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## [Indonesia: Legalizing Crimes Under the Slogan of “Creating Jobs”](#)

*The government of Indonesia endorsed the criticized Omnibus Law by saying that it is “crucial to attract investment and ultimately create jobs.” The Law is a direct attack on the territories and communities resisting the increasing destruction that has been ongoing for decades in Indonesia. This article gives voice to six activists confronting firsthand various damaging investments across the islands.*

[This article is also available in Bahasa Indonesia: Indonesia : Legalisasi Kejahatan di balik slogan ‘Penciptaan Lapangan Kerja’. \(PDF\)](#)

With the adoption of a so-called Omnibus Law on Job Creation in October 2020, the government of Indonesia has amended more than 75 laws. The biggest impact of this change is expected to be on the environment, for peasant communities and indigenous peoples’ rights as well as for worker’s rights. This Law modifies (and de-regulates) land-use planning and licensing processes for corporate operations. The Law also gives more power to the central government and the corporate sector –including the coal industry, which directly benefits from a bundle of incentives. For example, the Law exempts coal companies from paying royalties if they develop downstream facilities, such as coal-fired power plants.

This is particularly problematic in Indonesia. A recent article in the WRM bulletin (1) mentions how President Widodo and his family, his Vice-President and other close collaborators are involved in the coal mining industry. Moreover, 262 out of 575 parliamentarians in Indonesia are employee, owner, shareholder or CEO of some of the country’s biggest extractive industries and trading companies. Strong signals that businesses have effectively taken over the apparatus of the central government. In this context, it is critical to highlight another key feature of the Omnibus Law: the central government rescinds the right of regional governments to veto an investment project already approved by Jakarta (the capital city where the central government resides). This will increase the conflicts between existing local dynasties and the political elite in Jakarta. (2)

At the same time, the Law limits (and, in cases, even eliminates) the possibility of civil society and affected communities to consult on or challenge the approval of projects like large mines or industrial plantations. It also limits the public’s right to file objections against environmental impact assessments once these are approved, even if it can be demonstrated that the approved project will cause ecological and social harm.

Indonesia’s Environment Minister argued that this limitation is “based on findings that the interests of directly impacted local communities have often been diluted by indirect outside interests.” Likewise, a lawmaker in the parliament’s legislative committee which passed the Law, said that criticism from those not directly affected should be limited if they “aren’t in line with national interests.” (3) These statements are highly problematic. Affected communities are not only rarely informed in a timely and

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proper manner, and realize the extent of the impacts only when machinery or security agents appear in their territories; but also, what are these “national interests” that the government representatives talk about? Whose interests do they represent?

Since this proposal came to light, thousands of workers took to the streets to reject the Omnibus Law and hundreds of protesters were arrested. Workers’ rights have been hijacked, in particular rights aimed at protecting women, who are more vulnerable to being subjugated and exploited. (4) Much has been written about the dangers and risks of the Omnibus Law, even from profit-seeking companies that are worried about their images being tainted as a result of the implementation of the law.

Nonetheless, few materials include voices of community activists from across the islands talking about the likely implications of the Law on their territories and lives. That is why the WRM reached out to a close ally in Indonesia, who dialogued with six community activists who are resisting –some for decades- various damaging investments across the islands. Each of these activists grew up witnessing their island, forests, rivers, coastal water, protein-providing animals, fresh air, being destroyed and seized with the sequences of aggression by the government and/or corporate investment projects. “For each”, our Indonesian ally said, “the story and the groundwork which they are part of are deeply personal. Despite the resolute undertone in their voices, the dialogues were marked by a noticeable absence of joviality– something very strange in the local oral cultures in Indonesia. It is a reflection of how dark their inner state is at the moment”.

These are their stories.

