

# Executive Summary Backgrounder

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## The Challenge to Religious Liberty in Indonesia

*Richard G. Kraince*

The widespread growth of faith-based social movements over the past two decades has convinced many observers of the significance of religious activism as a driving force behind social change in many parts of the globe. This is certainly the case in Indonesia—the world's most populous Muslim-majority nation and, since 1999, its third-largest democracy. Indonesian Islamic activists have recently received considerable attention from development organizations for encouraging participation in public policymaking, promoting government accountability, and otherwise contributing to democratic reform.

At the same time, the country's transition to democracy has been marked by the emergence of powerful Islamic interest groups aiming to dominate the legislative process, exert strict control over Muslims' private lives, and diminish the rights of minorities. As the government has been inconsistent in upholding constitutional guarantees of religious freedom, it remains unclear whether Indonesia's democratization process will continue to lead to greater liberty for its citizens or encourage forms of Islamic integralism that reject pluralism and ultimately deny individual rights.

**Deep Divisions.** Since roughly 86 percent of Indonesia's 240 million people identify themselves at least nominally as Muslim—approximating nearly two-thirds of the Muslim population of the entire Arab League—it is not surprising that Islam

has proved to be one of the most potent sociopolitical forces influencing public opinion and affecting the actions of the political elite. Politicians and activist groups have frequently explained their ideas in Islamic terms, employed Islamic symbols, and appealed to the public in the name of their religion. Nevertheless, as evidenced by the raucous debate over the position of Islam in Indonesian society that has persisted since the reform period began in 1998, deep divisions remain over the cultural identity of the nation as well as the nature of the Indonesian state.

Within Islamic circles, two overlapping social movements have vied ardently for dominance since the reform period began. The first has called for the establishment of a pluralistic democracy based on tolerance, social justice, and a strong civil society. The second has promoted Islam as a political ideology aiming for sectarian control of the state—a phenomenon referred to as Islamism. Emphasizing moral reform, Islamists advocate the complete Islamization of Indonesian society through the imposition of Islamic law (*sharia*) on the nation's

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immense Muslim population as well as the establishment of Saudi-style social norms for the rest of the country.

The principal goal of this paper is to assess the Indonesian government's performance in protecting basic rights and freedoms as it faces a determined and multi-pronged effort to impose religiously inspired restrictions on the population. It is also intended to inform debate on U.S. policy toward Indonesia as the Obama Administration begins to work out a new platform for relations with countries where Islam is a cogent political force.

**Religious Persecution.** Some of the most troubling instances of religious violence involve the harassment of religious minorities and the forcible closure of their places of worship. For several years, Islamist militia groups have waged a systematic campaign against minority Muslim groups whose interpretation of Islam differs from the Sunni orthodoxy favored by militant ideologues.

A few of these raids targeted Indonesia's tiny Shia community. Most of the attacks, however, were directed at members of the Ahmadiyah movement, who differ from the majority of Muslims in their belief that the prophet Mohammed was not the last to speak the word of God on Earth. One of the most troubling aspects of these crimes is that local authorities did little to prevent the attacks and failed to prosecute those responsible.

**Words Matter.** For his part, President Obama has repeatedly declared his intentions to forge better relations with Muslim-majority nations around the globe. He seeks to reach Muslims directly through public diplomacy efforts and has demonstrated a serious interest in broadening dialogue with Muslim leaders. Unfortunately, the President's choice of words in describing his otherwise laudable plans to engage Muslim populations is problematic for Indonesians. In his first interview as President conducted with Al Arabiya television news on January 27, 2009, President Obama reminded viewers that he has lived in "Muslim countries"—specifically in Indonesia, which he describes as the largest country in the "Muslim world."

Having attended school in Indonesia, President Obama need not be reminded that Indonesia does not officially call itself a "Muslim country." The Republic of Indonesia is a religiously diverse nation based on the principles of Pancasila, which includes belief in God, a just and civilized humanity, national unity, democracy through deliberation, and social justice.

It is true that Indonesia is home to the world's largest population of Muslims, with some 206 million of its 240 million citizens describing themselves as followers of Islam. But unlike some countries in the Middle East and South Asia where the followers of other religions have been almost completely driven out, Indonesia remains home to millions of Christians, Hindus, Buddhists, and adherents of other faiths. President Obama's reference to their homeland as a "Muslim country" is a disappointment to these minorities, who have seen their nation's tradition of tolerance come under attack from religious extremists. It also ignores the efforts of countless Muslims who have struggled to maintain Indonesia's non-sectarian orientation.

**Conclusion.** The Indonesia that President Obama knew as a child, with its culture of pluralism and constitutional protections for religious freedom, provides an important model of religious diversity. His Administration should act quickly to support that tradition. It can begin by sharply curtailing the use of rhetoric that carelessly describes diverse regions based on the faith of dominant groups.

Islamist propaganda aside, very few of the world's Muslims live in societies that can be neatly labeled "the Muslim world." The Palestinians and the Israelis may need a two-state solution to overcome their trauma. One must hope that President Obama and other world leaders will be more creative in forging an international relations paradigm that will help transcend the dichotomies based on religion that fuel so many ongoing conflicts.

