

INDONESIA

TIER 2

KEY FINDINGS

In 2017, a high-profile gubernatorial election in Jakarta and a related blasphemy conviction of the capital city's then governor underscored the risk in manipulating religion for political gain. Much of this troubling trajectory was driven by the words and actions of hardliner and other intolerant groups, who in 2017 continued to use religion to advance their agenda. Although not mainstream, these individuals and groups were able to influence political and societal debate and to commit acts of discrimination and violence, often in the name of religion, with near impunity. Certain parts of the country are more restrictive and more hostile toward religious minorities than others; this includes Aceh, West Java, and South Sulawesi. And certain religious communities were targeted more than others,

such as Ahmadiyya and Shi'a Muslims, Christians, believers outside the six officially recognized faiths, and nonbelievers. Indonesia's central government at times responded in a manner that supports religious freedom and related human rights, but provincial and local governments, as well as law enforcement, regularly exacerbated divisions and failed to prevent religious-based discrimination and violence. In 2018, USCIRF again places Indonesia on its Tier 2, where it has been since 2004, for engaging in or tolerating religious freedom violations that meet at least one of the elements of the "systematic, ongoing, egregious" standard for designation as a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA).

RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Urge the Indonesian government at the central, provincial, and local levels to comply with the Indonesian constitution and international human rights standards by:
 - Overturning the 2008 Joint Ministerial Decree on the Ahmadiyya community and any provincial bans on Ahmadi religious practice;
 - Repealing article 156(a) of the penal code and unconditionally releasing anyone sentenced for "deviancy," "denigrating religion," or "blasphemy"; and
 - Amending the 2006 Joint Regulation on Houses of Worship to allow religious communities the right to build and maintain their places of worship free from discrimination and threats;
- Apply the Global Magnitsky Human Rights Accountability Act, Executive Order 13818, or other relevant targeted tools to deny U.S. visas to and block the U.S. assets of specific officials and agencies identified as responsible for violations of the right to freedom of religion or belief;
- Offer technical assistance and guidance to the Indonesian government as it drafts legislation protecting religious freedom, as appropriate;
- Raise in public and private with Indonesian officials the importance of investigating and prosecuting individuals or groups who discriminate or incite or perpetrate acts of violence against religious communities;
- Encourage the Ministry of Home Affairs and other relevant central government bodies to challenge local laws, regulations, and policies that run counter to Indonesia's constitution, the principles of Pancasila, and international human rights standards;
- Prioritize funding for governmental, civil society, and media programs that promote religious freedom; counter extremism; build grassroots intrafaith and interfaith coalitions; expand human rights defenders' reporting ability; train government and religious officials to mediate sectarian disputes; and enhance rule of law and build capacity for legal reform advocates, judicial officials, and parliamentarians; and
- Help to train Indonesian police and counterterrorism officials at all levels to better address sectarian conflict, religion-related violence, and terrorism, including violence against places of worship, through practices consistent with international human rights standards, ensuring those officers have not been implicated in perpetrating or tolerating past human rights abuses pursuant to Leahy Amendment vetting procedures.

COUNTRY FACTS

FULL NAME

Republic of Indonesia

GOVERNMENT

Presidential Republic

POPULATION

261,000,000

GOVERNMENT-RECOGNIZED RELIGIONS/FAITHS

Islam, Catholicism, Protestantism, Buddhism, Hinduism, Confucianism

RELIGIOUS DEMOGRAPHY*

87.2% Muslim

7% Protestant

2.9% Catholic

1.7% Hindu

0.9% Other (includes Buddhist and Confucian)

0.4% Unspecified

*Estimates compiled from the CIA World Factbook

BACKGROUND

Indonesia is the world's most populous Muslim-majority country and is governed by the state ideology known as Pancasila, which comprises five principles: monotheism, civilized humanity, national unity, deliberative democracy, and social justice. In a July 2017 Reuters interview, President Joko Widodo characterized Indonesia as a model of pluralism and moderate Islam, just weeks after he created a presidential working group—known by its acronym, UKP-PIP—to advise the government about whether educational materials and regulations at every level of government are consistent with Pancasila. Earlier in the year, the president's remarks to dissuade Indonesians from manipulating religion for political gain stirred controversy among those who oppose the notion that Indonesia should be secular, prompting the president to clarify that there exists a natural connection between religion and politics. His initial remarks and subsequent clarification were made in the context of the religiously charged blasphemy trial of then Jakarta Governor Basuki Tjahaja Purnama, also known as "Ahok," and the growing influence of hardliners in Indonesia.

