

Globethics Repository

The logo for Globethics, featuring the word "Globethics" in white sans-serif font on a solid blue rectangular background.

Annual Report on Religious Life in Indonesia 2009

This page was generated automatically upon download from the Globethics Repository. More information on Globethics see <https://www.globethics.net>. Data and content policy of Globethics Repository see <https://repository.globethics.net/pages/policy>.

Item Type	Book
Authors	Cholil, Suhadi;Bagir, Zainal Abidin;Rahayu, Mustaghfiroh;Asyhari, Budi
Publisher	CRCS
Rights	With permission of the license/copyright holder
Download date	2026-07-13 04:32:32
Link to Item	http://hdl.handle.net/20.500.12424/175909

ANNUAL REPORT ON RELIGIOUS LIFE IN INDONESIA 2009



CRCS

Center for Religious & Cross-cultural Studies

ANNUAL REPORT ON
**RELIGIOUS LIFE
IN INDONESIA
2009**

Authors:

Suhadi Cholil

Zainal Abidin Bagir

Mustaghfiroh Rahayu

Budi Asyhari

Translators:

Max M. Richter

Ivana Prazic

Center for Religious and Cross-cultural Studies (CRCS)
Graduate School
Gadjah Mada University
Yogyakarta

ANNUAL REPORT ON RELIGIOUS LIFE IN INDONESIA 2009

August 2010 (Indonesian version: February 2010)

ISBN: 978-602-96257-1-4

Authors:

Suhadi Cholil
Zainal Abidin Bagir
Mustaghfiroh Rahayu
Budi Asyhari

Translators:

Max M. Richter
Ivana Prazic

Center for Religious and Cross-cultural Studies (CRCS)
Graduate School
Gadjah Mada University
Yogyakarta

Desain + layout:
ISGRA design, yogya

CONTENT

Summary	5
Introduction	8
Part One:	
Demographic Background and Religion-related Public Policy	12
- Religious Demography and Social Change	12
- Religious and Civil Rights of Adherents to Non-Official Religions	16
- Religion and Public Policy	20
Part Two:	
Sources of Tension: Places of Worship and Discourses on Heresy	27
- Problems Relating to Places of Worship	27
- FKUB: Challenges of Bridge Building	34
- Snowballing Effect of Discourses on Religious Heresy and Defamation	41
Part Three:	
Democracy and Inter-Religious Relations	53
- Religion and the General Election	53
- Pluralism, Peace, and Violence	57
Conclusion and Recommendations	65
1. Legislative Institutions, Government and Law Enforcement	65
2. Religious Institutions, Religious Communities, and Civil Society	67
Data Sources and Research Correspondents	69
Table of Abbreviations	71
Acknowledgments	72

LIST OF TABLES:

Table 1	: Total numbers and percentages of Indonesian citizens based on religion from 1985 to 2005	13
Table 2	: Total numbers and percentages of the inhabitants of Bali Province based on religion in 1972 and 2000	14
Table 3	: Total numbers and percentages of the inhabitants of Surakarta, Jayapura, and Denpasar based on religion in 2000	14
Table 4	: Total number of indigenous and non-indigenous inhabitants of Jayapura based on religion in 2000	15
Table 5	: Total number of indigenous Muslim and Christian inhabitants of Jayapura in 2000	16
Table 6	: Problems relating to places of worship in 2009	28
Table 7	: Problems relating to discourses on heresy and defamation of religion in 2009	42
Table 8	: Problems relating to the Ahmadiyah group	49
Table 9	: Results of the 2009 Presidential and Vice-Presidential Election	56
Table 10	: The 15 largest winning parties of the 2009 Election to the House of Representatives (DPR)	56

SUMMARY

The main goal of the 2009 Annual Report, as was the case in 2008, is to record and analyze events related to religious life over the course of one year in Indonesia. This report utilizes a perspective on freedom of religion or belief which is focused on fulfillments or violations of citizens' rights and freedoms, and broadens it by paying attention to dynamics occurring at both state and society levels. The report also covers a number of issues that fall within multiculturalism discourse. These issues not only pertain to the appreciation or celebration of differences, but also include ways in which accommodations are made toward groups differentiated by religious and other aspects of identity, and how these contribute positively or negatively to the wellbeing of religious and inter-religious life in the geopolitical context of the country. We have chosen to call this perspective "civic pluralism".

Part One is concerned with religion-related laws and regulations. As background, the report begins by examining religious demographics in Indonesia between 1985 and 2005 and shifts in religious trends in a number of cities. Religious demographics can become a sensitive issue, particularly when a change in the total number of followers of one religion is allegedly the result of another group's aggressive attempts to increase their own following. Available data show that such fears are not always warranted. Significant changes in certain re-

gions may indeed be caused by religious conversions, but they may also be due to internal migration. In 2010 there will be a population census, and shifts in religious demographics might be influenced by the fact that the column relating to religious identity in citizenship documents may be left blank by those who adhere to a religion other than the six official religions recognized in the 2006 Population Administration Law.

The 2008 Annual Report noted that the 2006 Population Administration Law was a step forward in relation to freedom of religion and belief. In 2009 the influence of this policy could already be felt in, for example, the issuance of marriage deeds to couples marrying through procedures of belief groups (*penghayat kepercayaan*). On the other hand, the government has yet to take a clear stance with regard to some religions not yet acknowledged by the state, such as Baha'ism, Taoism and Sikhism.

In 2009 quite a few public policies were enacted, among other reasons because this was the final year of the 2004-2009 period of the House of Representatives. Also in this final year a number of Regional Regulations (Perda) and Draft Regional Regulations (Raperda) related to Islam were passed. Even though some regulations relate to religion only in broad terms, they have nonetheless provoked a great deal of discussion, such as was the case with the Health Law. Generally

speaking the 2009 Health Law is better than previous laws, despite the fact that there are objections from religious figures and – for different reasons – women’s groups. Religious assembly leaders seemed eager to conduct a *judicial review* of this law, particularly in regard to the article that stipulates which actors and under what circumstances abortion may be carried out. At the same time, a number of women’s organizations urged for the expansion of the circumstances of lawful abortion, in order to better protect women from unsafe abortion practices.

Another draft legislation to be discussed relates to guarantees on halal products, which has yet to be authorized because there remain quite serious differences between the Ministry of Religious Affairs, Indonesian Legislative Assembly (DPR), Ministry of Health, Chamber of Commerce and Industry, and the Indonesian Ulema Council (MUI). There are concerns over whether this law would prove to be discriminatory (against non-Islamic religious and industrial groups), and who would have the right to certify whether or not a product is halal. This kind of draft law is an important test both for the government and for the Legislative Assembly in regards the issue of accommodating the interests of certain community groups as against enabling discriminations against other community groups. This Annual Report also includes discussions on issues that grew out of events in 2008, such as the Pornography Law as well as child protection and various regional regulations.

Part Two, which takes up a rather large portion of this Annual Report, is concerned with cases of religion-related social conflict, which still very much colors Indonesian religious life. The report notes at least 18 cases related to places of worship where conflicts arose based on various motivations; such cases are increasingly concentrated in West Java and Jakarta. Bearing in mind that religion-related conflict is a longstanding problem, this year we have conducted special research on one government mechanism for overcoming this problem, which is the establishment of the Forum for Religious Harmony (FKUB) in all provinces and regencies across Indonesia as an instrument that emerged from the 2006 Joint Regulations of

the Minister of Religious Affairs and the Minister of Internal Affairs. After three years of efforts, it seems that a large number of FKUBs still wrestle with issues of internal organization (in some areas the FKUB have yet to be formed). Issues of representation in the formation of various FKUBs have become quite prominent; in the meanwhile the handling of cases regarding places of worship have not been carried out optimally, notwithstanding a few positive examples.

Another trend in religious life observed in this report, which has strengthened and some fear even snowballed in 2009, is the discourses on heresy and defamation of religion. This report uncovers 25 cases revolving around heresy discourse, in addition to those involving Ahmadiyah as an Islamic sect. The Ahmadiyah heresy case itself remained active, and in the 2009 Election was presented by various sides as a political tool with which to challenge presidential and vice-presidential candidates’s willingness to muzzle the sect. Apart from the case of Ahmadiyah, discourses on heresy continued to expand, not only among Muslims but also other religious groups. One of the most significant entanglements among all of these was the Presidential Decree No.1/1965 on defamation of religion, which has time and again surfaced as a serious obstruction to the fulfillment and protection of religious freedom in Indonesia. Thus the judicial review of the law which started end of 2009 needs to be observed carefully.

Part Three of the report looks at other events that strengthened or weakened inter-group cohesion. The report looks at how religion performed (or was exploited) in the 2009 Election campaign, the major democratic event of the year. Unfortunately, the success of the peaceful 2009 Election was somewhat tainted by unsavory aspects, one of these being the politicization of religion as most conspicuously displayed in the stigmatization of the wives of presidential and vice-presidential candidates as non-Muslims or the headscarves they did not wear. Again and again gender issues were turned into a sort of political appetizer on the one hand, and a religious moral standard on the other. This part observes that such politicization of religion was not an effec-

tive way to gain votes.

This report also notes other developments in the local scope which give hope that attitudes of mutual respect and collaboration are strengthening between different religious groups in society. Aside from this, an interesting phenomenon in 2009, which expanded on trends from the previous two years, was the several movies representing religion – in particular Islam – in a rather casual, relaxed and attractive manner. These show the everyday facets of religious life, which differ greatly from those which appear in the mass media.

In this part, and in general through the

entire report, we offer reasons to be optimistic about the future of diversity in Indonesia, but at the same time show that a great deal of serious work is required if we are to nurture healthy relations between groups with differing identities, and if a democratic Indonesia is to remain an aspiration for us. The final part of the report presents a number of recommendations. The overall position of this Report is not to become trapped in pro-contra discourses on religion, but rather to search out other offers, as reflected in the recommendations, based on principles of maintenance a civic pluralist polity. ●

INTRODUCTION

8

The aim of this Annual Report, as also stated in the first Report in 2008, is to record and analyze events over the course of a year as they related to religious life in Indonesia, where religion has played an important role in many aspects of life, and with a focus on inter-communal religious relations. With regular writing such as this, the authors of this Report hope to be able to develop better knowledge concerning the realities of religiosities and their developments in Indonesia, and with this to create a space for improvements. In several instances we venture to offer recommendations. While coming from an academic institution, the authors hope that this report will find readers not only among academics but also policy-makers and actors of civil society organizations.

Last year, besides ours, there were two other reports which were also concerned with religious freedom and pluralism, published by non-governmental organizations the Setara Institute and the Wahid Institute. Although there are similarities and overlaps in the three reports, there are also many differences which we consider complement each others. Moreover, due to the divergent perspectives used in each report, differing conclusions have been drawn (one tangible example can be found in the figures regarding violence related to religious identity). All of this enriches our repertoire of knowl-

edge; the diversity across these reports enables the reader to make comparisons and reach a better understanding.

Conceptual framework. A frequently asked question regarding the 2008 CRCS Annual Report relates to the perspective and methodology deployed. In the 2008 Report, we briefly described and used the term “civic pluralism”. We must acknowledge that this concept was not yet solidly developed. This year the concept guides us further, and does so from the outset of the study.

Civic pluralism proceeds from the reality that religious communities live together within the geopolitical context of a nation-state. This is a normative description concerning relations between diverse communities within the same society, where this diversity is alive and is not mutually exclusive. The term “civic” is intended to accentuate the concept of democratic citizenship which places all citizens in an equal position with respect to their rights and responsibilities and at the same time recognizes their diversity. The term also refers to the capability of citizens to resolve mutual differences in a civilized manner. Besides referring to relations between communities, this idea also sees the state as an important actor in the maintenance of good relations between community groups. Our focus is on the practices of religious communities and relations between them, which includes the intra-re-

These are not only issues of appreciation or celebration of differences, but also accommodations of different groups in terms of their religious identities

religious relations—a feature which arises more frequently in social relations in Indonesia. This study wishes to observe those events that contribute either positively or negatively to the favorable relations between groups, and do so at both state and community levels. Though the problem under study is religion, this Report does not look at its theological dimension; rather, religion is viewed in terms of social practice within religious communities.

In this report we utilize the perspective of freedom of religion or belief, but also try to view the problem more broadly. Admittedly, the freedom of religion or belief perspective is popular and quite well developed. But at the same time, a civic pluralism perspective seeks to view more broadly those matters which contribute to the community dynamics of a religion, as well as interrelations between religious communities, all of which will escape us if deploying the freedom of religion or belief perspective exclusively. For example, an especially interesting and important issue pertaining to religious life in 2009 was the ways in which religion emerged in campaigns and the Election itself. We take up this issue not because of (potential) violations of rights, for example, but because in itself the issue brings forth a great deal of information concerning the dynamics of religious life. Another example is the Health Law, which received special attention among religious figures from various denominations in relation to abortion. This is also an important point of focus here, not only for potential violation of rights, but also as in this case we can see how views justified in religious terms influence how

public policy is made (and critiqued). We also briefly summarize the growing trend for productions of what are now popularly called as “film madani”. This is a cultural phenomenon which may become important in the near future as it can influence the dynamics of inter-community relations.

Apart from those issues addressed in relation to the freedom of religion or belief, the concept of civic pluralism also covers many issues that are discussed within discourses on multiculturalism. The issue here is not only one of appreciating and celebrating difference, but also accommodations of groups who differ in terms of their religious (and other) identities. The main issue for government is how to accommodate citizens’ interests regardless of the religious or other aspects of their identities. In this analysis, the terms majority and minority are not relevant; this is because a majority is not something static. For instance, to say that Indonesia is “Muslim majority country” is only useful at the level of statistics. In the world of politics, as we saw in the 2009 Elections, such a statement does not automatically translate into support for the political parties labeled as Islamic. Regarding the issues of the draft halal food act or *Qonun jinayat*, for example, what requires assessment is not whether these laws fulfill the aspirations of the majority, for it may be that these do not reflect the majority’s aspirations; rather, at stake is whether and to what extent the wishes of such groups can be successfully accommodated, bearing in mind the interests of other groups, including those with the same religious identities but differing aspirations, as well as groups with different religious identities. Members of any identity group are viewed as national citizens with the same rights and obligations. On the other hand, a state grounded in the principle of rule by law is obliged to fulfill the rights and respect the freedoms of its citizens, and also perforce has the power to establish the laws required to maintain social cohesion, especially where rights and freedom have been violated. Some of these roles may conflict with one another, and indeed this is where the root of the problem often lies.

At the community level, while diversi-

ties and differences need to be maintained without enforcements of uniformity, active efforts to develop identity communities, as well as build good relations between them, avoid suspicion, and moreover work together for common goals are all indicators of a civic pluralist society as described above. The ability to reach consensus amidst many differences is an important competence for such a society. We also wish to emphasize here that we do not want to stop at concluding that there have been cases of violations of rights in relation to certain incidents, or that the government failed to protect the rights and freedoms of its citizens; rather, we would like to take things a bit further. That is, by trying to understand the broader context and look at efforts (that can be) taken at both state and society levels to respond to such incidents.

Method. Having elaborated the approach above, clearly a great many events could be seen as part of “religious life”, among which we had to make selections. This was done by looking at the significance of events in terms of their (positive and negative) influence on healthy religious and inter-religious life. In cases involving fairly obvious violations of religious freedom, such as the vandalizing of places of worship or attacks on particular religious groups, this was not difficult. For less explicit cases we had no choice but to make judgments on the significance of the event, which may to an extent have contained some bias, al-

though we always set forth our argument for these choices.

Apart from that, our selections were also of course limited to events that could be captured within the scope of the research. The main source of data used in this report was news monitoring in the national and regional mass media in eight provinces across Indonesia. A total 26 mass media sources are investigated; 11 being national and 15 local. In addition, we explored documentation from a range of organizations such as the Central Bureau of Statistics (BPS), the National Human Rights Commission (Komnas HAM), the National Commission on Violence Against Women (Komnas Perempuan), the Research and Development body of the Department of Religious Affairs, the Center for Promoting Harmony Among Religious Communities (PKUB), as well as other sources (all of which are detailed in a later section of the report). Some events considered of particular importance were followed up with field research. For this purpose, we were assisted by three research teams and four correspondents who covered the total of nine provinces. From the piles of data gathered from various sources over the course of the year, selections were made by giving attention to those areas which could be translated into our understanding of civic pluralism. The translation of the civic pluralism concept into these areas was carried out theoretically, and by considering issues that had arisen in the previous year. ●

ANNUAL REPORT ON
**RELIGIOUS LIFE
IN INDONESIA
2009**

PART ONE

DEMOGRAPHIC BACKGROUND AND RELIGION-RELATED PUBLIC POLICY

12

Religious Demography and Social Change

In 2009 there were an estimated 231 Million Indonesian citizens. Indonesian society is multi-religious. Religion is one of the demographic indexes, and the Identity Card (KTP) includes a column for selecting one's religion. Both the population survey and demographic records offer a choice of one among six religions: Islam, Protestantism, Catholicism, Hinduism, Buddhism, and Confucianism. In 2000 Confucianism was re-entered as one of the officially recognized religions (the term officially recognized religion will be clarified in the following section), and its recognition in the national population survey began in 2005.

With the introduction of the 2006 Population Administration Law, citizens who adhere to religions or beliefs outside the abovementioned six religions now have the right to leave the religion column blank on their identity cards. For decades prior to this every citizen was required to enter one of the five recognized religions, which are mentioned in relevant laws, on their cards and other administrative documents, whether or not they truly believed or practiced the selected religion.

Islam is the religion adopted by the nationwide majority of Indonesians. In various electronic and print media, discourses on

Christianization and sometimes Islamization are continuously reproduced by certain parties within religious communities. To a certain degree, reproducing these kinds of discourses aims to give rise to feelings of being under threat by other religious communities. But if we look at existing statistics on religion – notwithstanding possible weaknesses in the data – over the past twenty years there have been no significant shifts in the nationwide percentages of adherents to each religion. Overall shifts (up or down) in the total number of followers of the official religions from 1985 to 2005 remained below two percent.

Although Islam is embraced by the majority of Indonesians nationally, other religions have majorities in certain provinces, such as Hinduism in Bali and Christianity in East Nusa Tenggara, North Sulawesi and Papua. The composition of Muslim and Christian citizens is quite balanced in Maluku. In North Sumatra, West Kalimantan and North Maluku Christians form significant minorities. Although according to censuses and national surveys shifts in total populations based on religion are not large over a long period, more significant shifts have occurred at the provincial and city/district levels. Unfortunately data in these sectors are far from complete, such that it is impossible to conduct comprehensive analysis on them. From among the little data that does

Table 1: Total numbers and percentages of Indonesian citizens based on religion from 1985 to 2005
(Source: BPS-Statistics Indonesia. Inter-censorial Population Survey 1985; Census 1990; Census 2000; Inter-censorial Population Survey 2005)

Religion	1985		1990		2000		2005	
	Total	%	Total	%	Total	%	Total	%
Islam	142.589.249	86,92	156.318.610	87,21	177.528.772	88,22	189.014.015	88,58
Protestantism	10.593.834	6,46	10.820.769	6,04	11.820.075	5,87	12.356.404	5,79
Catholicism	5.140.401	3,13	6.411.794	3,58	6.134.902	3,05	6.558.541	3,07
Hinduism	3.177.501	1,94	3.287.309	1,83	3.651.939	1,81	3.697.971	1,73
Buddhism	1.600.276	0,98	1.840.693	1,03	1.694.682	0,84	1.299.565	0,61
Confucianism	-	-	-	-	-	-	205.757	0,10
Other	945.727	0,58	568.608	0,32	411.629	0,20	243.034	0,11
Total number of inhabitants	164.046.988	100,00	179.247.783	100,00	201.241.999	100,00	213.375.287	100,00

exist, we can see shifts in one area by looking at population statistics according to religious affiliation in 1972 and 2000 in Bali.

By comparing the two sets of data we can see that over 28 years (1972-2000) the total number of Hindus in Bali fell by 5.49 percent. The table offers no information on the total number of Muslims there in 1972. The deviation in percentage figures between the total religious adherents (93.57 percent) and the total number of citizens in Bali represented in the table is 6.43 percent. That percentage was occupied by adherents of Islam, Protestantism, Catholicism and other religions. Nevertheless, that the adherents to Islam in Bali in 2000 were 10.29 percent of the total population is a relatively large

development whatever the actual figures for 1972.

In the general public view there often arises an assumption of regionality and the domination of the total followers of a particular religion, such as Islamic Java, Christian Papua, and Hindu Bali. If we take these three areas as examples, assumptions of regionality and the domination of the total followers of these religions are indeed accurate. However, since religious affiliation cannot be separated from social change, it is also possible that there will be shifts in the total adherents to certain religions in certain areas. There are at least two factors enabling such social changes. *First* is the strength of the base of religious freedom,

Table 2: Total numbers and percentages of the inhabitants of Bali Province based on religion in 1972 and 2000

(Sources: Office for Censorial Statistics of Bali 1972; BPS-Statistics Indonesia, Census 2000)

Religion	1972		2000	
	Total	%	Total	%
Islam	-	-	323.853	10,29
Protestantism	-	-	30.439	0,97
Catholicism	-	-	23.834	0,76
Hinduism	2.006.138	92,93	2.751.828	87,44
Buddhism	7.722	0,36	16.569	0,53
Confucianism	6.195	0,29	-	-
Other	-	-	476	0,02
Total number of inhabitants	2.158.798	93,57	3.146.999	100,00

including the freedom to change religions as guaranteed in the constitution, although there is a regulation in the Joint Decree No.1/1979 by the Minister of Religious Affairs and the Minister of Internal Affairs which outlaws proselytizing to those of other religions. *Second* are the population movements or

migrations from one place to another. Reviewing the total populations based on religions in Surakarta, Denpasar and Jayapura shows that a significant second largest religion can escape the assumptions of regionality outlined above.

Table 3: Total numbers and percentages of the inhabitants of Surakarta, Jayapura, and Denpasar based on religion in 2000

(Source: BPS-Statistics Indonesia. *The 2000 Census in Central Java, Papua, and Bali*)

Agama	City of Surakarta		City of Jayapura		City of Denpasar	
	Total	%	Total	%	Total	%
Islam	381.297	77,78	70.072	45,05	135.861	25,52
Protestantism	68.112	13,89	75.288	48,40	17.820	3,35
Catholicism	37.942	7,74	8.968	5,77	12.321	2,31
Hinduism	581	0,12	583	0,37	357.574	67,16
Buddhism	1.659	0,34	367	0,24	8.572	1,61
Other	623	0,13	270	0,17	292	0,05
Total number of inhabitants	490.214	100,00	155.548	100,00	532.440	100,00

In the table above for the year 2000, in Surakarta the total number of Christian residents (Catholic and Protestant) amounts to 21.63 percent amidst a Muslim population of 77.78 percent; in Jayapura the total Muslim residents is 45.05 percent among a Christian (Catholic and Protestant) population of 54.17 percent; and in Denpasar 25.52 percent of the population were Muslims amidst a Hindu population of 67.16 percent.

Non-voluntary inter-regional migrations or movements need to start being taken into consideration as one of the factors for religion-based shifts in total populations in some regions, because until now we tend to see religious conversion as virtually the only factor when measuring the development of religious demographics within a region. The absence of significant shifts in percentages of total religious adherents in national statistics does not mean that there are no developments at the local level. This knowledge can serve as a lesson for the state apparatus, religious leaders, and the wider community.

In order to provide a more in-depth picture, this study will focus on migration and

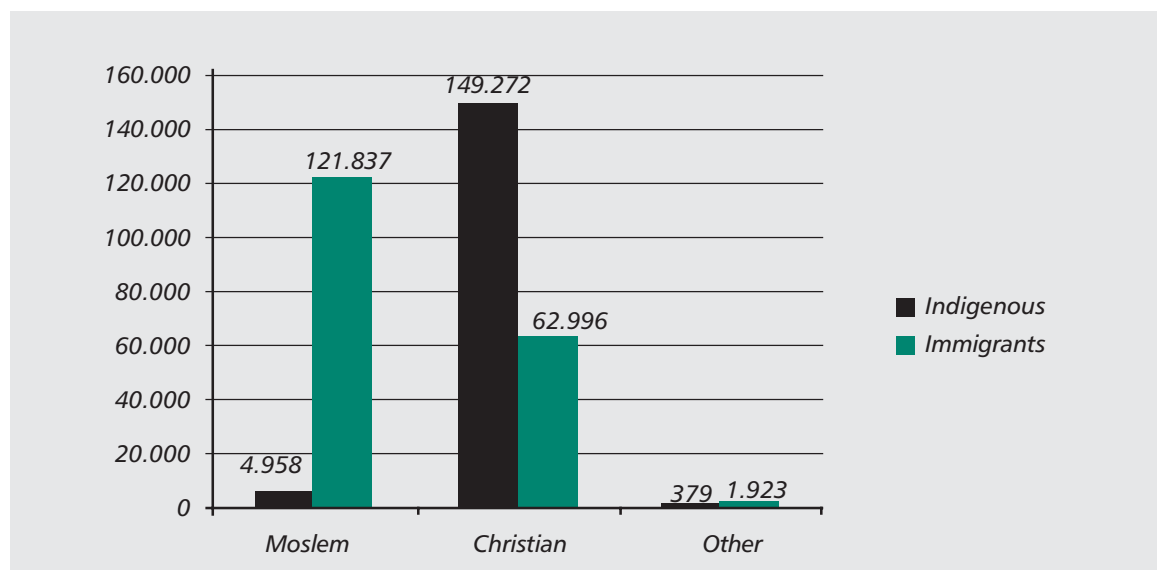
religious developments in Jayapura. Beginning in 2000, Jayapura was divided administratively into two units, the regional administration of Jayapura city and the Jayapura district. The total populations based on religion in the above table only cover Jayapura city. The total population in Jayapura city (urban) and the Jayapura district (rural) in 2002 was around 340 thousand residents. In Jayapura city the Muslim population accounted for some 45 percent, while in the Jayapura district their numbers reached approximately 29 percent. The 1971 Census, which was taken only a few years after the migration program to Papua, points to an interesting demographic development. In those years some 14,000 Muslims migrated to Jayapura, which made the total Muslim population circa 30 percent. Although the Christian community of some 31,404 people still comprised approximately two thirds of the total population figure, it cannot be denied that those years saw massive migrations of Muslims from Java and Sulawesi to Jayapura. The 2000 census indicates that migration is an ever-strengthening factor in religious demographics development in

Jayapura where the majority of Muslim inhabitants in Jayapura are actually not indigenous. Only around two percent of the Muslim population in the Jayapura district and five percent in Jayapura city are native Papuans. Although there were also migrations of Christians to Jayapura, it remains

that around two thirds of the Christian population is comprised of indigenous inhabitants. The following graph shows a comparison of total populations based on religion and within the categories of indigenous and non-indigenous inhabitants.

