

FROM STAGNATION TO PICK THE NEW HOPES
The Condition of Freedom of Religion/Belief
in Indonesia 2014

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Foreword

1945 Indonesian Constitution has been giving the constitutional guarantee to all citizens to embrace religion or belief, and to worship in accordance to that current religion or belief. Some of policy products and its derivative also state the guarantee like stipulated in Constitution. The Act No. 12/2005 about Ratification of Civil and Politic Covenant, which one of its clause containing the guarantee on freedom of religion/belief has become the anvil that international law products has been being the part of Indonesian law which binding the state to guaranteeing and to fulfilling it.

However, the legal and constitutional guarantee which available in Indonesia constitution, is not quiet able to protect that basic freedom. Some violations against freedom are precisely triggered by the state that continues to product restrictive constitution against citizens who embrace religion/belief that considered different to the mainstream one. Likewise, the lack of public knowledge on citizen's civil freedom, which is then trigger intolerance and criminal action against another citizen. These both problems that become serious challenge on civil freedom guarantee fulfillment, particularly the freedom of religion/belief in Indonesia.

As an organization which aims to create equal society, SETARA Institute pays serious attention to the latest conditions that relating to unequal treatment that experienced by citizen and some religious adherents/belief holder in Indonesia. This annual report is an action

form of SETARA Institute to inform and to promote the public about the latest and regular conditions of Freedom of Religion/Belief in Indonesia.

The annual report of 2014 is the eighth report which published by SETARA Institute, which is the result of monitoring about condition on freedom of religion/belief. This publication is being expected to be a concern of many parties, especially the state, which in the human rights perspective is having obligation to respect, to promote, and to fulfill human rights.

Monitoring and publication of this annual report aims to [1] to documenting and to publishing the violation facts and breakthrough/progress on freedom of religion/belief in Indonesia; [2] to encourage the country to fulfilling guarantee on freedom of religion/belief including to perform some legislation products that confines freedom of religion/belief and victims' right recovery; and [3] to strengthen the civil society network and to expand the constituent to push them to encourage guarantee of freedom of religion/belief.

This monitoring uses citizens' constitutional rights parameter that guaranteed by the Constitution and human right parameter, especially the International Covenant about Politics and Civil Rights which has been ratified by the Act. No. 12/ 2005. Another parameter that is used also is the Declaration of Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief which was initiated through the Resolution of United Nation General Assembly No. 36/55 on 25 November 1981.

In the eighth year SETARA Institute conduct monitoring, freedom of religion / belief find a hope for progress after stagnating and even a setback in the previous seven years. Even we realized that the hope of refinement is still being an idea, and the politic platform of the new leadership for Joko Widodo-Jusuf Kalla's regime, but from that national leadership willingness aspect, it precisely initiates that new hope emerged.

Finally, SETARA Institute hopes this Annual Report can be useful

for all, especially for policy makers, to rush to make improvements which guarantee the freedom of religion/belief in Indonesia.

To all, who support the work of the monitoring and publication of this report, I thank you.

Jakarta, 22 January 2015

H E N D A R D I

The Chairman of Executive Board of SETARA Institute

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CHAPTER 1

Introduction

A. Background¹

In the perspective of protection guarantee on Freedom of Religion/Belief (KBB), 2014 is the year while two transition models of government which attended in KBB protection, from the Susilo Bambang Yudhoyono's regime to Jokowi's. The policies made by SBY's regime tend to restrictive on to the freedom of religion/belief issues, so created the stagnant situation which is incline to dangerous.² SETARA Institute assessed that there's no significant progress that worth to be noted as KBB's protection. Does the Jokowi's regime will be better in running this issue? Time will answer. But, some indicators should be seen to assess about do this regime will create the new hope or not.

Whoever runs government in this Republic, so SETARA Institute will do research and assessment on the issue of Freedom of Religion/Belief in Indonesia. Those research and assessment are motivated by the real condition of freedom of religion/belief which gets no intact guarantee from state, and the intolerant action, discrimination and violence are still continually happening in Indonesia as well. Whereas normatively, the state has affirming its commitment through the Article 28E Verse (1 & 2), and Article 29 verse (2) the Constitution of Republic of Indonesia 1945. The similar guarantee also stipulated in Law No. 39/1999 about Human Rights, and Law No. 12/2005 about Ratification of International Convention on Civil Rights and Politic. But, the political restriction on this rights still occurs, either to use Article 28J (2) Constitution of Republic of Indonesia 1945 or another laws which discriminative.

Textually, the freedom of religion/belief – in terms of protecting

mechanism aspect – is the basic rights that guaranteed by the international norms that approved universally by the civilized countries, both legally binding or not. As a part of the world’s civilized country (United Nation), Indonesia asked to guided progressively all the universal norms standard in order to implement the guarantee of freedom of religion/belief in the sphere of its juridical politico – juridical domestic.

In all of international human rights instrument, the freedom of religion/belief is regarded substantively as individual rights which cannot be reduced or delayed its fulfillment (*non derogable rights*). So, the freedom of religion/belief either for individual or group should guaranteed its fulfillment by the state.³ The *non-derogable* principle argues about the infallible/absolute rights and that’s why it cannot be delayed or postponed in any circumstances.⁴

In line with it, the structure of Indonesian Constitutional gives more adequate guarantee to implement the freedom of religion/belief. That guarantee can be found in basic norm (*grund norm*) of national law and the state’s basic law (*staat fundamental norm*).

Pancasila as the basic philosophy has given the philosophical and moral guarantee to freedom of religion/belief. The first principle of Pancasila confirmed it. Even in the real life “precept of all precepts” the Pancasila is often interpreted paradoxically. On one side, the first precept meant as the principle accommodates spirituality meta-religion, but on another one is often interpreted as a formula which refers to formalistic diversity, or even often for legalizing the domination of the dominant religious communities.

On the other side, that first precept is interpreted as backrest of religious philosophical concept that refers to the extraction of monotheism, meaning reduced merely to coverage the quantitative major of one particular religion in Indonesia, in this case is Islam.

The most valid and sublime reference in reading and interpreting that first precept of Pancasila is about the statement directly given by the founding fathers and mothers of the state in the court of Committee for Preparatory Work for Indonesian Independence (BPUPKI), especially in the meeting for basic preparation of state. One of it – even the most important caused by its historical position as the formulator of Pancasila – Soekarno.

The Son of Sun, while reviewed about those precepts of Pancasila on June 1, 1945⁵ through his provocative speech, gave logical assertion about the precepts of divinity. He said:

Divinity Principle! It means not only that Indonesian people should believe in God, but individually Indonesian should have his/her own God ... Let's we believe in God. Indonesia is a country which the people inside can worship god in a way that is freely. All people should have God in culturally, means no "religious egoism". And the state of Indonesia becomes a state in God!⁶

As the basic norm, ideal of law (*rechtsidee*), basic philosophy (*philosophische gronslag*), view of life (*weltanschauung*), national ideology, national principle, and the source of all sources of law in Indonesia, Pancasila should be made as more operational constitutional guarantee, concrete, dan binding. Those guarantees can be found in our constitution, the Constitutions of Republic of Indonesia 1945 (UUD 1945).

In UUD 1945 there are some provisions give guarantee on citizens' rights to have religion and belief. At least there are two precepts in UUD 1945 which can be identified as the principle to give guarantee on freedom of religion for everyone directly, even both citizen or not. Those two provisions are Article 28E and Article 28I which states:

Article 28 E UUD 1945

- (1) Every people is freely to embrace a religion and to worship and to pray through his/her religion, to choose education and teaching, to choose job, to choose citizenship and residence in a state and leave it, and could be return.
- (2) Every people have rights on freedom to believe his/her belief, to state his/her thought and attitude, base on his/her conscience.

Article 28I verse (1) UUD 1945

The right to life, freedom from torture, the right to freedom of thought and conscience, freedom of religion, freedom from enslavement, recognition as a person before the law, and the right not to be prosecuted under a retroactive law is a human right that is not can be reduced under any circumstances.

Article 28E UUD 1945 gives guarantee for everyone to embrace a religion and belief and/or credence freely. That certainty implicitly declares freedom for all to have religion and belief. And at the time also, the guarantee of freedom of religion is also perfected by the guarantee for people to worship through his/her religion and belief.

The existence of guarantee in UUD 1945 showing that rights of freedom of religion or to have a religion by individual is the essential human rights.⁷ In the strength statement could be declare that rights of religion is the most human rights of all human rights. Besides that, rights of religion is not a given from state, not a given from group, that's why state cannot oblige its citizen or even the state cannot intervene the religious problem of its citizens as well.⁸

By having that very significant role, so the rights of religion – in accordance to the universal norm of human rights – is placed as *non derogable rights* as stated as Article 28I verse (1) UUD 1945. As the right which is categorized as *non derogable rights*, so rights of religion/belief cannot be reduced in any circumstances.⁹

Besides to give guarantee and position on rights of religion/belief as the *non derogable rights*, UUD 1945 also sets relation between state and religion and its position in the context of respect and protection of that right. That matter is setted in Article 29 UUD 1945 which states:

Article 29 UUD 1945

- (1) The State is based on the God Almighty
- (2) The State guarantees every resident to embrace his/her own religion and to worship according to his/her religion and belief.

From those two articles can be observed that the constitutional guarantee on rights of religion is strongly stipulated in UUD 1945. That constitutional guarantee imply on meaning (at the same derivative policy demands a more detailed) follows:

1. The state should gives guarantee of aegis and wide space for every citizen to embrace religion and to worship their religion and belief freely.
2. The state is forbidden to make prohibition and obstacle for residents to worship his/her religion and belief.¹⁰

Based on provision of Article 29 UUD 1945, the state has constitutional responsibility to protect rights of religion on people. The State has obligation to guarantee the freedom of religion/belief as stipulated as in Article 28E and Article 29 UUD 1945. This matter is in line with the mandate in Article 28I verse (4) UUD 1945 that must be fulfilled by the state, especially government. The Article 28I verse (4) states that the protection, promotion, enforcement and fulfillment of human rights are the responsibility of the state, especially the government. It means that government has obligation to protect and to respect human rights.

The obligation of government to protect, to promote, to fulfill and to respect the values of human rights as mandates as Article 28 I verse (4) UUD 1945 must be performed comprehensively, while one obligation is done so another obligations should be done also. At that point, the government must be consistent in promoting human rights enforcement.

Because of it, the obligation to give guarantee, protection, promotion of human rights, particularly rights of religion for citizens, are exists on the state. The state should act as obligation owner. The state is forbidden to delegate those obligations accomplishment to non state actor to perform it. Because, the obligation performed by non state actor will give a chance of violence behind the name of religion and belief. Besides that, it will open a space for the communal emersion which will perform violence to another people with difference belief through the name of religion.

The constitutional mandate created from the state foundation philosophy and strengthened by its derivative instruments in the form of law. Some laws which can be identified its main framework are Law

No. 39 year 1999 about Human Rights and Law No. 12 about Ratification of International Covenant on Civil Rights and Politics. Thereby, has the implementation of that constitutional guarantee already ideal?

Here is the problem. There is tension in implementation of that constitutional guarantee. Disparity between constitutional *das sollen* and government's policy *das sein* which more detailed, specific and concrete are highly visible. The main problem on this constitutional mandate implementation can be classified into three main clusters.

First, is incongruous regulation. The central weak point in mismatch of guarantee on freedom of religion/belief is Law No. 1/PNPS/965 about Prevention of Abuse and/or blasphemy. Article 1 of that Law states:

Everyone is prohibited in public to telling, to advocate or to seek public support, for an interpretation of a religion that is practiced in Indonesia or conduct religious activities that resemble the activities of such a religion; interpretations and activities which deviate from the principal teachings of the religion.

The basic mistakenness in that Law – as illustrated explicitly in basic formula of Article 1 above – such as: 1) Government discriminates religious adherents with subjective interpretation that assessed “not in line” with majority's interpretation, 2) The State intervenes too much into private space (*forum internum*) of individual, even up to interpreting sphere of their ratio and consciousness, 3) The state not guarantee the legal certainty for all of citizens by forming and implementing law which managing the object and abstract, vague and absurd substancy.

Not conducive situation of constitutional guarantee implementation on freedom of religion/belief is strengthened by the verdict of Constitutional Court of Republic of Indonesia in demand of judicial review of that Law Number 1/PNPS/1965 which submitted by civil society group. The Constitutional Court presents not strong arguments juridically and disable to affirms about religion-state relation. The Constitutional Court decided the optional (politics) law to stay considering that law as the constitutional one. Even so, on

to the existence of Law above, the Constitutional Court through the Verdict Number 140/PUU-VII/2009 in Case Filling of Law Number 1/PNPS/1965 recognize that this law have weakness, so that it needs to own change.

Of position of Law Number 1/PNPS/1965 which is so problematic, as long as it is not eliminated or erased, so that Law is still being a positive justice that is premised for forming some its regulations on religious life settings. That regulation shaped Ministerial Joint Decree, they are:

1. The Joint Decree of Minister of Religion and Minister of Internal Affairs Number 9 and Number 8 Year 2006 about Guidelines Task Regional Head/Deputy Head of the Maintenance of Religious Harmony, Empowerment Forum for Religious Harmony, and the Construction of Houses of Worship (Two Joint Regulation of the Minister);
2. Joint Decree of Minister of Religion, Attorney General and Minister of Internal Affairs of Republic of Indonesia Number 3 Year 2008, Nomor KEP-033/A/JA/6/2008, Nomor 199 Year 2008 about Warnings and commands to the devotees, members, and/or Board Member Indonesian Ahmadiyah Congregation (JAI) and Community (SKB Three Ministers).

As a matter of fact, some regulation in regional level published by using the principles and content refers to those regulations. Regional regulation meant can be found in West Java province, Bekasi City, Bogor, Sampang District, West Nusa Tenggara, and others.

Those various regulations are factually often to become main trigger of some intolerant actions and discriminations on minority group happening. In human rights perspective, those regulations can be categorized as violation on human rights through the law and regulation (*violation by rule*).

Second, is lack of institutional support power of the state. The constitutional guarantee which affirmed by UUD 1945 and its derivation legislation, is ideally backup by institutional structure which strengthening that constitutional mandate implementation. But, the fact is, government performs problematization on life of religion/belief

in Indonesia through institutional establishment that actually negates its constitutional mandate and stimulates intolerant actions occurrence and discrimination in life of religion/belief of citizens as well.

The institutions, which recognize its existence and legitimacy even in the arena of state, which also legitimates intolerant and discriminative action on adherents of certain religion/belief, are:

The Coordinating Board on Public Trust Monitoring (Bakor Pakem). This institution is recognized in governmental institution of Republic of Indonesia on almost last three decades through the Decree of Attorney General of Republic of Indonesia Number P-108/J.A./5/1984 has extraordinary powers terrific – and absurd as well, i.e to prevent religious blasphemy in Indonesia.

“The Work Result” of this semi-permanent institution which membership consist of Attorney General, National Inteligent Agency and Ministry of Religion, including to process and to recommend formally the activities of Ahmadiyah followers in Indonesia. To see the task and authority, this institution is actually an arm of the state to intervene so far in a very private affair of citizens which religion/belief, which is guaranteed by the constitution.

Another institution which is also problematic on life of religion/belief is Indonesian Ulema Council (MUI).¹¹ The main problem of MUI in the context of freedom of religion/belief is about its authority” to give fatwa about apostasy on certain religion, sect or madzhab, and certain fathom. Some fatwa are Fatwa Number: 7/MUNAS VII/MUI/11/2005 about Pluralism, Liberalism, and Secularism of Religion which proscribes those three thought that was subjectively conceived by MUI. “The Law Product” produced by another MUI’s authority is about the guideline of 10 Criteria of deviant sect which was produced in National Working Meeting of MUI in 2007. That guideline is assessed by some circles to worsen negative situation because of its usage as “legal” foundation to justify intolerant action and discrimination on religion/belief.

Besides MUI and Bakorpakem, the Interfaith Communication Forum (FKUB) is also become the problematic one. Ideally, “FKUB has a role to give guarantee of people to worship freely, to embrace a certain belief, people are guaranteed safely and comfortably. Then FKUB should become a connector to seek the similar matters from religious

people, especially in the context of living together as the part of citizens in national life.”¹²

In another sentence, FKUB should be an instrument of enforcement mechanism of religion pluralism and belief horizontally and non structural. The leaders and religious leaders/belief who involved in are part of participation in the form of involvement and civil engagement that promotes pluralism and cares of harmony. The fact says, FKUB is part of the state structure, regime structure. FKUB more dominantly seems as the state power instrument in order to uniformity interpretation of truth which determined by “the established religion” in Indonesia.

Third, is the weak performance of state government official. State apparatus “behind the counter” often do not perform to do an inclusive interpretation of freedom of religion/belief. We often witness the officers in the field is unable (unwilling) to protect the freedom of religion/belief. Even in a highly increased chaos they are not able to use coercive instruments to provide human security for all religious adherents and to prevent discriminatory practices and intolerance to the faiths of certain religion/belief, especially minorities.

Those three weak points, both partially or cumulatively – for SETARA Institute’s assumption – is the main factor that stimulates the violation occurrence, even the crime in the name of freedom of religion/belief. So that the life situation of religion/belief in the Pancasila state is not conducive enough, even in the past five years, the phenomenon of religious/belief intolerance improvement practices improved.¹³

That background is one of *back mind* behind the annual agenda of SETARA Institute doing monitoring research and analysis of actual situation on freedom of religion/belief in Indonesia and present it in a report about progress or decline situation of freedom of religion/belief, that analyzed through the human rights perspective, and complemented by the deepening of intolerance and discrimination case of religion/belief.

Exceedingly, the previous monitoring research since 2007 showed that the macro and micro condition on freedom of religion/belief in Indonesia was very bad. Some of bad portraits which stained the condition of freedom of religion/belief all this time, are: the state absence in almost of all violation happening, impunity on violators, omission infringement actions, and neglect victims of violations. Thus

reports of this kind are increasingly finding urgency and significance as a reminder to the state officials to immediately commit, act, restoring the situation of freedom of religion/belief.

Besides it, in the level of practice, database availability and national sophisticated baseline data which could be used as reference of life situation on religion/belief in Indonesia, also a real need as sociological reference of policy and regulation drafting in supporting human rights promotion.

This report becomes more relevant as one portrait of condition of freedom of religion/belief. Monitoring research and publication of this annual report aims to: [1] to document and to publicate the violation facts and guarantee maneuver/progress on freedom of religion/belief in Indonesia; [2] to push the state to full guarantee the freedom of religion/belief including to do the change of some regulation products that restricting freedom of religion/belief and victims' rights recovery; [3] to provide the data baseline about freedom of religion/belief; and [4] to strengthen network among civil society and public in general to expand constituency in order to participate of supporting the guarantee on freedom of religion/belief.

The research and monitoring report on this transitional period of Susilo Bambang Yudhoyono's regime to Joko Widodo regime will perform some parts:

- a) The findings are displayed quantitatively accompanied by a qualitative analysis of the condition of religious freedom in Indonesia in 2014,
- b) Baseline conditions and guarantees of religious freedom in Indonesia within the scope of national macro and micro-local areas in the last 8 years of monitoring,
- c) Big home works in the field of religious freedom in the last 8 years is based on accumulative data research and monitoring with relevant analysis, and
- d) The new government's agendas in the field of freedom of religion and belief based on content analysis of the vision and mission of President Joko Widodo, combined with the results of in-depth interview with religious leaders in different areas of monitoring.

B. Research Methodology

In order to monitor the condition of freedom of religion / belief in the year 2013, SETARA Institute conducted monitoring in 10 provinces, namely: Aceh, West Sumatra, Banten, Jakarta, Yogyakarta, West Java, Central Java, East Java, West Nusa Tenggara, and East Nusa Tenggara. However, a portrait of freedom of religion/belief in other regions remains collected through various sources of media and monitor network. As such, the report is presented as it includes the territories of Indonesia.

Data collecting was performed by [1] monitoring by 10 local observers; [2] focus group discussion; [3] data collecting taken from institutions of religion/belief and governmental institutions; [4] interview with some state authorities, local figures and society in 10 relevant provinces area; and [5] using media documentation.

Data and analysis collecting in this monitoring used parameter theoretically used in human rights disciplines and practically guided by civilized country. That parameter is especially International Covenant on Civil and Political Rights which ratified by Indonesian government through Declaration on The Elimination of All Forms of Intolerance and of Discrimination Based On Religion or Belief which initiated through UN General Session resolution No. 36/55 on November 25, 1981.

The data validity review which is used in this monitoring research is triangulation technique.¹⁴ The used triangulation technique is source triangulation, i.e by comparing and checking behind the degree of belief of information through time and different tools. The source triangulation in this research is done by comparing achieved data from personal and paper (indepth interview and documentation) or paper and paper (including in this category is testing the degree of trust through the comparing and tracking online sources), from one person to another person.

C. Theoretical Study and Conceptual Framework

Monitoring and report writing about condition on freedom of religion/belief in Indonesia rests on human rights perspective, that put down the freedom of religion/belief as individual rights that cannot be delayed its fulfillment (*non derogable rights*). Therefore, the used definitions in this monitoring and research writing refer to definitions in legal discipline of human rights. Freedom of religion/belief is a guarantee given by state of freedom of religion/belief for individual and freedom of worshipping for individual and community. The freedom of religion is fundamental human rights.¹⁵

Religious or belief terminology in human rights perspective is not meant narrowly interpreted and closed but constructed widely. Public misunderstanding that happens, often states the belief of God (theistic) that called as religion. Whereas the Buddhism as non-theistik and Hinduism as polytheistic are same called as religion. The meaning of religion or belief is not restricted only the traditional religion or institution which has analog character or practice with that Religion and belief that just formed and minority religion intitled to get protection from dominant religious community and power holder.¹⁶ The human rights perspective strictly states, even theistic follower, non theistic, or they are with have no religion or belief, are same to have rights and to get protection.¹⁷

The main instrument of human rights which managing guarantee freedom of religion/belief is International Covenant of Civil and Political Rights (1966) especially Article 18, that includes: (1) freedom to embrace or to choose certain religion on his/her own belief, and freedom, even individual or together with another people, in public or private area, to embody religion or belief through the religious activities, observance, practice and teaching; (2) without coercion until disturbing his/her freedom to embrace or to choose certain religion base on his/her consciousness; (3) freedom to embody certain religion/belief of someone is just can be restricted by legal provision, and just if it is needed to protect security, orderliness, health or social moral, or rights and freedom of another people; (4) the states follower of this covenant are promise to respect the freedom of parents, and when it's applicable, the legal guardians, to ensure that the religion and moral of their children are appropriate with their own beliefs.

Indonesia on 2005 has ratified this International Covenant through the Law UU No. 12/2005 about Ratification of International Covenant on Civil and Political Right. This covenant is legally binding and as the state parties who have ratified it, Indonesia has obligation to put it as part of national regulation and give periodical report to Human Rights Commission of UN.

Another Human Rights Instrument which sets the freedom of religion/belief is *Declaration on The Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief* which issued through the General Session of United Nation No. 36/55 pada 25 November 1981. This declaration is setting the guarantee on freedom of religion/belief more detail than International Covenant about Civil and Political Rights, and just because it is a declaration, so that this is not binding for state parties. But, even it is not legally binding, this declaration reflects wide consensus of international community. That's why it has moral power of international relation practice in general. As a member of United Nation, Indonesia cannot ignore this declaration to performing the obligation to fulfill its citizen's rights as well.

The Article 6 of Declaration on Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief:

According to the provision in Article 1, this Declaration and subjecting to the provisions of Article 1 verse (3), rights of freedom of thought, conscience, freedom of religion or belief should include these freedoms:

- 1) To worship or to come together in accordance to a certain religion or belief, and to establish and to maintain places for these purposes;
- 2) To establish and to set any kinds of proper charity or humanity institution;
- 3) To make, to get and to use in adequately many kinds of things and materials which is necessary relating to the ceremony or religious tradition of a certain religion or belief;
- 4) To write, to state and to spread any kinds of publishing of which relevant to this fields;
- 5) To teach a certain religion or belief in appropriate places for these purposes;

- 6) To collect and to accept financial donation and another-form donations voluntarily from personal or institutional;
- 7) To exercise, to point, to choose with succession of those proper leaders which are asked with religious requirements and standards of a certain religion or belief;
- 8) To respect the free days, and to celebrate great religious days and ceremonial days;
- 9) To build and to maintain communications with someone or society about religious problems or beliefs in national or international level, the ceremony according to the teachings of someone's religion or belief;

The Constitution of Republic of Indonesia, 1945 Constitution, in Article 28E also states the guarantee on freedom of religion/belief as following:

- (1) Every person are free to embrace certain religion and to worship in accordance to his/her religion, to choose education and teaching, to choose job, to choose citizenship, to choose residence in area of a state and to leave it, and to be able to return as well.
- (2) Every person has rights on freedom to convince a belief, to state his/her thought and action, in accordance with his/her conscience.

According to those both instruments of human rights and the Constitution of Republic of Indonesia above, the operational definition of freedom of religion/belief is simply defined as including freedom to embrace a certain religion or belief of his/her own choice, the freedom of personal or jointly with another one to worship their religion or belief in accordance with what they believe on, and to obey, to practice and to teach in open or secretly way, including freedom to change religion or belief, or even to not embrace any religion or belief at all.¹⁸ Meanwhile, the Article 28E affirms that freedom of religion/belief is a constitutional right of every citizen.

The Human Right law is a legal instrument which placing state as state parties; it means that state is a legal subject that responsible to obey the human rights law. As a legal subject, every single human rights abuse is always pointing state as the perpetrator. The violation on

human rights law occurs when the state do not obey the binding norm which stipulates in covenant and international convention, where the state has promised to obey it through ratification.

The Human Rights epistemology affirmation as explained as above, is also more clarifying the difference within human rights and international criminal law, which put the individual as a subject of law. As private law, kinds of punishment which is known in human rights perspective are international sanction, obligation policy changes, and the fines are reserved for the victims whose rights have been violated in the form of compensation, restitution and rehabilitation. Whereas, in international criminal law (Statuta Roma), besides individual as the subject of law, the kinds of punishment which inflicted to perpetrator is also form a sentence of imprisonment.

Indonesia as a state parties in international law of human rights, obligation of state to respect and to protect the freedom of every person in the name of religion or belief.¹⁹ The basic principle of state obligation to respect human rights is about the state not performs any kinds of performance which infringe the individual or group integrity or ignore their freedom. Meanwhile, obligation to protect is taking the necessary actions to protect the rights of a person/group of people on crimes/violations of law/ violence that perpetrated by individuals or other groups, including the neglect taking precautions that inhibit the enjoyment of their freedom.

Even though the main character of human right cannot eliminated or revoked and also totally exist on any human, but based on the agreed principle of Siracusa, there are two treatment of human rights implementation, i.e:

The *non-derogable rights* principle (the rights that fulfillment cannot be delayed or be deffered) and *derogable* (the rights that fulfillment can be delayed or be deffered). The Siracusa Principle underlines that the rights which can be delayed or be deffered, just can be applied on certain situation and condition that are deemed harmful to the public interest.

Meanwhile, the principle of *non-derogable rights* states that it is an infallible/absolute rights, and because of that reason, it cannot be deffered or postponed in any circumstances. The rights which is contained in this principle, including: rights of life (rights not to be killed), rights

on self wholeness (not to be tortured, kidnapped, persecuted, raped), rights to be not enslaved, rights to embrace religion, to think and to have belief, rights to be treated equally behind the law, right not to be imprisoned for failing to meet contractual obligations, and rights not to be convicted under the retroactive law. Therefore, all kinds of action that may causing the disappearance of someone's or group's rights on freedom of religion/belief – as one of elements of *non-derogable rights* – can be classified as human rights violation.

Even the human rights discourse recognized about the restriction in fulfilling the guarantee of human right, this observation remains to cover many kinds of violations, either the categorized *forum internum* right, or freedom which categorized in *forum externum*. The absolute freedom, basic, namely *forum internum* (internal freedom) is a freedom where there's neither party could intervene its realization and enjoyment of this. The rights which included in the clump of internal freedom are (1) rights to embrace and shift the religion freely; and (2) rights not to be enforced to embrace or to not embrace a certain religion.²⁰

Whereas the social freedom or *forum externum* (external freedom), in a particular situation, the state is permitted to restrict or to confine this rights and freedom, but with *margin of discretion* or strict and legitimate prerequisite in accordance to the Siracusa principle.²¹ The rights which included in external freedom clump, are (1) freedom to worshipping either personally or jointly, in an open or secretly way; (2) freedom to build house of worship; (3) freedom to wear/use religious symbols; (4) freedom to celebrate religious special day; (5) (6) rights to teach and to spread religious teaching; (7) rights of parents to teach religious teaching to their children; (8) rights to establish and to manage a religious organization or association; and (9) rights to share religious materials to personal or group.²²

Violation on freedom of religion or belief is a form of failure or negligence of state in implementing of intervention of people's freedom or to do not give protection a personal or group of who are being the objects of intolerant or criminal offense in the name of religion or belief. Therefore, the violation on freedom of religion/belief defined as removal, revocation, limitation or reduction of rights or personal basic freedom to embrace religion/belief which is done by the state, either by commission or by omission.

The human rights terminology which related to freedom of religion/belief is intolerant and discrimination. Intolerant is derivative of about his group, belief system or life style are higher than the others. This matter can evoke several consequences from lack of respect or disregard to others until institutionalized discrimination, such as *apartheid* (racial segregation policy) or deliberately demolition of someone through genocide. All of those actions originated from denial of human fundamental value.²³

A discrimination is “every restriction, harassment, or excommunication which are done directly or indirectly based on the differentiation of human through the religion, tribe, racial, ethnic, group, class, social status, economical status, gender, language, political belief, which resulted in a reduction, or elimination of irregularities recognition, implementation or application of human rights and basic freedom in life both individually or collectively in the field of politics, economics, law, social, culture, and another life aspects.”²⁴

The discrimination and intolerance based on religion,²⁵ is a form of violation on freedom of religion/belief, as meant as in the Article 2 verse 2 of Declaration on Elimination of All Forms of Intolerance and Discrimination Based on the Religion/Belief, that is “any distinction, exclusion, prohibition, or preferences (*favoritism*) which are based on religion or belief and its purpose or consequence to eliminate or to reduce the recognition, enjoyment or exercise the human rights and fundamental freedoms on one similar basic,” such as do not want to receive a certain group or to revealing and to exposing the hatred against another group based on the difference of religion or belief.

The intolerance crime and hatred are actions which motivated by the hatred or bias against someone or a group based on the gender, race, skin color, religion, origin country, and/or sexual orientation. The intolerant action may constitute as serious crime, such as assault and fighting. It also could be in the forms of minor crime, such as ridicule to someone’s race/religion. The written communication includes graffiti which indicates prejudice or intolerance against someone or a group of people because of hatred. Including the vandalism and conversation based on intolerance or what is considered as a joke by some peoples.