*All names are kept anonymous for security reasons.*

### **“Mama Na” fighting industrial oil palm and timber plantations**

Mama Na belongs to the Muyu tribe. She lives in Kampung Subur, Boven Digul regency, Papua. Between 2013 and 2014, PT BCA (PT Berkat Cipta Abadi), a subsidiary of the Korean palm oil and timber conglomerate Korindo Group destroyed at least 12,300 hectares of forest. The Korindo Group is the biggest oil palm plantation company in Papua.(5) Industrial tree plantations company PT MRJ (PT Merauke Rayon Jaya) is also threatening Mama Na’s forests and land with its expansion plans.

*The plywood company was first established in 1990 and has changed owners three times. The forest had gone. Where will they get the timber from? So, now, outsiders are coming to cultivate oil palms, pursuing other areas, joining the timber plantation company [a category known in Indonesia as HTI]. They just change their name to obtain the business permit. In Kampung Subur, the oil palm plantations company PT BCA has entered the Toweb, Tomba and Burok clans’ territories. They have never entered my land. I oppose them because I would lose my land and livelihood. I have seen the impacts.*

*The water is polluted. Dead fish are all over the Bian and Digul river. When they came to the area, they built a hospital, the Korindo Hospital. It is literally a “sick house” (in Indonesian, Rumah Sakit, means “Sick House”) as the company came to make us sick. The damage sinks underground, to the water. So the fish die. When we use the water for cooking, the pot is oily. Since the company entered, we feel that we have lost our culture. No longer do we have our traditions. For example, we have lost our artisanal skills, like making noken, enok, nyiru ayak, which are made using reed and bamboo.*

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*I am now prepared and remain alert to confront PT MRJ and other industrial timber plantations companies. Company people are putting their eyes on the land of the Ikoké clan to build a log pond. They come and say that they are there for tourism or conservation purposes, playing tricks on the community.*

*Someone from the PT MRJ came yesterday and said in the village hall, "We will make you prosper. We will build, provide clean water, good jobs, we will do that and that for the community." But it turned out that the people said NO to all of that, because they have already felt the real situation. The company tricks have been discovered. So we no longer accept those who want to persuade us. We are suffering more for doing that.*

*We all rely on forests for food and, nonetheless, we see how forests have been destroyed. We refuse so that we can use the forest that is left together, protecting it and caring for it. If not, where will my children and grandchildren go in the future?*

*I have six children and they all say that Mama Na is like a warrior for them. All of them are one heart with Mama Na. Our life is not easy. We are neither stubborn nor arrogant. They are wealthy and they never mean wellbeing for us. Time has run out.*

### **Ey fighting a mining company's devastation**

Ey is from the Aramsolki Village, in the Agimuga District, Mimika regency. Ey is very active creating a space for community members in three districts to voice their grievances due to the complete devastation of the rivers and estuaries in the area. This high pollution and damage is a result of the massive and direct tailing disposals into rivers and waterways from the mining company PT Freeport Indonesia. Freeport Indonesia operates one of the world's largest copper and gold mines in Papua. (6)

*The people who live at the banks of rivers and by the sea have a culture of hunting and they depend on the sea or river. This irresponsible disposal of waste destroys people's lives. Animals start to die slowly as every day they inhale and consume water contaminated by the mud in the mine tailings. We also observed that many people suffer from itching and other health issues.*

*Freeport tailings waste also results in loss of community access to river transportation. The sedimentation of waste in the Ajikwa / Wanogong river has resulted in an extraordinary siltation along the Sampan river, Puriri Island and Kampung Pasir Hitam, towards the estuary. Previously, community members used this route to cross between islands or to go to the city to meet relatives, sell their crops or exchange economic products from hunting or harvests, and it has also been a route for children to access education. Nowadays people have to wait for the river water to become high enough so that boats or canoes can pass. Sometimes people wait for five hours and sometimes even for a day and a night. Desperate people push their boats over the river covered in waste, resulting in a lot of damage to their boats. Others choose to cross by the high seas, which is very dangerous.*

*We have lost one village: Kampung Pasir Hitam. And also five rivers: the Yamaima, Ajikwa / Wanogong, Sampan, Ajiira, and Manarjawe river. This is a very serious problem.*

