Southeast Asia: Advancing Inter-Religious Dialogue and Freedom of Religion or Belief Project

Indonesia Country Profile on Freedom of Religion or Belief (FoRB)

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WORLD FAITHS DEVELOPMENT DIALOGUE

The Network for Religious and Traditional Peacemakers

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[1] https://www.state.gov/international-religious-freedom-reports/

SUMMARY

Religious identities and institutions present significant challenges in contemporary Indonesia as they are linked to understandings of social cohesion, security, and national identity. Tolerance of religious difference is fundamentally part of Indonesia's political and social backdrop (and its defining ethos of *Pancasila*[2]). Religious identity was a central issue during the struggle leading up to independence (1949), with debates (some of which continue to this day) about the role of Islam in law and national identity. Indonesia has also faced ethnic and religious violence, which is one explanation for the deliberate adoption of commitments to religious diversity and tolerance. Another major turning point came in 1998, when prior dictatorships were replaced by democratically elected governments.

Today, debates around religion center on understandings of security threats (including both extremist tendencies and public order and morality), and on respective responsibilities of the central government versus local authorities for oversight and regulation of religious matters. Human rights are tightly associated with religious dimensions, and their significance is actively debated, notably by an vibrant civil society that includes some of the world's largest religious organizations.

Indonesia's constitution guarantees freedom of religion and the right to worship according to one's own beliefs, but citizens must accept restrictions established by law to protect the rights of others and to satisfy "just demands based upon considerations of morality, religious values, security, and public order in a democratic society." Six religions (Catholicism, Protestantism, Hinduism, Buddhism, Confucianism, and Islam, the latter widely interpreted by the government and society to mean Sunni Islam) are recognized by the government, with tendencies to favor Islam as the religion of the large majority of the population.

Issues of concern for FoRB include actions against religious minorities; closures of places of worship and access for foreign religious organizations; convictions for blasphemy and defamation of religion; the importance of tolerance and rule of law; the application of sharia to non-Muslims; and religious identification requirements on national identification cards. Religious involvement in political matters is a live topic as are approaches to what is seen as extremism especially where violence is involved. The continuing reality of violent incidents linked to religious identities is an ongoing concern.

Blasphemy is a hot issue. In July 2018, the Constitutional Court dismissed a petition brought by members of the Ahmadi Muslim religious community to revoke the blasphemy law. Jakarta's Prosecution Office launched a smartphone app called Smart Pakem allowing citizens to file heresy or blasphemy reports against groups considered to follow unofficial or unorthodox religious practices.

Some local governments have imposed local laws and regulations restricting religious freedom, such as local regulations banning Shia or Ahmadi Islamic practice. Ahmadi Muslims have reported incidents of forced conversion and discrimination. Local governments and police acceded to the demands of groups, such as the Islam Defender's Front (FPI), Islamic Community Forum (FUI), Islamic Jihad Front (FJI), and

[2] Pancacila's Five Principles are the blueprint of the Indonesian nation and are listed in the constitution of the Republic of Indonesia promulgated in 1945, as: the belief in one God, just and civilized humanity, Indonesian unity, democracy under the wise guidance of representative consultations, and social justice for all the peoples of Indonesia.

the Indonesian Mujahideen Council (MMI), called "intolerant groups" in the media, to close houses of worship for permit violations or otherwise restrict the rights of minority religious groups. Large protests erupted in Jambi, Sumatra in September 2018, after officials there closed three Christian churches for not obtaining the appropriate permits. A distinctive regime in Aceh highlights some specific issues linked to the practice of Islam and its links to human rights. An example is public canings carried out for sharia violations, such as selling alcohol, gambling, and extramarital affairs.

Another prominent feature in Indonesia is the work by prominent civil society representatives, including religious organizations from all faiths, to counter religious intolerance and promote pluralism and tolerance of minority religious groups.

