

Radical Islam Uses Indonesian 'Blasphemy' Law a Weapon

✖ On Feb. 6 in

Indonesia, Muslim hardliners armed with machetes brutally murdered three members of a "blasphemous" Muslim sect in the village of Cikeusik, West Java. Five other members escaped with severe injuries; police were present but did not intervene.

The attack followed two years of violence sparked by a June 2008 Joint Ministerial Decree banning public worship for the Ahmadiyah, whose members believe that their founder, Mirza Ghulam Ahmad, was the last prophet of Islam, rather than Muhammad.

On Feb. 8, a large mob gathered outside a courthouse in Temanggung, Central Java, chanting "Kill, kill!" after judges awarded Antonius Richmond Bawengan, a Roman Catholic, the maximum five-year sentence for blasphemy. By nightfall some 1,000 people had rampaged through the town burning vehicles, two churches and a church-run school, injuring nine people in the process. (See , "After Attacks, Christian Leaders in Indonesia Decry Lax Security," Feb. 11.)

Three days later, prosecutors in Jakarta sentenced Murhali Barda, a regional leader of the hardline *Front Pembela Islam* (FPI

or Islamic Defenders Front) to only five-and-a-half months in prison and fined him the equivalent of 10 US cents for orchestrating an attack on a Protestant church in which two Christians were seriously injured. (See , "Light Sentences for Attack on Christians in Indonesia Condemned," March 10.)

These events, occurring in a single week, provide a snapshot of the rising fanaticism that has seriously damaged Indonesia's reputation as a moderate Islamic nation.

"The real root of the country's religious intolerance is the 1965 Blasphemy Law," wrote Armando Siahaan in a recent *Jakarta Globe* report. Many observers agree that the 1965 law and associated legislation, coupled with a lack of political will to curb hard-line groups, are to blame for the steep climb in religious violence.

'Enmity' Towards Religion

Last October, Bawengan distributed a book he'd written that criticized the Catholic faith and allegedly handed out pamphlets that described sacred Islamic symbols as phallic images, according to local news reports.

Catholics, while offended – and falsely blamed for Bawengan's remarks about Islam – did not accuse him of blasphemy against the Catholic Church.

The state,
however, found him guilty of blasphemy against Islam under Article
156(A) of the penal code, which stipulates up to five years in
prison
for anyone who publicly shows “enmity” or “abuses or stains” a
religion
adhered to in Indonesia, or prevents other people from
adhering to such a
religion.

The maximum sentence under Article 156(A) is
surprisingly lenient compared with blasphemy punishments in
other
countries, but this is likely due to Indonesia’s founding
principle of *Pancasila*, which strives for “unity in
diversity.”

Protestants
are rarely prosecuted under this law, although police in April
2007
arrested 41 members of the Indonesian Students Service Agency
and
charged them with blasphemy under Article 156(A) for allegedly
depicting
the Quran as the “source of all evil” in Indonesia. A court in
East
Java sentenced all 41 defendants to the maximum five years in
prison in
September 2007, although they were granted a reprieve in
August 2008,
according to *The Jakarta Post*.

In December 2008, a
student in Masohi, Maluku, claimed that his Christian teacher,
Welhelmina Holle, had insulted Islam. When the *Majelis Ulama
Indonesia*
(MUI or Indonesian Clerics Council) filed a complaint with

police, a mob of at least 300 protestors gathered outside the local regent's office; a riot broke out, with the mob burning dozens of homes, a church and a village hall.

According to local media reports, one of the protestors carried a banner that stated with inadvertent irony, "Don't destroy the peace with blind fanaticism!"

Military and riot police eventually stopped the violence, but Holle was detained, found guilty of blasphemy and sentenced to a year in prison, along with former parliamentary candidate Asmara Wasahua, who was charged only with inciting the riot.

Insult v. Incitement to Hatred

Article 156(A) is based on Law No. 1/1965, introduced by President Sukarno in 1964 and more commonly known as Indonesia's 1965 Blasphemy Law. Article 1 of Sukarno's law prohibits anyone from intentionally trying to gain public support for a religion or participating in religious activities that might be considered a deviation of a recognized religion.

Sukarno enacted the law after critics said that *Pancasila* offered little protection for the Muslim majority.

