Moving Beyond Borders: Artistic Freedom and the Threat of Persecution by Faith-Based Organizations

Nike Shabrina

Program Studi Kajian Terorisme, Sekolah Kajian Stratejik & Global

Universitas Indonesia

Jakarta, Indonesia

nikeshabrina@gmail.com

Abstract—Despite the vast research into investing in youth education, health, and wellbeing, little is known about youth culture in the underground scene in Indonesia. This article is a follow up study from my research about music gigs in cafes and bars in urban settings. Music gigs and art in the underground scene appear as a counterculture to regular events that are often seen on television or in other commercial places. Gigs are designed to create an oasis, so the creativity of the space can be accommodated as much as possible. Gigs are held in a wide variety of settings, from public places to more private areas, even to open spaces in more rural areas. Currently, gigs are no longer focused on issues of space, but the increased attacks on the freedom of art and expression. This study examines the effects of persecution conducted by faith-based organizations on underground gigs in Indonesia. In sum, this study emphasizes how artistic expressions should not fit into one frame. The Indonesian government should abide by their obligation to protect artists and all persons participating in artistic activities or in the dissemination of artistic creations from violence and gender discrimination by third parties.

Keywords—gigs, youth, persecution,faith-based organizations

I. INTRODUCTION

This study focuses on underground gigs[1] that have faced persecution by faith-based organizations. Underground gigs cannot be separated from music and the Do It Yourself (DIY) subculture. It can be said that massive changes in the Indonesian underground scene have also intersected with political forces prevailing in each era. During Soekarno's Old Order, the Indonesian government strictly maintained all content and themes in the media, only allowing reports that supported the ideology of Pancasila (Luvaas 2009). In the 1990s, the mainstream media tended to present certain music genres[2], such as sentimental pop, to the audience. Obviously, this situation did not represent middle-class young people who felt trapped in the regime of the New Order and who wanted to find another way to spread political messages. As Adorno stated in his theory of pop music (Strinati 2007), the culture industry is dominated by two processes: standardization and pseudo-individualism. Standardization

refers to the fundamental similarities between pop songs, whereas individualism refers to accidental differences. Mostly, music being played at that time was thought to be too tame and it acted as part of a national agenda and was broadcast to young people. In reality, some teenagers were looking at different means of access to new kinds of music and DIY ethics[3]. Online orders, zines,[4] and tapes from various famous bands were distributed among friends (Wallach 2003, in Luvaas, 2009:250). Back then, in the 1990s and the 2000s in urban areas, fewer people knew about or had access to the Internet. Scenesters[5] tended to get information from face-to-face contact with the community, including the media, for example through zines. In this way, information about gigs was dispersed widely, and contributing to a gig could have a major impact because it connected the band, or the artist, with the public. The role of the gig, secondary to that of a performance space, is to act as a hub for a musical community, helping people make connections through participation and empowering artists to create by giving them a platform for their work. The power of DIY can be seen by its emphasis on inclusion, agency, and creation. When a venue becomes the source or site of that agency, the people who run it become the most powerful and visible aspects of that scene. Gigs were not only at the forefront simply for the music, but also for DIY records, and artists releasing and distributing their own ideas and materials through zines.

Based on my research into gigs, it can be seen that the underground scene no longer has restrictions on place, or is no longer based on the village versus the city. Events can be conducted in public spaces or more private places such as cafes and galleries, whether in the city center or in the suburbs. In relation to the space needed for art and the dynamics of global youth subcultures, the term "culture" here does not refer to cultural traditions, values, or social and

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[1]Underground gig: A gig is a slang term for a live musical performance. It may tend to express common ideas, such as high regard for sincerity and intimacy, or freedom of creative expression, as opposed to the highly formulaic composition of commercial music, and the appreciation of artistic individuality as opposed to conformity to current mainstream trends.

[2]Genres: Categories that identify or group pieces of music together according to their similarities or their belonging to a shared tradition or musical style.

[3]DIY ethic: Refers to the ethic of self-sufficiency through completing tasks without the aid of a paid expert. Literally meaning "do it yourself", the DIY ethic promotes the idea that anyone is capable of performing a variety of tasks rather than relying on paid specialists. The DIY ethic requires that the adherent seeks out the knowledge required to complete a given task. The term can refer to a variety of disciplines, including home improvement, first aid or creative works.

[4] Zine: Short for magazine or fanzine, which are self-published creations with a small circulation, motivated by a desire to express oneself rather than making money. Most of the topics are outside the mainstream or too niche for the mainstream media, low budget, often nonprofit papers, books, or websites, presented in unusual designs or layouts.