Table 4: Total number of indigenous and non-indigenous inhabitants of Jayapura based on religion in 2000

(Source: Stuart Upton, "The Impact of Migration on the People of Papua Indonesia;" Thesis at the Department of History and Philosophy, UNSW 2009)



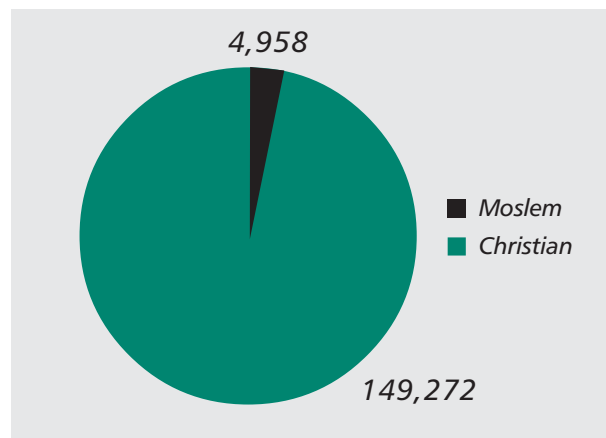
We find a more striking picture of comparisons between indigenous people who embrace Christianity and Islam in Jayapura in the following diagram.

A calculation of the statistical figures for 2000 shows us that 65 percent of migrants to the Jayapura district were Muslims, while in Jayapura city the total was 66 percent. In Jayapura district the majority of migrants were born in Central Java, East Java, Puncak Jaya or West Java. By contrast most of those who came to Jayapura city were born in Jayapura district, Sulawesi, East Java or Central Java.

This picture provides an understanding that issues surrounding Christianization and Islamization which remained intense throughout 2009 – as reflected in the news of parts of the religious mass media – is a complex problem which cannot be simpli-

Table 5: Total number of indigenous Muslim and Christian inhabitants of Jayapura in 2000

(Source: Stuart Upton, "The Impact of Migration on the People of Papua Indonesia;" Thesis at the Department of History and Philosophy, UNSW 2009)



fied with single explanations that there are apostasies of Muslims by Christian missionaries, or conversely Islamized Christians through the propagation of Islam. Although it is not possible to generalize between one region and another, it is important that the influence of migration on the development of religion-based populations be observed through religious developments at the local level, especially in those regions with high rates of migration. More than that, the principle of religious freedom, including that to change one's religion, must also be adhered to while observing these matters.

For 2010, when there will be a census, it will be important to look into developments of or shifts in the religious demography both at national and local levels. Religious demography may experience changes due among other reasons to the allowance for those citizens outside the six officially recognized religions to leave blank the column indicating religion in their identity cards and other administrative documents. We must be prepared for the possibility of this change. To guarantee a fair population census, particularly in regard to citizens' rights to freely declare their religious identity, the government should give guarantees of religious freedom, security and comfort for every citizen to state their adopted religion or belief, including those who adhere to religions or beliefs other than the six officially recognized religions.

Religious and Civil Rights of Adherents to Non-Official Religions

Are there official and non-official religions in Indonesia? Indeed, we do not meet directly with the terms "official" and "non-official" religions in religion-related governmental policies and regulations. However, a great many policies contain ideas about official and non-official religions. As just one example in the area of civil rights, see how the Administrative Law on Population No.23/2006, Article 8 Paragraph 4, classifies exceptions with regard to two religious groups: "...procedures of the Registration of Important Events for those Inhabitants whose religion has yet to be acknowledged as a reli-

gion based on the provision of Legislative Regulations or for belief groups...". If we explain this more directly, such exceptions are concerned with: firstly, *inhabitants whose religion has yet to be acknowledged* is to say any of the great world religions other than the six religions of Islam, Christian Protestantism, Catholicism, Hinduism, Buddhism, and Confucianism. Secondly, *belief groups (penghayat kepercayaan)* are namely local religions or groups that in other policies are termed cults (*aliran kepercayaan*). These two religious groups are in this report referred to as non-official religions, a pointedly political term that emphasizes the fact that the state still discriminates against those religions, at least in comparison to those adhering to the six officially recognized religions. The study of this issue is important because often the consequences of the position and existence of these groups are underestimated in terms of the potential discriminations they face.

The root of the concept *inhabitants whose religion has yet to be acknowledged* lies in the Explanations of the Presidential Decree No.1/1965 regarding the Prevention of the Abuse and/or Defamation of Religion. In the explanation for Article 1 it is stated that "The religions embraced by the inhabitants of Indonesia are: Islam, Christian Protestantism, Catholicism, Hinduism, Buddhism, and Confucianism". Even though there is the more elaborate explanation that "This is not to say that other religions, such as Judaism, Zoroastrianism, Shintoism, Taoism are forbidden in Indonesia", it remains the case that the government has continuously reproduced the mention of only aforementioned six religions as a population index and in citizenship administration. Confucianism itself was not acknowledged as a religion from 1967 to 2000. Although on a number of occasions government officials have stated rhetorically that there is no such thing as a concept of official religion, and that the government does not discriminate based on religion, in reality only those coreligionists from among the six official religions are able to write their religion explicitly on their identity cards (KTP) and related documents. If the legislative language used is *yet to be acknowledged*, what indeed are the actual

The policy of six official religions helped to construct the perception that other religions or beliefs do not deserve to exist or develop equally

criteria that a religion needs to fulfill in order to be recognized by the state? Is there a stipulation that a religion will be acknowledged once its total followers reach a certain figure? What is the procedure for a religious community to submit that their religion should be recognized by the state?

At the same time, the concepts regarding *belief groups* or *cults* have their roots in the Decisions of the People's Consultative Council No.IV/1978 relating to the State Policy Making Guidelines which, among other things, states that "belief in God does not constitute religion". After that the Minister of Religion issued the Guidelines of the Minister of Religious Affairs No.4/1978 regarding the State Guidelines Ordaining Local Religion-Related Customs, which states that the Department of Religion "will not oversee problems relating to cultish beliefs that are not religious". Since the emergence of these policies, which in an expanded sense do represent local religions that were born and cultivated in Indonesia, the existence and furthermore civil rights of those following such beliefs were marginalized. After the 1998 Reformasi era there indeed have been positive developments in the appreciation of their civil rights, but existing policies have not brought about a fundamental change. While the Department of Religion was responsible for handling civic issues relating to the six official religions, those citizens following local religious customs were placed under the authority of the Department of Culture and Tourism. Today in the post-Reformasi era, regional administrative matters pertaining to those citizens who adhere to local religious customs lie under the jurisdiction of the Government Agency for Cul-

ture, Tourism, Youth, and Sports (Dinas KPPO). If the state in the constitution guarantees religious freedom and beliefs for every citizen, it is difficult to understand the policy that there are six official religions along with the exclusion of *inhabitants whose religion has yet to be acknowledged* and *belief groups*. The six official religions policy helped to construct the perception that religions or beliefs outside the six official religions are not worthy religions, or at least are not developed to a degree equivalent with the six official religions. In turn there sometimes arises discriminative practices and the allowing of violence against these groups.

Among the cases of religious groups whose religions are not recognized by the state is that of the followers of the Baha'i faith in the Tulungagung district in East Java. The Baha'i followers in Ringinpitu village (Kedungwaru subdistrict, Tulungagung district) demanded that they be allowed to indicate their Baha'i religion in their identity cards and to issue certificates for marriages between Baha'i followers. On the other hand, the Village Head stated that part of the community felt uneasy with existence and development of the Baha'i religion in the area. After calling on the local Baha'i religious leaders there, the Tulungagung district police issued a recommendation in October 2009 to the Department of Religion and the Tulungagung branch of MUI to put a temporary ban on Baha'i teaching activities in the Tulungagung area.

The government needs to take great care in how it addresses religious developments in Indonesia, by basing itself in the supreme constitution of this country: the 1945 Constitution. The Amendment to the 1945 Constitution reinforces the guarantee of religious freedom to every citizen, and more than that specifies religious freedom as a part of human rights and bans all forms of discrimination including that based on religious identity. Without taking a clear and decisive stance, the state may continue to vacillate between pros and contras regarding religious developments in society. For example, in 2009 Taoism became widespread in Indonesia. Developments like this could not possibly have occurred ten or 20 years

ago. The development of Taoism has been fuelled by, among others, two organizations: the Indonesia Taoist Society (PUTI) and the Indonesian Taoist Assembly (MTI). PUTI has no fewer than 55,000 followers, of which 65 percent are young people, and the organization has managed to establish its own Council of Regional Leaders in 13 provinces across Indonesia.

The Marriage Law No.1/1974 specifies that legal marriages are those performed in accordance with religious teachings and beliefs. On the one hand the Law on Population Administration No.23/2006 introduced the concepts of *inhabitants whose religion has yet to be acknowledged* and *belief groups*. With the appearance of the Governmental Regulation No.37/2007, the state finally produced guidelines on marriage regulations for *belief groups*, which has led to practical legal outcomes for marriages among *belief groups*. On the other hand, neither the abovementioned Law on Population Administration nor the Governmental Regulation touches on the problem of marriages between those *inhabitants whose religion has yet to be acknowledged*. This explains why, in cases of the registration of civil marriages, the government may actually still discriminate against certain religious communities in Indonesia such as the abovementioned Baha'i and Taoists.

Although there are still problems here and there regarding the religious and civil rights of religious groups, society has utilized a positive development generated since Reformasi in 1998. In 2008 CRCS UGM in its first Annual Report noted that the publishing of the Law on Population Administration No.23/2006 was an indicator of legislative progress in the area of freedom of religion or belief, and of the conviction in the Reformasi era which, among other things, gave greater guarantees of civil rights to those citizens of *belief groups*. The publishing of the Governmental Regulation No.37/2007 regarding the implementation of the above laws helped to expedite the effectiveness of the fulfillment of civil rights to marriages between citizens with unofficial religions or beliefs.

The influence of the above policy, while perhaps not yet evenly spread across the

nation, can be felt in various regions. The Governmental Office for Population Matters and Civil Registration in the Kebumen district on 1 March 2009 issued the official marriage certificate to Tugiman (aged 32) and Wahyuni (aged 26) whose marriage ceremony observed the procedures of the belief group to which they adhered. In cases like this, the religion column in the marital acts are left empty or made blank, which can now be justified with the above legislation. In Banjarnegara in Central Java, from January to June 2009 the Governmental Office for Population Matters and Civil Registration registered some 40 couples who married in accordance with their local religion. The Head of the Governmental Office for Population Matters and Civil Registration in Banjarnegara stated that the only followers of *belief groups* able to register their marriages were those originating from local religious bodies who had already officially registered at the Department for Tourism and Culture. These kinds of practices are understandable, because the Governmental Regulation No.37/2007, Article 81 stipulates among other things that the position of Leader of a Belief Group is only for those who have already registered themselves with the ministry.

In order to utilize this opportunity for religious civil rights in marriage, belief groups should also carry out existing procedures, these being to register their organization. On the other hand the government should not only open itself and not complicate these administrative registration processes, but also proactively introduce the policy at the community level. All of this can only work smoothly if in the community there develops feelings of security towards *belief groups*, such that these are developed fairly in society. In fact, whether for reasons of religious fanaticism or due to limited knowledge as outlined in another section of this report, some within majority religious groups in a specific place cause *belief groups* to be the targets of heresy, violence, and intimidation discourses.

Thus far there are no reliable demographic data with which to establish the total number of belief groups and their followers in Indonesia. To give a broad picture,

the Head of the Human Rights Commission on July 25, 2009 wrote in a newspaper in Surakarta that there are currently some 244 *belief group* organizations at the central level and 954 at branch level spread over 25 provinces across Indonesia. Another explanation can provide a snapshot of the development of *belief groups* at the regional level. In April

To be able to enjoy their civil rights, belief groups should register their organization

2009, a Section Head of the Department of Culture, Tourism, Youth, and Sports in Klaten district said that only a portion of the *belief group* organizations had enrolled in the region. In the new office eleven organizations concerned with *belief groups* have enrolled themselves, namely Pengestu, Sumarah, Sapta Darma, Ngudi Utomo, Paguyuban Eklasing Budi Murka, Paguyuban Perjalanan, Kawruhana, Kapribaden, Kapribadian, Swatmoyo, and Paguyuban Kawruh Kodrating Pangeran. In the meanwhile the Chairman of the Belief Group Association in the Kebumen district in May 2009 said that nine *belief groups* in Kebumen had their organizations with total followers of around ten thousand people. These organizations are Jaya Sampurna, Sukma Sejati, Pajati, Sapta Darma, Sumarah, Tri Luhur, Mapan, Budaya Bangsa, and Pandan Wangi.

The struggle to implement the rights of religious freedom or belief must be continued. Democracy guarantees to enable the emergence and consolidation of people's demands for their rights, and the right to freedom of religion is no exception. For the government bureaucracy, this issue may produce increasingly complex demands that had hitherto never emerged in the area of religion or belief systems within the state administration. Actually in this case there are

two political perspectives which can help analyze this problem. *Firstly*, the state fully delegates religion or beliefs to the public. *Second*, the state regulates religious affairs or community beliefs. Government bureaucrats have often stated rhetorically that the government does not intervene in matters of religious affairs or community beliefs. Such statements are very much political rhetoric and do not reflect our state and bureaucratic practices. In reality religion is still an index of population administration through the religion column in identity cards; some civil registrations still rest on religious identity; the state is still explicitly concerned with the diversity of society; and so on. Our politico-religious history has long pursued the second choice of the two above options.

This option is not entirely bad if indeed it reflects the accumulation of negotiations of different ideas that exist in the public mind. It is important to note the consequences that must be borne from that choice. While on the one hand the state constitution guarantees freedom of religion or belief, on the other the state intervenes in the management of community religious affairs; accordingly, the state should provide the space and facilitate all religions and beliefs in a fair and non-discriminatory manner.

In relation to religious rights and the civil rights of religious groups, the state must continually advance religious freedoms implemented in several areas. *Firstly*, the eradication of the dualistic paradigm of official religion and non-official religion: if the column of religion in the identity card were maintained, the state must establish that all religious identities have the right to appear on the identity card. *Second*, all religions, including religious followers of the concept standardized in legislation as *inhabitants whose religion has not yet been recognized* must be able to obtain marriage certificates in accordance with their religion. Two other matters that have begun to emerge in society are the establishment of places of worship and religious education. At school students should have the right to religious education based on their religion or belief, and moreover state regulations need to explic-

itly require this. For example, children from families of the Baha'i, Taoists, Sikhs, various belief groups and other religions should have the right to education in accordance with their religion. Religious institutions, *civil society* groups and the broader community should also continue to urge the state to guarantee the respect, protection and fulfillment of religious rights and civil rights of non-official religious groups.

Religion and Public Policy

The year 2009 marked the end of office for members of Parliament. As with the end of a term of office, all unfinished homework was expected to be completed by the end of the year. The Parliament sought to pass a number of draft laws before the end of its office; however several were in fact not yet completed. Among the 52 laws passed by the Parliament in 2009, two are explicitly or implicitly concerned with religion. These are the National Health Law No.36/2009 and Law No.50/2009 regarding the Second Amendment to Act No.7/1989 on Religious Courts.

Apart from those, there is a Government Regulation Replacing the Law (Perppu) No.2/2009 concerning the Amendment to Law No.13/2008 regarding the provision of the Hajj and Government Regulation No.18/2009 concerning assistance or donations Including Religious Zakat or Any Kind of Obligatory Religious Contributions that are Exempt from the Presidential List of Taxed Incomes.

Among the products of public policy at the central level, the Health Act gave rise to a lot of controversy from discussion until after the period of approval. Not only religious leaders objected to the articles of the law; women's activist groups also disagreed with some articles. In fact, leaders of religious assemblies in Indonesia intend to file a judicial review of the Act which was approved on September 14, 2009.

The articles with which the religious leaders had fundamental objections were Articles 75 and 76 on abortion. Regulations permitting abortion with some prerequisite conditions were deemed by religious leaders to violate existing religious teachings in Indonesia. Permitting fetal abortion before the age of six weeks, according to the MUI,

was against Islamic teachings. MUI, through the MUI Fatwa No.5/2005 regarding abortion, state that the pregnancy may be terminated in cases of emergency and on the recommendation of physicians, such as if a pregnant women suffers from severe physical pain as diagnosed by a physician, and when the pregnancy threatens the mother's life; even then it should only be performed when the fetus is not yet 40 days old. According to MUI, on the fortieth day of the pregnancy, God breathes a soul into the baby, so that the fetus is now regarded as fully human. Therefore, abortion over the age of 40 days is forbidden.

Beyond the issue of the permissible time for abortion, a Buddhist nun, Viryaguna Mahasthavira from the Central Representative Body of Indonesian Buddhists (Walubi), said that based on the teachings of Buddha Life begins with the union of egg and sperm, and thus all efforts at terminating pregnancy represent murder. Protestant and Catholic teachings also very clearly prohibit all forms of abortion. Even in cases of medical emergency, the abortion may be performed only for the reason of saving life. Meanwhile, representatives of the High Administrative Council of the Hindu Dharma Indonesia (PHDI) and the Confucian High Council of Indonesia (MATAKIN) state that the Hindu and also Confucian teachings forbid all forms of abortion.

Women's groups do not agree on the limits of two conditions that allow a woman to have an abortion, these being victims of rape and emergency medical conditions. They argue that cases of incest (for example sexual relations between father and daughter), teenage pregnancy out of wedlock and also economic factors are reasons for women to have abortions. If they are not included in the conditions specified by law, they will be very vulnerable to becoming victims of unsafe abortion practices.

Data from the Ministry of Health show that Indonesia is still ranked highest in terms of Maternal Mortality Rates in Asia, with 307 per 100,000 births. The practice of unsafe abortion in part accounts for this rate. According to Azrul Anwar, Director General of Community Health in the Health Department, unsafe abortion is a major contribu-

tor to maternal mortality, figures of which are often hidden beneath those for bleeding complications (46.7 percent) and infection (8 percent).

Furthermore, women's activist groups also highlighted Article 72 letter (a) which states that "every person is entitled to have a reproductive life and a sexual life which is healthy, safe, and free from coercion and/or violence with a legitimate partner". The clause "with a legitimate partner" gives the government room to ignore concerns for the reproductive health of commercial sex workers, whilst in fact this is the group most vulnerable to infection by diseases related to reproductive health.

Regarding the objections raised by the two groups, they have noticeably different perspectives in relation to the issue of abortion. Religious groups see this issue primarily from the perspective of religion and moral law (asking whether abortion is an act of murder), while women's groups see the issue of abortion more from the side of women's reproductive rights. Women as the owners of their uteruses should be given the right to obtain accurate information regarding abortion, to receive sufficient counseling before deciding whether to abort a pregnancy, to receive safe abortion practices, and there should be services for women who are economically disadvantaged. These four matters should be met by the government when talking about abortion.

Standing between these two disagreements, which are difficult to reconcile, the Health Act attempts to accommodate the interests of its citizens by prohibiting abortions except in certain conditions. This is certainly better than the previous health law which considered abortion as a criminal act. In addition, the law has attempted to give legal certainty to the implementation of health services within a health paradigm, no longer merely to treat sick people.

In the meanwhile, the Religious Judicature Act passed in 2009 is the second amendment of the Law No.7/1989, having previously been amended in 2006 by Act No.3/2006. In general, the material content of the change to this Act is to complete the administrative systems within the domain of

the Religious Courts, one of which is the translation of articles that have been referred to a special court, here referred to as the first change. In this second amendment, Article 3 (a), it is stated clearly enough that the Islamic Sharia Courts in the province of Aceh is one such form of special court.

Apart from the two laws that have been successfully ratified, these being the Health Act and the Revision of the Law on Religious Judicature, Parliament is until now still discussing the draft Halal Food Act proposed by the Ministry of Religious Affairs. The Ministry views this draft Act based on the urgent need to protect the Muslims in Indonesia from consuming non-*halal* products ("halal" refers to products which are allowed according to Islamic jurisprudence, while "haram" is the forbidden one; the category pertains mostly to food, drinks, cosmetics and medicines). They argue that it is only appropriate that the needs of Muslims be protected.

Discussion of the draft is quite time consuming because the government, in this case the Ministry of Religious Affairs, and the MUI as yet do not agree on two matters; the obligatory or voluntary nature of the *halal* certification, and who issues the *halal* certification. On the first issue, the MUI is of the opinion that *halal* certifications are required for producers of food, beverages, medicines and cosmetics, while the Parliament proposes that certification should be voluntary; that employers may or may not submit the certification. On the second issue, MUI believe that the MUI fatwa commission is entitled to issue the certificate, because *halal* and *haram* are within the domain of Sharia and only clerics have the right to decide. Until now, after more than 20 years, the MUI is the party who issues *halal* certifications. However, the government and Parliament tend more toward giving the authority for certification to the government, which here is the Ministry of Religious Affairs.

Amid this embittered debate, Health Minister Siti Fadilah Supari issued a controversial statement in the Tanwir II Aisyiah Assembly at Muhammadiyah University in Yogyakarta on June 13, 2009. In relation to the polemics over the enzyme associated with the swine vaccine for meningitis (in-

flammation of the lining of the brain) to be given to Indonesians preparing to go on the *hajj*, the Minister expressed that the MUI had no right to determine whether this vaccine is halal or haram. This statement reignited the debate about who is entitled to determine for the public what is halal and what is haram. Practical and economic reasons were also submitted by the Indonesian Chamber of Commerce and Industry (Kadin), to the effect that if the Bill were passed production costs would rise and carrying out such certification would be time consuming, because the checks must be carried out beginning with the raw materials used through to the end of the production process.

Apart from the problem of the contents of this bill, discussion on the draft was too late as there remained resistance from some community groups regarding the planned implementation of this Act. Non-Muslim groups felt that the approval of this bill would not be proper because it would only provide protection to a single religious group. PGI, for example, states that ratifying the Bill is not feasible. As a legal product it should apply to all citizens and not open up opportunities for discrimination against other citizens. The Peace and Welfare Faction (FDS), known as a Christian political party, in the Parliament also rejected this design for the same reason. However, is the Muslim community not entitled to determine the rights of its own group in Indonesia? It is true that recognition of diversity, whether religious, ethnic, racial or linguistic as encapsulated in the Unity in Diversity motto has become a national commitment in Indonesia, and should also respect the right of Muslim groups irrespective of whether or not they hold the majority. It is also true that the Muslim community is part of the citizenry, whose rights are protected by the Act. But the question remains: will the Halal Food Act drive an ever deeper and stronger wedge in society, if, for example, it results in the separation of storage and/or placement of halal and non-halal products in shops?

The PGI and FDS arguments above starts from a good idea of not allowing a social wedge to deepen over time, but may not

get it right. Debates over whether the teachings or values of one religious group can enter into the rules and regulations of governance go back to the late 1980s, and it is now difficult to establish the political links to the related laws. The political arguments should not be whether the presence of the Halal Food bill would violate the principle of separation of religion and state. Normatively this becomes a debate in which jurists have never found a point of agreement. In reality, it appears that the existent legal politics, which seems to have been shaping the national legal system since the successful results of the Law on Religious Judicature No.7/1989, has hitherto produced similar regulations—such as the Zakat-Managing Regulation and the Law on Performing *Hajj*—which are also designed to govern only the Muslim community. In 1989 the Minister of Religious Affairs at that time, Munawir Sadzali, asserted his position that “not all legal distinctions should be considered as inequalities before the law” during a hearing in front of the Parliament.

Since then the politics of religious law has found its momentum not on the choice of separation but differentiation of religion and state. The differentiation has now met with its most powerful juridical roots in the legal political history of the Indonesian nation, namely after the introduction of amendments to the 1945 Constitution during the Reformasi era. Article 24 (2) of the 1945 Constitution Third Amendment reads “The judicial power made by a Supreme Court and judicial bodies beneath it in the general courts, religious courts, military courts, state administrative courts, and by a Constitutional Court”. The existence of the (Islamic) Religious Court in the late 1980s was a very controversial issue, but had now entered into the Constitution of the Indonesian nation.