The crime based on the hatred is an intolerant crime and prejudice which aims to hurt and to intimidate someone because of his/her

racial, original country, religion, sexual orientation and because of *different ability* factor. The spread of hatred by using detonation, arson, weapons, vandalism, physical violence, and verbal violence threats to instill the fear to the victims, make them becomes vulnerable to further assault and alienated, powerless, suspicion and fear. Another part of them are probably to become frustration and angry if they consider that the government and another groups in their community do not protect them. When the perpetrator of hatred not to be accused as a criminal and their actions are stated as faults, their crimes could weaken the community with even the strong/healthy racial connection as well.²⁶

UNESCO wrote some of intolerance symptoms and behavioral indicators²⁷:

Language: contamination and connotative exclusive language which removes value, degrading and no-humanizing cultural group, race, nation or sexual. The denial of language rights.

Stereotyping: to describe all members of a group by characterized through similar attribute – commonly are negative.

Quiping: to capturing attention on behavior, attribute and certain characteristic in order to mocking or to insulting.

Prejudice: assessment on negative generalization basic and stereotype on main actual fact of a case or specific behavior of individual or group.

Scapegoating: to blaming a traumatic event or social problem on someone or certain group.

Discrimination: the exception of social guarantee and activity by just taking the adverse reasons.

Ostracism: to act as if there is no one or the other is absent. The rejection of speaking or recognizing another party or their cultures.

Harassment: intentional behavior to intimidate and to humiliate another party, often intended as a trick to remove them by force from the community, organization or group.

Desecration and Elimination: forms of symbol desecration or religious structure which are intended to eliminate the value and to mock their beliefs and their identities that these structure and symbols are precious for them indeed.

Bullying: use of superior physical capacity or a large number (of people - ed.) to insult others or to eliminate their ownership or status.

Expulsion: to eject formally or forced or denial of the right to enter or be present in a place, in a social group, profession or another places where there is an activity of group, including where the survival is depending, such as working place or shelter and others.

Outcome: denial of possibilities to fulfilling basic needs and/or to participating fully in society, especially in joint activity.

Segregation: Forcible separation of people by different race, religion or gender, usually to the disadvantage of certain group (including apartheid).

Repression: Forcible prevention on Human Rights enjoyment.

Demolition: detention, physical abuse, livelihood displacement, armed assault and murder (including genocide).

The violation of intolerance and hatred are one of criminal act with individual object, which is related with freedom of religion/belief. For this kind crime, the responsibility is addressed to individuals as a criminal law. While the state's responsibility is to protect every person from the threat of intolerance and legal process, while the violence occurs.

In the context of Indonesian law, this kind of crime is actually accommodated by the Law Book of Criminal Law (KUHP), Article 156²⁸ which mentions:

Whoever said that a sense of hostility, hatred or contempt against one or some groups of Indonesian people in front of public, punishable by a maximum imprisonment of four years a maximum fine of four thousand five hundred rupiah.

The statements of group in this article and next article means that every part of different Indonesian people with one or some other parts because of race, origin country, religion, origin residence, ancestry, nationality or position according to the constitutional law.

However, in practice of Indonesian law, these articles are actually used contrarily, that is to ensnare the people who were accused of heresy and religious defamation wing. Though, this article is an instrument that could be used to criminalize the practice of intolerance.

In its relation with religious intolerance, SETARA Institute distinguishes between passive intolerance with active intolerance. The passive intolerance is residue from intact religious belief and interpretation against religious teaching which is believed as the only truth for his/herself as an individual and social beings. He/she in his/her cognitive, believes that his/her religion as a consequence from social relation with different parties who are different in their background, willing or unwilling to accept that reality and to adapt.

Conversely, the active intolerance active does not only see their religion as the only truth, but also tend to see their different interpretations of the religious fellow and also other religions as false and heretical. The following are the most obvious differences between them are passive intolerance with intolerance active is situated on the action. They are categorized as active intolerance not expressing it through the statement but also action.

This Report of Freedom of Religion/Belief in Indonesia lies in monitoring framework of the monitoring-human rights

based, especially in clumps of International Covenant on Civil and Political Rights. Therefore, the method of this report is based on the approach of ‘violations’. Through the approach of that ‘violation’, this report could be understood as an effort in order to examine how far the state performs its generic obligation to respect and to protect freedom of religion/belief. This report writing also refers to framework for communications which is developed by Special Rapporteur of United Nation for freedom of religion/belief.

Based on above definitions, there are three violations by state, they are: [a] by doing active action which allows restriction, distinction, intervention, and or obscure the enjoyment of someone in religion/belief (*by commission*); [b] by letting the person’s right be violated (*by omission*), including to letting every criminal act committed by a person cannot processed by law, and (c) by the way to make regulation that gives opportunity of human rights violation occurrence (*by rule/judiciary*).

Besides document violations on freedom of religion/belief which is performed by the state, this monitoring also documenting violation which done by citizen against another citizen. This violation by citizen in outline includes three main classifications: [a] crime in form of assault on house of worship, physical intimidation, and so on; and [b] intolerance act, besides [c] *condoning* by social figures.

With this framework, this monitoring report divides into 6 categories of violation act with different legal subject and responsibility;

- [1] The active action of state (by commission),
- [2] The omission act which done by the state (by omission),
- [3] Formation of regulation which violates/invites violation (by rule/judiciary),
- [4] Criminal act by citizen,
- [5] By society performed intolerance,
- [6] Condoning by community figure.

Against violation which done by the state, the legal frame that is used to go about it, is the human rights law that stipulated in civil covenant and politics and in some other human rights conventions that

have been ratified, constitution of state, positive law in domestic level which manages the obligation of state. Whereas for the violation and intolerance which is done by citizen, the legal frame that can be used is Law Book of Criminal Law (KUHP), especially that form in crime/criminal offense. ■

Endnotes

- 1 To remember this research and monitoring report as annual agenda, so the background and conceptual theory of this research is in general not too much different from the previous one. Just do contextualization and enrichment of a few parts which are considered important and giving the necessary emphases.
- 2 See Halili and Bonar Tigor Naipospos, *Stagnation on Freedom of Religion/Belief in 2013* (Jakarta, Pustaka Masyarakat Setara, 2014)
- 3 Davis, Derek H., *The Evolution of Religious Liberty as a Universal Human Rights*, republished in December 5, 2006.
- 4 The rights which contained in this principle, such as: Rights to live (not be killed), rights on self wholeness (not be tortured, kidnapped, abused, raped) rights not to be enslaved, freedom of religion, expression and beliefs, the right to be treated equally before the law, the right not to jail for failing to meet contractual liability, and rights not to be convicted under the retroactive law. Thus, any kind of action which could result in loss of the right of a person or group of persons to freedom of religion-as one of the non-derogable rights-can be classified as a human rights violation. See Ismail and Bonar Tigor Naipospos (eds), *Mengatur Kehidupan Beragama; Menjamin Kebebasan Beragama? Urgensi Kebutuhan RUU Jaminan Kebebasan Beragama/Berkeyakinan*, (Pustaka Masyarakat Setara, 2011)
- 5 Later, after the collapse of Desukarnoization project undertaken by the Suharto regime, we agreed to make the colossal return that date as the birthday of Pancasila.
- 6 Sukarno's speech before the trial of BPUPKI on June 1, 1945. See Bahar, et.al [eds.], 1995, *Risalah Sidang BPUPKI dan PPKI*, (Jakarta: Sekretariat Negara), page. 80-81, or Alam [ed], *Bung*

- Karno Menggali Pancasila*, (Jakarta: PT Gramedia Pustaka Utama), page. 28.
- 7 Drafting Team of Comprehensif Script of Process and Results on 1945 Constitution Amandement, *Naskah Komprehensif Perubahan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, Latar Belakang, Proses, dan Hasil Pembahasan, 1999-2002, Buku VIII Warga Negara dan Penduduk, Hak Asasi Manusia, dan Agama (Revised Edition)*, General Secretary and Registrar of Constitution Court, Jakarta, 2008, page. 286.
 - 8 *Ibid.*, page 320.
 - 9 *Ibid.*, page. 293.
 - 10 See Ismail Hasani (ed), *Dokumen Kebijakan Penghapusan Diskriminasi Agama/Keyakinan*, Pustaka Masyarakat SETARA, Jakarta, page. 81
 - 11 Indeed, there is an ambiguity in the case of institutional existence of MUI, is that institution which is established since 1975 as usual social institution like the other social organization, such as NU and Muhammadiyah? Or this is an institution of state. On one hand, as stated as in its Articles of Association (its public version can be accessed in feature of “MUI Profile” in website www.mui.or.id), MUI is just a media of ulema zu’ama and moslem scholar. But on the other hand, this institution is financed by the state through APBN besides income from halal certification. Two institutions under MUI are also “allowed” by the state to have “wet” authority, they are: Research Institute of Food and Drugs, Drinks and Cosmetics (LP-POM) and National Sharia Council (DSN). Substantively, by observing the state financing and its authority, MUI can be categorized as auxiliary state agency. However, when referring to its formal profile, MUI appears as a non-state institution.
 - 12 H. Abdurrahman K., Head of FKUB of South Sulawesi, Interview of SETARA Institute, on December 28, 2010.
 - 13 Read Hasani dan Naipospos (eds) 2011, *Politik Diskriminasi Rezim Susilo Bambang Yudhoyono: Kondisi Kebebasan Beragama/Berkeyakinan di Indonesia 2011*, (Jakarta: Pustaka Masyarakat Setara, 2011)

- 14 Triangulation is a technique of data validity checking that utilize something outside the main data, in order to checking or to comparing that data. See Lexy J Moleong, 2002, *Metodologi Penelitian Kualitatif*, (PT Remaja Rosda Karya, Bandung), page. 178.
- 15 Davis, Derek H., *op.cit.*
- 16 Paragraph 2 -- General Comments 22 about Article 18, UN of Human Rights Committee, 1993
- 17 *Ibid.*,
- 18 Article 18 about Human Rights Universal Declaration (1948): “Every person has rights of freedom of thought, conscience and religion; in this context includes freedom of changing the religion/ belief, and freedom to declare religion or belief by teaching, practicing, worshiping and obeying, both personally or jointly with another one, in public or alone.”
- 19 See Article 18 DUHAM, Article 18 ICCPR, Article 28 I, 28 E, 29 Constitution of Republic of Indonesia 1945.
- 20 See the Article 18 DUHAM, Article 18 ICCPR, Universal Declaration 1981 about Elimination of Intolerant and Discrimination Based on Religion/belief, and General Comment No.22 Human Rights Committee of United Nation
- 21 The Principle of Siracusa is a principle about restriction provision and rights derogation in ICCPR. It was established in Sicilia, Italy in 1984. This meeting resulted a set of interpretation standard on restriction clause of rights in ICCPR.
- 22 All of these rights are stipulated in Article 18 of ICCPR, General Comment No. 22 of Human Rights Committee of United Nation, and Universal Declaration 1981 about Elimination of Intolerant and Discrimination Based on Religion/Belief.
- 23 UNESCO, *Tolerance: The Threshold of Peace. A teaching/Learning Guide for Education for Peace, Human Rights and Democracy* (Preliminary version). Paris: UNESCO, 1994, h. 16.
- 24 UU No. 39 Year 1999 about Human Rights, Article 1.
- 25 Article 1 United Nation Declaration about Elimination All

Forms of Intolerance and Discrimination Based on Religion or Belief (1981): “[1] Every person has rights on freedom of thought, conscience and religion. This rights includes the freedom to embrace religion or belief in accordance to his/her choice, and freedom, both individually or jointly, closely or openly, to manifest his/her religion or belief in the form of worship, ritual, practice and teaching; [2] No one get coercion which can interfere his/her freedom of chosen religion or belief.; [3] Freedom of someone to worship his religion or belief just can be restricted by law and important to protect safety, peace and public moral and basic rights and freedom of others.”

- 26 U.S. Department of Justice, *Hate Crime: The Violence of Intolerance*, <http://www.usdoj.gov/crs/pubs/htecrm.htm>, accessed on December 1, 2008.
- 27 UNESCO. *Tolerance: the threshold of peace. A teaching/learning guide for education for peace, human rights and democracy (Preliminary version)*. Paris: UNESCO. 1994, p. 16.
- 28 This article is dispute area of the above interpretation on “hate crimes” (statement of hatred and hostility). During this day, the usage of this article is always identified with Article 156a which is derived from Law No.1/PNPS/1965, that is precisely used to ensnare people accused of heresy.

CHAPTER 2

Condition of Freedom of Religion/ Belief 2014

A. Introduction

Chapter II will particularly describe about condition of freedom of religion/belief in 2014. From time coverage side is in a specific range by 2014, even it is possible the comparative approach in the analysis on some of the findings only. This chapter is presented by consistent display technique, so those findings could be juxtaposed linearly with the previous same matters. The main data in this part could be considered to previous data in order to record the dynamic condition on freedom of religion/belief in Indonesia.

This part also describes certain conditions which confiscate public attention and general condition on freedom of religion/belief in Indonesia during 2014. General condition was analyzed from observation data, both in quantitative or qualitative. Whereas, special condition is presented in accordance to investigation research and certain monitoring that are performed by SETARA Institute through some observers in related regions.

By considering actuality, intensity, significance, and urgency in order to take adequate solution by the government and related parties, so SETARA Institute will publish certain monitoring from three locations, such as Aceh for Qanun Jinayat problem, Jakarta about FPI's rejection on Ahok relating to his religion/belief, and Jogja about worship invasion and destruction on places of worship.

Systematically, content in this chapter will be begun from the findings of the Monitoring of Violations on Freedom of Religion/Belief that contains quantitative data and analysis that are relevant regarding some aspect of the violations. Then it is finalized by some Special Report of Freedom of Religion/Belief. With consideration of the issue resolving urgency and to avoid repetition of many times reviewed issues like the annual reports in previous years, so SETARA Institute decided to present three results analysis and investigation, i.e. for Qanun Jinayat in Aceh, the rejection of Ahok's leadership based on his/her religion/belief in Jakarta, and the worship invasion and places of worship in Yogyakarta.

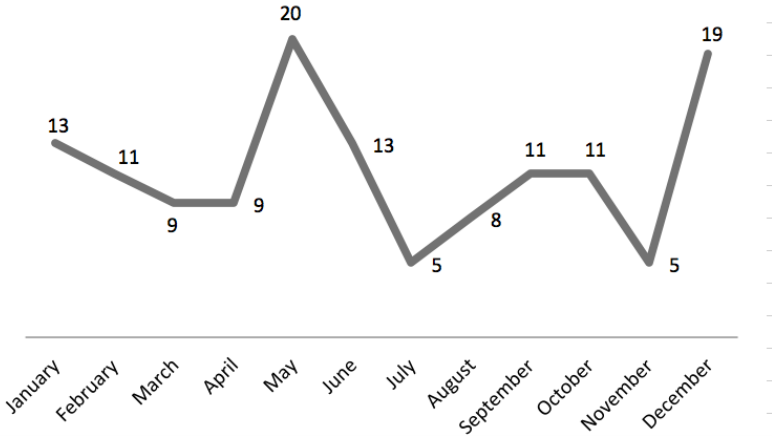
B. The Findings of The Violations Monitoring on Freedom of Religion/Belief

In 2014 SETARA Institute noted 134 violations events on freedom of religion/belief with 177 in the form of actions¹ which spreaded into 26 provinces. By the time, the highest occurrence happened on May, about 20 events. Next consecutively happened on December (19 events), January (13 events), February, September and October (severally 11 events), September (12 events), August (12 events), and November (9 events). Then on Marc and April 9 events happened, and August 8 events. Whilst, lowest number happened on July and November, severally 5 events. (See Chart 1 and 2)

Chart 1.
The number of incident and act of Violation



Chart 2.
Spread of Monthly Event Occurrence



From the locus side, West Java again ranked first of the most fertile areas of violations on freedom of religion/belief in 2014, namely the number of events by 27. If compared with last year, this number sharply decreases from 80 events in 2013.

Followed by 3 provinces other with in two digit number; East Java (21), Central Java (16), and DKI Jakarta (13 events). Whilst, the province with up to minimum number of 5 events is Aceh (7 events), Bali (6 events), and South Sulawesi Selatan (5 events). [See Chart 3]. Thereby, despite a decline from last year number, the number of violations is still very high, with an average of 18.5 events and actions 24.33 every month. The highest spread region is also not much changed, besides of the increasing number of violations happened in North Sumatera. (See Chart 3)

West Java, in recent years, is not changed as the province with highest violation event number on freedom of religion/belief. Some supporting factors of that condition occurrence is not too much changed. Regulation existence which could ignite violation on freedom of religion/belief in West Java are also not shifting, either in provincial or district/city level.

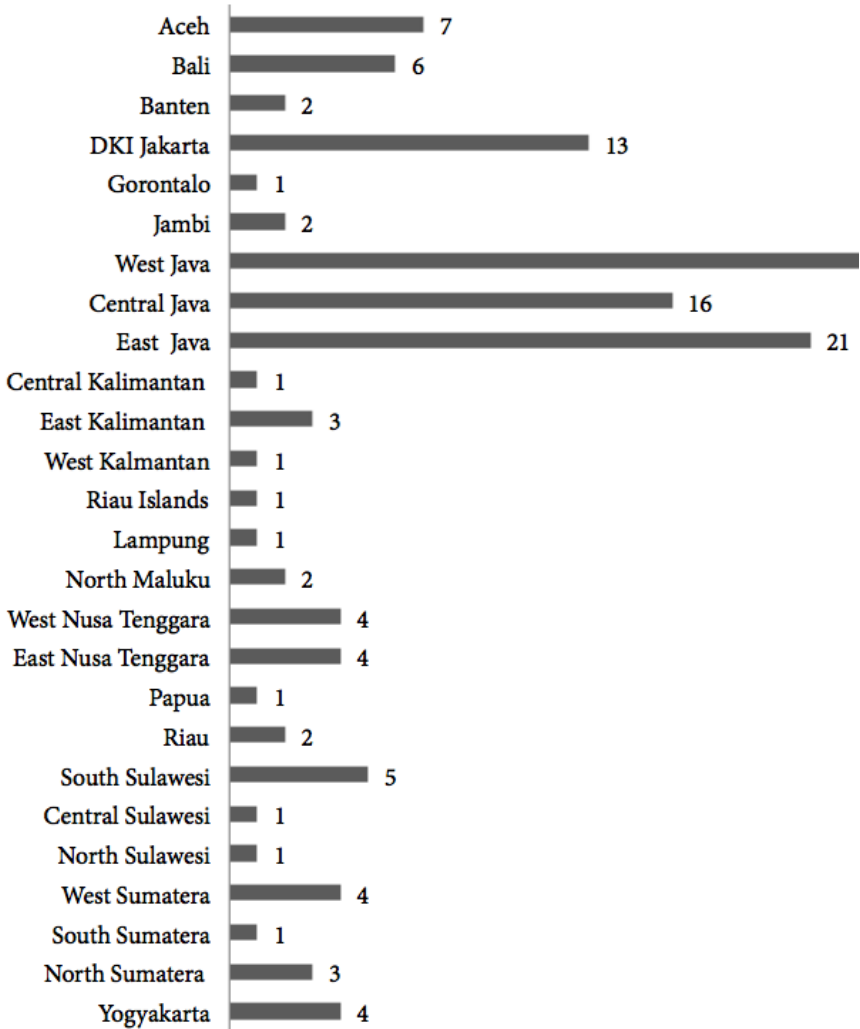
The intolerance group that become actor during the time in various event and action, are also not too much transformed. Group which oftenly perform violation and intolerance, especially in district/city region such as Bandung, Tasikmalaya, Cianjur, and other, are still exist and consolidated.

Besides that, weak of pluralism management and multiculturalism by local government also contributes to maintain the intolerance condition. West Java that demographically becomes the biggest region in Indonesia – and therefore, pluralism in west Java is more complicated – needs sophisticated management and governance. Weak of management on pluralism by local government also determine that freedom of religion/belief is conducive or not in one region. In this scope, provincial government of West Java has no significant resolution.

The pluralism in West Java also becomes one of determinants. Sociologically, Islam development in West Java is little bit unique, different from Social Islam context that evolve in East Java or Central Jawa – another two big provinces in Indonesia. If this matter meet disability of local province, either political leader or religious leader, in embedding and teaching about tolerance in existing socio-cultural arena, so it will be a potency of big tolerance destroyer on religion/belief.

The weak of citizens' awareness on grass root level, also supporting the escalation number of violation event on freedom of religion/belief in West Java. Public tends to be permissive against intolerance actions happened. Initiatives in local level to build a conducive religious life for freedom of religion/belief in Tatar Pasundan are too much weak.

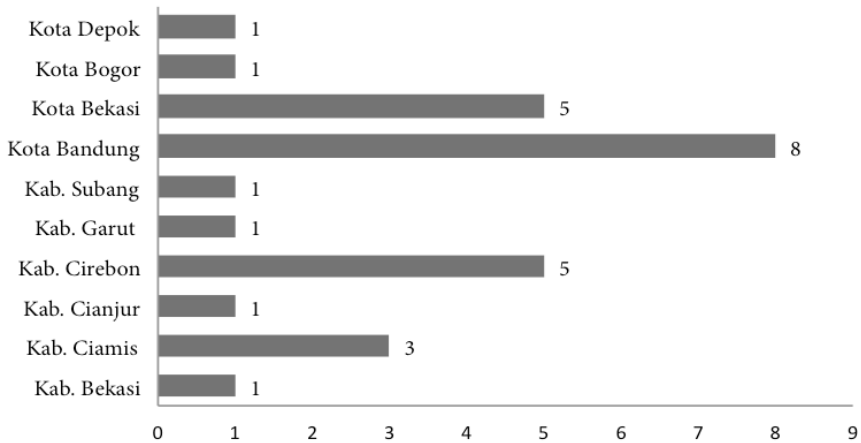
Chart 3.
Region Spread of Violation Occurrence



How is the map of violation events on freedom of religion/belief in West Java in 2014? [See Chart 4]. Violation events in West Java spread into 10 cities/districts with highest diffusion happened in Bandung (8 events), Bekasi and Cirebon Regency (severally 5 events), followed by

Ciamis Regency (3 events), and another 6 regencies/cities severally 1 event.

Chart 4.
Spread of Event in Regency/City of West Java



By using actor category which ordinary to be used in human rights discipline, violation on freedom of religion/belief can be categorized into two, namely action which done by the state and violation action that is not done by non-state actor. In 2014, 177 violations on freedom of religion as much as 86 times involves state actor and 122 involves non-state actor [See Table 1 and 2]. Whilst, actions which are done by the state namely 62 actions², whereas 115 actions are done by non-state actor [See Table 3 and 4].

That state's action includes by commission action and by omission action, and by rule/judiciary action. The scope of direct state's action includes provocative statements of public officials which condoning. Whereas the action of citizens include criminal, condoning by society figure, and intolerance. Cumulatively this action classification percentage based on the actor is not too much shifting year by year.

Table 1.
The State Actors

| No. | State Actor | Action |
|-----|---|--------|
| 1 | Village supervisory non-commissioned officer (Babinsa) | 1 |
| 2 | Coordinating Board for Monitoring Mystical Beliefs in Society (Bakorpakem) | 1 |
| 3 | Regent (Bupati) | 3 |
| 4 | District Chief (Camat) | 5 |
| 5 | Aceh Legislative Council (DPRA) | 1 |
| 6 | Regional Leaders Communication Forum (FKPD) | 1 |
| 7 | Governor | 1 |
| 8 | Resort Police Chief (Kapolres) | 1 |
| 9 | Sectoral Police Chief (Kapolsek) | 1 |
| 10 | Sub-District (Kecamatan) | 2 |
| 11 | (Attorney) Kejaksaan | 2 |
| 12 | Ministry of Religious (Kementerian Agama) | 3 |
| 13 | Village Chief/Headman (Kepala Desa/Lurah); The village government/Village (Pemerintah desa/kelurahan) | 7 |
| 14 | Police (Kepolisian) | 19 |
| 15 | National and Political Unity Office (Kesbangpol) | 6 |
| 16 | Head of Legislative Council (Ketua DPRD) | 1 |
| 17 | Regional Intelligence Community (Kominda) | 1 |
| 18 | Religious Affair Office (KUA) | 1 |
| 19 | Educational Institution (Lembaga pendidikan) | 1 |
| 20 | Banda Aceh Ulema Consultative Assembly (MPU Aceh) | 3 |
| 21 | Regency Government (Pemkab) | 2 |
| 22 | City Government (Pemkot) | 4 |
| 23 | Court (Pengadilan) | 4 |
| 24 | Indonesian Communion of Churches (PGI) | 1 |
| 25 | Public Order Agency (Satpol PP) | 5 |
| 26 | Indonesian Military (TNI) | 6 |
| 28 | Mayor (Walikota) | 2 |

In category of state actor, there are 28 state institutions which contribute to perform violation on freedom of religion/belief along 2014. The top three of state institutions who become violators on freedom of religion/belief consecutively are: Police Department (19 actions), the Village Government (7), and Indonesian Military and National and Political Unity Office (with severally 6 actions). [See chart 1].

As the notes, as happened in the last view years, the Police Department of Republic of Indonesia is always sitting on the top of violators rank for the state actor category. That data showed about the weakness of human rights perspective in police department. Consequently, the legal actions they done is not to straighten law enforcement for human rights protection of all citizens, but in contrary to perform violation on minority rights.

Police's actions by apparatus is not straightening justice for violation victims from minority groups in various intolerance cases, discrimination, and violence in the name of religion, but instead add and multiply suffering of victims with another violations on their rights.

Which is rather unique in 2014 the high violations committed by the village government. Even it is a government unit which closest to socio-cultural life of society, during the time that village government rarely becomes the mainstream violation actor on freedom of religion/belief that performed by state actor. The high violation by the village government in this year indicates intolerance strengthening in grassroots that also encourage the involvement of governmental units closest to the people to violate freedom of religion/belief.

Table 2.
The Non-State Actors

| No. | Non-State Actor | Action |
|-----|---|--------|
| 1 | Indonesian Young Hindu Alliance (AHMI) | 1 |
| 2 | National Anti-Syiah Alliance (Annas) | 1 |
| 3 | Islamic Movement Alliance (API) | 1 |
| 4 | Klaten Young Front (BMK) | 1 |
| 5 | Indonesian Islamic Preaching Council (DDII) | 2 |

| No. | Non-State Actor | Action |
|-----|---|--------|
| 6 | United Betawi Forum (FBB) | 1 |
| 7 | Interfaith Communication Forum (FKUB) | 2 |
| 8 | Defenders Forum of Ahlus Sunnah Wal Jamaah | 1 |
| 9 | Indonesian Ulema Forum (FUUI) | 1 |
| 10 | Islamic People's Forum (FUI) | 6 |
| 11 | Anti-Cult Front (FAAS) | 1 |
| 12 | Front of Islamic Jihad (FJI) | 1 |
| 13 | Islam Defenders Front (FPI) | 13 |
| 14 | Islamic Movement of Defending Ahlul Bait and Friends (GIBAS) | 2 |
| 15 | Islamic Movement Reformer (Garis) | 1 |
| 16 | Jakarta Social Movement (GMJ) | 1 |
| 17 | Muslim Movement for Aqeedah Rescue (Gempa) | 1 |
| 18 | Minahasa Masehi Injili Church (GMIM) | 1 |
| 19 | Youth Movement of Ansor (GP Ansor) | 1 |
| 20 | Indonesian Preacher Association (Ikadi) | 1 |
| 21 | Ansharut Tauhid Worshipers (JAT) | 2 |
| 22 | Tabligh Worshipers (Jemaah Tabligh) | 2 |
| 23 | Kota Baru Youth Group | 1 |
| 24 | Security Comment of Muhammadiyah Klaten (KOKAM Muhammadiyah Klaten) | 1 |
| 25 | Laskar Mujahidin | 2 |
| 26 | Defender Laskar for Islam (LPI) | 1 |
| 27 | Solo Muslim Laskar (LUIS) | 1 |
| 28 | Cult Hunter Institution (LPAS) | 1 |
| 29 | Educational Institution | 3 |
| 30 | Islamic Research and Study Institute (LPPI) | 1 |

| No. | Non-State Actor | Action |
|-----|--------------------------------|--------|
| 31 | Indonesian Ulema Council (MUI) | 15 |
| 32 | Nahdlatul Ulama (NU) | 1 |
| 33 | Islamic Organization | 5 |
| 34 | Ahlu Sunnah Defenders (PAS) | 1 |
| 35 | Company | 1 |
| 36 | STP Bali | 1 |
| 37 | The Hindu Center of Indonesia | 1 |
| 38 | Religious Figure | 1 |
| 39 | Resident | 41 |
| | Total | 122 |

Compared to last year, violation that performed by state decreasing, namely “just” 39 actions, whereas 117 actions. The low number action of this state in 2014, such as caused by political context of 2014, and where the Election year the state apparatus from central level on to the lowest level of village are preoccupied by activities and steps of legislative and presidential election.

By the action category, most of action performed by state actor are by commission namely 88,7%, whereas action by omission namely 8,1%, the rest are regulation by rule/judiciary namely 3,2%. The high number of indirect action performed by the state of violations on freedom of religion/belief is describing the weak of human rights perspective among state apparatus. [See Table 3]

Table 3.
Violation Action Forms performed by State Actors

| No. | Kinds of Action | Amount |
|-----|-----------------|--------|
| 1 | Condoning | 5 |
| 2 | Discrimination | 9 |

| | | |
|----|--|----|
| 3 | Intimidation | 2 |
| 4 | Intolerance | 2 |
| 5 | Discriminative Policy | 1 |
| 6 | Discriminative Policy | 1 |
| 7 | Restriction on Worship | 2 |
| 8 | Restriction on religion activities | 5 |
| 9 | Restriction to wear Jilbab (Islamic Scarf) | 1 |
| 10 | Coercion on belief | 1 |
| 11 | Coercion to worship | 1 |
| 12 | Omission | 5 |
| 13 | Criminal Prosecution on Charge of Religion Blasphemy | 10 |
| 14 | Rejection and Restriction to build house of worship | 4 |
| 15 | Sealing on house of worship | 7 |
| 16 | Missdirection | 5 |
| 17 | Vandalism on House of Worship | 1 |
| | Amount | 62 |

Table 4.
The Non-State Actors

| No. | Non-State Actor | Action |
|-----|---|--------|
| 1 | Indonesian Young Hindu Alliance (AHMI) | 1 |
| 2 | National Anti-Syiah Alliance (Annas) | 1 |
| 3 | Islamic Movement Alliance (API) | 1 |
| 4 | Klaten Young Front (BMK) | 1 |
| 5 | Indonesian Islamic Preaching Council (DDII) | 2 |
| 6 | United Betawi Forum (FBB) | 1 |
| 7 | Interfaith Communication Forum (FKUB) | 2 |

| No. | Non-State Actor | Action |
|-----|---|--------|
| 8 | Defenders Forum of Ahlus Sunnah Wal Jamaah | 1 |
| 9 | Indonesian Ulema Forum (FUUI) | 1 |
| 10 | Islamic People's Forum (FUI) | 6 |
| 11 | Anti-Cult Front (FAAS) | 1 |
| 12 | Islalmic Jihad Front (FJI) | 1 |
| 13 | Islam Defenders Front (FPI) | 13 |
| 14 | Islamic Movement of Defending Ahlul Bait and Friends (GIBAS) | 2 |
| 15 | Islamic Movement Reformer (Garis) | 1 |
| 16 | Jakarta Social Movement (GMJ) | 1 |
| 17 | Muslim Movement for Aqeedah Rescue (Gempa) | 1 |
| 18 | Minahasa Masehi Injili Church (GMIM) | 1 |
| 19 | Youth Movement of Ansor (GP Ansor) | 1 |
| 20 | Indonesian Preacher Association (Ikadi) | 1 |
| 21 | Ansharut Tauhid Worshipers (JAT) | 2 |
| 22 | Tabligh Worshipers (Jemaah Tabligh) | 2 |
| 23 | Kota Baru Youth Group | 1 |
| 24 | Security Comment of Muhammadiyah Klaten (KOKAM Muhammadiyah Klaten) | 1 |
| 25 | Laskar Mujahidin | 2 |
| 26 | Defender Laskar for Islam (LPI) | 1 |
| 27 | Solo Muslim Laskar (LUIS) | 1 |
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| 35 | Company | 1 |
| 36 | STP Bali | 1 |
| 37 | The Hindu Center of Indonesia | 1 |
| 38 | Religious Figure | 1 |
| 39 | Resident | 41 |
| | Total | 122 |

From the victim's side, violation on freedom of religion/belief in 2014 befalls on various victim groups, from resident to president. The biggest victims in electoral year is religious sect. They became victims in 36 events in many forms of actions. The next bigger victims group is the Christians. They became victims in 25 violations. Syi'ah pilgrims became the next bigger victims, namely 15 events. The Muslim³ and Ahmadiyah became the next victims. They became victims in 12 violations. Whereas the Ahmadiyah pilgrims became victims in 11 violations. [See Table 5].