For decades, hardliners and other intolerant groups have had deep connections to and influence on the highest levels of government. (In Indonesia, the term hardliner is commonly used to refer to individu-

als and groups who seek to impose their interpretation of Islam on others or to defend Islam from perceived threats, including through intimidation and violence.) While many Indonesians have remained tolerant, certain elements—such as the Islamic Defenders Front (FPI), the Indonesian Council of Ulema (the MUI, the country's top Muslim clerical body), and others—have grown more vocal in calling for increasingly conservative interpretations of Islam. This social undercurrent has been buttressed in part by Saudi investment and influence in Indonesia, which, according to Indonesian academics and think tank experts, has brought a different, stricter form of Islam to the country. Officials from the Ministry of Religious Affairs and Yahya Cholil Staqf, general secretary of Indonesia's largest Muslim organization, also have expressed concerns. The latter urged Saudi Arabia's King Salman bin Abdulaziz al-Saud to denounce radicalism because his March 2017 visit to Indonesia was already seen as implicit support for radical movements in Indonesia. Saudi money, such as through the state-owned Saudi Fund for Development, supports Indonesian mosques and schools, and the government provides funds for educational materials and scholarships to study in Saudi Arabia.

Although the Setara Institute, a local nongovernmental organization, recorded fewer incidents in 2017

of both religious intolerance and religious freedom violations than it had in 2016, it noted concerns about possible religious-based violence connected to the upcoming June 2018 regional elections and 2019 general elections. In 2017, religious concerns influenced the electoral defeat of the incumbent Ahok, a Christian and ethnic Chinese, by Anies Baswedan, a Muslim, in the April 2017 second-round gubernatorial race in Jakarta. Baswedan, previously considered religiously moderate, aligned himself with the FPI and other hardliners who used religious propaganda, rhetoric, and threats to influence the electorate.

In April 2017, Religious Affairs Minister Lukman Hakim Saifuddin urged houses of worship against issuing religious sermons that promote religious or ethnic intolerance. On the sidelines of the September 2017 United Nations (UN) General Assembly in New York City, Indonesian Foreign Minister Retno LP Marsudi spoke about protecting the freedoms of religion and expression and the risk of extremism and violence. In 2017, President Widodo appointed Muhammad Sirajuddin “Din” Syamsuddin as special envoy for religious harmony with a mandate to develop cooperation and interfaith dialogue. Also, Indonesia was among the countries that provided humanitarian aid to Bangladesh to assist Rohingya Muslim refugees who fled Burma. (For more information about how the Rohingya Muslim refugee crisis is a challenge for all of South-east Asia, refer to USCIRF’s September 2017 report, *A Right for All: Freedom of Religion or Belief in ASEAN*.)

RELIGIOUS FREEDOM CONDITIONS 2017 Forced Closures of and Violence against Religious Properties

Although the 2006 Joint Regulation on Houses of Worship was intended to promote community-level interreligious harmony, in practice it has politicized the construction of houses of worship and often handed over their fate to the influence of hardliners and other intolerant groups. The regulation requires individuals seeking to establish houses of worship to submit the names of at least 90 congregation members and signa-

tures of support from at least 60 local households of a different faith, as well as obtain recommendations from both the local religious affairs office and local Religious Harmony Forum, known as Forum Kerukunan Umat Beragama (FKUB). The regulation provides local governments the latitude to deny permits to smaller congregations and the authority to close or tear down houses of worship built prior to 2006. Hardliners and intolerant individuals or groups, typically those belonging to the majority faith in a particular area, often cite alleged faulty or missing permits or other regulation-related paperwork as justification to protest houses of worship or to pressure local officials to deny or revoke permissions or close the structures.

In 2017, two Christian churches remained closed despite Supreme Court rulings in 2010 and 2011 in favor of their reopening. The congregations of the Indonesian Christian Church (GKI) Yasmin in Bogor and the Filadelfia Batak Church (HKBP Filadelfia) in Bandung, both in West Java, held some of their services—including their 2017 Easter and Christmas services—in front of the Presidential Palace in Jakarta, and have done so ever since local authorities in their respective cities denied their churches’ legal registration in 2008 and 2010.

