

CARNEGIE COUNCIL *for Ethics in International Affairs*

"Religious Harmony" Regulations Creating Dissonance in Indonesia

Asia Dialogues

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Transcript

To read this in Bahasa, please click here: [Undang-Undang "Kerukunan Umat Beragama" Menciptakan Disonansi di Indonesia.](#)

AMBER KIWAN: My name is Amber Kiwan. I am here at the Carnegie Council. We are about to speak with Andreas Harsono. He is the Indonesia researcher at Human Rights Watch and a journalist who has earned international recognition for his work in human rights, social justice, and press freedom in Southeast Asia. We are talking about faith and difference in Indonesia.

Thank you so much for joining us today.

ANDREAS HARSONO: Thank you.

AMBER KIWAN: I wanted to go back just a decade and have you talk a little bit about the religious harmony regulation that was adopted in 2006. I know that you have done a lot of writing and talking about this topic, and I would love to hear you explain just what it is, how it's different from religious freedom, and how this regulation has impacted religious minorities over the past decade.

ANDREAS HARSONO: The concept that is being implemented in Indonesia in terms of religions, practicing faith, is what the government calls "religious harmony." What is it? It basically means that the majority should protect the minorities. Meanwhile, the minorities should respect the majority.

It is involved in various aspects of religious life, including [building houses of worship](#). If you want to build a minority house of worship, you need to get the approval from the so-called majority. In Indonesia, of course, the meaning of "majority" is a reference to Sunni Islam. In short, if you want to build a church or a temple, or, in the case of Muslim minorities themselves, like the Ahmadiyya or Muslim Shia or the Sufi, they also need to get the approval from the majority, the Sunni Muslims. It also means the Sunni Muslims have veto power over the minorities.

But there is a footnote in this case. Eastern Indonesia is predominantly Christian. Places like Papua, Timor Island, Flores Island, and some parts of Kalimantan, they are Christian majority. So in those parts of Indonesia the practice is in reverse. It is the Christians which give the final approval in building other houses of worship, especially Sunni Muslim.

This is a dangerous trend in Indonesia. People always use "in the name of religious harmony," but in practice it is a veto power by the majority over the minority. It should be reversed, because the [Indonesia Constitution of 1945](#) actually says we respect—we want to implement religious freedom, where every citizen has equal rights. In religious harmony, the majority has become first-class

citizens and the minorities have become second-class citizens. That is the practice which is going on in Indonesia right now.

One last question: Where does it come from? The concept of religious harmony comes from an ancient Islamic practice called *dhimmies*. What does *dhimmies* mean? In the past it meant the weak, referring to the Christians and the Jews during the Islamic rule in the Arab Peninsula several centuries ago. They have to pay taxes, but they cannot join the war, meaning joining politics. If they have not paid their taxes, they have to leave the area or to convert to Islam. That is the very ancient concept which is being implemented in Indonesia right now.

Over the last 10 years, especially under the rule of President [Susilo Bambang Yudhoyono](#) between 2004 and 2014, more than 1,000 churches were closed down. What is the logic? The logic is, again, religious harmony. They like to argue that this particular area, either a regency or a city, is Muslim majority. Christians cannot build new churches. If they get a permit, even if they file a lawsuit and win a Supreme Court decision, they still cannot build their churches. Again, the concept is: Do not disturb religious harmony. Do not disturb harmony.

So more than 1,000 churches were closed down, including those that were established long before this regulation was enacted, during the Dutch time, during the Japanese occupation period, during the President [Sukarno](#) period. Many of them were closed down.

Also those that were renovating, again the local government and the Muslim majority can say, "Look, you are renovating your church. You need to get a permit. You need to pass this religious harmony regulation." According to the Communion of Christian Churches, at least 1,056 churches were closed down in a decade.

