



UNITED STATES COMMISSION *on* INTERNATIONAL RELIGIOUS FREEDOM

COUNTRY UPDATE: INDONESIA

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USCIRF's Mission

To advance international freedom of religion or belief, by independently assessing and unflinchingly confronting threats to this fundamental right.

By Patrick Greenwalt, Policy Analyst

Legal Impediments to Religious Freedom in Indonesia

Introduction

Freedom of religion or belief continues to suffer throughout Indonesia, and blasphemy allegations and convictions remain persistent religious freedom violations. The new criminal code, [passed](#) at the end of 2022 and [signed](#) by President Joko Widodo (Jokowi) in January 2023, will further criminalize blasphemy and expand on other religious freedom violations when implemented in 2026. Additionally, local government initiatives to codify discrimination against minority communities, including religious minorities, continue to gain traction throughout the country. Finally, Indonesia's education system in some locales continues to mandate the wearing of religious clothing such as the hijab, even for non-Muslim girls.

Background

Indonesia has a long tradition of religious pluralism and promotes it through its official ideology known as [Pancasila](#), which comprises five principles: monotheism, civilized humanity, national unity, deliberative democracy, and social justice. Despite its commitments to international human rights as outlined in international treaties such as the Universal Declaration of Human Rights (UDHR), its promotion of Pancasila extends only to those religious groups the government recognizes and has historically excluded indigenous religions and beliefs and non-theists. The government promotes Pancasila internally and, under President Jokowi, has [sought](#) to export its self-described moderate interpretation of Islam abroad. This report highlights religious freedom violations perpetrated by the Indonesian government that stand in contrast to this official narrative of moderation and pluralism. This report also provides analysis on violations that could ensue when the new criminal code is implemented in 2026.

Blasphemy

Blasphemy remains an ongoing and systematic religious freedom violation in Indonesia. Blasphemy allegations at present [cite](#) three laws: Law No. 11/2008 on Electronic Information and Transaction (known as the ITE Law) Article 28(2), Criminal Code Article 156(a), and Presidential Decree No. 1/PNPS/1965. The new criminal code will further [codify](#) blasphemy and other religious freedom violations when implemented in 2026.



Most blasphemy allegations aim to protect the prevalent interpretation of Islam and its social orientation, but anyone from any recognized religious community can make accusations, and accusations can be politically motivated. In February 2022, former government minister [Roy Suryo](#) filed a police report against current Religious Affairs Minister Yaqut Cholil Quomas for blasphemy, allegations that were ultimately dismissed. However, in June 2022 Suryo was charged with blasphemy against Buddhism for an image he [posted](#) online of a Borobudur stupa photoshopped to resemble President Jokowi. On December 28, 2022, the West Jakarta District Court [sentenced](#) Suryo to 18 months in prison and a fine of approximately \$19,000, a sentence the Jakarta High Court upheld on February 10, 2023, while imposing an additional fine of approximately \$9,500 or two additional months in jail. However, in May, Suryo was [released](#).

In March 2023, social media influencer Lina Lutfiawati made a video in which she uttered an Islamic prayer before eating food that included pork. The Indonesia Ulema Council (MUI) lodged blasphemy charges against Lutfiawati. In September, Lutfiawati was [sentenced](#) to two years in prison and fined approximately \$16,000. In August in West Java, authorities [charged](#) the head of an Islamic school, Panji Gumilang, with blasphemy for his religious teachings. The charges were [brought](#) after it became known he taught students that men and women should be allowed to pray alongside each other and that women should be allowed to become preachers. On November 6, the Indramayu District Court [held](#) its first trial session to determine whether Gumilang has committed blasphemy.

New Criminal Code - RUU KUHP

Background

In December 2022, the Indonesian Parliament passed a new criminal code (known as the RUU KUHP) that will be implemented in 2026. This code was initially [proposed](#) in 2019 but [received](#) widespread protest from civil society for its numerous violations of international human rights standards, including freedom of religion or belief. During the intervening years, civil society and human rights activists consistently reported that the official consultation for reviewing this criminal code primarily included members of quasi-government religious organizations such as the Nahdlatul Ulama and Muhammadiyah and was largely led by the MUI.

Religious affairs in Indonesia are [managed](#) by quasi-government religious organizations such as the MUI. During 2023, the Ministry of Law and Human Rights led several initiatives at universities across Indonesia aimed at what it termed “socializing” the criminal code. These initiatives were to inform community members of the aspects of the law that will change when the RUU KUHP is implemented in 2026.