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Hardliners effectively closed the Santa Clara Catholic Church in April 2016 by staging rallies and blocking congregants from entering the church after they accused it of having falsely obtained a permit under the 2006 regulation. In positive news, Bekasi’s mayor, Rahmat Effendi, continued to defend the church’s permit and encouraged critics to pursue peaceful, legal avenues if they questioned the legality of the permit.

Ahmadis

The government’s 2008 Joint Ministerial Decree bans Ahmadis from spreading their faith, effectively criminalizing a guiding principle of the Ahmadiyya faith,

which under the decree is punishable by up to five years in prison. Additionally, the MUI issued a *fatwa* (religious edict) declaring the Ahmadiyya faith to be deviant and heretical. Some religious leaders and entire provinces, through the force of law, have expanded upon the MUI's *fatwa* by banning all Ahmadi activities. Since the 2008 decree and subsequent *fatwas*, authorities have closed or violent protestors have vandalized more than 100 Ahmadi mosques. For example, in February 2017, authorities closed the Al-Hidayah Mosque in Depok, West Java, and posted notice that all Ahmadi activities were "illegal" after the FPI and other hardliners threatened both the mosque and Ahmadis. In June 2017, vandals defaced the mosque as the building remained sealed during Ramadan, forcing followers to use the backyard for prayers.

Ahmadis have reported difficulties obtaining ID cards, which negatively affects their ability to obtain marriage licenses and birth and death certificates, access public services, and freely travel throughout the country. The lack of an ID card could also affect their ability to vote in the upcoming regional and national elections. In June and July 2017, followers in Manislor, West Java, appealed to the Ministry of Home Affairs and the Indonesian Ombudsman to complain about the local district head's refusal to issue them ID cards unless they renounce their faith. In July 2017, Home Affairs Minister Tjahjo Kumolo suggested that Ahmadis leave the religion field on the ID card blank in order to be issued cards without having to renounce their faith.

More than 200 Ahmadis remain internally displaced in Mataram, West Nusa Tenggara, after members of the Anti-Ahmadiyya Alliance destroyed followers' homes nearly 12 years ago.

Shi'a Muslims

In 2017, public harassment of Shi'a Muslims continued, and some Shi'a Muslims practice Sunni Islam in public to avoid being discriminated against or singled out as different. For years, authorities in certain localities throughout Indonesia, such as the city of Makassar, prohibit the commemoration of Ashura.

Shari'ah

While Aceh is the only province with Shari'ah law, other provincial governments have established regulations and bylaws premised on Shari'ah. An April 2017 Constitutional Court decision diminished the central government's ability to revoke lower-level bylaws, even if they conflict with national laws; human rights advocates worry the decision opened the door for provincial and local governments to adopt not only Shari'ah laws that disadvantage religious minorities such as Christians, Ahmadis, and Shi'a Muslims, but other discriminatory measures as well.

Religion on ID Cards

Individuals who do not follow one of the country's six officially recognized faiths or do not identify as one of the six faiths on their ID cards, known as Kartu Tanda Penduduk (KTP), often have difficulty obtaining

licenses and permits, accessing education and government jobs, and completing financial transactions. The Indonesian Constitutional Court took a significant stride in defense of individuals outside the six recognized faiths when

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it ruled in November 2017 that it was unconstitutional to force individuals following indigenous faiths to identify as Muslim, Catholic, Protestant, Buddhist, Hindu, or Confucian on their ID cards. Until the court's decision, followers of indigenous faiths either had to falsely identify as one of the six recognized faiths or leave the religion field blank on their ID card, which not all local officials allowed. The court recommended that ID cards offer a seventh category so that followers of indigenous faiths could identify as "Believers of the Faith." It is unclear whether the ruling could apply to other faiths, such as Judaism, animism, and others. The country's top Muslim clerical body, the MUI, criticized the decision for equating indigenous faiths with recognized faiths such as Islam. The MUI even suggested creating entirely separate ID cards just for followers of indigenous faiths.