[5]Scenester: a person who is part of a social or cultural scene.

religious norms, but instead refers to Strinati's statement (2007:12) that popular culture, or pop culture, is generated through mass industrial production and marketed to gain benefits from the mass consumer market. Gigs and the underground youth culture have grown along with the emergence of the freedom of expression in terms of wanting to be different from the masses. As with urban culture, gigs should have their space in the midst of society and be allowed to develop. Gigs are used as a way to socialize, a way for communities and scenesters to gather at events, exchange information, have fun and see their favorite performances or artists.

The good relationship between gigs and social spaces are regarded by informant AR[6] as a dialectical relationship that is mutually negated. Gigs are not designed to fight against the established cultural authority, but instead to create an oasis, so the creative space can be accommodated as much as possible. The existence of limitations allows an exploration of the possibilities of space and the opportunity to create new ideas (Renaldi 2014). Permits and licenses are some common problems for the continuity of gigs. Licenses are based on place and region. A license based on place is any permission that needs to be agreed between the gig organizer and the proprietor. All permits and licenses must be sorted out by those who officially manage the place, from gig organizers to officials on the spot. Licenses based on area are for those gigs given permission from an owner/gig organizer in the concerned area. This permit depends on the complexity of the area around the venue, whether it is only necessary to have neighbourhood/community unit's permit (government official in village/district), or if the police need to be involved. In addition, this type of permit is more costly compared to building/police permits because there are other parties involved. Gigs in various places sometimes have to pay extra to the civil society organization of the region.

The phenomenon of unexpected costs differs between DKI Jakarta and Bandung, but the effect of community organizations was stronger in Jakarta. The location of the community organizations' bases can also differ depending on the territory. The Kemang-Ampera-Fatmawati areas are dominated by the FBR[7], then the FPI[8], and there are also the Forkabi[9] and the Pemuda Pancasila[10] in other areas. This

culture has existed since the New Order and has hardly changed. These unexpected expenses were highlighted by informant IA (scenester/gigs organizer) as being very expensive because the process is not transparent and not operated in a legal and standard way.

In my previous study, I showed how the number of gigs is currently decreasing due to limitations of space, expensive rental prices, and permit obstacles. Cafes and bars play an important role for gigs in the support of music development in urban areas, as a conduit between gig players (performers, gigs organizers, and the community) and society in order to popularize their music scene. From that point, underground gigs in Indonesia reimagined themselves and shed their old skin of belonging to a place and were instead constructed out of global pop culture resources. Gigs have continued because there is a "sense of community, belonging, and comfort" just by being in that subculture. I argued that gigs use their music, image, and discussion as tactics (De Certeau, 1984) of aesthetic deterritorialization (Deleuze, Guattari 1996). But the road to success is increasingly vulnerable due to the social pressure from faith-based organizations. Since 2016, there has been an increase in cases of persecution that have affected communities in several subcultures in Indonesia. The persecution itself is not limited to racial or religious issues, but extends to artistic freedom and the threat of persecution has been experienced at gigs in various regions. The subjects selected for this research are drawn from my own experience within the gig subculture which may affect the results of this study. Although many different groups are represented within the subculture, this study will focus on individuals who have been victims of persecution and active in organizing gigs. This is what attracted me to discuss the phenomenon of persecution by faith-based organizations in the midst of underground gigs.

Source: Author

Fig. 1.   Student artwork exhibition at Witching Hours Gig

II.   RESEARCH METHODOLOGY

The purpose of this study is to examine the persecution taking place at underground gigs. What is persecution, and how does it impact on the sustainability of gigs? Would the gig subculture still exist even if the persecution continues? The results of this study will reveal answers to these topics. I will conduct in-depth interviews with participants who are currently active in gigs to examine the core values of the movement itself. Time restrictions in relation to this research

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[6] Informant AR: Contributor Jakartabeat.net, Founder Sonic Funeral Records, Majoring in English Literature, University of Sanata Dharma, Yogyakarta (now lives in Jakarta).

[7] FBR: Forum Betawi Rempug, a betawi organization. Betawi means the indigenous people of Jakarta, a community of mixed descent, a mixture of different races and ethnic groups, who for generations have made Jakarta their home. Betawi have assimilated different cultures in their daily life, arts, music, and traditions. Staunch Muslims, Betawis blend the original Malay language with neighboring Sundanese words, mixed with Javanese, Chinese, Indian, Arab, and Dutch words.

