DEFENDERS ON TRIAL: "HUMAN RIGHTS HAVE LOST THEIR MAGNETISM AND THEIR POWER TO ELECTRIFY PEOPLE"

Interview with Haris Azhar,
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Indonesia

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Haris Azhar is a prominent Indonesian human rights defender who has spent years campaigning, engaging in political advocacy and conducting research, particularly on Indigenous rights, labour rights and corporate and institutional accountability.

In 2021, following a long and violent criminalization process—which he details in the interview below—Azhar became the only person to publicly challenge Luhut Binsar Pandjaitan, a multi-minister in the Joko Widodo administrations and still one of the most powerful figures in the country. It was a legal battle that Haris and fellow human rights defender Fatia Maulidiyanti, who was also accused in the case, ultimately won in 2024. Azhar's "crime": hosting a YouTube programme discussing the links between military operations in Indigenous territories in the province of Papua and the economic interests of top-rank military and government officials.

Facing charges under Indonesia's notorious Electronic Information and Transactions (EIT) Law, Azhar endured disinformation campaigns and psychological pressure. Yet, he transformed the trial into a platform to dismantle the corrupt nexus of power, money and repression of the opposition, which, as he explains, is not represented by political parties, but by organized civil society.

In this interview, Azhar reflects on Indonesia's "judicial harassment industry", where police, prosecutors, lawyers and the media collaborate to silence critics. He reveals how solidarity has become his shield and calls for a radical reinvention of human rights work by rejecting elitism and donor dependency, while building real, self-sustaining grassroots networks and reclaiming substance in our activism.

Today, combining small businesses trading in chilli and sugar with his work at a law firm, Azhar advocates for a creative human rights movement that goes beyond institutions, rules and standards. "Advocacy must no longer be quiet. We need to keep moving, like water finding its way to the lowest levels so that these values can make it through."

1. You have recently faced criminal charges. Could you describe the content of these accusations and the background of the case? How did it all begin?

Haris Azhar – I run a YouTube programme called "General Haris Azhar". In 2021, I invited to my videocast representatives and researchers from a coalition of NGOs who had published a report[1] on how retired high-ranking police and military personnel run or are involved in businesses linked to military operations in Papua, a conflict area.[2] This is a very interesting and complex issue involving military operations, indigenous issues, conflict zones and politically-exposed persons, and it really intrigued me. The report portrayed a gold mining business run by high-ranking military agents in a conflict zone.

Luhut Binsar Pandjaitan, one of the most influential figures during the previous government, owns the company operating in that conflict area. According to the research, he explicitly admitted that his company leveraged his influence or power to do business. I then invited representatives from this coalition to speak on my channel[3]. When we discussed the report (which focused heavily on Luhut), he filed a police report against me.

The police, the regional prosecutor's office and the judicial system very quickly and easily proceeded with a criminal case against me. They escalated beyond criminalization by insisting on following

through with the legal proceedings. I was charged for defamation under the EIT Law. They charged me from four angles by essentially combining criminal code defamation provisions with online defamation statutes under the EIT Law.

2. What is the timeline of your case? When did it start, how did it develop and what is the current situation?

HA – The initial report was filed in August 2021. Then, I was brought to court in early 2023, and we finally won the case on January 27, 2024. The prosecutors appealed, but we won again in August 2024. So, it took three years from the initial report to the final Supreme Court decision.

Those were three intense years. This was a high-profile political case and so, three years is nothing, really. But in my case, they were three very intense years. Almost every week, something new would come up about the case.

3. What forms of intimidation or harassment have you experienced throughout this process?

HA – It was protracted and exhausting. It was intensive for a long period of time. What I experienced was psychological intimidation. In order to put pressure on me, they insisted that I accept this or that accusation and tried to persuade me. The minister who reported me used several people to approach me and say that I should apologize. This was the kind of intimidation I faced.

At the same time, the legal process and the police investigation kept on going. During that process, they didn't really comply with established

norms and legal standards, because this EIT law is a burning issue—a really hot topic. Some standards had been developed here and there, and as a nation, we managed to establish a framework under the Ministry of Law, Politics and Security at the time. We came up with standards on how to proceed. But in my case, those standards were neglected or completely ignored.