Keeping the Faith[3] provides thoughtful comments on Indonesia's complex situation with regard to freedom of thought, conscience, and religion, observing that in democratizing Indonesia straightforward assessment is difficult. The overall picture is one of pervasive tensions that began in 1945, and have remained through different historical periods. Since 1998, Indonesia's normative commitment to international human rights has been strong, but, in practice, the situation is more complex by infringing on or denying religious freedom persisting in a variety of forms. The lack of a separation between religion and state, the administration of religion through state and semiofficial institutions, the persecution of minority beliefs under the rubric of religious defamation law, and political decentralization are institutional factors which enable religious freedoms to be curtailed in a manner that appears inconsistent with Indonesia's human rights obligations. Influential groups propagate intolerance and persecution, though this varies locally, as does the degree of permissiveness, encouragement, or participation in persecution by local officials, police, or various kinds of vigilante groups.

In terms of legal developments, religious freedom was present as early as in Indonesia's 1945 Constitution, written even before the UDHR. Post-1998 Indonesia shows a progressive stance to uphold human rights in general, and FoRB particularly, which goes far beyond that initial commitment. This is apparent in the insertion of an extensive bill of rights, the ensuing attempt at mainstreaming human rights, and by establishing a number of new institutions, such as the Constitutional Court and independent bodies like the National Human Rights Commission and the National Commission for Violence Against Women.

All of these developments must be considered in light of existing laws that represent an older policy paradigm that emphasizes control, public order, and harmony, sometimes at the expense of religious freedom. Human rights have been mainstreamed into newly enacted laws and regulations. At the same time these laws have to be qualified to ensure that the protection of religious values, especially as asserted by some Muslim groups, occupies a central place in the state management of citizens' lives. Independent bodies such as the NHRC and the NCAVW have shown that they can work as mechanisms to check the implementation of human rights, but they do not have sufficient power to alter the situation as significantly as expected. This is especially true in light of the institutional factors that enable, permit, or protect denial of religious minority rights. Redress mechanisms are well in place, but they have not covered all possible loopholes and, more important, also reflect the tensions between the old and the new.

[3] The following paragraphs draw heavily on conclusions from Human Rights Resource Centre, 2015, *Keeping the Faith: A Study of Freedom of Thought, Conscience, and Religion in ASEAN,* Indonesia chapter, pages 138-194.

RELIGIOUS FREEDOM ISSUES IN PRACTICE

Religious Demography

Indonesia's total population was estimated at 262.8 million in 2018. Approximately 87 percent is Muslim, 7 percent Protestant, 3 percent Roman Catholic, and 1.5 percent Hindu (2010 census). Those identifying with other religious groups, including Buddhism, traditional indigenous religions, Confucianism, and other Christian denominations, and those who did not respond to the census question are approximately 1.3 percent of the population. Smaller communities include Sikhs (10,000-15,000), very small Jewish communities in Jakarta, Manado, Jayapura, and elsewhere, and Baha'i and Falun Dafa (or Falun Gong) communities. The number of atheists is unknown. An estimated 20 million people, primarily in Java, Kalimantan, and Papua, practice various traditional belief systems, often referred to collectively as *aliran kepercayaan* in approximately 400 such communities.

The Muslim population (the world's largest) is overwhelmingly Sunni. An estimated one to three million Muslims are Shia. Many smaller Muslim groups exist; estimates put the total number of Ahmadi Muslims at 200,000 to 400,000.

Parts of Indonesia have quite different majority-minority compositions. Aceh is overwhelmingly Muslim (98 percent); Bali is a majority Hindu region at 80 percent, compared with only 1.69 percent in the national average; Catholics in the small province of Nusa Tenggara Timur constitute 36 percent of the population, compared with 2.91 percent in the national average; and, in North Sumatra, Protestants make up 27 percent of the population.

Legal Framework, Government Institutions

The 1945 constitution guarantees the right to practice the religion of one's choice and specifies that freedom of religion is a human right that may not be limited. It states, "The nation is based upon belief in one supreme God," but it guarantees all persons the right to worship according to their own religion or belief. The law restricts citizens from exercising these rights in a way that impinges on the rights of others, oversteps common moral standards and religious values, or jeopardizes security or public order. The status of non-believers is ambiguous.

Laws require all civil society organizations to uphold the national ideology of *Pancasila*. They are prohibited from committing blasphemous acts or spreading religious hatred. Organizations found to be violating the law may result in a loss of legal status, dissolution of the organization, and its members may be arrested under the blasphemy articles of the criminal code or other applicable laws.