Table 5.
Violation Victim Group

| Victims | Amount |
|-----------------|--------|
| Ahmadiyah | 11 |
| Religious sect | 36 |
| Mystical belief | 7 |
| Baha'i | 1 |
| Regent | 1 |
| Governor | 2 |

| Victims | Amount |
|---------------------|---------------|
| Guru Bantil | 1 |
| Individual | 10 |
| Journalist | 1 |
| Employees | 1 |
| Konghuchu | 1 |
| Students | 3 |
| Preacher | 1 |
| Civil Servant (PNS) | 1 |
| President | 1 |
| Syiah | 15 |
| Buddhist | 1 |
| Hindus people | 2 |
| Moslem | 12 |
| Christians | 25 |
| Resident | 5 |
| | 138 |

Particularly, house of worship which susceptible to interference significantly. There are 27 actions which disturbs house of worship physically. The disturbance of house of worship in that event was documented in 2014 with mostly pointed to the Churches, namely 14 events. The Mosque became target of disturbance in 8 events. The rest is house of worship of Mystical Belief in 3 events, and Temple (Pura) in 2 events. [See Table 6].

Table 6.
House of Worship that Susceptible to interference

| NO | House of Worship | Amount |
|----|-------------------------------------|--------|
| 1 | Church | 14 |
| 2 | Mosque | 8 |
| 3 | House of Worship of Mystical Belief | 3 |
| 4 | Temple (Pura) | 2 |

C. Some of Prominent Cases in 2014

1. Case of Jakarta: Discrimination on Ahok and FPI Dissolution Dilemma⁴

One of the actual issues in Jakarta which related to religion/belief in 2014 is about rejection some Islamic groups, especially Islam Defenders Front (FPI) that rejecting leadership of Basuki Thahaja Purnama (Ahok) as the Governor of Jakarta because he is a non-muslim one. The intolerance political model which improved by FPI in rejecting Ahok's leadership is a relatively new intolerance approach.

Of KontraS' assessment, there is a shift which became FPI's focus, namely to take care more of alcohol problem (miras), than to respond the existence of minority group such as Ahmadiyah. This makes FPI more excited to criticize and to protest policies made by Ahok, because of alcohol permit problem.⁵

That rejection on Ahok's leadership occurs in many places. It became more increasing, so many report told that preachers in Friday prayers campaigned to reject Ahok through the reason in the name of Islam. About Ahok is heated, so the Moslem should perform Jihad to reject Ahok to be the governor of DKI Jakarta. This is quietly enough to colouring situation in last three or four months.⁶

The emergence phenomenon of this political intolerance has broad impact, because finally the same resistant appeared in many

regions where Muslim is not as majority there. Many non-muslim group also sounds that because non-muslim as majority, so it means that the region should be led by non-muslim also.

Whlist Indonesia is a republic country that gives similar chance for all citizens, no matter the religion and political orientation.⁷

Many violation perpformed by FPI (Islamic Defenders Forum) in this country, the more advanced is about anarchism and demonstration of rejecting Ahok's leadership. And it is actually breaking the fact that Indonesia as unitary state. The unitary state has various languanges, cultures, ethnics, religions and others. Violation that lies on religious difference fondation, can not be justified. Because the *founding fathers* of Unitary State of Republic of Indonesia had decided that this nation's slogan is Bhineka Tunggal Ika.

About FPI establishment, according to KH.Maftuh Kholil, Head of PCNU Bandung, there is something ridiculous. Besides organization establishment that still relatively new, background of that establishment was also different with NU and Muhammadiyah.⁸ FPI establishment that initiated by Habib Rizieq, former chairman of PCNU Jakarta, that called by Kiagus Zaenal as hard-line organization in Jakarta.⁹ FPI was established on August 17, 1998, initiated by 4 Generals of Civillian Security Force in Wiranto's time, and Nugroho Jayusman from police department.¹⁰

Some differences of FPI and NU actually almost same with NU's spirit, but the differences is while informed and not giving news only, so it was beaten. That's a young man. But through the process in FPI also, it is not different with NU. NU becomes wise because of it seems like old man in its missionary endeavour. If FPI as the young man looked the Nahi Munkar only, not in private, but there's someone move about it, so it just seems want to envenom generation. FPI just straight to the point that to make sin is natural, and all the people agree that if all people in the world are pious, so we just waiting for doomsday. But a sin or places as the disobedience media still supported by people behind in order to destruct islam, so FPI will take part there.¹¹

And so the violence with background of politics and freedom

of expression cannot be justified as well. Disagreement of someone or group against a legal selected public official through election, cannot serve as a basis to justifying in the name on freedom of expression. Basuki Tjahaja Purnama (Ahok), who officially inaugurated by the President Ir. Joko Widodo as the Governor of Special Capital Region of Jakarta, is legitimate governor. Therefore, all action which states disagreement should be performed through the existing law.

FPI's demonstration and some Islamic Society Organization which demanding his resign, and performed with violence. The victims from law enforcement apparatus, namely police and also some of FPI's members, must be seen not only as the vertical violence between citizen and state, but also more than that. Political motive cannot be removed by seeing this violence. Plus, FPI included as mass organization that often perform violence. Religion difference cannot be blamed anymore for someone to sit on a public position. Even to be the majority citizen, but Indonesia is not an Islamic state. For that reason, every citizen has equal right to choose or to be chosen in an electoral moment.

FPI's existence in Pancasila country actually seems like thorn in the flesh of democracy of Pancasila country. Its presence often to be problematic, but the state cannot muzzle the FPI's existence because of consideration on freedom of association and assembly. Therefor, while the state cannot perform significant politico-yuridis action, the society pricesely has its own initiative to reject the existence of FPI.

According to Tempo's note, these are rejection action of society against the existence of FPI in some regions.¹² First, is rejected by Dayak Tribe in Central Kalimantan. Some mass organizations and Dayak Tribe people outface the plan of FPI's establishment in Central Kalimantan province. They assessed FPI is a mass organization which identic to vilence, and it is not appropriate with the culture of Dayak Tribe, namely Huma Betang that has meaning unity in diversity.

Second, the rejection performed by Muslim Silat Fighter in Kediri. The Head of the Indonesian Muslim Silat Action Movement (GASMI), Zainal Abidin, strictly rejects the existence of FPI in Kediri,

East Java. This silat fighter organization even thwarted the plan of FPI's establishment in Kediri. Gus Bidin – the nickname of Zainal Abidin – asking member of FPI discouraged to continue that organization, if they do not want to face Muslim silat fighters. Because, he assessed that FPI already became scourge for Islam struggle. By the reason to perform missionary endeavour, their attitude precisely indulgence the power.

Third, is rejection by college students in Kupang. When celebrating Hari Sumpah Pemuda, October 28, 2013, dozen of college students performed rejection on existence of FPI and Hizbut Tahrir Indonesia (HTI). According to them, the presence of those both organizations is in contrary to the principle of Bhineka Tunggal Ika. The action coordinator, Ilo said that this action is a form of youth apprehensive against the nation's life which become more intervened by hard-line organization which ignore the values of bhineka. "We demand to the government to disband FPI and HTI as soon as possible," he said.

Fourth, is blocked by Wonosobo resident. Some Wonosobo resident, Central Java, blocked the Head of FPI Central Java, Syihabudin after he gave missionary endeavour on recitation at Bowongso village, Kalikajar. They offended because of speech content of Syihabudin who does not like the Banser activity – wing organization of NU – that monitoring church while worship activity occurs.

Fifth, is endangered to be sweeping in Tulungagung. The Alliance of Tulungagung Residents Love Peace to reject FPI's plan to declare itself in Tulungagung, East Java. "We won't Tulungagung be littered by people who justified violence," said Maliki Nusantara, the spokesman of the alliance, Monday, October 27, 2014. Maliki said will do sweeping to member of FPI if it dares to do mischief. Even they are ready to do chaos if necessary. Because, the track record of FPI at this time is assessed bad and tarnish the image of Islam.

Sixth, is required to be dispersed by people in Pontianak. Thousands people get together in Rumah Betang, at Jalan Sutoyo, Pontianak on Thursday, March 15, 2012. They request FPI chapter West Kalimantan to be dispersed. They came from regions which

directly bordered with Pontianak city, such as Sei Ambawang and Mandor. This conflict was triggered by chaos issue, the aftermath of banner decline riotous on FPI rejection in West Kalimantan.

But, that rejection seems not discourage intolerant attitudes, including against formal symbols of local government, namely Governor. That rejection performed through democratic political channel instrument, but in order to eroding democratic institution itself.

On October 3, 2014, about 200 demonstrators from Islam Defenders Front (FPI), Defenders Movement for Prophet's Ummah, and Islamic Defenders Paramilitary Troops pelted the police with buffalo dung that wrapped using black plastic bag. That dung was thrown while chaos happened with the official in front of DPD's building, Jakarta, Jalan Kebon Sirih, Central Jakarta, on Friday, October 3, 2014. They also threw another official by using stones. So, it caused four police injured. They are Brigadier Two Dede Miftah, Brigadier Two Fatta, Brigadier Two Disman and Brigadier two Fauzu Amaluddin. Four of them suffered head injured.¹³ One of police injured by slashes of sharp weapon while participates in demonstration rejection on Islam Defenders Front in Regional Representatives Council (DPRD) Jakarta. Brigadier Wanda Brianzabata, member of Directorat of General Criminal Investigation, was injured on her right and left hands because of the samurai slashes.¹⁴

The Chairman of Islam Defenders Front, Muchsin Alatas said that the chaos happenen in demonstration in front of City Council building of DKI Jakarta is a mistake of Vice Governor of DKI, Basuki Tjahaja Purnama (Ahok). "We're never being anarchist. That occurred because if Ahok's crew provocation. According to Muchsin, while FPI demonstrated on October 3, 2014, there are some unknown people came. We suspected that they are Ahok's crew.¹⁵

The Jakarta Police Office, General Inspector Unggung Cahyono assessed the demonstrators who rejected Basuki Tjahaja Purnama or Ahok to be Governor of DKI Jakarta replacing Joko Widodo intends to make scene. Those anti-Ahok demonstrators consist of Islam Defenders Front (FPI), Defender Movement for

Prophet's Followers, and Islamic Defenders Army. That assessment, according to Unggung, based on the proved that seized by the official of demonstrators. "They were deliberately bringing stones and other instruments to make scene," Unggung said that the demonstrators are deliberately to find momentum to make scene. The way is by doing demonstration in front of the City Council's building of DKI Jakarta, on jalan Kebon Sirih. Whereas, permit they submitted is to demonstrate in Jalan Medan Merdeka Selatan.¹⁶

Polda Metro Jaya has arrested 21 members of FPI in relation to the scene of FPI's demonstrators. The police said that they have enough proofs to assign FPI's members to be the suspects. They did criminal actions, such as to fight the police and destroyed, and assaulted as well. The Jakarta Police Department has not found Habib Novel Bamukmin, one of top brass of Islam Defenders Front. He considered as responsible person on last FPI's anarchist action on Friday, October 3.¹⁷

Police in the second stage submit about 17 from 21 members of FPI who suspected as perpetrator of rejection demonstration on Ahok to the the Governor of DKI Jakarta. But nevertheless, they re-arresting in Police Headquarter of Metro Jaya (Mapolda) as entrusted prisoners of attorney. The suspects charged by Article 170 of Criminal Code (KUHP) about jointly beatings against someone or something, and or Article 160 of Criminal Code (KUHP) about provocation and or Article 214 of Criminal Code (KUHP) about of fighting the officers with in-jailed punishment for more than 5 years. The case file of 21 FPI's members, have been stated completely or P21 by the Jakarta Chief Public Presecutor (Kejaksaan Tinggi Jakarta) on Monday, December 1, 2014. So, the second stage submission or suspect submission and the proofs are just performed today.¹⁸

The FPI's action instantly ignites FPI's dissolution itself. Some elements calling the dissolution, but the government seems not to enthusiastic to do that dissolution. The Head of the Criminal Investigation of Police Headquarters, General Suhardi Alius regret the government who not to dissolve FPI. Whereas, Suhardi said, FPI have no too much track record in breaking the rules. "But the police have no authority to do anything related to that organization existence,"¹⁹

The spokesman of Police Headquarters, General Inspector Ronny Franky Sompie said that the Police institution ready to give testimony related to Islam Defenders Front if it is necessary.²⁰ Director of Politics and Nation Integrity of Ministry of Internal Affairs, Tanri Balilamo said that the dissolution of Islam Defenders Front organization must go through long process. According to him, its mechanism should appropriate with regulation Number 17 Year 2013 about Mass organization. "It is usually firstly adjusted by the violation and sanction which will be given by one of that organizations. It needs long time to make it. There are some steps to be done, the first is by giving written warning in three times. Then aid revocation or grant from government. So asking consideration from the Supreme Court as the Judiciary body to revoke the certificate of registered.

If that ormas is in provincial level, Tanri said, the party entitled to publish the consideration is Chief Public Prosecutor (Kejaksaan Tinggi), Regional Police Chief and the Chairman of Local Legislative Council. Then that mass organization's external activities are stopped for a while. Then the last step is to wait the court's decision or the Supreme Court to revoke to the certificate of registered.²¹

Ministry of Internal Affairs have send warning letter to Islam Defenders Front for two times. Based on the regulation Number 17 Year 2013 about mass organization, to dissolve mass organization needs at least need three times warning letter. The Chairman of Ministry Information Center, Dodi Riadamadji said that the first letter was sent because FPI attacked the activist of National Alliance for Freedom of Religion and Belief (AKKBB) on June 1, 2008. "Second, while FPI damaging ministry's building on January 12, 2012."²²

But according to Tanri, the FPI's assault which occurred in City Hall (Balai Kota) several times ago was not performed by the Central Board of FPI, but it's Regional Leadership Council. That's why, he said, the government cannot publish the reprimand sanction because the authority of Jakarta Politics and National Integrity. "The registered FPI here is nationally," Tanri said. FPI have been registered in Ministry of Internal Affairs with number SKT: 025/D.III.3/II/2009 that the license was already extended by

number 01-00-00/0010/D.III.4/VI/2014 and its validity period until 2019. Whereas, the matter of financial support of FPI have been left entirely to Financial Transaction Reports and Analysis Centre (PPATK).²³

Legal observer of constitutional law, Refly Harun, said the Ministry of Internal Affairs has authority to dissolve illegal mass organization, such as Islam Defenders Front. According to him, to dissolve illegal mass organization is an easy task for Ministry of Internal Affairs.

Theoretically, the Ministry of Internal Affairs revokes FPI's registration. That's it. Even its registration was already revoked, it doesn't mean that FPI's supporter cannot gather and perform protest. As part of citizens, they have rights to still being together, to get allied, and to deliver their aspirations which as stipulated in Constitution 1945. Indeed, if they are forced (cannot be together and allied) could even violate Human Rights. But, if they do mischief and discrimination, it is a different matter.²⁴

Based on the Law Number 17 Year 2013 about Mass organization, there are two ways to dissolve it, they are through Ministry of Law and Human Rights or Ministry of Internal Affairs. The first way could be reached if that current organization registered in Ministry of Law and Human Rights. But the General Director of Public Law Administration, Harkristuti Harkrisnowo said that FPI not registered in Ministry of Law and Human Rights. SO, the authority is on Ministry of Internal Affairs. The Chairman of Ministry Information Centre of Ministry of Internal Affairs, Dodi Riadmadji said that there are three stages of dissolving a mass organization, by giving warning letter, stopping the aid on it, and performing dissolution.²⁵

According to the Executive Director of The Indonesian Institute (TII), Raja Juli Antoni, if closely observed, the GMJ's leaders rhetorics left cultural violence where the hatred on a current religion and race is explicitly and repeatedly shown in public. The

cultural violence in long term is really dangerous for democracy. This is because of the cultural violence giving justification on cultural-religion to hate and to discriminate certain group.²⁶

Refers to the Law Number 17 Year 2013 about mass organization, in Article 59 verse (2), mentioned that: Ormas is forbid to:

- a. To perform hostility action against on ethnic, religion, race or group;
- b. To perform misuse, blasphemy, or desecration on recognized religions in Indonesia;
- c. To perform separatist activity that threatening the sovereignty of Republic of Indonesia;
- d. To perform violence action, to disturb the peace and public order or to damage public and social facility; or
- e. To perform action that becomes the task and authority of law enforcer base on provision of legislation.

Whereas in Article 60 up to Article 82 about the provision of sanction: not clearly stated about criminal sanction on mass organization which perform violence, but just about administrative sanction only.

In this matter, there's no article founde in Law No.17 Year 2013 about Mass Organization and Government Regulation of Republic of Indonesia Number 18 Year 1986 which organize about criminal accountability and criminal sanction for Mass Organization which perform violence. On the other hand it can stated that the state perform omission on this action to be continuously occur without any significant role in taking strict action, and about how the law enforcement process for that violence perpetrator mass organization.

However, dissolution on FPI is not a good solution on various violence and intolerance that performed by Islamic hardline group. As described as by Zaki Mubarok, even FPI will be dissolved, another groups will appear with new names. So, about dissolving solution will just be a short-term solution. And it will not make it

fully disappeared at all. Might be, there is no more FPI, but another similar group will be born. I suggest about something that should be done by the government is how to give understanding to those Moderat-Islamic group, to give support to make them appearing. Including to control situation in public spaces to be not driven by those intolerance Islam groups.²⁷

According to him, the better thing to do is, by doing governmental or state authority to control public space. Because the task and function of government is to prevent the intolerance groups dominate the public space. Besides it, civil society should do good coordination, because all this time, there is no good coordination. The good steps that could be done is, by doing defense against Ahok as the legal-constitutional leader. He gave sample, mass organization which dares to state Ahok is legal-constitutional as leader of DKI Jakarta is, NU. Properly, there are more mass organizations who dare to speak that truth, including the youth organization with religious based, such as HMI, PMII, and IMM. Defense against Ahok is not pointed to defend Ahok personally, but to defend against intolerance politics.²⁸

So, what is the motif of FPI's dissolution against Ahok's leadership in DKI Jakarta? That motif could be varies, depends on used argumentation and interpretation. Such as what stated by Zaki Mubarak who claimed to have asked to FPI outside Jakarta who came to demonstrate in Jakarta. According to that FPI's claim, they agreed Ahok policy to reducing sinner locations, such as to close Stadium Discotique. But they protest Ahok's attitude who seems blame FPI to perform violence. In fact, besides FPI there are some tribal mass organizations such as Betawi Brotherhood Forum (FBR), Betawi People's Forum (Forkabi), which often perform violence. On the other hand, according to that FPI's member, they are angry if blamed as the only one mass organization as the violence perpetrator.²⁹

That presented argument of FPI in refusing Ahok's leadership is the leader should be a Moslem. In case, Ahok is not a Moslem, and it is illegal to choose him as a leader. FPI considered that the election is not appropriate to Islamic taught, and so they not recognize electoral result. That argument should be omitted, as long as it is not damage public order. It is a normal one to have different

political view or argumentation, but not by doing violence. The problem is when the violence and the anarchism happens, police and law enforcer are not serious to handle it. So, people assume there is something among the polices. Why this “handling” occurs partially, and it is not make them sour. “Moreover, some of them said, this is FPI’s demonstration occurs because they are paid for sure. They are sneaking.”³⁰

The next assumption is about security business in some regions of Jakarta which organiaed by FPI together with local mass organization groups, such as FBR. And, there is leadership seizing motif as well, where in Regional Election of DKI in 2012, the candidate Jokowi-Ahok versus Fauzi Bowo-Nachrawi Ramli who supported by FPI. That material issue wrapped by political defeat issue in order to make it more interesting and become a popular discourse.³¹

Hafiz Muhammad said that speculation or motif assumption which initiated anarchism by FPI in refusing Ahok’s leadership, could be various. One of them is because of current group’s worries against Ahok’s leadership which is considered quietly firm, not inconsequential, adhered the constitution, and it means could be a threat for those groups. And about the material motif, by consideration that various demonstrations performed by FPI needs financial support or anything, it should be proved first.³²

The hatred spreading that possibly becomes root of hatred and intolerance, disseminated through the assemblies held by FPI. In those assemblies also proclaims to hostile other people based on what they belief. The political view distinction then straight to violence already shown by FPI before Ahok inducted as Governor of DKI Jakarta. For example in the case of Susan Headman, that considered by FPI contradicts to Islamic values, because Moslem majority who led by a non-Moslem leader is forbidden. In this case, the National Commission on Violence Againsts Women (Komnas Perempuan) agrees what have performed by Ahok while he dares to firmly state his final decision on election himself is constitutionally legal.³³

Some people suspect, Red and White Coallition (KMP) is

behind the FPI's anarchy. Another mentioned about the gamblers as the supporter of Ahok, because he wants to clean up illegal gambling and narcotics business network in Jakarta. Those matters make people suspect him that behind the refusal action against Ahok, there are gambling business and criminal plans.³⁴

In anarchy refusing Ahok by FPI, the actors behind it contained by some elements, including Haji Lulung, one of local-representative members of Jakarta from PPP faction, and another group as well. This indication could be seen from protest performed by Haji Lulung on Ahok and he called for demonstration also. The other is M. Taufik, a politician from Gerindra faction who was the chairman of General Election Commission (KPU) of DKI Jakarta. In the further, some interests met there namely KMP group which disappointed on Ahok because he resigned from Gerindra. Then Haji Lulung who disappointed because his business become loss because of Ahok's policy while he was as Vice Governor in doing "cleaning up" in Tanah Abang market. Next interest came from hardline Islamic group, including GARIS from Cianjur. The participants of rejecting action against Ahok were not only from DKI Jakarta, but also from Cianjur, Sukabumi, and Tasik. On the other hand, the meeting of various interests in the name of religion, politics, and illegal business, supporting rejection appearance against Ahok's leadership in Jakarta.³⁵

Similar things also stated by the National Commission on Violence Againsts Women (Komnas Perempuan), about behind FPI's anarchy there is political motif. FPI on behalf of religious community, religious symbolism and religious holiness to influence the public about what was truly performed is a political action.³⁶ The violent conflicts generally roots from power struggle. That wanted power is economically profitable. But behind those violent action performed by FPI, it is possible if there are some supporting elements want to take profit as well. Because it was so irrational to be honestly agreed by observing the demonstration performed in almost everyday with big number participants, if there is no adequate financial support for it.³⁷

To respond this demonstration which led to anarchy, according to Zaki Mubarak, the government cannot stop people to show their aspirations through demonstration, because demonstration

is a constitutional right of resident to vocalize their options and their political aspirations. But however, the government could perform something good, especially for the security sector, either demonstration or another any action should not violate people's right and not perform violent as well.³⁸

Freedom of expression of someone's cannot violate other people's right. The Unitary State of Republic of Indonesia has constitution which should be applied. While freedom of expression collides with another people's freedom, it includes in lawfulness. "So, just arrest them! Don't be scare to be called that government is not Islam, government beat Moslem. Don't ever! FPI is just a little part of Moslem in Indonesia which has very firm aspirations that in some chances often breaks the law. So, it has to be processed as same as another residents. But this matter has not seen yet."³⁹

The similar argument also stated by National Commission on Violence Against Women, that every citizen has fundamental rights to worship in accordance to his or her religion or belief. That is a principle of Human Rights (HAM) to not break, not to restrict and not to reduce other people's right. When someone's action or group in contrary to the Law by doing assault or threat, so it is called as breaking the law. That is not a part of religious taught, but it is a crime.⁴⁰

Government should overcome anarchy actions, including what was performed by FPI in rejecting Ahok's leadership in Jakarta. No matter his background, he constitutionally elected and he already fulfilled requirements as leader who was elected democratically in an electoral mechanism, so he has rights to organize the provincial government of DKI Jakarta. The elements which rejecting Ahok is really not relevant anymore, because Ahok is constitutionally legal now. For that, if there is anarchism against him occurs, so state must do an action to handle it. Unfortunately, the state never takes part on violent conflict. The state just allows that such action, thus raising big question among society. Whereas, the state has power and facility which given by constitution to deal with its tasks to secure, to organize and to keep away conflict to not happens among society.

2. Case of Yogyakarta: Assault and Dissolution of Worship in Tolerance City⁴¹

The Special Region of Yogyakarta (DIY) is very thick with culture of tolerance. Pluralism management and multiculturalism in that Gudeg City runs so good and get appreciation from some elements.⁴²

In the context of freedom of religion/belief, Yogyakarta become a region which generally conducive. Moreover, protection to minority groups of religion/belief is fully given and almost without any requirement. Ahmadiyah and Syiáh followers which discriminated in some places, in this region they get adequate protection from regional government apparatus, either in the socio-political sector or security.

However, 2014 is one of a dark period on freedom of religion/belief in Yogyakarta. By two cases happened successively in almost same time, they are assault and rejection of Rosario at Julius Felicianus' house, the Director of Galang Press — one of big publishing company in Yogyakarta, and assault on Christiant house of worship as well, which led by Pendeta Nico Lomboan. Those both cases even noted by some elements as an emergency indicator of tolerance in City of Tolerance, Yogyakarta.⁴³

In the case of assault action on Rosario at house of Julius Felicianus, at Perumahan STIE YKPN Yogyakarta, the actions of intolerance group could be said so incidental and accidental. According to residents surrounding Julius' house, that event is not known by surrounding people. That because on Thursday (29/05/14) at 19.00 WIB, mostly residents of the village went to Ngawi for condolence. There are just some people staying around the location. Their ignorance is told by Village Head, Jamin, who at that time was attending 100 days prayers (tahlilan) of a villager death.

That beating action which done by this a society group is recognized when some friends of Jamin inform about there is an incident happened in Julius' house. After that report, the Village Head checked the location alone. According to him, that event happened so fast. The beginning, exactly in the morning before the event occurred, about 07.00 o'clock, Julius' neighbor, namely

Asep and Bachtiar told about condition of victim's house where worship being held there.

This worsip considered to disturbing by someone reporter and it has no permit from the village apparatus. Statement on this activity is done continuously for a month by Catholic followers of Julius. According to the reporter, this activity is quietly unordinary because not recognized by Village Head. Jamin as the Village Head also justify the statement of Asep and Bachtiar about no report on that worship activity.

“Worship activity by any religion we should appreciate, but in this opportunity I don't know that the congregation stays in Julius' house perform prayer activity continuously for a month, and for sure we forbid it, moreover they do not inform me before,”⁴⁴ said the Chairman of Sukoharjo village.

Those explanations, precisely show that seed of tolerance honestly existing among surrounding society, moreover the apparatus on the level of Village Head. Residents and Village Head have intolerance almost in same degree while talking about worship and requirement to report before doing worship activity.

At that night also, Jamin plans to announce the people about worship in Julius' house. But, at that same time also, there is prayer activity and bad news about a resident death in Ngawi. Because of that reason, he canceled his plan to announce people and suggest to post-poned it. Unfortunately, that event became a chaos which creates casualties.

On 20.30 o'clock, after report given from Mursidi, one of resident who went for condolence in Ngawi, Head of Pedukuhan Village of Sukoharjo went to see situation on location. He met two young men, namely Asep and Gunawan in front of Julius' house. The house of victim became the target of assault. It is proven by follower's motorcycle which parked at that house in all collapse.

According to Jamin's explanation, Asep and Gunawan already became annoyed and not cooperative while met by Village Head. At the last, the Village Head initiated to call the authorities.

At 21.00 o'clock, the group that has characteristic wearing above-the ankles trouser and mostly wearing the robe have come. They indiscriminately attacked Julius and his house. Julius was beaten by them until suffering serious bruised. Not long after, the authorities came and gave a warning shot. Then, the attackers were finally disbanding and no one arrested on that night incident. After police has arrived the location, the attackers were still in action. They used sharp weapons, such as crowbar and long sword likes Samurai in performing their actions. After the attackers disbanded, the police found an electric shock device.

The assault at RT 10 of Tanjungsari Village, Residence of STIE YKPN is real to influence against victims, either in material loss or immaterial loss. The material lost occurs because of damaging performed by a group of people who destroying victim's house and persecute Julius. Whereas, the immaterial loss is about trust erosion of Christian on the victims who performed worship in his house which then inflict trauma on the victims. Julius, himself, should get hospital treatment in Panti Rapih Hospital, Yogyakarta because serious injury on his left shoulder and unstable psychological condition.

Behind that assault, there are some facts appeared related to political motif. *First*, the perpetrator of assault is precisely his neighbours who really know about political activity of Julius. *Second*, the Village Head firmly stated about worship activity of Rosario in Julius' house which considered disturbing Moslem community surrounding residence. The tolerance potency well actually already embedded.

Third, Julius is besides working as Director of Galang Press, he also a political activist. Before election, he stated his support to vote one of the candidate, Jokowi-Jk through JANGKAR (Volunteer's Network) and he actively took part his role as a volunteer of Jokowi-JK's win surrounding his residence. The sentiment attitude against him started to develop since his political activities became more intensive. Rosario, according to the society

is not occurring at that time only, factually it has no problem at all. So, it should be suspected that there is political motif behind assault and dissolution against that Rosario. *Fourth*, on the other hand, some of Islamic puritan groups of Central Java-DIY, are clearly expressing to support Prabowo-Hatta.

In that case, there is a serious violence happened, such as physical violence (beating, torturing and beating that creating victims physically). Besides that, the psychological violence happened as well in the form of blasphemy, curse, suppress, and intimidate, and political violence in the form of political activities. For the context of Yogyakarta, those violent events are not normal events which are easy to be met.

Not too far from the event of assault and Rosario dissolution at Julius' house, the intolerance action between religious people also happened. The assault on house of worship that led by Pdt. Nico Lomboan, occurred. Precisely three days after assault action against Julius Felicianus house, the Director of Galang Press that located in STIE YKPN residence RT 12, Tanjungsari village, Sukoharjo, Ngaglik, Sleman on Thursday, May 29, 2014 at 20.30 o'clock while the Catholic followers performed Rosario prayer. That assault action against religious activity happened in Pangukan, residence of Nico Priest, which also utilized as house of worship for Christian.

