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A.C.A.B.: Studying up the rule of law in Banda Aceh, Indonesia

ABSTRACT

This article examines the case of the arrest of several punks in Banda Aceh in November 2013, known as the 'Rex incident', and the criminal proceedings that followed it. It is a textual continuation of an urban ethnography conducted in the city of Banda Aceh, Indonesia, between 2012 and 2016, conducted in the aftermath of major punk and metal concert arrests and re-education in December 2011 that led to high-profile international punk solidarity campaigns and media attention. The article draws attention to more mundane experiences of structural and physical violence and the obstacles, resourcefulness and ways of coping after the height of the global punk solidarity campaign of 2012 had passed. Drawing attention to silences in global solidarity efforts and the local media when the 'Shari'a morality vs the right to be punk' issue is not in focus, the article challenges such binaries, arguing that they hinder understanding of the everyday experience of punk, and overlook the wider misuse of state power, violations of rule of law, and the violent political economy in the post-conflict context of Aceh. Thus, it is argued that the punks in Aceh are constantly studying the hierarchies and relations of power through their embodied and gendered existence in the city. Attention to their everyday experience draws attention to their active negotiation of space and agency within such hierarchies.

KEYWORDS

punk ethnography
Aceh
rule of law
everyday violence
power
masculinity
political economy

1. See editorial introduction for a discussion of the fluidity of numbers of the arrest.
2. The epicentre of the earthquakes was 100 kilometres off the coast of the province of Aceh and it had devastating results in its nine coastal districts: over 120,000 people died and over 700,000 people were displaced from their homes.
3. For a history of the Indonesian criminal code procedure (Kitab Undang-Undang Hukum Acara Pidana [KUHP]) and detailed analysis of the reforms made after authoritarian President Suharto's regime to civil criminal procedure code, see Strang (2008).
4. Yudi Bolong is a punk name used by one of the Acehese punks who belonged to the Tsunami Museum street punk community for several years.

INTRODUCTION: STUDYING UP THE RULE OF LAW

On the evening of 11 December 2011, 65 punks (62 males and three females)¹ were arrested at an open-air cultural event venue in Banda Aceh. The wide documentation of the arrest by local media, and later of the re-education camp, suggests that authorities had invited media to bear witness to the unfolding events. As a result, in just three days, the arrest and re-education gained international media attention, leading to multi-sited punk solidarity campaigns across the globe, and increasing punk tourism to the region, discussed and documented widely both in and out of punk studies (Donaghey 2015; Dunn 2016; Idria 2013, 2015; Jauhola 2015; Jauhola and Bolong 2014; Wallach 2014).

The Tsunami Museum punk scene in Banda Aceh became a part of my urban ethnography (2012–16), focusing on the gendered politics of everyday lives under the urban development and governance vision known as *kota Madani*, Islamic City (Jauhola 2015). A focus on lived experience in a city that is reforming and transforming in the aftermath of the Indian Ocean earthquakes and tsunami in December 2004² and the 30-year-long armed conflict provides insights into the continuities and discontinuities of violent structures, military masculinity, political economy and legal pluralism (Shari'a, *adat* and criminal law).

This inevitably casts light on the misuse of power and violation of rule of law commonly addressed in Acehese punk songs, but also the simultaneous emergence of punk agency. Yet, instead of focusing on the 2011 events and the populist binary constructed between 'being a punk' and Shari'a Islam, this article examines another punk arrest case, the 'Rex Incident', and the criminal proceedings handled in the framework of the Indonesian Criminal procedure code.³ By 'Rex Incident' I refer to the framing of events that were originally reported by a local newspaper, *Serambi Indonesia* – punks were accused of having attacked a customer at an open-air food stall complex, locally known as 'Rex', on their evening busking walk through the city centre. In essence, the article aims at highlighting punk experiences of the failure of, but also of the struggles for, rule of law in Aceh.

