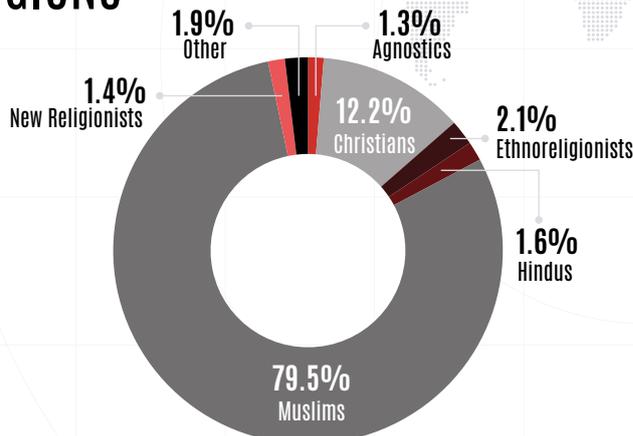




INDONESIA

RELIGIONS



Population

272,222,987

GDP per capita

11,189 US\$

Area

1,910,931 Km²

GINI INDEX*

39.0

*Economic Inequality

LEGAL FRAMEWORK ON FREEDOM OF RELIGION AND ACTUAL APPLICATION

Indonesia is the world's largest Muslim-majority nation, but it is not an Islamic state. Its constitution guarantees freedom of religion and the right to worship but there are some restrictions designed to protect the rights of others. The official state ideology or philosophy is called "Pancasila" (five principles). The Preamble to the Constitution defines it as "a belief in the One and Only God, just and civilised humanity, the unity of Indonesia, and democratic life led by wisdom of thoughts in deliberation amongst representatives of the people, and achieving social justice for all the people of Indonesia."¹ The constitution therefore does not uphold any one religion, but it does require citizens to believe in a deity and protects the rights of the followers of the six officially recognised religions: Islam, Protestantism, Catholicism, Hinduism, Buddhism and Confucianism. The rights of believers of other religions, including local traditional beliefs, agnostics and atheists are not equally protected.

Indonesia does not enforce Shari'a (Islamic law) at a national level, but it is estimated that at least 52 of Indonesia's 470 districts and municipalities have introduced some

78 Shari'a-inspired regulations.² Various sources contend that the real figure is even higher, with at least 151 local Shari'a bylaws in Java, Sulawesi, Sumatra and West Nusa Tenggara.³

According to Article 28E (1) of the constitution, "Every person shall be free to choose and to practice the religion of his/her choice." Article 28E (2) emphasises that "every person shall have the right to the freedom to believe his/her faith (kepercayaan), and to express his/her views and thoughts, in accordance with his/her conscience." Article 29 (2) further reiterates that "The State guarantees all persons the freedom of worship, each according to his/her own religion or belief."

The Penal Code of Indonesia⁴ punishes blasphemy, heresy and religious defamation. Specifically, Article 156 imposes up to four years in prison to anyone "who publicly gives expression to feelings of hostility, hatred or contempt against one or more groups of the population of Indonesia," where groups are defined by "race, country of origin, religion, origin, descent, nationality or constitutional condition." Article 156a imposes up to five years in prison for "abusing or staining a religion, adhered to in Indonesia."

In 1965, then President Sukarno issued Presidential Decree No. 1/PNPS/1965 on the Prevention of Blasphemy

and Abuse of Religions, which is informally known as the “blasphemy law”. Article 1 of this decree, which was subsequently implemented by Sukarno’s successor, President Suharto (in power from 1967-1998), prohibits the “deviant interpretation” of religious teachings and requires the president to dissolve any organisation practising “deviant” teachings.⁵

In 1969, the Ministry of Religious Affairs and the Ministry of Home Affairs issued a Joint Ministerial Decree detailing the procedures required to authorise the construction of places of worship. In 2004, then President Susilo Bambang Yudhoyono instructed the Minister of Religious Affairs to review the 1969 decree; this resulted in Joint Regulation No. 8 and 9/2006 on Guidelines for Regional Heads and Deputies in Maintaining Religious Harmony, Empowering Religious Harmony Forums and Constructing Houses of Worship. According to its provisions, the construction of places of worship needs the support of the local population, the names and identity cards of at least 90 members of the congregation of the new house of worship, approved by local authorities, together with letters of support from at least 60 other members of the local community, endorsed by the village head. In addition, the request must obtain the written recommendation from the district office of the Ministry of Religious Affairs and from the Religious Harmony Forum (FKUB) of the local district or city. Once all the documentation is collected, the application goes to the local mayor who has 90 days to decide whether to accept it or not.⁶

The regulation also requires local authorities to establish the aforementioned Religious Harmony Forum, composed of local religious leaders in proportion to the size of their respective communities. Effectively, this means that the body will be dominated by either Muslims or Christians depending on their numerical supremacy in a given region.⁷