There is another logic behind it. Some Islamists say, "Christians are only less than 10 percent in Indonesia; Muslims, 88 percent. Meanwhile, churches altogether are 17 percent of all houses of worship. Meanwhile, mosques are only 77 percent of all houses of worship. So there is a balance. The Christians have too many churches proportionately. The balance is about 5,000 churches." This is what the most extreme of them all say—"You have too many churches here in Asia. You need to stop building churches."

AMBER KIWAN: I have also been reading some of your work about this rise of violent Islamic extremism in Indonesia. Can you talk a little bit about what has been happening over the past few years, and maybe tell us what groups are leading these activities?

ANDREAS HARSONO: First, there are growing regulations which discriminate against religious minorities, including the religious harmony regulation, including the house of worship regulation, including the [blasphemy law](#).

The blasphemy law says that for anyone who commits blasphemy the maximum penalty is five years. Because they are discriminatory and, of course, they can be easily misinterpreted, abused, more and more Muslim militant groups take the law into their own hands. More people who questioned creation on Facebook got, under the blasphemy law, five years in jail. Someone who moderated a Facebook group on atheism got two and a half years. Three Sunday school teachers got three years for bringing Muslim students to a picnic with their Sunday school group. Those kinds of things happen, especially in Muslim conservative areas all over Indonesia.

If the Christians or the minorities challenge them, then violence might happen. For instance, it happened with Ahmadiyya Muslims. They challenged a 2008 discrimination against Ahmadiyya, but

they were attacked. More than 30 of their mosques were closed down over the last decade.

Shia Muslim is another victim. Last year, 2015, was the year when hate speech and attacks against Shia Muslims was the highest in Indonesia.

Another victim is traditional believers, ethnic religions, like—we call it "the Jawa" for the Javanese ethnic group, or "Parmalim" for the Batak ethnic group.

Who are the perpetrators? Mostly Islamist organizations, like the [Islamic Defenders Front](#)/Front Pembela Islam (FPI) or [Forum Umat Islam](#) (FUI). They take the law into their own hands. There are elements within the national police and the military who side with them, who let their religious bias dictate how they deal with this religious problem.

AMBER KIWAN: Is there a connection to Islamic extremism in the Middle East and the rise there? I read some different research and accounts linking, for example, Saudi Arabia's fundamentalist form of Sunni Islam to the rise of extremist Islam in Indonesia. Do you think that this is true, and to what extent?

ANDREAS HARSONO: Many people believe that. Many people believe that the rise of religious intolerance and violence and abuses against minorities in Indonesia is linked to intolerant Islam rising from Saudi Arabia, especially with groups like [Hizb ut-Tahrir](#) or groups like the Salafist/Wahhabi movement in the Middle East, and also the [Muslim Brotherhood from Egypt](#). That is one huge school of thought in believing that it comes from the Middle East.

In fact, two of the largest Muslim organizations in Indonesia, the [Nahdlatul Ulama](#), NU in short, and the [Muhammadiyah](#), the second-largest, they subscribe to that idea, especially the NU. This is the biggest Muslim organization in Indonesia. They launched their own campaign, their own brand, and they call it Islam Nusantara—Nusantara is another name of Indonesia—which basically says: "Look, our Islam is different from Islam that comes from the Middle East. We are trying to adapt to local culture. We have no problem." Meanwhile, they feel threatened by the incoming Islam from the Middle East. But that is one school of thought.

There is another school of thought which says, "Locally, grassroots Islam also has a problem in Indonesia because they discriminate against minorities." This is not the first time. There are four institutions which facilitate discrimination in Indonesia. The four are the Ministry of Religious Affairs, set up in 1946—again, a long time before all of this brouhaha from Indonesia; and the Blasphemy Law Office, set up in 1932; the Indonesian Ulema Council, set up in 1982; and, last but not least, the Religious Harmony Forum, 2006. There are institutions which were developed by local Muslims, Muslim clerics, including people who come from both the Nahdlatul Ulama and the Muhammadiyah. That is the second school of thought.