The police came and I said, "What's going on?" They replied, "You know, these people get public attention." In some developing countries, there's this kind of attention on high-ranking figures. Because of the attention generated by the big names attached to the case, the police officers said that they were being attacked by the media. So they just kept going with the criminalization. Eventually, they sent the case to court, and the court had to open the trial.

Then, during the trial, it became clear. We could see how "premium" treatment was given to the minister who had reported me. He was scheduled to testify, and the corridor was sterilized and cleared by the military, the police and intelligence agents. Everyone showed up to support him and to maintain the stigmatization against me.

They also mobilized journalists and certain media outlets to maintain the hoax against me. Actually, they were the ones who created the hoax, the ones who defamed me, not the other way around. They approached me, tried to persuade me and put political and psychological pressure on me. They also kept the hoax going by spreading things like, "Haris is just looking for money. Haris is looking for shareholders for his company. Haris's studies were funded by this guy, this minister." So they created fake news many times throughout the case, throughout the legal process—even now, actually. The psychological intimidation and hoax against me was the option taken because the case and names are well known in the country.

4. How have you experienced this situation? What has been the most challenging moment and why?

HA – I think dealing with people who believed the disinformation wasn't easy. And at the same time, I have my law firm. I lost some clients because of this case as well. But going back to that point, the case was very exhausting. I might say that the guy who reported me is a public enemy. He's a high-ranking official, a minister. But politically speaking, he's the most influential person in the government. He has a lot of money and a lot of access to the judicial system, to the police. So, for me, it was really, really tiring to fight this case.

And then, he made statements every day. This guy only stops when he wants to. Maybe like [Jair] Bolsonaro or Donald Trump—he just keeps talking. He has held around 20 positions in the government. In certain areas, it was all him: coffee, palm oil, you name it. Every time the president goes to him, every time he's in that position, it means there's business behind the policy. We have this joke: "Luhut again? Luhut again." Something like that. So, when Fatia and I won the case, it was very surprising to everyone in the country.

When we tried to fight, in court and outside court, a lot of people came to support and help us, saying, "This is important, Haris," because we were fighting the most annoying, dominating figure in this country. I would always reply to them that I might be beaten, they might put me in jail, but we need to be very serious and very professional in going up against him. When we managed to do that, we won. That was it. In the end, we won. So, it's good.

5. What role has solidarity played throughout this process? What kinds of support have been

most crucial for you during this process?

HA – I still meet people these days, even now, more than a year later, who remember this case. They remember me. Sometimes they say, "You know, Haris, brother, I prayed for you back then. You don't know me, but I did something with my group…". People from so many places. Indigenous people I work with did Indigenous rituals. It was amazing. Family, friends, NGO networks… Actually, the international community helped a lot, significantly. There was serious attention to the case. And that made the government very, very cautious about how they handled it, because it became a high-profile case. In a way, it became a trap for them. They thought they could do anything, everything, but they were wrong.

Fatia[4] [Maulidiyanti] and I—since we were the two people charged—visited young, local networks every week during the trial. Every time we went to a local site, we had to head straight back to Jakarta because every Monday morning, we had to be in court. So, every Monday, after court, I'd go again to visit other places, talk to people... This wasn't just about the case. The man we were fighting against represented the oligarchy that benefits from the chauvinists ruling the government. So, during our visits, we discussed public policies at the local level. We talked about human rights issues, violations, environmental and climate change matters—all of which are affected by the oligarchs and these right-wing government policies.

This was the way we had to go about it. Yes, of course, we carried out many campaigns. We did fact-finding, tried to uncover deeper truths and also worked on developing our own perspective on the documentation to challenge and balance the evidence submitted by the police. I made a promise to myself, and I asked Fatia to do the same: that we should never negotiate before we fight. Because, yes, this was a state crime against citizens. But as citizens, we had to fight back and feel honoured to do so.

6. What personal, political and legal strategies have you employed to address this situation?

HA – Number one: it's not just about shouting or crying out. We need to be smart to ground ourselves in facts, in the substance of the issues. Behind the disinformation, behind the repression lies the substance, and we must strengthen that substance. What was the substance in my case? It was the Papuan Indigenous issue: how badly they are being treated, how they are forced to live side by side with military units conducting operations in their territories. And who are these military operations for? Are they really about security, or are they about protecting business interests? So we must dig deep. We must be bold. We need strong evidence to support the substance itself—the very substance that, in the end, they use as the basis for accusing us of defamation or repressing us.

