

Introduction

Indonesia is, by population, the world's largest Muslim-majority nation and yet it is not constitutionally an Islamic state. The most recent 2010 census showed that approximately 87.2% of the population is Muslim (the majority, Sunni), 7% is Protestant, just under 3% is Catholic and 1.7% is Hindu.

Indonesia's constitution enshrines protection for religious pluralism under the state ideology known as 'Pancasila', based on a belief in God and a guarantee for the right to practice the religion of one's choice. Indonesia has also signed and ratified the International Covenant on Civil and Political Rights (ICCPR) which contains provisions for freedom of religion or belief (Article 18). The country has made a remarkable transition from authoritarianism to democracy over the past two decades, but the path has not been a smooth one and significant barriers to human rights freedoms remain.

Legal Framework

While the principle of religious pluralism is at the heart of Indonesia's constitution, it is limited. Religious beliefs and practices outside the six officially recognised faiths are not protected, and nor is the right to atheism. The Ministry of Religious Affairs recognises six religions: Islam, Catholicism, Protestantism, Buddhism, Hinduism, and Confucianism. Religions not officially recognised must be approved by the Ministry of Home Affairs to operate as civil society organisations. Operating without the ministry's authorisation can lead to criminal charges.

Some joint ministerial decrees fuel ongoing freedom of religion or belief violations. These include the 2006 Joint Regulation of the Minister of Religious Affairs and the Minister of Home Affairs on the construction of places of worship; the 2008 Joint Decree of the Minister of Religious Affairs, the Attorney General and the Minister of Home Affairs restricting the activities of the Ahmadiyya community; and the 1965 blasphemy law, set out in Articles 156 and 156 (a) of Indonesia's criminal code and in a Presidential Decree.

The joint ministerial decree of 2006 requires registered religious groups to gain formal approval to build new houses of worship through the collecting of signatures from those who will worship in the new construction (minimum 90 signatures) and signatures from members of the wider community (minimum 60 signatures) alongside recommendations from local officials. This frequently causes obstructions for minority religious communities when they seek approval to build in areas predominantly inhabited by those of another faith.

Blasphemy Laws

The criminalising of blasphemy has been enshrined in Indonesian law since 1965. Over the years the blasphemy laws have largely been used to prosecute those from religious minorities and those who are said to have criticised Islam. A new criminal code passed in December 2022 has broadened these blasphemy laws from one to six articles

and criminalises leaving a religion or belief as apostasy. Changes to the law also include the government recognising 'any living law', which in practice is likely to formally legalise the provincial implementation and regulation of sharia law which will compound oppression of religious minorities and could continue to weaponise the 'protection' of religion as a political tool. Pending approval of implementing regulations, the new law will be effective from 2026.

In September 2023 an Indonesian woman, Lina Lutfiawati, was sentenced to two years imprisonment for posting a video to TikTok in which she recited an Islamic prayer before consuming pork. Lutfiawati was said to have 'spread information that was intended to incite hate or individual/group enmity based on religion'. In addition to her jail sentence, she received a fine of 250 million rupiah (around £13,000).

Ahmadiyya Muslims

Incidents of violence against religious minorities, particularly Christians, Ahmadiyyas, Shi'as and adherents of religions or beliefs not recognised by the state, including indigenous traditional beliefs, continue periodically within a climate of impunity. The aforementioned religious minorities are often targeted by radical Sunni Muslim militants. Churches have been closed or attacked, Ahmadiyya mosques and homes have been burned and Shi'as have been displaced.

The Ahmadiyya Muslim community has existed in Indonesia since 1925 and claims a population of approximately 500,000 across 330 branches throughout the country. The Ahmadiyya consider themselves to be Muslims but are regarded as heretics by the majority Sunni Muslim population.

Since 2005, the community has experienced serious violations of freedom of religion or belief, including incidents of violence. In addition, a Joint Ministerial Decree introduced in 2008 by the Minister of Religious Affairs, the Attorney General and the Minister of Home Affairs prohibited promulgation of Ahmadiyya teachings.

In 2011, the then Minister of Religious Affairs repeatedly called for an outright ban on the Ahmadiyya, and in 2013 the governor of West Java said that there would be no violence against the Ahmadiyya if there were no Ahmadiyya teachings or practices, describing Ahmadiyya Islam as 'a deviant belief.' The 'problem,' he added, 'will disappear if the belief disappears.'

Although there has been, according to Ahmadi representatives, 'some improvement' under the government of President Joko Widodo, intimidation of the Ahmadiyya continues and Ahmadiyya activities continue to be restricted to date. For example, on 14 January 2022, UCA News reported that a district chief in Indonesia's West Kalimantan province ordered the demolition of an Ahmadi mosque that had been damaged in a September 2021 attack by Muslim extremists. The order was issued days after the perpetrators of the attack were jailed for just four months.

Christians

There are 34.2 million Christians in Indonesia, but they make up only around 10-12% of the population. Christians face obstacles to practising their faith in several ways including through intimidation, violence and the obstruction of building places of worship from local communities and authorities.

Last year, plans to build a church on land belonging to Batak Protestant Christian Church in Cilegon, Banten, were halted by regional officials despite the fact the church had gathered far more than the minimum required signatures from those within their faith and from the local community to proceed. Despite having a Christian population of around 7,000, including over 1,000 Catholics, there are no churches in Cilegon and Christians have to drive 45 minutes to reach the nearest church.

Indonesian Christians have also suffered attacks by Islamic extremists in the past few years. On 30 November 2020, IS-linked Islamic militants carried out an attack on a Salvation Army outpost in Lemban Tongoa village in Indonesia's Central Sulawesi province. Four people were killed, one of whom was beheaded, and several homes were burnt down, including a house used for prayers.

In common with other religious minorities, Christians also frequently face accusations and charges of blasphemy. The most significant example is the former governor of Jakarta, Basuki Tjahaja Purnama (known as 'Ahok'), who was sentenced to two years in prison on charges of blasphemy in 2017. As a Chinese Christian, Ahok was Indonesia's most prominent ethnic minority politician and the first non-Muslim governor of Jakarta for over 50 years. He was released from prison three months early on 24 January 2019.

In April 2022 a Christian YouTuber, Muhammed Kece, was sentenced to 10 years in prison for posting a video that allegedly insulted the prophet Muhammed. It was reported that whilst in jail following his arrest, Kece was beaten and tortured by fellow inmates.

Recommendations to the European Union (EU):

- Urge Indonesia to repeal the provisions in the new criminal code that restrict freedom of religion or belief to be in accordance with Indonesia's international obligations on human rights.
- Encourage Indonesia to issue a standing invitation to United Nations (UN) Special Procedures, including the UN Special Envoy for Freedom of Religion or Belief.
- EU Delegation staff should monitor the freedom of religion or belief situation and seek to conduct prison

visits and trial monitoring relating to human rights violations.

- Ongoing negotiations toward an EU-Indonesia Comprehensive Economic Partnership Agreement (CEPA) should ensure that strong human rights provisions are included in any agreement. This should include a complaints mechanism that covers violations of the essential elements clause, and not only human rights violations covered by the Trade and Sustainable Development (TSD) Chapter; and for the ability of stakeholders in both the EU and Indonesia to submit complaints to this process. The European Parliament should also leverage their role in the process to secure human rights outcomes.

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