Laws for particular religious groups have also been in place for several years. On 9th June 2008, the government announced a Joint Decree of the Minister of Religious Affairs, the Attorney General, and the Minister of Home Affairs regarding “Admonition and Instruction to the Disciples, Members and/or Members of the Organising Board of the Jemaat Ahmadiyah Indonesia (JAI) and the Members of the Public”.⁸

The Joint Decree stopped short of an outright ban, but it orders all ‘Ahmadis “to discontinue the promulgation of interpretations and activities that are deviant from the principle (sic) teachings of Islam, that is the promulgation of

beliefs that recognise a prophet with all the teachings who comes after the Prophet Mohammad.”⁹

In August 2008, the Secretary General of the Ministry of Religious Affairs, the Deputy Attorney General for Intelligence, and the Director General for National Unity and Political Affairs of the Ministry of Home Affairs issued a Joint Circular regarding the “Implementation Guideline of the Joint Decree”. This specifically stated that the Joint Decree applies only to ‘Ahmadis who “claim themselves to be Muslims”, and that “those who do not claim themselves as Muslims are exempted from the target of this admonition and order.”¹⁰

Violations of the Joint Decree are deemed a criminal act, defined as abuse of religion and religious defamation as set out in Article 1 (prohibiting “deviant interpretation” of religion and “deviant” teachings), and Article 3 of Presidential Decree No. 1/PNPS/1965 on the Prevention of Blasphemy and Abuse of Religions, and Article 156 (a) of Indonesia’s Penal Code. Punishment carries a maximum of five years’ imprisonment.

In addition to the blasphemy law, the regulations on the construction of places of worship, and the anti-‘Ahmadi regulations, hundreds of local bylaws and regional laws and regulations have been promulgated over the past two decades restricting religious practice.

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, taking into account both government regulations and social hostilities.¹¹

Dr. Musdah Mulia, Chairperson of the Indonesian Conference on Religion and Peace, claims that 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 in society. There need to be efforts for reforms and also to create new laws that are more accommodative towards the principles of human rights, the principles of democracy, tolerance and pluralism.”¹² Some of these regulations simply enforce national legislation, but others introduce new restrictions.

INCIDENTS AND DEVELOPMENTS

Indonesia’s tradition of pluralism and reputation for religious tolerance has come under increasing threat in re-

cent years. In its most recent annual report (2020), the United States Commission on International Religious Freedom (USCIRF) observed that “in 2019 religious freedom conditions in Indonesia generally trended negatively compared to the previous year,” an observation it had already made in previous reports.¹³ In an editorial, the Jakarta Post reported that “Indonesia is in a deep crisis of intolerance. Many insist that it is fringe groups that protest the construction of a temple or church. But if they’re just on the fringe, why are they allowed to stop people from worshipping, time and again, in a country founded on acceptance of diversity? ... Crystal clear signs from the national leadership are needed to unequivocally show what is needed to improve the national project of Indonesia.”¹⁴

On 17th April 2019, 190 million Indonesians voted in presidential, parliamentary, regional and local elections.¹⁵ However, while the elections were largely “calm, peaceful and orderly”, according to Christian Solidarity Worldwide (CSW) “the campaign itself featured religion, religious intolerance and identity politics as much more prominent themes than in any previous campaign, and threatened to further tear at Indonesia’s proud tradition of religious pluralism.”¹⁶

A number of cases in recent years illustrate these concerns. In 2019, three women were put on trial for blasphemy, two of whom with diagnosed mental health problems; another woman was tried for comments on social media. A Catholic woman, Suzethe Margaret, who was diagnosed with paranoid schizophrenia, was detained on 30th June 2019 for entering a mosque with her dog, and subsequently put on trial. On 5th February 2020 she was acquitted by the Cibinong District Court in West Java due to her mental incapacity. However, in April 2019, the Supreme Court rejected the appeal of Meliana, a Buddhist woman convicted of blasphemy in 2018 for requesting a local mosque to lower the volume of its loudspeakers. She was released on parole a month later.¹⁷

Places of worship continue to be the object of threats and pressure. The Setara Institute documented 202 cases of abuse of religious freedom in 2018, up from 151 in 2017;¹⁸ of these, 72 were committed by the government. The Wahid Foundation found a similar increase, from 265 cases of violations of religious freedom in 2017 to 276 in 2018, with 130 of these perpetrated by the government.¹⁹

In March 2019, the Gereja Bethel Indonesia Church in South Birebuli, Central Sulawesi, had to close due to objections from the local community.²⁰ A month later, a Cath-

olic family was forced to leave Karet, a village in Bantul district (Yogyakarta), because Muslim residents claimed local regulations do not allow non-Muslim residents.²¹

