

DISCOURSE ON PUBLIC OPINION AND LEGAL PERSPECTIVES IN CONTEMPORARY INDONESIA

Djoko Sutopo

Universitas Negeri Semarang

ABSTRACT

This study aims at describing how the discourse on public opinion and legal perspectives in contemporary Indonesia unfolds. The data are collected from media published on line. The research method is based on the perspectives of systemic functional linguistics on discourse. The findings suggest that political participation among Indonesians over the past year is argued by the author to have increased as political rights, such as freedom of expression, freedom to form association, are now guaranteed. It is added that citizens can express their political opinions on any issues through social media. It is believed that a complex reality of public issues is framed, both through the media and social media. In terms of legal perspectives, the author reminds that one cannot be punished just because of public pressure. If that ever happens, the government will lose its credibility. One can only be punished if proven guilty according to the Criminal Code. Satisfying calls for justice cannot be done by unjustly breaking the law.

Keywords: law, legal, media, opinion, perspective

INTRODUCTION

It is reported that The University of Gadjah Mada, in cooperation with Oslo University, held a 2014 democracy survey. The result of the survey conducted on 600 respondents indicated that political participation of the public in Indonesia has certainly advanced. Other democracy surveys held by the Indonesian Democracy Index have shown similar results with regard to political participation. How can we understand the form of political participation among Indonesians over the past years? This study is aimed at describing the discourse on public opinion in contemporary Indonesia and legal perspectives on blasphemy issue.

LITERATURE REVIEW

Public opinion is generally expressed in texts. According to Halliday (2004), text is any utterance that makes sense no matter how long it is. The meaning of the text is determined by what topic is being negotiated (Field), the power relation between participants involved (Tenor), and the role of language in structuring it (Mode).

Interpersonal, ideational and textual meanings are considered as the nuances of meanings. Interpersonal meanings have something to do with feeling, attitude and judgment. Ideational meanings deals with the role played by participants, and textual meanings concern with the role played by language or how the text is structured (Martin & Rose: 2004)

Thornbury (2005) argues that text is realization of language the users of which have to deal with. The users have to understand and produce texts. In other words, language is not isolated sentences, but it is text.

Another context that is abstract in nature is ideology. Ideology here refers to the values held consciously or unconsciously by the participants in a text, as well as the bias and perspective they adopt. One can figure out it by questioning who initiates to discuss an issue, what events or issues it is, who responds to it, and how (Eggins, 1994).

RESEARCH METHODOLOGY

The data of the research are collected by selecting texts in the discourse on public opinion in contemporary Indonesia in media published on line. The data analyses are based on the perspectives put forward by systemic functional linguistics. The unit of analysis is clause. The linguistic evidences are related to the context of situation to make sense of it. It includes analysis of Field, Tenor and Mode. The final step is relating the findings with the impact of ideology on each of the register elements.

ANALYSIS AND DISCUSSION

In order to gain the picture of the context of situation of the texts analyses of register that includes Field, Tenor and Mode is carried out as follows.

REGISTER

Context of situation comprises the Field, Tenor and Mode. The issues addressed in the discourse on public opinion and legal perspectives on blasphemy issue in contemporary Indonesia can be described in Table 1. It discusses the topic to be negotiated.

Table 1. Field in the discourse of Public Opinion and Legal Perspectives in contemporary Indonesia