The assault on house of Nico Lomboan, a priest of Pantekosta Church that located in RT 03 RW 10, Pangukan, Tridadi, Sleman began from the people's vexation to the owner of the house because he allowed people to utilize his house as house of worship for Christian. This vexation is based on not only because the people feel annoyed by the worship activities, but also function-transfer of the house for living place to be a house for worship and it has no permit from Sleman regional apparatus as well.

Based on investigation performed by SETARA Institute, that house is certified properly Number 4746, Measurement Certificate Nomor 00670/2003 Dated 20/01/2003 with land area 268 square meters. Nico home use as place of worship has been underway since 1995. That worship is gradually done every week. This triggered vexation of residents because they considered that

the owner has performed utilizing abuse on his home which is functioned as place of worship. The Head of Pangukan Village have done admonition to the owner of the house. That admonition is caused by the owner's attitude, whose puts up the church name plaque in front of his home.⁴⁵ The owner of the house tried to tell Village Head by showing off proofs of house of worship establishment permit which appropriate to the legal provision.

Surrounding residents who initiated by Village Head reporting that incident to the local government. After observed and checked, obtained results which is not in line with statement of the house owner who confess already got permit for house of worship establishment. Besides it, the residents also raise objections to Sleman Legislative Council to process that case in hurry. The Legislative Council decided that there is no permit published for function transfer of the house to be place of worship. So, that place cannot be used for worship.⁴⁶ But, the followers were not heed that decision and stay to perform worship activity like usual.

In 2011, the Memorandum of Understanding of Problem Solving against the Existence of Pantekosta RI-Shaddai Church in Pangukan, between Nico Lomboan as the Church Priest with society representative which represented by Turmudi, resident of RT 03/10 as religious figure in that village. The main point of that MOU is Nico Lomboan as the first party will seek the license for the establishment of house of worship. But, the effort of Nico Lomboan was refused by loval government until now.

Rejection of establishment permit of house of worship is characterized by issued Decision Letter from Regent Number 503.2/03 which containing rejection of permit to utilize the land owned by Nico Lomboan for worship activity because the particular administrative requirements that should be completed, not to be fulfilled. Through that regent's decree, the building was finally being returned its function as a residence in to its building permit Number 62/IMB/DPU/1995. Since its publishment, the MOU and that Regent's Decree Number 503.2/03, the activity of El Shaddai Pantekosta Church Congregation stopped. Finally, that house which firstly used for place of worship, is sealed by the local apparatus.

Almost same with the assault performed by mob wears “cingkrang” pants (not full length pants) against house of Julius Felicius, the assault case on house of Nico Lomboan/El Shaddai Pantekosta Church performed by people group attackers begun from residences’ objection with the reason of function-transfer of the house to be place of worship.

On Sunday, June 1, 2014, about 08.00 o'clock, the residences objected against Christian congregation who came to Nico Lomboan to perform worship together. Those congregations who came at that time is not usual congregation who often come gradually for the routine worship like before 2011, but those congregations came from outside the city, that's from Ambon.⁴⁷ According to explanation of Villager Head, some days before incident happened, they already got suspicion about activity inside the building which according to the residence was still being sealed. But, the society ignored it because they assumed that the house is under the sealing authority by local government, so there is no permit to another people to use it or to get inside it.⁴⁸

The activity of worship which re-performed again in Nico Lomboan's house, make residences questioned it. People felt to be betrayed by the owner because he broke MOU which already agreed by them. Turmidi, as a religious figure in Pangukan and also becomes one of the parties who signed that MOU to representing residences, was finally taking over. According to Nur Widiati⁴⁹, neighbor who witnessed the incident, before the assault performed by residence which is represented by Turmidi as the religious figure in Pangukan, mediation was held by the owner. The worship activity is kept going. The residences gave tolerance to congregation to finish their worship.

But not too long after that, group of people who according to people⁵⁰, is a member of FPI (Islam Defenders Front) came to that location and bring some weapons, such as ax, crowbar and punch (bodem). To anticipate the physical violence and casualties, people called the police. Finally, the apparatus came, they are Mobile Brigade (Brimob), Army, Police. They came to location to take over security. After worship activity on Sunday finished, the apparatus tried to take care congregation from the mass to prevent more casualties.

Mass were still angry and expressing their emotion. Then, they finally damaged and threw the stones away the building by using catapult. Mass destroy the windows by throwing the stones and damaging the gate of house. The assault of Nico Lomboan was continued by people after Midday praying (sholat Dzuhur).

The assault against house of Nico Lomboan where worship activity of the Christian congregation occurred, there is violent tacked on freedom of religion/belief and freedom of worship in accordance to their religion or belief. The freedom to believe and to worship in accordance to their belief is firmly stipulated in 1945 Constitutions, that every people has freedom to hole a religion and to worship in according to their current religion which is constitutionally guaranteed by the state. This assault can be classified as human right abuse. This can be considered from the mass assault that initiated by Islamic figure against Christian Congregation who perform worship activity. Mass activity in this assault action form, is absolutely wrong. People in Indonesia live in democracy country who can apply the way to solve the problem through what was mandated by Pancasila. Building damage that was utilized as place for worship surely vilolate human rights on propriately.

According to Iskandar⁵¹, the neighbor in front of Nico's house, for surrounding people, that incident has no any relation with presidential election. This was strengthened by statement of Village Head⁵² that it just happened suddenly toward the election, because actually, the objections of people on that function-transfer problem of the house to be place of worship, have occurred since several years ago. But the residence gave them tolerance, by letting them perform worship until they finished it.

But, by considering the attacker that according to the residents, is truly FPI, so hard to not relating it to political intimidation. As widely known by public, FPI openly supports Prabowo-Hatta. FPI chapter Central Java-DIY has declared their supports to Prabowo-Hatta.

Another fact is, even there is land dispute and conversion permit of residence, the residents prefer to emphasize persuasion and dialogue. Whereas, the assault performed by outsider, mostly

possible mobilized, by utilizing the reality of resident's objection, then as if that assault is a representative of resident's aspiration. ■

Endnotes

- 1 Number of events with different action number, because in one event could happen some acts. The discipline of human rights distinguishes between event and act.
- 2 In counting the actor, SETARA Institute also lies its observation on everyone whoever involved in the event. In one event, various state institutions possibly to be together in performing some events. And so with state institution and society group who could be together in performing the act in a current event as well.
- 3 The meant Moslems in this monitoring observation are they whose hold Islam who identified following current madzhab, such as Syi'ah or Sunni. In current situation, violence could possibly happens which relating Moslem in public attribute, not relating to current specific identity.
- 4 Reconstructed from material written by Aminuddin Syarif, peneliti SETARA Institute
- 5 Interview between SETARA Institute with Satria Wriautama, Civil-Politics Divission Staff for Freedom of Religion, Commission on Dissapeared and Violence Victims, Jakarta, December 19, 2014.
- 6 Interview between SETARA Institute with Zaki Mubarok, Lecturer in Social-Politics Faculty (FISIP) of Syarif Hidayatullah Islamic State University (UIN), Jakarta. Jakarta, December 17, 2014.
- 7 Interview between SETARA Institute Observer, Achmad Fanani Rosyidi with Zaki Mubarok, Lecturer in Social-Politics Faculty (FISIP) of Syarif Hidayatullah Islamic State University (UIN), Jakarta. Jakarta, December 17, 2014.

- 8 Interview between SETARA Institute Observer, Dindin AG with KH.Maftuh Kholil, The Chairman of NU Bandung Chapter. Bandung, October 23, 2014.
- 9 Interview between SETARA Institute Observer, Dindin AG with Kiagus Zaenal Mubarak, Regional Officer of NU West Java/ Chairman of FLADS, Bandung, October 23, 2014.
- 10 Interview between SETARA Institute Observer, Dindin AG with Saefullah Abdullah, as The Chairman of Islamic People's Forum (FUI) of West Java / the Former Chairman of Islam Defenders Front (FPI) Chapter Bandung for 6 years / Regional Leadership Board of Muhammadiyah of West Java. Bandung, October 23, 2014.
- 11 Interview between Peneliti SETARA Institute Observer, Dindin AG with Habib Ahmad bin Hasan al-Haddad, the initiator of Santri Kun Fayakun Paramilitary Troops. (Laskar (LasI, sekarang aktif di NU Cianjur, Cianjur, 27 Oktober 2014.
- 12 "FPI have been rejected in these regions", November 12, 2014. The article is available at <http://www.tempo.co/read/news/2014/11/12/078621371/FPI-Pernah-Ditolak-di-Daerah-daerah-Ini>, downloaded on December 1, 2014.
- 13 "FPI rejects Ahok, Police thrown Bufallo Dung", October 3, 2014. Article is available at <http://www.tempo.co/read/news/2014/10/03/064611747/FPI-Tolak-Ahok-Polisi-Dilempari-Kotoran-Kerbau>, downloaded on November 12, 2014.
- 14 "FPI Protests Ahok, Police Hit Samurai", October 3, 2014. This article is available at <http://www.tempo.co/read/news/2014/10/03/064611762/FPI-Demo-Ahok-Polisi-Terkena-Samurai>, downloaded on November 20, 2014.
- 15 "Demonstration Ended in Disputed, FPI blames Ahok", October 5, 2014. This Article is available at <http://www.tempo.co/read/news/2014/10/05/064612112/Unjuk-Rasa-Berakhir-Ricuh-FPI-Salahkan-Ahok>, downloaded on November 20, 2014.
- 16 "Police: Anti-Ahok Demonstrants Deliberately Make Chaos", October 3, 2014. This Article is available at <http://www.tempo.co/read/news/2014/10/03/064611741/Polisi-Demonstran-Anti-Ahok-Sengaja-Bikin-Rusuh>, downloaded on November 20, 2014.

- 17 “Chaotic Action FPI, Police Hunts Habib Novel”, October 6, 2014. This article is available at <http://www.tempo.co/read/news/2014/10/06/064612231/Ricuh-Aksi-FPI-Kepolisian-Masih-Cari-Habib-Novel>, downloaded on November 20, 2014.
- 18 “17 Members of FPI Suspected on Chaos Demonstration Againsts Ahok, Submitted to Attorney”, December 2, 2014. This article is available at <http://news.liputan6.com/read/2141786/17-anggota-fpi-tersangka-rusuh-demo-ahok-diserahkan-ke-kejaksaan>, downloaded on December 8, 2014.
- 19 Police regret Government to not dissolve FPI”, October 8, 2014. This article is available at <http://www.tempo.co/read/news/2014/10/08/078612889/Polisi-Sesalkan-Pemerintah-Tak-Bubarkan-FPI>, downloaded on November 28, 2014.
- 20 “FPI dissolution, Police ready to take action in Court”, November 12, 2014. This article is available at <http://www.tempo.co/read/news/2014/11/12/078621527/Pembubaran-FPI-Polri-Siap-Bersaksi-di-Pengadilan->, downloaded on December 1, 2014.
- 21 “Here is How To Dissolve FPI”, November 12, 2014. This article is available at <http://www.tempo.co/read/news/2014/11/12/078621553/Begini-Cara-Membubarkan-FPI>, downloaded on December 1, 2014.
- 22 “FPI Got Warning for Twice”, November 12, 2014, article is available at <http://www.tempo.co/read/news/2014/11/12/078621379/FPI-Sudah-Dua-Kali-Dapat-Surat-Peringatan->, downloaded on December 1, 2014.
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- 24 “Dissolving FPI, An Easy Task for Ministry of Internal Affair”, November 12, 2014, artikel tersedia di <http://www.tempo.co/read/news/2014/11/12/078621413/Bubarkan-FPI-Pekerjaan-Mudah-bagi-Kemendagri->, downloade on December 1, 2014.
- 25 “Two Ways to Dissolve FPI”, October 12, 2014. Article is available at <http://www.tempo.co/read/news/2014/11/12/078621370/Dua-Jalur-Membubarkan-FPI>, downloaded on December 1, 2014.

- 26 “Oration in FPI’s oration appears Cultural Violence”, December 1, 2014. Article is available at <http://news.detik.com/read/2014/12/01/222816/2764653/10/orasi-demo-fpi-munculkan-kekerasan-kultural>, downloaded on December 8, 2014.
- 27 Interview between SETARA Institute observer, Achmad Fanani Rosyidi with Zaki Mubarok, Lecturer at Social-Politics Faculty of Syarif Hidayatullah Islamic State University Jakarta. Jakarta, December 17, 2014.
- 28 Interview between SETARA Institute observer, Achmad Fanani Rosyidi with Zaki Mubarok, Lecturer at Social-Politics Faculty of Syarif Hidayatullah Islamic State University Jakarta. Jakarta, December 17, 2014.
- 29 Interview between SETARA Institute observer, Achmad Fanani Rosyidi with Zaki Mubarok, Lecturer at Social-Politics Faculty of Syarif Hidayatullah Islamic State University Jakarta. Jakarta, December 17, 2014.
- 30 Interview between SETARA Institute observer, Achmad Fanani Rosyidi with Zaki Mubarok, Lecturer at Social-Politics Faculty of Syarif Hidayatullah Islamic State University Jakarta. Jakarta, December 17, 2014.
- 31 Interview between SETARA Institute Observer, Achmad Fanani Rosyidi with Satria Wriautama, The Civil-Politics Division Staff on Freedom of Religion and Dissapears People and Violence Victims Commission, Jakarta, December 19, 2014.
- 32 Interview between SETARA Institute Observer, Achmad Fanani Rosyidi with Hafiz Muhammad, Program Manager of HRWG, Jakarta, December 17, 2014.
- 33 Interview between SETARA Institute Observer, Achmad Fanani Rosyidi with Dahlia Madanih, Coordinator of Woman in Constitution and Law of National Commission of Women, Monday, December 22, 2014.
- 34 Interview between SETARA Institute, Achmad Fanani Rosyidi with Zaki Mubarok, Lecturer in Social-Politics Faculty of Syarif Hidayatullah Islamic State University Jakarta, Jakarta, December 17, 2014.

- 35 Interview between SETARA Institute observer, Achmad Fanani Rosyidi with Zaki Mubarok, Lecturer in Social-Politics Faculty of Syarif Hidayatullah Islamic State University Jakarta, Jakarta, December 17, 2014.
- 36 Interview between SETARA Institute observer, Achmad Fanani Rosyidi with Dahlia Madanih, Coordinator of Woman in Constitution and Law of National Commission of Women, Monday, December 22, 2014.
- 37 Interview between SETARA Institute observer, Achmad Fanani Rosyidi with Husein Muhammad, the Commissioner of National Commission of Women, December 22, 2014.
- 38 Interview between SETARA Institute observer, Achmad Fanani Rosyidi with Zaki Mubarok, Lecturer in Social-Politics Faculty of Syarif Hidayatullah Islamic State University Jakarta, Jakarta, December 17, 2014.
- 39 Interview between SETARA Institute observer, Achmad Fanani Rosyidi with Zaki Mubarok, Lecturer in Social-Politics Faculty of Syarif Hidayatullah Islamic State University Jakarta, Jakarta, December 17, 2014.
- 40 Interview between SETARA Institute observer, Achmad Fanani Rosyidi with Dahlia Madanih, Coordinator of Woman in Constitution and Law of National Commission of Women, Monday, December 22, 2014.
- 41 This part is reconstructed from investigation result by SETARA Institute observers for two assault cases in Yogyakarta, they are Dwi Astuti Setiawan and Siti Khoiryaningsih.
- 42 SETARA Institute have gave special appreciation for initiation in Yogyakarta in this matter under the leadership of Sri Sultan Hamengkubuwono IX, in promoting religious harmony and tolerance among society in diversity. See Halili, dkk. 2013. *Kepemimpinan Tanpa Prakarsa: Kondisi Kebebasan Beragama/ Berkeyakinan Tahun 2013*. Jakarta: Pustaka Masyarakat Setara.
- 43 Makaryo (Anti-Violent Society of Yogyakarta) including which indicates emergency phenomena on tolerance, after juxtaposting those two violents with violence and another rampan criminal act in Yogyakarta. SETARA Institute presents analysis of tolerance

discourse, and intolerance in this tolerance city on the other this report chapter, precisely in Chapter III.

- 44 Interview with Jumin, Tanjungsari Village Head on June 3, 2014 in his house at 11.45
- 45 Interview with Pangukan Village Head on June 3, 2014 in Pangukan
- 46 *Ibid.*
- 47 Interview with Nur Widiati on June 3, in Pangukan
- 48 Interview with Pangukan Village Head on June 3, 2014
- 49 Interview in Pangukan, on June 3, 2014
- 50 Interview of SETARA Institute with Tri Wahyuni on Juni 3, 2014
- 51 Interview of SETARA Institute on June 3, 2014
- 52 Interview of SETARA Institute on June 3, 2014

CHAPTER 3

The Baseline on Freedom of Religion/Belief

A. Introduction

The new government, Jokowi-JK should have clear road map to take comprehensive policy about freedom of religion/belief as the basic and constitutional rights of all Indonesian people. That road map is needed to guarantee the synergy and congruence of policy between the central and regional in freedom of religion/belief issues.

The policy paradigm which could be taken is possible in top-down model, bottom-up, or combination between those both. But the note must refer to some frameworks. First, the constitution must be placed as the highest legal basis. Second, referring to the principle and legal norm of civilized country in human rights, either legally binding or *non legally binding*, and especially those are ratified as national positive law.

Third, to point the central as the main authority holder. Because religion is not the government's authority which decentralized to the regional, so make the region as main subject of religious policy, is absolutely wrong. Fourth, to orientate on the serious problem solving, concrete and urgent on freedom of religion/belief issues.

In order to give baseline for will be taken policy by Jokowi and for displaying the map and configuration condition of freedom of religion/belief in Indonesia, Setara Institute presents this chapter. The new part of this report book of KBB in this year which distinguish to previous reports.

In this part, SETARA Institute will present two subjects. First, the

condition on freedom of religion/belief in the last 8 years. This condition map hopefully could be a guidelines for government in making policy in religion/belief subject and it also hopefully could be an information for people that about 8 last year, this Pancasila country is still fulfilled by many kinds of event which reflecting the real situation of how far the ideal condition of freedom of religion/belief in Indonesia with Pancasila and 1945 Constitutions as the guidelines. Second, the map condition and guarantee on freedom of religion and belief in region, especially in regions where SETARA Institute took observation. This is hopefully that government and all of us could understand serious problems on freedom of religion/belief in many regions, from that very substantive, to technique.

B. The 8 Years of Freedom of Religion and Belief: From “Subject to the Mass Judgement” to “Stagnation on Freedom of Religion”¹

Bundle of home work which should be done seriously by Ministry of Religion of Republic Indonesia in Working Cabinet of Jokowi-JK are actually stack accumulation from authorities that never be finished, be ignored and in some aspects are deliberately not to be finished by previous governments. SETARA Institute notes very neat the whole events and violences on freedom of religion/belief which performed by the actors, either the state actor or civil society. SETARA Institute also reveals aspects which relating to events and those violences, for examples are the actors and victims. SETARA Institute also analyzing phenomena, places and moreover in some current contexts, the politico-juridical implication relates to those events or actions.

In 2007, in a report titled “Object to the Mass Judgement: The State Justification on Persecution of Freedom of Religion and Belief” SETARA Institute notes that violation on freedom of religion is shown off clearly, where the action of damaging, violence, and arrestment againsts groups which considered “misguided” occured and shown off to the public. Those violations happened in 135 events and 185 violations.

The highest amount of victims who suffering violations at that year is al-Qiyadah al-Islamiyah, a religious sect in Islam that led by Ahmad Moshaddeq. This sect is being stricken 68 cases of prohibition, violations, arrestment and detention. Another groups are Christian/Catholic Congregations which suffering 28 cases of violations, and

followed by Ahmadiyah that stricken by 21 cases of vilation.

The perpetrators of 185 violations on freedom of religion and belief is the state. About 92 violations performed by the state (commission) are in the form of prohibition, arrestment, detention and verdicts on them who considered misdirection. Including in this direct action is the support and justification from state authority on current religious groups which considered misguided. Whereas, 93 other violations that occurred because the state do omission againts violations by society or groups.²

In 2008, 367 violations on freedom of religion/belief happened in 265 events. The most events happened in June (103 events). June is a month where the insistence and persecution against Ahmadiyah experience enough high escalation, either as the insistence againts government to issuing Presidential Verdict about Ahmadiyah Dissolution or as the serious impact of the existence of JOINT DECREE of Ahmadiyah Prohibition.

Violation incidents on freedom of religion/belief focused on June 2008. If those events that relating to Ahmadiyah were issued from calculation, the number of violation on freedom of religion/belief are actually quiet moderat. This fact shows that violations on freedom of religion/belief in 2008 escalated by JOINT DECREE of Ahmadiyah Prohibition.

From 367 violations on freedom of religion/belief, there are about 188 violations involve the state as the actor, either through 99 actively performed by the state, or 89 in the form of omission act by the state. For violation involving the state as the actor, the legal frame responsibility is human right, which binding the state because of covenant and convention. The state is the institution which being the most one to perform violations is police (121 actions), Regent/Mayor (28 actions), the Court (26 actions), and Refional Legislative Council (26 actions).

In while, 88 actions are criminal action by the society and 91 are in intolerance actions form which performed by individual/society. The criminal action category and intolerance are the forms of violation on criminal law that the responsibility inherent in individuals as legal subjects. The perpetrator of this category violations noted are; MUI (42 actions), FPI (27 actions), FUI, KPSI and MMI (12 actions on each), other mass organizations (55 actions), unidentified groups (59 actions),

and individual 20 actions.

Violation on freedom of religion/belief in 2008 is mostly stricken Ahmadiyah Congregation (238 violations) from victims of intolerance, state repression, omission by the state, and criminal action by state/group of people. Next, the individual (48 actions), other religious sect/belief (15 actions) and the Christian (15 actions).

Towards the election in 2009, the freedom of religion/belief fail again to get full recognition because of bias constitutional perception that stay be maintained by the state elites. In the same time, the state is precisely producing policy that legalize uniformity action with desecration and blasphemy reasons. In legislation context, besides some of laws and exist restricted policy, three local policies issued which more restricting and reducing the guarantee on freedom of religion/belief: Joint Decree of Ahmadiyah Prohibition, Verdict of South Sumatra Governor about Ahmadiyah Restriction, and Pakem Recommendation of Kota Padang to the Mayor dated November 20, 2008 about Prohibition and Ahmadiyah Nameplate Removing in Padang City.

Related to regional regulation which gender discriminatory and in contrary to Human Rights, the government in central level, especially Ministry of Justice and Human Right that has preventive authority, Ministry of Internal Affairs that has evaluative authority and repressive, and The Supreme Court that has repressive authority through judicial revies are not disable to create effective mechanism to ensure higher regional regulation inconsistence, including through the constitution.

The suspectibility of regions in responding central government policy related to the guarantee on freedom of religion/belief showing off politicization on religion and also becoming the regional political elites conobstacleast. On the same time, the foundings of this observations shows low level of people's education so they are easy to be politicized.³

In 2009, SETARA Institute recorded 291 violations on freedom of religion/belief in 20 events. From those 291 violations on freedom of religion/belief, there are 139 violations that involving state as the actor, even through 101 active state action or 38 omission actions. The omission actions are in 23 actions by state apparatus on the occurrence of violence and criminal actions of residence and 15 omissions because

the state not processing legally the residences who performed those crimes.

The state institution which being the most perpetrator of doing violations are police (48 actions), Ministru of Religion (14 actions), Mayor (8 actions), Regent (6 actions), and the Court (6 actions). The rest is institutions with number of actions lower than 6 actions.

In that year, there are 152 actions that performed by citizens in the form of 86 crimes/act violating the law, and 66 are intolerance actions which performed by individual/member of society. The category of criminal action/ act violating the law and intolerance are forms of violation of criminal law that the responsibility inherent to the individuals as the law subjects. The most perpetrator of violation act in this category noted, Society (46 actions), MUI (29 actions), Individual Religious Figure (10 actions), Islam Defenders Front (9 actions), and Islamic People's Forum (6 actions).

In that election years, violations on freedom of religion/belief suffering Ahmadiyah congregation mostly in 2009 (about 33 actions), individual (17 actions), and Church congregation (12 actions). Violations relates to Ahmadiyah are involving the mosque arson attempts, and prohibition on access for doing worship. And, the Church congregations suffering violations in the form of prohibition to establish place of worship, worship and religious activity dissolution, and intolerance.

In the national context, electoral conobstacle have made government and state institution from many relating parties are not doing progressive things at all, and not fulfilling any objections from relating parties of freedom of religion/belief. The insisment from some civil people organizations who promotes guarantee on freedom of religion/belief has no respond throug the conducive policy for pluralism promotion in Indonesia. The government prefers to choose status quo action by restraint itself to not enter the complicated arena about freedom of religion/belief. There's no constructive legislation in national level for guarantee reinforcement for freedom of religion/belief.⁴

In 2010, SETARA Institute found out 216 incidents of freedom of religion/belief which containing in 286 actions that spread in 20 provinces. From 286 violations on freedom of religion/belief, there are

103 state actions that involving the state administrators as the actors. From 103 the state actions, 79 actions are active actions and 24 of them are the omission actions.

The state institution which mostly doing highest violations are police institution (56 actions), Regent/Mayor (19 actions), Camat (17 actions), The Public Order Agency (13 actions), the Court (9 actions), Ministry of Religions (7 actions), Indonesian Military (7 actions), and Ministry of Religion (6 actions). The rests are intitutions with number of violations less than 6 actions.

From 286 forms of freedom of religion/belief, there are 183 actions that performed by citizens, either in criminal actions (119), condoning performed by public figure (12) actions, and intolerance (52) actions. The perpetrators in this category are individuals or citizens which joint in mass organizations. The group which mostly doing highest violation in successively: Society (70 actions), MUI (22 actions), Islam Defenders Front -FPI (17 actions), Islamic People's Forum (11 actions), Islamic Reform Movement-GARIS (10 actions), Anti-Ahmadiyah Movement-GERAM (5 actions), individual (5 actions), and the rests are organizations with involvement less than 5 actions.

In a year after that election 2009, violation that mostly suffering Christian congregation. About 75 events befalls on Christian in many form of actions. Whlist 50 events befall on Ahmadiyah. Besides those above groups, about 17 individuals also suffering violation on freedom of religion/belief. And the rests befall some groups of minority religious groups. The events which documented in 2010 pointing to 3 victim groups: they are Christian Congregation, Ahmadiyah, and some fathoms and religious view that considered misguided.

In that year, SETARA Institute also notes about the existence of 59 place of worship suffering damage in any forms: assault, sealing, rejection, prohibition to worship activity, and many more. From those 59 places of worship, majority befalls on Christian congregations (43 places), Ahmadiyah congregation (9 places), Islam (2 places), LDII (2 places), Buddhist (2 places), and Wahabi (1 place).

The tendency in 2010, regional government failed to oversee guarantee on freedom of religion/belief because its disability to keep away from all groups. Consequently, the regional chairman objected to insistent from majority groups, even he/she should breaking the law

and constitutions. The regional chairman also often performs religious issues politicization for political interest: either to earn political support or to against their political rival. The identity politicization (religion) almost occurring in all level of government.

In that year, besides failed to give full-guarantee protection on freedom of religion/belief, the state through their officials precisely adding violation amount. The Ministry of Religion, Suryadharma Ali is one of public officers that assessed by SETARA Institute failed to oversee guarantee on freedom of religion/belief. Suryadharma Ali who comes from United Development Party (PPP) have forcing his personal view to public for performing intolerance. His statements that spreading hatred againsts Ahmadiyah and othe minority groups have provoked the public to be intolerance.

Besides failed to oversee guarantee on freedom of religion/belief, Suryadharma also denies various conflicts and violence befalls citizens along 2010. In one of his statement (10/1/2011), Ministry of Religion, Suryadharma Ali disputes those violence incidents with religious nuance that often occurring in 2010 as the religious conflicts. According to him, the main trigger of religious people's tension that occurred are mostly caused by surrounding religious figures who do not want to fulfill main requirements in the matter of establishing house of worship.

In society level, the intolerance, discrimination and violence, besides the fact of intolerance aspiration existence that sounded by hardline Islamic organization, there are also some actions which triggering people to perform violence. The provocative action which considered as the effort of apostasy by fundamental Christian group in Bekasi on November 1008. At that time, the Mahanaim Foundation, Neo Pantekosta Foundation led by Iin Tjipto priest, holding social event named Bekasi Berbagi Bahagia (3). This event provokes Islamic organizations anger, because in that event, the participant who come there are Muslim, and they should be baptized first before getting some like-lottery tickets. Those such ways of religion/belief spread, triggering some counter actions, such as what was happened in Bekasi.

Along 2010, SETARA Institute notes progress in the form of Bandung State Administrative Court's (PTUN) on the claim submitted by Christian congregation relating to house of worship establishment that submitted by the Church and Amal Katolik Kristus Raja

Purwakarta, HKBP Filadefia Bekasi Church, and GKI Taman Yasmin Bogor. Moreover, for GKI Taman Yasmin Bogor, Supreme Court also strengthen through its decision appeal and Judicial Review rejection that submitted by Government of Bogor. Although, at the end, Government of Bogor City is let to perform disobedience on verdict of apex institution of justice that have been *inkracht*.⁵

In 2011, SETARA Institute noted 244 events of violation on freedom of religion/belief that contained 299 actions. From those 299 violation on freedom of religion/belief, there are 105 state action which involved state administrators as the actor.

In 2011, the state not only neglected but also actively performing violation on freedom of religion. As the sample is about Cikeusik incident. It invited Police Department and Indonesian Military of West Java and other involvement to do handling and control againsts Ahmadiyah. Sajadah Operation in West Java is Indonesian Military initiative.

Whereas, the non state actor, the society (who has unidentified its affiliation) noted as group which is the highest perpetrator who perform violation (80 actions).

And so some Islamic organization which dominantly become violation actor. Intolerance aspiration at this time is represented by certain Islamic organizations, have spread to the society with society involvement in violation on freedom of religion/belief.

Violation on freedom of religion/belief in 2011 mostly suffering Ahmadiyah congregation (114 events), followed by Christian congregation (54 events), and misdirection befall minority religious cult group (38 events).

There is no any progress along 2011 relating to the state effort in guaranteeing freedom of religion/belief. The state prefer to choose discrimination politic in handling some religius dynamics. The failure of state to oversee pluralism very reflected from performance of Susilo Bambang Yudhoyono's leadership who stops on retorical politics without any real action. SBY lets the discrimination institutionalizing againsts Ahmadiyah that performed by the local government by issuing some discriminative regulation. Susilo Bambang Yudhoyono also disable in facing insistent of intolerance political aspiration bearer in the case of GKI Taman Yasmin Bogor, because there is no initiative to

solve violence and discrimination againsts congregation of GKI Taman Yasmin.

The judicature institutions in 2011 also did not give serious contribution for guarantee promoting on freedom of religion/belief by enforcing the principle of *independence of judiciary*. The judicature on assaul case of Ahmadiyah congregation in Cikeusik, sure showing the institution of police, attorney, and court are not independent and existing under the mass insisment.

