatened by religious extremism than blatantly reject that other, than their own puritan's elite have the right to say where they want to get. These people are dangerous. If you really think that by killing yourself by innocent people you go straight to heaven, something is seriously wrong. They give free rein to their most base instincts of dominating, humiliating, and annihilating others in the name of religion. We should really consent that religion does never make people feel afraid,

never threatens, endangers, hurts, suppresses people, that religion is a grace and must be felt as grace by all, that religion is a power for the good, for unlimited mercy, for acceptance, for protection, for love.

Back to Human Rights: One of the most important and beautiful understandings modernity has brought forward is the concept of Human Rights. ■