The government defines a religion as having a prophet, holy book, and deity, as well as international recognition. The Ministry of Religious Affairs (MRA) extends official recognition to six religious groups: Islam, Catholicism, Protestantism, Buddhism, Hinduism, and Confucianism. Religious organizations other than the six recognized religions must obtain a legal charter as a civil society organization from the Ministry of Home Affairs (MOHA). Indigenous religious groups must register with the Ministry of Education and Culture as *aliran kepercayaan* to obtain official, legal status. Both ministries consult with the MRA before granting legal status to religious organizations. By law, all religious groups

must officially register with the government. An area of concern and contention is how members of non-recognized groups can fulfill the mandatory statement of religious identity on their official identity cards.

The government has long recognized Sunni Islam as the official version of Islam practiced by local Muslims, although the constitution has no such stipulation.

Five religions each have a General Directorate in the Ministry, with the exception of Islam, which has two Directorates, one specifically to manage the pilgrimage to Mecca (*hajj* and *umrah*), and the other for Islamic education. The Directorates are supposed to represent particular religious communities.

Confucianism (or Khonghucu as it is known in Indonesia) has a complicated history. Until the 1960s, the government acknowledged Confucianism, but following the purge of the Indonesian Communist Party it was practically banned for more than thirty years, along with any expressions of Chinese tradition and beliefs. President Abdurrahman Wahid revoked the 1967 presidential instruction that was the basis for the ban in 2000. In 2014, the President promised that Confucianism would have its own General Directorate. It is now represented within the Center for Inter-religious Harmony, under MORA's General Secretary

MRA is one of five state Ministries that receive the largest share of the national budget. The allocation for 2019 was Rp63 trillion (compared to the largest allocation to the Ministry of Defense of Rp106.1 trillion and Ministry of Health Rp60 trillion.[4]) State funding for religious communities is distributed through the General Directorates. "Religious affairs" include, for example, salaries for preachers, religious outreach, and maintenance for places of worship. Funds also cover formal religious education, schools, colleges and universities, including funding for religious teachers' salaries. Conventions with MRA set out the funding allocations for each General Directorate, which is directly proportional to the percentage of the population that identifies as belonging to that religious community.

Indonesia is a party to the International Covenant on Civil and Political Rights.

Local Government Roles

Many local governments have enacted regulations based on religious considerations; most of which are in majority Muslim areas. Many such regulations relate to matters such as religious education and apply to a specific religious group. Some religiously inspired local regulations, however, in effect apply to all citizens. For instance, some local regulations require restaurants to close during Ramadan fasting hours, ban alcohol, or mandate the collection of *zakat* (Islamic alms). Other local regulations forbid or limit the religious activities of religious minorities, especially Shia and Ahmadi Muslims.

All provinces and districts or cities have Forums for Interreligious Harmony (Forum Kerukunan Umat Beragama or "FKUB"). They now number more than 500 across Indonesia. FKUB are facilitated and partially funded by the government, to help the government maintain religious harmony. They act as a consultative body, bridging society and government. They are responsible for mediating interreligious conflicts. The composition of FKUBs is to "mirror the composition of religions" in each area.

[4] Fauzul Muna, "Indonesian Gov't Institutions to Spending $58B in 2019," *Insider News*, July 4, 2018, https://theinsiderstories.com/indonesian-govt-sets-58b-in-2019-ministries-and-institutions-budget/

Consequently, the dominant religion in any given area –whether it is Muslim in western Indonesia and Christian in areas of eastern Indonesia—has the majority of members in a 17-strong FKUB (in a regency or mayoralty) or a 21-member provincial FKUB.

The government requires all officially registered religious groups to comply with directives from the MRA and other ministries on issues such as construction of houses of worship, foreign aid to domestic religious institutions, and propagating religion.

Blasphemy Laws

The blasphemy articles in the criminal code prohibit deliberate public statements or activities that insult or defame any of the six official religious groups, or have the intent of preventing an individual from adhering to an official religion. The Ministry of Home Affairs (MOHA), the MRA, and the Attorney General's Office are to warn the individual in question before bringing a defamation charge. The law forbids dissemination of information designed to spread hatred or dissension among individuals and certain community groups based on ethnicity, religion, or race. A separate law forbids the electronic dissemination of the same types of information, with violations carrying a maximum four-year sentence.