Earlier scholarship on the rule of law in Aceh has analysed the impacts of the thirty years of armed conflict between the Free Aceh Movement and the government of Indonesia (Sulistiyanto 2001; Aspinall and Zain 2014; Avonius 2009, 2012), the role of Acehese and Indonesian political and religious elites in forming post-conflict legal framework developed for Aceh (Feener 2013, 2012; Feener and Cammack 2007; Ichwan 2007, 2011, 2013), and interplay between legal frameworks and individual and communal moral and ethical responsibilities (Bowen 2003, Kloos 2015). Already existing analysis of the December 2011 incident contributes to such literature, somewhat indirectly adding a layer of globalized media attention and solidarity campaigning to that of reforming the legal framework in Aceh.

By focusing on the 'Rex incident', however, this article re-shifts the focus from the global spectacle of December 2011 to more mundane gendered experience of structural and physical violence (see also Jauhola 2015). It draws light on the politics of controlling punk masculinities that leaves the upper levels of hyper-masculinist and violent political economy, and control of urban space by the *preman* gangs in post-conflict Aceh, intact (for an earlier analysis of the role of *premans* in urban Indonesia, see e.g. Barker 2009; Lindsey 2001; Wandita 2014; Wilson 2010). In the words of Yudi Bolong⁴: '[I]aw is

only a show for the upper class, whilst for the ordinary people, it is terrifying'. Further, the article narrates the obstacles, resourcefulness and ways of coping after the height of the massive global punk solidarity campaign had passed. The analysis also locates a trend in media reporting and global solidarity that re-produces the constructed dispute between Shari'a and the right to be punk.

I call this punk ethnography 'studying up the rule of law', as I argue that the continuous punk presence in the city, and the strategic narration and visual documentation of punk experiences, is a means to study and narrate political economy and relations of power (Jauhola and Bolong 2014). The analysis draws from research data collected over nine months from September 2013 to May 2014. During these months I followed the arrest, detention, court and legal aid sessions of two punks – Yudi Bolong and Muhammad⁵ – initially on social media and later in Banda Aceh in various locations such as the prison, court, streets and homes with the key people involved (girlfriends, family members, punk community, legal aid).

At the time of my ethnographic research in Banda Aceh, the Tsunami Museum street punks consisted of roughly twenty people. Most of them were young male adults or adolescents from lower and middle-class families, although some were older and married with children, moving in and out of the community. Some punks were 'ethnically Acehnese' (i.e. originally from Banda Aceh and rural areas surrounding it), others had joined from other districts of the province of Aceh, or they were visitors from other salient punk scenes on the island of Sumatra. Roughly ten had been detained in the December 2011 arrest (for details of the history of the Acehnese punk scene see Idria 2015).

The article is divided into four sections: the first section of the article reconstructs the chronology of events leading up to, and following on from, the 'Rex incident'. The second section is written by Yudi Bolong, and the last two sections deal with the trial process and my own reflections as a researcher, and as one of the outsider mediators during the 'Rex incident'.

SECTION 1: CHRONOLOGY OF THE 'REX INCIDENT'

The first difficulty in constructing the chronology of events of the 'Rex incident' was deciding where to start. Perhaps the phone call I got from Yudi's girlfriend Bunny⁶ giving me a detailed account of what had happened seven days after the incident? Or a review of local newspaper articles published a few days after the incident? Maybe an account of the arrival of drug police in civilian clothes several days earlier at the 'punk alley' seeking a marijuana haul? Or the official court documentation – the police investigation report used by the prosecutor, the witness statements by the accused, witness testimonies that were called by the prosecutor and defender, the cross-examination process, the final statement by the judge? Or should it be the feelings of confusion, paranoia, fear, anger and frustration that came with participating in the hearings and spending time with the defendants, their families, and friends? In fact, any account should illustrate the coexistence of multiple versions of 'what happened' and the contradictions that they entailed.

In the space available, I construct one possible chronology of events from my fieldnotes and conversations and mix them with media and court materials. Establishing the chronology of events with any exactitude is impossible, as notes and memories are always sporadic and incomplete. It should also be noted that I organized these materials *after* their occurrence, meaning that

5. In order to ensure his anonymity, and that of his family, only the common first male name Muhammad is used.
6. Throughout this article her name and details are protected to ensure anonymity. She has given her permission for my reconstruction of the events.