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# Background

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The widespread growth of faith-based social movements over the past two decades has convinced many observers of the significance of religious activism as a driving force behind social change in many parts of the globe. This is certainly the case in Indonesia—the world’s most populous Muslim-majority nation and, since 1999, its third-largest democracy. Indonesian Islamic activists have recently received considerable attention from development organizations for encouraging participation in public policymaking, promoting government accountability, and otherwise contributing to democratic reform.<sup>1</sup>

At the same time, however, the country’s transition to democracy has been marked by the emergence of powerful Islamic interest groups aiming to dominate the legislative process, exert strict control over Muslims’ private lives, and diminish the rights of minorities. As the government has been inconsistent in upholding constitutional guarantees of religious freedom, it remains unclear whether Indonesia’s democratization process will continue to lead toward greater liberty for its citizens, or whether it will encourage forms of Islamic integralism that reject pluralism and ultimately deny individual rights.

Since roughly 86 percent of Indonesia’s 240 million people identify themselves at least nominally as Muslim—approximating nearly two-thirds of the Muslim population of the entire Arab League—it is not surprising that Islam has proved to be one of the most potent sociopolitical forces influencing public opinion and affecting the actions of the political elite. Politi-

### Talking Points

- Indonesia, the world’s most populous Muslim-majority nation and third-largest democracy, has a proud tradition of religious tolerance and is a remarkable story of constitutional democratic achievement. Islamic activists have played an important role in encouraging participation in public policymaking and promoting government accountability.
- Indonesia’s transition to democracy has also been marked by powerful Islamic groups’ attempts to dominate the legislative process, control citizens’ private lives, and diminish the rights of minorities.
- Islamist militias have systematically harassed religious minorities, closed down their places of worship, and tried to enforce *sharia* law at local levels.
- The Indonesia that President Obama knew as a child, with its tradition of pluralism and constitutional protections for religious freedom, provides the world with an important model of religious diversity. It is *not* a “Muslim country.”
- The Obama Administration should do all it can to support that tradition.

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cians and activist groups have frequently explained their ideas in Islamic terms, employed Islamic symbols, and made appeals to the public in the name of their religion. Nevertheless, as evidenced by the raucous debate over the position of Islam in Indonesian society that has persisted since the reform period began in 1998, deep divisions remain over the cultural identity of the nation as well as the nature of the Indonesian state.

Within Islamic circles, two overlapping social movements have vied ardently for dominance since the reform period began. The first of these movements has called for the establishment of a pluralistic democracy based on tolerance, social justice, and a strong civil society. The other movement has promoted Islam as a political ideology aiming for sectarian control of the state—a phenomenon referred to as Islamism.<sup>2</sup> Emphasizing moral reform, Islamists advocate the complete Islamization of Indonesian society through the imposition of Islamic law (*sharia*) on the nation's immense Muslim population as well as the establishment of Saudi-style social norms for the rest of the country.

The principal goal of this paper is to assess the Indonesian government's performance in protecting basic rights and freedoms as it faces a determined and multi-pronged effort to impose religiously inspired restrictions on the population. It is also intended to inform debate on U.S. policy toward Indonesia as the Obama Administration begins to work out a new platform for relations with countries where Islam is a cogent political force.

## A Successful State

Indonesia has accomplished what was once considered an improbable feat: In less than a decade, the world's largest Muslim-majority nation has freed itself from authoritarian rule and established a representative democracy that appears to be remarkably stable. With the momentum of a popular reform movement driving progress, the state has sustained its commitment to democracy through two national elections. It has recently begun its

third election cycle with national legislative polls held on April 9, 2009, and the presidential election scheduled for July 8, 2009.

The recent legislative election stands out as the first in which voters chose individual legislators within a party slate rather than merely selecting a political party. The state has also begun to institute direct elections for provincial, district, and municipal level heads since 2005, effectively establishing one of the largest systems of democratic representation in the world.

This enthusiasm for making government directly accountable to voters demonstrates what Indonesia's progressive Muslim intellectuals have long argued: The foundations of a pluralistic democracy can indeed be located within a Muslim social sphere. The student-led reform movement that succeeded in driving former President Suharto from power and launching the nation on its path to democracy in 1998 was largely a secular movement that reflected the inherent diversity of Indonesian society. While some organizations involved in the effort employed Islamic symbols, framed their demands in Islamic terms, and emphasized issues of concern to Muslim groups, they represented only one segment of Indonesia's myriad cultural and social streams. The power of the movement was in its ability to bring these various streams together. By transcending religious, ethnic, and ideological differences, reform leaders succeeded in establishing a united front that helped to forge national consensus on the imperative of democratic reform.

Although the concept of democracy was poorly understood by most citizens at the outset of the reform period, discourse on liberal thought had been nurtured quietly in lecture halls and study clubs for years. By the early 1990s, democracy activists had established legal aid groups, journalist organizations, and a variety of non-governmental organizations committed to strengthening the position of civil society vis-à-vis the government.<sup>3</sup> These activists and other members of the academic community combined with leaders of the nation's most

1. "Islamic Organizations and Development in Indonesia," The Asia Foundation, August 2007, at [http://asiafoundation.org/pdf/ID\\_IDEV.pdf](http://asiafoundation.org/pdf/ID_IDEV.pdf) (May 20, 2009).
2. Olivier Roy, *The Failure of Political Islam*, trans. Carol Volk (Cambridge, Mass.: Harvard University Press, 1994).



influential Muslim civil society organizations to create a broad coalition for reform.

During this same period, Indonesia's Islamic intellectual community made serious efforts to bridge theories of liberalism and traditions of Islamic thought. The impact of this project was nowhere more apparent than within the nation's vast public Islamic higher-education sector that promoted modernizing trends within Islamic circles nationwide.<sup>4</sup> The Ministry of Religious Affairs, which is responsible for the administration of the sector, provided advanced study opportunities for religious scholars that were designed to increase the integration of Islamic intellectualism with national intellectualism.<sup>5</sup> The idea held by many of the top educational leaders at the time was that training religious scholars in the same manner as economists, sociologists, and political scientists would lead to greater cohesion between religion and the state.