The blasphemy laws have taken on central importance as they were central to the politics of the 2016 presidential campaign. Jakarta governor and presidential candidate Basuki Tjahaja Purnama, better known by his nickname Ahok, was accused and convicted of blasphemy, and, thus, was eliminated from contention in the election. Extremist Muslim pressures accounted both for the accusation, for fueling activism against Ahok, and for shifts in the stance of Jokowi, Indonesia's president, away from positions seen as more tolerant.

Restrictions on Religious Activities (Construction, Foreign Funding, Proselytizing)

A joint ministerial decree specifies that religious groups may not hold services in private residences. Those seeking to build a house of worship are required to obtain the signatures of at least 90 group members and 60 persons of other religious groups in the community stating they support the construction. Local governments are in charge of implementing the decree, and local regulations, implementation, and enforcement vary widely. The decree requires approval from the local interfaith council (FKUB).

A variety of reports in the media and from civil society activists point to an array of local restrictions that reflect religious bias. Across Indonesia, minority religious groups, including Muslim groups in non-Muslim majority areas, view official requirements for a specific number of supporters to build or renovate a house of worship served as a barrier to construction. Permits have not been issued even when worshippers obtained the requisite numbers or when opponents of construction pressured neighbors not to approve. Often only a few vocal opponents from the local majority religious affiliation sufficed to stop construction approvals. State-recognized religious leaders in government-supported interfaith forums reportedly found ways to block *aliran kepercayaan* believers from constructing places of worship, largely through stringent requirements for house of worship permits. Some adherents have reported that they were fearful of atheism accusations if they contested their treatment in court.

Christian leaders have reported that local officials indefinitely delayed permit approval for requests to build new churches because these officials feared that construction would incite protests. Ahmadi and Shia Muslims and Christians report facing problems when seeking approval to move to temporary facilities while

a primary place of worship underwent renovation. Local governments, police, and religious organizations reportedly attempted to close religious minority groups' houses of worship for permit violations, often after protests from "intolerant groups," even if the minority groups had received a proper permit. Protestant and Catholic churches also reported that "intolerant groups" forced them to pay protection money to continue operating without a permit. Many houses of worship operated without permits in office buildings, malls, private homes, and shops.

A joint ministerial decree requires domestic religious organizations to obtain approval from the MRA to receive funding from overseas donors and forbids disseminating religious literature and pamphlets to members of other religious groups as well as going door to door for the purposes of converting others. Foreign religious workers must obtain religious worker visas, and foreign religious organizations must obtain permission from the MRA to provide any type of assistance (in-kind, personnel, or financial) to local religious groups.

Apparently in order to discourage conversion, proselytizing and foreign aid for religious organizations or individuals is restricted in Indonesia as it has long been a source of suspicion among religious communities. This restriction takes the form of various regulations. The primary regulation prohibiting proselytizing and foreign aid for religious groups is the 1979 Joint Decree of the Ministers of Religious Affairs and Domestic Affairs (No. 1/1/1979) (the "1979 Decree"). The 1979 Decree prohibits proselytizing to people who have embraced a religion, more specifically by means of enticing them by giving them money, clothes, food, and medicine with the intention that the recipients would become adherents of that religion.

A joint ministerial decree bans both proselytizing by the Ahmadi Muslim community and vigilantism against the group. Violations of the Ahmadi proselytizing ban carry a maximum five-year prison sentence on charges of blasphemy.

Education

The law requires religious instruction in public schools. Students have the right to request religious instruction in any one of the six official religions, but teachers are not always available to teach the requested religion classes. Individuals may not opt out of religious education requirements.

Provisions for Aceh

Under the terms of a 2005 peace agreement that ended long years of separatist conflict, Aceh Province has unique authority to implement sharia regulations. The law allows for provincial implementation and regulation of sharia and extends the jurisdiction of religious courts to economic transactions and criminal cases. The Aceh government states sharia in Aceh only applies to Muslim residents of the province. Some Aceh Sharia Agency officials, however, state that sharia applies to all Muslims in Aceh, regardless of their official residency. Sharia does not apply to non-Muslims.