7. Sections that are taken from social media, either public Facebook statuses or private chats, are marked with the following references: (chat), (status) and marked with italics. When quoting original English text, no grammatical corrections are made unless the meaning is unclear. All translations from Indonesian to English, if not separately mentioned, are by the author.
8. Head shaving and ritualistic purification in rivers became internationally known due to the December 2011 re-education and the visual documentation from the police academy compound. Such rituals have also been used by street vigilante groups, and since 2012, municipally established 'morality teams' (Tim Amar Maruf Nahi Mungkar) as part of the vision of a morally good and civilized city (*kota Madani*) meting out instant punishment, as a form of urban *adat* practice.
9. The space of this article does not allow discussion of the emergence of the Acehness movement to legalize marijuana as part of the implementation of the peace settlement known as MoU Helsinki and an alternative political economic modelling that some of the punks actively follow and support. (See e.g. Aink n.d.)

at the time those involved, including myself, were often not cognizant of the overall picture. It is common that male punks let their girlfriends access their social media profiles, and thus, when the author is known to be someone other than the holder of the profile, it is mentioned. Otherwise the chats and statuses are quoted as they appeared in the researcher's own profile.⁷

A few months before the incident, I had been in touch with the punks, wanting to share the result of my first presentation at my university. I was told that there were plans to organize some underground gigs, with Yudi adding that he was worried that punk arrests would start again, as there had been some during Ramadan. Yudi made contact few weeks later, saying that there had been new head shavings⁸ and a scuffle with the Civil Service and Shari'a Police (*Satpol PP & WH*) over an accused violation of Shari'a regulations on immorality. As there was no proof of any violation of law, the authorities had released the punks after the interference of a legal aid NGO. In October, Yudi once more confirmed that the streets were becoming unfriendly towards them and local restaurants were banning busking in their premises. Some German punks had come to visit on their way to a beach holiday and the gig arrangements for late October were going well.

Mid-November 2013 (from retrospective information gathered during fieldwork in Banda Aceh)

Civilian drug police hit the 'punk alley', having been tipped off about a *ganja* haul. Police look for the drugs, find none and are reported to have used physical force. Nine punks are arrested.⁹

Thursday 21 November – on social media

Yudi (status): ('feeling special') Banda Aceh is heating up and getting extremely hot hehehehhehehheheheheheh

Yudi (chat): Po and Muhammad have been arrested by the police. I just came from the legal aid NGO office and from the city cop shop but the aggro is still going on. They don't treat people humanely. I also have a recording of them dragging people into the car. They tried to snatch the camera, but I gave it to Bunny. That's why the recording's so short. We had no drugs on us. We were clean. Please contact the National Commission on Human Rights in Jakarta. To get evidence of what happened. Please contact Bunny, my mobile got lost during the incident. Please, I'm begging you, this is really serious. But it may get even more serious.

Marjaana to Bunny (chat): Hi, I just heard about the punk arrests from Yudi.

Bunny: Yes. I was there too and managed to get this video.

Marjaana: Oh, plainclothes cops?

Bunny: Yep. Friends got beaten up. It was horrifying. Nine arrested, all guys.

Marjaana: Oh, so the word I get from women activists that females were also arrested, isn't true.

Bunny: We don't know what to do. We've already reported this to the cops, but they don't want to protect us. Because the guys who beat up on us were cops too.

Marjaana: Plainclothes. Sounds like an undercover drug operation to me.

Bunny: Exactly. They were looking for X,¹⁰ but instead we became the targets. They had no proof of anything, yet they used force.

Marjaana: How can I help you?

Bunny: If you have friends in foreign media who support punks in Aceh, please let them know. Who knows, maybe they want to help.

Marjaana: Okay. I will post updates on Facebook. I've a few friends who are journalists, and also some human rights activists in Indonesia.

Bunny: We're really messed up about this. No one wants to help us.

Marjaana: This sounds like it's part of the city's wider campaign against drugs, exactly in line with what the mayor has been saying about youth and drugs. I think they are specifically targeting street use.

10. X is a punk who was arrested later for major drug possession after a period of surveillance and is now serving several years in prison.

At this point I began to try to contact my human rights and law connections both in Jakarta and Banda Aceh. I kept Yudi and Bunny in the loop and circulated Bunny's mobile number, and she would become a central person in coordinating the search for help and engaging in advocacy internationally, especially a few days later, when Yudi was also arrested.