Ironically, when Suharto's "New Order" regime began to teeter as a result of the Asian financial crisis in 1997 and 1998, cohesion among secular and religious intellectuals was evidenced by their shared opposition to the authoritarian state. The mobilization of Islamic student organizations alongside secular groups in demonstrations against the Suharto regime served as a powerful symbol of the unity of Indonesia's youth. Moreover, the enthusiastic participation of students from Islamic colleges and universities *within* secular student groups underscored the inherent plurality of the movement's most active protest organizations. Most important, the leadership role played by Islamic intellectuals in explaining concepts of democracy to the Muslim community proved pivotal in determining the ultimate compatibility of Islam and democracy in Indonesian society.

The results of Indonesia's broad consensus on democratization are clear. As the younger generation stepped forward to provide critical leadership for the country's resurgent civil society institutions, existing legislators were forced to accept press freedoms, recognize political liberties, and implement plans for free elections. Successive governments were pressured to build on these achievements by reforming the electoral system, decentralizing the state budget, and institutionalizing democratic decision-making at all levels of governance.

While Indonesia's transition from authoritarian rule to democratic government has at times been chaotic, survey data suggest steady if not rising levels of public support for democratization. The Indonesian Survey Institute found a gradual increase in respondents—from 68 percent in 1999 to 74 percent in 2006—who agreed that democracy is the best political system for the country. Satisfaction with government bodies and even political parties likewise also appeared to increase after Indonesia's 2004 election.<sup>6</sup>

Nevertheless, in spite of apparent public support for democratization, several countervailing trends have also been noted in other public opinion polls. In 2008, 40 percent of survey respondents told the Indonesian Survey Circle that conditions are worse since the reform period began, as opposed to just 33 percent who said that conditions are better. Fifty-eight percent also selected Suharto's authoritarian period as the best time in which to live. When asked what was better during the Suharto era, respondents emphasized three issues: the economy, security, and social conditions. Taken in sum, these findings suggest that while the public generally appreciates the freedoms associated with democracy, progress in Indonesia has been marred by financial turmoil, a sense of insecurity, and serious problems affecting social cohesion.

3. Edward Aspinall, *Opposing Suharto: Compromise, Resistance, and Regime Change in Indonesia* (Stanford, Calif.: Stanford University Press, 2005).
4. Robert W. Hefner, "Islamic Schools, Social Movements, and Democracy in Indonesia," in Robert W. Hefner, ed., *Making Modern Muslims: The Politics of Islamic Education in Southeast Asia* (Honolulu: University of Hawaii Press, 2009).
5. Zamakhsyari Dhofier, "The Intellectualization of Islamic Studies in Indonesia," *Indonesia Circle*, No. 58 (June 1992), pp. 19–30.
6. "Public Opinion Survey Indonesia: 2005," International Foundation for Electoral Systems, at [http://www.ifes.org/publication/c1e0d6e8e9d01f98a84bfe46966b3b4f/2005survey%20report\\_eng.pdf](http://www.ifes.org/publication/c1e0d6e8e9d01f98a84bfe46966b3b4f/2005survey%20report_eng.pdf) (May 26, 2009).

## Illiberal Leanings

In its 2008 annual report on belief and religious pluralism, *Tracing the Footsteps of an Increasingly Divided Nation*, the Jakarta-based Wahid Institute identifies the government's failure to protect religious freedom as one of the foremost problems affecting social cohesion in Indonesia. The organization argues that the "emergence of an overly enthusiastic religious identity and the tendency for some social groups to evict others who hold different religious interpretations or views, as well as the lack of law enforcement from the government," has perpetuated a situation in which cases of civil rights violations, violence, and conflict cannot be resolved.<sup>7</sup>

The Wahid Institute documents 55 separate cases of religious violence and intimidation in 2008. Six of the cases occurred during the Muslim fasting month of Ramadan when, as in years past, an Islamist militia group known as the Islamic Defenders Front allegedly raided restaurants and nightclubs suspected of serving alcoholic beverages or allowing other activities deemed improper by the group during the fasting month. While these incidents can be considered minor forms of intimidation involving vandalism of private property and threats against bar patrons, it is important to note the Islamic Defenders Front's role. Having started a decade ago with these kinds of raids targeting impiety—and having encountered very little government resistance—it is not surprising that by 2008, the group was believed to have been involved in more than half of the religious violence across the country. Moreover, it has moved on to increasingly serious crimes.<sup>8</sup>

Some of the most troubling instances of religious violence involve the harassment of religious minorities and the forcible closure of their places of worship. For the past several years, Islamist militia groups have waged a systematic campaign against minority Muslim groups whose interpretation of Islam differs from the Sunni orthodoxy favored by militant ideologues. A few of the raids targeted

Indonesia's tiny Shia community. The bulk of the attacks, however, were directed at members of the Ahmadiyah movement, who differ from the majority of Muslims in their belief that the prophet Mohammed was not the last to speak the word of God on Earth.

After a century of peaceful coexistence on Indonesian soil, violence against the Ahmadiyah began in July 2005 after the Indonesian Ulema Council issued a fatwa, or religious opinion, condemning the group for teaching what it considers to be a deviant form of Islam. Groups affiliated with the Islamic Defenders Front responded to the fatwa by staging a series of attacks on Ahmadiyah facilities in West Java. Numerous Ahmadiyah mosques were destroyed, and the congregation's headquarters near the city of Bogor was eventually razed after several attacks.