In May 2019, extremist Islamist groups protested and “reportedly threatened jihad” against plans to build a Hindu temple in Bekasi, West Java.²² In July 2019, authorities in Bantul district, Yogyakarta, withdrew a permit granted to a Pentecostal church after hardliners demonstrated and threatened violence. In a dispute that has continued since 2008, the GKI Yasmin church in Bogor, West Java, has still not received permission to reopen, despite assurances by local authorities and a ruling from the Supreme Court in its favour.²³

In August 2019, local police forced the Pentecostal Efata Church in Sari Agung Hamlet, Indragiri Hilir Regency, in Riau, to stop worship activities.²⁴

Other religious communities, particularly Shi’as and ‘Ahmadis, also face persistent discrimination and pressure. For instance, a government circular in Makassar Municipality, South Sulawesi, issued in September 2019, warned people “not be influenced by Shia ideology and teachings.” The letter also reportedly asked people to prevent the dissemination of Shi’ism, calling it a “deviant teaching”.²⁵

In that same month, the Regent of Gowa, South Sulawesi, issued a decree disbanding Tarekat Taj Al-Khalwaty Syech Yusuf, a Sufi religious community with about 10,000 followers. The Indonesian Ulama Council (Majelis Ulama Indonesia - MUI) had issued a fatwa against the group in 2016, accusing them of heresy. In November 2019, the group’s leader Puang Lalang was arrested on charges of financial fraud, embezzlement and blasphemy for charging members a fee of 50,000 Indonesian rupiah (US \$4).²⁶

Meanwhile, Indonesia’s Ministry of Religious Affairs (MORA) continues to denounce “deviant” teachings and groups, above all ‘Ahmadis, trying to get them to convert to mainstream Sunni Islam.²⁷

In late 2018, the Attorney General in Jakarta released a mobile phone application that provided citizens with the ability to report “deviant” religious practices,²⁸ “creating panic among Indonesia’s religious minorities and underscoring the risks of acceding to pressure from hardliners and other intolerant groups.”²⁹

While Shari’a-inspired regulations exist in many parts of the country, Aceh is the only province to have fully implemented it, backed by a religious police enforcing the rules, which include corporal punishment. In January 2019, a

couple, both 18, were flogged 17 times, for hugging in public.³⁰ In another case, a man was whipped for “being intimate with a woman in a grocery store”.³¹ In December 2019, a man and a woman convicted of adultery in separate cases were beaten unconscious with a cane.³²

On the positive side, there are some countervailing trends. Despite the divisive religious rhetoric of the April 2019 national elections, most voters heeded the message of religious tolerance by the incumbent President Joko “Jokowi” Widodo rather than that of his Islamist challenger. With the re-election of President Widodo, the pro-Islamist coalition was considerably weakened and had lost momentum by the end of 2019.³³ Furthermore, following the 2019 elections, the Ministry of Religious Affairs began to implement an ambitious nationwide program to promote religious moderation and tolerance.³⁴

Encouragingly, Indonesia has also witnessed some significant progress on other fronts during the period under review. Numerous grassroots interfaith groups have pursued initiatives in favour of religious harmony.³⁵ The government continued to implement and enforce a widely hailed 2017 ruling by the Constitutional Court extending protection and providing public funding to non-recognised spiritual traditions in indigenous regions.³⁶ Perhaps most importantly, the spiritual wing of the Nahdlatul Ulama (NU), Indonesia’s largest civil society movement and the world’s largest Muslim organisation with some 90 million followers, is pursuing an aggressive national and global campaign to recontextualise elements of Islamic orthodoxy that have fuelled jihadist extremism and religious intoler-

ance towards non-Muslims. A significant step in this direction was the NU’s formal decision - at a gathering of some 20,000 Muslim religious scholars in February-March 2019, to abolish the legal category of “infidels” (those who do not adhere to Islam) and to recognise all citizens irrespective of religion, ethnicity or creed as having equal rights.³⁷ In late October 2020, GP Ansor, the NU’s five-million-strong youth wing, hosted an event in Jakarta, openly sharing US Secretary of State Mike Pompeo’s public commitment to religious freedom and unalienable human rights.³⁸

PROSPECTS FOR FREEDOM OF RELIGION

At present, Indonesia is at a crossroads. Despite encouraging efforts by some civil society groups, religious leaders, and public officials to counter the rise of intolerance and defend freedom of religion, Indonesia’s long tradition of pluralism and religious harmony is under increasing threat. Failure to strengthen initiatives in favour of interreligious dialogue and understanding, and to protect the right to freedom of religion or belief for all, could lead to further erosion of Indonesia’s pluralism and undermine the rights of ordinary citizens. In view of the situation, prospects for freedom of religion in the Asian nation appear uncertain.

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