Text # 1	Text # 2
<p>It is argued that political participation among Indonesians over the past year has increased as political rights, such as freedom of expression, freedom to form association, are now guaranteed.</p> <p>If we use social media as an indicator of political participation, we can observe that citizens can express their political opinions on any issues. If we examine more how opinions are expressed, we can identify three of the most popular ways that the public perceives public issues through social media.</p> <p>First, practicality and less complexity is what the public loves most. Second, practicality is a result of political framing. A complex reality of public issues is framed, both through the media and social media. This political framing is conducted both by political leaders, who are also politicians, and by their political consultants, supported by their social media armies. Political framing distorts reality and creates bias. These biases are mobilized through the media. Indonesian politics has shifted from mass mobilization to bias mobilization.</p> <p>Third, there has been a tendency to glorify the role of an individual, a person, detached from any affiliations he or she could possibly have. The Go-jek CEO, political leaders in any areas who issue populist policies, the handsome policeman who plays a major role during a</p>	<p>In the case of blasphemy, one cannot be punished just because of public pressure. If that ever happens, the government will lose its credibility.</p> <p>One can only be punished if proven guilty according to the Article 156 A of Criminal Code. Satisfying emotional calls for justice cannot be done by unjustly breaking the law.</p> <p>Indonesia is a <i>rechtsstaat</i>, not a <i>machtstaat</i>; a country based on the rule of law, not on power hegemony or political engineering. Thus, due process of law and investigation objectivity must be the axiom / and not be politicized.</p> <p>Another criminal aspect of Article 156A is the stipulation on enmity. On this particular aspect of enmity, Muslim scholars and leaders are greatly divided because for objectivity's sake, a yet-to-be-proven accusation cannot be taken as the conclusion for enmity. <i>Likewise</i>, they are diametrically opposed on whether an offender can be categorized as slanderous if the fact is that he did not have the intention to offend.</p> <p>Furthermore, even if there is a bad intention, legal action to be taken must follow Presidential Decree No. 1/1965 on the prevention of misappropriation and defamation of religion, which is still in force to date.</p> <p>Therefore, even imposition of Article 156A needs to be in conformity with the 1965 ruling,</p>

<p>terrorist attack, are the new heroes. The public care less about the institutions that contributed to their roles. The 2014 democracy survey also confirms this tendency, on the rise of “individual politics” in Indonesian politics.</p> <p>Democratic institutions such as political parties, and grassroots movements are not preferred by the public. Political parties are seen as decadent and corrupted by their leaders and membership. This is why individual candidates in local elections are regarded as the best solution for Indonesian electoral democracy. According to popular opinion, parties are becoming obsolete, as well as the representative-democracy system.</p>	<p>which means that an offender must be reprimanded to not repeat his deeds; and only after he has failed to do so shall he be prosecuted under the Criminal Code.</p> <p>Due to these legal parameters, despite massive pressure on the government for someone to be taken to court and jailed, legal supremacy apparatuses cannot act blindly to leave a bad precedent for the country.</p> <p>Satisfying demonstrators' emotional calls for justice cannot be done by unjustly breaking the law. <i>Fiat justitia ruat cælum</i>: let justice be upheld even for this the heavens should fall.</p>
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FIELD ANALYSIS

Text # 1 is concerned with the political participation among Indonesians over the past year. It is argued that year has increased as political rights, such as freedom of expression, freedom to form association, are now guaranteed. Citizens can express their political opinions on any issues. Social media can be used as an indicator of political participation. Practicality and less complexity seems to be the public loves most. Practicality is a result of political framing. A complex reality of public issues is framed, both through the media and social media. Political framing distorts reality and creates bias. These biases are mobilized through the media. This political framing is conducted both by political leaders, who are also politicians, and by their political consultants, supported by their social media armies.

Text # 2 deals with public pressure on an issue being addressed by the government and law enforcement institutions. It is believed that in the case of blasphemy one cannot be punished just because of public pressure. If that ever happens, the government will lose its credibility. One can only be punished if proven guilty according to Article 156A of the Criminal Code. Satisfying emotional calls for justice cannot be done by unjustly breaking the law. Due process of law and investigation objectivity must be the axiom and not be politicized because Indonesia is a *rechtsstaat* , not a *machtstaat*; a country based on the rule of law, not on power hegemony or political engineering. Even if one is proved guilty, the offender must be reprimanded to not

repeat his deeds; and only after he has failed to do so shall he be prosecuted under the Criminal Code. Due to these legal parameters, despite massive pressure on the government for someone to be taken to court and jailed, legal supremacy apparatuses cannot act blindly to leave a bad precedent for the country.