[8] FPI: (Front Pembela Islam) or The Islamic Defenders Front is a radicalreligious group in Indonesia, notorious for hate crimes and violence in the defense of Islam.

[9] Forkabi: (Forum KomunikasiAnakBetawi) is the Betawi communication forum organization.

[10] Pemuda Pancasila: (The Pancasila Youth/PP) is an Indonesian paramilitary organization established by General Abdul Haris Nasution on October 28, 1959, headed since 1981 by Yapto Soerjosoemarno. It was formed from the semi-official political gangsters (preman) that supported the New Order military dictatorship of Suharto. Pancasila Youth played an important role in supporting Suharto's military coup in 1965: they ran death squads for the Indonesian army, killing a million or more alleged communists and Chinese Indonesians across the province of North Sumatra, as described in the 2012 documentary, The Act of Killing.

dictated a small sample. Snowball sampling and personal acquaintances through social networks were used in this study to identify key players. The research method used is an ethnographic case study by looking directly at the phenomenon of gigs in the community, starting with passive observations in cafes and bars that are holding gigs. The population of this study consists of creators of gigs, artists, and managers in cafes and bars. In my experience, observations and interviews are the most vital things, because through observation, we can gain a direct picture of the phenomenon taking place in gigs, while interviews can help to explore the interactions between individuals and social factors in more detail. For this research, I used semi-structured interviews by collating some topics that will be discussed to gather information. This research emphasizes the exploration of the nature of certain social phenomena. Therefore, in the process of data collection, I also use material from literature on the history and development of gigs.

III. RESULTS

A. *The Deterritorialization of Indonesian Underground Gigs*

In Indonesia, trends in underground culture have been characterized by the massive growth in new gigs that adopt the trends and styles of underground music across the nation, such as several gigs in Padang and Bandung which have similar tastes in music and fashion to the Denver scene in the US, or the increasing presence of Freelance Illustrators in Indonesia which have work on commission for overseas gigs.

Source: https://www.facebook.com/danu.bharata

Fig. 2. Artwork poster for San La Muerte V Gig in US, made by Bharata Danu (Bandung)

On the other hand, gigs that are usually held in private places are no longer burdened with the threat of government permits and licenses. Yet they have encountered a new and more volatile set of constraints in the form of conservative "Islamist" organizations and complicit law enforcement, as well as a public wary of a secular media.

Mostly, underground gigs in Indonesia have accomplished something few other indie gigs have managed to do. Through social media, their activities are known to international audiences. Various discussions, music, and artworks attract global audiences, without either cooperating

with large media partners or marketing themselves as local art events. Gigs like this have changed their image or appear differently from art performances that are usually held. They do not have an emphasis on local rules or values but change these local values to issues that can be accepted on a global level. These are the youth of a globalized world, raised on zines, gigs, and the Internet, and they insist that gigs and their culture should be taken seriously on the same terms as other "marginalized" art and musical events.

Source: https://www.instagram.com/kolektifbetina

Fig. 3. Lady Fast 2 by Kolektif Betina at Spasial, Bandung (April, 29–30th, 2017)

This article addresses controversial issues concerning the transformation of the territorial subculture of society in the context of the emerging global civilization. It is an attempt to clarify how widening access across different spaces affects existing territorial cultural identities (systems). With the growth in the technological capabilities for broadening access to the wealth of diversity, there is also a rapprochement of different cultures and nations which previously only cohabited in space. Today, temporal and spatial distance have virtually ceased to be mediators in contact with other cultures. Then how is the "new age" of youth culture in this scene in direct confrontation with the community or Islamic fundamentalism?

Let's imagine it in terms of a territorialization-deterritorialization-reterritorialization theory. First of all, territorialization refers to people forming a joint convention as a particular group. Deterritorialization is an attempt to get out of this territory and away from the pre-existing group, while Reterritorialization refers to the situation or group reforming in a new order after passing through the deterritorialization process. So, the relationship between territorialization-deterritorialization-reterritorialization is one that constantly evolves driven by the desire to always be in search of a new state (Deleuze, Guattari 1996).