The debate over the Halal Food Act and its relation to the development of pluralism and multiculturalism is indeed a difficult polemic. Decisions reached determine whether we successfully maintain the diversity that is the reality of the Indonesian nation. The arguments for questioning the bill should be filed with the logic that even if there are no legal products such as the Halal

Food Act, in fact we already have many regulations to ensure the rights of the Muslim community to obtain halal products, such as Law No.7/1996 concerning Food, Law No.8/1999 on Consumer Protection, the Minister Decree No.518/2001 on Guidelines and Procedures for Investigation and Determination of Halal Food, Minister Decree No.519/2001 on the Institution for the Implementation of Halal Food Inspection, the Cooperation Charter, the Department of

“not all legal differentiations should be considered as inequalities before the law”

Health, Ministry of Religion and the MUI on the Implementation of Inclusion on Halal Food Labels in 1996, and others. This means that we already have, although with a different level of legality when compared with the Halal Food Bill, a set of rules that allow Muslims to access information about whether or not a product is halal. For example in the case of the forgery of minced beef that in fact contained pork elements which invited controversy in mid-2009, the problem lies not in whether there is or is not a halal label on a product, but in lying to the consumer which is in turn caused by a lack of governmental control in relation to consumer protection.

In the abovementioned minced beef case, randomized trials in April 2009 conducted by the Food and Drug Supervisory Agency (BPOM) on 35 beef jerky and mince products found five products containing pig DNA in several cities such as Surabaya, Bandung, Jakarta, Semarang, Jambi, Malang and Bogor. In the meantime, the Central Animal Disease Investigation and Veterinary Office (BPPHK) in the Department of Animal Husbandry of West Java found one of the three sample products of beef jerky investigated contained pork meat. Prior to that,

the Regional Government of Malang issued a circular letter stating that four beef jerky products in Malang were found to contain pork meat. Strangely, one of the beef jerky products found by the BPOM to contain pork was produced by a company in Surabaya, and had been labeled as halal by the MUI's LPPOM (Research Institute for Food, Drugs, and Cosmetics). By testing a different sample from the one used by BPOM, MUI's LPPOM for East Java denied the BPOM's findings by asserting that the said product did not contain any substance of pork origin. These facts indicate that the government's lack of production control systems could result in halal-certified products containing substances that are not halal. Interestingly, among regional MUIs and the central MUI there can also be differences of opinion regarding the testing and determining of halal products.

To this point, among the things requiring observation is the importance of ensuring the protection of consumers by paying serious attention to the guarantee monitoring of halal products in the field. The case of minced beef containing pork is an important lesson, as the root of the problem may not lie at the level of normative rules and questions of who issues the certifications, but rather with control in the field. Another matter needing attention is that, instead of giving power or authority to only one institution whether this be the MUI or the Ministry of Religious Affairs, perhaps we can recommend that authority be decentralized and not under a single institution. For instance, in addition to MUI, should NU, Muhammadiyah, and other Muslim or other community associations have the same right as the MUI to establish institutions authorized to guarantee halal products? In the meantime, the government's role – which may be placed under the jurisdiction of the Ministry of Religious Affairs or another government body – should be to establish the regulation mechanisms for these institutions. As a comparison, Australia has around 13 institutes authorized to issue halal certification, and New Zealand six. Granting a monopoly authority for halal products on a single guarantor of civil institutions could provide the possibility for lack of control. If

decentralization of the monopoly can be carried out, whether a guarantor institution of halal products is really committed in terms of guaranteeing that a product is halal, including in terms of control and monitoring products, will be located periodically in the public or consumer rating.

In addition to a number of religion-nuanced policies at the central level as exem-

among the issues are not only whether or not there is a halal label, but also lying to consumers which is caused by lack of governmental control

plified above, in 2009 we still saw efforts from several regions to issue religion-nuanced local regulations. To mention a few examples, there are the Draft District Regulations on Islamic Shari'a in Tasikmalaya City, on Injil (Christian/Biblical) City in Manokwari, on liquor prohibition in Banjarmasin and Subang, and on Qur'anic Literacy in Banjarmasin. Many other areas continue to discuss drafts of local regulations to prohibit the consumption of liquor. Most of the regions proposing bans on alcohol already have regulations to manage the circulation of alcohol, but with these Draft District Regulations are seeking to make the rules tougher by replacing them. Among the regions currently proposing these Draft Regulations are Sengkang District (South Sulawesi), Sragen (Central Java), Brebes (Central Java), and Klaten (Central Java).

Another local regulation concerned with religion is the legalization of Aceh Qonun (literally: law or regulation) on the Provincial Regulation of Jinayat by DPRA (Aceh People's Representative Council) dated 14 September 2009. Besides accommodating regulations on *jinayat* (criminality), the

Qonun also clarifies the *jinayat* procedural regulation as a complement to Qonun No.12/2003 on alcohol, Qonun No.13/2003 on gambling and Qonun No.14/2003 on *khalwat* (immorality). For its designers, the current Qonun represents an effort aimed at securing legal certitude in the implementation of the Shari'ah Judicature in compliance with the Law No.44/1999 on the Implementation of the Specialty of the Special Province of Aceh and the Law No.11/2006 on the Government of Aceh.

As its mission to complete these *Qonun*, this *Jinayat Qonun* governing criminal law is tailored to Islamic rule as written in the Qur'an, such as the level of punishment for perpetrators of *jarimah* (a crime subject to fining) and stoning for married people who commit adultery. In short, the current Qonun is intended to put into effect strictly regulated Shari'ah Judicature in the Province of Aceh Nanggroe Darussalam (NAD). In fact, the Governor of Aceh, Irwandi Yusuf has not yet agreed to sign this Qonun.

Apart from the emergence of new policies, we also witnessed the development of legislation formed in 2008. Vocal groups opposing the enactment of Law No. 4/2008 on Pornography managed to produce a petition for judicial review of this law in the Constitutional Court Act. At almost the same time communities in North Sulawesi, the Women's Coalition for Justice and Democracy and the Advocacy Team for Bhinneka Tunggal Ika, which are joined by the PGI, asked the Constitutional Court to review Article 1 Number (1); Article 4, Paragraph 1, Number (d); Article 10; Article 20; and Article 23 of the Pornography Law. Application for this judicial review received a response from the Chairman of the MUI, KH Amidhan, saying that the Pornography Law is the fruit of hard work by the Indonesian community to preserve the morality of the nation, which must be constantly defended. Therefore, MUI and components of community support for the Pornography Law will continue to oversee this process. Until now, the Constitutional Court had held a trial three times by presenting expert witnesses from both pro and contra parties, but the final decision has yet to be reached.

Another problem in relation to the laws

of 2008 is the rapid growth of Shari'ah-based banking. Enactment of Law No.21/2008 on Shari'ah-based banking has legitimized the main stakeholders of Shari'ah-based Banking to develop the products of Shari'ah-based financing, as well as to provide impetus for the Shari'ah-based banks to continue. Until late last year, Shari'ah-based banking had grown around 40 percent. Of the total growth, asset growth is expected to reach 25 percent until the end of this year. Data of the National Shari'ah Council as of July 10, 2008 states that there are 156 Shari'ah banking institutions in Indonesia, which includes Bank Umum Syariah, Unit Usaha Syariah Bank Umum, Unit Usaha Syariah BPD, Bank Kustodian Syariah and BPR Syariah.

It is interesting to observe the Indonesian community's acceptance of banking products that is conceived in Islamic terms. It may be true that there is nothing special about this development given the very large number of Muslims in Indonesia. However, if seen in the absence of counter-voices to the implementation of this Law, perhaps this law exemplifies the success of multicultural policy in Indonesia. This success is based on at least two reasons. *Firstly*, the product of this policy can be utilized by all citizens because the bank does not specify Shari'ah services for Muslims only but rather for all citizens, and its presence even provides an alternative method of financial transaction from conventional ones. The *second* reason is that the implementation of this policy is voluntary and not binding on anyone. This policy would quite likely cause a lot of oppositions were it made as obligatory for a group.

The legal process that befell Pujiono Dwi Cahyono (better known as Sheikh Puji) regarding his marriage with an underage girl, Luthfiana Ulfa (12 years) continued in 2009. He was detained for several days in Semarang Provincial Police Headquarters for not being cooperative with the police, but was finally acquitted in the trial court verdict by the District Court of Ungaran, Semarang on October 12, 2009. Head of the Panel of Judges Hari Mulyanto stated that the indictment filed by the Public Prosecutor was not clear and therefore null and

the absence of counter-voices to the implementation of this Act perhaps shows that this law exemplifies the success of multicultural policy in Indonesia

void. This lack of clarity is related to the lack of detail on the obscenity/sexual exploitation actions by Pujiono on Ulfa as a violation of article 81, 82, and 88 of Law No.23/2002 on Child Protection. The Indonesian Child Protection Commission (KPAI), the Women and Children's Protection Network (JPPA), the Women and Children's Protection Alliance (APPA) in Jepara, and the Women's Network Yogyakarta (JPY) deeply regretted the judge's decision. Pujiono's release from the indictment is bad news for efforts to protect children's rights in Indonesia as it sets a bad precedent for the handling of the many cases of early marriage in Indonesia. The verdict shows that the perspective of child protection in the best interests of children has yet to become the basis for judges in realizing justice.

Finally, regarding public policy in 2009 both explicitly and implicitly related to religion, a number of matters warrant our attention. *Firstly*, in cases of abortion and early marriage, the interests and protection of women and children must be the ultimate standard. *Secondly*, in relation to protecting the rights of Muslim citizens by securing halal-ness of products, apart from normative debates it is high time attention were paid to technical issues, such as monitoring and control in the field, as well as relying on existing legal devices. Furthermore, it is important to conceptualize decentralization of the authority for halal certification rather than to concentrate it in one institution. *Third*, the President, the Constitutional Court, the Department of Justice and Human Rights, Ministry of the Interior, and Ministry of Religious Affairs must immediately

work together to study the laws which contain religious regulations at the local level.

Issuance of Jinayat Qonun in Aceh Province needs special attention; the question is whether this option that is partially pertinent to the uniqueness of the Province of Aceh is in proportion with the formulation of unity of the state law and Indonesian nation. *Finally*, it is essential that civil soci-

ety actively participates in public policy-making; such participation would guarantee the accommodation of multiculturalism, protection of human rights, freedom of religion or belief, as well as the protection of women and children. Efforts aimed at having those regulations that are not in line with the abovementioned views ought to undergo judicial review. ●

PART TWO

SOURCES OF TENSION: PLACES OF WORSHIP AND DISCOURSES ON HERESY

Problems Relating to Places of Worship

Places of worship in Indonesia are not only spaces for worship and conducting religious and social activities, but also symbols of the interaction between religious groups and their acceptance and rejection from their surrounding environments. In most cases places of worship of different religions coexist side by side and some even share use of a single wall; but sometimes the establishment and existence of places of worship bring about controversy.

Among the religious buildings adjoining each other, to name a few, in Malang, East Java, Jami' mosque in the city of Malang is adjacent to the GPIB church. There is also Perbandhak Gurdwara, a Sikh house of worship, located right next to the Shri Mariamman Hindu temple on Jl. Tengku Umar in Medan. And in the city of Banten the Grand Mosque is adjacent to the Catholic Church. Also related to this interesting latter example, the main wall of the GKJ church literally adjoins the Al-Hikmah mosque in Joyodiningratan Surakarta, Central Java.

Among some of the examples, in 2009 in Fakfak district, West Papua, the residents of Urat Village celebrated the commencement of construction of the Shollaturrahim mosque. Construction of the mosque did not appear at all exclusive, but rather in fact reflected the villagers' sense of togetherness.

On June 6, 2009 village residents feasted merrily with traditional dances after the laying of the mosque foundations. Mothers, fathers, and teenagers danced to the *tifa* drum and flute. In the district of West Papua, government officials were also at ease visiting from one place of worship to another of differing religions. On June 11, 2009 the Vice Governor of West Papua visited mosques and churches on the same day. And this occurred not only at the executive level: as part of social activities, ranks of the Sorong Military Command 171/PVP in the Indonesian National Armed Forces performed devotional services with communities in the construction of Getsamani church in Sorong. Thus far we can see that processes of inter-religious cohesion remain strong at the community level. The government often actively encourages the efforts of inter-religious cooperation in the community. The state of harmonious interfaith relations and cooperation between religious communities may still be seen as a mirror of the general situation in Indonesia.

Nevertheless, undeniably conflict and even violence related to places of worship still occurred in several places in 2009. In terms of regions, areas in western Java (DKI Jakarta and West Java) need special attention because quite a number of problems have arisen there. There are various kinds of problems in relation to houses of worship, such as the absence of the permit to

build a place of worship, the illegitimate occupation of public facilities for the purpose of holding religious services, as well as the opposition to the existence of certain places of worship by neighboring inhabitants. In 2009 this report found 18 cases related to places of worship. Below is an outline of some of the problems around places of worship that emerged in 2009.

Of the 18 cases, there are three in which government officials engaged in dismantling buildings used as places of worship, these being the HKBP church in Dumai, Riau; the HKBP church in Parung Panjang, Bogor; and the mosque of the Nurul Jannah Foundation in Jatinegara, East Jakarta. In the case of the mosque no problem arose, because previous authorities in coordination

Table 6: Problems relating to houses of worship in 2009

(Source: Various media, FKKJ, and Komnas HAM)

No	Event	Year (2009)	Location	Brief explanation
1	Demolition of the (Toba) Batak Christian Protestant Church (HKBP) by the apparatus	18 March	Quarter of Bukit Nenas, Subdistrict of Bukit Kapur, Dumai, Riau	The HKBP has existed in this area since 2001. According to the apparatus, the mentioned church has not obtained the required permit. As stated by the HKBP, the church applied for the permit a long time ago; however, that document was never granted due to complaints by a number of community members. The church was jointly demolished by the head of the Quarter of Bukit Nenas and the Police Units of the Provincial Government.
2	Revocation of the Building Permit to the HKBP by the Mayor of Depok	27 March	Cinere, Limo, Depok	The HKBP congregation was granted the permit to establish a house of worship and a multifunctional building on 13 January 2008. The Muslim Solidarity Forum of Cinere and the surrounding area went up against the establishment of the mentioned church. The construction workers witnessed occasional clashes in the construction area. The Mayor of Depok, Nurmahmudi Ismail, revoked the permit granting the church building on 27 March 2009. The HKBP Board held a meeting with Mayor Nurmahmudi. The members of the Board urged the Mayor to revoke his decision; however, the Mayor refused to do so. The HKBP filed this case to the Administrative Court in Bandung. The court ruled in favor of the charges filed by the HKBP Board annulling the Mayor's decision to revoke the building permit.
3	Dozens of citizens denied HKBP congregation the right to hold services in a deserted building in Sidoarjo	19 April	Village of Tambak Sawah, Subdistrict of Waru, Sidoarjo	The HKBP congregation used to hold their services in a building utilized as their church. Dozens of Muslim citizens denied the HKBP congregation the right to hold their services in the building based on their opinion that the building could not be utilized as a church. The HKBP party argued that the police had already been informed of their holding services in the mentioned building; in addition, around 100 inhabitants had already signed an agreement allowing for the congregation to hold services in the building. The Chief of the Resort Police in Sidoarjo ordained that temporarily, and the HKBP congregation was allowed to hold their services in the boy scout building next to the deserted building.
4	Refusal of eviction of the Pura Majapahit in the "Garuda Wisnu Kencana" Area in Bali	21 April	The "Garuda Wisnu Kencana" (GWK) area, Bali	Gain Ltd., which manages the GWK area, issued a statement in which he denied having issued any kind of permit allowing communal activities in the Pura Majapahit. The community became enraged after having learned that such statement had been issued; the news of the eviction of the Pura additionally incensed the community. The community proposed a meeting with the Manager of the GWK Area. After heated discussion no agreement was reached.

No	Event	Year (2009)	Location	Brief explanation
5	Arson of the Ahmadiyah mosque in South Jakarta	6 June	Ciputat Raya Road, Gang Sekolah No. 18, Kebayoran Lama, Jakarta	Several members of the Ahmadiyah congregation held the <i>Subuh</i> prayer that morning. Two unidentified persons set the building on fire after having poured petrol over it. Certain items owned by the mosque were burned. The fire was quickly extinguished.
6	Denial of the right to erect a HKBP church in Jaka Baring, Palembang	6 June	Pangeran Ratu Street, Jaka Baring, Palembang	The HKBP congregation planned to erect a church in an area that had originally been a marshland. Hundreds of people who claimed to represent the Indonesian Islamic Forum (FUI) went on a long march starting from the Al Fathur Akbar Mosque and proceeding in the direction of the mentioned location. The walk was organized to protest against the planned building of the church. The building plans were not yet officially approved of by the neighboring communities, nor was the recommendation granted from the FKUB and the Depag and the permit from the regional director.
7	Sealing of the mosque deemed exclusivist by citizens of Surabaya	19 June	Quarter of Sidotopo, Sub-district of Semampir, Surabaya	Citizens of Surabaya thought the Al-Ihsan Sabilillah Mosque was closed since the activities taking place in the mosque were considered exclusive. On 19 June 2009 dozens approached and raided the mosque. On the following morning some people locked up the entrance gate to the mosque from the outside thus sealing it. At the time of the raid the previous evening an agreement was reached between the citizens and the mosque management about emptying the mosque. The police interviewed the management of the mosque. Four days after the sealing the mosque was reopened and its routine activities resumed.
8	Insistence on review of the building permit for erecting a church in Bekasi	July	Residential Complex "Vila Indah Permai", Bekasi	In April 2009 the Integrated Licensing Service Board (BPPT) of the Municipality of Bekasi issued a recommendation for building public facilities, including a church, in the Residential Complex "Vila Indah Permai". Hundreds of members of the Islamic Defenders Front (FPI), the Forum for Inter-Mosque Communication and Good Relations (FKSMM), the "Gema Iqra", and the Coordinating Body of the Revered Council Mosques (BKMTM) held demonstrations in front of the Council of Regional Representatives (DPRD) in Bekasi in July 2009. Prior to that, a similar demo had been staged on 26 June. Following these events, the Mayor of Bekasi, the Vice Chairman of the DPRD, and a number of other officials held a meeting where it was finally decided in favor of the review of the abovementioned permit issued by the BPPT.
9	Demolition of a HKBP church by the Police Units of the Provincial Government in Parung Panjang, Bogor	21 July	Village of Somang, Parung Panjang, District of Bogor	The HKBP congregation in Parung Panjang, Bogor comprised some 375 persons who regularly attended services held in a church. The church did not have a permit, even though it had already obtained written consent signed by 71 individuals, a number of mass organizations, and the Neighborhood Association (RT) stating there were no objections whatsoever to its existence. The Police Units of the Provincial Government consisting of 150 officers with the assistance of the regular police forces demolished the church building as ordered by the Regent of Bogor on the grounds of the absence of a permit for founding a house of worship. Representatives of the HKBP appealed to Komnas HAM to get involved in the case and help resolve the problem.
10	Instruction to discontinue the JIBC services in Tangerang	August	Residential Complex "Sepatan Residen", Pisangan Jaya, Sepatan, Tangerang	The congregation of the Jakarta International Baptist Church (GKBJ) held their regular Sunday services in the house of Rev. Bedali Hulu. Hizbut-Tahrir Indonesia (HTI) organized a meeting and distributed leaflets about Christianization in Sepatan, by the JIBC in particular.

No	Event	Year (2009)	Location	Brief explanation
				The Council of Subdistrict Elders of Sepatan invited Rev. Bedali Hulu to a dialogue to be held in presence of several religious leaders. The Subdistrict Head requested the Reverend to discontinue holding services in his house. Rev. Bedali Hulu proceeded to hold services. According to him, his house was allotted for congregational prayers and was not to be mistaken for a church; its function was similar to that of a <i>musholla</i> for Muslims or a chapel for Catholics, neither one of which requiring a permit. On 16 August dozens of supporters of HTI approached the mentioned house protesting against Rev. Bedali's refusal to follow the instructions issued by the Subdistrict Head by continuing to hold services in his house. The police apparatus watched the situation closely in order to prevent clashes.
11	Demolition of the mosque owned to the Nurul Jannah Foundation in Jatinegara, East Jakarta	12 Augustus	Residential Complex "Jatinegara Indah" Blok B-3, Jatinegara, Cakung, East Jakarta	The mosque owned by the Nurul Jannah Foundation built on the mentioned location had not acquired the building permit and was erected on the plot of land owned by the Residential Complex and designated for construction of public facilities. The Municipal Government engaged hundreds of policemen from the Police Units of the Provincial Government to demolish the mosque. Both the police apparatus and the INAF watched over the demolition, which went on smoothly without interferences from onlookers. Prior to the event, the MG had consolidated with the FKUB, the MUI, and the Indonesian Council of Mosques; the agreement had been reached to have the mosque erected on another location within the same residential complex. The new location was indeed allocated for a house of worship, unlike the previous location intended for public facilities.
12	Bomb threat against the Bethel church in Bekasi	3 October	North Bekasi	Rev. Jeffry Lalamentik, the leader of the congregational Church of Bethel in North Bekasi, received a threat through a call made to his cell phone informing him that his church would be bombed during the morning service. Then Rev. Lalamentik phoned a colleague who eventually called the police asking for help. The Army Bomb-Disposal Squad arrived to the church location and examined the church. The bomb was not found. Rev. Lalamentik further explained that in July 2009 a large group of Muslims from the FPI, the Iqra Echo, and the FKSMK Bekasi demanded that the church be closed.
13	Bomb threat against the HKBP church in East Jakarta	4 October	Bogor Street, East Jakarta	Rev. Abidan Simanungkalit, pastor of the HKBP located on Bogor Street, East Jakarta, was threatened that a bomb would explode in his church during the morning service. The threat spread fear and panic among the congregation attending the service. Rev. Abidan immediately reported the event to the leader of the congregation and the police via telephone. The members of the Bomb-Disposal Squad arrived and closely examined the church. A black parcel containing a large battery, a clock, and a can was found. The parcel was stashed in the garbage. After having examined the parcel, the police concluded it was not a bomb.
14	Revocation of the building permit granted to Santa Maria Catholic Church in Purwakarta (West Java)	16 October	Cinangka, Bungur Sari, Purwakarta, West Java	The Catholic Church of Santa Maria in Purwakarta possessed the building permit legalizing its erection. That church was granted its permit after some 10 years of processing. The permit was issued in 2007. The FPI protested to the Regent, the FKUB, and the Depag. On 16 October 2009 the Government revoked the permit claiming that there were some irregularities in the procedure resulting in the issuance of the permit. The church party took the case to the court.

No	Event	Year (2009)	Location	Brief explanation
15	Insistence on closing the church in Jembatan Besi (West Jakarta) by the FPI followers	1 November	No. 21 Complex Jembatan Besi Jaya Street, Jembatan Besi, Subdistrict of Tambora, West Jakarta	For 15 years, the congregation of the Evangelist Church in Jembatan Besi had held their services in a building owned by the mentioned Church. According to the permit acquired by the congregation the building was to be used as a dwelling place, or a plot of land intended for a private house. The manager of the church said that he had been processing the alteration of the intended function of the building from a dwelling into a church for a long time. In addition, he had already obtained written consents by 60 neighbors along with the ones signed by the Directorate General of the (Christian) Protestant BIMAS, the Regional Office of the Depag. However, the RT, the RW and the head of the Quarter denied giving their consent before the official alteration of the permit was issued. Some 30 followers of the FPI insisted the church be closed. The mob arrived to the church and removed the banners and posters inside. According to the mob, the church disturbed the neighboring dwellers while it did not possess the permit.
16	Arson of the LDII mosque in Temanggung	6 December	Village of Tlogowero, Subdistrict of Bansari, Temanggung, Central Java	Dozens of people destroyed a mosque of the Indonesian Islamic Propagation Institute (LDII) by fire. After the police investigation, some 40 inhabitants of Tlogowero admitted their involvement in the demolition/arson of the mosque. The MUI Chairman for the Temanggung District stated that the LDII should be willing to move their mosque to another village or location. In the mentioned village, the LDII membership consisted of only eight families amidst the majority group who adheres to the <i>ahlus sunnah wal jama'ah</i> .
17	Demolition of the Catholic Church of Saint Albert in Bekasi	17 December	Boulevard Street, Residential Complex "Harapan Indah", City of Bekasi	A mob of hundreds of children and adults, men and women, arrived to the Catholic Church of Saint Albert in the evening. The church had already been granted the building permit; the erection of the church commenced in May 2008. When the mob arrived the construction process was in its final stage. The mob threw stones at the church building, set the security post on fire and incinerated a motorcycle owned by the security and the container turned into the building contractor's office. The police managed to disperse the throng at midnight arresting a few participants over the demolition.
18	Citizens' protest against the Christmas Mass held in the HKBP Philadelphia church in Bekasi	25 December	Village of Jejalen Jaya, North Tambun, District of Bekasi	The Board of the HKBP Philadelphia owned a plot of land and applied for a building permit in order to found their church. Hitherto a number of citizens signed the written consent to build the church. The document included the signature of the head of the village. However, the church board was yet to receive recommendations from the FKUB, the Depag, as well as the permit from the Regent. There was no permanent church building on the mentioned plot of land. The services were held in the emergency area within the mentioned plot. On 25 December the Christmas Mass was held in the presence of 279 members of the church congregation. The mob consisting of hundreds of people arrived to the church carrying posters, drums, and loudspeakers and demanding that the worship be brought to a halt. The service was brought to a halt. The police watched the ongoing event in order to prevent violence. After a dialogue between the party of protesters and the churchgoers the Mass was continued and concluded just before midnight.

with several Islamic organizations and the developer provided a location for a new mosque in the residential area. The cases involving HKBP churches in Riau and Parung were not so well coordinated. The government based its actions on the fact that in both cases the building permit had not been issued. On the other hand, the HKBP parties in both cases felt that the permit procedure was taking too long and producing no results. In fact, in the HKBP Parung case, the church party had already obtained written consent signed by the neighboring inhabitants, which is one of the requirements for requesting the building permit.