TENOR ANALYSIS

Tenor can be broken down into three different continua: power, affective involvement, and contact. It means that general notion of role relationship can be seen as a complex of these simultaneous dimensions. The power continuum positions situations in terms of whether the role we are playing are those in which we are of equal or unequal power.

The contact continuum positions situations in terms of whether the roles we are playing are those that bring us into frequent or infrequent contact.

The affective involvement continuum positions the situations in terms of whether the roles we are playing are those in which the affective involvement between us is high or low.

Table 2 describes Tenor analysis on the discourse of public opinion and legal perspectives in contemporary Indonesia.

Table 2. Tenor of the discourse on public opinion and legal perspective in contemporary Indonesia

Text # 1	Text # 2
Involving the author, media and the readers. It indicates that the power continuum which positions situations in terms of whether the role we are playing are those in which we they of equal power. The contact continuum which positions situations in terms of whether the roles we are playing are those that bring them into infrequent contact. The affective involvement continuum which positions the situations in terms of whether the roles we are playing are those in which the affective involvement between the participants involved in this text is low.	Involving the author, the media and the readers. This text shows that the participants involved are of equal power when one considers the power continuum which positions situations in terms of the role they are playing. The roles they are playing are those that bring them into infrequent contact when contact continuum which positions situations in terms of whether the roles they are playing is taken into consideration. The affective involvement between the participants involved in this text is low when one examines the affective involvement continuum which positions the situations in terms of the roles

	they are playing.
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Text # 1 involves the author, media and the readers. It indicates that the power continuum which positions situations in terms of whether the role we are playing are those in which we they of equal power. The contact continuum which positions situations in terms of whether the roles we are playing are those that bring them into infrequent contact. The affective involvement continuum which positions the situations in terms of whether the roles we are playing are those in which the affective involvement between the participants involved in this text is low.

The participants involved in text # 2 are the author, the media and the readers. This text shows that the participants involved are of equal power when one considers the power continuum which positions situations in terms of the role they are playing. The roles they are playing are those that bring them into infrequent contact when contact continuum which positions situations in terms of whether the roles they are playing is taken into consideration. The affective involvement between the participants involved in this text is low when one examines the affective involvement continuum which positions the situations in terms of the roles they are playing.

MODE ANALYSIS

By definition, Mode is the role language is playing in the interaction. Martin (1984) suggests that this role can be seen as involving two simultaneous continua which describe two different types of distance in the relation between language and situation.

As written texts, there is no visual or aural contact between the writer and the reader(s) in Text # 1 and Text # 2, and thus no possibility of immediate feedback and even the possibilities of delayed feedback are limited. It can be argued that language is all that there is. Language here is used to reflect on some topic. Martin (1984) suggests that two simultaneous continua are involved to describe two different types of distance.

So, as Eggins (1994) points out, language is all that there is. Since in written form language is to reflect on experience and constitute social process so social process is not taking place. In fact, it is not enacting experience.

Unlike in spoken text where spontaneity is the nature, in written text one needs to draft, edit and re-copy the work. Concentration is needed to make it happen. One can rehearse it because it is not a casual activity.

THE IMPACT OF IDEOLOGY

How experiential meanings are encoded in texts can be related to the impact of ideology on field including by whom they are initiated, what sort of actions or events are discussed, by whom the actions are responded, and how they are responded.

Text # 1 is initiated by phenomenon of Indonesians' political participation in the past years. This phenomenon is responded by the author by arguing that the political participation among Indonesians over the past year has increased as political rights, such as freedom of expression, freedom to form association, are now guaranteed. Citizens use social media and they can express their political opinions on any issues. Public perceives public issues in three most popular ways. The public loves practicality most. Complex realities in public issues are framed through media resulting in bias and distortion. Public tend to glorify the role of an individual, regardless what affiliation he could possibly have. Public do not prefer democratic institutions such as political parties and grassroots movements. The ideology found in this text is that practicality is the best policy and that the role of an individual is more preferable than that of political parties or grassroots movements.