Aceh's provincial sharia regulations criminalize consensual same-sex activity, adultery, gambling, consumption of alcohol, and proximity to members of the opposite sex outside of marriage for Muslim residents of the province. An Aceh governor's decree forbids women from working in or visiting restaurants unaccompanied by their spouse or a male relative after 9 p.m. A Banda Aceh mayoral decree forbids women from working in coffee shops, internet cafes, or sports venues after 1 p.m. Sharia regulations prohibit female

Muslim residents of Aceh from wearing tight pants in public, and they must wear headscarves. One district in Aceh prohibits women from sitting astride motorcycles when riding as passengers, but this, reportedly, is rarely enforced. The maximum penalties for violations of sharia regulations include imprisonment and caning. There are regulations limiting the amount of force that authorities may exert during a caning.

Marriage

The marriage law does not explicitly forbid interfaith marriage, but an article stipulates that parties must perform the marriage ceremony according to the rituals of a religion shared by both the bride and groom. A man and woman of different religions who seek to marry may have difficulties finding a religious official willing to perform a wedding ceremony. Some couples of different religions select the same religion on their KTPs in order to marry legally.
The law allows a Muslim man to have up to four wives, provided he is able to support each equally. For a man to take a second, third, or fourth wife, he must obtain court permission and the consent of the first wife. These conditions are not always enforced. Government regulations require Muslim male civil servants to receive permission from a government official and their first wives prior to marrying a second, third, or fourth wife, and prohibit female civil servants from becoming second, third, or fourth wives.

Incidents of Violence

Violent incidents linked to religion have included a wide range of incidents directed against different communities. Reported incidents of tensions involving religion have increased, especially since 1998. A notorious incident occurred in 2018, when a family of suicide bombers attacked three Christian churches in Surabaya. The parents strapped explosives onto their daughters, ages six and eight, and their teenage sons. The blasts killed 13 persons and injured 40 others.[5] Police and prosecutors argue that they have, under the provisions of a newly revised antiterrorism law, arrested more than 350 members of organizations supporting violence against individuals of different religious beliefs in 2018. Authorities prosecuted approximately 150 of these cases and a court banned the militant group Jemaah Ansharut Daulah under the amended law.

Government and sharia officials have stated that non-Muslim residents of Aceh could choose punishment under sharia or civil court procedures, but Muslim residents of Aceh must receive punishment under sharia. Several non-Muslim residents of Aceh chose punishment under sharia, reportedly due to the expediency of punishment and to avert the risk of prolonged trials and possible lengthy prison sentences. A Christian man reportedly opted for punishment under sharia, receiving 36 lashes for selling alcohol. Two Christians, residents of Aceh Province, received six lashes for gambling. All three canings took place outside a mosque after Friday prayers with numerous onlookers. Aceh authorities publicly caned a man and a woman in Banda Aceh for having an extramarital affair. The governor adopted a new regulation forbidding individuals from recording canings and allowing only private witnessing of canings by

[5]Kirsten Schulze, "The Surabaya Bombings and the Evolution of the Jihadi Threat in Indonesia," June/July 2018, Volume 11, Issue 6, Combatting Terrorism Center at West Point, https://ctc.usma.edu/surabaya-bombings-evolution-jihadi-threat-indonesia/

journalists and adults inside prisons. Moving canings away from public view triggered controversy among regional administration and provincial lawmakers and the influential Dayah community raised objections.

The government released a smartphone app called Smart Pakem allowing citizens to file heresy or blasphemy reports against groups with what the government considers unofficial or unorthodox religious practices. Nirwan Nawawi, a spokesman for the prosecutor's office said, "The objective…is to provide easier access to information about the spread of beliefs in Indonesia, to educate the public, and to prevent them from following doctrines from an individual or a group that are not in line with the regulations." Various human rights organizations criticized the app, saying it could undermine religious tolerance and freedom in the country.

Various blasphemy incidents are reported. A Medan court sentenced an ethnic-Chinese Buddhist woman (Meiliana) to 18 months in prison for blasphemy against Islam around a request to lower a mosque's loudspeaker volume. In ensuing riots, Muslim local residents ransacked and destroyed at least 14 area Buddhist temples. The central government issued a regulation limiting the volume of mosques' speakers shortly after the verdict. The Medan District Court in North Sumatra sentenced a police officer to 16 months in prison for shredding and dumping copies of the Quran into the gutter. The Pandeglang District Court in Banten sentenced Alnoldy Bahari to five years in prison and ordered him to pay a 100 million rupiah ($6,900 USD) fine after finding him guilty of spreading hate speech.