The beneficiaries of an issue, they matter. In my case, it was the Papuan Indigenous peoples, the rightful holders of the land, who were impacted by these military business operations. I spoke with them, and they were very supportive. They were open-minded, willing to listen, and gave their support back to us in Jakarta, as we were fighting.

We also profiled Luhut. He's a major player, a powerful politician. He has [business] everywhere. We connected the dots between his political and business interests. We exposed the links and painted a picture of just how serious the gap is between national policy and the reality experienced by the right holders who were affected.

Number two: keep pushing, keep criticizing, consistently and with intensity. That's what's important. We're constantly criticized, accused of defamation, attacked by the regime, by the government. So we need to respond just as intensively by criticizing the government in return. What they give us, what I call criminalization, must be met with criticism,

both intensively and extensively. It can't just come from us. It needs to come from many stakeholders. They should speak. They should know. In fact, they do know, but they don't have the space. So we have to go to them, create that space, ask them to speak and then, simply let them speak.

These were the strategies that we tried to develop. There are no immediate results. In Indonesia, judicial activism is beginning to emerge again after a long period of repression within the judiciary. Now, and this is funny, we've found new openings within judicial institutions precisely because they are also corrupt. Some of them have been arrested by anti-corruption commissions. They've issued terrible rulings on mining-related cases. So now, they need to show some sweet, sober faces. This is partly because there are young, progressive judges within the institutions and they've become friendly towards us.

At some point—I don't even know how—we were connected through someone. We found a way to influence their mindset by telling them that it's no longer acceptable, no longer "in fashion" for judges to keep punishing people the way they had been in the past five, six, seven years. And they said yes. So we managed to exert that influence. But people always have to figure out how to do this, how to navigate it. These were the conditions we worked in, the circumstances, the tips, the dos and don'ts.

7. What terminology would you use to characterize this specific form of political violence?

HA – These days, we have a new government, a new president, but from the same regime.[5] This new regime used to be the opposition to the former regime. Some of his closest people were once victims of the former government, but now, they're in power. There's some awareness of this. They say that this new regime, this new president should adopt a different approach and that opposition groups should not be criminalized.

And yes, over the past few months, since the new administration took office, there hasn't been the same kind of criminalization. But just recently, at the end of August, we had massive demonstrations criticizing the president and the parliament for the economic and social situation. At some point, something happened to send the protest into violent chaos and then, there were episodes of brutality. More than 5,000 people, including a large number of students and women, all innocent, were brutally arrested. Almost a thousand of them are going to be tried. Some of them are pro-democracy activists, some lawyers. So yes, the pressure on civilians continues under this new administration and the EIT Law is still utilized.

So briefly, I could say that political violence is when undemocratic rulers exercise their power abusively to forcefully further their interests and protect what they want, their policy, their attitude or unethical behaviour. The ruler takes advantage of law enforcement, intelligence agencies, the mobilization of opinion and information to engage in political violence.

8. Is the use of the justice system to silence human rights defenders a new phenomenon in Indonesia? Could you give us a bit of historical context?

HA – Since the early days, at the time when this law was enacted, there was already a Criminalization Act in place. That was in 2008, a long time ago. If you look into the research by Article 19, Amnesty International, SaferNet, they have the strongest data collections on this. This has been going on for years, and in my research, it was initially operated mostly by government actors and civilians. The law was used in political disputes. And later, among civilians, it was applied to family matters or very local, domestic disputes. Then, business groups began using this article

to criminalize public critics or silence competitors. That was the way it was being used, that was the practice.

But it became much more intense, as life became increasingly politicized and politics became embedded everywhere. From a political point of view, things got worse during the previous president's term, especially the second term. It's been instrumental in silencing opposition voices. And here, "opposition" doesn't mean political parties; it means civilians, not politicians. The opposition includes civilians, journalists, social media influencers, academics and vulnerable groups like workers, Indigenous peoples, women and religious groups. These were the opposition voices that got reported.

From a technological point of view, defamation, particularly on social media, has become a common practice because of the growing use of apps and platforms and because it's become so easy for people to engage with social media. Devices have become cheaper and easier to use. Internet signals and Wi-Fi are everywhere now. The crowd in the streets has shifted to the crowd on social media. Defamation has become a powerful tool, and defamation laws have grown and evolved under these conditions.