Text # 2 is initiated by pressure to punish an alleged religion blasphemy. Such a pressure is responded by the author by examining the text produced by the alleged offender. It was found that the text had been manipulated and disseminated to create public anger. The author is of the opinion that the alleged offender can only be punished if proven guilty according to Article 156A of the Criminal Code, not by the pressure. Otherwise the government will lose its credibility as the world will see that the government is dictated by radical pressure. The ideology found in this text is that justice cannot be done by unjustly break the law. Legal parameter should therefore be used to settle the disputes.

CONCLUSION

It can be concluded that in one hand, Indonesians' political participation which have increased in the past year is responded by the author by identifying it as practical, distorted and bias due to the political framing. It is also indicated that public prefer an individual to democratic institutions in solving the problem of the nation. On the other hand, radical pressure is responded by the author by reminding the government to not to lose its credibility by surrendering to the radical pressure. Legal parameter should therefore be referred to in settling the disputes in the case of religion blasphemy.

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Appendix

Text # 1

How can we understand the form of political participation among Indonesians over the past years? / From a general impression, it would be easy for us to conclude / that political participation has increased / as political rights, such as freedom of expression, freedom to form association, are now guaranteed./

The University of Gadjah Mada, in cooperation with Oslo University, held a 2014 democracy survey. / The result of the survey conducted on 600 respondents indicated / that political participation of the public in Indonesia has certainly advanced./

Other democracy surveys held by the Indonesian Democracy Index have shown similar results with regard to political participation./

If we use social media as an indicator of political participation, / we can observe / that citizens can express their political opinions on any issues. / If we examine more how opinions are expressed, / we can identify three of the most popular ways / that the public perceives public issues through social media./

First, practicality and less complexity is what the public loves most. / In the case of the transportation issue in Jakarta, ride-hailing application Go-Jek, and its founder, are the new heroes. / It is regarded as a major solution to transportation problems in the capital city. / But public opinion pays less attention to how complex the situation is. / Gojek is indeed a solution / but it does not address the roots of Jakarta's transportation problems./

Transportation relates to many issues such as the revitalization of old buses and minibuses, competition between transportation business providers, routes and the number of cars and motorcycles, / which keeps increasing compared with the amount of road available./

The same practical thinking can be observed in the solution to flooding problems in Jakarta. / The eviction of low-income citizens in Jakarta is regarded as the only solution for the problem./

Second, practicality is a result of political framing. / A complex reality of public issues is framed, both through the media and social media. / This political framing is conducted both by political leaders, / who are also politicians, / and by their political consultants, / supported by their social media armies. / Political framing distorts reality / and creates bias. / These biases are mobilized through the media. / Indonesian politics has shifted from mass mobilization to bias mobilization./

In the case of finding solutions to flooding, the framing is not only of the practical solution, / but also of low-income citizens in Jakarta. / The poor are regarded as people who oppose policies for the betterment of the city, / who are not thankful for what the government has done / and who cannot be disciplined. / The majority of the public, through social media supports these allegations /

Third, there has been a tendency to glorify the role of an individual, a person, detached from any affiliations he or she could possibly have. / The Go-jek CEO, political leaders in any areas who issue populist policies, the handsome policeman who plays a major role during a terrorist attack, are the new heroes. / The public care less about the institutions / that contributed to their roles. / The 2014 democracy survey also confirms this tendency, on the rise of “individual politics” in Indonesian politics./

Democratic institutions such as political parties, and grassroots movements are not preferred by the public. / Political parties are seen as decadent and corrupted by their leaders and membership./ This is why individual candidates in local elections are regarded as the best solution for Indonesian electoral democracy. / According to popular opinion, parties are becoming obsolete, / as well as the representative-democracy system. / They are seen as having failed to provide any concrete and practical solutions for problems / that citizens face daily. / Social movements and critical groups can see nothing good / that government has done. / Individuals, detached from parties, are the only relevant issue./