Besides the actual events in 2011, discriminative cases also befall another mass organizations. About 9 cases are specifically narated in this report showing off that there is no movement that truly performed by the state to solve problem of freedom of religion/belief year by year. Consequently, besided to maintain discrimination and violence, the similar cases also are repeatedly occuring and even widely spreading.⁶

In 2012, SETARA Institute noted 264 events of violation on freedom of religion/belief with 371 action forms, that spread in 28 provinces. Those such events and violations befall 4 main group: they are Christian congregation (50 events), Minority Religious Cult (42 events), Syiah (34 events) and Ahmadiyah (31 events). About 42 individual suffering the event of violation on freedom of religion/belief.

In that year also, SETARA Institute also noted about 38 house of worship that experiencing in many forms damages: assault, sealing, rejection, establishment, and others. From those 59 worship places, majority befalls on Christian Congregation (25 places), Ahmadiyah (5 places), Islamic Cult (3 places), Buddhist (2 places), Syi'ah (1 place), and Konghucu (1 place).

In macro, condition on freedom of religion and belief in Indonesia along 2012 has no made significant progredd. Besides because of legislation, the sensitivity and allignment of Ministry of Religion, Ministry of Internal Affairs, Ministry of Law and Human Rights, and President of Republic of Indonesia as well, are really not supporting or even contraproductive for promoting guarantee the freedom of religion/belief. Besides the Ministry of Religion, the President of Susilo Bambang Yudhoyono also does not want to see some cases of violation on freedom of religion/belief.

There is no initiative and meaningful breakthrough in handling some violence that suffered by Christian congregation, Syiah,

Ahmadiyah, and other minority groups. SBY even always proud that there is no heavy Human Right abuses occurred during his leadership. Whereas, the violation on freedom of religion/belief is a basic and fundamental freedom which its fulfillment cannot be delayed. The SBY's view about Human Rights just only about the violence which performed by security instruments only is a main fallacy in understanding the concept human rights. During his leadership precisely the fundamental rights of freedom of religion/belief has been violated.

Similar to the previous year, the leadership of Susilo Bambang Yudhoyono seems more fond to have speech about tolerance than earnestly and measurable working in order to create tolerance by giving guarantee of freedom to his people. Without freedom of guarantee, the tolerance will be rhetoric only from a president who not contribute at all to human rights promotion. Along 2012, not less than 15 times, President Susilo Bambang Yudhoyono deliver tolerance message in many chances. It less than in 2011, where the president talked about tolerance for about in 19 times.

In addition to current events throughout 2012, the rhetoric about religion/belief is also strengthened with the not-completion of handling a number of cases of violations of freedom of religion/belief until a protracted, repeated, and continue to produce some public anxiety. In 2012, 11 places of worship of Christians sealed in Aceh, GKI Taman Yasmin Bogor is not resolved, the attack of Syiah Sampang is repeatedly occurred until cause 2 fatalities, Hamamah (50) and Husin (45), neglect of Syiah Sampang refugees and Ahmadiyah refugees in Transito Mataram, and the heinous murder against Tgk. Aiyub Syahkubat (47) the leader of the religious sect considered heretical and Muntasir (26), the follower of Aiyub, in Bireun, Aceh.⁷

In ultimo 2013, SETARA Institute issued report entitled “Stagnation on Freedom of Religion: The Report of Conditions of Freedom of Religion/Belief in 2013”. There, recorded about 222 violations of freedom of religion/belief with 292 forms of action spread across 20 provinces. Monitoring findings of SETARA Institute showed discriminatory and degree of intolerance has been at the level that is very worrying. Although the number of events and actions to razor-thin-decrease if compared to previous years, but the results of monitoring in general is explaining the more rooted intolerance in society. As the monitoring result of previous years, the perpetrator on freedom of

religion/belief in the non-state category always dominated by society, which show about there is always potency of “horizontal war” in every religion/belief conflict. The conflict escalation became more destructive with the absence of state in preventing conflict potency, management and conflict resolution, and peace situation preservation. In that situation, intolerance group become more daring to trigger conflict, moreover through the opened assault with mass media coverage.

In monitoring action of some regional observer-intolerance deployment, discrimination, and violation on freedom of religion/belief seems deliberately let by the government. The posters and illegal billboard which contains misdirection and threatens on minority existence group never be questioned, whereas the society in grass-root are distress with those such incitement patterns. “*Soft war*” to againsta freedom of religion/belief (means to against the national principle and constitution) in Indonesia, are being ignored. *Hate speech* could be socialized massively through cyberspace network. Not like against the *online posting* which involving the state apparatus personal, where the government seems more sensitive and responsive. The government tends to maintain the hatred sites, incitement and slander against minority religious group, and the academician and activist of freedom of religion/belief, without any legal and fair restriction at all. In this matter, the phenomena of “tolerant to intolerance” seems more increasingly visible among religious/belief group in the country arena.

The research and observation finds in 2013 mainly shows that there is no promotion in guarantee and protection on freedom of religion in Indonesia. The condition of freedom of religion/belief in Indonesia. The condition of freedom of religion which stay bad and not get better in Indonesia in 2013 caused by preserving determinant factor, especially real alignment of state to the logic, belief, interest and desire of majority group. This could be seen through the attitude of state administrator, either verbally or concrete action which served by government, for example are the state ministers.

On the existed determinant factors, that such condition is affected by the Head of the State and Government, in this case is President Susilo Bambang Yudhoyono, in giving guarantee to the whole people of Indonesia, including the minority religious/belief groups, to get protection and their constitutional rights on freedom of religion/belief. In the internal cabinet, the President failed to give direction to the whole

of his governmental elements to place Pancasila and 1945 Constitutions as the great guideline in running their governmental functions. The President also disabled to manage his staff in the Cabinet of Indonesia Bersatu Part II to appoint the noble idea of pluralism, and plurality in life of freedom of religion/belief in Indonesia which is nicely affirmed by Pancasila and 1945 Constitutions of Republic of Indonesia in the personal selves of the ministers and their policies. The ministers who have no state vision in various issues of religion/belief in Indonesia are allowed without any sanction, whereas that is truly violating their oath of office.

At the level of legal-political, the President and his ultimate authority, failed to ensure the Law Enforcer which existed in his authority to take adequate steps and to do applicable procedural law in action to against every perpetrator on freedom of religion/belief, moreover including for the real actions that easily snared by the Criminal Code, such as destruction, prosecution, assault and murder.

As in the previous years, the President more fond to perform rhetoric in order to promote tolerance and freedom of religion/belief in Indonesia. The SBY's speech about tolerance in this year are spreaded in many forums, both in domestic or international levels, or in formally or informally. But almost all of his speeches are without any real executions. Moreover against the victims of violation on freedom of religion/belief such as Syi'ah, Ahmadiyah, and Christian congregation. SBY never take significant and concrete policy which is in favor to their interests and rest on their existential identity recognition, moreover through his staff in government, SBY introduced policy and resolution that containing intolerance and discrimination, such as displacing refugee with "repentance" requirement.

However, the government of SBY succeed to create nuance or image about situation and condition on freedom of religion/belief in Indonesia are as if conducive and experience some significant improvement, and as if SBY cares to the guarantee and protection on freedom of religion/belief. "The success" of such image building of tolerance are rewarded by conferment and achievement by President SBY – among insistence of refusing and nullifying – on the achievement of "World Statesman Award" from the Appeal of Conscience Foundation located in New York, America.

2013 becomes the assertion year of some failed indicators of SBY's government on issue of freedom of religion/belief, such as: 1) in the perspective of freedom of religion/belief, the political year towards election failed to be utilized as the moment of government, politicians and state-political infrastructure to showing off that; politics of nationhood and statehood should refer to the state principle and constitutions which give normative and legal guidelines; the freedom of religion/belief is the constitutional rights of people, and; the main value in Pancasila and provision in constitutions is ideal which must be grounded in reality, not an eternal illusion and empty hopes. The political year not shows significant progress for condition on freedom of religion/belief. 2) the President SBY failed to his last time period in his leadership to finishing various conflicts in religious/belief dimension, to enforcing law in violation cases on freedom of religion/belief, and to promoting tolerance and non discrimination in national living which actually should began from his internal government then penetrated to his people.

That such failure strictly affirmed the objective situation of stagnation in promoting freedom of religion/belief in Indonesia for 8 last year. Since 2007 until 2013, there are about 299 violations in average in 221 of events per-year. That stagnation becomes real and more worrying, because until the end of his leadership period, the President and his government has no adequate contribution in promoting tolerance and protection on freedom of religion/belief, moreover such as the concluded tendency in observation of 8 last years, the President and his government seem to conserve violence ideology in law enforcement, to object to the violence and intolerance agents in the name of religion, to ignore law enforcement, to dodge the obligations and responsibilities on preventing, maintaining discriminatory political, lack of initiative to handle conflict and its impact, to delegate authority in promoting of tolerance and protection on freedom of religion/belief, and to show ceremonial and festival image as the camouflage on his failure to enforce the substance of people's constitutional rights. So, the stagnation of the SBY's government is plenary in fulfilling Human Rights, especially on freedom of religion/belief.⁸

Along eight years research and observations performed by SETARA Institute, freedom of religion and belief during the period of Susilo Bambang Yudhoyono not placed as a *benchmark* of fulfillment, tribute,

protection on Human Rights. What was seemed from his leadership is just negative-restrictive phenomena on this basic and constitutional rights of people, such as objection to intolerance mass. The *state of denial* have occurred, violation and disability to behave strictly againsts mass and intolerance group, political discrimination based on religion/belief, disability, lack of initiative to solve problems of freedom of religion/belief and religious conflict as well. Finally, the condition on freedom of religion/belief in Indonesia is in serious stagnation, and because of that reason so the government of Joko Widodo should buckle down to solve problems relating to the freedom of people and citizens to embrace religion/belief.

C. The Condition Map and Guarantee of Freedom of Religion/Belief in Observation Region

In this section, SETARA Institute will present the potraits of observation regions from various angle, that related directly or indirectly to condition and guarantee on freedom of religion/belief in each region. The referred observation region are based in provincial level.

Those regions will be mapped and classified by using the perspective of freedom of religion/belief into some relative zones. That referred zoning using some indicators which combined between quantitative and qualitative ways: 1) the number of events and violation on freedom of religion/belief in 8 years that recorded in research and observation about freedom of religion/belief of SETARA Institute, 2) the conviguration of violation actors and *potential offender* in violation of freedom of religion/belief, 3) the policies of concerned regions reating to guarantee on freedom of religion/belief in that region, and 4) the socio-cultural potency and tolerance groups that conducive for guarantee of freedom of religion/belief in those regions.

After analyzing violation matrixs along 8 years, the result of *Focus Group Discussion* (FGD), *in-depth interview*, *Imid-term* and *annual report* of local observers, so ETARA Institute mapping those regions into three zones, namely red zone, orange zone and yellow zone. The red zone means that freedom of religion in that region is in worrying deggree because of the high intensity and repetition of violation – the actor and potential offender number as well, restrictive policy and local regulation, and not too proper functioning of socio-cultural aspects and

lack of tolerance groups in building social and communal relation that pluralist-inclusive as great place of freedom of religion/belief.

The orange zone means the intensity of incident and violation on freedom of religion quantitatively, but with the violator and potential offender that existed in that region is quite organized, the local government policy in restricted area, and socio-cultural potency and still good-functioning tolerance group. The yellow zone means there are violation happens in low intensity (the actor are usually also not in high number and sporadic), the restrictive policy not prominent, and the aspect of socio-cultural of the society function properly.⁹

1. Red Zone

a. West Java: The Acute Intolerance

West Java is the province with highest number of vilations in 8 years research of SETARA Institute. The total events occurred in West Java are 494, with the highest number occurred 91 events in 2010, and lowest occurred in 25 events in 2014.

Genealogically, West Java has strong radicalism root. Various religious organizations grows up with embracing intolerance aspiration until now. Beside rooted radicalism, the society in West Java is generally not resistant against the violence in the name of religion. In 2010, the contest of the District Head election in some regencies triggers escalation of violation on freedom of religion/belief. As the thesis improved by SETARA Institute that the religious issue are the new political capital that quiet effective to be used to collect political support or to object political rival. Although not become one of winning factor, but the religious issue still become effective interesting magnet.

In West Java, there are organization that openly perform resistance actions head to head against the deviant sects, misdirection, Ahmadiyah and others. Some of them are:

- 1) The Anti-Ahmadiyah Society Movement (GERAM) chapter Garut, an alliance organization of some mass organizations, not just Islamic organization only, socio-political organization are also joining in GERAM. At least, there are

11 local organizations joining GERAM.

- 2) Communication Forum of Indonesian Muslim (Forkami), is local organization which based in Bogor. This group is actively rejecting the existence of GKI di Taman Yasmin Church in Bogor.
- 3) Harokah Sunniyyah For Islamic Society (HASMI), organization that working in education da'wah field. This organization has branches in whole of Java and Banten. Besides da'wah, HASMI actively take part in demonstration anti-immortality and misdirection. It was established in Bogor in 2005, HASMI claimed has 15.000 members.
- 4) Anti-Misdirection Movement and Anti-Cult Movement (Gapas), a movement that guidance Cirebon City from misdirection, cult, and immortality as well.
- 5) Islamic Reform Movement (Garis), established in Cianjur, West Java in 1998 by Haji Chep Hernawan, the son of rich businessman from Cianjur, Haji Dapet. Chep is known as person who has good relation with senior Islamic activist, such as Anwar haryono, Yayan Hendrayana and Abdul Qodir Jaelani, and other. He ever became the member of Islamic organization such as Indonesian Islamic Student and Islamic Youth Movement. H. Chep Hernawan also took a part of establishing of Crescent Star Party (PBB). Because of splits in party in 2001, he resigned. The member of GARIS often involved in some actions organized by GERAM. FPI, and the others.¹⁰

Comparatively, 2014 indeed as the year with lowest event quantity, but its events are still serious, such as declaration of Anti-Syiah after Legislative Election held. That such declaration of anti-Syiah not happens once only, but also in many times. Started from prohibition of Asyuro celebration, declaration plan making of anti-Syiah and the third is declaration of anti-Syiah itself. And now, there is a training of anti-Syiah as well. Those such trainings should be aware. It means that susceptibility increasing. Indeed, the conflict not happens yet, but its susceptibility already appears. So, at the first of declaration of anti-Syiah, this political issue will be longer because Jalaluddin Rakhmat, the Indonesian's Syiah

icon has been elected as member of House of Representatives. “The situation would be heat up even now it seems stable”. Arip Yogiawan, the Director of Legal Aid Institute chapter Bandung said.¹¹

Besides that, in 2014 also, the case of worship prohibition happened in Ciamis. In South Cianjur also the disturbance befall on congregation, such as the damaging on religious facility of congregation, exactly in Neglasari district, Ciparay. In generally, some similar cases happened. Whereas, the Ahmadiyah case slightly decreased. That causes by two possibilities, are; *first*, the existence of Ahmadiyah congregation may be already accepted. *Second*, the attacker people may be get bored with what they have done because even being disturbed, thrown, or burnt their facilities, they did not fight back.¹²

According to Dedi Ahmadi, one of Ahmadiyah figure in West Java, until today, the administration-intimidation againts Ahmadiyah congregation still happens, especially related to the problems of basic rights of the citizens. For example is in Kuningan District where the people are compounded while making identity card, Marriage Certificate, and Hajj registration. And there are also some people come the congregation to push them read Syahadat. They are also promised will be given money if they want to of congregation. There is also resident recognizing himself as congregation in just to get money. The congregation’s worship decreases because the mosques of Ahmadiyah are mostly sealed, moreover destroyed and locked.¹³

The root of violation problem, discrimination and intolerance against Ahmadiyah in West Java are truly more determined by legislation issued by the state. Because the state of denial on freedom for Ahmadiyah congregations with legal instruments, so the society groups that basicy are intolerance-fundamentalist found momentum to “help” the state.

The religious figures “only” followed the state’s will. According to Habib Ahmad bin Hasan al-Haddad, the initiator of Laskar Santri Kun Fayakun, former member of FPI, Ahmadiyah is actually clearly stipulated in the law that Indonesia do not achieve Ahmadiyah. In the view of this active figure of NU chapter Cianjur,

Ahmadiyah is assessed damaging the other Islamic generation. After joint decree of 3 Ministers, Ahmadiyah is prohibited to do activities, but they stay to do their activities, so it means that they violate the law. Because they have money, so Police just stay quiet. Whereas, the Ahmadiyah congregation was truly violating the joint decree. Society also saw that the law enforcer again became the source of the problem. If the law enforcer responds and respects the situation, they better to make society should be feeling safe, than let the social chaos happens then they are quickly handling it. And NU itself already states that Ahmadiyah is outside Islam.¹⁴

The religious conflict source in West Java is not because of different value, different thought, but there is problem relates to interest. For example in the Ahmadiyah case in Cikeusik. That such problem relates to the fight for political position for being Village Head. In Tenjowaringin Tasikmalaya also there is a case of refusal of marry service.

Besides it, interest meeting existing because there is a big narration involving Ahmadiyah that relating to the Joint Decree and Gubernatorial Regulation, then shared again to economical factors, social jealousy, and business competition. In Tenjowaringin, society who are not Ahmadiyah congregation that initiated by a group to build IMKASA (Association of Ahmadiyah Cult Victim Society) and it has support that spreaded everywhere.¹⁵

After Gubernatorial Regulation of Ahmadiyah prohibition, operation named Sajadah Operation appeared. That operation uses Local Budget (APBD), and in that operation also there is element from National and Political Unity Office (Kesbangpol) and Indonesian Military (TNI). If discussing about finance in big scheme, and small scheme, there is instrument to finance that operation and there is also interest meeting as well by using the name of religious sect such as Ahmadiyah. If we seeing again fatwa of MUI for several things, they are not followed by the people. But when it relates to deviant sect, it is used as an excuse persecution, it is causing furcation.¹⁶

Besides Ahmadiyah, the sophisticated problem on freedom of religion and belief in West Java is about house of worship establishment, especially the church. Such as in Cikampek. The

building is already finished and it has lisen. But the Regent is changed, and the new Regent is intolerance. "Well, this should not be happened, as long as I am here, that church should not be established!"¹⁷

The lack of house of worship for Catholic congregation in Cikampek in accordance to data of Ministry of Religion, is presumably caused by the lisen which hard to be issued. Such as what was said by Kiagus Zaenal Mubarak who ever brought the Catholic congregation to face Mr. Imron in Ministry of Religion. There is another congregation who came from Taman Kopo who replaced to Sulaeman. Turns, the permit is stagnated in Camat. The chaos also occurred in Camat and Ministry of Religion.¹⁸ The absence of church for Christian congregation, make them difficult to worship, especially relating to the membership system that embraced by them.¹⁹

Accumulatively, problem on freedom of religion and belief in West Java could be classified into some big problem: First, massive and continous discrimination against Ahmadiyah congregation. The assault while worship occurred on Ahmadiyah, sealing and mosque damaging, and mass rioting against them are the scenes which repeatedly happens year by year.

Second, the house of worship establishment for the Christian is an acute problem which even the civil society's ratio and tolerance religious figur are hard to explain how difficult to build a Church. The whole legal efforts that served by normal procedure of state judiciary have been reached, even the Supreme Court (MA) also issued inkracht verdict which won the Christian for the case of Church establishment of GKI Yasmin and HKBP Filadelfia, but they never realize their dream to have house of worship and to worship there as well.

Third, the intolerance group, in various organization and movement under the "robe turn" modus, is positively perform himself as the persecutor in diversity in Pasundan Land. In this case meant are the Central and Local government. They seems have no power against those such intolerance groups.

Fourth, the discriminative policies of Local Government, either in provincial level or regency/city level, have been main

determinant that triggered and opened a festival momentum for violation on freedom of religion/belief by intolerance. The Governor of West Java, as the sample, issued a Gubernatorial Regulation number 12/2011 about the Warning Prohibition of the Teaching, and Activity of Ahmadiyah congregation. As we know that the Gubernatorial Regulation have trigger the occurrence of various violence againts Ahmadiyah in some regency and city in West Java.

Fifth, the real tolerance group who are prefer to become silent majority and not doing meaningful effort to counter intolerance groups who openly dare to perform anarchy to disturbing religious life in West Java. The local socio-cultural potency of West Java also did not give role to minimize the discrimination, intolerance, and incidents on freedom of religion/belief in West Java. The big problem accumulation becomes main factor of triggering violation occurece that massively and continuously, so West Java suffering acute intolerance phenomena with having serious homeworks on critical freedom of religion and belief and never been finished until today.

b. Aceh: Constitutional Disintegration

The Province of Nangroe Aceh Darussalam (NAD) is one of the regions where having high number violations. In 6 years of SETARA Institute in that Rencong Land, about 64 events of violation on freedom of religion/belief happened there.²⁰ Compared to West Java, the violation quantity perhaps not sama as what was happened in West Java indeed, but from the actor side, policy and regulation, and socio-cultural aspects, Aceh has has quiet critical degree, and also the susceptibility as well.

As known, NAD is the only one province in Indonesia which formally applying Islamic Law. That Islamic Law application in Aceh is one of the Indonesian Government's effort to ingratiate Aceh people and to dampen the demand of them to separate from Indonesia which is done by Free Aceh Movement (GAM).

In 2005, the Indonesian government and GAM with mediated by an international institution, namely *Crisis Management Initiative* (CMI), from Finland, agreed to make peace and to end the armed conflict which has been going on years and leading long-suffering

of Aceh people. Since that mediation, the security situation in Aceh becomes more quite and conducive.

The establishment of peace and start moving of government and life of Aceh people have not give real guarantee and protection of freedom of religion/belief. In contrary, in line with Islamic Law application, some serious problems which should get serious attention from Aceh local government and Central Government, appeared.

Some of those serious problems that prominently happen in Aceh in recent years, such as the case of closing of church and non-mosque house of worship in large number. On May 2012, the government of Aceh Singkil District under the insistent of intolerance groups sealing about 20 house of worship. Those 20 sealed places of worship consist of 10 Churches of GKPPD, 4 Catholic Churches, 3 Indonesian Evangelical Mission Church (GMII), 1 Church of Indonesian Christian Huria (HKI), 1 Church of Indonesian Christian Congregation (JKI) and 1 house of worship Pambi. That sealing was performed under the reason of have no permit to establish a building or IMB. Although some of those house of worship have been existing since many years ago and they also ever tried to ask the permit, but it never been given by the local government.

The District Government argued that they have been referring to the agreement that agreed in 1979 and updated in last 2001 which saying that only one church might be established and four *undang-undang* (a small and non-permanent church) in Singkil.

On October 2012, the Local Government of Aceh ordering to close 9 churches and 5 monasteries there. That closing order was performed in accordance to Gubernatorial Regulation Number 25 Year 2007 about *tentang* Establishing Guidelines of House of Worship. In line that such regulation, the requirements of a house of worship establishment should get agreement from at least 120 surrounding people, should have 150 congregations, have approval from the village head/*kecik*, and have a recommendation from Ministry of Religion. These regulation are more heavy and tight than what was stipulated in Joint Decree of Two Ministers about House of Worship Establishment.

Besides difficulties to worship in house of worship that faced by minority, another problems appeared is about cult allegation. Those problems, sometimes are mixing with competition, jealousy and political economic motive. One of the prominent cases happened in Bireun Regency which is tinged by violence and casualties. The mass rioting happened in Tgk. Aiyub Bin Syakubat, 46 years old, located in Desa Jambo Dalam, Kecamatan Peulimbang, Bireun Regency on Sunday, March 20, 2011. Discrimination against another mystical beliefs occurs in NAD as well.

Outside the quantitative aspect of those violations, the Islamic Law is one of the critical point related to problem on freedom of religion/belief in Aceh. Some notations we could submit are; First, the institutionalization of morality controm which tends violate, aprticularly about the minority and woman's rights. Some reports which issued by United Nations, World Bank, ICG (*International Crisis Group*), HRW (*Human Rights Watch*), USAID, and others mentioned that the escalation of violation on basic rights has been occurring after Islamic Law application, especially woman's rights in Aceh.

Second, the application of Islamic Law is a part of political negotiation instrument in one side between local and central elits, but on the other side is a political control from central government to region, or what was said by Siapno (2011) as *politics of consent*.²¹ In the long research ethnology in Aceh, Siapno concluded that Islam in Aceh is not an extreme religion, but actually is in contrary, it is flexible and syncretic as well. Siapno's conclusion is in line with previous research of John Bowen (2003) in Gayo and some locations in Aceh that published in *Islam, Law and Equality in Indonesia: An Anthropology of Public Reasoning*. In Siapno's perception, the special autonomy in Aceh is one of conspiracies between Aceh's elite (including the former of GAM's leader) with central government. This what is called as *the politics of consent* by him; that is another form of domination on behalf of Aceh's people readiness on regional autonomy. Islamic Law os considered as one of Aceh representation, and it is translated by local and central elites to maintaining morality, especially woman. The accentuation of Islamic Law application in problem relating woman, according Siapno, is performed in the context of control to Aceh's woman

strength which is remarkable previously.²²

Third, the Qanun or regional regulation on Islamic Law base is a negotiation space and political service, either among the local elite or from the local elite to central elite or otherwise. Fourth, in perspective of legal institutional, the Islamic Law application, especially in the scope of conceptually problematic criminal. In the legal study doctrine, there is no two criminal act in one constitutions. On the other term is, legal pluralism is just in the court of justice only.²³

Fifth, if referring to ethnography and local socio-cultural, at least such as what was confirmed by Siapno and Bowen, the Qanun is actually just capitalized by Islamic minor groups. Moreover, the Qanun in discourse has giving textual and contextual justification for Islamic doctrine purification that becoming global issue, including such as what performed by the Islamic State of Iraq and Greater Syria (ISIS).

In culmination, by watching the construction of Indonesian Constitutional Democracy and seeing the hierarchy of legislation underlying, could be concluded that Islamic Law application in Nanggroe Aceh Darussalam is a deviation in Pancasila State national law construction which is not based on any particular religion theocracy. Although the Islamic Law application is part of central negotiation to prevent territorial disintegration, but in fact, the Islamic Law have triggering institutional disintegration where the law in regional level is given wide space to ignore and to against the state basic law.

c. East Java: The Government Subject To the Islamic Priest

East Java is a province with various socio-cultural existence, but on the religious side tends to be monolithic, with traditional Muslim majority that affiliated organizationally under Nahdlatul Ulama' (NU). Moreover, East Java is NU's followers base.

In socio-culturally, there are four regions of big and effected culture I East Java: First, Mataraman cultural region, covering Madiun City, Ngawi regency, and Kediri Regency. Second, Arek cultural region, consists of Surabaya, Sidoarjo Regency, and Malang City. Third, Madura Islands cultural region, covering Bangkalan

Regency and Sumenep Regency. Fourth, Pandalungan cultural region, consist of Pasuruan Regency, Probolinggo, Bondowoso, and Jember Regency.

From the historical story, the kingdoms period which exists in East Java then developed religious thought which embraces by each kingdom, until proclamation history of East Java as stand-alone province, East Java as governmental entity gives space for those religions to develop. But in its development, religious frictions are mostly occurring there. The SARA cases about violation against freedom of religion in East Java are also fairly large.

In the notation of research and monitoring of SETARA Institute in 8 years, there are about 194 violations, with action forms that is certainly bigger than that. The highest number occurred in 2012 with 42 events.

Cumulatively, some large events of violation on freedom of religion and belief in East Java could be taken as the samples. First, violation on freedom of religion/belief suffering Syiah Congregation in Sampang. Two tragedies in Sampang which happened in 2011 and 2012 are not standing as once-completed case. Some derivative cases after boarding school and residence attack of Syiah society in Sampang as well.

Prominently, serious violation on politics-civil and social-economics and cultural rights of Syiah congregation in Sampang occurred, besides their constitutional rights to be free in embracing religion/belief. Some those violations that can be identified in Sampang Case, such as: 1) Violation on right to life, right of embracing religion/belief, right to express the thought freely base on conscience, right on sense of security, right to property, right to be free from all forms of torture and treatment and punishment that cruel, inhumane, degrading the humanity dignity, right of education, right to socialize, right to self-determination, right to a decent livelihood in accordance with humanitarian standards, and so many other basic rights, 2) criminalization of violation victims on freedom of religion/belief on behalf the name of Tajuk Muluk, 3) neglect of of reconciliation that has been initiated by the Syiah people with Sunni in locations around Syiah residence in Sampang, 4) Sampang in refugee repatriation in Sidoarjo to their

ancestral homes and lands in Sampang not been achieved, but the longer they are in the flats will increase the complexity of resolving cases Sampang.

Comprehensive completion on Syiah case in Sampang is the main problem on freedom of religion/belief that should be solved. The problem is the intolerant actors in that case are relatively powerful. Those actors in combination are: 1) the intolerant priests in local level which until now are not moving from two main attitudes: to consider Syiah is misguided from the *aqidah* side and to campaign by propagandist about that Syiah's misguided, and to refuse the repatriation of Syiah to Sampang except Syiah want to doing repentence and get back to the right *aqidah* that what is preferred by the priests, that is Ahlussunnah wal Jama'ah. 2) Regional government which also takes part of intolerance and discrimination against Syiah Sampang and subjects to the willingness of intolerant priests, as what have said by General Secretary of ABI (Indonesian Ahlul Bait), Ahmad Hidayat to SETARA Institute:

I have three times at least met Sukarwo to discuss Sampang case. With us, he says something good. But, when we want for another meeting, and we ask for being facilitated to meet those intolerant priests, he never realize it. Moreover, he tends to accuse us as the provocator who as if conditioning refugee to not want get back to Sunni, to not repentence. Because, what are they always talking that we always following priest's order, it is so bad. I think, that is bad presedent for our constitutions. I always saying, in those 3 times meeting including with Minister of Religion in Surabaya, if it occurs, if the priest's order always followed by the state, so it would be a bad presedent. The simple question, is the religious life being guaranteed by the state freely? If yes, so the intolerant priest should be jailed. This should be taught, should be explained. Not make the refugee becomes standed. We tried make initiative to go back village, started to attend relative's invitation, to see family who sick, and to mourn the relative's who died.

While arrived there, we were arrested by the Police, and ordered to get back evacuation place.²⁴

Outside the sace of Syiah Sampang, another various violation also happened, such as misdirection on belief and discrimination to religious minority group outside Islam. Whereas, the prominent cases in 2014, such as: First, dissolution of ritual activities that running on midnight surrounding hermitage location of Abu Bakar Mahmud, the resident from Ngrogol Village, Kecamatan Ngrogol, Kediri Regency.

Second, the establishment of Santa Maria Church in Bedahan Village, Kecamatan Babat, Regency of Lamongan, East Java, is questioned while it was existing since 12 years ago by having formal permit procedure that have been completed by the Church's administrator since the beginning of its establishment. Third, stoppage of Church establishment in Palem Asri Residence, Lingkungan Mrapah, Kelurahan Sempusari, Kecamatan Kaliwates. Fourth, the raid of people on one house that suspected as deviant sect's activity place which performed by Saridin's family. Fifth, investigation by Police Resort of Kediri City, East Java on the case of religion blasphemy suspect by Head of Community Empowerment Board and Village Government (BPMD) of Kediri Regency to a priest in Desa Kaliboto, Kecamatan Tarokan. Sixth, apprehension by residents against Murikah who suspected as teacher of deviant sect.