Six inter-religious conflicts arose in cases where religious groups used houses or other buildings as places of worship without a license for doing so, as was the case in the HKBP community of Tambak Sawah (Sidoarjo), the GKBJ community in Pisangan Jaya (Banten), the congregation of the Evangelist Church in Jembatan Besi (West Jakarta), the GKBJ congregation in Sepatan (Tangerang), as well as the cases relating to the HKBP in Jaka Baring (Palembang) and the HKBP Philadelphia congregation in Bekasi. In those six cases, certain Muslim groups opposed routine worship services in residential houses. In their view worship must be held in church, not at home. No physical clashes or physical destruction occurred in the six cases.

Of the six cases, there was only one in which the government provided an alternative place of worship for Christians, that is, the case of the HKBP church in Tambak Sawah Sidoarjo. After receiving several protests from Muslim groups because of the church using a residential house as a place of worship, Sidoarjo police chief prepared a boy scouts building as a temporary place of worship for the HKBP congregation. In three other cases the government did not provide alternative places of prayer, so that the Christians continued to worship in their original place under the pressure of protest from other religious parties. In two other cases communities protested the planned establishment of places of worship. Most often the reason protestors put forward when opposing the establishment of places of worship was the absence of a permit from

the government. However, in one case the church of St. Albertus in Bekasi, which was attacked by a Muslim group, already had a license.

There were three cases of internal conflicts involving Muslims, these being the burning of Ahmadiyah mosque in Kebayoran Lama, the sealing of Sidotopo mosque in Surabaya by residents, and the burning of LDII mosque in Temanggung. In the case of the sealing of the mosque, the mosque administrators and its followers were considered exclusivist. Sermons in the mosque were often considered suspicious in the community. In addition, in some residents' views the mosque had become a centre for activists who were considered terrorists. The burning of the LDII mosque in Temanggung shows internal conflict between Muslim groups in which LDII as a minority group was pressured by mainstream Muslim groups in the area.

In two other cases, anonymous bomb threats were made on the Bethel church in Bekasi and the HKBP church in East Jakarta. Prior to receiving the bomb threat, the Bethel church was pressured by a group of Muslims to shut down their church. Police officers quickly responded and went to the site to check whether there was a bomb in or around the church.

In 2009 a new trend of problems around places of worship arose in the form of revocations of licenses to establish churches by heads of local governments. These churches had obtained licenses, but under the insistence of other religious groups government officials then revoked them. There were at least three cases of this: the HKBP church in Cinere, Depok, the church in Villa Indah Permai Bekasi, and the Catholic church of Santa Maria Purwakarta. License revocation in the Purwakarta case occurred two years after the license had been obtained by the church. The stated reason for this was quite odd, this being that there were irregularities in the previous licensing process. If this was so, why had the government granted permission in the first place?

The case of the revocation of the permit granted to the HKBP Cinere was eventually brought before the court and won by the HKBP party. The State Administrative

The cancellation of the revocation of the building permit granted to this church is a good jurisprudential example suggesting that similar cases can be processed through the courts

Court in Bandung accepted the lawsuit filed by the HKBP who sued the Mayor of Depok, Nurmahmudi Ismail, for revoking the said permit. The Chief Judge assigned in the case explained that the permit revocation was unjustifiable since it was based on a citizens' protest, and in addition the church had already acquired the permit and erected its building. Based on the evidence and the facts presented at the trial, the HKBP church in Cinere fulfilled all requirements stipulated in the local Regulation No.3/2006 on Building Permits in the Municipality of Depok. The cancellation of the revocation of the building permit granted to this church is an excellent jurisprudential example suggesting that similar cases may also be processed through the courts.

In dealing with the problems relating to places of worship the government should, as mandated by Regulations No.8/2006 and No.9/2006 jointly issued by the Minister of Religious Affairs and the Minister of Internal Affairs (PBM), take a clear position. According to these regulations, religious rights are a human right which is binding at all times and under all circumstances, and which allows for each person to choose their religion freely, as well as to perform worship consistent with their religion. Nevertheless, a place of worship is to be founded in such manner that it preserves harmonious relations among the religious communities, to not disturb public peace and order (Article 13 [2]), and on condition of having obtained the support of the neigh-

boring communities with the minimum of 60 persons, which must be officially approved by the head of Village (Article 14 [2 b]). If these requirements are not yet explicitly fulfilled as stated, local government is obliged to facilitate the availability of a location to build the place of worship.

What does this mean? Government is supposed to be positive about efforts for founding places of worship because worship is a human right guaranteed by the constitution. Furthermore, the government is obliged to facilitate a way out when there is disagreement from other groups in the community regarding the establishment of a place of worship in a certain place. In cases where a religious group uses a residential house for worship or builds a place of worship on land used by other public facilities, which not uncommonly invites conflict from other groups in society such as in the cases above, the government must find alternative locations for the construction of places of worship.

Regarding permits for establishing places of worship, PBM also contains firm regulations. If all conditions are met, Article 16 [2] PBM stipulates that "the Regent/Mayor must issue a decision no later than 90 days from the request for the establishment of the proposed place of worship". There is therefore no reason for the government to take more than three months to issue a permit decision, that is, after all requirements for the application for license are fulfilled. In this way the community would have measurable legal certainty. As long as the legal requirements are met, if there are problems related to places of worship caused by mistakes or negligence of government, such as license revocation without a justifiable reason or delay on a decision regarding a permit application, then the public is entitled to bring the dispute to court. The case won by the party of the HKBP Cinere against the Mayor of Depok Nurmahmudi Ismail, who revoked the permit already granted to the church, proves that legal steps may be taken by citizens in dealing with problems relating to places of worship. Similarly, the government cannot decide to revoke a building permit for a house of worship after its issuance, based on protests from certain

groups.

The sealing of Sabilillah Sidotopo Al-hsan mosque in Surabaya by local people who were fellow Muslims provides a valuable lesson that problems surrounding places of worship are not restricted to formal approvals but also require the maintenance of good relations between the management of a place of worship and the local community. This is important at both inter- and intra-religious levels involving religious followers in the immediate environment. But people must avoid taking the law into their own hands. Examples referred to earlier show that in many places not only a place of worship can exist in harmonious relationship with communities surrounding it, but also that different places of worship can peacefully exist in close proximity to each other. Aside from the question of legality, places of worship need to reconsolidate themselves as sources of social peace and reconciliation.

FKUB: Challenges in Bridge Building

In this 2009 Annual Report as in 2008, problems around places of worship is a central issue, such that it may not be an overstatement to liken these to a thorn in the flesh of Indonesian religious life. Indeed, since independence through to the present, cases concerning places of worship ranging from small disturbances to the forced sealing by certain members of the community and vandalism, particularly between Muslims and Christians, have continuously characterized our religious life and are a negative indicator of protections of religious freedom. Indonesia is not an exception, as in many other countries, both developed and developing, problems frequently arise around places of worship.

When within society there are strong feelings of mutual mistrust, it is difficult for the society to resolve its own problems, so the government assumes a larger role in securing the fulfillment of the rights of religious communities. This is especially so regarding facilities that are exclusive to a particular social group but at the same time occupy a public space. In this context the

But the other side of participation is representation: how far can a FKUB go in representing the religious community which is this body's major concern?

Joint Regulation (PBM) of the Minister of Religion and the Minister of the Interior No.8/2006 and No.9/2006 was formed, as a replacement of the 1965 SKB whose existence had been called into question. There are arguments that the SKB is actually not the main cause preventing the establishment of places of worship, because in fact since the decree was issued there has been a large increase in the number of these. Even so, cases related to establishing places of worship never cease.

As reflected in its name, PBM itself actually speaks about the duty of regional heads to maintain religious harmony in their areas, and the establishment of the Forum for Religious Harmony (FKUB) is expected to become the spearhead for creators and keepers of religious harmony in every province and district. A sufficiently well detailed section in the PBM is on places of worship. In this case, PBM rules are set out more clearly and in greater detail than was the case with the 1965 SKB, and thus should serve as a better basis to ensure that the government fulfills the right of every citizen regarding his or her religion.

At present, after three years, at Provincial and District levels FKUB have been formed in almost all regions, although among them some were formed immediately after the issuance of the PBM and others only recently. Many of them are a continuation of pre-existing entities known by various names such as FKAUB, BKSUA, and FKAUMA (all could be roughly translated as "forum for harmony/cooperation between religious communities"). The question is, have the anticipated improvements materi-

alized? After researching over 20 FKUBs at the provincial and district levels, and supported by other data, this Annual Report is still as yet not able to provide a firm answer. The three years that have passed are more so characterized by issues around the formation of FKUB itself, as the most important instrument of PBM, and as yet few have gone into the substance of the issues that need to be resolved. This limited research indicates that there are two main kinds of issues concerning FKUB, i.e. whether FKUB is representative of particular religious groups and people, and whether it is effective in targeting the problems which become the reason of its existence.

The Problem of Representation That the PBM was formed after much discussion with religious representatives in Indonesia, lasting 11 rounds (according to information presented in the booklet published by Ministry of Religious Affairs on *Socialization of PBM*), shows that PBM is better than previous legislation in terms of its being more participatory. Similarly, in the mechanism of the establishment of places of worship, community involvement is quite central; through FKUB, PBM opened up a way for people to channel their aspirations on religious issues. But the other side of participation is the issue of representation: how far can an FKUB go in representing the religious community which is this body's major concern? The issue of representation is crucially important, since without it the entire effort of creating the FKUB, which is envisaged as a bridge between government and society, will not be very effective.

In the FKUB structure as determined by PBM, there is an Advisory Board, which is to be filled with government representatives. The position of Advisory Board is not very problematic, although there have been some issues. The main questions are who should be the religious representatives who sit as FKUB members, and how should they be recruited? In general, membership in FKUB is limited to 21 at provincial and 17 at district level, which is determined in proportion to the number of adherents of particular religions in the region. Thus selection criteria is very crucial. While PBM states that FKUB members should be chosen from

among "local religious leaders", a detailed explanation of the procedure is given by the Decree of the Governor (Pergub) for each region. It seems the general assumption is that the national religious assemblies represent society: Islam by the MUI, Catholicism by the Bishops Conference of Indonesia (KWI), Protestant Christianity by the Indonesian Fellowship of Churches (PGI), Hinduism by Parisada Hindu Dharma Indonesia (PHDI), Buddhism by the Board of Supervisors on Indonesian Buddhist Communities (Walubi) and, in a number of places, Confucianism by the Indonesian High Council of the Confucian Religion (MATAKIN).

In a number of places there are prob-

In the Special Region of Yogyakarta, the issue of representation is one reason the province has been very slow to form its FKUB

lems with this form of representation. In the city of Solo, the formation of FKUB in early 2007 involved representatives of MUI, PGI, Kevikepan (local KWI representation in the area), PHDI, and Walubi. However, there is the question of the Islamic organizations not represented in MUI – in Solo large Islamic organizations such as the Institute of Indonesian Islamic Da'wah (LDII) and Tafsir Al-Qur'an Assembly (MTA) urged that they be represented in FKUB. Apart from the representation of Islam, some even questioned the representatives of Buddhists by Walubi, which did not cover all Buddhist groups. Something similar happened with the PGI. For the latter, an agreement was reached that the other representatives were regulated by way of "taking turns" in the FKUB management. In some regions, Christian representatives do not always arise from the

PGI, but rather from the Inter-Church Council Body (Bamag).

In the Special Region of Yogyakarta (DIY), the question of representation is one reason the province had been very slow to form its FKUB. The source of the problem was the Governor Regulation which named the religious representatives specifically: MUI, PGI, KWI, PHDI, and Walubi. In the Gunungkidul District, problems arose because there were no Walubi representatives, such that the Buddhist representative invited in the process of formation of FKUB was a member of the Budayana Council. In another district, Sleman, there were no problems in terms of representation. Interestingly, the representatives for Islam were directly invited from several Islamic organizations but not MUI.

In Pontianak, on the initiative of the Office for National Unity and Community (Kesbanglinmaspol) under the Ministry of Home Affairs, and the Regional Office of Religious Affairs, the Muslims invited included not only representatives of MUI, but also NU, Muhammadiyah, Indonesian Haji Fraternal Association (IPHI), The Indonesian Muslim Forum (FUI), and Association of Indonesian Muslim Intellectuals (ICMI). 11 of the 21 persons who then represented the Muslim community were determined by the mass organizations that fulfil the invitations. In East Java Province, the FKUB was formed from pre-existing FKAUB, and then modified to fit with the PBM. Thus representations followed the FKAUB. Here there was more diverse representation. From among the Muslims, in addition to MUI there were representatives of NU, Muhammadiyah, the Indonesian Association of Chinese Muslims (PITI), and the Islamic Da'wah Council. In addition, some academics were also involved.

In the Province of Bali, where the Hindu population reached some 87 percent, the FKUB composition was very different from other regions. Actually since 1998 Bali had a FKAUB (a similar forum for inter-religious harmony, which was formed before FKUB is mandated by the 2006 Joint Decree) initiated by religious leaders themselves, financed independently, and then legally recognized as a government partner and consultant in social matters. The initiative arose

on the basis of concerns that, in the heated political atmosphere in 1998 and then the 1999 general election, religion could become a socially-divisive political tool. Although there had already been FKAUB, the process of forming FKUB in line with PBM was none too easy. The new FKUB was formed in August 2008.

Lengthy discussions in Bali took place on issues of representation, particularly regarding the position of the Advisory Council, which in the PBM should be filled by representatives of government (the Vice Governor/Regent, and lower ranks). Religious leaders in Bali wish for community leaders and religious institutions, considering their influential roles and their higher status in Bali, to be included in the Advisory Council. Hence there were no government representatives in the Advisory Council. Another fundamental change relates to the existence of customary governance of village, known as Desa Pakraman. Each area in Bali cannot be separated from the traditional base of each region governed by Desa Pakraman. As such there has been the entry of the Bendesa Supreme Assembly of Desa Pakraman in the Advisory Council at the provincial level. Meanwhile religious representatives were composed of representatives of the MUI, the Council of Inter-Church Service (MPAG), Kevikepan, Walubi, and MATAKIN.

Similarly, at the district level (at least in Badung and Gianyar Bali) there were Madya (Intermediate) Assembly of Desa Pakraman representatives, and the subdistrict level had representatives/leaders of the Alit (Lower) Pakraman Assembly, with representatives of the Department of Social and Religious Affairs in the membership structure. In Badung, total membership numbered 26 people, exceeding the provisions of PBM, which is 17, for the sake of making it more representative. This FKUB was also special in other ways: its chairman was himself the Regent of Badung. In other places, at most those involved were vice regents, and that was in positions on the Advisory Council.

Bali is not an exception—in many places, FKUB's total membership exceeded that stipulated by PBM. Among the most striking examples is the district of Poso, Central Sulawesi, which had 60 members. This was

In addition to questions of representation, the Decree also establishes a proportional system If used unwisely, this can be counter-productive

because FKUB Poso is a continuation of the task force formed when there were Muslim-Christian riots in 1997 and 1999, which had nearly 100 members. FKUB Poso itself actually formed three days before the PBM was signed on March 21, 2006. Although the large membership may have reduced its effectiveness, this FKUB became more representative, including in the representation of a great many religious organizations. For example, many non-mainstream Protestant churches were represented here. From the Muslim side, there were organizations with considerable influence, such as Al-Khairat and DDI, in addition to MUI and Muhammadiyah. Moreover, in addition to government representatives (Ministry of Religious Affairs and Ministry of Home Affairs), there were also TNI and Police representatives.

In South Sulawesi, in general Muslims were represented by the MUI, although it is interesting to note that in the Maros district, the Indonesian Council of Mosques and the Tarekat Khalwatiyah (an Islamic mystical order) were also represented. For the latter, this cannot be separated from their social power, as reflected in the proliferation of visits to this group by the contestants of the 2009 election.

In addition to questions of who represent a certain religious group, the PBM also establish a proportional system – the total representatives of a religion are to be proportionate to the number of its adherents, and each religion must be represented by at least one member. If this regulation is represented unwisely, this can be counter-productive. In Mojokerto District, East Java, 12 of the 17 members were Muslims, which is proportionally acceptable, but, unlike many

other places, the seven highest positions in the membership hierarchy (Chairman, Vice Chairman of I and II, the Secretary and his deputy, Treasurer and his deputy) were all held by Muslims; in its other organizational divisions too (Maintenance, Empowerment, and Houses for Worship), Muslims dominated. Non-Muslim delegates represented the Buddhist, Confucian, Protestant, and Catholic communities respectively. Even though this form of proportionality did not violate the rules, it nonetheless clearly did not reflect the spirit of proportional representation.

Compare this, for example, to the positive FKUB example in Banjarbaru city, South Kalimantan. The chair of the FKUB in that town is the representative of the Muslim community, the first and the second vice-chairs are from the Protestant and Hindu communities respectively, the vice-secretary is a Buddhist, and the financial officer a Catholic. The group of the Muslim representatives is in itself quite diverse, with delegates from Muhammadiyah, NU, DDI, a pesantren, as well as HTI.

Similarly in West Papua, Christian Protestants hold the majority (50 percent), followed by Muslims (41 percent), and then Catholics, Hindus, and Buddhists. The representatives of these five religions occupied the five highest positions within the membership structure – Chairman (Christian Protestant), Vice Chairs (Muslim and Catholic), Secretary (Hindu), and Deputy Secretary (Buddhist). The 16 other members also represented the five religions as well. Here it seems minorities had larger portions. The two major groups (Christian and Muslim) were still more highly represented, although not quite proportionally, with the advantage, if it may be called that, going to minority groups.

As seen in the above examples, there is evidently diversity across locations in terms of large representations, and membership numbers are not always in accordance with PBM outlines. On the one hand, it may be argued that such disproportion reflects a creativeness illustrative of interesting local social dynamics. Indeed, it might be that the FKUB depicts well the kind of variety that exists in the community which may not nec-

essarily be as well illustrated in the map of the religious diversity drawn up by the government. A strict proportional system does not always work well. Moreover, because decisions should not be taken by voting, in fact there is no reason for a strict implementation of this requirement. More important is the diversity of representation, especially regarding non-mainstream religious organizations. The assumption that the representatives of religious assemblies (MUI, PGI, KWI, etc.) well represent each religious community is clearly simpler and therefore more likely to be followed, but this would require turning a blind eye to the extraordinary internal diversity of each religion.

In fact FKUB is faced with very diverse problems related to inter-religious relations

Activities. In PBM, the FKUB is perceived as a bridge between local governments (governors and regents/mayors) and the community. FKUB is expected to actively conduct dialogue with religious and community leaders to accommodate community aspirations and channel them as recommendations to the local government. At the district level, this is coupled with the crucial task of giving written recommendations regarding requests to build places of worship.

Being still in their infancy, besides completing the formation of their respective organizational structures the FKUBs have undertaken only few tasks. But within this time span it has become apparent that, outside the normative limitations on the PBM, in fact FKUBs have to deal with very diverse problems related to inter-religious relations.

First is in regard to the socialization of PBM and FKUB itself as a reservoir for community aspirations. More comprehensive research is required to determine whether this task has been running well. In a num-

ber of regions which became the focus of this research it seems that this goal has yet to be achieved. FKUB members are elite religious leaders, while socialization into the lower levels has not fully followed. Where there are issues related to inter-religious relations, FKUB should be the first step in dealing with any complaints. In Banjarbaru this appears to be the case, but this is not entirely so in other places. In addition to the fact that the existence and function of this institution may not yet be fully understood, public trust in it needs to be developed. In Badung, Bali there was an agreement to collectively maintain security at Christmas facilitated by FKUB; this could be a good example of trust building.

Second, the main task of FKUB, as described in detail in a special chapter of the PBM (and the prime reason for the revision of the 1965 SKB) is related to the establishment of places of worship. In the end, FKUB's success or failure will be measured according to its ability to manage this most crucial problem. To date, it seems very clear that community aspirations have been included in matters related to the establishment of places of worship (whether in the desire to build one, or in protest against such plans), but the number of recommendations produced remains very limited – not to mention cases where such recommendations are later revoked, as happened in Central Sulawesi.

In Palu, Central Sulawesi, a church received a recommendation and the building permit was also released, but was afterwards opposed by a group of people who came to MUI – not FKUB. After dialogue with the Mayor, the recommendation and license for the church was revoked, and moreover the construction that had begun was discontinued. This certainly does not set a good example, as it reduces the legal certainty that PBM wishes to promote.

Another important certainty is the length of the process of issuing a permit. A crucial point here is that while there is a clear time limit, 90 days, for the local government to issue a building permit for a place of worship (provided that the request has attached to it a written recommendation from FKUB), no time limit is given to FKUB to make

a decision on the recommendations. To some extent this is understandable, because the tasks of FKUB include conducting negotiations and persuasion if any parties object to a proposal to build a place of worship. In East Jakarta, for example, FKUB on a number of occasions had an audience with the party requesting the recommendation for the construction of a church, but also with those objecting to the plan. Be that as it may, if the abovementioned time limit remains unclear, the problem of the length of the process prior to the issuance of the PBMs

FKUB is actually not only faced with inter-religious relations as its main mandate, but also intra-religious ones

will – rather than being resolved – merely transfer to the FKUB.

An interesting story that illustrates both FKUB's weakness and strengths concerns the issuance of a building permit for the GBIS Generasi Pilihan Church in Pucangsawit, Solo. After more than two years since the request for recommendation of this church, finally on July 21, 2009, FKUB submitted their written recommendations to approve the request. The two-year period was necessary because FKUB parties had to hold discussions with the local community who opposed the establishment of the church. In addition, when the petition was filed, FKUB was relatively new and was busy with its own internal affairs. Nevertheless the FKUB issued a recommendation and the proposal went to the local government. Another skepticism remained: despite the deadline of 90 days, there was a worry that the bureaucracy at the local government would be complicated. Yet the building permit for the founding of the mentioned church was finally issued in September 2009. Through a continuous

learning process FKUBs should become more efficient in handling such matters.

Some problems of representation as discussed above inevitably also influence FKUB activities. In the city of Makassar, the Walubi representative complained that he was not given a recommendation for a monastery, despite all administrative requirements having been fulfilled. He argued that only one person in the FKUB resisted the proposal, and yet FKUB had failed to take any action. For the Buddhist member, this was due to a majority bias within the FKUB membership. Other representation problems arise when it comes to intra-religious issues, as discussed below.

Thirdly, in reality the main mandate of the FKUB is not restricted to handling inter-religious relations, but also intra-religious relationships as well, such as the issue of heresy among groups. In South Sulawesi, FKUB apparently did not see intra-religious problems as part of their mandate; such issues include attacks on the Ahmadiyah group and the Naqshabandiyah Mystical Order, or the accusation of heresy directed toward new Islamic groups. However in Banjarbaru, FKUB handled a lot of internal religion issues, such as those related to Syi'ah, LDII, and other Islamic groups; or Jehovah's Witnesses within Christianity). Some cases of intra-religious conflict were resolved quite smoothly, but one also culminated with recommendations, on the advice of Protestant Christian religious leaders, that the Jehovah's Witnesses be banned. Here again the issue of representation seems important, in that what may well have happened here is that a delegate representing a religious community at the FKUB regarded another religious community which was not represented (nor officially recognized) as heretical. A proposal on the issue of places of worship, where there have been cases of inter-church disputes.

Beyond all of these activities, it is also interesting to observe that in a number of areas issues arose concerning the allotment of land for the cemetery or funeral home exclusively for one religious group. This is not explicitly mentioned in the PBM. However, given FKUB's role as a consultative institution and because this can be a factor affecting harmony, it is quite possible for

This authority, especially because it is tied in with this crucial issue, can easily turn into an abuse of authority

FKUB to enter into this area. Nevertheless, it is important to remember that in the end the task of FKUB is limited to giving recommendations, while the final responsibility is with the government.

Having observed some problems and potentials of FKUBs, not all of which are functioning well, let alone fully formed in some provinces and districts, what can be recommended is regular evaluations that should start promptly. For now, based on the knowledge gathered by this Annual Report, there are a number of matters that ought to be reconsidered.

First, representation is not a matter of formality. If FKUB intends to bridge the community to the government, the problem of representation here means inhibiting access to participation in government's decisions, thus reducing FKUB's participatory nature, which is precisely referred to above as the positive feature of PBM. There are several inter-religious representational problems, but seemingly even more serious is the representation of non-mainstream groups within their respective religions.

It should also be noted that the representations based on a proportional system are not always beneficial to FKUB. This report shows that there are negative and positive examples of this. Of concern is that the majority (including perhaps the majority/mainstream in a religion) will dominate, and thus hinder the achievement of FKUB objectives. This concern is not unwarranted, considering that evidence points in that direction. It must be acknowledged that it is not easy to resolve the issue of representation within such a diverse community in both inter- and intra-religious terms – not to mention if the factor of traditions or customs in each region (such as in Bali), is also taken into account. In one way or another, be-

yond the recommendations that can be given in this Report, this issue must be considered and properly resolved, because otherwise the goal of establishing hundreds of FKUBs is not likely to succeed.