Issues surround treatment of Ahmadiyya Muslims, notably since 2014. The Constitutional Court dismissed a petition brought by members of the Ahmadi religious community to revoke the blasphemy articles within the criminal code. This case marked the third failed attempt to repeal the blasphemy articles since 2010. The MORA maintained its authority at both the national and local level to conduct the "development" of religious groups and believers, including efforts to convert minority religious groups to Sunni Islam. In several West Java government jurisdications, continued efforts centered on forcing or encouraging conversion of Ahmadi Muslims, with a requirement that Ahmadis sign forms renouncing their beliefs in order to register their marriages or participate in the Hajj. The local Ahmadiyya community in Cianjur and Cirebon have reported that local MRA offices obliged Ahmadis to sign forms stating they denounced Ahmadiyya teachings.

Reported abuses of religious freedom include discrimination, intolerance, and prohibitions on wearing hijabs in public school. Increases are attributed to three factors: the manipulation of the population's religious sentiments by politicians and other societal actors in the period preceding the 2019 national elections; a rise in the role of community groups instigating intolerant actions; and, increased use of social media to disseminate discriminatory and erroneous messages.

Countering and Preventing Violent Extremism

Tactics in addressing radical and fundamentalist groups are significant topics of debate and action in Indonesia. In general, Indonesia's government is viewed as taking very effective action to identify and act against terrorist groups, but violations of human rights occur in the process. Police argue that they optimize prevention measures to eradicate radicalism by persuasive engagement and by tracking and profiling religious leaders. This engagement aims to help religious leaders lessen exposure to radicalism among their followers. Support for groups like Fahmina Institute that support plural and open understandings of Islam have particular importance.

Media reports indicate that a Indonesian State Intelligence Agency survey of 1,000 mosques in the country found that imams at 41 places of worship in Jakarta were preaching "extremism" to worshippers, often to government workers. Intelligence officers identified some 17 clerics who expressed support or sympathy for ISIS and encouraged their congregations to fight for the jihadist group in Syria and Marawi (the southern Philippine city attacked by ISIS-linked fighters in 2017).

Wahid Foundation (focused on human rights), reported in August 2018, that it had recorded 213 cases of religious freedom violations in 2017, a 4 percent increase from 2016. Nonstate actors such as the FPI committed most violations. The highest number of violations was recorded in Jakarta (50 incidents), followed by West Java (44), East Java (27), and Central Java (15). Religious freedom violations were recorded in 27 of the country's 34 provinces. The foundation reported that efforts by the state and civil society to promote diversity, religious freedom, and tolerance had increased and identified 398 such initiatives in 2017, which is a 64 percent increase from 2016.

Support for Pluralism and Tolerance

There are active efforts by a wide range of groups within Indonesia's lively civil society that support and protect tolerance and pluralism. Prominent among them are Nahdlatul Ulama (NU) and Muhammadiyah, two longstanding and large movements that advocate for pluralism within Indonesia an internationally. Social attitudes on tolerance, despite substantial survey work, are difficult to measure, and do indicate substantial differences by region. Few studies have focused on subnational variation. Some survey research, (for example the Wahid Foundation's 2016 study or Lembaga Survei Indonesia's 2006 survey) explore tolerance at both the national and subnational levels and a Ministry of Religious Affairs (MoRA) 2013 study surveyed 3,300 individuals in 33 provinces to compare the provinces' levels of tolerance or religious harmony. One survey, reported by Nathanael Sumaktoyo, found least tolerance in Aceh and most in Kalimantan Utara. Among the provinces in Java, Banten is the least tolerant, followed by Jakarta, Jawa Barat, Jawa Timur, and Yogyakarta.[6] But an overall conclusion is that more information is needed.

[6] Nathanael Sumaktoyo, "Measuring religious intolerance across Indonesian provinces", June 1, 2018. *New Mandela.* *https://www.newmandala.org/measuring-religious-intolerance-across-indonesian-provinces/*

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