One of the most troubling aspects of these crimes is that local authorities did little to prevent the attacks and failed to prosecute those responsible. They instead responded by blaming the Ahmadiyah for "provoking" conflict and banning Ahmadiyah practices in the province of West Java. Since the national government largely ignored the matter, it is not surprising that similar attacks were subsequently staged on Ahmadiyah communities in other parts of Indonesia.<sup>9</sup>

Militant Islamist organizations broadened their activities in 2008 by targeting civil society groups working to protect the rights of religious minorities. The most high-profile incident occurred on June 1 when organizations involved in the National Alliance for Religious Freedom and Conviction (AKKBB) staged a rally at Indonesia's National Monument in Central Jakarta in commemoration of Pancasila Day, a national holiday. The event was held to celebrate the establishment of Indonesia's national ideology, which consists of belief in God, a just and civilized humanity, national unity, democracy through deliberation, and social justice.

7. *Annual Report on Religious Pluralism in Indonesia: Tracing the Footsteps of an Increasingly Divided Nation*, Jakarta, The Wahid Institute, 2008.

8. *Laporan Tahunan Pluralisme Beragama/Berkeyakinan di Indonesia: Menapaki Bangsa yang Kian Retak*, Jakarta, The Wahid Institute, 2008. This is the Indonesian-language version of the report cited in note 7 and contains additional information that is not included in the English-language version.

AKKBB members also intended to use the opportunity to highlight the plight of the Ahmadiyah and other religious minorities whose constitutional rights had been violated both by Islamist militia groups and by the local governments that had banned their activities. AKKBB members explained that they felt it was time for the national government to step in and uphold constitutional guarantees of religious freedom.

In blatant disregard for national law, the Islamic Defenders Front staged a violent assault on the AKKBB rally soon after it began. Dozens were injured as the supporters of interreligious tolerance found themselves the target of violence. Yet far more distressing than the incident itself was the manner in which the Indonesian government responded.

Following the precedent set by the local governments of West Java and Lombok, President Yudhoyono's minister of religious affairs, the attorney general, and the minister of the interior issued a "joint decree" days after the attack on the AKKBB that formally condemned the Ahmadiyah for promoting an interpretation of Islam that is "deviant from the principal teachings of the said religion." The Ahmadiyah were explicitly "warned and ordered" that "as long as they consider themselves to hold to Islam, to discontinue the promulgation of interpretations and activities that are deviant from the principal teachings of Islam, that is to say the promulgation of beliefs that recognize a prophet with all his teachings who comes after the Prophet Muhammad SAW."<sup>9</sup>

The document is astonishing by opening with the proclamation that "the right to freedom of religion is a human right that cannot be diminished

under any circumstances; that every person has the freedom to hold their religion and to worship according to their religion and faith." In the next sentence, however, the idea of religious freedom is severely limited to mere adherence to the particular interpretation of a religion that is sanctioned by the state.

Oddly, the decree also orders the Ahmadiyah to discontinue the teaching of their beliefs as long as adherents insist on considering themselves followers of Islam. This position echoes the sentiments of Ulema Council leaders who argued that the entire problem could be avoided if the Ahmadiyah would simply form their own religion and stopped calling themselves Muslims. Such a suggestion is absurd given the fact that the Indonesian government restricts the freedom of its citizens to adhere to any religion other than Islam, Hinduism, Buddhism, Catholicism, Christianity, or Confucianism. Until the legal framework for belief is changed, Ahmadiyah followers have no choice but to explain their religiosity within the context of one of these state-sanctioned creeds.

Although three Islamist militia leaders were eventually prosecuted for their roles in the AKKBB attack, the decree against the Ahmadiyah was a great victory for Islamists. This was made clear when one of the main instigators of the violence went into hiding and refused to give himself up until such a decree was issued. The government complied, made no attempt to punish him for the additional crime of resisting arrest, and declined to adjudicate those who had assisted him in his flight from justice. The fate of the Ahmadiyah is a high-profile case study in religious oppression.

9. This author personally interviewed several Ahmadiyah members in Bali in March 2006 soon after they had fled attacks on their home island of Lombok in the province of West Nusa Tenggara. The individuals that I spoke with described an organized effort to evict them from their communities, beginning with the distribution of flyers that demanded they recant their beliefs and ending in mob raids on their residences. According to the U.S. Commission on International Religious Freedom, no arrests were made in the Lombok incidents even though the homes of scores of Ahmadiyah followers were destroyed by organized mobs in broad daylight. Moreover, local government bodies in Lombok followed the precedent set in West Java by issuing a ban on Ahmadiyah activities. Several other cases of intimidation and violence against the Ahmadiyah occurred in Jakarta, West Sumatra, and again in several parts of West Java in 2007. See "Indonesia," in United States Commission on International Religious Freedom, *Annual Report 2008*, at [http://www.uscirf.gov/images/AR2008/indonesiaar2008\\_full%20color.pdf](http://www.uscirf.gov/images/AR2008/indonesiaar2008_full%20color.pdf) (May 21, 2009).
10. "English Translation of Indonesian Joint Ministerial Decree (SKB) Against Ahmadiyah," No. KEP033/A/JA/6/2008, 2008, at <http://www.thepersecution.org/world/indonesia/docs/skb.html> (May 21, 2009).