Zeitgeist[11], indie and the underground scene in Indonesia have existed since Soekarno's Old Order. In those days, political ideologies played an important role in the development of music genres. Western influences in music, including Koes Plus band, pioneered the Beatles-influenced rock and roll subculture in Indonesia and this proved to be

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[11] Zeitgeist: The defining spirit or mood of a particular period of history as shown by the ideas and beliefs of the time.

controversial. Such subcultures had been banned by President Sukarno in the early 1960s, and in 1965, the brothers were arrested by the Highest Operation Commando (KOTI) for performing covers of Beatles songs. They were eventually released on the day preceding the nation's coup d'état, on 29 September. This experience resulted in their song "Di Dalam Bui."

At the end of Suharto's New Order regime, the liberation of the media supplied the youth with an ever growing repertoire of identity typologies, together with a resource bank of genres, sounds and ideas ripe for appropriation. Since the 2000s, many young people in Indonesia have stepped forward to make the Indonesian underground and indie scene "global." They come from a variety of backgrounds including cities. Evennow, some are still into the subculture, committed to producing music, DIY media publications, zines, workshops, and discussions "on their own terms and interest" that is, aside from commercial, political or religious interests.

While the older generations still have strong inhibitions in terms of accepting the underground subculture and its trends, some of the younger generations show great curiosity. On the other hand, some young people, just like their ancestors, are trying to resist the subculture, until they reach a stage where they realize the threats to a particular cultural identity and then the threatened react. In such "counterattacks" the sense of belonging to a specific territorial identity is reinforced and lays the foundation for persecution. This is where the territorialization process enters the deterritorialization stage.

Globalization tends to homogenize everything. Music, culture and art do not have to be all the same; they can be mainstream, indie, underground, private or public events. After the emergence of several types of gig, the scene was no longer united by a single resistant theme, and the gigs became more diverse. When the New Order government fell from power at the end of the 1990s, the politics of the underground scene began to shift from a politics of regime change to a politics of access and mobility. What mattered to scenesters was being part of something larger than Indonesia, instead of simply attacking the Indonesian state. The underground scene that emerged from the early 2000s onwards was above all about autonomy from government meddling, from corporate control, and from the borders and boundaries that prevent easy movement across places and time. While most "mainstream" Indonesian youths adopt whatever is currently popular, those who remain in the subculture scene actively construct their personal tastes by searching the Internet or finding friends in other nations.

Although gigs were initiated by young people in their regions, they did not carry local images as their themes. They reimagined "local" as being no longer limited to music, tradition, or local art. Furthermore, they created a new form of popular culture. This often leads to conflicts with marginalized groups, especially faith-based organizations, which think the Indonesian nation needs to oppose the hegemonic forces of global culture, by not holding events that have westernized elements. Even in some radical groups, gender issues are labeled as belonging to Western culture and this should not be disseminated in patriarchal Indonesia. As for gigs makers,

On this journey, not all gigs were held on an ongoing basis (serial gigs) and a few "newcomers" gigs emerged which certainly contributed to the new order of the current subculture. Unfortunately, I saw that this transformation process was also followed by an increase in the intervention of conservative organizations in artistic events, so that the old territorial elements did not necessarily allow this diversification in pop culture to evolve at its own pace.
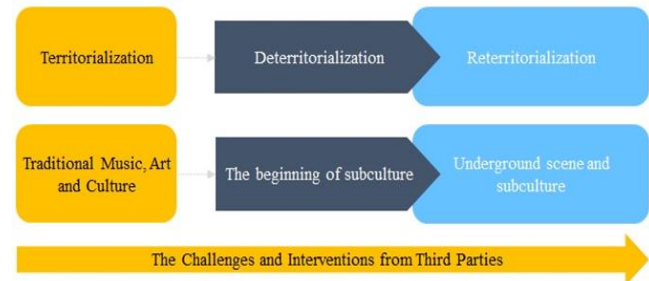
Source: Author

Fig. 4. Transformation Flow

In my previous study, I showed how gigs can be used as an attraction for visitors who can drive the progress of a commercial area. There are many facets to gigs: activities (musical performances), management (committees and venue collaboration), community (committees and music groups), and sociability (interaction between performers, committees/ EOs, the venue and the audience). This complex array of opportunities afforded by gigs is naturally used by regions to develop opportunities. However, cities, as places of residence for various populations, also suffer competition in terms of the use of space. As stated by AR (music enthusiast), this often depends on the location of the gigs. Reflecting on this experience, most people are opposed to gigs held late at night for reasons of order and tranquility.

"On the other hand, if the gigs are in the center/city center, they can run smoothly; sometimes, even the authorities have guaranteed the communities by providing parking and security." – AR.