Particularly in relation to the complex issue of places of worship, FKUB in the PBM are understood as a consultative institution. However FKUB also has authority which, relative to its institutional status, is very great: recommendations for the establishment of places of worship. This authority can easily be abused and it has occurred in a number of government agencies, and it would not be surprising if discreditable practices arise around FKUBs in order to make recommendation issuance easier. There have been indications in that direction, although this Report cannot verify it. At least this should serve as a warning to prevent such instances.

In the end, it is important to remember that the PBM, which in the legal hierarchy is equivalent to ministerial regulations ordaining priorities internal to their department, is about the "implementation guidelines" for regional heads and their deputies. In regard to places of worship, in the end the final responsibility is on the shoulders of government. When a FKUB does not issue a recommendation its assignment automatically expires; the task of pledging the aspirations of certain religious groups then lies in the hands of government. This is also related to other matters (for example, the allotment of land for a cemetery or funeral home) that are beyond the FKUB mandate. It is important that FKUB as a consultative institution and in the name of the maintenance of religious harmony are also involved in resolving such problems, but the final responsibility remains in the hands of regional heads.

This reminds us of the importance of aligning government- and society-level perceptions regarding the position of FKUB (and PBM) in relation to the fulfillment of religious rights and freedoms and the maintenance of inter-religious harmony. As revealed in a FKUB Research Seminar held by the Ministry of Religious Affairs in December 2009, there is a desire that FKUB will not be pre-occupied solely with procedural issues such as those associated with establishing places

of worship – to “not merely extinguish fire” as the saying goes. Rather, FKUBs are expected to be involved in creating meaningful and empowering dialogue between the religious communities with the aim of building a harmonious and prosperous society. In fact, it cannot be denied that in the PBM the most central issue is that of establishing houses of worship; likewise, in the speeches of the Minister of Religion and the Minister of Home Affairs in relation to the socialization of the PBM, places of worship are seen as the most crucial issue. At the practical level, based on existing data, this also seems to be the FKUB perception. If this is indeed more realistic, then it must be remembered that the work of extinguishing fires is a noble enough task.

Aside from that, the vision of the desired religious harmony ought to be grounded in a collective agreement; otherwise, it will be difficult for FKUBs to achieve the goal of implementing their various tasks. For some time now the “politics of religious harmony” – which became official government policy soon after Indonesia’s independence and continue until today – has been discussed. This discussion is unlikely to cease any time soon, but these discussions should nevertheless become more operational in the sense of serving as concrete indicators capable of supporting all efforts aimed at building meaningful harmony.

In this regard, FKUB may also need to establish a broader relationship with academics and NGOs who already have experience with involvement in inter-religious relations. Part of the task of FKUB is to build dialogue, another part is in relation to conflict resolution and peace building. The “Empowerment of FKUB” as mandated by PBM needs to be interpreted also with training for the aptitude and skills necessary for performing these tasks. In this case, their presence is likely to help.

Snowballing Effect of Discourses on Accusation of Religious Heresy and Defamation

In 2009 the phenomenon of religious heresy accusations grew much stronger and

spread to various parts of Indonesia. Discourses on religious heresy and defamation had a snowballing effect capable of impacting on anyone whose religious beliefs and practices are considered deviant by others. In general, the groups accused of heresy were always small groups within society with mainstream religious views. This study shows that discourses on religious heresy and defamation can occur in all religions.

Heresy discourse represents an intra-religious problem in which mainstream groups accuse of heresy other groups that are different but still within one religion or have something in common with the religious tradition. Sometimes in practice it happened that a group leader or member was accused of heresy by carrying out a criminal practice such as sexual harassment. But society and the government do not always distinguish between the discourse on religious heresy or heretical religious beliefs and the accompanying criminal violations. The way the police and government officials have dealt with cases like this also shows that they do not distinguish between them.

What legitimate this condition are the existence of criminal offenses related to the so-called defamation or abuses of religion in Indonesian law (specifically on defamation of religion), as well as the police law which mandates the police to keep watch over ‘sects’ (*aliran*) that are considered deviant in the community. This is despite the very firm guarantee in the constitution on freedom of religion as an integral part of Human Rights, freedom of religion and worship according to religion and belief. The strengthening of discourses on religious heresy and defamation has been influenced by successful convictions in cases such as those on Lia Eden, Satrio Paningit, as well as the Joint Ministerial Decree on Ahmadiyah (2008). This study found that accusation of heresy or defamation of religion, sometimes accompanied by violence, and the criminalization of what is considered as heresy have become a common pattern in the community as a means to resolve internal conflicts of religious groups over differing understandings. This situation is quite worrying because people have begun to lose another mechanism for managing social

cohesion. Instruments of criminal law pertaining to religious blasphemy have made a large contribution to the establishment of this kind of pattern.

From the 25 cases in Table 7 we can find patterns of final resolution of cases which claimed heresy or defamation of religion. These patterns are: (a) prison conviction for those leaders or followers of a group declared by a court to be guilty of heresy or defamation of religion offenses; (b) investigation by the police; (c) processing a case in the court of law without reaching a final

decision; (d) Central Coordinating Body of the Custodians of People's Religions ((Bakor Pakem, under the Supreme Court) or the national religious councils (MUI, PGI, KWI, etc.) to review the idea which is considered heretical; (e) Actions of mass violence on homes or places of worship (such as a centre or the like) belonging to a leader or members of a group claimed to be heretical; (f) the police takes the action of protecting citizens (who are accused of being heretical) by bringing them to the police station; (g) coercion or compulsion of the al-

Table 7: Problems relating to discourses on defamation and heresy in 2009

(Source: Various media and Komnas HAM)

No	Event	Year (2009) and Location	Involved parties	Brief explanation
1	The AKI Group in Bandung	January; Residential Complex "Parahyangan Kencana," Village of Nagrak Subdistrict of Cangkung District of Bandung	<i>The accusing parties:</i> - Indonesian Reformist Movement (Garis) - MUI <i>The accused party:</i> - AKI Group	A mob of around hundred people from Garis demonstrated accusing the AKI of heresy, smearing the name of Islam and causing unease in the Muslim community. The protest was followed by negotiation between the representatives of the Garis, the AKI, and the MUI. Eventually, the representative of the AKI signed a statement stipulating termination of the activities thought of as leading astray from the Islamic Shari'ah. The Pakem in the District of Bandung conducted research on the AKI. There are many versions of the AKI. Finally, the Pakem concluded that the AKI led by Wahyu Kurnia/Syamsu in Cangkung should not be considered heresy. On the other hand, the so called "Andreas' version" of the AKI was heresy since it jumbles elements of Islam with teachings of other religions.
2	Demolition of a house of the <i>Jamaah Salafi</i> in Lombok	19 February Hamlet of Mesanggok Gerung East Lombok	<i>The accusing parties:</i> - Prominent religious figures-Citizens <i>The accused party:</i> - <i>Salafi</i> congregation	At a number of forums for reciting the Qur'anic verses those religious figures who disagreed with the <i>Salafi</i> teachings pronounced H. Mukti and the <i>Salafi</i> group led by him as heretical. H. Mukti was also accused of circulating the "Al-Furqan" magazine despite the fact that its contents were opposed to the understanding of religion held by the surrounding community. On the evening of 19 February 2009 a mob predominantly consisting of youth gathered and jointly attacked homes of the <i>Salafi</i> congregation. At least five houses were severely or lightly damaged. Prior to this incident, in May 2008 a similar event involving demolition of people's homes had transpired. The police took no action to stop the mob's violence. Eventually, certain religious figures used their authority to settle the heated atmosphere down. Nine members of the <i>Salafi</i> congregation took refuge at the District Police Headquarters for safety reasons.
3	The "Noto Ati" <i>aliran</i> (sect) in Jombang	February Three subdistricts in Jombang	<i>The accusing parties:</i> - MUI - Depag <i>The accused party:</i>	The MUI Board in Jombang declared the "Noto Ami" sect a heresy, because it gave prominence to certain passages of the Qur'an rather than referring to the Qur'an as a whole thus neglecting it, rejected the Idul Fitri tradition of <i>sungkeman</i> , fanatically observed its gurus, prohibited conveying condolences and grieving at the time of death, and disallowed their chil-

No	Event	Year (2009) and Location	Involved parties	Brief explanation
4	Blog denigrating the Messenger Muhammad	February Website: http://teswordpress.wordpress.com	- Followers of the "Noto Ati" sect <i>The accusing parties:</i> - Department of Communication and Information - Public Relations Office of the "Metro Jaya" Regional Police Quarters <i>The accused party:</i> - Owner of the website http://teswordpress.wordpress.com	dren to attend school and/or socialize. Ministry of Religious Affairs was presented with MUI's research of the group and finally it requested the religious community to disperse. The owner of the site http://teswordpress.wordpress.com (the site is in Indonesian) in several of his postings wrote that the Messenger Muhammad was a pedophile king. The Head of the Information Center of the Department of Communication and Information investigated the mentioned site in search of blasphemous contents relating to the Messenger Muhammad. The Department of Communication and Information declared it would take cautious and prudent action in handling the problem. The Head of the Public Relations Office of the "Metro Jaya" Regional Police Quarters stated that the case would be handled seriously; once encountered and detained, the author of the site would have to face criminal charges for violation of the law prohibiting religion-related denigration, as well as the Law on Information and Internet Technology.
5	Healing practice of Ali Akbar in Sangkapura	February Sangkapura	<i>The accusing parties:</i> - MUI - NU Board <i>The accused party:</i> - Ali Akbar <i>alias</i> Soleh Akbar	According to a number of parties, Ali Akbar was a village shaman. According to the MUI, Ali Akbar's practices were heresy. According to himself, Ali requested his patients worship him as god, teaching them a <i>syahadat</i> professing faith unto Allah and the Messenger Muhammad, both of whom were represented in Ali. The ritual involved stamping on the Qur'an. To avoid mass riots, the Regional Police in Sangkapura brought Ali in on 10 February 2009, where he denied ever having stamped on the Qur'an. In turn, his healing practice relied on the usage of Qur'an, as he stated. After having been held in custody for 24 hours, the police released Ali on lack of evidence firm enough to establish his suspected guilt. The case was taken further by the MUI, various prominent religious leaders, as well as the Council of Subdistrict Elders in Sangkapura, who jointly decided Ali Akbar was to leave Sangkapura.
6	The Buddha Bar in Menteng (Jakarta)	February-March Menteng District Capital of Jakarta	<i>The accusing parties:</i> - Hikmahbudhi-Magabudhi - Anti-Buddha Bar Forum - Council of National Integrity <i>The accused party:</i> - Nereta Ltd. (the owner of the Buddha Bar)	The Government Tourism Office issued the operation license to the Buddha Bar. Prior to that, the Government Tourism Office obtained the written agreement from the Indonesian Buddhists' Communication Forum, the Central Executive Board of the Buddha Mahayana Majabumi organization, and the Central Executive Board of the Indonesian Buddhist Generation. The Hikmahbudhi requested the Buddha Bar promptly cease its operation. As stated, the name bringing together the term "bar" with the "Buddha" was deemed insulting towards the Buddhist community. The Hikmahbudhi stated that the Buddhist community's objection to the existence of the Buddha Bar was grounded in the bar's violation of the legislation outlawing the acts of the abuse and or defamation of religion. Certain figures from the Buddhist community organized a street protest against the Buddha Bar. In a dialogue facilitated by the regional government and the Minister of Religious Affairs, the Nereta Vista Creative Ltd. changed the name of the bar into the Bataviasche Kunstkring.
7	The "Tegak Mandiri" sect in Tegal	March Village of Pacul	<i>The accusing party:</i> - Citizens - Police	Solikhin healing practice or shamanism involved the practice of magic. The inhabitants of the RT 4 RW 2 in the village of Dobong Kulon, the Subdistrict of South Tegal, the City of Tegal physically attacked Solikhin since, apart from practicing shamanism, he was also

No	Event	Year (2009) and Location	Involved parties	Brief explanation
		Subdistrict of Talang District of Tegal	<i>The accused party:</i> - Solikhin	spreading the heretical teachings of the “Tegak Mandiri” sect. The units of the Criminal Investigation Bureau of the Polsek in East Tegal examined Solikhin. While in detention, Solikhin confessed having preached that five-time prayer was not obligatory and could be replaced with the ritual of sitting and reading the <i>bismillah</i> and the opening prayers to <i>sholat</i> along with asking Allah for guidance. Solikhin also practiced <i>laku ngelih</i> for healing his patients. The Resort Police in Tegal is currently conducting further investigation of the case.
8	Protest against the Widya Dharma University (Unwidha) lecturer in Klaten	May Klaten, Central Java	<i>The accusing party:</i> - Forum Umat Islam (FUI) <i>The accused party:</i> - Drs. F. X. Marjana	The FUI investigated the case classified as a defamation of religion by Drs. F. X. Marjana. The incident took place during Marjana’s thesis examination at the Unwidha. This finding was reported to the Unwidha leadership by the chairman of the FUI, who deemed Marjana’s statement that “the present times are actually the age of stone; the Hindus worship Prambanan, the Buddhists worship the Borobudur shrine, while the Muslims worship the Kabbah.” After having learned of the report, the Chairman of the Foundation-cum-Dean of Unwidha expelled Marjana from the university.
9	Prison terms for the leader and the follower of the “Tahta Suci Kerajaan Tuhan” sect in Central Jakarta	2 June The District Court of Central Jakarta	<i>The accusing party:</i> - District Court of Central Jakarta <i>The accused parties:</i> - Syamsuriati alias Lia Eden and Wahyu Andito Putro Wibisono	In the period beginning 23 November and ending in December 2008, Lia Eden distributed four writings to various institutions such as the police, the governors’ offices throughout Indonesia, the President and the Vice-President. The four texts are the following: (a) Lia Eden the God’s Messenger; (b) the commandment of elimination of Islam and all other religions in Indonesia; (c) the simplification of ritual and importance of the <i>Qibla</i> ; (d) the teachings of Lia Eden are the most recent ones, uniting all existent religions. Wahyu Andito Putro Wibisono was Lia Eden’s follower in charge of writing down Lia Eden’s teachings. The District Court of Central Jakarta sentenced Lia Eden to serve 30 and Wahyu Andito 24 months in prison. Both were found guilty of violating the Article 156a of the Penal Code on defamation of religion. Lia Eden planned to file a complaint against the ruling.
10	The current (<i>aliran</i>) of the “Sion City of Allah”	June District Town of Kupang East Nusa Tenggara (Lesser Sunda Islands)	<i>The accusing parties:</i> - GMIT - Resort Police-Mayor <i>The accused party:</i> Nimrot Lasbau	According to the Sion City of Allah teachings and its church leader Nimrot Lasbau, the usage of robes in different colors while holding services was to indicate their position in the church hierarchy. As stated by the police, this sect prohibited going to church on Sundays, taking communion, as well as church weddings. The group was active since 2006. Up till now, its congregation comprises 11 persons. The police arrested Nimrot and his 11 followers. The Mayor of the District Town of Kupang declared that the teachings spread by Nimrot were to be considered as a form of heresy. In June 2009 the Chief of the Resort Police stated that Nimrot was held as a suspect involved in the blasphemy of religion.
11	The Tarekat Naqshabandiyah (Islamic mystical order) in Merangin	June Village of Air Batu Subdistrict of Renah Pembarrap District of Merangin	<i>The accusing party:</i> - Citizens - MUI - Depag - Resort Police <i>The accused parties:</i>	The Tarekat Naqshabandiyah’s number of followers was rapidly growing in Air Batu since 2005. Some inhabitants claimed there were 20 different teachings within the Tarekat Naqshabandiyah in Air Batu, all of which contained elements of heresy, such as the belief that God had children, there were no angels, and that if one managed to reach the summit of one’s faith the practice of <i>salat</i> was no longer obligatory. The chairman of the MUI in Merangin declared that although in essence the teachings of the Tarekat

No	Event	Year (2009) and Location	Involved parties	Brief explanation
12	The "Maddika Lekko Pini Bunda Maryam" sect in Luwu	June The area of protected forests in the District of Luwu	- Ali Wardana and the followers of the Tarekat Naqsabandiyah <i>The accusing parties:</i> - MUI - District Office of the Public Prosecutor - Council of Subdistrict Leaders - Regent <i>The accused party:</i> Muhammad Nasir <i>alias</i> Ambo	Naqsabandiyah were not heretical, those practiced in Air Batu were. On 23 June 2009 a meeting between the MUI and the followers of Tarekat Naqsabandiyah was held in on the premises of the Depag. The meeting was also attended by the Head of the Depag, the Head of the Intelligence Unit of the Resort Police, the Regent, and the Head of the Regional Police. At the occasion the MUI demanded immediate termination of all activities of the Tarekat Naqsabandiyah while introducing a ban on Ali Wardana from entering the village of Air Batu. Ambo started to disseminate his teachings known as the Maddika Lekko Pini Bunda Maryam (Mary) in 2007. His followers believed that this local religion was created by Allah as a supplement to the teachings of Islam. The MUI held a meeting on the subject of Ambo's religious teachings at the premises of the District Office of the Public Prosecutor in Belopa, which was also attended by the Council of District Elders. The following meeting was held at the Depag. Next, the MUI brought a formal decision (in writing) that Ambo's teachings were heresy because they were contrary to religion and customs of the area. The District Office of the Public Prosecutor in Belopa forwarded the MUI's <i>fatwa</i> to the Central Coordinating Body of the Custodians of People's Religions. While awaiting the final decision to be reached by the Central Body, the Bakor Pakem for the District of Luwu closely watched the activities of the followers of this belief. The police investigated Ambo in late June 2009. However, some 20 followers of Ambo's teachings publicly repented in the presence of administrative officers.
13	The ruling against the leader of the "Satrio Piningit" sect in South Jakarta	July 30 The District Court of South Jakarta	<i>The accusing parties:</i> - Citizens - Coordinating Body of the Custodians of People's Religions - District Court of South Jakarta <i>The accused party:</i> Agus Imam Solihin	Agus Imam Solihin founded the local religion known as "Satrio Piningit Weteng Buwono" in 2002. Agus taught his followers to abandon the five-time prayer and the fasting, and to abort the five pillars of Islam as well as to engage in joint sexual intercourse with their partners in a shared room. Agus also declared himself Imam Mahdi. Agus' hub had already been deemed unacceptable by the citizenry of Bekasi, leading to his expulsion. Thereafter he moved his resort to Pasar Minggu in South Jakarta. After having held meetings with the Public Prosecutor, the police, the District Military Command, the Office of National Unity and Community Protection, the Depag, and a number of other instances the Coordinating Body of the Custodians of People's Religions decided that the teachings of Satrio Piningit Weteng Buwono were deviant. Agus surrendered to the police on 29 January 2009. Prior to that, there was a police-hunt organized to capture him. On 30 July 2009 Agus Imam Solihin was sentenced to prison for 30 months by the ruling of the Panel of Judges of the District Court of South Jakarta.
14	Local sect headed by Aa Cucu in Bandung	31 July Kampung Pojok, Village of Bumi Wangi, Subdistrict of Ciparay, West Java	<i>The accusing party:</i> - Citizens - Kesbanglin-maspol <i>The accused parties:</i> Aa Cucu and his followers	Hundreds of citizens and the Kesbanglinmaspol apparatus arrived to the house suspected of having been used for performing rituals in accordance with the religious views disseminated by Aa Cucu. At that time, Aa Cucu and 28 of his followers were performing a ritual, all of whom were brought to the Regional Police Headquarters for interrogation. The police are still unable to establish whether or not the mentioned sect should be regarded as heresy.

No	Event	Year (2009) and Location	Involved parties	Brief explanation
15	The teachings of Ben the descendent of Syekh Malik in Majalengka	July Village of Wanajaya Subdistrict of Kasokandel District of Majalengka	<i>The accusing parties:</i> - Citizens - MUI - Head of the Subdistrict-Subdistrict Police <i>The accused party:</i> Ben	Ben (born in Jatiwangi) claimed he was descendant of Syekh Malik. Presently Ben has settled in Wanajaya (Kasokandel) where there are approximately 20 followers of his teachings drawn from among his milieu. A part of the local community considered Ben's teachings heresy for the lack of the practice of <i>sholat</i> in addition to being characterized by the permission to wed a previously married woman. The rituals performed in line with Ben's teachings were also assumed to be heresy. The MUI for the Subdistrict of Kasokandel, the Head of the Subdistrict, and the Chief of the Subdistrict Police in Kasokandel are currently collecting data resulting from the investigation procedure.
16	Condemnation-cum-prohibition of the art of Debus in Banten	August 2009	<i>The accusing party:</i> - MUI All Javanese and Lampung Fatwa Commission <i>The accused party:</i> Debus art group	The MUI Fatwa Commission at an All-Javanese and Lampung Regional Coordination Meeting held on 12 August 2009 issued a <i>fatwa</i> declaring the Debus (and the like) artistic forms <i>haram</i> since all such art relied on support from the spirits and the devil while including chanting mantras deemed to contain <i>syirik</i> and <i>sihir</i> elements and/or to misuse verses from the Qur'an. The Director of the Governmental Office for Culture and Arts of Cilegon on 14 August 2009 stated they were determined to preserve this artistic form capable of attracting both domestic and foreign tourists. There are some 8 debus hubs in Cilegon alone. Dozens of students gathered in front of the MUI office on 19 August 2009 to protest the issuance of such a troubling and socially problematic <i>fatwa</i> . The MUI office was guarded by the apparatus thus preventing students, who tried to push their way into the building, from meeting the MUI Chairman.
17	Arson of the Center for Zikr (recitation) run by the Naqsabandiyah in Pandeglang	8 September Kampung Sekong, Village of Sekong, Cimanuk, Pandeglang, West Java	<i>The accusing parties:</i> - Village community - MUI - Coordinating Body of the Custodians of People's Religions - Depag- Public Prosecutor <i>The accused party:</i> Syahrudin (principal of the (informal) Center for Zikr)	Ririn (Syahrudin's wife) confessed before the Village Head that she felt harassed by her husband since her five-year marriage was legalized merely through an "invisible" or magical, wedding ceremony. The event was devoid of the usual (and obligatory) presence of the religious authority, the witnesses, and the guardians. In addition, Syahrudin had recently taken his step-daughter Wanti, Ririn's daughter from her first marriage, for his wife. This marriage was also legalized through the invisible ceremony. The village inhabitants claimed that Syahrudin had also sexually harassed Intan, his second child, on the pretext of wishing to transfer his magical religious knowledge to the child. This news spread throughout the village by word of mouth and infuriated a number of villagers who eventually burned the Naqsabandiyah Center for Zikr owned by Syahrudin to ashes. The followers of Syahrudin's Zikr comprised some ten persons, all of whom were not indigenous to Pandeglang. The MUI and the Coordinating Body of the Custodians of People's Religions is currently conducting research of Syahrudin's religious teachings in order to establish whether or not it should be regarded as denigrating to religion.
18	"Dasa Sampurna Yana" sect in Gianyar, Bali	September 13 Pejeng Kangin Zone Subdistrict of Tapaksiring District of GianyarBali	<i>The accusing party:</i> - Members of a local organization <i>The accused party:</i> - I Ketut Ngetis' family	I Ketut Ngetis and his family embraced the local sect Dasa Sampurna Yana in the year 2006. When I Ketut Ngetis' father passed away, the family planned to intern the deceased in a public cemetery in the Mumbul area, Village of Jimbaran, Subdistrict of South Kuta, Badung. Hundreds of neighbors in customary attire arrived to the funeral home and prevented the departure of Rangkus' body which was already placed in an ambulance. The body was removed from the vehicle and returned to the funeral

No	Event	Year (2009) and Location	Involved parties	Brief explanation
19	"Partnership for Prayer" of the "Foundation of God's Magnificence" owned by Herman Kemala in Manado	September District Town of Manado North Sulawesi	<i>The accusing parties:</i> - Priests of the Bethel Church - Former members of the "Partnership for Prayer"- Depag <i>The accused party:</i> Herman Kemala	home. The throng in front of the funeral home increased. Certain village officials and members of the Council of Subdistrict Elders from the local organization "Pengembangan" attempted to calm the atmosphere. A few moments later rocks were thrown in the direction of the funeral home. The people objected to Rangkus' burial since the Dasa Sampurna Yana teachings to which he adhered were deemed contradictory to the Balinese <i>dresta</i> Hindu (tradition). The body was allowed to be buried after the family members agreed to abide by <i>awig-awig</i> ritual of the village where the cemetery was located. In 2001 Herman Kemala along with a few companions established the Evangelical Mission to Spread the News of God's Magnificence Foundation. The foundation was registered by the Public Notary, the Kesbanglinmaspol, and the Directorate General for Guidance of Christian Society of the Depag. According to Herman Kemala, the "Partnership for Prayer" was not established as a church. After a session of joint prayer, members of this association were typically requested to return to their respective churches. Herman Kemala had been with this organization since 1992. According to him, the "Partnership for Prayer" currently comprises of some 8,300 members. Out of that number some 5,000 members are citizens of Manado. On 9 September 2009 hundreds of Christian citizens and priests approached the Office of National Unity, declared Herman Kemala's teaching heresy, and demanded it be banned immediately. The throng presented a VCD containing footage of a prayer session led forcibly by Herman who used violence at the occasion. A number of former members of the partnership testified to Herman's violent ways, which included punching and slapping members of this congregation. The presented VCD contained recording of such instances. The Head of Religious Affairs for Protestantism (within the Depag) stated that Herman Kemala's teachings were an abomination, heresy, and contrary to the teachings of the Bible. The priests of the Bethel, as well as the Evangelical Church in Minahasa (GMIM) jointly appealed to all Christians to reject Herman's teachings. The Regional Police of North Sulawesi is investigating the case.
20	The teachings of the "Darul Islam (DI) Filah" in Garut	September-October Village of Penyindangan Subdistrict of Pakenjeng District of Garut	<i>The accusing parties:</i> - Inhabitants of Penyindangan - Council of Subdistrict Elders - District Police Headquarters - MUI <i>The accused party:</i> Sen Sen Komara bin Bakar Misbah	On 28 September 2009 a discussion was held at the Council of Subdistrict Elders of Pakenjeng on the subject of the teachings of "DI Filah" led by Sen Sen. The wider community felt that this local group was heresy, and thus problematic. A number of the community members forcefully entered the premises where the meeting was held in order to condemn the followers of these teachings. The police brought these persons to the District Police Headquarters in Garut for safety reasons. Sen Sen's followers contested the claim that the teachings they embraced were deviant. According to the apostolate taught by the "DI Filah," Sen Sen was an imam. At the police headquarter, after having read the Yasin verse from the Qur'an showing that the term "Yasin" contained the initials of his name, Sen Sen stated decidedly that he was God's messenger. As the highest ranking military commander of the "DI Filah," Sen Sen changed the direction of Qibla to face the east and in line with not only the world map, but also a dream he had. The District Police in Garut detained Sen Sen and four of his followers as suspects in the criminal act of religious defamation. The rest of the adherents to the teachings