The law officially recognized six religions – Islam (88 percent of

the population of 238 million), Protestantism (6 percent) Catholicism (3 percent), Hinduism (2 percent) Buddhism and Confucianism (both less than 1 percent) – but orders the state not to interfere in the practice of other religions such as Ahmadiyah, currently numbering between 100,000 to 400,000 adherents. These figures are based on a census carried out in 2000; the results of a 2010 census have not yet been released.

In 2005, however, the MUI issued a *fatwa* or religious opinion against the Ahmadiyah and urged President Susilo Bambang Yudhoyono to ban the sect. Under pressure from hard-line groups and Religious Affairs Minister Suryadharma Ali, the government issued a Joint Ministerial Decree in 2008 forbidding Ahmadis to worship publicly on the grounds that they had deviated from true Islam – an act qualifying as blasphemy under the 1965 law.

The decree drove adherents underground and gave tacit permission for hardliners to attack Ahmadi communities throughout Indonesia with little fear of prosecution – culminating in the Cikeusik murders on Feb. 6.

The 1965 law, Article 156(A) of the penal code and the 2008 Ahmadiyah decree clearly contravene international law, which differentiates between simple religious insult and incitement to hostile and

violent

actions, according to an October 2010 Freedom House report entitled

“Policing Belief.” Only incitement to hatred can be legitimately

restricted, whereas freedom of expression includes the right to

offensive or controversial religious comment.

International

law also allows for freedom of belief, contradicted by Indonesia’s

requirement that every citizen choose one of the six official religions

and display it on his or her identity card. Atheism or adherence to an

unrecognized religion is simply not an option, clashing with Article 29

of Indonesia’s constitution, which stipulates that all citizens may

choose and practice their own religion.

State-Sanctioned Violence

In

2010 the FPI and a new group, the Bekasi Islamic Presidium, launched a

campaign against “Christianization” in West Java, accusing local

churches of aggressively trying to win Muslim converts – a behavior that

could be labeled blasphemous under Article 156(A).

The

hardliners pledged to set up a youth army in order to monitor and attack

churches suspected of “Christianization.” While this act in itself

could be regarded as “enmity” under Article 156(A), Yudhoyono

simply

appealed for tolerance and took no action against the organizers. (See , “Indonesian Muslims Call for Halt to Christianization,” July 2, 2010.)

The

charge of “Christianization” was also leveled against three Christian

teachers in Indramayu, West Java in 2005, after they allowed Muslim

children to attend a Sunday school program with spoken consent from

their parents. Busloads of Muslim hardliners chanting “*Allahu Akhbar*

[God is greater]” surrounded and filled the courtroom, threatening to

carry the teachers out in coffins if they were not found guilty. The

teachers served three years in jail. (See , “Teachers Appeal ‘Christianization’ Conviction in Indonesia,” Sept. 23, 2005.)

The

FPI has also used the term in multiple protests against unregistered

churches in West Java. In response, the government in 2006 revised a

Joint Ministerial Decree governing places of worship, making it

virtually impossible for congregations to obtain a worship permit and

leaving them vulnerable to attack.

Setara researcher Ismail

Hasani has said he believes a new wave of radicalization is sweeping

through the suburban regions of Jakarta, partly due to new legislation

built on existing blasphemy laws, and partly due to the

implied or
actual support provided by police and government officials.
For example,
after West Java Gov. Ahmad Heryawan banned Ahmadiyah worship
on March
3, by mid-April at least 400 Ahmadis had converted to Islam,
according
to the *Jakarta Globe*.

Officials in West Java
arranged public conversion ceremonies for the Ahmadis, despite
this
practice being contrary to provisions in Article 156(A). In
one
ceremony, 13 Ahmadis in Bogor recited the Muslim confession of
faith,
accepting Muhammad as the last prophet. Their confession came
just days
after local residents repeatedly hurled rocks at their homes,
the *Globe* reported.

Local official Eros Kusniawati, however, told reporters that
the 13 had converted willingly.

"We'll
hold another ceremony for the seven others who wanted to
convert but
couldn't attend today, and for the five others who still
refuse to
repent," he said.