The RUU KUHP, as passed, is [amended](#) from the 2019 draft, yet it [codifies](#) several human rights violations and enforces specific [religious interpretations](#) on the population as a whole regardless of their religion or belief. Key aspects of the criminal code with implications for religious freedom are discussed below.

Chapter VII

Chapter VII of the *RUU KUHP*, titled *Criminal Actions against Religion, Beliefs, and Religious Life or Beliefs*, contains Articles 300–305, which expand the legal framework for religious freedom violations. The three-year period until implementation provides space for analysis on what the new criminal code entails as well as an opportunity for the government to clarify how it will enforce the code.

Articles 300 and 301

Article 300 could further criminalize blasphemy and hate speech. The previous version included terms such as “insulting” or “defaming” religion, which have been used by existing laws to prosecute blasphemy. The version that passed includes language on “hostility” and “hate.”

Article 300

“Any person who publicly:

- a) commits an act of hostility
- b) makes a statement of hate or hostility; or
- c) incites hostility, violence, or discrimination

against a religion, belief, classes of people, or groups on the basis of religion or belief in Indonesia, faces a maximum three-year prison term or Category IV fine.”

Article 301 strengthens and further codifies the government’s ability to police social media and technology for religious content. Current policy is based on the ITE Law 28(2). Blasphemy allegations in Indonesia often do not originate from digital surveillance or policing by the government. Instead, allegations largely arise from individuals and organizations. The government then processes these allegations through the legal system. Human rights activists often note that this legal process has evolved, in part, to minimize incidences of violence by providing a legal channel for individuals and communities to respond to perceived attacks on their religious group.

Article 301 maintains the potential to expand the capability of individuals making allegations. The ITE Law 28(2) has been used as the basis to *prosecute* blasphemy-like allegations for actions committed on social media and through the use of technology. It expands on the ITE Law 28(2) by further defining what posts on social media could be used to hold an individual liable for blasphemy or hate speech.

ITE Law Article 28(2)

Any person who knowingly and without authority disseminates information aimed at inflicting hatred or dissension on individuals and/or certain groups of community based on ethnic groups, religions, races, and intergroups (SARA).

RUU KHUP Article 301(1)

Any person who broadcasts, displays, attaches writings or images, or presents a recording, including disseminating it via information technology containing a criminal act as intended in Article 300, with the intention that the contents of the writing, image, or recording become known or better known in general, shall be punished with a maximum imprisonment of five years or a maximum fine of Category V.

Article 302

Article 302 criminalizes incitement toward apostasy without directly criminalizing apostasy. While the initial draft contained language that would have focused on preventing coercion, the language included is intentionally vague, allowing for broad interpretation and application. Actions or expression that could be perceived as persuading an individual to change or renounce their faith would be made illegal through Article 302.

Article 302 criminalizes incitement toward apostasy.

1. Any person who publicly incites another person(s) to become nonreligious (that is, not embrace a religion or belief embraced in Indonesia) faces up to two years in prison or a Category III fine.
2. Any person who, with violence or threat of violence, forces another person to leave his/her religion or belief or to change his/her religion or belief faces up to four years in prison or a Category IV fine.

Articles 303, 304, and 305

These articles focus on religious services and houses of worship. Article 303 criminalizes attempts to interrupt or disrupt a religious practice or meeting, including through noise or any physical disruption. Article 305 makes it a crime to damage or burn a house of worship. These articles specifically refer to religious services and structures, providing an implicit distinction between protections for houses of worship and private property in general.

Article 304 emphasizes the interconnectedness of freedom of expression and freedom of religion or belief by criminalizing derogatory speech directed at religious leaders. It punishes a convicted offender with a maximum sentence of one year in prison and a maximum fine of approximately \$3,250.

Local Initiatives Targeting Religious Minorities

Reports indicate that political actors linked to quasi-governmental religious organizations exploit democratic processes at the local level to marginalize and discriminate against religious minorities. In West Java, politicians *inspired* by the MUI and other similar religious organizations promulgate municipal- and regency-level laws using language related to “morality” and religion to target minority communities, such as Ahmadiyya Muslims, as well as LGBTQI+ individuals. These laws put policies in place to “cure” gender and sexual minorities, to prevent the construction of minority houses of worship in Muslim neighborhoods, and to curb the free exercise of religion by minority faiths.