No	Event	Year (2009) and Location	Involved parties	Brief explanation
21	The local religion "Raksa Istijenar of the Mountain Rinjani" in Lombok	October Village of Dasan Tinggi, Daye Subdistrict of Sambalia East Lombok	<i>The accusing parties:</i> - MUI - Council of Subdistrict Elders - Central Coordinating Body of the Custodians of People's Religions <i>The accused party:</i> - Bakri Abdullah alias Amak Junaidi alias Amak Bakri	of Sen Sen expressed their wishes to re-embrace the mainstream teachings of Islam. All of them were returned to their villages upon the request to guarantee safe conduct devoid of criminal record. In the Subdistrict of Sambalia a leaflet containing information that Amak Bakri was a prophet (messenger of God) who received revelation from Anger Gabriel was widely circulated. The Regent and the members of the Council of Subdistrict Elders in Sambalia invited Amak Bakri to explain the leaflet circulation on 14 October 2009. However, in front of the press Amak Bakri denied having claimed he was God's messenger. On the other side, he stated he had ascended to heaven twice, in 1975 and in 1997. He also claimed he had received a divine revelation. The local religion taught by Amak Bakri known as the "Raksa Istijenar of the Mountain Rinjani" and acquired 29 followers. This group held their rituals on Friday evenings. The Chairman of the MUI for the West Nusa Tenggara declared that Amak Bakri's teachings were disturbing the wider community. According to this person, the situation of imminent riots called for the government to ban the teachings of Amak Bakri and compel him to publicly renounce his teachings. The case is being handled by the District Government of Lombok through an investigation of Amak Bakri by the Central Coordinating Body of the Custodians of People's Religions.
22	Pin with the drawing of the Messenger Muhammad in South Sulawesi	October The City of Makassar South Sulawesi	<i>The accusing party:</i> - MUI - District Police <i>The accused parties:</i> - Bahanda - Irianto	Banando and Irianto had returned from Iran approximately seven months prior to the heated discussions of this case. Bahanda was a student majoring in Persian Literature in Hausa Al-Mahdi Madrasah in Iran. Bahanda purchased 50 pins decorated with the drawing of the Messenger Muhammad along with 100 stickers containing illustration of the Prophet's family. These pins and stickers were circulated and sold in the Syiah community in Makassar. A member of the non-Syiah circle of the Qur'anic reciters bought a pin through a friend. Circulation of pins containing a drawing of the Messenger Muhammad boomed in Makassar due to its diverseness. The Chairman of the MUI for South Sulawesi informed the public that the MUI for South Sulawesi issued a <i>fatwa</i> against creators and distributors of drawings and photos of the Messenger Muhammad. The MUI requested the police to confiscate the drawings of the Messenger Muhammad and his companions. On 14 October 1009 the District Police in East Makassar took Bahanda and Irianto in for examination. They were released a couple of days later (16 October) since the information they provided to the police was deemed sufficient.
23	Local belief "Ilmu Kalam Santriloka" in Mojokerto	October-November Quarter of Kranggan (Gang 5) Mojokerto East Java	<i>The accusing parties:</i> - MUI - NU - Muhammadiyah <i>The accused party:</i> - Anwar alias Achmad Nafan alias Mbah Aan	In October 2009 the MUI in Mojokerto declared that the local belief known as "Ilmu Kalam Santriloka" was deviant. The community of the "Ilmu Kalam Santriloka" believers had published a VCD and a book entitled "Wind of Change." On 31 October 2009 Branch Management of NU in Mojokerto maintained the MUI's declaration and symbolically burned the book and VCD of Santriloka. The Regional Leadership of Muhammadiyah for East Java joined in the condemnation. According to the parties opposing the teachings of Santriloka, this group was guilty for committing the act of defamation of religion by disseminating the teaching that fasting for Ramadan and five-time prayer were not obligatory, as well as

No	Event	Year (2009) and Location	Involved parties	Brief explanation
24	"Sabdo Kusumo" community in Kudus	November Village of Kauman City Subdistrict of Kudus Central Jawa	<i>The accusing party:</i> - MUI Kudus <i>The accused party:</i> - Raden Sabdo Kusumo <i>alias</i> Kusmanto Sujono	the belief that the original Qur'an had not been written in Arabic, but in the Kawi, Sanskrit, and Old Javanese language. On 28 October 2009 Mbah Aan was disseminating his teachings through a sermon held in a certain center in the Quarter of Kranggan. Mbah Aan's teachings attracted some 700 adherents. On the morning following the evening sermon he had held in the center, Mbah Aan was arrested and taken to the District Police in Mojokerto. On 5 November, after having spent 7 days in custody, Mbah Aan was declared a suspect in this case. The City of Kudus experienced intensive public debates on the subject of the teachings known as "Sabdo Kusumo" deemed to deviate from Islam in general and in particular regarding the profession of faith (<i>Syahadat</i>). The issue revolved around the book entitled "<i>Syahadat Makrifat</i>" written by Sabdo Kusumo, and in which the <i>Syahadat</i> reads that "...and I witness that Sabdo Kusumo is the messenger of God" (in Arabic language). The congregation of this faith comprised of some ten individuals. The MUI gathered a file containing the teachings of Sabdo Kusumo. The file was sent along with the written statement of the mentioned teachings' heresy to the Subdistrict Police of Kudus. The Depag requested an explanation from Sabdo Kusumo. He denied that he was the author of the "<i>Syahadat Makrifat</i>," instead, he confessed that he composed another book entitled "<i>Sabdaning Suma: Kaweruh Sangkan Paraning Dumadi Ngalam Pernataning Gusti Hyang Maha Agung</i>," allegedly noting down the words of his friends Kholiq and Abdul Latief. Sabdo Kusumo also stated (and his wife confirmed) that he was unable to read or write in Arabic language. On 12 November 2009 in the presence of the administrators of the Depag in Kudus Sabdo Kusumo signed the official statement declaring that he had never been involved in the dissemination of heretical teachings such as those published in the "<i>Syahadat Makrifat</i>."
25	The teachings of "Dununge Urip" in Blitar	November Village of Jajar Subdistrict of Talun District of Blitar	<i>The accusing party:</i> - MUI <i>The accused party:</i> Suliyani	According to the secretary of the MUI branch in Blitar, the teachings of "Entry to Paradise" (<i>Masuk Surga</i>) had started to spread in Blitar in recent months. This local group required its followers to sign a statement guaranteeing their financial capability to pay an entrance fee to paradise in between 3 and 7 million (Indonesian) Rupiah. The Chairman of the MUI for East Java stated that this sect was deviant and its disseminators criminals deserving to be sentenced to imprisonment for violating the law against denigration of religion. The MUI furthermore requested citizens to avoid anarchical actions such as the incineration of either the places of worship or the residential places of the adherents to the mentioned belief. The Chief of the District Police in Blitar will coordinate the police investigation of the mentioned sect with the investigation undertaken by the MUI. If determined to be heresy, this local sect would be outlawed.

legedly heretical party to sign an official statement of repentance, discontinue spreading and/or otherwise engaging in the practice of their teachings; (h) prolonged pro-contra public debates on the subject of

a belief or religion which is considered deviant or heretical; (i) the change of name allegedly insulting-to-a-religion, such as in the BuddhaBar case; and (j) in some cases, there was the ejection of the local leader of a

group from the village concerned.

Before further analyzing the problem on discourse of heresy and defamation of religion, we shall look at the development of the Ahmadiyah case, which in 2008 was most controversial. The 2008 Annual Report specifically discussed the acts of violence that the Ahmadiyah congregation experienced both before and after the issuance of the Joint Decree (SKB) on the Indonesian Ahmadiyah Congregation (or Jemaat Ahmadiyah Indonesia/JAI) in June 2008. Apart from that, the Report also attempted to assess how far the state went in handling the Ahmadiyah case. The Report documents no fewer than ten cases of violence against

the Ahmadiyah group (the mosques and/or other assets owned by the Ahmadiyah congregation in various places) such as demolition, intrusion, arson, and forced sealing. Although the SKB does not outlaw the existence of the Ahmadiyah group, it severely restricts the group's activities. This fact potentially enables various forms of violence against the Ahmadiyah group. In fact, 2009 is abundant with evidence that supports this claim. Furthermore, a part of society and some state officials appear to be persistent in demanding the disbanding of the Ahmadiyah religion. Here are some cases revolving around the issue of the Ahmadiyah group.

Table 8: Problems relating to the Ahmadiyah group

(Sources: Various mass media and Komnas HAM)

No	Event	Year (2009)	Location	Brief explanation
1	Adjournment of the "jalsah salanah" gathering of the Indonesian Ahmadiyah Congregation (JAI) in the Special Region of Yogyakarta-Central Java	2 January	Pesantren Sokotunggal, Sendangguwo, Semarang	The District Police of Central Java, the Metropolitan Police Units of Semarang, and the Subdistrict police in South Semarang disbanded the "Jalsah Salanah" Gathering of the JAI in the Special Region of Yogyakarta-Central Java. The police apparatus argued that the gathering had not been officially authorized; rather that K. H. Nuril Arifin Husein had merely informed the police about it. K.H. Nuril is a head of household rather than a JAI member. The police dissolved the gathering after the opening ceremony attended by hundreds of the JAI leaders and members.
2	Government of West Nusa Tenggara discontinued distribution of food aid to the Ahmadiyah refugees in Transito, West Nusa Tenggara	January, June, August	Transito Majeluk Mataram	In 2006 the Ahmadiyah congregation was attacked and banished from Ketapang. Ever since, the congregation has been living in various refugee camps, including the one in Transito. In January 2009 the Regional Government of West Nusa Tenggara discontinued food distribution to the Ahmadiyah refugees consisting of some 36 families. The refugee camp was quite inadequate, with one space shared by many people, and with curtains instead of walls in between. The refugees wished to go back to Ketapang, but were unable to do so since there was a ban preventing their return. In addition, the government was unable to guarantee their safety. In June there were still 126 in Transito. Although the Regional Government of West Nusa Tenggara promised to buy all the assets owned by the Ahmadiyah members in the village, up till now there has been no further development in that direction. The refugees planned to write a letter to President Susilo Bambang Yudhoyono requesting to be returned to the village safely instead of having their assets acquired by the government. The Governor of West Nusa Tenggara claimed that the Ahmadiyah refugees were rather exclusivist in their ways and quite reluctant to socialize with wider society. The MUI and the Depag continuously offered counseling services hoping to have the refugees re-embrace the true Islam, but the effort yielded no results and the congregation remained within its religious views. The JAI spokes-

No	Event	Year (2009)	Location	Brief explanation
				person declared that the Admadiyah community already socialized with the wider society, except when it came to participating in congregational prayers. However, it was maintained that in matters relating to marriage, <i>tahlilan</i> , and Qur'anic recitation the Ahmadiyah congregation did mix with wider society. It was explained that the preference to hold a congregational prayer separately from the milieu stemmed from the doctrine of the Ahmadiyah group.
3	Pressure on the Governor of West Java to ban the practice/dissemination of the Ahmadiyah group in West Java	25 March	Bandung West Java	Hundreds of the FPI members in Bandung organized a protest insisting that the Governor of West Java eradicate the Ahmadiyah group in that region. The protesters' representative accused the Ahmadiyah congregation of circulating the "Suara Ansharullah" Magazine despite the fact that the Joint Decree banned such activities.
4	Pressure on the President of Indonesia to ban the practice/existence of the Ahmadiyah group	1 April	Jakarta	Tens of thousands of the supporters of the FPI, FUI, and other (such) organizations organized a protest insisting that the President Susilo Bambang Yudhoyono ban the Ahmadiyah group (in teachings and practice). FPI threatened to boycott the Presidential Elections and block the traffic in Jakarta if the request was not fulfilled. In response to this request, the Election Supervisory Board and the Directorate General of the Komnas HAM asked the government to protect the political rights of the adherents to the Ahmadiyah group, as well as not to neglect their right to a choice.
5	Pressure on the President of Indonesia to ban the practice/existence of the Ahmadiyah sect	5 April	Central Jakarta	Thousands of FPI supporters organized long march starting from the Hotel Indonesia roundabout and proceeding in the direction of the palace. The protesters planned to submit a letter to the President in which it was requested that the practice of the Ahmadiyah sect be outlawed. The police prevented the throng from approaching the palace.
6	Letter of Request issued by the MUI Chairman for West Java demanding that the Governor of West Java ban the Ahmadiyah group in this region	7 May	"Rafah Kemang" Pesantren Bogor West Java	The MUI Chairman for West Java in a speech given at the graduation-cum- <i>tasyakuran</i> ceremony at the "Rafah Kemang" Pesantren urged the Governor of West Java to outlaw the Ahmadiyah in this region. He used the example of the Governor of North Sumatera who deemed the Ahmadiyah group be outlawed in the mentioned province. The graduation ceremony was attended by the MPR Chairman Hidayat Nur Wahid, the Minister of Public Housing, numerous ulama, and pesantren directors.
7	Demand for issuance of Presidential Decree that would ban the existence of the Ahmadiyah	1 June	Central Jakarta	A mob consisting of the FPI's supporters demonstrated at the Hotel Indonesia Roundabout demanding that the Ahmadiyah be banned by issuance of a Presidential Decree.
8	Arson of the Ahmadiyah mosque in South Jakarta	6 June	Ciputat Raya Road, Gang Sekolah No. 18, Kebayoran Lama, Jakarta	Several members of the Ahmadiyah congregation held the congregational <i>Subuh</i> prayer early that morning. Two unidentified persons set the building on fire after having poured petrol over it. Certain items in the property of the mosque were burned. The fire was quickly extinguished.
9	Structural cleansing of the District Government of Garut from the officials embracing	June	District of Garut	Various officials in Garut signed a declaration outlawing Ahmadiyah-related activities in Garut. The management of the Branch Office of the Indonesian Reformist Movement (GARIS) along with the Organization for Study, Enforcement, and Implementation of

No	Event	Year (2009)	Location	Brief explanation
	the Ahmadiyah			Islamic Shari'ah indicated that at least 7 officials in the District Government of Garut were members of the Ahmadiyah congregation. The GARIS and the LP3SY held a meeting with Ahmad Hermawan, the Governor of West Java, on 16 June 2009. The Governor made the following statement: "any administrator for whom I find out to be a follower of the Ahmadiyah will be removed from his/her position." The Governor also said that all the officials suspected to be members of Ahmadiyah had already pledged that they were not adherents to this group; however, their wives and other family members did not make such an oath. GARIS, the LP3SY and other mass organizations held a rally in front of the Council of Regional Representatives' (DPRD) office for the District of Garut upon which they were approached by the Council's representatives from the Partai Keadilan Sejahtera (PKS) and the Golkar parties. The representatives agreed not to draft officials into taking important positions in the Regional Government from among the Ahmadiyah membership.
10	The MUI and the FPI pressure Muslims to keep an eye on Ahmadiyah activities in their neighborhood	July	Jakarta	The MUI Chairman, Amidhan, urged the Muslim communities to immediately report to the police any kind of activities undertaken by the neighboring Ahmadiyah communities. The Chairman of the FUI for Bekasi made the same appeal to the FUI membership in Bekasi. These actions were to prove that the Ahmadiyah congregation was still active. The General Director of the Islamic BIMAS, Nasaruddin Umar, declared that the Ahmadiyah congregation should be offered a chance to return to the right path and that insistence on their coercive dismissal was superfluous. According to him, a large number of the Ahmadiyah adherents had already re-embraced the teachings of the true Islam.
11	Non-official ban by the Provincial Government of WestNusa Tenggara of performing <i>hajj</i>	August	West Nusa Tenggara	The Ahmadiyah leader for West Nusa Tenggara stated that the Provincial Government of West Nusa Tenggara had for a long time banned or severely restricted members of the Ahmadiyah congregation from performing the <i>hajj</i> . The Head of Depag in West Nusa Tenggara denied the existence of such a restriction, even though the Government of Saudi Arabia banned the Ahmadiyah adherents from performing <i>hajj</i> . The Ahmadiyah congregation in West Nusa Tenggara had the right to perform <i>hajj</i> . The practice of the administrative procedure is such that it precludes distinguishing between the Ahmadiyah and non-Ahmadiyah pilgrims to Mecca.

Many analysts have argued that the complexity of fulfilling the rights of religious freedom for groups considered splinter or deviant is the existence of the law on defamation of religion, namely the law PNPS No.1/1965. It provides broad opportunities for criminalizing cases of what is considered heresy or defamation. In addition, it is also important to pay attention to the bureaucracy that runs these provisions: the police and prosecutors. The police institution is the front guard directly tied into cases of reli-

gious heresy or defamation as criminal cases. In addition, the judiciary institution overseeing the Bakorpakem watch dog is tasked with giving recommendations on whether a religious sect (*aliran*) is deviant or not.

The latest regulation on the police force after Reformasi is the Law No.2/2002 on the Indonesian Police. Article 15 (paragraph 1, letter D) of the Law states that one of the police authority is to "oversee the sects/beliefs [*aliran*] that can cause dissension or threaten national unity". In practice the term

aliran is often interpreted as religious sect. Although the principal task of the police is to maintain “public order and security” (Article 13 [a] Act No.2/2002), the existence of the Ministry of Religious Affairs and the Bakor Pakem directs the police to not only move within the space of criminal law (crime, violence, security, order), but also in the space or within the paradigm of defamation of religion, when conducting investigations into certain cases. All the more so with the increasing strength of the bargaining position of Religious Assemblies which always play a role in the coordination of such cases. Up till now, the challenge of religious freedom within the structures of legislation and institutional apparatus of government is indeed very complicated, complex and difficult. In addition, in the midst of strong demands for bureaucratic and police reforms, there is no significant voice on the reform of bureaucratic handling of religious cases. If this issue is untouched, there is no hope in solving such cases; they will keep on trigger unending pro-contra debates, and cases will continue to reemerge.

In 2009 seven private legal entities have petitioned for a judicial review of the Presidential Decree No.1/1965. These organizations/individuals are: The Association of the

Citizens’ Initiative for Transitional Justice (IMPARSIAL), the Institute for Social Study and Advocacy (ELSAM), the Legal Aid and Human Rights Society (PBHI), the Association for the Study of Human Rights and Democracy (Demos), Setara Institute, the Desantara Foundation, the Indonesian Legal Aid Institute Foundation (YLBHI), in addition to four individual petitioners, namely (the late) K. H. Abdurrahman Wahid, Professor Dr Musdah Mulia, Professor M. Dawam Rahardjo, and K. H. Maman Imanul Haq. The petitioners have authorized 50 legal counselors involved with the Advocacy Team for Religious Freedom.

It is necessary for the Constitutional Court (MK) to studiously consider this judicial review. It is only appropriate that a democracy such as Indonesia should not criminalize religious teachings. In practice, discourse on religious heresy has had a snowballing effect capable of colliding with all form of religion-related practice and differences considered outside of mainstream. In cases where there are practices of certain religious groups that endanger its followers (for example, threatening their lives) or violate the rights of followers of other religions or beliefs, law enforcement and the courts should use other laws outside those pertaining to religious blasphemy. ●

PART THREE

DEMOCRACY AND INTER-RELIGIOUS RELATIONS

54

Religion and the General Election

Indonesia has conducted its five-yearly General Election as a mechanism for electing new members to the central and local legislative bodies, the regional councils of representatives, as well as the new president. Although there are still shortcomings here and there, particularly concerning those who did not register to vote, the 2009 General Election can be considered successful and regarded as an achievement of democracy; it shows a peaceful democratic process in general. Thus the image of the world's most democratic Muslim country has grown stronger.

The support by religious communities of democracy and elections was one of the keys to the success of the 2009 Election. Almost all religious communities view the elections positively as a mechanism of democracy. However, politicization of religion in a negative sense still occurred here and there in the elections. At the same time criticisms also arose from society, which is increasingly democratically mature, concerning the politicization of religious issues. The National Electoral Commission (KPU) was also criticized for lacking religious sensitivity by choosing to have the general election on 9 April 2009, which coincided with Holy Thursday in Easter commemorations.

In late January 2009 MUI had begun to issue a fatwa that in the popular media was referred to as fatwa 'haram *golput*' ('white group', those not using the right to vote). The MUI fatwa issued in the Ulama Conference in Padang Panjang (West Sumatra) stated that elections are a mechanism for selecting a leader and MUI calls for Muslims to elect a leader who fits Islamic criteria; if there was not a proper candidate as leader in terms of Islamic requirements, Muslims still had to choose the better candidate. This idea of the necessity of voting was then termed as the ban on *golput*. On the other hand there remained views in the community that not using the right to vote was a choice to express criticism and disagreement on the faults of the election mechanism and the democratic system in Indonesia, and among other reasons on the lack of candidates that truly represent the aspirations of the people.

Some MUIs in the regions socialized the *golput* fatwa into the wider community in their area. But others rejected the fatwa, or at least questioned its usefulness. MUI Pekalongan and MUI Tegal for example questioned the urgency of the fatwa. The two largest Islamic organizations, the NU and Muhammadiyah, rejected the fatwa. The Heads of NU (Hasyim Muzadi) and of Muhammadiyah (Din Syamsuddin) separately rejected and expressed regret over the fatwa. According to them MUI should issue

fatwas which are more important for the communities' interests, rather than an *ad hoc* fatwa on *golput*. The NU Bahtsul Masail Institute (LBM NU) East Java allowed *golput* because MUI fatwa did not have strong religious legal support.

Although the 2009 Election opened with the controversial *fatwa*, in general religious institutions outside MUI fully supported the Election without having to issue *fatwa*-style statements for the sake of the election. The Catholic KWI and the Protestant PGI also called on all Christians to join in and ensure the success of the Election and use their right to vote. The Confucian MATAKIN issued a similar appeal. Positive attitudes of religious institutions toward the Election were also reflected in the presence of leaders of religious organizations and religious assemblies from Islam, Protestantism, Catholicism, Hinduism, Buddhism, and Confucianism in joint prayers for peace organized by the Central KPU to inaugurate the Election. Religious leaders in their respective religious communities as well as in inter-faith gatherings shared prayers for peaceful elections. Religious leaders in areas such as Jakarta, Semarang, Yogyakarta, Banjarmasin, South Sulawesi, East Nusa Tenggara and Papua gathered and performed prayers together for the continuation of peaceful and safe elections.

The Baduy Community in West Java, especially Baduy Dalam, did not use their voting rights or choose to be *golput*, while the Baduy Luar community did. The total membership of both Baduy communities is around 11 thousand people. Local wisdom in Baduy Dalam does not allow its members to do anything that could harm others or trigger discord. While not participating in the Election, Baduy Dalam still prayed that it be peaceful, and that whoever wins be safe and trustworthy. Meanwhile, Hizb ut-Tahrir Indonesia (HTI), which rejected democracy, did not express any firm rejections. FPI in Jakarta had said it would boycott the elections if Ahmadiyah was not immediately disbanded. In fact when the presidential election approached, the government did not disband Ahmadiyah, and FPI instead lent support to one presidential and vice-presidential team, while urging them to disband

Ahmadiyah, and participated in the election.

Regarding the election date, some Christian leaders expressed regret that the legislative election was to take place on 9 April 2009, which coincided with Holy Thursday in Easter commemorations. Generally speaking, most Christian congregations solemnly commemorate the Maundy Thursday while preparing for the observance of Good Friday the following day. Because of this Christians in Larantuka and Lambata (East Flores, Nusa Tenggara Timur) and Kimaan Island (Papua) requested the election be postponed until April 12. If the KPU were to insist on having the legislative election on 9 April, citizens of those villages would refuse to send their representatives to the Voting Committee (KPPS). Finally, the Commission met this demand and the general election in three regions was put back to April 14. Related to that, part of the Hindu community in Bali did not perform their ceremony of *ogoh-ogoh* within the Nyepi holiday in 2009 because it coincided with legislative elections campaign period. They were concerned that carrying out *ogoh-ogoh* may have triggered conflict and violence because it could have segregated Hindu youth organizations of differing political parties and potentially cause conflict between different *ogoh-ogoh* groups.