Friday 22 November

Two articles and three photos were published of the 'Rex incident' on Friday. The first, published online by *Serambi Indonesia* at 09:27, was entitled 'I did not know my child had become punk' (Anon. 2013b), where the mother of one punk is reported as having said, with tears in her eyes, 'During this time I did all the cleaning, ironing and generally spoiled him, until very recently, when he had become older. I still make his bed. Turns out this is what I get back. I did it for him so that he can study'.

The second, published online at 09:29, reads as follows (abbreviated for the purpose of this article):

Punks Attack a Rex Customer

- A Montasik resident with bloody head wound
- A table upturned and victim beaten

The culinary centre of Banda Aceh was suddenly disturbed on Thursday midnight (21/11) when dozens of punks made a massive attack on the location. A gang of these punks mobbed a young man from Montasik, Aceh Besar, called Reza (32), resulting in a serious head wound.

[...] The beating started when a punk, with the initials Po (12 years old), asked for 10,000 Rp. from Reza's friend Faisal (31). Having been refused, Po moved towards Reza, which made him scared, shocked and angry. Obliging him to pay [...] 'Reza did not give him money. Maybe that was the only mistake he made. In fact, according to us the punk kids have already gone too far. It's not just my feeling, other customers have also felt quite disturbed', said Faisal whom *Serambi [Indonesia]* met at the city police station in Banda Aceh yesterday.

Faisal, Reza's friend, said that he had told Po to work if he wanted to earn money. In response Po rudely upturned tables, scattering plates and

11. Kuta Raja, or Koetaradja, is the name that the Dutch had given to the capital of Aceh Sultanate, changed to Banda Aceh in 1962 by government regulation and used in the name of the song 'Koetaradja fight' by the punk band War.

cups. 'It was becoming a heated situation, especially when punk friends arrived from close by [...] they beat up Reza. It was an uncontrollable situation. In fact, no one could help when they saw the numbers, up to 20 punks', Faisal said.

'As a result of the beatings, my brother suffered lacerations to his head and his diagnosis is that he has a burst artery, or bleeding in his brain. And also cuts on his eyelids', M Hatta, Reza's younger brother, reported. (Anon. 2013a)

Serambi Indonesia included three photographs on their online portal of the arrested punks inside the city police station. The faces of the punks were blurred, but anyone who knows the punk scene would recognize them. The photographs also provided details of crime-scene 'evidence': a broken ukulele and an emptied Teh botol (popular Indonesian drink) filled with colourless liquid suggesting illegal alcohol consumption. The authenticity of the ukulele in particular was contested in court: none of the punks recognized it as belonging to them.

Another local online media source used the *Serambi Indonesia* text, republishing it two days after the incident with the altered title 'Refused 10,000 Rp, punk kid goes berserk in Peunayong'. Meanwhile, Yudi had already warned the punk community on social media about the biased reporting by the local newspapers and was, together with his girlfriend Bunny, sending alternative accounts of events across the globe. A short synopsis of some of this communication follows.

Friday 22 November (continued): On social media

Marjaana to Bunny (chat): Are there any updates? Yudi was very scared yesterday, I hope there are no new complications because I have not seen him online today. Are Po and Muhammad still detained? I read the Serambi article today, but do not know what version of the truth it was, Serambi's version, or someone else's.

There was no response. I wrote on my Facebook wall: '[w]hat a day, social media making stuff more intense than one could have guessed few years back; making preparations to return to beloved Kuta Raja,¹¹ one day. Now it's time for grey day in a grey city'.

Yudi (status): Facts are changed and distorted, right.

Yudi (status): 'Aceh is a field of poverty'

Yudi (status): 'This is a photo from a hoax arrest by people who identified themselves as city drug police on Tuesday at 6.15pm in Rex, Peunayong, Banda Aceh'

Yudi (status attached to a photo with a banner 'The government of Aceh has failed to improve the welfare of the people'): This is the reality of a state that claims to be wealthy

Yudi (status): Up the punk and stay together.

Yudi (status with photo): This is one of the victims, our friend, who was detained by the police, who had indeed been in the vicinity of the incident but

had done nothing wrong; he was freed by the police after being battered. [The subject's eyes are swollen.]