The third school of thought says that all of this increase of violence and intolerance in Indonesia comes as a combination from 9/11, [Afghanistan](#), [Iraq](#), [Syria](#), and now [Yemen](#)—all of the wars, the violence, the things that are moving a lot of ideas in the Middle East and South Asia also coming to Indonesia.

So there are three schools of thought in seeing this problem.

AMBER KIWAN: I believe that a lot of people had high hopes when the current president, [Joko Widodo](#), was [elected](#) in 2014. Many people thought that he would try or be able to restore tolerance and peace. What has he done for minority groups? Have you seen anything positive since he has

been elected?

ANDREAS HARSONO: I actually had dinner with him, and he asked me about how I see all of these problems from the human rights law enforcement perspective. I told him what I told you: There are state institutions which facilitate discrimination and there are discriminatory regulations, including the blasphemy law, the house of worship regulation, etc., etc. He was listening. It was about 15 minutes, quite a long conversation.

After that, he set up a task force at the palace basically to prevent religious violence. He thought that if things are controlled since the very beginning, it is better to prevent than to overcome a crisis. That is one thing that he did. He tried to prevent religious tension before it becomes too hot to handle.

But at the same time, he hasn't solved the ongoing problems, the legacy of his predecessor, President Yudhoyono. There are, like I said, more than 1,000 churches that were closed down. He did not reopen them, including two most [high-profile cases](#) involving a church in Bogor, outside Jakarta, and another church, HKBP Filadelfia in Bekasi, east of Jakarta. Those two churches have won a Supreme Court order to be reopened. But again, President Jokowi has not touched those long problems inherited from his predecessor.

Meanwhile, his administration, because of all this infrastructure which discriminates against minorities, already created one more decree in February 2016 against an organization called Gafatar. Almost 8,000 Gafatar members—it is a small sect—were [expelled](#) from Kalimantan Island accused of committing blasphemy, practicing a deviant kind of Islam in Kalimantan. Then the government discriminates against them, saying that they are deviant, they are committing blasphemy, and the organization has to be abolished. The practicing of this belief will be criminalized and the maximum penalty is five years.

So this machinery, this legal infrastructure, is still in place. President Jokowi should invest more political capital in undoing what his predecessor had done. It is not easy, I know that, because the world, and Southeast Asia in particular, is not at the right direction right now. Doing it might rock the boat too much. So he is moving pretty, pretty slowly. But I still have hope that he will do the right thing.

AMBER KIWAN: And what about women's rights? I know that women's rights have also been a problem over the last decade or so, if not longer, and women have been impacted by some of these Sharia-influenced laws and policies. Can you talk about some of the trends that you have seen?

ANDREAS HARSONO: A good indicator is that one-fifth of Indonesia—in all of Indonesia, more than 500 regencies—one-fifth of them have mandatory regulations for women to wear the *hijab*. They have to cover the so-called *aurah*. *Aurah* is mostly hair, but sometimes it is interpreted as chest, as hips. One-fifth of Indonesia have different levels of regulation. In some areas, women cannot wear long pants; they have to wear long skirts. In other areas, the *hijab* is appropriate if it covers the neck. But other areas regulate the thickness and the color of the *hijab*, and they have to cover the chest, in some areas even longer, covering the hips. There is an ongoing campaign to say, "We need to wear *hijab*"—many Indonesian women are now wearing *hijab*, but they say, "This is not *Shari'i hijab*," a *hijab* which is in accordance with the Sharia. That is one good indicator.

But at the same time we also see the rise of violence against women and girls, gang rape. We also see ridiculous regulations, like banning women to straddle a motorcycle, because if a woman straddles a motorcycle, they believe it will stimulate sexual whatever from men who see them straddling a motorcycle. Of course, it is ridiculous. In some areas, like in Aceh in northern Sumatra,

they ban women from dancing, including traditional dancing.

Of course, at the same time, the Supreme Court refused a law petition to increase the minimum age of a girl to marry from 16 up to 18. Again, they recite the [Quran](#).