Islamist influence directly affects other religious minorities as well, such as Indonesia's approximately 20 million Christians. It is exceedingly difficult to obtain the necessary permits to build a church in many parts of Indonesia despite changes made in 2006 to make the regulations more explicit. Even when all the requirements have been fulfilled, Christians often cannot gain final approval for the construction of houses of worship. Many churches and prayer halls have also been subject to vandalism, and their congregations face various forms of intimidation. Every year, the U.S. State Department documents the forced closure of churches by extremist groups. Twelve are identified in its 2008 report, and 34 are identified in its 2006 report.<sup>11</sup>

Of the 367 violations of religious freedom occurring in 265 separate incidents as documented by the SETARA Institute in 2008, only three people were prosecuted.<sup>12</sup> This fact illustrates why the Wahid Institute and many other civil society organizations view the Yudhoyono administration's failure to ensure proper law enforcement as the main reason for the perpetuation of violence against minorities. The problem that Indonesians face is apparent from the campaign rhetoric of some of the president's most formidable political opponents, who are calling for leadership that is *tegas*—clear, firm, and resolute—in handling all forms of violence and social unrest.

## Legal Framework

Debates over religious liberties in Indonesia inevitably lead back to the nation's perennially contested 1945 constitution. The leaders of the country's independence struggle issued a provisional constitution on August 18, 1945, just 24 hours after they had declared independence. Although it was drafted during a period of chaos and uncertainty, the document made clear the new republic's commitment to basic rights and freedoms, including freedom of religion. While it declares that the state

is based on, among other things, "the belief in the One and Only God," it also guarantees "each and every citizen the freedom of religion and of worship in accordance with his or her religion and *belief*."<sup>13</sup>

Several alternative conceptions of the Indonesian state were proposed during the independence period. Groups determined to live in an Islamic state pushed for the inclusion of wording in the constitution that would obligate Muslims to live according to Islamic law. Marxists strove to emphasize economic rights. In fact, when the short-lived constitution of 1950 was promulgated, it contained the vague assertion that "the right to property is a social function," an idea intended to pave the way for land reform.

Efforts were made to appease these powerful interest groups. As the final form of the constitution was debated, an advisory committee composed of Muslim leaders recommended the inclusion of seven words in the preamble of the 1945 constitution that would have obliged Muslims to abide by *sharia* law. Known as the Jakarta Charter, the idea was considered but never included in the constitution. Instead, Indonesia's founders decided that reference to "Belief in One God" was sufficient to acknowledge the role of faith within Indonesia's diverse society. To this day, however, Islamist groups demand the "return" of the Jakarta Charter and have attempted, albeit unsuccessfully, to add it to the constitution by amendment.

In spite of controversy, the 1945 constitution remains clear on the issue of religious freedom, and it has been further strengthened in recent years. The Second Amendment, Article 28E, added on August 18, 2000, explicitly guarantees that "Every person shall be free to embrace and to practice the religion of his/her choice"; that "Every person shall have the right to the freedom to hold beliefs (*kepercayaan*), and to express his/her views and thoughts, in accordance with his/her conscience"; and that "Every

11. U.S. Department of State, *Report on International Religious Freedom*, 2006 and 2008, at <http://www.state.gov/g/drl/rls/irf> (May 21, 2009). See also "Indonesia," in United States Commission on International Religious Freedom, *Annual Report 2008*.
12. "Siding and Acting Intolerantly: Report on Freedom of Religion 2008," SETARA Institute for Democracy and Peace, January 13, 2009, at <http://www.setara-institute.org/content/siding-and-acting-intolerantly> (May 21, 2009).
13. 1945 Indonesian Constitution, Article 29, at <http://www.indonesiamission-ny.org/issuebaru/HumanRight/1945cons.htm> (May 21, 2009). Emphasis added.



person shall have the right of freedom to associate, to assemble and to express opinions.” Article 28I, as amended on November 9, 2001, and again on August 11, 2002, goes on to assert that freedom of thought and conscience, as well as freedom of religion, are “human rights that cannot be limited under any circumstances.”<sup>14</sup>

Regrettably, four decades of authoritarian rule under which constitutional rights were patently ignored has caused many Indonesians to regard the constitution as “mere ink on paper.”<sup>15</sup> Islamists have seized on this vacuum by insisting on the implementation of scores of new local religious laws that clearly violate some of the rights and freedoms protected in the constitution.<sup>16</sup>

### Political Realities

The 2009 national election cycle, which began in April and will conclude with the presidential election in July, as well as a second round in September if necessary, provides significant insight into Indonesian preferences regarding political Islam. The emerging picture as election results are finalized is that Indonesians are largely satisfied with the non-sectarian government of incumbent President Yudhoyono. His Democrat Party has won nearly 21 percent of the vote, the highest of the nine parties that crossed the 2.5 percent minimum vote threshold and are thus eligible to claim seats in the legislature.

Opinion polls also place Yudhoyono as the undisputed favorite in the presidential race by a margin of at least 35 percentage points.

In second place in the legislative race is the Golkar Party, which gained its electoral expertise as the party in power throughout the years of Suharto’s authoritarian rule. With 14.45 percent of the vote, Golkar just managed to edge out former President Sukarnoputri’s Indonesian Democratic Party of Struggle, which came in a close third with 14.03 percent. The top three winning parties thus are all of secular nationalist orientation. No other party made it beyond single digits in the legislative race.

The other side of the story is that Islamist political parties have suffered significant decline in the 2009 legislative election, earning only 16 percent of the vote this year compared to 20 percent in 2004. Although the conservative Justice and Prosperity Party gained a half of a percentage point with 7.88 percent of the vote, it fell far shy of its widely publicized 20 percent target.