None of the above mentioned features of public participation in social media are typical only of Indonesia. / It seems citizens all over the world are tired with complex problems / whose

solutions need more time, more effort, more understanding and with no guarantee of a satisfactory solution. / That which is handy / and practical simplifies the situation./

All these simplifications are understandable. / Who wants a complex life anyway? / It becomes a problem when diversity of opinion in the media becomes a way to label each group as “haters” or “lovers”, / known popularly as “buzzers”. / Social media as an outlet for us to understand political reality-framing is divided into two groups: / The practical and the critical. / The critical, who usually think in a more participatory and idealistic way, are labeled as “haters” of issues / that they criticize. / Never before in the history of Indonesian politics have we observed a tense relationship between supporters and critical groups./

Is all of this good for Indonesian democracy? / Partly it is good / as the public speak louder now on many issues. / Yet, partly it is not good, / as diversity of opinion among citizens is labeled in an undemocratic way. / Democracy provides room for differences / and facilitates healthy discussion, / not to label each other pejoratively./

(Amalinda Savirani ; Research fellow at the Department of Politics and Social Change, Australian National University. Retrieved from: <http://www.thejakartapost.com/academia/2016/05/09/public-opinion-between-haters-and-lovers.html>)

Text # 2

One man *jolts* the nation, one sentence rocks Indonesia. But as police begin to probe alleged defamation of the Koran by non-active Jakarta Governor Basuki "Ahok" Tjahaja Purnama, it is very necessary *to caution* law enforcement institutions *to ascertain* justice with genuine principles of the Criminal Code and nothing else

Ahok cannot be punished just because of pressure from angry Muslim hardliners. If that ever happens, the government will lose its credibility. Because that would transmit to the world the message that President Joko "Jokowi" Widodo's government is dictated by radical mass organizations and political puppet masters.

Such a scenario would trigger unnecessary fear among foreign investors as well as grave concerns from donor countries, and may even jolt the economy, not to mention worries among minority groups. But unfortunately, *exonerating* Ahok could also be a time bomb for the government, unless the angry people can be injected with a sense of realism

Objectively, Ahok can only be punished if proven guilty according to Article 156A of the Criminal Code, which stipulates the parameters on defamation of religion, and not because of political reasons, *albeit* his having been *driven at bay*.

Indonesia is a *rechtsstaat*, not a *machtstaat*; a country based on the rule of law, not on power hegemony or political engineering. Thus, due process of law and investigation objectivity must be the axiom and not be politicized.

Article 156A of the Criminal Code prescribes a maximum five-year jail term for anyone who "utters feelings or commits acts intentionally that [a] contains enmity, misappropriation, or defamation of a religion" and "[b] has the intention to prevent others from adhering to any religion that is based on belief in one God."

These two factors must be fulfilled to justify his perceived offense.

So for Ahok to be given the status of a suspect, police investigators need to show, according to law, two instruments of evidence that he indeed had the intention to defame the Koran and to encourage apostasy

Ahok has announced that he had no intention to defame the Islamic holy book and yet he had openly apologized on various occasions for hurting the feelings of Muslims. Given this, police cannot blindly make him a suspect, *not to mention* the fact that his foster family members, who are all Muslims, would *testify to exonerate* him from the allegations.

Another criminal aspect of Article 156A is the stipulation on enmity. His mention of verse 51 of the surah Al Maidah, which caused the uproar, must be proven to have provoked enmity instead of just public anger before his words can be categorized as being legally prosecutable to objectively justify the status of a suspect.

On this particular aspect of enmity, Muslim scholars and leaders are greatly divided because for objectivity's sake, a yet-to-be-proven accusation cannot be taken as the conclusion for enmity. *Likewise*, they are diametrically opposed on whether Ahok's mention of the Koranic verse can be categorized as slanderous of Islam if the fact is that he did not have the intention to offend Muslims, or the holy book.