Yudi (status): ... Please do not spread the Serambi article that is flipping the facts to other friends. It is clear that we did nothing wrong, we're victims of libel.

Saturday 23 November

Marjaana to Bunny (chat): Any news about the friends?

Bunny: A Montasik guy was a victim of violence. Yudi is afraid there will be a mob of angry people arriving in Banda Aceh for revenge. Yes, that's the Serambi version. But it's not what really happened. Po and Muhammad are still detained. Marjaana, can you help us? Or is there someone I could contact? I can give them updates directly.

Marjaana: Yes, I will give you my contacts to human rights lawyers as in case there is a court process, they'll need legal aid. Do you have access to the police station? By law, if they are detained for over 2x24 hours, they have the right to legal counsel. I am reading the law on criminal procedure, article 18(1–3) and article 19(1–2). This means that the police must present a formal letter stating the reason for detention.

No response that day.

Michael Rothstein, the punk activist in the United States who had initiated the punk song collection *Aceh Calling* (Punk Aid 2012) as part of Punk Aid group activities, posted Yudi's update on his profile. The text was written by Yudi and translated into English using Google Translate, a common tool that Acehnese punks use to communicate with the outside world – which, besides being a communication tool, is also a source of misunderstandings and confusion as spoken/slang Indonesian translates badly. The originally posted text, without any grammar corrections, read as follows:

Update from Banda Aceh punk Yudi Bolong

Within 2 days, violence and physical abuse happening to us the punk on Tuesday at 18:15 AM in around the area of culinary rex, penayoung banda aceh yan performed by a group not known that he who sat admitted drug Banda Aceh police, for no reason clear.

and Wednesday night around pukul 23:50 raw hamtam happen again with people not in the know with a bit grim face he shows bayonet (a sharp weapon) to my friend and pushed him, the spontannitas /reflex friends see friends who just holds the hand that holds the bayonet (sharp weapon) and start mass judged.

after that the police acted in a way worthy of his propensional not a police, they arrested another friend of a friend who does not know anything about the incident, and I was also at the scene was not even me that in the search by the police now

I was restless, anxious, fearful, felt very intimidated by their behaviour why we are always on the isolate, we do not interfere and do not commit crimes, we work with what we can clearly would never disturb / harm the future of

those around, but why are we always in bother after we act even in the corner is so humanize the way people around the human human for anyone who still has a heart and a conscience could possibly understand my words mean and what to do

Thank you

UP THE PUNK

OI...OII OII...

Yudi (status): But when you think of the style of the idiot who thinks like a beast...I will be sharper and exceed rumbling thunder to burn your soul ... friend...???/////

Bunny (status): I continue to pray for you, all my friends who are currently behind bars as a result of an incident that is not real. Continue to be patient. Perhaps, right now, we are blamed. But later, we will prove that we were right.

Friends commenting: What is the problem?

Bunny: Kids in Banda Aceh are detained by the police. Because a person was beaten up at Rex in Peunayong. But the customer is wrong about it. Because it was him who used a bayonet to attack people.

Sunday 24 November

Bunny to Marjaana (chat): Thanks. Muhammad's family has not received any letters. This is my mobile number. Please give me yours so that I can be in touch.

Bunny to Yudi (status): Keep smile =)12 hehehe

An anonymous punk (status): The prosecutor is unjust. To have money always beats not having it.

The official release letter dated April 2014 states that Yudi was arrested on 27 November. However, in social media, news about his detention circulated one day earlier and a legal aid NGO had started preparing to defend his case even earlier.

Monday 25 November

Marjaana to Bunny (chat): I heard that Po and Muhammad are freed, is it true?

Bunny: They are still detained. I just got back from the cop shop. But they wouldn't let me in.

They said they can't be visited today.

Marjaana: Ok. I received this from a legal aid NGO: 'Hi Marjaana, a legal aid NGO is handling Yudi's case. The Rex incident is still under investigation. Muhammad and Po have been released from the police station'.

Bunny: I think we need a lawyer. People are not responding to my requests...