Religious Rights Protection Bill

A draft of Indonesia's proposed religious rights protection bill, made public in 2017, concerned human rights advocates because the measure would formalize existing policies and regulations that discriminate against religious minorities, such as the extensive requirements to build houses of worship. Also, according to an analysis by Human Rights Watch, the draft would expand the reach of Indonesia's existing 1965 blasphemy law (see next section for more information about blasphemy). Rather than protect their rights, the draft further marginalizes individuals who do not belong to one of the six recognized faiths or no faith at all, entrenching the assault on their civil rights.

Blasphemy

Article 156(a) of Indonesia's penal code prohibits expression or acts "at enmity with, abusing, or staining a religion adhered to in Indonesia," subject to a maximum penalty of up to five years' imprisonment. The country also has a blasphemy law issued by presidential decree, Law N. 1/PNPS/1965 on the Prevention of Abuse and/or Defamation of Religion. It is this law that established the country's six officially recognized religions and placed those outside these faiths at risk of being accused of blasphemy. According to Amnesty International, more than 100 individuals were prosecuted and convicted for blasphemy in Indonesia between 2005 and 2014. During 2017, the following individuals were among those sentenced or arrested for blasphemy cases in the country, according to Human Rights Watch: Mahful Muis Tumanurung, Ahmad Musadeq, and Andi Cahya, three leaders of the banned faith sect Fajar Nusantara Movement (also known as Gafatar), convicted in March 2017 and sentenced to five, five, and three years in prison, respectively; Aking Saputra of West Java, arrested in June 2017; Donald Ignatius Suyanto of Bali, arrested in July 2017; and Siti Aisyah of Lombok Island, sentenced in August 2017 to two and a half years in prison. In 2017, the most high-profile blasphemy case was that of Ahok, who was convicted in May 2017 and sentenced to two years in

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prison. Expressing concern that conflict and tension surrounding his case could linger, Ahok subsequently dropped his appeal, as did prosecutors. In December 2017, Ahok received a 15-day reduction in his sentence, as did thousands of other prisoners at the end of the year.

Government Reaction to Hardliners

In July 2017, the Indonesian government banned Hizb ut-Tahrir Indonesia (HTI), an Islamist group considered to be the largely nonviolent, local chapter of a global network known to support establishing Islamic states around the world. President Widodo paved the way for the ban by signing a presidential decree granting the government the power to disband any group that threatens national unity by revoking its legal status. HTI helped organize the protests against Ahok for his alleged blasphemous insults against Islam and the Qur'an. The Indonesian government and supporters

of the ban considered HTI inconsistent with Pancasila, while critics expressed concern that the ban threatens all civil society organizations and restricts freedom of association. In October 2017, the parliament amended existing regulations on mass

organizations to incorporate the underlying presidential decree, granting it the force of law.

U.S. POLICY

One of the key issues underpinning the U.S.-Indonesia relationship is defense, including bilateral engagement on matters such as terrorism and maritime security as well as their regional mutual interests in the South China Sea, North Korea's nuclear ambitions, and refugees like Rohingya Muslims from Burma.

In April 2017, Vice President Mike Pence visited Indonesia where he toured the Istiqlal Mosque, the largest mosque in Southeast Asia, and participated in an interfaith dialogue. In remarks with President Widodo, he said, "In your nation, as in mine, religion unifies—it doesn't divide," referring to Indonesia's oft-cited tradition of moderate Islam, which he called, "an inspiration to the world." The vice president also noted the United States' shared values with Indonesia: freedom, rule of

law, human rights, and religious diversity. During the vice president's visit, the United States and Indonesia agreed to several trade and investment deals to support Indonesia's energy and technology needs. In May, Foreign Minister Marsudi visited Washington, DC, to meet with then Secretary of State Rex Tillerson, congressional leaders, and fellow foreign ministers from the countries of the Association of Southeast Asian Nations.

Following a May 2017 suicide bombing at a bus station in Jakarta, the U.S. Embassy in Jakarta expressed condolences for the three police officers killed in the attack. In June 2017, the United States continued to address growing concerns of radicalism among Indonesia's homegrown terrorists by designating Majelis Mujahidin Indonesia (MMI) as "Specially Designated Global Terrorists" (SDGTs). According to the U.S. State Department, MMI has links to other designated organizations and individuals, including Jemaah Islamiya and an al-Qaeda affiliate.

During the July 2017 G20 Summit in Germany, President Donald Trump met with President Widodo and discussed the strategic partnership, including trade opportunities, defense cooperation, defeating regional terrorist threats, and international security.