**Discriminatory Treatment of Religious Minorities in Indonesia**

Living under an unsecured situation has become a part of daily life and experiences of some religious minority groups in Indonesia.

**Introduction**

After the reign of President Suharto in 1998, a period known as the totalitarian regime,[[1]](#endnote-1) Indonesia has claimed progress and achievement in social and political affairs. However, human rights tell a different story.[[2]](#endnote-2) This specifically refers to the current situation of certain religious minorities, which has continuously attracted concern of national, regional and global actors. A series of discriminatory actions faced by the certain religious minorities such as the Ahmadiyya, Shiah and Christian communities has shown that the country is still a fragile new democracy. Human Rights Watch (2013) provides an important information about this situation as follows:

Such actions are in part made possible by discriminatory laws and regulations, including a blasphemy law that officially recognizes only six religions, and house of worship decrees that give local majority populations significant leverage over religious minority communities. Sunni Muslim communities in areas of eastern Indonesia where Christians are a majority have also been victims of such regulations and in a few instances have had difficulty obtaining permission to build mosques.[[3]](#endnote-3)

Therefore, this article attempts to answer the question *how Indonesia treat its religious minorities.* The four following sections will elaborate on increasing violence to religious minorities, the limitation of protection frameworks and the emergence of dangerous democratic change to the presence of certain religious minorities.

**Defining Discrimination**

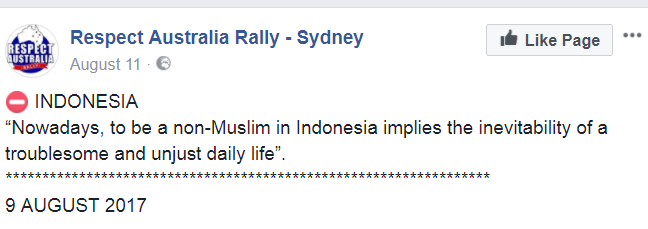
In general, discrimination against religious minorities comes from two sides. First, discrimination relates to the lack of political commitment for implementing basic principle of the constitution.[[4]](#endnote-4) In fact, the state is absent in many types of discrimination against religious minorities. Second, discrimination cannot be totally separated from the presence of radical groups. In many cases, these groups have the power of controlling a political process. They have *‘justification’* to pressure other groups. Thus, they can simply demonstrate violent actions as a part of their responsibility to maintain what they call *‘a set of values’* belonging to a majority group.

In Indonesia, the presence and the freedom of expression of religious minorities are in a dangerous situation. Violence against religious minorities and their political exclusion are connected in several ways, as this section seeks to illustrate. Both violence and political exclusion are important issues when dealing with the place of religious groups under a democratic transition. Andreas Harsono, an Indonesian journalist and human rights defender, points out the fact:

Acts of religious intolerance and violations of religious freedom increased in Indonesia in 2016, with the country’s religious minorities bearing the brunt of the rise.[[5]](#endnote-5)

If violence limits access to the political process, then public policy and political institutions will tend to neglect the protection of minorities in democratic states controlled by the majority.

Political exclusion not only reinforces violence, however, it can also lead to minorities struggling to protect their citizenship rights within the democratic arena between state and civil society. Religious minorities, even those who are citizens, thus face a problematic situation due to the domination of the majority in the political process. First, the problem of violence will be outlined, and then this will be linked with political exclusion.



In Indonesia, discrimination against religious minority groups is a dangerous phenomenon in a time of democratic transition. Discrimination against religious minority groups describes social intolerance in Indonesia and religious minority groups frequently experience violent attacks and tolerant treats due to a difference in spiritual beliefs. Benedict Rogers (2013)—a researcher from Christian Solidarity Worldwide, London, UK—presents this situation in his article:

Violations are growing year on year. These include closure of churches and Ahmadi mosques, violent attacks on religious minorities and imprisonment of religious leaders.[[6]](#endnote-6)

At this point, social intolerance is not limited to the rights of religious groups to build and to have property or a place for worship but also in the entire existence of religious minority groups. Social restrictions are connected to the existence of religious minority groups.