The other sizable Islamist party, the United Development Party, suffered a decline of nearly three percentage points as it sank to an all-time low of 5.32 percent. Some of the smaller Islamist parties, including the ultra-conservative Crescent Star Party, appear poised to pass into oblivion. Their failure to secure the minimum percentage of votes means they will have no voice in the coming legis-

14. *Ibid.*, Article 28.

15. Ulil Abshar-Abdalla, “Ahmadiyah’s Controversy in Indonesia: Vying for an Authority,” *Islamlib.com*, July 23, 2008, at <http://islamlib.com/en/article/ahmadiyahs-controversy-in-indonesia-vying-for-an-authority/> (May 21, 2009).

16. Looking closely at the implementation of *sharia*-related bylaws instituted at district and municipal levels across the country, University of Washington-trained political scientist Robin Bush reported in 2008 that there were no fewer than 78 new laws that may be considered to be of religious origin in 52 of Indonesia’s 470 districts. Bush provides an overview of this trend by parsing the laws into categories. Some are explained as general morality regulations intended to limit alcohol consumption, gambling, prostitution, and other vices. Others relate to religious symbols, such as the mandatory wearing of “Islamic” garb on Muslim holy days in some districts. Other laws formalize Islamic practices, such as the institutionalization of alms (*zakat*) collection by local governments or the establishment of Islamic education requirements in schools. Bush correctly explains that the phenomenon is “linked to the devolution of legislative authority to the districts/municipalities and provinces as part of the overall process of decentralization in Indonesia.” She also notes that while some of these *sharia*-related regulations curtail democratic freedoms, others may simply reflect aspirations to express local culture. Most important, Bush notes that while the number of new regulations surged to 23 in 2003, only five were recorded in 2006, and no new regulations were recorded in 2007. She thus argues that efforts to formalize *sharia* within the legal system appear to be waning as the emphasis of local politics shifts away from symbolic regulations and toward good governance practices. Robin Bush, “Regional Sharia Regulations in Indonesia: Anomaly or Symptom?” in Greg Fealy and Sally White, eds., *Expressing Islam: Religious Life and Politics in Indonesia* (Singapore: Institute of Southeast Asian Studies, 2008), pp. 174–191.

lature and will not be eligible to contest the next election in 2014.

Support for all Islamic parties combined (Islamist and non-Islamist) declined by more than 10 percent. Part of the reason for the failure of Islamism at the ballot box was the fragmentation that many of the parties experienced. Intraparty political feuds have resulted in numerous schisms in recent years. Nevertheless, the outcome suggests that Indonesians have become more pragmatic in their approach to politics.

In the nation's first democratic election, in 1955, four distinct political factions emerged with nationalists, communists, Islamic modernists, and Islamic traditionalists each earning a significant share of the vote. The ideological differences between these groups fueled the divisive politics that led to the tragic intercommunal violence of 1965 and subsequently served as the justification for Suharto's imposition of authoritarian rule.

The results of the 2009 election, on the other hand, suggest that the political potency of religion and ideology has lessened considerably. The top three parties—the Democrat Party, Golkar, and Democratic Party of Struggle—each declare allegiance to Indonesia's official ideology of Pancasila. While individual party branches may occasionally venture into religious politicking, each of the top parties emphasizes a nationalist orientation and largely avoids the explicit use of religious symbols.

The new constellation of political power emerging today thus stands in sharp contrast to those forces that have promoted intolerance and violence against religious minorities. This distinction was obvious in the final days of the most recent election campaign when party leaders from the United Development Party and the Crescent Star Party made incendiary speeches calling on the government to ban the sheer existence of Ahmadiyah (in addition to the current ban on Ahmadiyah activities).<sup>17</sup>

The results of the April 2009 legislative election clearly show what the Indonesian public

thinks of parties that employ discriminatory rhetoric. It is now up to the victors to reduce the influence of Islamist lobbies in state policymaking at the national, district, and municipal levels and thus limit the impact of religious extremism on social cohesion.

### Interreligious Strife and Social Cohesion

Indonesia's great popular consensus on democratic governance and civilian rule was severely challenged by the eruption of interreligious strife in parts of eastern Indonesia between 1999 and 2003. Intercommunal violence in the provinces of Maluku, North Maluku, and Central Sulawesi resulted in the deaths of more than 20,000 people and the displacement of more than a million in that same period. What began as a local conflict between Christian and Muslim groups was exacerbated by the involvement of security forces—some of which became active participants in the conflict—as well as the influx of militia groups from other provinces.

As hundreds of thousands of refugees poured out of the conflict zones, Islamic civil society groups in other parts of the country were split over how to respond. Many Muslim groups began to concentrate on providing aid for internally displaced persons. In the wake of government inability to solve the conflict, however, others began to reconsider the very idea of democratic pluralism. Swayed by evidence of atrocities carried out by nominally "Christian" militia groups in Eastern Indonesia, some Islamic civil society organizations turned to Islamist paramilitary groups that were eager to intervene in the conflict. As a result, solidarity on reform issues suffered considerably, resulting in confusion within the ranks of democracy activists. Similarly, the failure of some religious organizations on both sides of the conflict to condemn the excessive violence carried out by their followers called into question the depth of some activists' commitment to pluralism.

The conflicts were eventually settled as a result of the Malino Peace Accords brokered by Jusuf Kalla, the nation's current vice president, in December

17. Muningsari Sri Saraswati, "Ahmadiyah Ploy by Islamic Parties," *Jakarta Globe*, April 3, 2009, at <http://www.thejakartaglobe.com/home/article/15184.html> (May 21, 2009).