This is one of the main reasons why gigs are more often held in cities or areas that are commercially viable, or places that have often been used for gigs. It is not a new thing; gigs in some places often end up in chaos and trigger anger from local residents so that the event is forcibly dissolved. Based on personal experience, one of the gigs that I visited in Cibinong in the halls of a government building was forcibly dissolved due to the lack of cooperation from the community to maintain security for local residents. On the contrary, in Bandung, according to my informant FA, there has been an increasing response from local residents and the community to alternative music. Many gigs carry elements of indigenous Sundanese culture in their showcase.

B. Persecution by Non-State Actors

Reflecting on a number of recent events and a number of international regulations that protect them, this raises the *question, what is*the role of faith-based organizations as non-state actors in carrying out persecution? Referring to the Geneva Convention regarding the interpretation to be given, when dealing with the problem of non-state oppression

agents, the European Court of Human Rights[12]has identified four situations:

a) Persecution is carried out by non-state agents, and instigated, forgiven or tolerated by the State (the State does not want to protect, so it becomes an accomplice of the persecutors). A uniform state gives refugee status in such situations.

b) Persecution by quasi states or de facto authorities that have taken control of all or part of the territory. Despite the fact that the court has outlined different criteria for a group to become a de facto authority, there are consistent practices in recognizing de facto authorities as relevant torture agents.

c) Persecution is carried out by non-state agents of persecution, where the state is willing but cannot provide protection. In this situation, state practice has no uniformity. The expression of conceptual differences in approaching this situation is sometimes referred to as a "view of accountability," or a "view of protection."[13]

d) Persecution is carried out by non-state persecution agents in a situation of total collapse of government power where there is no state authority at all that can provide protection against persecution. Some courts are of the opinion that there should be no persecution without a State function (e.g., the German Administrative Court), while other courts also give refugee status in this situation.

Non-state actors are individuals or organizations that have economic, political or social strength and have influence at a national level and sometimes an international level but do not belong to or are not allied with certain countries, who use violence to achieve their goals. Non-state actors in the context of persecution present a challenge to maintaining harmony in the 21st century. This dominance arises when the state has poor governance so that some groups develop alternative patterns of affiliation, where communities, tribes, clans and others become reference points for political action. Based on the explanation above, I conclude that the perpetrators who came from faith-based organizations can be included in Group C due to the legal dualism in the enforcement of the violations of the human rights of the victim. I assume that persecution in gigs by faith-based organizations is strongly driven by religious arguments, as people experience moral panic or structural conduciveness, which refers to the general social conditions

that are necessary for certain collective behavior to occur. So for them, music, events and anything in a Western style can lead to such things as promiscuity and gender issues. It is increasingly forbidden to talk about health, reproduction and gender equality.

So, the main problems for gigs at the moment are not only space, but the community itself, and how to address why society is becoming more conservative toward different subcultures. The next factor regarding collective behavior or violence is the spread of generalized beliefs(Smelser 1962). There is a stigma attached to gigs; they can ruin the peace of the people, they can be branded immoral, communist, and so on. Such opinions can equally be spread by group members; there is often a conflict of legal interest where small interests must be sacrificed against greater interests. This emergency situation can be the basis for disregarding the law.

C. *Persecution and Freedom of Expression*

In Indonesia, the basic motives that dominate acts of persecution are religion and state interests. These reasons were used on a large scale by certain faith-based organizations in carrying out acts of persecution which led to intimidation, sealing venues to prohibit events or banning community activities. The dominant perpetrators in persecution are faith-based organizations and citizens, but a few police officers allow the persecution to take place. In some cases, the police even took part and provided assistance in the form of pressure to act against groups/communities/individuals who had differences in beliefs, ideology or culture. Based on the report, "Election, Persecution, and State Terror," most acts of persecution were dominated by Prohibition, followed by Intimidation, Forced Dissolution, Rejection, and Arrest (KONTRAS 2017). In the case of some gigs, forced dissolution is often accompanied by sealing, banning, intimidation, destruction, and persecution by citizens/mass organizations due to vigilantism. The perpetrators assume that these activities are not in accordance with religious beliefs, that they do not have permits and that they disturb the peace of the citizens. In the report, it was explained that the provinces with the highest number of acts of persecution were DKI Jakarta and West Java. Outside the context of religious persecution, gigs are often dissolved due to stigma without the perpetrators checking the truth. In the underground subculture, gigs usually consist of music performances, exhibitions, workshops, live screen-printing workshops, film screening workshops and other arts. People can discuss environmental issues, human rights, women, gender equality, capitalism, and democracy for free. Being involved in the gig movement means being active. Freedom of expression is extremely important but in order for the movement to survive, it is necessary for individuals to actively participate and take on specific roles within the community.

