

ABSTRACT

In Indonesia after 1965's tragedy, called "G 30 S/PKI", thousands of communism members were taken in jail, even they did not directly involved on that tragedy. They were arrested and jailed by Indonesian army for their ideology was communism, or for their involved in Indonesia Communism Party. More than a hundred thousand peoples were arrested and lost their civil rights by Soeharto administration. Communism members does not have the rights to be military members or to be government employees, even in 1945 Constitution of Indonesia, article 27, stated that every citizens have the same rights in government and the same before the law. So, this is a contradiction in implemented law in Indonesia caused by criminalizing an ideology.

Several months after 1965' tragedy, In 1966, prohibition of communism in Indonesia was issued by People's Consultative Council number 25. To operating that prohibition, Soeharto administration re-implemented Law of 1963 number 11/ Emergency, the bill which had ever been enforced by Soekarno administration, regarding to the elimination of subversive activities. As long as Soeharto administration there were many activists, whose criticized the state policy, arrested and even taken in jail by using that Law of 1963 number 11/Emergency.

At the end of Soeharto administration in 1998 most of people demanded Law of 1963 number 11/Emergency eliminated. Therefore Habibie administration, in 1999, eliminated it with Law of 1999 number 26 and it admitted that the implementation of Law of 1963 number 11/ Emergency had against human rights and social justice.

But, Habibie administration still assumed that communism was dangerous ideology based on 1965's tragedy. So, until now there is a bill which specifically criminalizing the communism as a forbidden ideology. That is Law of 1999 number 27 which until now still effective. Law of 1999 number 27 is amendment of KUHP (book of Criminal Law in Indonesia). Whoever spreads communism or do some activities as an 'implementation' of that ideology could be arrested and taken in jail. It means that spreading communism/Marxism is a criminal act in Indonesia criminal law system.

After put Law of 1999 number 27 into effect tens protesters in Jakarta lead by Guteres (ex East Timor militia pro integration), were burning the books which have contents about communism and marxism such as "Pemikiran Karl Marx" (Karl Marx Idea) by Franz Magnis-Suseno. Now, government, based on Law of number 27, will be easy to stigmatize or criminalize persons whose have intended to criticizing the state policies or against them. This bill, of course, have against human rights aspect in Indonesia, especially in giving expression. As we know all humans have a rights to show their expression reagrding to government policies. That is free for speaking and thinking.

Key words: *communism, ideology, and criminalizing ideology.*