In terms of rules and regulations regarding elections, some are explicitly related to religion. In Law No.10/2008 on Election of Members to DPR, DPD and DPRD and Law No.42/2008 on the election of the President and Vice President one article explicitly mentions religion. Article 84 of Law No.10/2008 and Article 41 of Law No.42/2008 have the same rules in terms of campaign prohibitions on "insulting anyone based on religion, ethnicity, race, class ..." The explanation of Article 51 of Law No.42/2008 paragraph 2 is that "campaign advertising is prohibited from using content that can disturb the peace", which includes among other things "slander, incitement, misleading and/or lying, emphasising violence, obscenity, gambling, or polarizing tribes, religions, races and inter-groups, disparagement, undermining, harassment, and/or ignoring religious values ...".

In the 2009 elections some religious is-

sues could be categorized as violations of election rules related to religion, such as: (a) the smear campaign in the Jusuf Kalla-Wiranto campaign against Boediono, whose wife was rumoured to be a non-Muslim; (b) a PKS politician politicizing the headscarves of the wives of presidential and vice presidential candidates; (c) the politicization of the headscarves of the wives of Jusuf Kalla (JK) and Wiranto to gain mass sympathy; and (d) the smear campaign that PKS is a part of the Wahhabi movement. These religious issues became controversial nationwide, but none were brought into the police investigation process and the domain of election law violations. The use of religious sentiment

In the 2009 Election a number of religious issues can be categorized as violations of election rules in the area of religion

during the election campaign heated up the general atmosphere. The JK-Wiranto and SBY-Boediono teams argued with each other. The SBY party stated that the headscarf is a religious issue which should not be brought into campaign issues.

Regarding the contents of campaigns, it is interesting that all the presidential and vice-presidential candidates stated that if elected they would revoke all Perda laws that regulate religion excessively and conflict with the 1945 Constitution. On an occasion, Jusuf Kalla and Prabowo stated that they would continue to protect pluralism in the nation and at the same time provide guarantees regarding freedom of worship.

Mass mobilizations of religious communities in support of the presidential and vice presidential candidates were prevalent in

many places. To mention a few examples from the many supporting the president and vice president:

(a) the Chairman of PBNU, Hasyim Muzadi, stated explicitly on June 22 that PBNU supported the JK-Wiranto team. The meeting of *kyais* or religious leaders (Bahtsul Masail) of NU in East Java on May 22 also stated that NU *kyais* supported JK-Wiranto;

(b) Head of Muhammadiyah, Din Syamsuddin, revealed on July 3 that the voting for JK-Wiranto is obligatory for Muhammadiyah members. Previously Muhammadiyah also issued a guide for choosing JK-Wiranto. Besides these two largest Muslim organizations, two new, small but very vocal Islamic organizations also lend their support to JK-Wiranto:

(c) FUI formally issued the Muslim Charter on June 25, which contains the Islamic community mandate entrusting JK-Wiranto;

(d) FPI issued an edict on June 23 calling all Muslims to support and vote for JK-Wiranto;

(e) the Christian PGI on June 8 issued a statement on the three criteria for president and presidential candidates who deserve to be elected, which led to JK-Wiranto; and

(f) the Buddhist Walubi handed out free food parcels with bags displaying pictures of SBY and Number 31 for the Democratic Party. Besides them, there were other events related to politicization of religious symbols and religious mobilizations, including those involving the Catholic church, Hindu group and Islamic Sufism groups (*dhikr* assemblies).

Although deeper and more comprehensive research needs to be carried out, on the surface level at least a lesson can be drawn. It is very interesting that the politicization of religious identity and religious communities in the 2009 elections did not seem to have a significant influence in the outcome of the presidential election. The JK-Wiranto pair appeared to be the most active in mobilizations based on religion, and got support from many religious groups, yet they gained the lowest votes.

Although NU and Muhammadiyah leaders called for Muslims to choose JK-Wiranto, the Exit Poll study of Indonesian Survey Institute (LSI) indicates that as many as 64 percent of NU and 58 percent of Muham-

Table 9: Results of the 2009 Presidential and Vice-Presidential Election
(Source: National Election Commission)

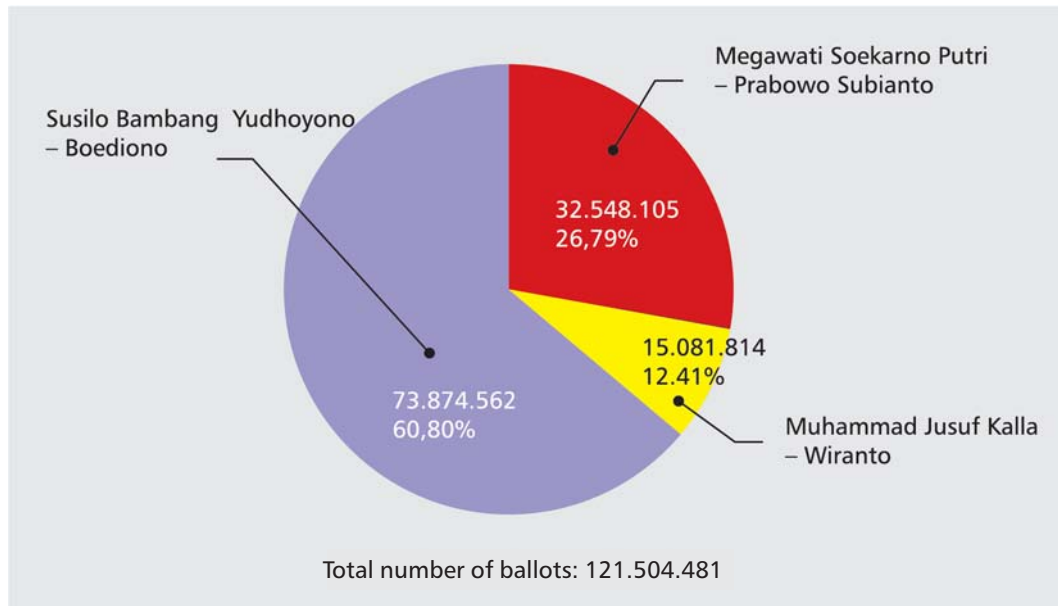
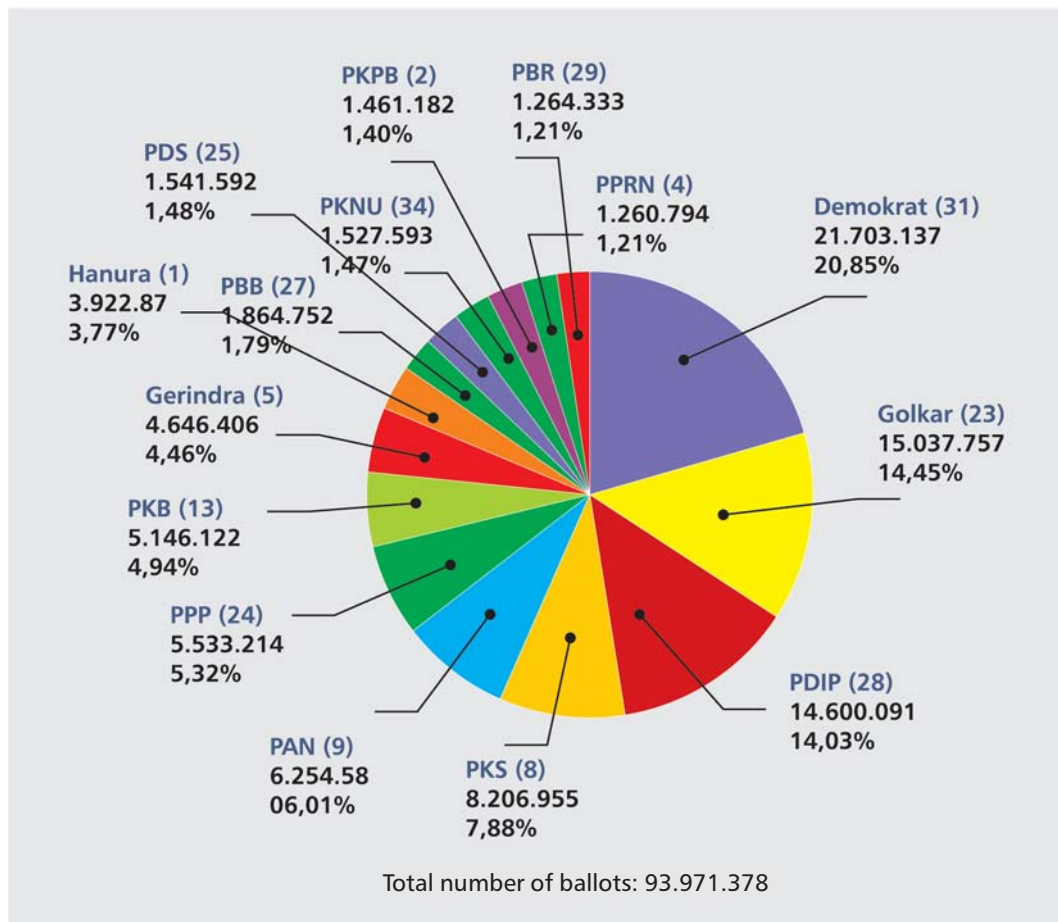


Table 10: The 15 largest winning parties of the 2009 Election to House of Representatives (DPR)
(Source: National Election Commission)



madiyah chose SBY-Boediono. Conclusions about the lack of effectiveness of mobilization in terms of religious politics also apply to the legislative elections, at least at the level of the national legislature (DPR). Three parties that obtained the highest votes were secular – the Democratic Party, Golkar and PDIP – none of which implicitly built upon particular religious sentiments among the masses. These three parties obtained a total of almost exactly half of the votes, or 49.33 percent. The fourth- to seventh-ranked parties declared themselves as open parties – sometimes expressed as pluralistic or secular parties - but in general they emphasized the masses of a particular religious group. These parties were the PKS, PAN, PPP, and PKB which in total obtained only 24.15 percent of the vote. Table 10 displays the number of votes cast in the Legislative Election gained by the 15 winning political parties.

To sum up, thus far the 2009 Election can be regarded as a significant step forward by the Indonesian citizenry within the country's ongoing democratization, especially considering that the election went peacefully. This matter is not separate from the acceptance by the majority religious community and Indonesian citizenry that the election was the appropriate mechanism of democracy and political succession. In the future KPU should be sensitive to cross-religious issues, especially regarding the timing of elections. In many places also the politicization of religion occurred in the 2009 Elections, which should be increasingly minimized in the future. The 2009 Election also proves that the use of religious sentiments and mobilization may not be necessarily effective; religious communities in Indonesia seem to have become increasingly mature and rational in politics.

Pluralism, Peace, and Violence

In general, in 2009 the religious community in Indonesia was able to portray itself as powerful in strengthening cohesion, developing peace, and contributing to a constructive form of social criticism. But on the other hand some religious groups still played a role in acting destructively and ig-

Religious communities in various places made constructive contributions in the form of social criticism of development and political processes

ning conflict. On another issue, it is interesting to note how the development of pop culture and more specifically film in 2009 began to reflect the strengthening of religious identity. These are discussed in this last part of the Report.

Government's efforts at dialogues: Efforts to strengthen the cohesion of society were put into practice both communally and as initiated by individuals, as well as through government. At government level, inter-religious encounters were actively facilitated by the Ministry of Religious Affairs through several institutions, such as the Center for Religious Harmony. Perhaps less widely known is that the Ministry of Foreign Affairs through the Directorate of Public Diplomacy participated actively in initiating inter-religious dialogue, mostly at regional and international levels. The dialogues involves not only religious leaders but also young people, academics, and the media, in international meetings in Indonesia or abroad. In 2009 the Directorate participated in forums such as the fifth Asia Pacific-level inter-religious dialogue meeting held in Australia; the Asia-Europe Meeting (in the ASEM context), also the fifth, held in Seoul; bilateral inter-religious dialogue with Austria and Russia; and the high-level Alliance of Civilizations meeting, which is a UN initiative, held in Turkey. It must be acknowledged that the Directorate of Public Diplomacy was established in 2002 (and began inter-religious dialogue in 2004), partly in the shadow of global concerns over religion-based violence after the events of 9/11 (2001) in the U.S. and the 2002 Bali bombings. After operating for over five years, it is now important to evaluate the impact of its activities. This includes the fundamental question of

whether the paradigm of the dialogues it sponsored, formed partly in response to the above global concerns and accusations of Indonesia as a node in a terrorism network, is still appropriate or needs to be modified to be more constructive, and whether its activities should move beyond simply a showcase of the so-called Indonesian religious harmony.

Examples from local communities: At the local community level, 2009 manifested many positive examples of inter-community relations. The relationship between residents in the Ngepeh hamlet, Rejoagung Village, Ngoro District in Jombang, East Java, is one example of how the value of harmony was practiced by all villagers.

Some 1,400 villagers comprised of 70 percent Muslims, 20 percent Christians and ten percent Hindu were always shoulder to shoulder in both social and religious activities such as funerals. One day in September 2009 a Muslim passed away and the funeral procession followed the Islamic manner. However residents who profess Christianity and Hinduism also came to participate and give respect. In this village, as in general everywhere in Indonesia, cemeteries are not separated by religion.

Meanwhile in Papua to the present time conflict and violence still occurs, albeit on a small scale. Now religious leaders in Papua are working hard to transform the vision shared across religions declared on 5 February 2003 by the leaders of the Christian religion (Protestant, Catholic), Islam, Hinduism and Buddhism in the motto "Papua, Land of Peace".

Inter-faith cooperation was also strong in the Mentawai Islands, West Sumatra. In this majority Christian area, Muslims account for some 20 to 30 percent of the local populace. When the month of Ramadan 2009 arrives, like the previous Ramadans, Christians contributed food to the *musholla* or mosque for breaking the fast. In Karangasem, Bali, Hindus and Muslims have coexisted peacefully for hundreds of years. To strengthen their harmonious relationship, on 13 September 2009 the Puri Gede Amlapura invited Muslims to break their fast together. A similar atmosphere was evident in Manado in North Sulawesi. In 2009 Idul Fitri fell on a

Sunday. In Manado, most Muslims perform Idul Fitri prayers at the Manado Tikala Field. As they were returning home from Idul Fitri prayers, Christians of the GMIM church at the same moment headed to church. Then spontaneously along the way the Christians shook hands with and extended Idul Fitri greetings to the Muslims.

In a different celebration yet with the same spirit, hundreds of people from different religious backgrounds took part in a carnival organized by the Forum of Brotherhood of Communities of Religions (FPUB Yogyakarta) in commemoration of the National Uprising Day. On the evening of 29 May the carnival resembling the *laku bisu* ritual (Javanese ritual of silence) proceeded from the northern town square in the direction of the Tugu Monument, the symbol of Yogyakarta. Meanwhile in Semarang, the Pringgading Isa Almisah Church held a "Song of Peace from Semarang". At the event, the Kiai Kanjeng music group led by Emha Ainun Najib and the Sacrifice of Price Vocal Group spontaneously collaborated on a song with lyrics composed in Arabic, English and Indonesian.

While in 2005 the MUI issued a fatwa against participation in joint interfaith prayers, in practice many Muslims, both as members of the public and as government officials, do not feel at odds attending memorial holy days of other religions. The Governor of DKI Jakarta, who is a Muslim, Fauzi Bowo, attended Christmas Mass in 2009 at Jakarta Cathedral church and gave a speech in front of the Christian community. Interfaith prayers were especially evident K.H. Abdurrahman Wahid (or Gus Dur), a former Indonesian President, who has become a symbol of the struggle for pluralism, fell ill a number of times and died. On September 5, 2009 the NU community and ethnic-Chinese citizens of Semarang from various religions prayed together for Gus Dur's recovery in the Tay Kak Sie temple. Towards the end of 2009, on December 24th, the Muslim congregation "Jumat Suromulang" along with a Church of Christians Indonesia (GKI) congregation of Mojokerto held prayers for Gus Dur's recovery in their respective communities. The leader of the church asked all GKI congregations in Mojokerto to pray

for the former President's health.

In Gus Dur's funeral on December 31, 2009, tens of thousands of *santri* (students of Islamic boarding schools) and also people of other faiths flocked to Gus Dur's burial place in Jombang. Days of commemorating the loss of Gus Dur were marked by masses of people who, among other things, engaged in inter-religious services across various religious traditions. After the passing of Gus Dur many people wondered who could take over the struggle for pluralism and multiculturalism in such a complex country as Indonesia. At the same moment the answer came from among the community itself that Gus Dur's thoughts have been disseminated well beyond the boundaries of religion, class, and generation, despite the fact that fundamentalism and radicalism remained a difficult challenge for the Indonesian nation.

Religious groups in various places in 2009 proved themselves able to offer constructive forms of social critique on development and political processes. When the position of the Corruption Eradication Commission (KPK) was under threat, many religious leaders from NU, Muhammadiyah, Protestant churches, Catholic churches, and Buddhist, Hindu and Confucian assemblies made a moral appeal on September 30, 2009 in Jakarta that all attempts to debilitate the KPK are a betrayal of the constitution. Muslim figures from the UIN Jakarta and Paramadina University leadership later also became members of 'the Team of 9' which played a significant role in strengthening the Commission's position.

Another example of religious critique came from the Catholic Church in East Nusa Tenggara, which strongly objected to the establishment of 746 Infantry Battalion (Yonif 746) planned by Indonesian military force (TNI). According to the Church, the establishment of Yonif 746 would result in the destruction of large portions of land, whereas most inhabitants of that region were dry land farmers dependent on agriculture. Similarly, the Diocese of Atambua was of the opinion that the people of Atambua and the surrounding areas, having endured a decade of armed conflict resulting in many refugees fleeing to West

Timor, were in need of economic, social, as well as educational resources rather than numerous military troops. The cases above illustrate just some of the many roles that constructive criticism from religious communities in Indonesia in 2009.

Religion and violence: The constructive and destructive roles of religions in history are two sides of the same coin. Violence perpetrated on grounds of religious dogma, religious symbols or religious interests, while not dominating the situation, still coloured religious life in Indonesia in 2009. In this report, particularly in the "problems relating to places of worship" and "snowballing effects of discourses on heresy and blasphemy" sections, we have witnessed that many acts of violence still occur between civil society groups. Following is a list of a number cases containing elements of physical violence: (a) Burning of the Ahmadiyah mosque in South Jakarta; (b) The burning of the LDII mosque in Temanggung; (c) Destruction of St. Albertus Catholic church in Bekasi, (d) Destruction of the *Jama'a Salafi* house in Lombok; and (e) Arson of the Centre for Zikr run by the Naqshabandiyah (Islamic mystical group) in Pandeglang.

Apart from the above cases, the issue of religion and terrorism also marked 2009. This year, along with the commemoration of seven years of the Bali Bombing I, as many as 570 victims of the bombings in Bali and Jakarta formed the Association of the Victims of Terrorist Bombings in Indonesia (ASKOBI). Most of them experienced physical disabilities or had suffered injuries. Acts of terrorism has continued until now. Rhetorically, religious groups can say that terrorism has nothing to do with any particular religion. But in practice the rationale, religious symbols and rhetoric built by the network of this movement clearly contain elements of religious language. Mainstream religious communities in Indonesia believed that terrorism represents a mistaken interpretation of the tenets of religion. This situation contributed greatly to support the efforts of Densus 88 (special police unit for terrorism cases) in handling and combating propaganda and violent acts of terrorism.

Since the first Bali bombing which occurred in October of 2002, terrorist groups

freedom of expression should be respected, such that particular reli- gious groups should be able to choose clothing believed to be an expres- sion of their religiosity

had carried out bombings against civilians in a number of locations in Indonesia. In 2009 there were still violent attacks by a network of terrorist groups on civilians in Indonesia. On July 17, 2009 bombings again were carried out by the terror network in the Marriott and Ritz Carlton Jakarta hotels, which caused the death of nine civilians and the wounding of 53 others. Densus 88 worked hard to catch the bombers. After raiding several hideouts of the terrorist network in Temanggung, Bekasi and Ciputat, finally on September 17, 2009 Densus 88 successfully raided one of the terrorist network leaders, Noordin M. Top, in Solo. Two members of this network were killed in Ciputat in a Densus 88 raid at the beginning of October, and the end of December another person was arrested in Garut. Although many leaders and members of terrorist networks have been caught, an analyst in mid-October 2009 stated that approximately 488 terrorists were still loose in the community.

Although the police and the community must remain vigilant, excessive response to this problem is an alarming development, such as when villagers refused to have the deceased members of the terrorist network buried in the graveyard of their village. Residents of Kliwon hamlet in Sampora village Kuningan did not allow Ibrahim's body, perpetrator of the bombings at the Marriott and Ritz Carlton Hotel Jakarta, to be buried in that village. Similar rejections occurred in Solo, Purbalingga, Cilacap, Sragen, and Cirebon. In general, residents' reasoning is that they fear their village will be consid-

ered as a hub for terrorists. Interestingly, two institutions concerned with pluralism and anti-discrimination (National Alliance for Religious Freedom and Pluralism or AKKBP and Indonesian Conference for Religion and Peace) defended the position that the terrorists' bodies should be buried in these areas, on the grounds that the burial locations of terrorists should not cause any significant danger. Excessive actions concerning terrorism are also reflected in cases where residents arrested people with certain physical characteristics and features such as having a beard or wearing a veil which they associate with religious radicalism. On October 1st 2009 hundreds of residents went to the family of Bismo Haryadi in Pulukan Village in Jembrana, Bali. According to residents, Bismo Haryadi had a beard and often wore a turban. About 30 Jama'ah Tabligh members with beards and wearing distinctive clothing were inspected by officers of Kaimina West Papua police on July 27, 2009 not long after the bombing of the Marriott and the Ritz-Carlton hotels in Jakarta. The terrorism problem is indeed complicated and delicate. Yet freedom of expression should still be respected, such that certain religious groups should be able to choose bodily performances and clothing believed to be a part of religious expression.

A surprising fact coming from the arrests related to terrorism in 2009 was that some suspects have been teenagers, others are below 24 years of age. UIN Jakarta campus, which is famous as a moderate and Islamic campus, has also had students and alumni involved in terrorist networks. This fact teaches us a lesson on the importance of cultivating anti-violent religious understandings among the youth. An interesting example in this regard is the NU Ma'arif Education Institute in Central Java, which requires all educational units under its umbrella to integrate anti-terrorist teaching material within the *ahlussunah wal jama'ah* learning material.

Apart from terrorism cases, religious-based conflicts in the grassroots community occurred in some places. One pattern that stands out is a religious guerrilla offensive on practices claimed to be diseases of society, such as alcoholism, prostitution, and

nightlife which emphasizes eroticism. For example in Yogyakarta on 14 February 2009 about 50 FPI members went to entertainment venues deemed sinful in the Seturan area, Babarsari, Jl. Adisucipto, and Jl. Kyai Mojo on the evening of Valentine's Day. In this raid the FPI did not carry out physical destruction, but appealed to owners and guests not to engage in 'porn action' and alcohol consumption. At the same time FPI sealed "salon plus" prostitution houses. On August 25 in Yogyakarta a group of FPI members carried out a 'sweeping' of a culinary place on Jl. Solo. A figure of the Madura Family Yogyakarta (KMY) was there. FPI members accused him of being drunk and scolded him. In response KMY later issued a position statement condemning the event and demanding that Yogyakarta police disperse the FPI. Not far from Yogyakarta, in Klaten, a similar conflict occurred. On August 1 FPI paramilitaries raided liquors in a warehouse in Delanggu. After entering Jl. Solo-Klaten, FPI members were attacked from behind by a group who pelted stones at them, causing a commotion in which around four FPI members were injured. In addition to these cases, on 4 July FPI members also attacked a house used for prostitution located in the area of the Tirtonadi Terminal in Solo, and on 6 August during the Month of Ramadan members of the same organization went on an alcohol sweep in Ciamis.

In 2009 there were also conflicts or polarizations based on religious understandings that could lead to violations of freedom of thought, opinion and expression of social groups. The case of the cessation of a history teacher's workshop in Yogyakarta provides an illustration of a religious group acting on the basis of fear of revival of communism. A similar matter arose with the controversy around a book written by Soemarsono, former Military Governor of the Indonesian Communist Party (PKI), titled *Revolusi Agustus: Kesaksian Seorang Pelaku Sejarah*. In August 2009, Dahlan Iskan (the publisher of Jawa Pos Group, a prominent national and local newspaper network) wrote a column entitled "Soemarsono, the Fighter for Independence". A short time later, on 2 September, a mass comprising tens of thou-

In 2009 there were conflicts or polarizations based on religious understandings that led toward violations of freedom of expression

sands of people calling themselves the Anti-Communist Front (FAK) and consisting of activists from various Islamic mass organizations held a protest in front of the Jawa Pos central office in Surabaya. During the demonstration protesters burned Soemarsono's book. Another book that caused controversy and led to a publication ban was *Pendidikan Perdamaian Berbasis Islam* ("Islamic-Based Education of Peace") published by Center for the Study of Culture at Muhammadiyah University of Surakarta. MUI Solo requested the book be withdrawn from circulation because it was considered heretical. Following the MUI letter the Head of the Center finally declared to cease distributing the book. Also on anti communist attitudes, a mass of around 20 of the Laskar Hizbullah Solo attacked Radio FM Solo on September 14, which played the song "Genjer Genjer" identified with the old communist party PKI.