Courts Bow to Mobs

Last September, a mob led by local FPI head Barda confronted
members of the *Huria Kristen Batak Protestant Church* (HKBP)
in Ciketing, West Java, which has struggled for years to
obtain legal
permission to worship. During the clash, hardliners stabbed
church elder

Hasian Lumbantoruan Sihombing in the stomach and beat the Rev. Luspida Simanjuntak over the head with a wooden beam in a clear case of “enmity” against another religion.

Judges on March 10 awarded sentences of just five to seven months to the perpetrators.

In this climate of impunity, attacks on churches and religious sects have increased dramatically over the past three years. The Setara Institute of Peace and Democracy recorded 75 religious attacks in 2010, up from 18 in 2009 and 17 in 2008. In the same year, the Wahid Institute recorded 196 cases of religious violence, an increase of almost 50 percent from 2009, while the Moderate Muslim Society recorded 81 cases, an increase of more than 30 percent from 2009.

A significant percentage of these attacks were against Christian churches, with others directed against the Ahmadiyah, but neither Christians nor Ahmadis have invoked the “enmity” clause in Article 156(A).

“The FPI have established fear in so many hearts, including the courts and the government, that we all feel it would be less troubling to just ‘let it go,’” a local Christian leader who requested anonymity told Compass.

“Also, this is Indonesia – justice depends on who is bringing someone to court and who they know. And in religious cases, the radicals pressure the judges and let them know when they’re not happy with a verdict.”

In practice, he concluded, the blasphemy law only works for the benefit of Muslims in Indonesia.

“There are many Christian lawyers,” one such lawyer confirmed to Compass on condition of anonymity, “but many don’t defend Christians out of fear, because they know it’s a Muslim country.”

While not all Muslims support the hardliners’ agenda, a September 2010 survey by the Center for the Study of Islam and Society found that among 1,200 randomly sampled Muslim men and women, 57 percent were against the construction of church buildings and other non-Muslim places of worship – the highest rate the center has recorded since 2001.

With its history of *Pancasila*, Indonesia is still generally considered a moderately Islamic country even as radical elements gain force, and one source said the blasphemy law would be invoked more often were it not for a general sense that the courts and officials are corrupt and/or ineffective. Some observers believe groups like the FPI and the Bekasi Islamic Presidium

have gained momentum by protecting and promoting Islamic interests in a way that government officials will not.

Furthermore, the blasphemy laws are not often invoked due to a general impression that prisons are full enough.

“Everyone knows that our prisons are overflowing,” the anonymous source said.

“Why put more people into these prisons with longer sentences? That’s why a murderer can sometimes get away with a sentence of less than 10 years, and get out on parole after six years on good behavior.”

Interestingly, while the Christians found guilty under Article 156(A) were sentenced to five years and one year, Muslims who displayed “enmity” were generally charged with misdemeanors and sentenced to six or seven months despite causing physical harm.

Blasphemy Laws Upheld

In October 2009, the Advocacy Alliance for Freedom of Religion, a coalition of Non-Governmental Organizations and activists, asked Indonesia’s Constitutional Court to review and repeal the 1965 Blasphemy Law and Article 156(A) of the penal code, citing violations of the constitutional rights of freedom of religion and freedom of expression.

FPI

members staged loud demonstrations outside the hearing, while extremists inside the courtroom shouted insults at speakers arguing for

the repeal, the *Jakarta Globe* reported. Although regarded as moderate, Muhammadiyah and Nahdlatul Ulama, Indonesia's two largest

Muslim organizations, also opposed the review, as did Religious Affairs

Minister Surhadharma Ali, who insisted that the law was needed to

"maintain social harmony and prevent an explosion of new religions,"

according to the *Globe*.

Ali in fact met with

leaders of the FPI and Hizbut Tahrir Indonesia – an organization

supporting global Islamic rule – in February 2010 to discuss concerns

about the review, according to *The Jakarta Post*.

The court upheld both laws in April 2010, echoing Ali's claims that the laws were necessary to maintain public order.

Following the violence in February, however, Human Rights Working Group (HRWG) Deputy Chairman Choirul Anam told the *Jakarta Globe* that

HRWG would appeal for a second review on the grounds that "attacks on

religious minorities have increased and continue to rise." He also

pointed out that some judges had referred to the Quran during the

hearing, proving unacceptable bias in a secular court.

"The

next step will be to push the government and the legislature

to draft a
law on religious freedom, not religious harmony as has been
discussed
until now," Anam said.