*Peculiarly, in the middle of a shallow river that has dried up, Freeport is planting trees. We are very angry about this. The company claims to be reforesting, but no one knows that a river has disappeared there! The company plants trees and it also eliminates the evidence.*

### **Ni fighting a geothermal energy project**

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Ni comes from Jailolo, in the Halmahera Island, North Maluku. Jailolo is an earthquake-prone cluster of villages, bordering a stretch of forests. It is also the name of a recently re-activated volcano. Over the past decade, strong earthquakes have been recurring every year. Since 2008, the PT Star Energy Geothermal Company, a subsidiary of PT Barito Pacific Tbk., was awarded the Jailolo geothermal field concession and began exploration in the 12,960 hectares concession area. The US Trade and Development Agency (USTDA) awarded a 733 thousand dollars grant to PT Star Energy Geothermal Halmahera to conduct a feasibility study for the project. (7) In 2017, however, the Ministry of Energy and Mineral Resources took back the concession from Star Energy, and from then on the exploration activities have been carried out by PT Sarana Multi Infrastruktur (SMI) - a joint venture of the Ministry of Finance, the World Bank and the Asian Development Bank. In early 2020, the government gave a strong endorsement to this investment.

*In my opinion, the biggest threat in Jailolo is the government because the government doesn't care and they want to join the geothermal company. Star Energy started to enter since 2008, collecting information. There has been no development or construction yet. But the fear is that most of the people in Jailolo are fisherfolk or farmers. For example, there is one village, the village of Saria, where fishing is the main livelihood and the people farm on the side. There are villages that still depend on the forest, namely the villages of Payo, Pateng, Bobo, Bobo Joko, and Idamdehe. Idamdehe is planned to become a place to drill a geothermal well.*

*Our forest is still very healthy and we will not let the geothermal project clear away the forest. We have never received proper information about this power plant project. The new Omnibus Law will unquestionably have an enormous impact. The land will be invaded. Those who are fisherfolk and farmers will lose their livelihoods. With this new Law, the government is helping the company. But the villages have strong unity, especially the Indigenous Peoples of Saria and Idamdehe.*

### **Na fighting a nickel mine**

Na is from south-east Sulawesi, where they confront a nickel mining operation. (8) The community successfully blocked the mining activities in 2019 and pushed back their heavy equipment all the way to the project camp on shore. Na has been in the forefront of resistance.

*For the community, mining does not do any good. Nothing. If the mining would arrive here, it would be dangerous. First of all, our plants will not bear fruit, because of the dust! There are coconuts, guavas, cloves, nutmeg, and pepper here. Secondly, water. Thirdly, where will the waste go? Into the sea? But this is a fishing village! Those who fish will obviously be hampered. So for us, mining is no good. The impact is huge; we have seen it. Mining is only for a moment. In the blink of an eye, the money will be gone. It is only for a moment because it is all a lie. And indeed, it is all about money. We are so traumatized because of this mining. We must be vigilant, especially not to give up. That is all.*

*But all lands around the mining site are affected. From the land of my parents to mine, everything is affected. For example, the access road, where vehicles go back and forth, dust is everywhere. We have to wash the banana leaves before using them. Besides, with the mine, the family has broken up. The impacts are obvious, but they weren't aware. There is already this effect. Previously, one stick of fish cost ten thousand Indonesian rupiahs, now it will go up to fifty thousand. Who can afford that price? And we cannot go fishing anymore.*

*Now, the new Law wants to make licensing easier for big companies, but we defend our rights. The base of my life is in my land. If there are crops, there is hope. We have our plants there. We can make some money from our crops. Without it, I cannot dream with my children and my grandchildren.*

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*The mine is so painful for us. Everything is being destroyed. We will cry blood later. But never! I will never give up the land.*

### **Yati Dahlia fighting the plans for a new capital city**

Dahlia comes from Penajam Paser Utara, East Kalimantan. Dahlia is an activist and a traditional performing artist who belongs to the Balik tribe, a small tribe located in the heart of where the new capital city of Indonesia is being planned, and near one of the biggest mining regions. There are approximately 5,000 Balik people who also speak their own language.