The analysis of some factors that performed by SETARA Institute showing that East Java is one of critical region on freedom of religion/belief issue. Besides of the action accumulation factor which in high categorized, automatically with the actor and *potential offender* that quite organized, the intolerant and discriminative local government actor moreover as have discussed as previous paragraph, SETARA Institute also found problem in the form of restrictive policy against freedom of religion/belief. They are, misdirection policy of Syiah by Sampang Regency Government. That misdirection was based on fatwa of MUI Sampang and East Java which states that Syiah is misdirection absolutely.

Besides it, there is also Gubernatorial Regulation of East

Java No. 55 Year 2012 about Development of Religious Activities and Supervision Cult of East Java. That policy tends to stimulate intolerance and discrimination occurrence against religious and belief groups.

Besides it, the big cases such as Syiah Sampang also indicates that socio-cultural cohesion of tolerant groups not well-functioned. The defeat of Muslim majority in East Java is mainly opened (such as what characterized by NU in general all this time) and local government's submission to intolerant groups that actually minor, showing about tolerant group's social demarcation is not functioned well from intolerant Muslim minority. The silent majority is large in East Java, so the fatwas telling misdirection of Syiah are not presedent, either in East Java of Indonesia. They are stealthy trying to affect society and to blow up the case of Syiah Sampang I and II which are tragic. The majority group that silent and indifferent in East Java, so the fatwa of misdirection on Syi'ah mazhab which has no presedent, either in Indonesia or outside Indonesia, silently working to influence society and blooming the case of Syi'ah Sampang I and II which are so tragic.

d. DKI Jakarta: Open Space for Intolerant Group

DKI Jakarta is the most important urban area in this country because its status as the capital of the state. Jakarta has population about 8.839.247 in the night, and becomes more crowded in daytime because Jakarta filled by people who comes from surrounding the city, around 12 or more. Relating to it, Jakarta is a conobstacle center of all interests.

In relation to the issue if freedom of religion/belief, as the conobstacle center, Jakarta becomes one area of dakwah for various religious group, including the groups which embracing intolerant aspiration that continously threatening guarantee of freedom of religion/belief. DKI is being "green open space" for intolerant group in idea, attitude, and action.

That situation becomes one of triggers for the growth kinds of actions and event of violations on freedom of religion/belief in Jakarta. The research and monitoring that performed by SETARA

Institute since 2007 notes that 189 events have occurred. The highest violation occurred in 2008 with 45 events.

One of the problem aspects of freedom of religion/belief that becomes a “favourite area” in Jakarta is the issue of house of worship establishment. The problem of house of worship establishment in DKI Jakarta that still leaves a very acute problem. One of its causal factors surely relating to regulation that talks about it, namely the Joint Decree of Minister of Religion and Minister of Internal Affairs Number 9 Year 2006 and Number 8 Year 2006 about House of Worship Establishment. In one side that regulation suggested to arrange the matter of house of worship establishment, but on the other side this regulation causes difficulties of minority group to establish house of worship.

This difficulty often appears in approval rules on permit from surrounding people, where house of worship will be built. Besides that, with difficulty to collect signatures from majority’s people surrounding, the Local Government also strengthening its intolerant attitude to not pursuing the principals permit of that establishment of house of worship. Outside that such “administrative” problem, the intolerant groups tend to be more powerful to justify the establishment of House of Worship with kinds of accusation and provocation that the minority group’s house of worship establishment is assessed illegal and unlicensed, as the sample as in Jakarta.

Since the 5 last year recorded 20 problems related to Church and intolerant actions in Jakarta, such as intimidation, terror, destruction and prohibition of government official placement on behalf of religious identity. They are: house of worship establishment of Jemaat Gereja Pantekosta di Indonesia (GPDI) of Immanuel Sukapura, Cilincing, North Jakarta (main event is in 2007), Bethel Indonesia Church (GBI) Semper, Tanjung Priok (2008), Gereja GAPEMBRI in Tambora, West Jakarta (2009), Gereja St. Yohannes Maria Vianney Church, Cilangkap, East Jakarta (2010), and Katolik Paroki Santa Maria Church in Kalvari, Lubang Buaya, Pondok Gede, East Jakarta (2011).²⁵

In 2013, one of prominent problem is house of worship establishment of Katolik Paroki Damai Kristus Church, on Jalan

Duri Selatan V/29 RT 0015/05, Kecamatan Tambora, West Jakarta. Rejection of people group becomes public concern. The problem of this rejection of house of worship establishment that still occurs in Jakarta is one of serious irony because happens in the Center of Republic, where the plurality and diversity are the natural symbols, and *Bhinneka Tunggal Ika* is its principle.

Some of violation events on freedom of religion/belief which happened in Jakarta along this time are performed by Islam Defenders Front (FPI), Islamic People Forum (FUI), and some religious and tribal groups which alliances to FPI dan FUI.

DKI Jakarta as the city which has vision to be Multicultural City, since the research and monitoring of SETARA Institute in 2007, still stutter to take action, especially against radical groups' action with intolerant aspiration. And in the period of Basuki Tjahaja Purnama (Ahok) as the governor, strict action has been shown. As covered by mass media, Ahok sent letter to Ministry of Internal Affairs. The letter tells about recommendation of FPI dissolution because it continuously performs crimes and many actions which in contrary to the state law and public interests.

In 2014, the condition of freedom of religion/belief in Jakarta is generally constant as same as the previous. There is not significant progress. The issue is also same, mostly tells about house of worship. About the Church establishment and others, those are the impact of old events that have not been well-solved. In Bogor, Depok and so on. The quiet new event and got national attention is intolerant political model that developed by FPI to reject Ahok's leadership. But, unfortunately it happens in many places and develops, so there are some reports that says about many preachers in Friday praying to campaign of rejecting Ahoj by using religious sentiments. "Ahok is infidel and it is forbidden for us to defend the infidel person, so as Muslim we should fight to refuse Ahok as governor of DKI." These are what fairly coloring the situation of this last four months.²⁶

KontraS (The Commission for Missing Persons and Victims of Violence) assess if compared to the previous years, violation and intolerance in Jabodetabek are decreasing.²⁷ Freedom of religion is closely relatig to people's ability to express or to ensure what

is considered as religious beliefs. The government's role could be seen from how far the individual has free situation to express what is considered as a belief. In the case of DKI Jakarta, the condition is relatively fine, that is when someone could have belief without any disturbance from others. In casuistic, the case against minority appears rarely. Then, how the state facilitate worship or manifestation of worship of religious group in society. In this context, the role of FKUB DKI Jakarta is getting more leverage compared to the regions surrounding Jakarta. FKUB is established as a neutral medium to representate religious groups. But while the state disable to ensure FKUB to be a neutral organization and to fulfill its authority to facilitate all the religious groups, so the state's role become noting. Moreover, it could be called that the state performs violation actively.²⁸

But from the perspective of The National Commission on Violence Against Women (Komnas Perempuan), there are at least three regions in Jabodetabek where having get more better condition on freedom of religion/belief. Those three regions are Bekasi, Depok, and Bogor which became vulnerable regions of issue on freedom of religion/belief. The fundamental Islamic groups or hardline Islamic group, are quiet powerful in those such three regions that make the situation of the issue getting disturbed. The opening of democracy in Indonesia has two sides, they are positive and negative sides.²⁹

In the analysis of SETARA Institute, Jakarta is a province with high vulnerability and intolerance level inside of red zone. Some accumulating factors, are: *First*, the high number of violation on freedom of religion/belief in last 7 years. About 189 events in higher action level are surely the quantitative limit that high for violation on freedom of religion/belief if compared to another regions. *Second*, the groups of organization of intolerance ideas bearer that quietly consolidated. *Third*, the local government policy to demarcate movements against the law from intolerance groups are not fairly clear and systematic, except "the individual fight" of Ahok to battle FPI. *Fourth*, the society tends to ignore and fragmented by their own interests, contributed to increasing vulnerability of freedom of religion/belief condition in Jakarta.

e. West Nusa Tenggara: The Long-Drawn Omission

West Nusa Tenggara (NTB) is a part of Indonesian diversity reflection as well. The problem of diversity in NTB cannot be considered trivial, because the difference often become the most divisive issue potent. In anomalous situation such as conflict and other social vulnerability, the minority become the victims. The right of citizens from minority group often achieving discrimination in service. Besides that, the conflict oftenly appears. The conflict that happened in West Nusa Tenggara could be mapped in accordance to the reason of why it happens. In Bima, the conflict is oftenly in horizontal among society that caused by the opinion differences among the residents. The case in Lombok and Sumbawa almost similar, that is caused by SARA (matter pertaining to ethnic, religious, and racial relations) issues and dissatisfaction of government services.

Next, the characteristics of society in West Nusa Tenggara who easy to be affected without analyzing before, could be the main trigger of chaos. Besides it, the significant social status influences are also important, so potency of chaos and fighting occurrence. The SARA issue often played by political elites because of interest. Although, one of the impacts is oftenly triggering conflict. By observing the society in West Nusa Tenggara, especially Lombok which called as “a Land with Thousand Mosques”, the SARA issue is a very sensitive issue. And so do the society of West Nusa Tenggara as the *potential offender* in issue of freedom of religion/belief.

Quantitatively, since the research and monitoring on freedom of religion/belief in 2008,³⁰ the violation events that identified happened in West Nusa Tenggara are about 60 times. The biggest of violation on freedom of religion/belief in West Nusa Tenggara is the case suffering Ahmadiyah congregation.

Until today, the Ahmadiyah congregation who became the expelling victims in 2006 still afflicted in evacuation place in Gedung Transito, Mataram City. They do not have identity and sleep in thronged in a room with not adequate condition, just partitioned by sober curtains. The government of West Nusa Tenggara should be solving this problem wisely as soon as possible they can. The bad dream in the past still haunting the refugee or Ahmadiyah

residents. It would be bad memory in along seven years, while they expelled all together from their village in Ketapang, Desa Gegerung, West Lombok, West Nusa Tenggara (NTB).

Transito building at the first was being the temporary shelter for the transmigrants who will dispatched to destination area. That building then changed to be the shelter which created as if not for temporary for Ahmadiyah congregation, the victims of evictions from Ketapang. On this place, all of Ahmadiyah congregation with their children as well, live together with 31 families (KK). At this time, the total of that building occupants is 32 families, consist of 116 persons.

They are Ahmadiyah congregation who evicted from Ketapang in 2006 by surrounding people. At that time, hundred people suddenly attacked in daytime, asked the Ahmadiyah congregation to leave Ketapang because they embracing the misguided cult and insulting the Prophet Muhammad saw. But Ahmadiyah congregation refused to leave, then the mass got emotion and performed brutal action. They threw the houses of Ahmadiyah people using the stones shouting, "Attack...!! Burn it...!!"

The on guard policemen there, because hearing the threaten of attack to Ahmadiyah congregation before, cannot do manything. In order to avoid mass riot, the police redeploy Ahmadiyah congregation to a field. That anarchy people finally could be muted. But, some houses are damaged and burned. Some policemen and Ahmadiyah people are also injured. The Ahmadiyah congregation finally give up. They agreed to be redeployed to Transito by riding police's truck by bringing sober property which could be saved.

In the refugee's place, Ahmadiyah congregation start their a new life in sorrowful. They started from the beginning, with a bit of help from government and Ahmadiyah organization. Most of the refugees are compelling to work as *tukang ojek* (deliver services of people by motorcycle). Some of them are also working odd jobs.

Ahmadiyah cases in Ketapang on 2006 is not the only one assault against Ahmadiyah congregation in West Nusa Tenggara, but some events already happened there also. They are:³¹

1. In August 1996: The first assault against Ahmadiyah congregation happened in Lombok, that is in Desa Selebung Ketangga, East Lombok.
2. October 1998: The assault happened in Dusun Kuranji and Kampung Ekas, Desa Pemongkong, Kecamatan Keruak, East Lombok. A mosque, mushalla (small mosque) and some houses are damaged.
3. June 2001: The assault happened in Dusun Sambi Elen, Desa Loloan, Kecamatan Bayan, now that is included in Nourt Lombok. Some houses, mushalla, and mosque belongs to Ahmadiyah congregation are burnt.
4. September 2002: The assault befall on Ahmadiyah congregation of Pancor, East Lombok. Houses and mushalla are destroyed.
5. February 2006: The assault happened in Dusun Ketapang, Desa Gegerung, Kecamatan Lingsar, West Lombok. Ahmadiyah congregation who occupying that village are the same victims in the past who stay together there. Some houses are burnt, and part of it are severely damaged. Ahmadiyah congregation then evacuated to Transito Building, Mataram.
6. November 2010 : Some Ahmadiyah congregations, the occupants of Transito building get back to Ketapang on June 2010. Houses which are damaged, repaired. But, when they stay there just for some months, they re-attacked by the residents so they have to move again to Transito Building in Mataram until now.

Until today's, get in the eight year in evacuation place, they have no other choice. They are generally having no economic ability to move to another region. They also have no relatives who are having strong financial support to accommodate them. But luckily, they live in evacuation place located in the city center where the society are heterogen and busy, so they relatively have no time to disturb their beliefs.

Living in evacuation place for 8 years with sober facilities, Ahmadiyah congregation stay to running their worship. They performed praying together in a room which already transformed as mushalla. They stay to perform worship, even not strikingly. In evacuation place they do daily activities. The men are working outside, and the mothers spending their times to take care of their children. Conjugal life are running normally, it is proved by about 24 babbies are born since 2006 in that evacuation place until now.

In plain view, the destiny of those refugees are worrying. They are living in cubicle room thronged in that dirty evacuation area, do not know until when. In residence administrative, their destinies are worrying also. Most of them have no identity card (KTP). Children were born there have no birth certificate as well. Local government does not want to issue identity card for Transito's occupants. The reason is because they don't have recommendation letter. Whereas, to get recommendation letter is not easy because all of their documents are gone when riot happened in 2006.

Have no identity card also makes them have no opportunities to access social facilities such as health insurance for public. The Distribution of Temporary Direct Cash Assistance (BLSM), as the compensation of price increase of petroleum products (BBM) they not enjoy it also. But, uniquely, they are given suffrage (vote) towards either legislatif or regional head election.

The good news related to that identity card seen after National Committee of Human Right (Komnas HAM), Ombudsmand, and The Witness and Victim Protection Agency (LPSK), go to Mataram at the begin of last Ramadhan. It the meeting with Regional Secretary of West Nusa Tenggara, H. Muhammad Nur, they asked Provincial Government to solve that identity's problem. For Ahmadiyah refugee, especially in Transito, if it would be realized, so it means one of refugee's problem of Ahmadiyah is handled.

But the fundamental issue of freedom of religion/belief is still acute, as long as they are left as victims, the state's policy for them still restrictive, the intolerance actors are still rejecting them continuously, the local tolerance groups initiatives are not visible, and on the other side, the state and local government prefer to stand

on the intolerance groups and they are together discriminating that Ahmadiyah congregation.

f. South Sulawesi: The Strong Misdirection, Weak Government

South Sulawesi is a plural province in ethnic, language, culture, and religion. These plurality is a gift that should be thankful by the people in South Sulawesi. That plurality which could be proud, but could be a conflict potency as well. That matter can be happened when a religious/belief group forces their will to organize minority group.

The situation on freedom of religion and belief in 2014, not experiences significant changes. Even on January-June in 2014, in plain view, there is no anarchy that performed by intolerance groups such as FPI and the other radical Islamic groups, but the provocations are still happening through provocative speech from those groups againts the current group, such as Ahmadiyah congregation and Syiah.

The existence of Preparatory Committee of Islamic Law Enforcement (KPPSI) in South Sulawesi, at the V congress that held on March 2014 in Sudiang Hajj Hall. One of the important points is to force South Sulawesi as the special autonomy for Islamic Law Enforcement such as what is given by government of Republic of Indonesia to Aceh.

The situation monitoring on freedom of religion and belief in South Sulawesi province is one of controlling effort of civil society, especially civil people organizations against the government in giving security guarantee to all citizens to worship in accordance to their beliefs.

This monitoring was performed relating to the freedom of religion and belief during Januari-June 2014 is a monitoring through mass media information and/or from the people who listen and/or to watch the cases that relates to freedom of religion and belief.

The residents in South Sulawesi are majority Muslim, then Christian, Catholic, Hindus, Buddha and Konghucu. Islam becomes the majority of all regencies/cities, except Tana Toraja and North Toraja which Christian is as the majority. Besides those two regencies, the Christian adherents are mostly in Makassar city, Gowa Regency, Pinrang and Maros. The Catholic adherents are mostly in Makassar city, Tana Toraja and North Toraja Regency. The Hindus followe with high

population are in Sidenreng Rappang (Sidrap) Regency, and North Luwu. Whereas, the follower of Buddha and Konghucu are mostly in Makassar City.

In plain view, the tolerance among religious people in South Sulawesi to the sixth religion in Indonesia is relatively maintained. Such as what was said by Dr. Hj. Nurul Fuadi, MA., that situation on freedom of religion in South Sulawesi is relatively fine, although little frictions are still happening. There is no flaming even some cases occurred, but it just happened in Muslim internal, not among the religious people. The religious harmony is well-maintained because of the Religious Harmony Forum (FKUB) in South Sulawesi. All the top leaders in this organizations are from all religions, so there is no jealousy that causing friction. We directly held meeting and it is facilitated by Politics and Public Security Agency (Kesbang). Besides it, according to him, the law enforcer apparatus is very responsive, even just in casuistic. Ideally, the law enforcer apparatus with the religious figures arrange a common agenda in South Sulawesi.³²

In last three years, that is 2011-2014, there are some cases relating to intolerance that occurred in South Sulawesi region and it spends public attention. Those cases are:

First, the assault on Ahmadiyah. On January 28, 2011, one of Islamic radical group, Islam Defender Front (FPI) by using religious symbol have performed dissolution against annual activity of Ahmadiyah, that is annual recitation or oftenly called as *Jalzah Salanah* which followed by around 150 peoples (including women and children) members of Ahmadiyah congregation from whole South Sulawesi in Ahmadiyah secretariat office, at Jalan Anoa No. 112 Makassar. That activity were also followed by interreligious figures and academicians, such as Prof. Qasim Mathar and Mr. Yongris from Walubi who also being the official of FKUB in South Sulawesi. Even though the Ahmadiyah have asking permit through the letter pointed to police department about that activity, but police department not gave protection to them. On January 29, 2011, FPI came again to Ahmadiyah secretariat and asked for dissolution. Moreover, on January 29, 2011, according to the order of South Sulawesi Police Chief, the policemen who existing surrounding location were not blocking the action of FPI, but they precisely

performed force evacuation Ahmadiyah and brought them to the Makassar Regency Police's office.

Second, the combustion of two churches facility in East Luwu regency. In the begin of June, 2011, the burning action of two facilities occured, they are Masehi Injili Indonesia Church (GMII) and Katholik Santo Paulus Church at Desa Purwosari Kecamatan East Tomoni, East Luwu regency. At the Church of Masehi Injili Indonesia, one rostrum (podium) found and some of chairs are burnt inside the church, and three units of *microphone* complete with its pole are gone. Whilst, in Khatolik Santo Paulus Chuch, the church's curtains were already burnt also, one bronze Christian cross was reported gone. The residents also found a bible and one of religious guidance book which scattered surrounding resident's house.³³

Third, prohibition to the activity of worship in Bulukumba regency. Bulukumba is famous with the Islamic law nunces local regulations in South Sulawesi. On June 2011, some Islamic mass organization on behalf the name Islamic People's Forum of in Bulukumba that initiated by FPI to perform prohibition on worship to Catholic congregation in Bulukumba. The reason of that prohibition is the place that used by the Catholic congregation belongs to local government of Bulukumba, that is Gedung Juang 45, so the buildig is considered as public property and not belongs to certain religion. Besides that, FPI also considered that the Catholic uses local government's property without any permit. The statement to leave the building stated by Ahmad Kadir who serving as the Head of FPI Bulukumba. *"If until tomorrow morning, before Friday praying, the government has not open and empty that building, so we will empty it and throw all the thing inside, out"*³⁴.

Fourth, misdirection on Tandu Amanah cult by the Chairman of MUI of East Luwu. The mystical belief of Tandu Amanah that exists in Desa Tarengge, Kecamatan Wotu, East Luwu regency, is considered by MUI East Luwu deviates from Islam. That mystical belief/ritual in the form of river stone collection then considered as the tomb of Trustee or King by the Leader of Tandu Amanah cult, Mustakim. As the completion of that ritual, the structure of Amanah Waliyullah family (organizational structure) is enclosed, the cult declaration, and the holy book of that cult, and prayer

beads as well. The Head of MUI East Luwu, Abd. Azis Rasmal stated that the Tandu Amanah cult is misleading and distorted from Islam and need to be dissolved. The people in East Luwu also not recognize it so they asked to dissolve it.³⁵

Fifth, the raid to resident's house at Jalan Jambu, Bone Regency. A house locates on Jl Jambu, Kelurahan Jepee, Kecamatan Tanete Riattang, Bone Regency was raided by residents and police members on Sunday (25/9/2011). Residents suspected that the house locating nearby the Kelurahan office of Jepee occupied by misguided congregations. Surrounding people of the suspected house of misguided cult claimed to fret with their existence. Moreover, the residents also threatens will shoo the house's occupants if they get back to occupy that semi-permanent house in the center of Watampone.³⁶

Sixth, the raid on house in Desa Patirobajo, Bone Regency. A house in Desa Patirobajo, Kec. Sibulue, Bone Regency was being raided, on Monday (1/11/2011). The people suspected this house oftenly used as misguided cult to perform their worships that for sure are deviating from the general taught. This house belongs to MH, the resident of Pattirobajo which raided by village instrument with escorted by local policemen.

Seventh, the issue of terrorism. At the beginning of January 2013, South Sulawesi was shocked by news of suspected terrorist apprehension by Special Detachment 88 (Densus 88) of National Police Headquarter in Enrekang Regency. The Special Detachment arrested three persons of Enrekang's residents who are suspected as the terrorists. Those three terrorists arrested on the road axis Enrekang-Toraja, exactly at kampong Kalimbua, Kelurahan Kalosi, Kecamatan Alla, Enrekang Regency. They who were arrested are Sukardi (35), Mustahardi (42), and Fatli (27). On the apprehension action, those three men heading to Taqwa Kalimbua Mosque to do evening prayer. There was no resistance while the apprehension done. After arrested, the Special Detachment 88 of National Police Headquarter brought them to Makassar and flied them heading to Jakarta.³⁷ Besides that, On January 4, 2013, the Special Detachment 88 have shooted two persons suspected terrorists at Nur Alfiah Mosque of Wahidin Hospital, on Jalan Perintis Kemerdekaan, Makassar. Those suspected terrorists are Hasan Hasan aka Kholik

and Syamsuddin aka Asmar aka Buswah. Both are dead by the shot of Special Detachment 88 of National Police Headquarter while standing in front of the door of that mosque.³⁸ Then on October 2013, the Special Detachment of National Police Headquarter again arrested on three suspected terrorists, one of them is dead namely Suhardi (50) and the two are arrested alive namely Iswan and Jodi. That apprehension was performed in Desa Alinge, Kec. Ulaweng, Bone Regency³⁹.

Eighth, the molotov bom terror in church. Makassar as a center of provincial government of South Sulawesi, which the society is plural, on February 2013 shocked by some bom terrors in some churches inside the city. Those events happened on Sunday, February 10, 2013 at Tiatira Mallengkeri church, locates on jalan Muhajirin Raya Kel. Mangngasa. It was happened about at 03.00 wita. Then the similar actions also happenen at 04.15 wita at Toraja Mamasa jemaat Jordan Church that locates on jalan Dirgantara, Panaikang Makassar. That location exactly beside the police residence and The Indonesian Air Force (TNI-AU) complex.

The terror then happened again on Thursday, February 14, 2013. There are three churches that became target of the molotov bom throwing by unrecognized persom. Those three churches are:

1. Toraja Church, locates on Jalan Gatot Subroto No. 26, Kec. Tallo. The throwing of bom molotov to that church happened at 03.00 wita. The bom molotov was thrown into the main entrance of the church. The bom contains liquid fuel was finally exploding and burnt that fron entrance and tables there. That incident just known at about 07.00 wita, while the church's guard clean the yard.
2. Toraja Klasis Church locates on Jalan Petterani, Kec. Panakkukang. It happened at 03.30 wita. The bom molotov was thrown into the wall of the church and the fire ever burning the wall. But the fire succeed to be extinguished by surrounding people by using sober instruments.
3. Gereja Kristen Indonesia (GKI) of South Sulawesi where locates on jalan Samiun 17, Kec. Ujungpandang also became the target of the molotov bom throwing. The time of the inciden happening was at 04.00 wita.

Ninth, the prohibition of Friendship Festival in Makassar. The festival which will be held on August 21-24, 2013 by Youngren Injil at Makassar Karebosi Field by presenting Dr. Peter Youngren was cancelled. This program is a friendship program and also free treatment charity for public. The city government of Makassar that giving the permit at the first time with the reason of that program considered as a social-culture event, but while having attention and insistent from Islamic hardline group to dissolve that event, it was finally cancelled. The government took back that issued permit. MUI Makassar together with Islamic groups in Makassar made a statement asking the authority instruments, especially the Mayor of Makassar and the Chief of Police Resort of Makassar to not give permit of that program.

That Makassar friendship festival got rejection from Islamic hardline groups in Makassar city, such as MUI, HTI, LPPI, FUI, and Wahdah Islamiah, because that program considered as an action which invites religious syncretism that could damage people's belief and also potentially trigger conflict among religious people in Makassar. The Chairman of MUI Makassar, Dr. KH. Mustamin Arsyad, MA, also joining to prohibit that program because he considered it could damage Islam's respectfulness. He said that the tolerance has limit, and whoever want to damage Islam's respectfulness, so there is no space for them.

Tenth, the assault against Syiah congregation (Indonesia Ahlul Bait/ABI) Makassar.⁴⁰ Program of praising God and Praying of Asyura month by Indonesian Ahlul Bait (ABI) Makassar, South Sulawesi cooperated with Indonesia-Islamic Study Institution (Lembaga Studi Islam Ke-Indonesiaan) of Maros Regency, on Thursday, November 14, 2013 that located in SMK Darussalam's Auditorium Building, on Jalan Perintis Kemerdekaan KM 19 Makassar. That program, which started at 14.00 until 16.00 wita was running well without any disturbance for another certain groups. But after that program finished and the participants left location, suddenly came groups of people riding four-wheels transports with around 100 peoples. That entourage got in directly to the complex of SMK Darussalam with some weapons, such as machetes, beams, dagger, and bow/arrows. The coming mass were wearing clothing robe, turban, trousers above the ankles, and carry

the flag reads “*La ilaha illallah*” and screaming Allahu Akbar at once, and saying misguided, infidel. The entourage people were also beating the participant of program by using bamboo, wood, iron pieces and bow. One of the attackers recognized as Abdurrahman aka Dammang.

Eleventh, monitoring on the Cult of Tarekat Khalwatiyah Syekh Yusuf in Sinjai Regency. The existence of Tarekat Khalwatiyah Syekh Yusuf that comes from Gowa Regency in Desa Kaloling, Kec. Sinjai Timur, Sinjai, got special attention from Sinjai Local Government, through the National and Political Unity Offices (Kesbangpol) of Sinjai. The Chairman of Kesbangpol Sinjai, Tanhar said that have doing monitoring on that cult. According to him, it’s about four families followed that cult in Desa Kaloling, Kec. East Sinjai. But the prominent activity has not appearing that involving the residents, either in their house or mosque, so the local government have not took the action yet for it. “We have done monitoring in the field, but there’s no suspicious activity that they performed in Sinjai. They only went to Thursday Night gradually to Gowa to worship together there.” Kesbangpol asked the Ministry of Religion of Sinjai and Indonesian Ulema Council to conduct fostering to them.⁴¹

Twelfth, about the suspicious cult in Makassar. One of the residents name Yayat, live in kampong Kokolajia exactly in the area of Rajawali market, Kec. Mariso, Makassar city was safeguarded by Makassar Regency Police on May 15, 2014. The safeguard on Yayat performed by police apparatus following some of FPI’s members came to Haryanto because Haryanto’s son, namely Yayat was accused embracing deviant sect. Dozens of FPI’s members coming by riding motrcycles made people surrounding Rajawali market surprised. Yayat was suspected to percept that the holy Quran that revealed to Prophet Muhammad saw, just one surah (chapter), namely al-Fatihah. Whilst, the others are made by the Sheikh and some another taughts. Even though already safeguarded to Makassar Regency Police, the police did not arrest him because of inadequate proofs.⁴²

In general, SETARA Institute recorded 102 violations happened in South Sulawesi since 2007. Susceptibility of freedom of religion/belief in South Sulawesi is relatively high. Beside

because of high violation intensity, responsible and obliged to give guarantee on freedom to worship their religion and belief such as what is mandated by 1945 Consitutions, factually often become trigger of discriminative and intolerance actions among religious people in South Sulawesi.

The indecision of government and law enforcer apparatus to the intolerance group among religious people, make the intolerance group such as FPI becomes more dares to perform intolerance action to the certain religion/belief congregation. Such as what was happened to the Indonesian Ahmadiyah Congregation chapter South Sulawesi, the government unable to give protection for the people to worship their religion and belief, moreover what was happened in some regions, the local government was precisely issued decision letter of JAI prohibition.

In Jeneponto Regency, the Local Government of Jeneponto issued the Decree of JAI's activity prohibition in Jeneponto Regency. So did in Takalar Regency, the local government issued policy of prohibiting worship activity on Monastery located in Takalar Regency. Besides it, some regencies and cities in South Sulawesi agressively issuing local regulation related to holy Quran study for the students and civil servant candidates (CPNS). That matter could deaden civil rights of citizens to get education and job, just because of cannot read and write of holy Quran.

g. West Sumatera: Strengthening Belief Radicalization

West Sumatera is one of the region with high violation intensity. SETARA Institute noted in 8 recent years, there are 91 events on freedom of religion/belif in West Sumatera.

Besides the violation intensity factor, the strengthening of radicalism in West Sumatera is also one factor that triggers West Sumatera to become a region which has high susceptibility in the field of freedom of religion/belief.

Before the religious radicalism developing that recently happened in Indonesia, West Sumatera was noted as a region which ever experiencing religious radicalism fermently that called as *Perang Paderi*. Jeffrey Handler in the book titled *Sengketa*

Tiada Putus Matriakat, Reformisme Islam dan Kolonialisme di Minangkabau said Perang Paderi occurred because of contravention among “white-skinned people” who wants purity on religious life and “red-skinned people” who defends the old form that finally gave opportunity for the Netherlands to do intervention (1821-1837).

Furthermore, *Jeffrey Handler* explained about Perang Paderi as a holy war of Neo-Wahabis contains violence. The Paderi’s leaders attacked matriarchal institutions. They set fire to *gadang* houses (traditional house of Padangnese), kill the traditional leaders, and kill the matriachal tribes. Religious people referred to Handler demands the strict obedience to what is they interpret as way of life that in line to the Holy Quran. The Paderi’s kampong was identified as Islamic village, the man should wears white robe and turban, and they let the beard to grow, the woman should wears *burqa* that covering head fully, except their eyes.