Issuance of statements that could encourage the violation of freedom of expression occurred as high in the state administration as at the level of governor. The Governor of West Java, Ahmed Hermawan, and the President of the PKS, Tifatul Sembiring, criticized a number of Sundanese artists for regarding the *jaipong* dance form as skewed and sexist.

Religion in film: Apart from the stories of peace and violence related to religion above, the religious panorama of Indonesia in 2009, actually beginning in 2008, has somewhat changed colour. This fresh hue has emerged from the field of (commercial) movies. What is most interesting is how religion appears in somewhat relaxed ways in many new films in 2009. Considering the fact that in the past, and to some extent contin-

ued until today, religion is considered a very sensitive issue (as reflected very well in the New Order politics of “race, ethnicity and religion” as sensitive issues thus need to be tightly regulated), this new trend is refreshing.

In 2008, record audiences for Indonesian films were broken first by *Ayat-Ayat Cinta* (Verses of Love), and shortly after that by *Laskar Pelanggi* (Rainbow Army). Interestingly, both are considered in some circles as “Islamic films”. *Ayat-Ayat Cinta*, a love film set in Egypt and Indonesia, is far more explicit and verbal in its Islamic expression. *Laskar Pelanggi* does not really have a specifically Islamic theme, but nonetheless is about the lives of children at an isolated Muhammadiyah elementary school, which the monthly Islamic magazine *Madina* called it as offering a realistic face of Indonesian Muslims: poor but optimistic. This film in particular caught the attention of one of Indonesia’s largest Islamic organizations, Muhammadiyah. In 2009, the trend continued with the production of sequels to both films, *Cinta Bertasbih 1 & 2*, and *Sang Pemimpi* (The Dreamer).

Not all “Islamic films” enjoyed the same kind of success. There were also those that provoked sharp controversy, such as *Perempuan Berkalung Sorban*. This movie, with its tough style of narration, depicted conflicts in Islamic boarding schools (*pesantren*) and the rebellion of a young woman, a daughter of a Kyai, in a boarding school, which was considered to have tarnished the image of *pesantren* as institutions of Islamic education. Although some Muslim groups had called for the withdrawal of this movie, it continued to be screened and was widely discussed. Given that public discussion progressed well, this film can also be considered successful in terms of opening up conversation on many matters. Another film worth mentioning here is *3 Doa 3 Cinta* (3 Prayers 3 Love), also set in a *pesantren*, which even dared to show the scene of the arrest of a religious teacher suspected of training potential terrorists. Although not very successful in the market, this film was nominated for several awards overseas. *Emak Naik Haji* is another quite commendable film that, despite the explicit

Islamic theme, displays it very subtly by expressing struggles over social and humanitarian values, not about symbols of Islam.

There are many ways to look at this trend. One is to see it as a business; Muslims as the statistical majority are potential movie consumers. However, before this there had been quite a lot of movies categorizable as “Islamic”, yet they did not reap large profits and even, in many cases, failed.

In any event, the images presented in these films, as part of popular culture, are interesting; these are images of Muslim life in the reality of the everyday, and although in many movies Islamic identity was quite visible, Islam appeared as fairly relaxed. As a counterweight to the simple images of Muslim communities, which appeared mostly in mass media, as rather tough, these films achieve a lot. Although about religion, these movies are in the main not patronizing and not dogmatic, with an exception, to a certain extent, of *Ayat-Ayat Cinta*. The religion that appears in most of those movies is not religion as a normative doctrine per se, but as an everyday human experience. Even without the “Islamic” label, the films remain interesting as creative works. The representation of religion as a relaxed part of everyday life (and many of these films contain elements of comedy, except for *Perempuan Berkalung Sorban* which is quite bleak and harsh) is a new and exciting development worth following. Some other films, such as the drama-comedies *Bukan Cinta Biasa* (Not a Common Love) and *Doa yang Mengancam* (A Threatening Prayer), are moreover difficult to categorize and appear not to have been intended as “Islamic films”, yet the storytelling also presents a detailed representation of Islam that is quite unique.

Indeed, this trend is not only about Islam. Several other films show religion explicitly or implicitly and, again, with a fairly relaxed and non-threatening tone, and portray diversity very well and in a way that is enjoyable to watch. Films like *Garuda di Dadaku* and *King*, both coincidentally taking the theme of sport (soccer and badminton), describe the friendships of children across ethnic and religious barriers—as with *Laskar Pelanggi*.

Another film worth mentioning is

Several other films show religion explicitly or implicitly and, once again, with a fairly relaxed and non-threatening tone

Cin(T)a, which quite openly and boldly raises issues that in the New Order era would soon be referred to as sensitive issues of “SARA” (ethnicity, race and religion). It is a story of love between an ethnic-Chinese Christian male youth from Sumatra and a Javanese Muslim woman. This quite heavy movie shows religion as theology and identity marker, which become dividing force in social relations. Potential conflicts that had been hidden behind SARA are here expressed in an intelligent, non-patronizing dialogue. Although this film did not receive as much praise, it too could stimulate open conversation about the very diverse realities that characterise Indonesia.

Responding to this trend, it is interesting that in the 11th JiFFest (Jakarta Interna-

tional Film Festival) in December 2009 there was a new category called “Madani Film Festival” featuring Islamic-themed films from several countries. These films showed various sides of Muslim life which are rarely captured in mass media representations of religion, especially Islam. As with the movies produced in Indonesia, these films offer useful depictions of Muslim life rarely displayed in the media, and can change the image of Muslims to become simply “normal” communities. In 2010 the Madani Film Festival is planned to run independently from JiFFest.

Outside of these very interesting developments, we have also seen some regional MUIs react repeatedly against a variety of movies, sometimes rather excessively so. Interestingly, these reactions occurred not against the above films (except *Perempuan Berkabung Sorban*), but for lesser acclaimed movies such as *2012*, and Indonesian horror movies such as *Paku Kuntilanak*, and *Suster Keramas*. It will be far more interesting if comments and appreciation are given to the movies discussed above that bring out different representations of Islam and attempt to open discussion on the reality of diversity in Indonesia. ●

CONCLUSION AND RECOMMENDATIONS

This Annual Report has examined developments in religious life in Indonesia during the year 2009. Some positive developments outlined here give hope that further improvements can be achieved. If this Annual Report has more often presented negative aspects of our religious life, we hope this can help efforts to improve our religious life. Below are some recommendations based on the findings of the report related to, first, legislative institutions, government and law enforcement; and second, religious institutions, religious communities, and civil society in general.

1. Legislative Institutions, Government and Law Enforcement

a. The opportunity to leave blank the religion column on identity cards and other population administration documents for adherents of religions outside the six official ones, which is secured in the 2006 Population Administration Act (Adminduk), is a positive development for freedom of religion and belief in Indonesia, at least compared with previous decades. Government and law enforcers need to provide security for people who choose not to fill in the religion column in identity cards and other population administration documents with one of the six religions. A sense of security in relation

to expressing religion and beliefs must also be especially secured during the 2010 Population Census.

b. The study on religious demographics in this report confirms that inter-population migration from rural to urban areas or vice versa, and from one region to another significantly influences the religious demographic changes in certain places that can provoke conflict, friction, or tension in regard to religious identity and sentiments. The government needs to establish programs that open possibilities for greater integration between migrant and indigenous communities.

c. Legislature and the government need to review all public policy that implicitly supports the paradigm of classifying formal and non-formal religions, so that in future there will no longer be the restriction that only six religions are recognized by the legislation. In the process, the government and law enforcement authorities must respect, protect and fulfil the civil rights of adherents to religions outside of the six official ones.

d. Religious policy is often intertwined with issues of women and children. Legislative and law enforcement agencies should be sensitive to the issue of gender equality and the protection of women and children. In

the case of the Health Act, religious discourse is dominant on issues of abortion and regulations regarding underage marriage. Legislative bodies should engage in continuous evaluation, production of legislation, and also endorsement of justice that is gender-sensitive and formulated in line with child protection principles.

e. Regarding the issue of halal certification, government agencies that control distribution of food and medical products such as BPOM need to work harder to protect consumers from deceit in relation to halal products. On the other hand, both legislature and the government need to make regulations to avoid the monopoly of authority to issue halal certification by only one institution. This can encourage healthy competition to provide better service, and is in the interests of quality assurance and better public control. In this case, the principles of freedom, responsibility, and free will of manufacturers to list or not list the halal label on their products should be retained. The choice of consumption in relation to halal products would rest fully upon the informed Muslim consumers.

f. Government and law enforcement should protect the freedom to worship for all religious communities, including religious groups who for one reason or another worship in buildings not officially called places of worship. In accordance with current regulations, the state must provide an alternative place of worship to those religious groups whose efforts to establish their own house of worship were not supported by neighbouring citizens. An unfortunate development is the revocation of licences for places of worship enacted by regional heads. There are still many acts of violence against places of worship, including against those which hold official permits, which indicates that levels of legal certainty and state protection are still low in Indonesia. Law enforcement institutions must take decisive action against all forms of crimes that involve acts of violence against houses or places of worship.

g. The government needs to encourage the

forum for inter-religious harmony (FKUB) as a joint government and civil society institution to actuate a more significant role in building inter-religious harmony and peace. In giving recommendations for the establishment of a place of worship, FKUB should be an institution that emphasizes the principle of freedom of religion and belief. This can only be realized if all the leaders and members of FKUB have mutual trust and mutual understanding. Therefore empowerment of FKUB in the areas of understandings of human rights, freedom of religion and belief, conflict mediation, and other technical skills is a necessity.

h. The legislative body needs to watch carefully and listen and sit in judgment upon the judicial review of the law that was based on the Presidential Decree No.1/1965 regarding defamation of religion, which is currently under review at the Constitutional Court. It is fitting for a democratic country like Indonesia not to criminalize religious teachings. In practice, discourse on defamation of religion has proved to have had a snowballing effect on almost every form of difference and all different religious practices in society. If there are practices of religious groups that endanger or violate the rights of their followers, or of followers of other religions and beliefs, law enforcement and the courts could and should use laws or regulations other than the problematic law of defamation of religion. Law enforcement and the police also have to take firm action against all forms of violence on groups that other groups consider heretical.

i. Government, which in this matter are the KPU and Election Supervisory Board (Bawaslu), should show cross-religious sensitivity when scheduling the date of General Elections which, as shown in 2009, may coincide with religious holidays. This experience should also be considered in the 2014 election and in local elections that will start in 2010. KPU and Bawaslu must as far as possible minimize the possibility of politicization of religion in elections and local elections by making regulations derived from experiences gained in the field and educating law enforcement bodies and the police that the

politicization of religion is against the law.

j. Police institutions should continue the process of internal reforms, not excluding revising the old paradigm of *aliran* or groups that are considered to contribute to national disintegration and which until now has resulted in excessive police involvement in questions relating to the contents of certain religion- or belief-based teachings. Police must prioritize the protection of society from violence and crime and not interfere the territory of religion or belief. In taking actions associated with conflict between religious groups, the police must prioritize the 1945 Constitution and the ratification of UN human rights instruments which respect, protect and fulfil the right to freedom of religion and belief. One way toward realizing the transformation process of the police as protectors and servants of society is by empowering them in the field of human rights training, conflict resolution, and adequate understandings of the place of religions in a democratic society.

2. Religious Institutions, Religious Communities, and Civil Society

a. Religious communities should have the courage to declare their religion or belief honestly, and as long as there remains in the legislation discrimination through columns in population indexes permitting only the six official religions, the religious community and belief groups should have the courage to leave blank the column indicating their religion in identity cards and other administrative documents. This can avoid claims by certain religious groups that make matters difficult in some cases.

b. In areas where high intensity migration takes place, the community needs to have dialogue and intensified interaction between migrants and indigenous communities. Among the alternatives that can be implemented is to utilize cultural and information media that are already available, such as arts and cultural performance, local television, print media and radio.

c. Religious mass organizations and civil society organizations need to evaluate policies that are supportive of women and children, including local laws that regulate the diversity of the community significantly. As there is a diversity in understanding Shari'ah, excessive regulations and control through Shari'ah-based Perda (local laws) will stunt the autonomy of Muslims themselves in arranging their own affairs.

d. Islamic religious organizations need to push government and legislature to open free and healthy competition in terms of institutions that can issue halal certification, so there is no monopoly by any single institution. Religious organizations, either individually or in association, need to prepare themselves to contribute to the protection of halal products for Muslims through the development of halal certification bodies that are sound, responsible, and of good quality.

e. Because the 2006 PBM regulates the establishment of places of worship and is de facto in effect, for the sake of safety and reassurance any plans for the establishment of a permanent place of worship should fulfil these procedures. On the other hand people should coordinate with law enforcement or the police to protect religious activities if there are signs of threat from certain parties. Communities that are disadvantaged by other groups or by government officials should take legal action to obtain justice. The victory of the legal case filed by a civil society organization against the Mayor of Depok, who in 2009 revoked the permit issued to a place of worship, is a good sign that law enforcement and justice is able to resolve problems relating to houses of worship.

f. Religious institutions and non-governmental organizations that have long been in existence and worked for peace and inter-faith dialogue can work together with the relatively new FKUB and position themselves to control, critique and strengthen FKUB's role in society. Institutions that have been built by these communities themselves in a number of areas have extensive experience

with inter-faith dialogue, peace building, and advocating in religious conflict.

g. Religious institutions and religious communities are important in stopping all forms of heresy or defamation discourse on religious or belief groups. Starting from heresy or defamation discourse, religious masses can be driven to commit violence against persons or groups labelled as heretical. Every citizen should report to the police any signs of religious practices by a religious group which put the followers' safety at risk, and not take the law into his/her own hands. In morality issues such as liquor, gambling, prostitution, and others, civil society is not permitted to use violence and vigilan-

tism. Forms of community participation in this case must be translated in the corridor of rights to report, and not by resorting to vigilantism.

p. The politicians need to learn from the experience of the 2009 elections that the politicization of religion is unlawful, improper and also an ineffective means for attracting votes. Because of this, in the 2014 election and upcoming regional elections, the practice of politicizing religion must be abandoned. Religious leaders should know better than to exploit religious communities for political or momentary goals. Religious communities should become ever more independent in their political choices. ●

DATA SOURCES AND RESEARCH CORRESPONDENTS

The main sources used in this Annual Report were: news clippings from 11 national and 15 local media, both print and electronic, starting from 1 January through to 31 December 2009, selected according to their relevance. Among national news media that we monitored are: Antara, Kompas daily, Suara Pembaruan daily, The Jakarta Post, Jawa Pos daily, Gatra magazine, Tempo magazine, the Monthly Report on Religious Issues (The Wahid Institute), www.okezone.com (website), and www.christianpost.co.id (website). Local newspapers were: Radar Banjarmasin (Banjarmasin), Indo Pos (Jakarta), Pikiran Rakyat (West Jawa), Radar Banten (Banten), Suara Merdeka (Central Java), Nirmala Post (Tegal; withdrawn from distribution in June 2009), Kedaulatan Rakyat (Yogyakarta), Solopos (Solo), Bali Pos daily (Bali), Nusa Bali (Bali), Fajar (Makassar), Tribun Timur (Makassar), Papua Barat Pos (West Papua), Radar Sorong (Sorong), and Cendrawasih Pos (Jayapura).

In addition, other data were obtained through Central Bureau of Statistics (BPS), the Research and Development Division of the Department of Religion (Balitbang Depag), the National Commission on Human Rights (Komnas HAM), the National Commission on Violence against Women (Komnas Perempuan), the Indonesian Catholic Bishops Conference (KWI), the Indonesian Ulema Council (MUI), the Indonesian Council of

Churches (PGI), and the Center for Promoting Harmony Among Religious Communities (PKUB), which is under the Ministry of Religious Affairs.

Some special cases which were prominent, or which we chose to elaborate, were further explored with interviews or written materials. For the collection of local media clippings we were assisted by seven research correspondents covering nine Indonesian provinces. Selection of the locations was carried out by taking distribution into account (all of the large islands are represented here), and background characteristics of the population (the majority in Bali is Hindu, in West Papua Protestants, whereas in other areas the majority population is Muslim dispersed with various other religious groups in varying percentages). Three of them are Husnul Qodim (Bandung, West Java), Budi Asyhari (Yogyakarta and Central Java), and Muhammad Rais (West Papua). Three other teams that did the same work and also other research with the CRCS outside of this *Annual Report* were in I Gde Parimartha (Udayana University), I Nyoman Suarsana, and Luh Putu Kusuma Ririen (Bali Sruti) in Bali; in Banjarmasin, Mujiburrahman (IAIN Antasari), Ahmad Syadzali (Lakpesdam NU), Alfisyah (Lambung Mangkurat University, Banjarmasin), and Sani; and in Makassar, Zakaria J. Ngelow (Oase Intim Foundation), Nur Mutmainnah Munir (PW IPPNU South Sulawesi), Christina Josefien Hutubessy (Oase

Intim Foundation), Samyurijal Adhan (LAPAR), Abdul Karim (LAPAR), Saprillah (LAPAR), and Juanto.

They also conducted research specifically related to the section on the Forum of Religious Harmony (FKUB). For the session on FKUB the research seminar "The Role of FKUB in the Implementation of PBM No. 9 and 8/2006, Articles 9, 8, and 10" organized by the

Research and Development Division of the Department of Religion (Balitbang Depag) in December 2009 also provided additional data on several FKUB in Jakarta, East Java, Medan and Pontianak. The main written material on the FKUB is *Sosialisasi PBM dan Tanya Jawabnya* (Badan Litbang dan Diklat Departmen Agama RI, 2008). ●

TABLE OF ABBREVIATIONS

Adminduk	: <i>Administrasi Kependudukan</i> , Population Administration
Bamag	: <i>Badan Musyawarah Antar Gereja</i> , Inter-Church Consultation and Cooperation Board
Bakorpakem	: <i>Badan Koordinasi Pengawasan Aliran Kepercayaan</i> , Central Coordinating Body of the Custodians of People's Religions
BPOM	: <i>Badan Pengawas Obat dan Makanan</i> , National Food and Drug Agency
BPS	: <i>Biro Pusat Statistik</i> , Central Bureau of Statistics
Depag	: <i>Departemen Agama</i> , Ministry of Religious Affairs
Depdagri	: <i>Departemen Dalam Negeri</i> , Ministry of Internal Affairs
Depkes	: <i>Departemen Kesehatan</i> , Ministry of Health
DPR	: <i>Dewan Perwakilan Rakyat</i> , People's Representative Assembly
FKUB	: <i>Forum Kerukunan Umat Beragama</i> , Forum for Religious Harmony
FPI	: <i>Front Pembela Islam</i> , Islamic Defenders' Front
FPUB	: <i>Forum Persaudaraan Umat Beragama, Yogyakarta</i> , Forum of Brotherhood of Communities of Religions
FUI	: <i>Forum Umat Islam</i> , Indonesian Islamic Forum
HKBP	: <i>Huria Kristen Batak Protestan</i> , Batak Christian Protestant Church
HPK	: <i>Himpunan Penghayat Kepercayaan</i> , Association of Adherents to Local Religion
HTI	: <i>Hizbut Tahrir Indonesia</i> , Hizbut-Tahrir Indonesia
IMB	: <i>Ijin Mendirikan Bangunan</i> , Building Permit
JPH	: <i>Jaminan Produk Halal</i> , Halal Product Certification
Kesbanglinmaspol	: <i>Kesatuan Bangsa, Perlindungan Masyarakat, dan Politik</i> , Office for National Unity, Community Protection, and Politics
Komnas HAM	: <i>Komisi Nasional HAM</i> , National Commission for Human Rights
KPU	: <i>Komisi Pemilihan Umum</i> , National Electoral Commission
KTP	: <i>Kartu Tanda Penduduk</i> , Identity card
KWI	: <i>Konferensi Waligereja Indonesia</i> , Indonesian Bishops Conference
LDII	: <i>Lembaga Dakwah Islamiyah Indonesia</i> , Indonesian Islamic Propagation Institute
LSM	: <i>Lembaga Swadaya Masyarakat</i> , Non-governmental organization
Matakin	: <i>Majelis Tinggi Agama Konghucu Indonesia</i> , Indonesian High Council of the Confucian Religion
Menag	: <i>Menteri Agama</i> , Minister of Religious Affairs
Mendagri	: <i>Menteri Dalam Negeri</i> , Minister of Internal Affairs
MUI	: <i>Majelis Ulama Indonesia</i> , Indonesian Ulema Council
NAD	: <i>Nangroe Aceh Darussalam</i> , the Special Province of Nangroe Aceh Darussalam
NU	: <i>Nahdhatul Ulama</i>
PBM	: <i>Peraturan Bersama Menteri</i> , Joint Ministerial Regulation (in this report mainly refers to the one issued in 2006 by the Minister of Religion and the Minister of Internal Affairs)
Pemilu	: <i>Pemilihan Umum</i> , General Elections
Perda	: <i>Peraturan Daerah</i> , Regional/Provincial Regulations
Perppu	: <i>Peraturan Pemerintah Pengganti Undang-undang</i> Governmental Regulation Replacing the Law
PHDI	: <i>Parisada Hindu Dharma Indonesia</i> , High Administrative Hindu Dharma Council of Indonesia
PGI	: <i>Persekutuan Gereja-gereja di Indonesia</i> , Indonesian Council of Churches
PP	: <i>Peraturan Pemerintah</i> , Governmental Regulation
PTUN	: <i>Pengadilan Tata Usaha Negara</i> , State Administrative Court
Raperda	: <i>Rancangan Peraturan Daerah</i> , Regional/Provincial Regulation Plan
RUU	: <i>Rancangan Undang-Undang</i> , Draft Law
SKB	: <i>Surat Keputusan Bersama</i> , Joint Decree
Supas	: <i>Survei Penduduk Antar Sensus</i> , Inter-census population survey
UU	: <i>Undang-Undang</i> , Law, Regulation
Walubi	: <i>Perwakilan Umat Buddha Indonesia</i> , Board of Supervisors of Indonesian Buddhist Communities

ACKNOWLEDGEMENTS

72

We express profound gratitude to all those who have helped collect this data; without their help this Annual Report would be very impoverished. From Balitbang Depag, we thank especially Prof. Dr. Atho Muhdzar, Dr. Ahmad Syafi'i Mufid, and Dr. Nuhriison M. Nuh, Abdul Fatah from PKUB, Johnny Nelson Simanjuntak and Nurjaman of Komnas HAM, Betty and Tia Fitria of the National Commission on Violence Against Women, Rev. Gomar Gultom of PGI, Fr Benny Susetyo Pr. of the KWI, Central MUI Secretariat, and Mr Theophilus Bela, who invited us for a seminar on religious freedom held by the Jakarta Christian Communication Forum. In addition, other resource persons and FKUB members in the regions we investigated, which cannot all be mentioned by name here, were also very supportive, and for that we also express many thanks.

We most certainly must also express our great appreciation to the researchers and assistant researchers, whose works were at the heart of this Annual Report. In addition to those mentioned by name above, at CRCS Mustaghfiroh Rahayu led the work as the Coordinator of the Division for Public Research and Education of the CRCS. Endy Saputro was responsible for collecting and processing data obtained from several correspondents as well as from media clippings. Most of the clippings and encoding was carried out by CRCS students who took a few hours each week on the sidelines of their busy classes. Among them were: Saiful

Hakam, Emy Rubi Astuti, Yuyun Sri Wahyuni, Jenne J. R. Pieter, Yudith Listiandri, Zaki Faddad Syarir Z., and Muhammad Rokib.

The first draft of this report was read and commented on by members of the Regional Team of the Pluralism Knowledge Programme. They are AAGN Ari Dwipayana (Fisipol UGM, Yogyakarta), Farid Wajidi (LKIS, Yogyakarta), Firliana Purwanti (Hivos Regional Office of Southeast Asia, Jakarta), Trisno Sutanto (Madia, Jakarta), and Yanti Muchtar (Kapal Perempuan, Jakarta). This Annual Report is part of a larger project called Pluralism Knowledge Programme, which is a collaborative project in four countries: India (Center for the Study of Culture and Society, Bangalore), Indonesia (Center for Religious and Cross-cultural Studies, Gadjah Mada University), the Netherlands (Kosmopolis Institute), and Uganda (Cross-cultural Foundation of Uganda). In Indonesia the Regional Coordinator is Zainal Abidin Bagir. The project was initiated and supported by Kosmopolis Institute of the University for Humanistics (Utrecht) and Hivos (Netherlands).

Without the help of other staffs at CRCS, this report could not possibly have been published. They are Prof. Achmad Mursyidi (Director), Ali Amin (Academic Coordinator), Lina Pary (Office Manager), Bagus Sriwidodo (Finance), Maria Ingrid Nabhu Boga (International Scholar Host), Farida Arini (Librarian), and administrative staffs Suprono Agus, Helmi Kurniawan, and Suyadi. ●



Center for Religious & Cross-cultural Studies Graduate School, Gadjah Mada University

Jl. Teknik Utara, Pongung, Yogyakarta 55281

Phone /fax: +62 274 544976

<http://www.crcs.ugm.ac.id>

email: crcs@ugm.ac.id

The Center for Religious and Cross-Cultural Studies (CRCS) is a Masters program at the Graduate School, Gadjah Mada University, Yogyakarta, founded in 2000. Three areas of study that are the focus of teaching and research in the CRCS are inter-religious relations, religion and local culture, and religion and contemporary issues. Through academic teaching, research and public education, CRCS aims to develop the field of religious studies and understanding of the dynamics of religious life in society, with a vision to contribute to the realization of a multicultural society that is just and democratic. More information can be found at www.crcs.ugm.ac.id

ISBN 978-602-96257-1-4