*We don't want to differentiate between tribes. There are the Balik, the Paser and the Dayaks here. But with this enormous project, we feel like we are being set up. They want us to hand over the land... Then we are asked for a photocopy of our ID cards. The main reason is that they want to split the land. Some are thirsty for positions of becoming customary leaders or whatever ... We are really agitated. How can we be united if we are still being used by people who only care about themselves?*

*We have read about this new Law. But this is the land of our ancestors. We are very restless and distressed. The government will not stop until they persuade us to sell our land. They say, "Let's cooperate". I have told my family and friends, who own the land here, that our ancestors do not close their eyes and are watching us from above. Even though the Balik Tribe is a minority, we need to live in unity to defend the land.*

### **Ah fighting a geothermal energy project**

Ah is from Salingka Gunung Talang, Solok regency, West Sumatra. Ah is a community activist who belongs to a movement involving four mountain communities under threat by a geothermal project run by the Turkish consortium PT Hitay Power Energy and PT Dyfco Energi. (9)

*Almost all of the residents at the foot of Mount Talang, Solok District are farmers. Even civil servants [known as PNS in Indonesia] are involved in farming to earn additional income. We are proud of our vegetable products, and our delicious and famous rice, namely Bareh Solok. In general, it was a safe place, until 2017, when the geothermal mining project disrupted our lives. Even then, the project was not clear. But we knew that the electricity that they want to produce is not meant for the community. It would not benefit us. The company people forced their way in. Then, the arrests began due to the burning of a company car, although it was not clear who burned it because of the large number of people involved. The people imprisoned because of this incident were locked up from February 2018 to the first month of 2020. Nonetheless, we have consistently blocked the attempts of security brigades and armed forces to enter our area.*

*We have no news from the company now, and we also observe that there has been no attempt to enter our territory again. But we remain vigilant. With the Omnibus Law we know that there is a huge risk to our safety if the project is carried out.*

Despite people's increasing alarm of having their land and livelihoods curtailed further and stolen with the approval of the Omnibus Law, these stories also show how communities will keep resisting the destruction of their forests and land.

(1) WRM Bulletin 252, [Indonesia: REDD+, European Development Funding and the 'Low Carbon Economy'](#)

(2) The Interpreter, [Indonesia's Omnibus Law won't kill corruption](#), 2020

(3) Mongabay, [Indonesia's Omnibus Law a 'Major Problem' for Environmental protection](#), 2020

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- (4) Business and Human Rights Resource Centre, [Omnibus Law on Job Creation reinforcing patriarchal mentality](#), 2020
- (5) Greenpeace, [PT Berkat Cipta Abadi Oil Palm plantation in Papua](#), 2018; EJAtlas, [Korindo clearing forests for oil palm plantations, Papua, Indonesia](#), 2020
- (6) The Insiders Stories, [Freeport Indonesia's Production Rises 9% in the 2Q of 2020](#); London Mining Network, [Mimika's Coastal Dystopia: Besieged by Freeport's Indonesia's Mine Tailings Slurry](#)
- (7) The Jakarta Post, [Geothermal Projects expand clean energy](#), 2010
- (8) The companies with mining permits on the island include PT Alatoma Karya; PT Bumi Konawe Mining; PT Derawan Berjaya Mining; PT Gema Kreasi Perdana; PT Kimco Citra Mandiri; PT Konawe Bakti Pratama; PT Hasta Karya Megacipta; PT Pasir Berjaya Mining; PT Cipta Puri Sejahtera; PT Natanya Mitra Energy; PT Investa Pratama Inti Karya; and PT Kharisman Kreasi Abadi. See, [Asia Times, Mining permits revoked after Wawonii protests](#), 2019
- (9) WRM Bulletin 244, [Indonesia. The Gloomy Truth Behind Geothermal Energy: A misleading Narrative of "Clean Energy"](#), 2019