Persecution tendencies have been on the rise since 2016, followed by political, racial, and gender issues. The second concern is that dissolution is always accompanied by violence against women or visitors (verbal, emotional and physical violence). Based on the series of dissolutions and the reasons behind them, there are at least some things that can be identified as factors for the increasing phenomenon of persecution in Indonesia, which I classify into five categories, namely the Government; Faith-based

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[12] The European Court of Human Rights was formed under the European Convention on Human Rights in 1950 to oversee complaints by signatories. The European Convention on Human Rights, formally named the Convention for the Protection of Human Rights and Fundamental Freedoms, is one of the most important conventions adopted by the European Council. All 47 member states of the Council of Europe are parties to the Convention. Human beings can be brought before the Court or the state party of each country. See: https://www.echr.coe.int/Pages/home.aspx?p=home&c

[13]Courts that hold a view of accountability, such as the German courts, require that the persecution must be linked to the state, in so far as the failure of state protection is intentional. In other words, a state appears in one way or another as an accomplice showing tolerance or inertia insofar as not being willing to provide protection. On the contrary, the "view of protection" emphasizes the purpose of the Refugee Convention to provide victims of persecution with international protection where the state does not want or cannot provide protection.

Organizations; Society; Civil Society Organizations; Law and Legal Assistance.

a) Government:

1. The progress of government protection against freedom of art is only limited to Legislation but does not have derivatives implemented in each region. Indonesia itself already has several laws and regulations that can be used as the basis for the protection and freedom of art such as Law No. 39 of 1999 concerning Human Rights and Law No. 5 of 2017 concerning the Advancement of Culture. Unfortunately, the regulation is not accompanied by consolidation with local governments, so local commitments vary significantly.

2. The government wrongly sees gigs as purely entertainment and spectacles. Moreover, government officials as policy makers cannot help much, primarily because in terms of the regulations, there are no special rules for the standard operation of gigs, or even provisions stating support for musical performance activities, without limiting the support to certain genres by providing easier licensing permits. In terms of the city and subculture, I would advise that the government should and must provide an accessible space for all citizens.

b) Faith-based Organizations:

1. New Order setback tendencies reveal that the only safe place is Legal Aid Institutes. There is no room for expression, individual thoughts, or for the community to gather in other places.

2. Conservative religious organizations are still growing. The spread of the ideology of populism/extremism, which indirectly causes an increase in social pressure on activities, are beyond their understanding.

3. Sudden anger that makes a group of people do persecution. Persecution will continue to grow and threaten democracy. In many cases, religious organizations will take over the functions of law enforcement to establish the guilt of a person and implement punishments without going through legal proceedings. These actions are carried out arbitrarily, systematically and extensively, causing physical, and psychological suffering.

c) Society:

1. Many people still have not considered that art is an important thing for the life and development of the community itself. Until now, for some in society, art is still regarded as mere entertainment. So, when it collides with other values such as religion or political ideology (for example: the issue of communism), art is easily prohibited.

2. There are third parties who are pitted against one another and become provocateurs.

3. The nature of Indonesian society means that people generally swallow information easily without paying attention to the actual facts.

d) Civil Society Organizations:

1. Not all civil society organizations who are engaged in the arts have been well consolidated, both in terms of human resources, funding, and knowledge. Many civil society organizations are actually preoccupied with their respective issues without linking with one another.

e) Law and Legal Assistance:

1. Weak law enforcement has led to many violations against civilian groups. There has been a lot of pressure on the government to fulfill legal procedures as regulated by Law No. 17/2013 concerning community organizations. The plan was to dissolve a number of organizations, but the government recently issued Perppu No. 2/2017 concerning an Amendment to Law No. 17/2013 concerning mass organizations that have also been ratified by the Indonesian Parliament to become Law No. 16 of 2017, to legitimize acts of dissolution of a number of organizations, by removing a number of provisions in the Community Organization Law.

2. Legal dualism between the government and religious organizations in my opinion is a very important point. The National Police, on the one hand, provides protection to the public without exception as provided in Law No. 2 of 2002 concerning the Police. On the other hand, the Government and the legal apparatus have other considerations in cracking down on conflicts related to mass organizations. Both the government and the police work together based on the evidence. Even when freedom of expression is violated, the government will crack down, using the excuse that there should be no further victims, even if this will cause social conflict due to the pressure of mass organizations and political actors.