Another issue is FGM, female genital mutilation. The government is now "regulating" that. Again, this is the legacy of President Yudhoyono, who decided to follow what the [Ulema](#) said, that FGM is positive. Of course, it is problematic.

Another thing is interreligious marriage is banned in Indonesia. It is strengthened. It comes from a 1974 marriage law. There was another lawsuit against this interreligious marriage ban, but the Supreme Court decided to uphold it.

AMBER KIWAN: Aside from the government and leadership and laws and policies, what are the attitudes you are seeing from the Indonesian people and civil society groups? Are you seeing changes in attitudes or any positive signs, like internal activism or anything like that?

ANDREAS HARSONO: Civil society in Indonesia is pretty strong. Of course, it involves a lot of Muslim organizations. We have Muslim groups like [Gusdurian](#), after the name of Gus Dur, the nickname of the late president [Abdurrahman Wahid](#). It is an organization which champions women's rights. We also have the National Commission on Women's Rights, which is a government body, very aggressive, very pro-women's rights, and also LGBT (lesbian, gay, bisexual, transgender) rights.

Because of this, I am quite optimistic that Indonesia might not go down in a bottomless well, although I'm afraid that some provinces in Indonesia, especially Aceh in North Sumatra, but to a lesser degree also West Sumatra and West Java, are going into more and more formalization of the Sharia.

What does it mean? In principle, basically it means discriminating against women, LGBTs, and also discriminating against religious minorities, whether they are Muslim minorities—Shia, Ahmadiyya, Sufi—or discriminating against non-Muslim minorities, mainly Christians, because, unfortunately, it is the biggest minority in Indonesia, and also discriminating against traditional religion. This is what I am afraid might affect other regions within Indonesia.

Of course, at the same time, we have the influence of radical Islam coming from [ISIS](#) (Islamic State of Iraq and Syria), from [al-Qaeda](#). The number is not many—maybe only 2, 3, 5 percent of Indonesians believe in this kind of violent Islam, but 5 percent of 250 million people is still quite a lot.

AMBER KIWAN: Yes, it is.

We are just about at our time. Before we end, I wanted to see if you had anything that you thought is important that I missed, or anything to add, any last issues to discuss?

ANDREAS HARSONO: We are seeing a disheartening trend in Southeast Asia. In Thailand we see a [military dictatorship](#). In the Philippines we see a [Donald Trump](#)-like politician [elected](#) president, [Rodrigo Duterte](#). In Cambodia, a strongman, [Hun Sen](#), has ruled the country for almost 30 years. In Malaysia we have Prime Minister [Najib](#) involved in [corruption](#).

Southeast Asia is going into a new low nowadays. The fact that Indonesia is still having some positive steps forward is very important to be maintained and to be supported. That's why it is important for international leaders, especially from the United States or Europe, to help Indonesia

moving forward, by pushing Indonesian leaders into the right direction, at the same time protesting and maybe behind closed doors telling the bad ones that they have to behave. If Indonesia can survive this new low in Southeast Asia, I hope in the next 10, 20 years it might affect the other countries in Southeast Asia, because, obviously, Indonesia is the largest country in the region.

It is also the denominators of ASEAN (Association of Southeast Asian Nations). If ASEAN can move forward, I think it is not only good for ASEAN members, also Indonesia, but also for the whole region, including the Pacific, China, the United States, Korea, Japan. But if there is a crisis in Southeast Asia, like what we had with the [Vietnam War](#) in the 1970s, 1960s, it will create another global problem.

AMBER KIWAN: Thank you so much. This has been fascinating. We really learned a lot, and I'm really glad that you were able to join us.

ANDREAS HARSONO: Thank you so much.

Audio

Andreas Harsono of Human Rights Watch discusses the complex situation in Indonesia, including the 2006 religious harmony regulation supposed to protect religious minorities, but which in practice has enabled religious majorities to discriminate against minorities; the draconian blasphemy laws; Islamic extremism; and much more.

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