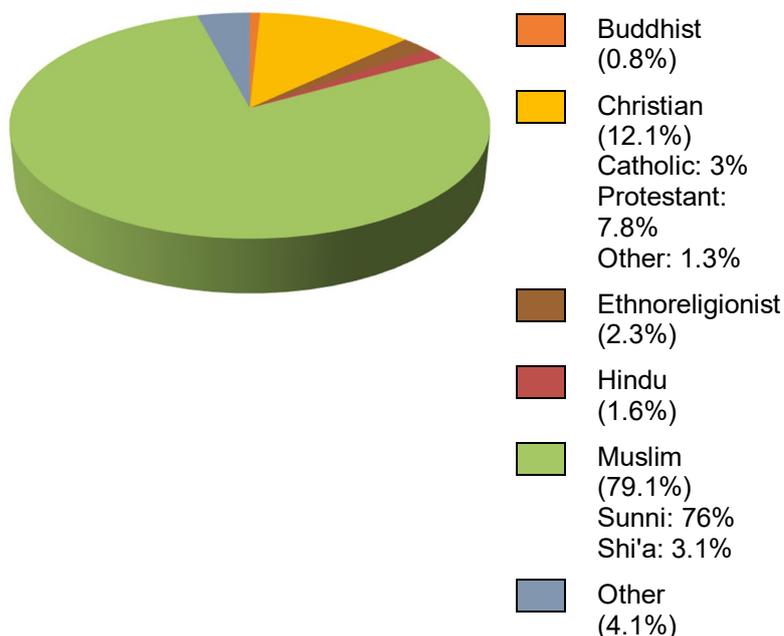


# INDONESIA



Area:	Population:	Political system:	Major Language(s):
1.9 million km <sup>2</sup>	243 million	Democracy	Indonesian

## Legal framework on freedom of religion and actual application

Indonesia is the world's largest Muslim-majority country, and one which has made a remarkable transition from authoritarian military rule to multi-party democracy, with a thriving civil society sector and a largely free press. In 2014 presidential elections were won by the former Governor of Jakarta, Joko Widodo, known popularly as "Jokowi". His former deputy, Governor Basuki Tjahaja Purnama known as "Ahok", became the first Christian and first Chinese Governor of the country's capital.

Indonesia has a good tradition of religious pluralism and harmony. Although it is the world's largest Muslim country, it is not constitutionally an Islamic state. The guiding state ideology, known as the "Pancasila", which means "five principles", sets out the country's governing values: belief in a deity; a just and civilised humanity; national unity; democracy; and social justice. While this philosophy has limitations for freedom of religion or belief, including the lack of protection for adherents of religions that are not officially recognised and for people of no religion, it is in essence a philosophy designed to protect pluralism in an overwhelmingly Muslim nation. The country's national motto is "Unity in Diversity".

However, these values have come under increasing threat over the past decade or more, as radical Islamist groups have emerged and gained a disproportionate influence over policy-making, legislation and the rights of non-Muslim religious minorities and even of some Muslim groups regarded by others as heretical. As Human Rights Watch's Deputy Asia Director Phelim Kline put it, religious tolerance in Indonesia is "under acute threat".<sup>1</sup> Christian Solidarity Worldwide published a report in 2014, titled "Indonesia: Pluralism in Peril – the rise of religious intolerance across the archipelago".<sup>2</sup>

The constitution of Indonesia, in Article 28 (e), enshrines freedom of religion, stating that "each person is free to worship and to practise the religion of his choice, to choose education and schooling, his occupation, his nationality, his residency in the territory of the country that he shall

be able to leave and to which he shall have the right to return; each person has the right to be free in his convictions, to assert his thoughts and tenets in accordance with his conscience; each person has the right to freely associate, assemble, and express his opinions.”

Despite this constitutional guarantee of freedom of religion, the Ministry of Religious Affairs officially recognises only six religions: Islam, Catholicism, Protestantism, Buddhism, Hinduism and Confucianism. While, as the U.S. State Department International Religious Freedom Report 2014 notes, members of unrecognised groups “have the right to establish a place of worship, register marriages and births, and obtain national identity cards”, they face other forms of discrimination, particularly in schools where students are required to follow religious education in one of the six recognised religious traditions. Previously, adherents of unrecognised religions also had to adopt one of the six recognised religions in the religion section of their identity card, although this has now been changed and laws allow them to leave the religion section blank.<sup>3</sup>

In recent years, the Pew Forum has consistently rated Indonesia as a country with one of the highest levels of restrictions on religion among the world’s 25 most populous nations.<sup>4</sup> According to Andreas Harsono, Indonesia researcher at Human Rights Watch, Indonesia’s previous president, Susilo Bambang Yudhoyono, is “the president who laid down the most sectarian regulatory infrastructure in Indonesia”.<sup>5</sup> Dr Musdah Mulia, chair of the Indonesian Conference on Religion and Peace, claims there are at least 147 “discriminative laws and public policies in regards to religion” and believes that “as long as those laws are permitted to prevail, there is always a strong potential for violence.”<sup>6</sup>

Four main areas of legislation impact on and restrict religious freedom in Indonesia: the 2006 Joint Regulation on Houses of Worship, the 2008 anti-Ahmadiyya<sup>7</sup> Joint Decree, the 1965 Blasphemy Law, and *Shari’a*-inspired regulations at local and provincial levels in some parts of the country.