In Indonesia, you don't have to be formally criminalized through a court decision. Just being reported to the police already causes psychological shock. As a lawyer, I represent some victims who were reported to the police. They always say, "Sir, please, just make sure there's no trial. I'm okay, I won't speak out anymore. I'll stop. I'll stay silent." Once there's a report to the police, the police effectively become the judge. In our criminal justice system, once someone is reported to the police, the police are not required to report the case to the court within 24 hours. If someone files a report against me—whether I have a defender or not—the police have 100% control to decide what happens next.

That's how things work in Indonesia, and it's become an industry. There are lawyers and police officers who assist perpetrators in filing police reports. There are consultants and communicators who conduct research and gather evidence before a report is submitted to the police. Lawyers, consultants and police officers—they are friendly to and welcome these kinds of reports. Even high-ranking police officers, so-called experts and witnesses... They are the regime's gladiators, sent to destroy us. There is a trend, and there's also an industry behind this trend, driven by this hybrid right-wing government to keep themselves in power.

9. How does this relate to the state of democracy in Indonesia?

HA – Academically speaking, the indicators are getting worse. But people are also losing trust in the government because of the repression. I mean, it's very clear in Indonesia that civilians, ordinary people here, they're afraid of the government. They say the government can do anything: they have the money, the tools, the equipment, the policies. They can do anything, they know everything. So people who want to push back always say, "We have to be very cautious." And it creates this environment where we start watching each other very closely, being cautious even with one another. These days, whether in big cities or small areas, you might share a joke, and then tomorrow, your friend turns out to belong to another political group and suddenly, they're against you. Things like that happen here. And this constant suspicion drains a lot of energy from ordinary people.

We can't even extend that suspicion to the government or to local officials. Instead, it's directed at each other, among us civilians. It takes so much energy from us. Meanwhile, the government has become totally free from public oversight. They allow us civilians to fight amongst ourselves, while those at the top just keep digging into public money,

engaging in corruption and so on. That's the danger. Then one day, at the local level, people start saying, "Look at this new policy. Look at the corruption in the fuel prices… We've been fooled for years." And I always tell them, "You haven't been fooled. You've just been too busy fighting each other."

So, coming back to your question… Is it dangerous for us? Yes, it's very dangerous. First of all, the repression comes because they feel attacked by us, by our criticism. But it's also a tool to weaken civilians, to diminish the ability of ordinary people to question the government, to scrutinize politicians. It may be a source of concern for them, but at the same time, it's also a tool. Is it dangerous? Yes, absolutely, it's completely dangerous. And it's not a democratic way to run public life. It destroys the very concept of democracy. Unfortunately, this is the situation we are now facing. One government, one regime helping another to establish this kind of pattern.

That's why global standards and global solidarity don't seem to work anymore. Things are getting worse. We're losing ground. Solidarity has become too institutionalized. It's losing its grip. That sense of human solidarity—pro-people solidarity—was alive in the 1970s and 1980s and reached its peak in the 1990s. But after that, it became so institutionalized and, at the same time, so elitist. Human rights became a very public language. Everyone talks about human rights, but many don't even understand what it really means. And at the top, it's become elitist and mechanical, just about standards and norms. Now anyone can claim to be doing "human rights work." And in the process, human rights have lost their magnetism and their power to electrify people.

It's even worse now. This language is being copied by bad actors in politics. Right-wing politicians have learned our language. They say, "I understand your point. I speak your language." They've stolen our lan-

guage. They copy and paste it and then use it in their populist politics. And they don't even bother with advocacy. They just say, "If I become your leader tomorrow, I'll give you free school. Choose me." That's very different from what we do, those of us in the human rights world. We say, "Let's begin with the paperwork. Bring the victims. We'll meet again next week. We'll hold focus groups, organize workshops and then meet representatives from other states." There's a process. "No one left behind", as the Sustainable Development Goals say. These politicians say, "I don't need the SDGs. Long before they arrived, I had already been promising free meals, free schools, a good life, safe shelter under my shoulder." So, with populist politics, they've won.