3. This practice clearly shows that there is a positive law built from a secular approach. Then, there is the power of primordial law based on religious views. This primordial law enters the public sphere by taking over the role of the state so that the state indirectly recognizes that there are other forces in terms of law enforcement. In 2019, the tendency is increasingly dangerous because it will intersect with issues of extremism and populism.

4. The Police can be slow to follow up case reports.

IV. DISCUSSION

A. *Defining Persecution*

Persecution refers to actions that are carried out as part of a systematic or planned attack and are directed at civil society. Among such actions are the persecution of groups of people based on religion, race, ethnicity, political beliefs, culture, and nationality. In law science, the term that can be equated with persecution is eigenrichting (Dutch) or vigilantism. These actions cause suffering to people which include abuse, torture, violence, oppression or other discriminatory acts. These are designed to lead to physical torture and mental and economic torture of people and groups of people because of their beliefs, views and membership of certain organizations.

In Indonesia, the act of persecution is already regulated in Law No. 26/2000 concerning the Human Rights Court in Article 9 letter (h), which states "persecution is a persecution of a particular group or association based on political, racial, national, ethnic, cultural,religion, gender or other reasons that have been universally recognized as prohibited under international law." Persecution is characterized by the awareness of the perpetrators that their actions are part of a systematic or widespread attack on the civilian population. Second, there is a basis for discriminating against victims, groups or collectivities which they are a part of: politics (not necessarily institutionalized), race, nationality, ethnicity, culture, religion, gender, or any other basis which is universally prohibited under international law. The perpetrators of persecution can be anyone, not only the government or state organs, but also civil society.

Persecution within the legal framework in Indonesia has been enacted in Law No. 26/2000 concerning the Human Rights Court which adopted genocide and crimes against humanity as forms of gross human rights violations. In law, the perpetrators who commit persecution will be sentenced to criminal penalties subject to several articles contained in the Criminal Code (KUHP), such as Article 368 concerning extortion, Article 369 concerning threats, and Article 351 concerning the Persecution.

Now, reasons for persecution far exceed those of religious, ethnic, and political groups. Almost all striking differences in appearance or behavior can be used as a basis for persecution, such as homosexuality and lesbian/gay/bisexuals and transgender (LGBT) issues. The only common thread among the above reasons is the perception of different individuals or groups. Thus, persecution seems to be an expression of the general tendency of society as regards human social behavior, which seeks to impose or apply conformity. Executed groups are often labeled using derogatory terms that reinforce their social alienation. For example, groups of young people are called immoral, "sluts," or "naughty." Persecution carried out by certain groups is not referred to as a form of violation by the perpetrator. They do not see what is wrong in their actions, as persecution is usually expressed as an attempt to protect themselves, their family, group or even society from what they see as potential threats or something contrary to their beliefs.

B. *Legal Dualism in Artistic Freedom and the Freedom of Expression*

In the context of international human rights law, freedom of expression is part of the basic freedoms that allow other rights to be enjoyed and protected. The Setara Institute noted that the human rights index in 2015 tended to decline slightly from 2.49 in 2014 to 2.45. Variables that experienced a decrease were the variables of freedom of expression and association from 2.24 in 2014 to 2.18 in 2015, the protection of citizens from 2.82 to 2.47, the abolition of the death penalty from 2.18 to 1.99, the elimination of discrimination from 2.87 to 2.86, the National Human Rights Action Plan and the performance of the Human Rights Institute from 3.09 to 2.59 (Setara Institute 2016). It can be concluded that cases of freedom violations have increased in the last 10 years, or post-reform.

Dissolution cases or threats of persecution like this are not the first. The feminist music and activism festival was shut down in 2016 by the Bantul District Police and the Islamic Community Forum (FUI) and the Islamic Jihad Front, allegedly over concerns that this group of tattooed women in bands might be "communists." They had the place raided with the help of the local police. One of the event's organizers was briefly detained. The only damning evidence was a book on LGBT rights. It was a dark stain on the reputation of Yogyakarta as a city where arts and liberal thinking were supposed to thrive. This violation of freedom was narrowed to a number of issues such as communism, LGBT, Papua, alcohol, and other issues. Most of the perpetrators were the police, the military, mass organizations, lecturers, local government, and others. The question is, why is freedom of expression in public prohibited on the pretext that it causes public unrest? The next questions are in what interests and for who? And what is the problem if that freedom still exists? In international law, Article 19 of the Universal Declaration of Human Rights also clearly protects freedom of speech.