The 2006 Joint Regulation on Houses of Worship was issued by the Minister of Religious Affairs and the Minister of Home Affairs following a review of the existing 1969 Joint Ministerial Decree. This new regulation requires that any religious group wishing to construct a place of worship should undertake the following steps: provide the names and identity cards of at least 90 members of the congregation who will use the house of worship, obtain support from at least 60 other members of the local community endorsed by the village head, provide a written recommendation from the district Ministry of Religious Affairs and provide a written recommendation from the district or city Religious Harmony Forum. The proposal must be submitted to the local mayor who must issue a decision within 90 days of receiving the application.<sup>8</sup> This regulation means that if a religious group does not secure the support of followers of the majority religion in the locality, and if it has fewer than 90 adherents, it cannot construct a place of worship. An increasing number of places of worship, particularly Christian churches, have been forcibly closed down by local authorities in recent years, even those which have been approved, at the instigation of extremist Islamist groups. According to an article in Christianity Today, more than 1,000 Christian churches have closed since 2006.<sup>9</sup>

The 2008 anti-Ahmadiyya Decree was introduced after pressure from radical Islamist groups, who regard the Ahmadiyya as heretical, even though the Ahmadiyya regard themselves as Muslims. In 2005, President Yudhoyono gave a speech in which he promised the Indonesian Ulama Council (MUI), the highest body of Islamic clerics and legal scholars, “a central role in matters regarding the Islamic faith”. He added: “We open our hearts and minds to receiving the thoughts, recommendations and *fatwas* (religious edicts) from the MUI at any time.” Within days, the MUI issued a series of *fatwas* against pluralism, secularism and liberalism and calling for the banning of the Ahmadiyya. Two years later, the President went further, saying: “After a *fatwa* is issued, the tools of the state can do their duty. We must all take strict measures against deviant beliefs.”<sup>10</sup> A year later, eight days after a violent attack by extremists on Ahmadiyya and other religious freedom campaigners at the National Monument, the government issued the Joint Decree of the Minister of Religious Affairs, the Attorney General and the Minister of Home Affairs regarding the Ahmadiyya community. The decree stopped short of an outright ban, but it prohibits promulgation of their

beliefs and teachings. A variety of regional-level versions of the same regulation have been issued in different parts of Indonesia as well.

Laws prohibiting blasphemy, heresy and religious defamation are set out in article 156 of the penal code, but in 1965 a new Presidential Decree was introduced, known as the “blasphemy law”, which prohibits the “deviant interpretation” of religious teachings and mandates the president to dissolve any organisation practising such “deviant” teachings. Since 2003, over 150 people have been arrested or detained under these laws.<sup>11</sup>

In addition to these laws, *Shari’a*-inspired regulations are put in place at a local and regional level. While the statistics vary, Michael Buehler at North Illinois University estimates that at least 169 *Shari’a* regulations are in place, and that at least seven out of Indonesia’s 33 provinces and at least 51 out of 497 districts and municipalities adopted at least one *Shari’a* regulation between 1999 and 2009.<sup>12</sup> In Aceh, full *Shari’a* law was implemented in 2002, with a *Shari’a* court established a year later and the first public caning occurring in 2005. A religious police force was established, and the laws affect the activities of non-Muslim minorities.<sup>13</sup>

Other laws impacting freedom of religion include the 1974 law banning inter-religious marriage, and a 1979 decree prohibiting proselytising towards people already adhering to a recognised religion.

## Incidents

Incidents of violence, forcible closure of places of worship and other violations of freedom of religion or belief have steadily increased in recent years. The Setara Institute reports 236 incidents of violence in 2015, a 33 percent increase over the previous year.<sup>14</sup> Komnas Ham and other local non-governmental organisations also report significant rises in violence and other violations of religious freedom. As the U.S. Commission on International Religious Freedom notes: “Violations rarely are investigated and attackers, whether police or radical mob groups, continue their abuses with relative impunity.”<sup>15</sup>

In October 2015 an Islamic youth group in Aceh Singkil demanded the closure and destruction of at least 10 churches which, it claimed, were operating without permits. The local government agreed, announcing that it would require the Christian community in Aceh Singkil to adhere to a 1979 agreement which states that only one church and four chapels can be built in the area. However, the group decided to take matters into its own hands and burned down a number of churches. Clashes broke out and one man was killed. The Reverend Palti Panjaitan, National Coordinator of the organisation Solidarity of Victims of Freedom of Religion and Belief Violence (SobatKBB), warned that this was the result of discriminative legislation and urged the government not only to halt the violence but also to repeal the laws. “Without any serious effort, violence in Aceh will keep recurring. Christians practically live without any protection, which keeps them in fear of further attack and violence.”<sup>16</sup>