We are (how to put it?)... torn apart. And then, they come alive with their narrative, their policies. But the moment people start to complain, even after receiving food, water, school, then they come back with the police, the military, the tanks… to crush you, to kick you down. There are no mechanisms anymore, no proper civilian processes. It's just "us or them." If you're with them, then you're against power—and I can mobilize my power against you. These are the things happening these days, not just in Indonesia, but everywhere, I think. There's no democratic way to process things anymore.

10. How have different state institutions positioned themselves regarding this situation? And I also wanted to ask how national internal bodies have responded.

HA – Using my case to look at the structure, I can say that, yes, we have the executive, legislative and judiciary branches for law enforcement. The judiciary is independent, but the cases are brought to court by the police and the Attorney General's Office, the Prosecutor's Office. In Indonesia, both the police and the chief prosecutor fall under the au-

thority of the president. So, it's not truly independent; it's heavily dominated by the executive branch. On paper, we are a normal republic, but in practice, all the political parties unite to support the president. This completely politicizes everything.

And how do politics officially operate in Indonesia? We have a multi-party system operating alongside a presidential, not a parliamentary system. One strongman must be backed by multiple parties. Why? Because of our multi-party system. We have so many political parties, but now, they've all become one. One big coalition made up of all these parties supporting the president. That's how politics works these days, and it's been like this for more than three elections now.

And these political parties have their own business interests, their own political strings. That's why Indonesia has become so inward-looking, very nationalist, even chauvinist. They run large-scale investment policies that welcome money from outside. But inside, they're just waiting: corrupt business practices lying in wait for that investment to arrive.

11. How have international networks and bodies responded, and what impact has this international reaction had on the progression of your case?

HA – Regarding international support, in my case, the US was very supportive, where they and some other embassies attended every court session of mine, such as the Germans, the Belgians, some EU member states and the Nordics. But not all the embassies. Those who were once seen as champions of democracy, as democratic diplomats in difficult countries were gone. Why? I managed to find out that they had secured large projects from the government at that time. These trade-offs are happening at the international level.

When we talk about international actors, the Indonesian government has what we call a high-level international front, referred to as an "investment programme." There's not really a strong commitment to the Global Compact on Climate Change—not at all. Our last president never attended the annual UN meetings in New York. Never. But he travelled extensively around the world to meet business groups to welcome them. He even passed the "tax haven" law to attract foreign investment. I think this is the real issue when we talk about international institutions.

Meanwhile, the UN has a clear mechanism: you submit your documentation, your facts and then, the Rapporteur will issue a formal letter. That letter goes to the president's office, and they will check how Haris is and how Fatia is. And then they report back to the UN. As I mentioned, my case went on for three years.

What was funnily peculiar, in the first year, after the case was reported, I was hired as a consultant by the Ministry of Justice and Human Rights, a government body, to help establish a Human Rights Index. An officer from the Ministry came to me and said, "Sir, you know human rights. You're a well-known human rights activist. You've studied the subject" (I'm sharing this because one of the officers involved was actually my former student). I said, "Okay, I'll show you a PowerPoint presentation." I explained it and, at the end, he asked, "Will you become our consultant?" I replied, "Okay." It was a one-year contract. So my office and I mobilized our clients and team to provide the best expertise regarding the Human Rights Index to be established for the previous government.

During that year, I visited the Minister's Office almost every week. I was with them, met with them regularly and, apart from our discussions, they were the ones who submitted reports to the UN, to the human rights committees, the Economic and Social Council committees. It was the Ministry of Law and Human Rights. There were only two minis-

tries responsible for dealing with the UN: that ministry and the Foreign Affairs Office. But the substance is provided by this ministry, and one of the cases that they had to respond to at the UN was my case.

I was the one who sat with them, offering consultancy on other issues and projects. But they said, "Sir, actually, I also need to report to the Human Rights Committee about you." At that time, there was a letter from the Office of the High Commission on Human Rights about my case. I asked, "What did you do in response to that?" They replied, "We did what we had to do. We do what we must do." I helped them establish these human rights indicators. Yet, in very close proximity, both physically and in time, they said, "I have to report back."

I don't know… the world is changing. These right-wing forces are coming into play. It was similar to when we took over the narrative in the early 1970s and 1980s, when human rights were emerging and we had to struggle to define what they meant. Now, they behave like this. They came up, were born and grew up within democracy, within the democratic way of practising politics. They came to power because of democracy itself. And that, for me, is deeply painful.