PUNK AID (status): FREE Yudi Bolong! Yudi has been detained in Banda Aceh for being a punk rocker. Show your support for Yudi! Here is a picture of him with his copy of PUNK AID: ACEH CALLING by Punk Aid.

Bunny (status): For me this ordeal is really hard. My darling inside there =(¹³

Friend's comment: Please be patient Bunny =(

Bunny: Please pray that Yudi will be released.

Friends' comments:

- *Why?*
- *I will pray I can join him.*
- *Amin.*
- *Where?*
- *Where is he? At the police station? I will visit him, I am his older brother.*
- *Cool.*

On that day, Michael Rothstein provided another update on his public profile:

Banda Aceh update: bad news. It looks like our friend Yudi Bolong who has been providing updates from Banda Aceh has been detained – according to his girlfriend.

'Hi michael ...yudi now been detained at the police station. I am very confused with this problem. I'm girlfriend yudi'

Please keep Yudi and all the other Banda Aceh punks in your thoughts and let me know how we can sell enough punk aid comps to put some bands on a plane to go out there put on a show for these people.

After this, there have been no further public updates on Acehnese punks from Punk Aid and Michael Rothstein on Facebook. A mistrust between Punk Aid and Acehnese punks developed around the time of the trials when Acehnese punks tried to inform the US end how sales revenues were being used locally in Aceh; originally the profits of the Punk Aid 2012 *Aceh Calling* compilation were meant to go to Movement Records in Jakarta. When released, Yudi tried, with the help of Google translator, his girlfriend and myself, to communicate back to Punk Aid and Michael Rothstein what the court case had been about and the situation with the money, but it seems that as of 2016 relations remained distant.

Most discussions of the case and legal aid meetings were held in private. In the following I present a few examples of these 'hidden tapes' from the pre-trial period.

Thursday 28 November

When Bunny called me a week after the 'Rex incident', I could hear from her voice she was panicking. All I could do was calm her down, promise that I would provide phone numbers of lawyers, women's activists, and people known to have a 'good heart', and that I would continue chatting with her

14. Marsinah was an activist working for PT Catur Putra Surya in Porong, Sidoarjo, East Java, whose kidnap, rape and murder in 1993 gained international attention. She was kidnapped from a demonstration and her body found four days later. Those responsible were never brought to justice (KontraS 2015).

in case I could help. Yudi had visited the police station to report that the police had assaulted him, but instead of filing his complaint they detained him because the owner of a nearby Internet cafe, who had become a part of the situation, claimed that Yudi had hit him. Yudi had given a statement that formally allowed a legal aid NGO to assist him.

On the same day, I heard that Yudi had been beaten up at the police station. Around this time, I began to question my loyalty and interests. What happens if no one helps them? What might happen to those, like myself, who do help them? What about all those other cases where corrupt police get away with crimes against people who have no connections to the outside world, or legal assistance? Who am I to choose whom to help, and how will helping this once change the big picture of power misuse and innocent people paying the price? What if the punks really were wasted and started the fight?

On that day, I also got an update that a locally prominent journalist had decided not to write on the case in the English language media (*The Jakarta Post*) because it seemed to be a 'pure criminal case'.

Friday 29 November

Bunny (chat): This is a photo I took yesterday. He was beaten up by the police.

Marjaana: Have you had any success in gaining (legal) help?

No response. I hear from an Indonesian friend helping Bunny from a distance that the police have apologized for hitting Yudi. There is news that the NGO might not have enough staff to follow up this case.

Saturday 30 November

As a part of sixteen days of international activism combating violence against women, the Acehese women's organization Aceh Women's Peace Foundation (AWPF) releases a campaign video where punks sing the Marjinal song 'Marsinah',¹⁴ with Yudi orating 'Punks reject all violence against women, whether moral, physical, or any other kind. Because we all are the same, do not raise yourself above God. Stop violence against women to support peace in Aceh' (AWPF 2013).

Monday 1 December

Bunny (chat): I cannot visit the police for another week as I have work to do. Until it finishes mid-December.

Tuesday 10 December

Marjaana (chat): Any news? I've not heard any updates for a long time.

Bunny: Increasingly bad. Yudi has failed in his complaint against the police who beat him up.

Monday 16 December

Marjaana (chat): What's up?