Over the last decade, Indonesia has *witnessed* a decline in acts of collective religious violence, or violence perpetrated by one group against another. At the same time, the proliferation of municipal- and regency-level laws to “protect” public morality against deviant forms of Islam and/or behavior has created a legal infrastructure that curbs freedom of expression for minority faith communities, especially unrecognized communities such as Ahmadiyya Muslims. Reports indicate that acts of violence may have decreased because religious minorities are careful to observe discriminatory laws and restrictions and to self-censor their religious expression, thereby reducing the risk of exposure to violent public reactions.

Houses of Worship

The 2006 joint regulation on houses of worship enables ongoing and systematic violations of religious freedom against religious minority communities, particularly for those not officially recognized. Religious communities are often blocked from legally constructing a house of worship through burdensome bureaucratic regulations. Houses of worship unrecognized by the government are more vulnerable to mob attacks or closures by the authorities. For example, in February 2023, authorities in Bogor, West Java, *disbanded* the worship service of a Pentecostal Church, stating the church did not have a permit to hold worship services.

The current process to construct a house of worship can take decades. In April in Bogor, West Java, a Christian church *opened* after a 15-year dispute with the local authorities. In June in Pinang, Riau Islands Province, the local Catholic community finally *opened* its new church after a 33-year struggle. The government has long expressed a desire to make the process to legally construct a house of worship simpler, including in a July *announcement* by Minister of Religion Yaquut Cholil to remove parts of the process outlined in the 2006 joint regulation. As of the end of 2023, the 2006 joint regulation remained unchanged.

Throughout 2023, attacks on houses of worship continued. In August in Riau Islands Province, around 30 people *blocked* a church community from gathering and attacked another church under construction. In Padang, West Sumatra Province, a machete-wielding man *threatened* a gathering at a house church.

Indigenous Religions

The Ministry of Home Affairs manages the maintenance and distribution of national identification cards, known popularly as the KTP. The KTP publicly displays the religious identification of the individual, but only if the individual is registered as one of Indonesia's official religions.

Before 2016, followers of indigenous religions were forced to list a recognized religion or leave the religion column blank. However, leaving it blank can impair an individual's ability to access state services, including education and health, as well as affect access to employment. Following a 2016 decision by the Constitutional Court, indigenous religions can now be referenced on the KTP as "Belief in God Almighty." They cannot be explicitly labeled. Throughout 2023, members of indigenous faith communities *continued* to push for both official recognition of their religions and for the ability to accurately label their religious identity on their KTP. Though "Belief in God Almighty" is a legally accepted religious designation, many members of indigenous religions continue to face legal hurdles in acquiring government jobs and having their marriages officially recognized due to their religious identity. Human rights advocates have noted that prominent Islamic organizations are concerned that the recognition

of indigenous religions on identification cards could lead to a decline in the number of registered Muslims, thereby decreasing their influence.

Mandatory Hijab in Public Schools

Indonesia continues to mandate the hijab for girls in state schools, regardless of their religious beliefs. In 2021, the Supreme Court *ruled* against President Jokowi's decree allowing the freedom of choice for religious coverings.

The issue of mandatory hijab remains contested by Indonesians. In August 2023, the National Commission on Violence Against Women *held* a hearing on the country's mandatory hijab regulations. At the hearing, two Christian men with daughters noted that non-Muslim female students were not exempt from the regulations. Currently, 73 hijab mandates remain in effect throughout the country and students can be prevented from attending class if they do not comply.

Conclusion

Indonesia continues to implement longstanding discriminatory laws against minority religious groups and, in some cases, has taken recent measures to strengthen them. Indonesia's blasphemy legislation remains particularly problematic as individuals continue to be targeted for their religious beliefs. This will likely remain unchanged pending the February 14, 2024 elections and worsen as the new criminal code goes into effect in 2026. This trajectory is inconsistent with Indonesia's self-described moderate Islam and pluralism, as well as its commitments to international human rights law as outlined in international treaties such as the UDHR.

In its 2023 Annual Report chapter on *Indonesia*, USCIRF recommended that the U.S. government work with the Indonesian government to amend the criminal code to comply with international human rights standards, including on the freedom of religion or belief, and to repeal or amend the existing blasphemy laws, including Indonesia's ITE law. This recommendation remains relevant as the government of Indonesia is actively "socializing" the criminal code's new regulations, which further restrict freedom of religion or belief, particularly for those in minority and unrecognized religious communities.



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The U.S. Commission on International Religious Freedom (USCIRF) is an independent, bipartisan federal government entity established by the U.S. Congress to monitor, analyze, and report on religious freedom abroad. USCIRF makes foreign policy recommendations to the President, the Secretary of State, and Congress intended to deter religious persecution and promote freedom of religion and belief.

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