In April 2016, the first non-Muslim was subjected to 30 lashes with a cane in Aceh, for selling bottles of alcohol secretly. She was a 60 year-old Christian woman, Remita Sinaga.<sup>17</sup>

Elsewhere, churches continue to face challenges. On 7<sup>th</sup> March 2016, the Santa Clara Catholic Church was established in Harapan Baru, Bekasi, West Java, with a full permit from the city’s mayor. However, local vigilantes from the Islamic Forum Community (FUI) demanded the permit be rescinded. They attacked the church, destroying the signboard and sealing off the church.<sup>18</sup> The situation remained tense during Easter, and the congregation was unable to celebrate in their church building.<sup>19</sup>

The long-running case of the GKI Yasmin Church in Bogor, West Java, continues, after extremists pressed the local government to suspend the church’s permit in 2008 and the church building was

forced to close. In 2010 the Supreme Court ruled that the church should be reopened, but the local mayor has defied the court ruling.

Other religious communities have also faced increasing threats. In 2016 more than 7,000 members of an Islamic sect known as “Gafatar” faced violent forced eviction from their homes on Kalimantan Island. Gafatar combines Islam with Christian and Jewish beliefs and is accused of practising “deviant teachings”.<sup>20</sup>

The Ahmadiyya community has faced regular threats over the past decade. On 23<sup>rd</sup> May 2016 an Ahmadi mosque in Gemuh village, Kendal regency, Central Java, was destroyed.<sup>21</sup> In January 2016 Ahmadis in Bangka Island, off the coast of Sumatra, were warned to convert to Sunni Islam or be expelled from the island.<sup>22</sup> In 2015 protesters in south Jakarta, including some from the extremist organisation the Islamic Defenders Front (FPI), twice prevented Ahmadis from performing Friday prayers at the An Nur Mosque,<sup>23</sup> and on 8<sup>th</sup> July the mosque was sealed.<sup>24</sup>

The Shi’a, Baha’i and other religious minorities also face similar threats and restrictions.

The rise of religious extremism and the existence of terrorists affiliated with the Islamist group Daesh (ISIS) further add to concerns over freedom of religion or belief in Indonesia. On 14<sup>th</sup> January 2016 Daesh-affiliated terrorists launched attacks in Jakarta, detonating bombs and opening fire.

Surveys of public opinion on issues relating to religion indicate increasingly intolerant attitudes. In one of the most recent surveys, the Setara Institute identified a disturbing state of religious conservatism among high school students in Jakarta and Bandung, West Java. The study claims that 60 percent of the students surveyed believe that social and political affairs should be regulated by religious values, while 58 percent said they wanted *Shari’a* law to be implemented. At least 11 percent said they wanted Indonesia to be part of a caliphate.<sup>25</sup>

## **Prospects for Freedom of Religion**

When President Joko Widodo was elected, there were reasons to believe that his government would be well positioned to begin actively addressing violations of freedom of religion in Indonesia and to restore a vision of pluralism and inter-religious harmony that had been so seriously undermined by his predecessor. As Governor of Jakarta and, before that, Mayor of Solo, President Widodo had a respected track record of speaking out against intolerance and extremism and acting to protect the rights of religious minorities.

As president, he has certainly begun to set a different tone from his predecessor. Extremist vigilante groups, such as the Islamic Defenders Front (FPI) and religious conservative bodies such as the Indonesian Ulama Council, no longer receive the tacit support of the government which they did under President Yudhoyono. As the U.S. Commission on International Religious Freedom puts it, President Widodo and his administration “have demonstrated a more inclusive approach toward religious communities, which has helped mitigate some religious-based violence,” and the government’s draft religious protection bill “is expected to address issues such as houses of worship and the treatment of non-recognised religious groups”.<sup>26</sup> Nonetheless, progress so far has not been as positive as might have been expected; existing discriminatory policies remain in place and incidents of violence have increased. While the values, rhetoric and attitude of the new government may provide some cause for hope, their actions are yet to be seen. Indonesia is a country whose freedom of religion will require close attention for some time to come.

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<https://www.opendemocracy.net/openglobalrights/phelim-kline/indonesia%E2%80%99s-growing-religious-intolerance>

<sup>2</sup> “Indonesia: Pluralism in Peril – the rise of religious intolerance across the archipelago,” Christian Solidarity Worldwide, 2014 - <http://www.csw.org.uk/2014/02/14/report/179/article.htm>

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- <sup>3</sup> US State Department International Religious Freedom Report 2014 - <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>
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- <sup>6</sup> Dr Musdah Mulia, "The Problem of Implementation of the Rights of Religious Freedom in Indonesia," EU-Indonesia Conference on Human Rights and Faith in Focus, 24-25 October 2011
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