2001 (for Central Sulawesi) and February 2002 (for Maluku). But Indonesians have continued to suffer the conflict's legacy for years as the Islamist militia groups that came to prominence during the conflict have extended their influence over the nation's young democracy.

In an effort to assess the impact and methods of Islamist influence, a consortium of some of Indonesia's most prominent Islamic leaders, in collaboration with the LibForAll Foundation, recently released a report titled "The Illusion of an Islamic State: The Expansion of Transnational Islamist Movements to Indonesia." The group argues that the extremist form of Islam in Indonesia is "a virulent ideology, backed by immense funding, and operating in a systematic manner, as transnational Islamic movements and their local agents work nonstop to undermine and ultimately seize control" of the nation.<sup>18</sup> The group also asserts that the spread of this ideology is linked to the global Wahhabi/Muslim Brotherhood movement and backed by significant funding from the Middle East. As a result, Indonesian media have been flooded with books and articles outlining various conspiracies against Islam and calling on Muslims to reject "Western" ideas of civil society and democratic reform.

At the same time, however, Indonesia's progressive Islamic community has played a vital role in encouraging the development of a nationwide network of religious activists who are committed to promoting mutual understanding and respect between faith communities. In particular, educators associated with the nation's vast public Islamic higher-education system have made restoring inter-religious relations a major goal. Through the development of a series of formal courses on democratic citizenship and various supporting curricular initiatives, Islamic educators and affiliated activist groups have been striving to promote a concept of citizenship that emphasizes the inherent plurality and inclusiveness of Indonesian society.<sup>19</sup> A rich discourse on the compatibility of Islam and democratic

pluralism has thus evolved that is having a considerable impact across the country.

What can be concluded from these countervailing trends?

*First*, Indonesia's experience with democratic reform demonstrates that there is a high level of social-movement activity of various kinds within Islamic circles. In general, this suggests that hitherto marginalized groups have broadened their involvement in civil society networks. While this is an important sign of increased participation in the democratic process, an upsurge in activism should not be confused with greater levels of freedom.

*Second*, while Muslim activists were greatly concerned with the consolidation of rights and freedoms at the twilight of authoritarianism, new activist groups have recently formed in opposition to some of these hard-won liberties. This trend toward anti-liberal activism displays itself in the rise of professional activist groups that focus not on public awareness, but on political lobbying. It is clear that the greatest threats to civil liberty in Indonesia today are not those voices that rise from within civil society itself, but those that issue from the ranks of professional Islamist lobbyists who seek undue influence in policymaking.

*Third*, and most important, President Yudhoyono has thus far been unwilling or unable to accept the full responsibility of national leadership for protecting the rights of religious minorities. Many Indonesians voted for the current government precisely because of its promise to restore order. Yudhoyono's unwillingness to fully claim that mandate and assume the authority of democratic leadership has been the great shortcoming of the post-authoritarian period.

This is not to say that President Yudhoyono has failed to address serious issues of terrorism. On the contrary, he has worked hard to end terrorist operations on Indonesian soil and has done much to convince Muslims of the illegitimacy of violence

18. Abdurrahman Wahid, ed., "The Illusion of an Islamic State: The Expansion of Transnational Islamist Movements to Indonesia," LibForAll Foundation, 2009.

19. Richard G. Kraince, "Islamic Higher Education and Social Cohesion in Indonesia," *Prospects*, Vol. 37, No. 3 (September 2007), pp. 345–356, at <http://www.springerlink.com/content/0670u1r860820156/> (May 21, 2009).

against civilians. Nevertheless, the hard-won freedoms of belief and association that Indonesian student groups fought for in the decade-long *Reformasi* movement are now repeatedly violated by the Islamist interest groups that the Yudhoyono administration has occasionally validated with political respectability and power. The rising influence of the increasingly hard-line quasi-governmental Indonesia Ulema Council is a case in point.

## U.S. Policy

The fight against extremism in Indonesia is one for Indonesians to fight, but they could benefit greatly from American encouragement and support.

*First*, the Obama Administration should urge the Indonesian government to rein in Islamist militias responsible for the bulk of religious violence and intimidation. This can be accomplished only through proactive leadership by the executive branch of government, which must ensure that security forces protect the rights of all Indonesian citizens. Training in nonviolent crowd-control measures should be facilitated to help security personnel prepare for confrontations with religious extremists, and the law enforcement community should be assisted in developing better strategies to respond to the instigators of intimidation and violence.

*Second*, the Obama Administration should encourage Indonesia to develop a tighter legal framework to address the proliferation of regional laws that violate religious liberties. Whoever becomes the next president of Indonesia should demonstrate clear leadership in establishing a legislative review system at the national level through which the regional laws that violate constitutional guarantees of religious freedom can be repealed.

In 2006, 56 national legislators petitioned President Yudhoyono to revoke *sharia*-inspired laws on the grounds that they violated both the constitution and the spirit of Pancasila. A consortium of Islamic parties successfully opposed the move, claiming that such laws were effective in promoting morality. With the decline of the Islamist parties and new political arrangements forming in the legislature, it is time to reconsider how regional bylaws are to be addressed nationally. The international community should remind Indonesia that prostitution and

other vices can be controlled by means other than blanket restrictions on the freedoms of citizens in general and women in particular.

*Third*, Indonesia's higher-education sector is one of the most important sources of controversy with respect to civil society issues. Public Islamic universities have played an important role in facilitating debate on issues affecting social cohesion over the past decade.