Massive violence experienced by religious minority communities in contemporary Indonesia reflects the continued failure of the democratic government to guarantee the enjoyment of rights of those religious minority groups. Democratic government lacks political will in expressing power to manage the protection of religious minority communities. This trend can be seen in the following report:

Welcome to post-Suharto Indonesia where impunity for violence against religious minorities has fostered larger and more brutal attacks by Islamist militants. According to the Communion of Churches in Indonesia, there have been attacks on more than 430 churches since President Susilo Bambang Yudhoyono took office in 2004. According to Jemaah Ahmadiyah Indonesia, the national Ahmadiyah association, mobs have attacked Ahmadiyah properties more than 180 times since President Yudhoyono issued a decree in June 2008 restricting the Ahmadiyah's religious activities.[[7]](#endnote-7)

Therefore, it is reasonable to propose the fundamental statement that the political power of the democratic state should be implemented into political methods of defending religious minority communities.

@Transit Place of Displaced Ahmadiyya members in Mataram-

Author Collection/Fieldwork/2016

Moreover, religious minority groups in Indonesia are victims who are absolutely excluded from social and political arenas. Thus, exclusion has been considered a strong issue relating to the status of religious minority groups in Indonesia. Meanwhile, radical groups have pressured the government in restricting religious minorities. In fact, they can determine which strategies can be used to cut off the religious minority groups’ expressions and interests. Their pressures are manifested in the process of policy making and also legal provisions that relates to the presence of religious minority groups.

It can be said that what the Ahmadiyya, Shia and Christian minorities experience in Indonesia reflects the political position of the state. The state does not ensure protection for religious minority groups. This causes religious minorities to be excluded from any forms of the state’s concerns. The national state’s weaknesses are exposed in some cases where local governments oppress religious minority groups. The central state seems to be in a passive position when radical groups attack and violate the members of religious minority groups.[[8]](#endnote-8)

**The Limitation of the Protection Framework**

Indonesia, for guaranteeing the protection of its religious minorities, has provided a *‘protection framework’*. This has been constructed based on its constitution, international covenants and other special national policies and regulations. The Indonesian government has normatively built a foundation to respect and protect those religious minorities. This can be noted as one of the main efforts of the post-authoritarian government. *First*, the Indonesian constitution declares a freedom of beliefs. In paragraph 29 and also in some amended paragraphs of the constitution, the *freedom of every person to express their religious beliefs* has been proclaimed as one of the fundamental concerns. The constitution requires the state to protect the freedom of every people for expressing their beliefs in daily life. *Second*, to support this constitutional foundation, Indonesia has also ratified several international conventions.[[9]](#endnote-9)



The government also has set up a special law of human rights, Number 39, in 1999. This can be clearly pointed out as an important progress of strengthening human rights. *Third*, this law provides a significant support for *the National Commission on Human Rights* that was established on June 7, 1993.[[10]](#endnote-10) The commission has an important role in raising human rights awareness in social and political spaces on the one side and encouraging the prosecution of crimes against humanity that occurred in the past including the violence against religious minorities on the other side.

The government of Indonesia and local authorities should take all steps required to effective protect the freedom of religion, including by ensuring the adequate investigation of cases and punishment of perpetrators. The lack of punishment and prevention efforts against fundamentalist groups such as the Islamic Defenders Front (FPI) has caused enabled the deterioration of this situation. The formal attendance of the Governor of Jakarta and the Chief of the Indonesian National Police at FPI events is seen as providing support to such groups.[[11]](#endnote-11)

However, the protection framework cannot be fully implemented through government policies. There are still so many problems related to the position of religion and to political development.[[12]](#endnote-12) For example, in the context of decentralized politics (decentralization), certain religious minorities have struggled for freedom and liberty based on any type of discriminatory policies at local level. Regents and provinces' ﻿ leaders have arranged and applied regulations and policies that tend to restrict the members of religious minorities on the one side and give chances to other groups (radicals) to discriminate religious minorities on the other side.[[13]](#endnote-13) Then the problem is going worse when the central government fails to control what is happening in the lower level government policy. Even more, at a central level, there are still regulations that open up a chance for *‘the radical groups’* in handling violent actions to religious minorities. The experience of the Ahmadiyya group and Christian communities has proven this trend.

@foreignpolicy.com/2015/10/20/islamist-hardliners-attack-indonesian-churches/

**Living without Democratic Incentives**

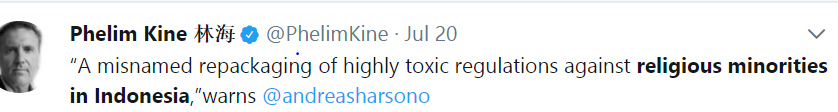
Another issue is about the situation of religious minorities in the context of electoral democracy practices. What I can note is that religious minorities are living in a democratic transition without democratic incentives. Firstly, it is noteworthy to refer to Aristotle’s opinion that *the purpose of the state is, to be, within the possibilities, a society of equal human beings*.[[14]](#endnote-14) This sentence mentions a fundamental value of democracy. The value basically determines such a political imperative through role and position of the state. This sentence can be reframed and/or formulated into one fundamental statement that ‘*the state is not a final purpose in itself’.* The state must ultimately take a primary responsibility for building *an* *equal society* in which *human dignity* should be the most important *‘virtue’* in the case of *‘inter-group relationship’*. One of the main political duties of the state required by a democratic system is the protection of minority rights in dealing with the presence of majority domination. As cited from *Democracy-web*:

Democracy, therefore, requires minority rights equally as it does majority rule. Indeed, as democracy is conceived today, the minority's rights must be protected no matter how singular or alienated that minority is from the majority society; otherwise, the majority's rights lose their meaning.[[15]](#endnote-15)

In accordance with people’s direct participation in an electoral democracy, *‘the constituency’*[[16]](#endnote-16) is a complex issue. The constituency connects to the degree of participation on the one hand and also the easiness of minorities to enjoy basic rights on the other hand. This can be defined as ‘democratic incentives’ that might be enjoyed by religious minorities.

Unfortunately, even though the Indonesian public keeps big and high hopes on the state political performance, the new regime still seems to lack the main point in clearly providing protection of religious minorities. Therefore, the government faces a public distrust due to its inability of preserving its religious minorities. Religious minorities are no longer enjoying democratic change since increasing attacks and discrimination being part of their daily life and experiences.

**A Doubt on the Political Leadership**



For the Indonesian public, a new regime underPresident Jokowi(2014—2019)has been considered as *‘a breaking time’* in realizing the state's﻿ responsibility for solving an inter-religious problem. The momentum has been widely emerging when Suryadharma Ali was replaced by Lukman Hakim Saifuddin as a new minister of religion affairs. Mr. Saifudin performs a prospective approach and seems to have a new political insight in presenting a decisive response to ‘interfaith clash’.[[17]](#endnote-17)

However, as Mr. Zaffrulah Ahmad Pontoh—from the Ahmadiyya community, said in an interview session with me:

The Indonesian government still has to question themselves on how seriously they could implement a political obligation to secure the Ahmadiyya members, for example, and also other groups.[[18]](#endnote-18)

Therefore, in the midst of the political optimism, Indonesian is still facing serious problems. *First*, it can clearly be seen until now that ‘the 2014 political competition’[[19]](#endnote-19) has continuously divided social groups and religious organizations into various political factions. It cannot be rejected that this *‘political landscape’*, directly or indirectly, stimulates violent actions in society. *Second*, the public also wants to know how the state-actors demonstrate *‘a political consistency’* to protect the members of religious minorities when they are struggling for protection under massive pressure and violent attacks handled by—what is called—radical groups.[[20]](#endnote-20) In this context, the state actors have to seriously criticize and challenge their position, role and responsibility of decisively realizing ‘the constitutional commitment’ of protecting religious minorities.

**Conclusions**

As a closing, I can note that violent treatment is part of religious minorities’ daily life. Thus, some main points can be mentioned in this section. *First*, ongoing attacks, exclusion, discrimination faced by certain religious minorities seem to be in contrast with these groups’ peaceful will and deep respect to the state. *Second*, the absence of political consistency in implementing ‘the constitutional commitment’ gives chances to radical groups of demonstrating violent attacks. This can be seen as ‘an interlinked’ source of oppression to religious minorities. *Third*, the protection framework based on the constitution and international human rights foundation has been challenged by the emergence of local politics. *Fourth*, it is widely proven from this case, that electoral democracy particularly stimulates and triggers *‘the risky’* situation for religious minorities. Thus, the uncertainty of protection enjoyment can be still part of religious minorities'﻿ daily life.

**Notes**

1. See one explanation in Bunte, M., & Ufen, A. (Eds.). (2008). *Democratization in Post-Suharto Indonesia*. Routledge. [↑](#endnote-ref-1)
2. Wanandi, J. (2002). Indonesia: a failed state? *Washington Quarterly*, *25*(3), 135-146. [↑](#endnote-ref-2)
3. # Human Rights Watch (HRW) (2013). Indonesia: Religious Minorities Targets of Rising Violence, Report, February 28. Link. <https://www.hrw.org/news/2013/02/28/indonesia-religious-minorities-targets-rising-violence>