Perang Paderi not ended with the victory of religious people, but it ended by the agreement which is known as *Marapalam Agreement*. It was born preceded by “the fall” of Wahabi cult in Mekkah. And the religious people no more forcing Wahabi ideology in Minangkabau. By the existence of those events, so the Paderi’s figures tried to find the “solution” to make Minangkabau not fall into the clutches of colonial. That “middle way” tried to bridge the culture and religious.

By the end of Perang Paderi, so the Marapalam Agreement finally strengthened by the religious and cultural leaders in Minangkabau, then this agreement spreaded by those parties. The concrete manifestation of this agreement was stipulated in cultural philosophy which well-known as cultural principles:

Adat Basandi Syarak, Syarak Basandi Kitabullah
Syarak Mangato, Adat Mamakai
Adat buruak dibuang, Adat baik dipakai Syarak jo adaik
itu bak au jo tabiang, sanda manyanda kaduonyo
Syarak mandaki adaik manurun

Meaning:

The culture lies on religion, and religion lies on God's holy book.

Islam gives fatwa, culture run it

Culture and religion are supporting each other

Religion came from *Rantau*, culture from Darek

After Perang Paderi end, the religious groups stays to fight for right-considered valued (*taken for granted*) by entering social structure and combining culture and Islam. This condition also could be seen clearly in leadership concept of *Tungku Tigo Sajarangan*, which consists of Alim-Ulama (Religious Leader), Cerdik-Pandai (the intellectuals), and Penghulu (Cultural Figure) that in Minangkabau tradition known as 3 (three) leadership fields. These are the most important units in taking care the values of culture, religion, and knowledge.

In the context of freedom of religion/belief in West Sumatera, there are quiet enpugh cases that have no solutions. Some prominent cases are disciriinations relating to Christianization issues. The issue of Christianization started to flare since 2006. The first case began from Riki (College student of FMIPA UNAND, from North Tapanuli and Catholic). He has a Muslim girlfriend. While the girl opened Riki's handphone which Maria sculpture picture, then suddenly the girl behave as if trance, so the Christianization issue spreaded. This same issue also happened while Lippo Group will build a Super blok (Mall, School and Hospital) in Padang city. This Christianization issue seems as the most effective to be used to outface the existence of different-belief people in West Sumatera.

In 2007, the clergyman Franco Qualiza snitched the case of prohibition on the multi-purposes room establishmeny in the complex of Kristus Bangkit Church at Pasar Usang to National Commission of Human Rights (Komnas HAM) of West Sumatera because there is prohibition on that room's establishment, whereas the permit (IMB) to establish that building was issued. Because of that prohibition, local government never do any effort to solve the problem. And, until now the process of establishing that place cannot be done and it is still neglected.

In November 2012, thousands people on behalf the Communication Forum of Islamic Organization (FKOI) of Pasaman Barat Regency demonstrated in front of the Regent office. They gave ultimatum to the Regent of Pasaman Barat, Baharuddin R to bring order and to prohibit the process of church expansion in Pasaman Barat. Achmad Namlis, the Chairman of FKOI of Pasaman Barat mentioned that the demonstration they performed is to anticipate the proselytization which damage the joints Islam in Pasaman Barat.

Baharuddin R welcome peace action performed by FKOI and said will follow up it in 7 days ahead by asking the regency secretary to make warning for all organization and related institution to stop the establishment process that considered infringe the procedure. Baharuddin R also stated that he wish there is no apostasy movement that could threatening young generation in Pasaman Barat.

Besides to give ultimatum the Regent, FKOI also perform demonstration to the church is considered problematic, namely Stasi Mahakarya Church and Pentakosta Sion Indonesia Church (GPSI). When demonstration performed in the Church, FKOI threatens to destroy the church which under process, but it could not be performed because the church guarded by 200 personnels of police department and Indonesian Millitary.

Base on the description from the Church Establishment Committee (PPG), they have collect 90 signatures and copy of identity cards and got endorsement from 60 surrounding people. But the taken steo of PPG was stopped because the recommendation letter from FKUB of Pasaman Barat Regency not obtained with irrational reason. The absence of FKUB's recommendation result in the insuance of Building Permit (IMB) cannot be performed. To solve the problem, PPG finally just build expansion only for the terrace on the left and right sides of the church. It is in order to protect the rain while worship performed. The terrace expansion building and process of adding the roof are matters which disputed by FKOI. After FKOI demonstration, Baharuddin R, Pasaman Barat Regent, who interviewed by Syofyardi, the reporter of The Jakarta Post, mentioned that he guarantee the safetu of all religious cult to embrace and to worship in accordance to their beliefs, and

he also stated that, “Even one stone will not be thrown to another religious group in Pasaman Barat. I promise that!”. But the fact is, the building process is still being neglected and the permit of that building process have not been issued until this time.

On November 2013, the photos of a clergyman names Yunuardi, from Agam Regency who gave speech in Gereja Kristen Nazarene Rantau, Jakarta by wearing Pakaian Niniak Mamak Minangkabau (traditional clothes of Padangnese). That photo's circulation finally made some Islamic organization which called themselves as ‘cross organization’, consists of the High Council of Indigenous Natural Density of Minangkabau (MTKAAM), Paga Nagari Sumbar, Islamic Rule Enforcer Committee (KPSI), Forum Libas, and Indonesia Mujahiddin Council (MMI) harshly criticized, because considered have harassing the symbols of Minangkabau. Irfianda Abidin the Chairman of MTKAAM mentioned about the action of Clergyman Yunuardi have harassing Minangkabau's culture that embracing philosophy Adat Basandi Syarak, Syarak Basandi Kitabullah. Besides that, he also mentioned some behaviours, they are: *first*, the Minangkaau people who already apostate will not be recognized as Minangkabau people. They cannot wearing any symbols of Minangkabau. *Second*, the concerned Clergyman was demanded to fork out all of the clothes/ attributes to the office of MTKAAM or Paga Nagari at the latest one week from now. If it is not fulfilled, so the the organization of cross-organization act more forcefully; the *third*, asking the government and society of Minangkabau to be more care and proactive to prevent Christianization by not responsible people. The interface among the institutions which named themselves as cross organization with the diversity's issue is indeed gone on long enough time, started from demonstrations against Al-Qiyadah Al-Islamiyah, the rejection of Ahmadiyah, rejection against secularism and rejection on establishment process of Siloam Hospital (Lippo Grup) and spreading Christianizations issues as well.

2014 was still becoming the dark period of freedom of religion/belief in West Sumatera, especially after legislative election 2014. In one round election there are some cases which let be neglected. In the period of April to May 2014, at least three (3) events happened. First, the combustion on Christian Church of

GPIN in Desa Sumber Agung Kinali, Pasaman Barat by unknown people. The sills of Church's door were burnt, but not destroying the whole of church. Second, is the combustion of Santa Maria Diangkat ke Surga Stasi Kinali Church, Paroki Keluarga Kudus of Pasaman Barat. The part which burnt was a place for taking congregation's offering and altar, besides that, the lamps on the table of altar were also broken. Because of that incident, the church officials submitted report to Pasaman Barat Regency Police Office and up to this time, the perpetrator of that combustion have not been arrested yet. Third, the terror and threaten of combustion on Gereja Stasi Ophir Paroki Keluarga Kudus Pasaman Barat. The Church was visited by unknown people by riding cars. The Church's officials saw some people got off the car bringing some jerrycans. And while asked, those people directly got in the car and left the church.

On May 31, 2014, Mahyeldi had just elected as Padang Regent. In his speech of opening celebration of Khatam Qur'an in Qur'an Education Center (TPQ) at Al-Azhar Mosque, mentioned that all of the Elementary Students who are able to master verses in Quran for two juz at least, so they would be free to choose the Junior High School they want. And so do for the Junior High School who are able to master Quran for at least 3 (three) juz, so they would be free to choose Senior High School they want and without any obstacle as well. The statement of Mahyeldi gave signal tells discriminative action against another certain religion congregation, who should be fighting to choose the school they want.

Besides the occurred violations intensity, the local government policies in West Sumatera are also restrictive to freedom of religion/belief. Some regional regulation consisting some provision that discriminative based on religious sentiment and only favor of majority religion congregations, in this context is Islam. In notation of SETARA Institute, there are at least 27 provisions which the contents are in favor to the Syariah sentiment, they are:

1. The Regency of Tanah Datar, the Appeal Letter of Regent of Tanah Datar No.451.4/556/Kesra-2001 About the Appeal/ To wear Muslim Cloth/Muslimah for the Department Head of Education and Labor.

2. The City of Solok, Regional Regulation of Solok City No. 6 Year 2002 About the Obligation of Muslimah Wearing.
3. Padang City, Regional Regulation of Padang City No 3 Year 2003 about the obligation to read Quran in Padang.
4. Regency of Sawahlunto, Regional Regulation of Sawahlunto Regency No. 1/2003 about Pandai Baca Tulis Al-Qur'an (ability to read Quran)
5. Regency of Sawahlunto, Regional Regulation of Sawahlunto Regency/Sijunjung Number 2 Year 2003 about Muslim and Muslimah cloth wearing.
6. Regency of Pasaman, Regional Regulation of Pasaman No. 22 Year 2003 about Wearing Muslim and Muslimah for the student, college students and employees.
7. Regency of Pesisir Selatan, Regional Regulation of Pesisir Selatan Regency No. 4 /2005 about Muslim and Muslimah clothes.
8. Regency of Agam, Regional Regulation of Agam Regency Number 6 Year 2005 About Muslim Clothes Wearing.
9. Regency of Agam, Regional Regulation of Agam Regency, No. 5/2005 about Pandai baca Tulis Al-Qur'an (ability to read Quran),
10. Padang the Regent's Instruction of Padang Regency, on March 7, 2005 about Muslimah clothes wearing.
11. And others.

Besides it, the government of West Sumatera also have issued Gubernatorial Regulation of West Sumatera Number: 17 Year 2011 about Prohibition on the activity of Jemaat Ahmadiyah Islamiyah (JAI) in West Sumatera. This Gubernatorial Regulation assessed not comes from West Sumatera society's need factors, but only to follow the trend of Regonal Heads in some Provinces and Regency/City in Indonesia that issued regulation of Ahmadiyah prohibition. After the assault tragedy against Ahmadiyah in Cikeusik, Pandeglang, Banten, on February 6, 2012.

The Governor's step to issue Gubernatorial Regulation of prohibiting Ahmadiyah also supported by intervention/insistment of some organizations such as Indonesian Ulema Council (MUI) of West Sumatera and all of Islamic groups in West Sumatera, Bunda Kanduang, and Institute for Indigenous Natural Density Minangkabau (LKAAM), whereas the Ahmadiyah congregation in West Sumatera is estimated up to 1.500 peoples that spreaded in five regencies and cities. As said to follow the trend of regional heads, because when this regulation published, there was almost no reaction among society about the existence of Jemaat Ahmadiyah Indonesia in West Sumatera. The insistment to give birth the Gubernatorial Regulation about Prohibition on Ahmadiyah congregation comes from certain groups in West Sumatera.

The issuing of this regulation proven that the Governor does not exactly know about his authority, because religion matter especially relating to a certain's religion destiny is the authority of Central Government which cannot delegated to Local Government. So, the Governor of West Sumatera has no obligation to take part in organizing a certain religion, including to prohibit Ahmadiyah's activity in any form. This reffers to Article 10 verse (3) letter f Law No. 32 Year 2004 about Local Government as have been changed several times, and the last change through the Law No. 12 Tahun 2008. The Article 28 letter a Law No. 32 Year 2004 states, "*Governor as the Regional Head is forbidden to make particular decision to benefit himself, his family, cronies, and certain groups, or political group which in contrary to legislation, detrimental to the public interests and unsettling a group of people, or to discriminate citizens and/or group of another society*".

h. North Sumatera: The Aversion of Local Government To Solve The Case of House of Worship

The religion diversity in North Sumatera is almost perfect. Majority religion there is Islam, especially embraced by the tribes of Malay, Pesisir, Minangkabau, Java, Aceh, Batak Mandailing, Tapanuli Selatan (Angkola) the part of Batak Karo, Batak Tapanuli Utara, Simalungun, Nias and Pakpak. Then followed by the Christian and Catholic, especially embraced by the tribes of Batak

Karo, Toba, Taput, Simalungun, Pakpak, Mandailing, and Nias, whereas Hindu is especially embraced by Tamil tribe in the urban city. Buddhist is embraced by the clans who live in urban city as well. The last, Konghucu is embraced by the clan also who lives in urban city.

Besides those six formal religions which recognized by the State, there are Parmalim cult that is embraced by part of Bataknese that centralized in Huta Tinggi. The animism also still exist in North Sumatera, especially embraced by Bataknese, that is Si Pelebegu Parhabonaron and similar belief. Thereby, the North Sumatera area has quiet prominent dynamic and unique as well related to freedom of religion and belief, and surely complicated which relating the religious nuance.

SETARA Institute recorded, the intensity of violation on freedom of religion/belief in North Sumatera is quantitatively high. Since 2008⁴³ about 77 violations happened there with the culmination period on 2011, there are about 24 events.

Since 2013, violation on freedom of religion or belief seems experienced trend changing, where the mosque eviction became prominent. In general, although compared to the previous year, it was decreased. But the intolerance action in region where generally occupied by the certain congregation, such as Binjai and Tapanuli Utara. The prominent thing from those violation events on freedom of religion/belief that documented by SETARA Institute until this time is about there is no significant effort from the government to solve those rising problems in some regions. Even the solving effort had been done, but that was just mostly as the result of majority religion group emphasis, whilst the minority religion did not get serious attention. These events could be seen from the people action who opposes the existence of house of worship and also rejection of renovation, and also removal of house of worship. But the government tends to be silent, and if they take an action, it tends to subject the demand of majority group.

Some cases of violation on freedom of religion/belief in North Sumatera, are lately: First, the demolition, destruction, and prohibition of house of worship establishment in Medan city. Between 2011 to 2013, some problems relating to house of

worship of Muslim, Christian, and Buddhist, happened. In three years, some Mosque were evicted or destroyed by some developer that suspected gets support from surrounding apparatus. But it suddenly got rejection form Muslim congregation who became that action. That event befalls three mosques in Medan City, they are: *first*, the Mosque of al-Ikhlas. That mosque destruction which locates on Jalan Timur Medan, suspected performed by Hubdam I/ Bukit Barisan together with housing development company that bought the land from Kodam I Bukit Barisan. But, this mosque was finally decided through some discussion and negotiation from those both parties to be rebuilt.

After that, *the second* is the unilateral demolition against Raudhatul-Islam Mosque and Madrasah al-Kairiyah were also performed by PT Jati Masindo located on Jalan Putri Hijau Medan, exactly behind the Emeral Garden Hotel. *Third*, forced demolition and destruction against At-Thoyyibah Mosque that existing in Multatuli Indah Residence before, where until this time the mosque's officials through BKM Masjid are still waiting deciding process of cassation on the lawsuits of BKM Masjid At-Toyyibah in Supreme Court.

Besides the matter of demolition and destruction against the mosques above, until this time there is no solution of assault incidents by a group of thugs against the congregation. And the action of demolition Nurul Hidayah Mosque that locates in MMTC Residence, Medan Perjuangan, Jalan Dr. Williem Iskandar or absolutely locates on Jalan Pancing simpang Unimed Medan, have no legal process and follow up. Until this time, the building position is still maintained by the people and congregation of Nurul Hidayah Mosque.

According to the Chairman of FUI Chapter North Sumatera, Ustad Timsar Jubir⁴⁴, revealed that the number of Mosque destructed in Medan became increasing. There are three (3) Mosques and Musholla (small Mosque) will be destroyed by housing developer company, they are: Ar Rahman Mosque on Jalan Pelita II Brigjend Katamso Medan, Nurul Hidayah Mosque located in MMTC Medan Perjuangan Residence on Jalan Dr. Williem Iskandar or Jalan pancing simpang Unimed Medan, and the Mosque that located on Jalan Lampu.

In previous, the demolition of some Mosques already happened in Medan, such as; Al Hidayah Mosque in PJKA Residence, Gg. Buntut, Masjid Jenderal Sudirman in Komplek Kavaleri Padang Bulan, and Ar Ridha Mosque in Komplek Kodam Polonia Residence. Previously, there is also demolition threat against the Musholla of Al-Musa'adah that located on Jalan Cemara, Gang Jambu, Lingkungan 1, Kelurahan Pulo Brayan Darat, Kecamatan Medan Timur.

Besided the problem related to Mosque demolition, on Friday, November 15, 2013 the clash also happened between policemen of Medan City and the congregation of At-Taqwa Polonia Mosque. Hundreds people of Muslim Congregation Alliance's members (Aliansi Umat Muslim) who oppose the park land of Hermes Kingdom Hotel next to the Taqwa Mosque, on Jalan Mesjid, Kelurahan Babura, Medan Polonia, have clashed with the police. The police also threw them and the hotel as well. Based on the field monitoring report, that incident began while the mass just asking the Temporary Care Taker (Plt) of Medan Regent, Dzulmi Eldin to come and see the parking land that considered breaking the rule and covering the wall of the Mosque. The mass also asked the Public Order Agency (Satpol PP) to destruct the parking place that establishing exactly next the Mosque. But, Eldin did not come and then the mass started to be anarchy. They pelted Hermes Kingdom Hotel and parking place with stones. And it made the hotel's window broken.

Besides the problem of Mosque in Medan, the monitoring network of SETARA Institute also documenting some other problems related to the house of worship of Christian and Hindus, such as; rejection of people on house of worship establishment which consists of three (3) units of churches refusal, they are: Pentakosta Church in Martubung, Air Putih Martubung Church, and prohibition by Medan Local Government and surrounding people on Kristus Rahmani Indonesia Church using in Medan. Besides that, there is also refusal from Sukaramai residents on establishment of Hindu's house of Worship, Gunung Mas Monastery that located in Asia Mega Mas Complex in Sukaramai Medan Denai.

Second, is the rejection of house of worship establishment in

Deli Serdang. Besides the mentioned event that happened in Medan city, the similar problem is also suffered by Christian congregation in Deli Serdang regency. There is a rejection of a Muslim's group against the Bethel Indonesia Church (GBI) Rok that locates in Kecamatan Galang Kabupaten Deli Serdang. Until this time, there is no completion and guarantee from local government for the congregation to get permit, to rebuild the church which have burnt some years ago.⁴⁵

Third, is rejection on Al-Munawar Mosque in Tapanuli Utara Regency⁴⁶. On March 4, 2013, hundreds people of Pahae Jae residents demonstrated related to the evacuation and establishment of Al-Munawar Mosque at once in Kecamatan Pahe Jae, Tapanuli Utara Regency, the Province of North Sumatera. The rejection of establishing Al-Munawar Mosque that located in Kec. Pahae Jae, Tapanuli Utara Regency performed by local residents, have occurred since 2010, even though the idea of establishing this mosque have been done by its congregation since 1998.

Fourth, is the rejection of HKBP Church of Binjai Baru establishment in Binjai city. That rejection action on the establishment of HKBP Church of Binjai Baru that located in Jl. Wahidin, Kelurahan Jati Makmur, Kecamatan. Binjai Utara, North Sumatera, is actually ongoing since 2008, when in the previous, the establishment of this building have been begun in 2007. But in 2008, some local residents were not agree with that plan. This problem had peaked in 2008 and in 2010, and almost creating mass chaos where the attack occurred on Christian congregation who tried to stay on their plan to establish that building. Finally, that church's establishment process is stagnant and cannot be continued by the officials of HKBP Church of Binjai Baru, up to this time.

On December 1, 2013, the attack incident and eviction happened again befall on the congregation of HKBP Church of Binjai Baru. There is intolerance action performed by a group of tandem people and some people who were joined in FPI of Binjai City. They did forced dissolution on worship activity of congregation of Binjai Baru HKBP Church.

Fifth, the people's cults are monitored.⁴⁷ In some regions in North Sumatera provinces that is spread in some Regencies and

Cities, there are some cults that monitored by the Municipal Administration's Office of Nation Unity, Politics and Community Protection (Kesbangpol Linmas) of North Sumatera. That monitoring was performed because of the reason that some cults got misguided accusation from society, MUI of Medan City, and MUI Chapter North Sumatera, and FUI of North Sumatera.

Those cults are: *First*, Ahmadiyah which spread in the city and regency of Medan, Langkat, Deli Serdang, Tanah Karo, Tanjung Balai, Simalungun, Labuhan Batu, Tapanuli Selatan and Serdang Bedagai; *Second*, the cult of Blankon and Fardu Ain in regency of Langkat; *Third*, the cult named Soul Training that located in Deli Serdang Regency; *Fourth*, the cult of Satariyah which existed in Medan; *Fifth*, the cult of pesantren Tareqat Baburidho that located in Medan; *Sixth*, the cult named Tariqat Samawiyah. This cult is considered misguided by MUI of North Sumatera because of its leader, Dr Ahmad Arifin. He is suspected have performed sexual abuse to his dozens students. This cult is also existed in Medan.⁴⁸

The susceptibility in North Sumatera in the issue of freedom of religion/belief is high. Besides the notation about quantitative intensity of violation, the observer of SETARA Institute also recorder about the attitude phenomena and the action of government apparatus that restrictive and athe tolerant groups as well which absence and disfunction in establishing civil initiatives in order to create religious harmony. In some cases of house of worship, according to SETARA Institute, local government unwilling to support minority. That is triggering case by case of the restriction on house of worship occurs.

2. The Orange Zone

a. DI Yogyakarta: The Tolerance Susceptibility

Yogyakarta is education city, and tourism and city of culture at once. Historically, Yogyakarta was once the capital city of Indonesia. Thereby, it can be said that Yogyakarta is one of important part of history of Indonesia. Yogyakarta today's, is a special place with cultural diversity. As one of the main center place of education in Indonesia, Yogyakarta becomes a destination of human mobility

with various primordial backgrounds. Yogyakarta is the miniatur of Indonesia of its plural-multicultural characters.

The situation of freedom of religion/belief in Yogyakarta which relatively conducive relating to the diversity management that cannot be released from Yogyakarta. The role of Sultan Hamengku Buwono IX or Sultan HB X, as the power axis of culture is haing central character in that such diversity management. Moreover, it is functioned as the political power after the enactment of Law about Privileges DIY.

The demeanour of Sultan HB X that gets appreciation from many elements relating to freedom of religion/belief, including SETARA Institute, such as about the advocacy and protection guarantee that given to Ahmadiyah. The King not interested to joining intolerance after Joint Decree of Three Ministers about Prohibition of Ahmadiyah Sect in Indonesia.

Besided that, Sultan also gave advocacy and protection guarantee to Syiah congregation in DI Yogyakarta. When in DI Yogyakarta the intolerance ripple occured that performed by intolerance groups who call them selves Islamic People's Forum (FUI) and Indonesia Mujahidin Council (MMI), Sultan HB X states to guarantee the safety of Yayasan Rausyan Fikr, a learning center affiliated to Syiah madzhab that becomes the target of those intolerance groups. Some media report that the Sultan have instructed to Police Chief to catch the actor or mass organization who threatened will attack Rausyan Fikr. Sultan also strictly stated that the violation is not true thing.

That is one of the eminence of DI Yogyakarta. In the name of peace, can designing conducive policies for tolerance living practice. For KH. Muchsin, the General Secretary of Indonesian Ulema Council (MUI) chapter Yogyakarta, Yogyakarta have using the tagline "city of tolerance" (Kota Toleran) for long time to maintain the tolerance that portrays the people of Yogyakarta.⁴⁹ Similar perspective also pointed by Syamsul Maarif from CRCS UGM who ensure that cultural strength inherent with Yogyakarta's people is the main capital of tolerance in Yogyakarta.⁵⁰ To this acedemician, some events of violation on behalf of religion in Yogyakarta in 2014 was noy bad sign for tolerance situation in

this city. Maarif prefers to read those occurred events as a series of infectious violent practice that bringing political chances in political season. That's why, it is not to be worried.

Measuring the tolerance in Yogyakarta, surely different to measuring the tolerance in another city. As the sample is West Java. The permissiveness demand of people there, supporting the violent of freedom of religion/belief becomes a routine exhibition that considered as a usual thing. Moreover, the alignment of West Java Governor to some certain groups, as if it makes intolerance growing well. While in Yogyakarta, because the power of culture, the small events become very serious and seemed to spread worries in the society⁵¹. For the Police Chief of Yogyakarta, the incidents happened in Yogyakarta are social dynamics form which can still be tolerated.⁵²

Different to general perspective, the society of Anti-Violence Yogyakarta (Makaryo) states that Yogyakarta is experiencing tolerance emergency, because of dozens case, even not all the cases are on behalf of religion, occurs in Yogyakarta. And the state elements as well, either in provincial level, regency, city and police doing not enough action to handle it. This situation is underlying the emergence of tolerance emergency claim. For Benny, violent in Yogyakarta goes beyond the tolerance tradition that had been embedded in Yogyakarta.⁵³ Benny's claim with his 33 other civil organizations was denied by Ratu Hemas (the Queen). For this Vice Chairman of Regional Representatives Council of Republic of Indonesia, Yogyakarta is not experiencing tolerance emergency, but Yogyakarta becomes the target to be made intolerance. Hemas who active in many tolerance programs and pluralism sure that Yogyakarta is a hope for people to be stay safe.⁵⁴

Makaryo claims without any reason actually. Many violations such as discussion dissolution, religious activity dissolution, and prohibition to establish house of worship are the indicators that built to find that such tolerance emergency premise. Benny also understand about the Yogyakarta cultural matter, so those event series make him furious, due to the strength of its culture, Yogyakarta should be reactive and responsive against the strengthening of intolerance symptoms. What was described by Hemas as the target of being intolerance, it should be the adequate

sign that all the people and state elements should not be complacent to any kinds of effort to damage Yogyakarta of making this city becomes intolerance one.

If being more investigated, Yogyakarta's people not feels what was told by Makaryo as the tolerance emergency indeed. But, according to Benny, that happened because of intolerance and violent are going to permissive situation. This situation of course cannot be neglected by the society, moreover in the situation where the role of state is absence.

In many events, such as the attack of discussion activity at LKIS 2012, in UGM 2012, dissolution of Rosario in 2014, the attack on church at Melati in 2014, including on December 2014 at the last one which is the dissolution of the film screening "Senyap" indeed reflected that the state was absence. The police is accustomed not function to face intolerance groups in Yogyakarta, including againts them who perform desmolition.

And so do the demeanour of the Governor of Yogyakarta, His Excellencies (Ngarso Ndalem) Sri Sultan Hamengkubuwono X who imagined not strict to face various intolerance action, have made some people's element become angry. But precisely by doing this way, Sultan prevented successfully those incidents are not spreaded and become bigger to be the social disaster. To Syamsul Maarif, the leading way of Yogyakarta Kingdom is unique. Syamsul said the King has performed good way in order to handle violent in Yogya. Syamsul is very sure that the King has eyes and ears, so those all handling are actually the part of King's command. The presence of the Queen Hemas in every event of tolerance, means the adequate state representatives. And that is a design of the Kingdom. So, it is not true if we are saying that the King not works. As commonly of other governor, if it gets in legal area, so all of the problems are being the authority of police, attorney and the court.

For MUI chapter Yogyakarta, the agreement build in Yogyakarta among the religious groups, which prioritizing the peace and harmony, are the achievement made by Governor of Yogyakarta which become the ligature of religious leaders in performing action. "So, that was in 1983. Essentially we want to create ethical code of religious group intercommunication...

FKUB of Regency/City requested to trully muffle volatility which signed by all of the. No need to bring that problem to provincial level, or moreover to the central government.”⁵⁵ MUI strictly stated that the Law of Privilege Yogya, is a main guidance to maintain Yogyakarta.⁵⁶

Which is being worried could trigger intolerance “explosion”, precisely is the imunity of Yogyakarta’s society againts the intolerance, which red by Makaryo as permissiveness on intolerance. The very Yogyakarta’s society tolerance is possible silently instrumented by groups to become not tolerance like what was mentioned by GKR Hemas through consolidating the intolerance groups.

From many study, Yogyakarta becomes one of the provinces that has too many religious organization, which some of them are considered intolerant and aggressive to perform violent.⁵⁷ They are Islam Jihad Front (FJI), Islamic Defender Front (FPI), Ahli Sunnah wal Jama’ah Paramilitary Troops (Laskar Ahli Sunnah wal Jama’ah) that finally dissolve themselves and metamorphosed to be tne new organization. Whereas, the organizations which has movement to preachings and politics are HTI, JAT, and so on, even though these organizations has no strong support from people in Yogyakarta.

The two previous organizations are often performing violents, and they are also not separated from political-economics contess. There are FPI that led by Bambang Tedi and FJI that led by Duha. Those two ex friends who are then in contrary, at this time are not effective to organize the organization. Duha can holding a program, but it deserted and not too much attended by people. At most only 100 persons who attending the program held by FJI. The condition is totally too different with 3-5 years ago when FJI had so strong influence. And so do FPI, moreover when the leader have to face legal process because of one criminal action he performed. For MUI chapter Yogyakarta, these groups are outside the control of MUI, that just small groups and they have no strong influence in Yogyakarta.

However, the fact is, some violations, especially relating to freedom of religion/belief, have occured several times. In according to the record of SETARA Institute, about 29 violation events of

freedom of religion/belief have occurred in 8 years of the research and monitoring on freedom of religion/belief performed.

Those facts are not too “changing” Yogya. The mainstream still says that Yogyakarta is tolerance.⁵⁸ Although it is not impossible if such tolerance are being targeted by certain religious groups to build intolerance. Moreover if the cultural basic of the tolerance are eroded and destroyed silently from the grassroot through educational process. It is being a public secret, that the *halaqah* movement that carrying intolerance idea and thought are existing in Yogyakarta. They infiltrated massively to the campus and Islamic Spirituality program (Rohis) in schools in Yogyakarta.⁵⁹ Beside spreading the intolerance perspective, this group’s consolidation also invites public suspicion. Get aware on the dangerous of religious indoctrination, started in 2014, UGM abolished the advocacy policy for new students that become curricular supplement of religious education in previous.

b. Central Java: Tolerance vs Intolerance in Feudalism Arena

Central Java is an area in “center” of Java island with the feudalism history. The history feudalism is the main cultural buffer in society. Here is then the religious belief mixing with political power of feudal rulers. From VI century where Kalingga became the first patterned Hindu Kingdom in that area which called as Central Java. Then the Old Mataram which led and controlled by two dynasties, they are Syailendra Dynasty (Buddhist) which subdues in southern of Central Java – where on this dynasty, the Borobudur temple was established – and Sanjaya Dynasty (Hindus) which subdue in northern of Central Java.