The chief imam of Istiqlal Mosque Nasarudin Umar has declared that there is no defamation of religion in the *viral* video. And one of Muhammadiyah's patrons, Ahmad Syafi'i Maarif, says only mentally ill people believe Ahok has defamed the religion.

There are two simple facts that have been *overlooked*. First, the audience in the Thousand Islands responded with smiles and not anger when he made the statement – an indication that they didn't take his statement as an offense to the religion. If they did, he would have been attacked and even killed on that day.

Secondly, this was not the first such statement Ahok has made. In fact, when the National Democratic Party (NasDem) nominated him to run in the Jakarta gubernatorial election, in front of a capacity audience and party founder Surya Paloh, Ahok had made the same remarks and nobody raised an objection, knowing that his context was political education.

The words that Ahok actually spoke, which jolted the nation, were arguably not as alarming as wild interpretations that came up later in various circles because of the spread of an edited and provocatively condensed version of his remarks.

Ahok said his programs for them would continue even though he would not be elected in next February election, because he would still be in office until October 2017.

"So, don't trust others, because it may be that deep in your hearts you cannot choose me because of having been cheated [by others] with Al Maidah 51 and so forth." The audience laughed; then he continued: "That is your right."

Clearly, the message was: Don't trust others, because they use the Koranic verse to cheat the people so as not to choose him, but even if they wouldn't choose him, that is their right.

Therefore, Ahok takes his statement as part of political education, whereas protesters see it as defamation of the holy book and Islam.

Ahok's lawyers would argue on how to prove that he had bad intentions in mentioning the Koranic verse for instance, when his aim was to educate people according to their rights.

Furthermore, even if there is a bad intention, legal action to be taken must follow Presidential Decree No. 1/1965 on the prevention of misappropriation and defamation of religion, which is still in force to date.

Therefore, even imposition of Article 156A needs to be in conformity with the 1965 ruling, which means that an offender must be reprimanded to not repeat his deeds; and only after he has failed to do so shall he be prosecuted under the Criminal Code.

Due to these legal parameters, despite massive pressure on the government for Ahok to be taken to court and jailed, legal supremacy apparatuses cannot act blindly to leave a bad precedent for the country.

Satisfying demonstrators' emotional calls for justice cannot be done by unjustly breaking the law. *Fiat justitia ruat cælum*: let justice be upheld even for this the heavens should fall.

If Ahok is proven guilty, nobody would be surprised, only untainted legal experts and justice seekers. But if he isn't, the government will have another headache of having to explain its legal reasons to the deaf ears of angry Islamic hardliners who don't really care what parameters of justice is being used.

They just want to see him in prison, arguing that he has defamed the Koran. Taking the law into their own hands, they have even threatened to topple President Jokowi if Ahok is not jailed and they have placed a Rp 1 billion (\$76 million) bounty on the governor's head. Rizieq Shihab, the leader of the Islamic Defenders Front (FPI), is even calling President Jokowi "a liar and provocateur."

Sarlito Wirawan, professor of psychology at the University of Indonesia, suggests that since Islam comes from God, it doesn't need to be defended because God doesn't need human defense, especially in Indonesia that, albeit being the world's largest Muslim-populated country, is not exhibiting a good example of Islamic values.

Indonesia ranks 104th, far below Saudi Arabia (99th), Israel (17th), the United States (15th), Singapore (seventh), Luxembourg (second), and New Zealand (first) in faithful implementation of Islamic values, according to a 2011 Washington University survey.

Would the massive pressure on the government over the Ahok case improve our standing? I would become the laughing stock to my foreign friends if I said yes. But here's a precious lesson: never offend the Islamic holy book, or you will face the music.

(Pitan Daslani is a senior political analyst and former journalist for the Jakarta Post, Jakarta Globe, Radio Deutsche Welle, Radio Netherlands, and Yomiuri Shimbun. He can be reached at pitandaslani@gmail.com)