   [↑](#endnote-ref-3)
4. Crouch, M. (2010). Implementing the regulation on places of worship in Indonesia: New problems, local politics and court action. Asian Studies Review, 34(4), 403-419. [↑](#endnote-ref-4)
5. Harsono, A. (2017). Indonesia’s Religious Minorities Under Threat: Police, Militant Islamists Implicated in Religious Freedom Abuses. *Dispatches, February 2, Human Rights Watch*, Link. <https://www.hrw.org/news/2017/02/02/indonesias-religious-minorities-under-threat> [↑](#endnote-ref-5)
6. Rogers, B (2013). ‘Intolerance in Indonesia is becoming mainstream’. Catholic Herald, September 24. Link. <http://www.catholicherald.co.uk/news/2013/09/24/intolerance-in-indonesia-is-becoming-mainstream/> [↑](#endnote-ref-6)
7. Harsono, A (2011). Indonesia’s Religious Violence: The Reluctance of Reporters to Tell the Story. Nieman Report, Fall, September 22. Link. <http://niemanreports.org/articles/indonesias-religious-violence-the-reluctance-of-reporters-to-tell-the-story/> [↑](#endnote-ref-7)
8. # Ali-Fauzi, I & Hillman, B (2015). New hope for Indonesia’s ethnic minorities, East Asia Forum, May 28. Link. <http://www.eastasiaforum.org/2015/05/28/new-hope-for-indonesias-ethnic-minorities/>

   [↑](#endnote-ref-8)
9. International Covenant on the Elimination of Racial Discrimination (CERD) was ratified on July 25, 1999. National Instruments is the Law. 29 of 1999; International Covenant on Civil and Political Rights Supervisory Board: Human Rights Committee (CCPR), which was ratified on 23-May-2006 National Instruments: Law no. 12 of 2005. It is referring to session 13: National Approaches to Human Rights Protection: Mechanism and Processes, 25th February 2013. [↑](#endnote-ref-9)
10. The Law Number 39 of 1999 on Human Rights Law Number 26 of 2000 on Human Rights Court. Both of these laws were made by the Council of Representatives after the reform. Two laws are part of the significant progress of legal reform in Indonesia. [↑](#endnote-ref-10)
11. The Asian Legal Resource Centre (ALRC) [No Date]. INDONESIA: Attacks on religious minorities remain largely unchallenged by justice institutions. Link. https://www.persecutionofahmadis.org/indonesia-attacks-on-religious-minorities-remain-largely-unchallenged-by-justice-institutions/ [↑](#endnote-ref-11)
12. Hosen, N. (2005). Religion and the Indonesian constitution: a recent debate. *Journal of Southeast Asian Studies*, *36*(03), 419-440. [↑](#endnote-ref-12)
13. Bush, R. (2008). Regional Sharia Regulations in Indonesia: Anomaly or Symptom? *Expressing Islam: Religious life and politics in Indonesia*, 174. [↑](#endnote-ref-13)
14. Ratulea, Gabriel *“Minorities Protection, Democracy and Cultural Pluralism”* in Bulletin of Transilvana University of Brasov, Vilume 2 (51), Series VII: Social Sciences and Laws, 2009, p. 42 [↑](#endnote-ref-14)
15. This explanation is taken from Democracy-Web/Comparative Studies in Freedom, Majority Rule/Minority Rights: Essential Principles. Source: <http://www.democracyweb.org/majority/principles.php>.  Accessed on February 19, 2014 [↑](#endnote-ref-15)
16. Gay, C. (2007). Legislating without constraints: The effect of minority districting on legislators' responsiveness to constituency preferences. *Journal of Politics*, *69*(2), 442-456. [↑](#endnote-ref-16)
17. See one analysis of [Julia Suryakusuma](http://www.thejakartapost.com/p/94), Religious Affairs Ministry: White elephant or political necessity? The Jakarta Post, June 23 2016. Link. [http://www.thejakartapost.com/academia/2016/06/23/religious-affairs-ministry-white-elephant-or-political-necessity.html Accessed on October 2](http://www.thejakartapost.com/academia/2016/06/23/religious-affairs-ministry-white-elephant-or-political-necessity.html%20Accessed%20on%20October%202), 2016. [↑](#endnote-ref-17)
18. From Interview in August 2014 in Central Jakarta. [↑](#endnote-ref-18)
19. Mietzner, M. (2014). How Jokowi won and democracy survived. *Journal of Democracy*, *25*(4), 111-125 [↑](#endnote-ref-19)
20. Liddle, R. W. (1996). The Islamic turn in Indonesia: a political explanation. *The Journal of Asian Studies*, *55*(03), 613-634. [↑](#endnote-ref-20)