"Everyone has the right to freedom of expression,; in this case, including the freedom to hold opinions without interference, and to seek, receive and convey information and opinions in any way and regardless of limits."

Indonesia has the guarantee of freedom of expression and opinions in public. However, the implementation in practice is far from expectations. The boundary between expression and law enforcement becomes blurred.

C. *Persecution as a Gender-specific Phenomenon*

Men and women experience persecution in very different ways. Whatever form it takes, the ultimate goal of all gender-specific persecution is to destroy the community. In terms of the specific tactics used against men and women, there is also the regular use of social pressure through shaming, which can have both economic and physical-security implications. There are multiple causes for the persecution of vulnerable people. Women and girls suffer from verbal and physical abuse, threats, interrogation, discrimination, and shaming, while men are more likely to be on the receiving end of intimidation, physical and verbal abuse. With so many potential pressure points, the dynamic of persecution becomes complex: an event in one vulnerable area can produce a knock-on effect in other areas of vulnerability. The common results of gender-specific persecution for both men and women have a ripple effect upon the community: each of these blows diminishes community resilience and disrupts the sustainability or security of similar events in the future. One common insidious and invisible impact is trauma. Some visitors, especially those with families, have faced trauma as a result of intimidation and sudden attacks by faith-based organizations.

In many cases, vulnerable groups, including children, women, and minorities are the target of discrimination or violence in the name of religion. Children have been indoctrinated with religious intolerance and prejudice against the freedom of expression and it continues to repeatedly occur and is used by certain non-state actors to commit violence against others in the name of religion. Women also remain a constant target of religious-based intolerance.

Far from being gender-blind, persecution exploits all available vulnerabilities, resulting in distinct differences in the experience of persecution for men and women and involving various possible persecuting agents. The targets

are never ultimately the individual, but their communities and their freedom.

V. CONCLUSION

From my last research, I have seen the enormous network of gigs. As a lifestyle choice, gigs are always moving and dynamic. The place is not the important thing for gigs, so there are no boundaries for gigs in one area or a particular city. This shifting to other areas or places becomes a problem for the organizers of gigs and they must overcome the limitations. It is seen as a strategy because what matters is the sustainability of the event, not the place. However, current gigs are no longer focused on the issue of place, but the increased attacks on freedom of art and expression, mostly by faith-based organizations. Persecution does not only occur among those of certain racial or ethnic groups and beliefs. The current trends in persecution extend to arts events and groups. The persecution is led by religious organizations in the name of religion, defending traditional values and the interest of the state against events that are not licensed, contain elements of pornography, LGBT, or are part of the Indonesian Communist Party. Moreover, the government as policy makers cannot provide much help, primarily because in terms of the regulations, there are no special rules for the standard operation of gigs, or even provisions stating support for their activities. The biggest challenge for the government is how to manage conflict of interest between communities and faith-based organizations.

According to the research, I stress that artistic expressions should not fit into one frame. The Indonesian government should abide by their obligation to protect artists and all persons participating in artistic activities or in the dissemination of artistic expressions and creations from violence and gender discrimination by third parties. The police should not charge artists and cultural institutions for the cost of their protection or permit persecution by religious organizations.

REFERENCES

[1] Deleuze, G. (1996). "Anti-Oedipus: Capitalism and Schizophrenia." Oleh Gilles, Felix Guattari Deleuze. Minneapolis: University of Minnesota Press.

[2] Kontras. (2017).*Election, Persecution, and State Terror.* Full Paper Report, Jakarta: The Commission for Disappeared and Victims of Violence (KONTRAS).

[3] Luvaas, B. A. (2009).Generation DIY: Youth, Class and the Culture of Indie Production in Digital-Age Indonesia. US: University of California.

[4] Renaldi, A. (2014). *Jakarta Beat.*Retrieved December 2014, from http://www.jakartabeat.net/kolom/konten/krisis-ruang-interaksi-sebuah-masalah

[5] *Setara Institute.(2016).* Retrieved August 2018, from http://setara-institute.org/wp-content/uploads/2016/12/Presentasi-Indek-HAM-2016.pdf

[6] Smelser, N. (1962). *Theory of collective Behavior (Alih Bahasa).* New York: The Free Press.

[7] Strinati, D. (2007). Popular Culture: Pengantar Menuju Teori Budaya Populer. Yogyakarta: JEJAK.