

POLICY RECOMMENDATIONS

THE NEED OF BREAKTHROUGH MEASURES BY THE GOVERNMENT



A Decade of Monitoring Freedom of Religion
or Belief Wahid Foundation

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Introduction

Why violations of freedom of religion or belief in Indonesia still occur and have not diminished is a crucial question that continues to be evaluated in a number of studies and reports by freedom of religion or belief monitoring institutions, at home and abroad. The violation trends remain in various monitoring reports on freedom of religion or belief by national and international civil society organizations and government institutions.

In addition to the reports by Wahid Foundation that have been published annually since 2008, the reports from other institutions also underline similar trends. Among them is the freedom of religion or belief report by Setara Institute, one of the civil society organizations (CSOs) that have been monitoring freedom of religion or belief since 2008. In 2018, this institution recorded 160 events and 202 acts of violation in 25 provinces. The number of events increased by 5 points in the following year while the number of acts rose by 1 point (Setara Institute, 2019).

The state institution's report on civil liberties in the Indonesian Democracy Index by the Central Statistics Agency (Badan Pusat Statistik [BPS]) also presents a similar concern. Its 2018 report shows a declining trend on civil liberties since 2014. In 2018, the civil liberties index which includes religious freedom stands at 78.46 (1 lowest - 100 highest) (BPS, 2019). In addition, the report by the Desk of Freedom of Religion or Belief (Desk KBB) at the National Committee on Human Rights (Komnas HAM) exhibits an increasing trend of complaints on freedom of religion or belief during 2014-2016. In 2014, Komnas HAM received 76 complaints; in 2015, 87 complaints; and in 2016, as many as 97 complaints (Detik.com, 2017).

The report of A Decade of Freedom of Religion or Belief (2009-2018) by Wahid Foundation also highlights the challenge. Wahid Foundation's findings are based on a study of ten Freedom of Religion or Belief reports that were released annually. This study uses a content analysis to review the ten documents. Furthermore, in order to compile and classify data from within a decade, this study first establishes the types of violations and good practices based on the chosen conceptual framework, and then conducts an analysis of these findings.

Eight Major Findings

1. Within 120 months Indonesia faced a total of

1.420
non-state violations
----- with an average
12
acts per month
----- and
1.033
state violations
----- with an average
9
acts per month

The top categories of acts of violation by the state are

"restriction/closure/sealing of places of worship" and "intimidation" by non-state actors.

2. The settlement of cases of discrimination and violence against minority groups, such as the Indonesian Ahmadiyya Congregation (Jemaat Ahmadiyah Indonesia [JAI]), Shia Muslims in Sampang, Fajar Nusantara Movement (Gafatar), Christians, and groups accused of religious heresy

have not made significant progress.

This similarly happened with the revision or revocation of discriminatory regulations at the central and regional levels. Until now, most of these regulations have not been annulled or amended.

3. The number of non-state violations was less in the era of Joko Widodo (Jokowi) than in Susilo Bambang Yudhoyono's (SBY) era. On the contrary, the number of state violations was lower during SBY's time in office compared to Jokowi's term.

Jokowi administration	SBY administration
577 non-state violations ----- with an average 12 acts per month	691 non-state violations ----- with an average 14 acts per month
524 acts of state acts ----- with an average 10 acts per month	419 acts of state acts ----- with an average 8 acts per month

4. The trend of hate speech increased from 2013 and reached its peak in 2017. Conversely, during Jokowi's era, the number of hate speech by non-state actors doubled

Jokowi administration	SBY administration
104 acts	56 acts

Meanwhile, criminal punishment by non-state actors also increased more than six times

SBY Term **11** acts -----> became Jokowi Term **69** acts

Eight Major Findings

5. The three highest victims of both state and non-state acts are

Indonesian Ahmadiyya Community (JAI)

188 non-state acts	166 state acts
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Shia community

80 non-state acts	34 state acts
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Gafatar

20 non-state acts	36 state acts
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6. The top three religious mass organizations that became non-state violators.

The Islamic Defenders Front	153 acts
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The Indonesian Ulema Council (MUI)	150 acts
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The Islamic Community Forum	940 acts
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7. 88 Local Regulations

A total of 16 regulations were issued at the provincial level and 72 regulations at the city/regency level.

with the top three regarding religious

Heresy/deviance	26 regulation
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Prohibition of activities	16 regulation
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religious competence	11 regulation
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The primary provinces creating such regulations are Aceh, West Java, and South Kalimantan.

8. In the midst of various violations, good practices by state and non-state actors have also improved. During 2015-2018, **1,298 acts**, and advocacies of tolerance were carried out by both actors. Meanwhile, there were only **11 acts** of policy advocacy and **44 acts** of religious freedom advocacy.

Seven Recommendations

1.

To urge the central government and local governments to restore the rights of victims of freedom of religion or belief violations experienced by JAI, Shia Muslims in Sampang, Gafatar, and 163 victims of restrictions/closures/sealing of places of worship by the state

2.

To urge the central government to establish policies and breakthrough measures with a focus on three crucial issues: religious deviation, hate speech, construction of houses of worship:

- a. To urge the Indonesian National Police and the Attorney General to conduct a moratorium (to revoke or to not adopt) the blasphemy law in religious cases
- b. To urge the central government and local government to facilitate the establishment of houses of worship that are rejected by residents or do not meet the requirements of the Joint Ministerial Regulation (Peraturan Menteri bersama [PBM]). If there is a rejection at the kelurahan/village level, the regional government can facilitate a committee for the establishment of houses of worship to meet the requirements at the sub-district or regent level.
- c. To urge the Indonesian National Police and the Indonesian Attorney General's Office to improve the handling of hate speech cases by the police by only prosecuting offenders with moderate and severe cases as recommended by the international human rights instruments. Moderate cases refer to hate speech that may be convicted for targeting individuals and threatening with violence and assault, but not inciting others to act or attack individuals based on their characteristics and identities. Severe cases are those that directly advocate hatred to the public by inciting discrimination, hostility, persecution or violence, including solicitation of war or genocide. atau genosida.

Seven Recommendations

3.

To encourage the central government to present awards to the ministries/ institutions and regional governments that have successfully implemented the guarantee of right to freedom of religion or belief

4.

To urge the House of People's Representatives (Dewan Perwakilan Rakyat [DPR]) to revoke or amend the 1965 PNPS Law as the main reference source for violations of freedom of religion or belief

5.

To urge the Supreme Court to abolish or revise 89 discriminatory local regulations throughout the decade

6.

To urge civil society organizations, particularly religious organizations, to be involved in policy advocacy efforts and to protect the beliefs of minority groups

7.

To encourage companies or business groups to implement the protocols in order to guarantee freedom of religion or belief as part of company regulations



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