What we were teaching was not absorbed as a value. It was absorbed as a narrative—something they could use for demonstrations, for mobilizations. Then, when they became politicians, they knew how to use the language without necessarily being practitioners of the values themselves. These right-wing actors use this openness, this transparency, the ethics of democracy to seize power and maintain it. But when we try to correct or question that power, they say, "Don't touch us." That's the situation.

12. How does your experience compare to that of other human rights defenders in the Global South? How do you frame

what is happening in Indonesia within this wider context of the rise, perhaps, of a new form of authoritarianism?

HA – I think this is a good moment, not because witnessing pain is good, but because it is the right moment to reshape our human rights work. Rather than simply maintaining what we do, I think we need to rethink and re-strategize. Human rights must be defended and expanded for both now and the future. Because what we're facing, what we have to confront is that right-wing governments everywhere will create more victims. Maybe not immediately, maybe we don't see them clearly today, but the impact of their policies, the consequences of their actions in government will become evident. We'll see it in the coming years: war, conflict, economic exploitation, the plundering of natural resources. This is their agenda.

For human rights groups, this might seem basic, but we need to understand that our values, our openness have been used against us by them. My suggestion is this: there are things we cannot forget—numbers, mass mobilizations, people. We cannot just rely on systems or trust that standards will be upheld. We need concrete numbers, real defenders on the ground. Human rights groups need to think seriously about this. In order to reshape and strategize effectively, you need real defenders working on real issues. And you need your own funding rather than depending on donors from the Global North or government funds.

I'm afraid that human rights NGOs and advocacy groups have become quite isolated and elitist. They're not engaging with ordinary people; they're not living among them. Advocacy groups should not connect more with social media than with the people on the ground. The disconnect means that they often don't know how to generate income to support their own advocacy. They have eyes to see the injustices happening to people, but they seek resilience from faraway sources to sustain

their advocacy. Why not just talk to the local people? Ask, “what do you have? What can you do?” Let’s start from there to resist these harmful policies. These are the key points.

That’s what I’m working on these days. I support a few NGOs. These organizations are not seeking funding from large donors but through local efforts, and it’s really possible. That makes them very independent, not easily silenced or pushed down by governments or specific groups. I’m really enjoying this work at the moment. I do my advocacy through my fee as a lawyer, and I also do some business consulting. We run small businesses with local communities, trading food, selling chilli, working in the sugar trade… These are civilian activities. As a lawyer, I now defend local Indigenous groups. Sometimes they say, “We don’t have money for this case.” And they’ll offer something: “Sir, we have a large farm; we can sell part of it.” I say, “I’m not charging you a legal fee, just cover my flight.” That’s how we work. That’s how we do advocacy.

It has all become so institutionalized... I think we need more. At this point, I’ve learned that human rights work cannot remain so passive. Advocacy must no longer be this quiet. We need to keep moving, like water finding its way to the lowest levels so that human rights values can make it through. We need to develop that kind of adaptability, rather than just holding endless meetings. I’m very tired of these constant meetings. What we need is not just survival; we need to find new ways to explore and grow. There are many possibilities that we need to uncover and take hold of.

Notas

1 Ode Rakhman, Umi Ma'rufah, Bagas Yusuf Kausan, Ardi, "Political Economy Study of Military Placement in Papua: The Case of Intan Jaya," August 12, 2021, accessed June 11, 2025, https://jatam.org/wp-content/uploads/2021/10/POLITICAL-ECONOMY-OF-MILITARY-DEPLOYMENT-IN-PAPUA-INTAN-JAYA-CASE-REPORT-ENG.pdf

2 The report was focused on a gold deposit called Wabu Block, located in the Intan Jaya regency, in the province of Papua.

3 The episode was aired on August 21, 2021 and can be found at: https://www.youtube.com/watch?v=9mxF42IF4Eg.

4 Fatia Maulidiyanti is a human rights defender and the Coordinator of the Commission for the Disappeared and Victims of Violence (KontraS). She was also acquitted of the defamation charges in January 2024.

5 The previous president was Joko Widodo, who ruled from 2014 to 2019 (1st term) and from 2019 to 2024 (2nd term). The current president of Indonesia is Prabowo Subianto.

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