The Indonesian government should encourage more institutions of higher learning and affiliated civil society organizations to address these topics. Such debates should be highly participatory, transparent, and inclusive of numerous segments of society. Vigorous public information campaigns should also be carried out to promote a deeper understanding of the role of the university in facilitating dialogue. The goal of this effort should be to educate the public about norms of behavior for holding debate as well as the dangers of attempting to stifle free discourse. The Obama Administration can share its ideas for reaching this goal.

*Fourth*, the U.S. should help Indonesia establish international linkages involving Islamic colleges and universities to promote mutual understanding, high standards of academic freedom, and the development of relationships that transcend both religious distinctions and national boundaries. Indonesia has recognized the value of internationalization to economic competitiveness. The U.S. should encourage the Indonesian government to see the value in areas of study that are central to the preservation of its pluralist traditions.

*Fifth*, the U.S. should incorporate into its policy objectives the issues prioritized by the Commission on International Religious Freedom, including "protection for religious venues, as well as restitution to religious communities whose venues have been destroyed or closed"; "withdrawing the draft joint decree...banning Ahmadiyah"; and "amend[ing] the Joint Ministerial Decree No. 1/2006 (Regulation on Building Houses of Worship) to bring it into compliance with the Indonesian constitution's protection of religious freedom."<sup>20</sup>

Talking to Indonesians about these issues is not easy. Indonesia is their country, and they are proud



of their hard-fought sovereignty. But American officials should bear in mind that they are only calling Indonesia to its own inheritance. These issues can be addressed without appeal to American standards, but instead by appeal to Pancasila, the Indonesian constitution, the concept of the Unitary State of Indonesia (NKRI), its national motto “Unity in Diversity,” its religious and cultural traditions, and its massively influential civil society associations. These are things that reflect values that Americans share with Indonesians.

Islamist extremists are actively opposed to the foundations of the Indonesian state and, by extension, to the values they enshrine. When Americans speak in favor of them, by implication, they speak against the extremists. American officials should also consider that there are a great many brave Indonesians ready and willing to take on these issues. There are other parts of the body politic, some of the most concerned and vulnerable, who are holding their tongues. Without U.S. support, both groups can feel isolated.

### Words Matter in Foreign Policy

In a speech at a U.S.–Indonesia Society luncheon in Washington, D.C., on November 14, 2008, Yudhoyono commented that because of his life, personal experience, and heritage, U.S. President Barack Obama commands an appeal that can “cut across cultures, race and religion” on the international stage.<sup>21</sup> One can thus expect that President Obama’s relationship with Yudhoyono may have an impact on whether or not the Indonesian government will live up to its constitutional duty of guaranteeing religious freedom for all Indonesians.

For his part, President Obama has repeatedly declared his intentions to forge better relations with Muslim-majority nations around the globe. He seeks to reach Muslims directly through public

diplomacy and has demonstrated a serious interest in broadening dialogue with Muslim leaders. Regrettably, the President’s choice of words in describing his otherwise laudable plans to engage Muslim populations is problematic for Indonesians. In his first interview as President, conducted with Al Arabiya television news on January 27, 2009, President Obama reminded viewers that he has lived in “Muslim countries”—specifically in Indonesia, which he describes as the largest country in the “Muslim world.”<sup>22</sup>

Having attended primary school in Indonesia, President Obama need not be reminded that Indonesia does not officially call itself a “Muslim country.” Rather, the Republic of Indonesia comprises a religiously diverse nation based on the principles of Pancasila, which includes belief in God, a just and civilized humanity, national unity, democracy through deliberation, and social justice.

It is true that Indonesia is home to the world’s largest population of Muslims, with some 206 million of its 240 million citizens describing themselves as followers of Islam. But unlike some countries in the Middle East and South Asia where the followers of other religions have been almost completely driven out, Indonesia remains home to millions of Christians, Hindus, Buddhists, and adherents of other faiths. President Obama’s reference to their homeland as a “Muslim country” is a disappointment to these minorities, who have seen their nation’s tradition of tolerance come under attack from religious extremists. It also ignores the efforts of countless Muslims who have struggled to maintain Indonesia’s non-sectarian orientation.

### Conclusion

The Indonesia that President Obama knew as a child, with its culture of pluralism and constitutional protections for religious freedom, provides

20. “2008 Annual Report of the U.S. Commission on International Religious Freedom—Countries on the Commission’s Watch List: Indonesia,” U.S. Commission on International Religious Freedom, at <http://www.uscirf.gov/images/AR2008/indonesia.pdf> (May 26, 2009).
21. Susilo Bambang Yudhoyono, “Indonesia and America: A 21st-Century Partnership,” speech given at U.S.–Indonesia Society luncheon, Washington, D.C., November 14, 2008, at [http://www.usindo.org/publications/Speeches/Speech\\_by\\_SBY\\_at\\_USINDO.pdf](http://www.usindo.org/publications/Speeches/Speech_by_SBY_at_USINDO.pdf) (May 21, 2009).
22. “Full Transcript of Obama’s Al-Arabiya Interview,” MSNBC, January 27, 2009, at <http://www.msnbc.msn.com/id/28870724/> (May 22, 2009).

the world with an important model of religious diversity. His Administration should act quickly to support that tradition. It can begin by sharply curtailing the use of rhetoric that carelessly describes diverse regions based on the faith of dominant groups.

Islamist propaganda aside, the fact of the matter is that very few of the world's Muslims live in societies that can neatly be labeled "the Muslim world." The Palestinians and the Israelis may need a two-

state solution to overcome their trauma. One must hope that President Obama and other world leaders will be more creative in forging an international relations paradigm that will help to transcend the dichotomies based on religion that fuel so many ongoing conflicts.

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