After the spreading of Islam in Java island in XIV century, the Kingdom of Demak established. It was buffered by Islamic figures in Java who are famous as Walisongo (nine trustees). But, even though Islam has spread and Javanese who were becoming Islamic followers more and more, but it was not necessarily eliminates their trust and people’s tradition which is based on their ancestors, Hindus and Buddha. Traditions to put the offerings on the shrine, celebration of 3 days, 7 days, 40 days, 100 days and 1000 days for the dead people which collaborated with

Islamic preaching through the activities named *Tahlil* and grave pilgrimage. Moreover, Sunan Kalijogo –one of Walisongo use the terminology of Mahabharata and Ramayana to spreading Islam in Central Java which then raising the character of *Punakawan* who led by Semar with *Jamus Kalimosodo* spell which means Shahada (Syahadat). These traditions are still converted by almost all of people in Central Java until this time.

The history recording, the Islam spread in Central Java is not without conflict. The conflict precisely occurred between the Islam spreader fellow in Central Java, they are Walisongo and Syech Siti Jenar or famous known as Syech Lemah Abang. Walisongo were supported by Sultan Fatah, the ruler of Demak (or vice versa). This conflict is triggered by the controversial taught of Siti Jenar. As the matter of fact, until this time, the doctrine of *Manunggaling Kawulo Gusti* (the merging of servant and God) or *wihdatul wujuud*.

There are some version from the taught of Syech Siti Jenar that known and understood by people, but generally it could be explained as follows: Syech Siti Jenar recognized that “*I am God, God is me*”. “*See, God is inside myself, and I am inside of God*”. The recognition of Siti Jenar does not meant to claim himself as the God, Allah the all mighty who is eternal, but his awareness stay strong to claim himself as the creature who created by the God. Syech Siti Jenar feels that he merged with the “soul” of God. Indeed, there is similarity between the soul of human being and the “soul” of God or the Substance. The both are merged in human’s self. The unity of God’s soul and human’s soul is limited to the Unity of Human with the God. The unity is nature of the substance, the soul merges with the God’s nature of substance in the same energy wave and frequency. This is the principle of *kemanunggalan* in the taught of *manunggaling kawula Gusti* atau *jumbuhing kawula Gusti*. Merging the two become one, or *dwi tunggal*. It is likened as *wiji wonten salebeting wit (seed is inside the tree)*.⁶⁰

The taught of Syech Siti Jenar could be called to embrace Islam tarikat a’maliyah cult. By him, this taught was being spread and being taught openly to the public, so it makes him oppsed by Walisongo and the Demak Kingdom government as well.

For Walisongo, if this taught deployment is performed

openly and blatantly in front of the public, and then it achieved by someone who just converts to Islam, surely it could causing wrong perception and it also could make someone recognize himself as the God, such as what said by the concept of *Manunggaling Kawulo Gusti*.

For Demak Kingdom government, Syech Siti Jenar was hunted because in his taught not to distinguish the teacher (Kyai) and student (santri), aristocratic person (bangsawan) and ordinary people, moreover to prohibit the people to appreciate the King which is normally taught in Javanese feudal custom,⁶¹ whereas in the concept of Javanese people, the King is the incarnation of God or usually called to have *Wahyu Keprabon*, so in the social structure, the King (and also his family) his called as *Gusti* and the people outside Kingdom, they are called as *Kawulo*.

Because of that taught, in according to the story that believed by people in Central Java, Syech Siti Jenar was finally prosecuted and executed by Walisongo.

Even the majority of people in Centra Java are Muslim, but most of them are also embracing *Kejawen*. *Kejawen* means the teaching contains the moral and spiritual values which trusted by people of Java before another religions come and subdue the Java. *Kejawen* which containing moral and noble character rule, including human ordinances in performing highest adoration to the Sole God. But, after 15th century, when Majapahit empire collapsed by the attack of Demak Kingdom which then considered teaching as a mastermind of pure of idolatry, apostasy, immorality, and paganism.⁶²

In its way, the *Kejawen* teaching stay continued and developed by empires after Demak. They are Pajang, Mataram, and moreover after Mataram was divided into four empires; Mangkunegaraan, Kasunanan, Paku Alaman and Kasultanan Ngayogyakarta Hadiningrat. This could be seen from a book written by Mangkunegoro IV titled *Wedhatama*; a harmonious and regular system from the lowest to the highest, namely *catur sembah*; *sembah raga*, *sembah cipta*, *sembah jiwa*, *sembah rasa*. *Catur sembah* is in line with *nafsul mutmainah* (an Islamic teaching) that is used to reach *ma'rifatullah*, *nggayuh jumbuhing kawula Gusti*.

If someone could run *catur sembah* regularly until the highest adoration, so he/she will get great gift to be the *linuwih* human. It is thanks to the generosity of a loving God, no matter what his/her religion. It also could be seen in this book that Javanese through its feudal rulers, tried to harmonize the Islamic teaching and *Kejawen*.

Because these feudal rulers are staying to embrace *Kejawen* firmly, so it is also followed by people there. But ironically, then it is used as hegemony tool, which one of them is about the myth of *Nyi Roro Kidul* or Ratu Laut Selatan.

The harmony perception of Javanese – especially people in Central Java against the values and Islamic teaching with *Kejawen*, appearing conflict that still occurs until this time. At least, there are some conflict cases that involving Islamic groups which considering that the activities such as *tahlilan* (praising God) and grave pilgrimage are *bid'ah* (not taught by the Prophet) and it leads to sin with the society who considering that those activities are not in contrary to Islamic teaching and moreover it is in line to the Islamic teaching.

There was some cases that capturing people attention which happened in 2012. First is the event happened in Kudus, on January 28, 2012, where the mass consist of member of Indonesian Muslim Student Movement (PMII), Student Association of Nahdlatul Ulama and Woman Student Association of Nahdlatul Ulama (IPNU-IPPNU), Anshor Young Movement, Multipurpose Ranks of NU (Banser), and Fatayat NU demonstrated to demand the recitation activity dissolution that held by Majelis Tafsir Al-Qur'an (MTA) chapter Kudus in Ngasirah Kudus Building.

This action was triggered by the issue states that the lectors in worship activities held by MTA, blaspheme the Kyai (Chaplain), and they also states that the sinners who perform *Tahlil* are bigger than performing zina (adultery). Besides to demand the dissolution of MTA's activities, mass also revoke the flags attribute of MTA organization.

Recitation activity for public that held by MTA, then stopped and about 3000 members of that program should leave Ngasirah building with police escort.⁶³

The more firm conflict happened in Blora. Clash between

followers of MTA and residents on July 14, 2012. That chaos happened because of hundred people tried to stop and to dissolve recitation activity that held by MTA in Desa Kamolan, Kecamatan Blora, Blora Regency. Besides to destroy six cars and some motorcycles, people also tear down the stage which planned to be used as recitation podium. There's no victim in that chaos, but two member of MTA Task Forces (Satgas) have orofacial injured, and they were immediately taken to the Polyclinic of Polres Blora to get treatment.

People who came since July 13 night, refused the recitation that held by MTA because they consider MTA not justify *tahlil* and grave pilgrimage, whereas those activities are embedded in people's lives.⁶⁴

From some those events, we could see that basically and generally, the people of Central Java who are Muslim, they not leave the whole of social and spiritual values which existing before the Islam coming to Java. Terminology of *Islam/Agama Abangan* reflects them. From the observation result in the period of May 1953-September 1954 in Mojokuto area, Central Java, Clifford Geertz classified the Islamic followers of Central Java into 3 types: First, the *abangan*. The religious tradition of the *abangan* that mainly containing the ritual celebration named *Slametan*, one vast and complicated complex of belief about the spirits, and packet of theory and treatment practice, the occult and supranatural knowledges. In general, the people level who embrace this kind of classification are farm workers;

Second, is Santri (Islamic Boarding School Student). This variant is manifested in careful and regular performance of Islamic basic value teaching traditions. Simply, what is distinguishing the variant of Santri and *the abangan* and also priyayi religion as well, is the obedience of performing praying worship.

Third, is *priyayi*: this variant is described by one group of bureaucracy officials base on where they live in, the city's residents. They have honorary degree which is being the part of kingdom's bureaucracy.⁶⁵

From some cases happening in Central Java, the conflicts on freedom of religion and belief almost all of them are triggered by

policy or discriminative statements of public officials or intolerant groups provocation, except 2 cases above which happened in Kudus and Blora, where society groups attacks the activities held by MTA because being provoked by lector's speech that insulting and attacking religious activities of people which different to MTA.

In 2014, some events and violations on freedom of religion/belief happened repeatedly in Central Java, such as: First, the proobstacle of congregation of Jantiko Mantab Dzikrul Ghofilin, Grobogan recitation on the *condoning* that performed by Camat Grobogan, Amir Syarifuddin. Camat Grobogan accuse the cult embraced by Santri and congregation of Jantiko Mantab Dzikrul Ghofilin recitation or which usually called as Joglo Mantab is misguided and troubling the people.

Second, the discrimination againts the cult of Budha-Budhi Jawi, Kudus. The government of Kudus Regency will monitor the cult of Budha Budhi Jawi that accused already deviate from Islamic teaching. This cult is considered often to combine the Islamic teaching and Buddha, is being researched by the Municipal Administration's Office of Nation Unity, Politics and Community Protection of Kudus Regency.⁶⁶ The Head of Municipal Administration's Office of Nation Unity, Politics and Community Protection, Djati Solechah on May 11, 2014 stated that he will coordinate with the Team of Monitoring Mystical Beliefs (Pakem) formed by the State Attorney of Kudus.

This Budha Budhi Jawi cult develops in residents' area where locates in Muria Mountain, some are in Desa Rahtawu Kecamatan Gebog, Kudus Regency. In accordance to Syuhada Sholihin, a resident of Desa Tulis, Kecamatan Gebog, Kudus, the Budha Budhi Jawi cult is spiritual/inner science in Islamic nuances and the figure of this cult is resident of Desa Daren, Kecamatan Mayong, Jepara Regency. The Head of MUI of Kudus, KH.Syafiq Nashan recognized tat he does not know about this cult and he stated that he will do research to getting know about what and how about this Budha Budhi Jawi cult.⁶⁷ In this case, the actor who involve in is Regency Government of Kudus through the Head of Municipal Administration's Office of Nation Unity, Politics and Community Protection (Kesbangpol Linmas) and State Attorney of Kudus which forming the Monitoring Mystical Beliefs Team (Tim Pakem)

to monitoring this Budha Budhi Jawi cult because of misguided accusation.

Third, the hatred deployment against Syi'ah congregation in Pati. On Tuesday, May 27, 2014, the Indonesian Islamiyah Dakwah Council (Dewan Dakwah Islamiyah Indonesia) and Yaumi Foundation organize a seminar titled "Membongkar Kesesatan Syiah" in Yaa Ummi Fatimah Mosque, Pati, Central Java.

One of the speaker in this seminar is also lector (da'i) of Dewan Dakwah and the Chief Editor of An-Najah magazine, namely Ustadz Mas'ud Izzul Mujahid, Lc. He stated that Syi'ah is perfect digression. He also said to the participants that Syi'ah in order to pave the goal to master Muslim is by amputating the first *sanad* of Islamic science chain as one of their ways. The first *sanad* of Islamic science is the Prophet's Companions. The way of them to amputate it, is by being dub the companion of Prophet *Shallallahu 'Alaihi Wasallam* as infidels, so all the knowledge taught by those Prophet's companions are automatically invalid because they are already infidels. They, the Prophet's companions are also not capable to narrate the Prophet's Statement (hadist) because they are already considered as infidels by Syi'ah.

Next, Ustadz Mas'ud Izzul Mujahid, Lc. Remind congregation to wary this Syi'ah cult, because it has economic and political power, and military support as well. So, the Muslim should prepare all their efforts to protect themselves from this Syi'ah cult. This seminar is one of Management Inauguration programs of Indonesian Islamiyah Dakwah Council (Dewan Dakwah Islamiyah Indonesia) Chapter Pati.⁶⁸

In this case, who involves in are Indonesian Islamiyah Dakwah Council (Dewan Dakwah Islamiyah Indonesia) and Yaumi Foundation that have organize the seminar titled "Membongkar Kesesatan Syiah" which already spread the hatred against Syi'ah congregation. The State Actor of this event is Government of Pati Regency and Police Department which gave permit of holding that seminar and let the people spread the hatred against another society group.

Fourth, discrimination against the people who embrace Sapto Dharmo cult, in Brebes. The congregation of the Sapto Dharmo

cult in Brebes Regency, Central Java, are forbidden to be buried in public cemetery of Desa Sigentong, Kecamatan Wanasari, Brebes Regency, Central Java until this time. That case began in 2012 when the congregation of Sapto Dharmo cult are forced by the officials of Kecamatan Wanasari, Kapolsek Wanasari, and Religious Affairs Office (KUA) of Wanasari to pay the due of buying the land for special cemetery of Sapto Dharmo congregation because the Public Cemeteries (TPU) in Desa Sigentong have been occupied by Muslim's corpse, and so that the congregation of Sapto Dharmo who passed away, cannot be buried there.

On May 29, 2014, Wurjan, a resident who embraces the cult of Sapto Dharmo in Desa Sigentong, stated that when he marry of his daughter, he was questioned by *Lebe* (modin) because Wurjan is Sapto Dharmo congregation, so he has no legitimacy to marry off his daughter, and finally his daughter's wedding using the representative (wali hakim).

Besides about the cemetery and wedding, the congregation of Sapto Dharmo also experienced another discriminations performed by village apparatus, namely *Lebe*. *Lebe* never attending funeral procession of residents who embrace Sapto Dharmo cult even the residents already inform him about the death of someone there. In contrary, *Lebe* always attending funeral procession of Muslim.⁶⁹

Violations happened in Central Java continues the trend of violation that recorded by SETARA Institute all this time. Although it is not too high, but the number of events in Central Java still exceeded 105 sejak 105. Even if it is compared with another two bigger provinces, West Java and East Java, it is not too much high.

Besides that, the Central Java is relatively conducive for freedom of religion/belief, if observed from the side of regional government. The local government of Central Java is not like East Java and West Java to release Gubernatorial Regulation on Ahmadiyah Restriction. There is not much restrictive policy published by local government of Central Java, either in province or city/regency level.

From the side of governmental actors, some success story in the sector of freedom of religion/belief sector, we can see as

well. The most popular in Central Java, is Wonosobo for sure, that led by Arif regent. SETARA Institute have presented the review about persistent of the regent to build tolerance and harmony in his region. Next is Purworejo that has good initiative to solve the conflict of NU-MTA with peace and persuasive ways.

From the side of tolerant civil groups, there is provided in Central Java also. Those contra-intolerant movements is quiet active, and the civil initiatives to establish religious harmony is also quiet good.

c. Central Sulawesi: KBB in the Religious Conflict Vortex

The spiritual life in Central Sulawesi is basically influenced by the past memory of society. The meant spiritual life is about the belief system of the people, means the people has particular character relating to their belief. That belief comes in daily life of people that supported by geographic factor of that area. This matter then appeared the adoration practices that survive until the next periods.

The geographic factor is not functioned as place of interaction with outsider, but also influencing the people character.⁷⁰ More, by citing the opinion of Alwi Sihab, Lukman Nadjamuddin said that there are three characters of Indonesian people; 1) people who occupy in remote mountainous area with animistic belief system oriented; 2) people who live in remote are that generally influenced by Hindu culture, then very closely in a relationship with an elite group of palace; and 3) trade-oriented coastal communities with their Islamic commitment is strong enough.⁷¹

When we look at the situation in Central Sulawesi in general, the concept of community character is not fully valid. Because, Central Sulawesi trust wilderness inhabited by four (4) core beliefs that can be referred to as the trigger of social change in the community.⁷²

The specificity of life (religion and belief) of communities in Central Sulawesi is its own style for social change. This can be seen from the presence of thinking revolution generated by the arrival of Islam as a natural substitute for traditional thinking (animism

and dynamism). The arrival of the West to this area, also influences social circumstances of society. Eventually, people's religious composition changed because of the arrival of the Zendeling who brought the teachings of Christianity. Besides the advent of Islam, there is also the Hindu religion which has a number of followers in Central Sulawesi. There are two assumptions about the existence of Hindus in this area; was brought by the Chinese people and the migrants from the island of the Gods.

Central Sulawesi is one of the miniature Indonesia. Its people is a pluralistic society, which consists of various ethnic groups, religions and cultures. Tribe in Central Sulawesi consists of twelve 12 native tribes, and 51 languages. Additionally, there are many comers also in Central Sulawesi, such as Bugis, Makassar tribe, Javanese, Balinese people, and others. The ethnic diversity is also coupled with the diversity of background history, religion and culture. Hence, development implementation in Central Sulawesi should be implemented jointly by the people, without distinction of race, religion and race. In its historical records, the formation of the Province of Central Sulawesi is inseparable from the effort and struggle of the people there. Currently, Central Sulawesi Province consists of twelve (12) Regencies and One (1) municipality, they are Regency of Buol, Tolitoli, Donggala, Parigi Moutong, Sigi, Poso, Morowali, Morowali Utara, Tojo Unauna, Banggai, Banggai Laut, Banggai Islands (Kepulauan), and Palu Municipality.

Diversity in the community of Central Sulawesi, if not laid out properly could lead to disintegration. If this happens, so development implementation in Central Sulawesi could not run smoothly. Consequently, development in Central Sulawesi continued to lag behind when compared to the other provinces in Indonesia. This condition has begun to appear in the people of Central Sulawesi. Up to lately, in Central Sulawesi is often hit by the conflict with ethnic and religious motives. Hence, it must be redefined strategy to create an integrated community of Central Sulawesi.

The presence of religion brings renewal of civilization for the people of Central Sulawesi. Through religion, society develops their mindset become more modern without leaving its local entity. Religion is "brighter way" to society toward civility.

However, the failure of the religious diversity management has sparked the occurrence of some religious conflicts. Some religious issues in recent years in South Sulawesi are as follows. Some religious problems in recent years happened in South Sulawesi are as follows; First, Poso Conflict I, occurred between the years 1992 peaked in 1998. At that time, a fight with a group of Lombogia Christian teenagers with Darussalam Boarding mosque, to Sayo Village. This event coincides with the succession of the Poso Regent, Arief Patanga and coincided with Ramadan. This was also followed by the destruction of places selling liquor, massage parlors, billiards, and hotels were allegedly used as a place of sinners, who mostly belong to non-Muslims. Second, the Poso Conflict II. On April 15, 2000: the news written by Mercusuar Daily contained the interview of legislator of Central Sulawesi, Chaelani Umar who said, "If the aspiration that requires Drs. Damascus Ladkjalani to be the (Local Area Secretary of Poso) Sekwilda Poso ignored by the local government, will be troubled. The City of Poso will be hit by riot that nuanced sara, as has been happened in 1998". Then, another event happened again. The scuffle occurred involving Lombogia and Kayamanya residents where 127 houses, 2 churches, Christian School, and Bhayangkari building were burnt.

Third, the Poso Conflict III. On May 16, 2000: the murder of Muslim residents in Taripa, then followed by the attack issue from Tentena by red forces (pasukan merah) as the revenge of conflict in April that reinforced by evacuation of Christians there. That issue is true. It is begun from the attack of Cornelis Tibo's group (the bat troops/ninja that wear all in black). The slaughter happened in Wali Sanga Islamic Boarding School, and caused 70 casualties. The situation became eerie because people shortages of food and fuel. The second attack was led by Ir. Lateka who names his group as Poso Security Recovery Fighters (Pejuang Pemulihan Keamanan Poso) that failed because get resistance from the White Group, Habib Saleh Al Idrus who succeed to kill Ir. Lateka.

Fourth, the Poso Conflict IV and V. The 4th and 5th conflicts is basically part of the 3rd conflict because some local and national mass media divides those conflicts through their occurrence time, and it was not too clearly revealing the background and trigger in every new riot. In 2001, the situation was tumultuous, even

spread into the remote spots of Morowali regency that involve the paramilitary troops from both sides.⁷³

Fifth, bomb in Maesa Market. Bomb blast at the meat market of Maesa happened on December 31, 2005. That explosion caused many casualties, namely 7 peoples died and 54 peoples injured. The victims of that bomb, except they are who died on location (TKP) was rushed at several hospitals in the city of Palu.

Sixth, the case of Madhi. Selena condition where previously safe, then became public concern because in that area was allegedly deviant teaching exist. This information reached to police department level, so the investigation performed to clarify that issue. On Monday, October 17, 2005 wita, the Vice Chairman of Municipal Police Chiefs of Palu, Kompol. Hermansyah, SH, S.iK, the Head of Intelkam of Municipal Police Chiefs of Palu (Kasat Intelkam Polresta Palu), AKP. Imam Dwiharyadi, the Administration Head of Municipal Police Chiefs of Palu AKP. Reko Indro, SH, the Head of Local Police Precincts of Palu Barat (Kapolsekta Palu Barat) IPTU. Bayu Wijanrko, the KBO of Intelkam of Municipal Police Chiefs of Palu (Polresta Palu) IPTU. Hendra Samri, SH and other three members of Local Police Precinctsn of Palu Barat, met Habib Saleh and his students. That meeting got information about deviant sect that taught by Madhi. The teachings are; Madhi confess himself as God, who could revive the death one, to heal the sick, to make people's life last forever. He also prohibits people to worship in accordance to their religion and belief, such as praying, fasting, visiting to the mosque and church. For the follower who disavow him, will be killed. He spread the issue to society that "our ancestors have been wronged by Palu people, so it must be repaid."⁷⁴

Seventh, case of the Cross Statue in Matantimali. The giant cross Statue in 15-meter located on the mountain tops of Matantimali, Kecamatan Marawola Barat, Sigi regency. That building becomes the biggest cross in Central Sulawesi. The establishment of that giant cross monument was initiated by Balai Keselamatan Church (BK) to commemorate the 100 years anniversary of the entry of missionaries BK to Palu. The first stone laying of a giant cross has been started since the end of last May. The location for that giant cross monument in Central Sulawesi

is located on Matantimali mountain top of Kecamatan Marawola Barat, Sigi regency, approximately 30 minutes from the city of Palu in the direction of the Southwest, and it can be seen clearly from the city of Palu.⁷⁵

Eighth, the case of Bomb in Tentena. Tentena Bomb 2005 was an event of bomb explosion in Tentena Market on May 28, 2005, at about 08.15 o'clock. This explosion killed approximately 20 persons and injured 50 persons. The result of that explosion, the police defined 15 suspects of that cases. Two cars, Toyota Kijang and Isuzu Panther became the evidences.⁷⁶

Ninth, the shooting case of Pdt. Susianti and Pdt. Irianto Kongkoli. The shooting case of preacher Susianti Tinulele happened on July 2004. While the event reconstruction, Irawanto Irano ride together with Ardin, and Haris with Papaenal to do survey and to ensure the situation of the church before action. Basri and Papaenak immediately entered the church yard and threaten by pointing weapon the security who was manning. Basri then shoot the ammunition from the weapon type M-16 right direction to the head of preacher Susianti Tinulele who was standing on the podium at that time. Preacher Susianti Tinulele suddenly lying behind the podium. Papaenal then left Effata church and riding his motorcycle toward jalan Karang Jalemba, to handed the weapon to someone.⁷⁷

Tenth, the religious harassment the social media. The Provincial Police of Central Sulawesi restrained the Path account owner man, I Wayan Heri from Palu, Central Sulawesi. He wrote status on his Path account that racial to insult religion. This student of Pharmacy College (STIFA) in Palu class 2011 wrote a status that harassing certain religion in his Path account because he annoyed the *takbiran* sound from the mosque that located in his house complex on Saturday (04/10/2014) or exactly at the *takbiran* night of Idul Adha.⁷⁸

Eleventh, the case of Rejection of Church Establishment. The Indonesian Christian Church (GKI) in LIK Tondo. The plan of that church establishment is resisted, not by the surrounding people, but by the people from another area. There is an intellectual actor from that demonstration of⁷⁹ Gereja Pantekosta Pusat Surabaya

(GPPS). In 11 years ago, he got Building Permit (IMB), but when he want to start the establishing process, he was demonstrated by society on May 5, 2011. When he want to make foundation of the building, he was demonstrated again. Until this time, it cannot be established. That building permit is handed by the mayor in Christmas celebration in Oikumene church. Another churches were able to build. This church is planned to be built on Jalan Kijang. But now it is still on Jalan Sulawesi, nearby Palu river. If the flood comes, water can get into church.⁸⁰

In those events, violation on freedom of religio/belief cannot be identified as the stand-alone event. The violation happened inside religious conflict slice. The note of violation on freedom of religion/belief in Central Sulawesi are not completely counted all according to SETARA Institute's note. Central Sulawesi not always become the observation area for SETARA Institute. Only about five years, SETARA Institute placing local observer there. SETARA Institute noted at least eight times of events on freedom of religion/belief happened in Central Sulawesi. It is not meant that Central Sulawesi is a conducive area for freedom of religion/belief. What was in contrary happened, violation on freedom of religion/belief is potentially occur due to religious conflict that often happening escalatively, between Muslim and Christian, up to this time.

d. Bali: Between the Issue of Jilbab Prohibition and the Difficulty of Establish House of Worship

Bali is known as the Island of Gods (paradise island), that becomes one of province in Indonesia. Bali is one of area in Indonesia that has religious diversity inside. Because of familiarity of that condition, so the tolerance condition among religious people is quiet high. There is rare to be seen intolerance of religious people there, but still indirectly, in some times and condition that inadvertently that intolerance. After doing observation and collecting information from some sources, then it is known that inter-religious harmony story can still be said conducive, because there is no extreme action that performed by society againts religious followers or another belief congregation which performed by religious adherents fellow and belief congregations.

So far, the condition of Bali from the side of freedom of religion/belief is good. There is spirit to harmonizing religious life among religious people in Bali to be more harmonious like today. If there is some emotional clashes, it just happened shortly. There is no frictions that can tarnish and disrupt the stability in Bali.⁸¹ The Head of MUI chapter Bali agreed to that observation. The religious harmony in Bali is well-maintained. If there is statement or complain relating religious life happened, we tried to solve it with good way. The old problem that have not been solved yet, we tried to solve it better. The Head of MUI firmly states,

“But in general, I see it is still well-maintained in Bali. Because all of elements, Muslim and another religion congregation, agreed to create Bali as the host of world travelers. We seek harmony, indeed to make people wants to visit Bali. That is our agreement. Because Bali is a tourism destination. We hope the security and convenience could be well-maintained, because the risk to receive guess/visitor, we should entertain them as well as possible. From religious side, there is teaching: glorify your guess. Glorifying the guess at least with your verbal and hands. Don't ever make your guess feels uncomfortable to be here. This is our effort to reach that goal. Then, the matters correspond to relation with the others, for example regarding the criminal, it can be solved with applicable law for whoever violate. So that our agreement as a nation, that should be punished. If there is another effort to find solution, so we will seek it.”⁸²

Related to some issues developing in Bali, there are some issues that developed in 2014 about freedom of religio/belief. What is certain, that tolerance values and freedom of religion are still good-maintained. But there is situation among Hindu congregation, namely Jenah, that means an admiration or pride from Hindunese in Bali, rise up. Relating to jilbab problem, there

are two cases that observed by the informan, where this case already appeared before surrounding people. As the President of Indonesian Hindus Center and selected senator several months ago, Arya Weda, inventory that problem of jilbab prohibition before.⁸³

The prominent situation in this time, about the jilbab-wearing prohibition problem in schools and house of worship establishment.

The case booming about jilbab-wearing in the school have occurred after The National Commission on Human Right (Komnas HAM) visited there, then they have statements that it is general phenomena which happens in Bali. That statement was published by media. "But, from here we do not see like that. We are probably wrong. We could meet the advocacy's groups of Aryo Weda, if we truly see it."⁸⁴

Husband of informan, Masni, is a teacher in Muhammadiyah. That informan follows the similar cases development. The conclusion is, formally there is no prohibition to wear jilbab for student in school. "I am from children protection institution also concern with that matter. We seek to make it not too frontal, we forbid that. So, in my opinion, that I know from friends, formally there is no prohibition for jilbab-wearing in school from local government or religious institution indeed."⁸⁵ Actually, the prohibition for jilbab-wearing for female students in Bali is not a prohibition in one certain school in Denpasar. The case that exposed by TV One became more tendensius because there is no resource from Hindu who are talked with. This is rather detrimental because it does not hear arguments from Bali.

This case begun in 2014, while a policy of State School (SMU Negeri) appeared. This SMA Negeri encouraged its students to wear national clothes. This actually a nationalism form, the argumentation from school officials is rational because there are religious schools, either Christian, Catholic or Muslim. The Head Master affirmed that, if the students want to perform religious tradition and other, please go ahead, but not in SMA Negeri. Because this school has provisions that adjusted to *dreste*. This *dreste* is not about religious matter, but culture-concern matter, so

the Ministry of Education and Culture then published a guide for students in Bali or in Indonesia. That guide also contains about policy about one of clothing model.

To wear any cloth that according to his/her religion, is a human rights. We cannot prohibit a student or Muslim student who wears jilbab. We should let them wearing it because that is her rights. Many college students are wearing jilbab, lecturers and Muslim employee are also wearing jilbab, and it is not a trouble for us. What is becoming a trouble is when that policy is required for non-Muslim. There is a report from society, the highway users who found Bali woman, Ida Ayu, wearing jilbab. Finally, there is confession from this BUMN's employee that she encouraged and asked to wear jilbab, so commotion happened in social media, and the constituent asked Arya Weda to clarify it.⁸⁶

Another informant stated about prohibition of jilbab-wearing in schools. I think, actually there are who want to wear it in school, boarding school, even in Muhammadiyah or who wants to study in state school. But they should confine their intentions because they probably cannot wear jilbab or they are forced to take off their jilbabs in order to make themselves could be accept there (the school they want).⁸⁷

But actually, that prohibition is not too much strictly. But it becomes a obvious problem because it is seemed from the *local geniuses* where the majority of students there, are not wearing jilbab. So, this girl may be morally feels uncomfortable if only them who wears jilbab whilst the other not. It might be the activities that practiced in school more directed to *local geniuses* there. So, no matter how strong the intention of that child, or how steady her willingness to wear jilbab, she would be well-established in similar environment. That's why, there is Muhammadiyah school or other which could accommodate them.

So, there is no real prohibition formally applied, but might be morally they feel "Well, this is because of *local geniuses* influences, then obviously she will be sidelined." Whereas, she is majority, same with me if I bring my children to Java", how sophisticated he argues". While she gets in there, she will be minority. She realizes it as well!! Well, it might be because of those consequences. So, we

are not fighting actually! So, I think that majority in Denpasar have been living with pluralism.⁸⁸

Relating to the issue of prohibition of jilbab-wearing in Bali, Department of Education, Youth and Sports of Bali already knew and responded that issue. "When that issue appeared several months ago, some elements immediately take over. They are the Directorate General of Secondary Education (Dirjen Dikmen), The Director of SMA, The Secretary Directorate General of Secondary Education as well. The Directorate General of Secondary Education also directly visited the school to clarify the truth, and it is over." But, not longer then, that issue reappear again. Now, it is clear. Because now there is Government Regulation of Education and Culture (Permendikbud) No.45 that concern in clothing for school.⁸⁹

In particular situations, sometime people recommended to wearing jilbab. For example people are probably recommended to wear jilbab while celebrating Muslim's Feast. "I am, myself, is someone who asked to wear jilbab. But it is only done by their own religions. So don't asking it in general. The problem is, while someone is not usually wearing jilbab, but she always forced to wear it, so it is difficult. So, I am the one who are not agree about it."⁹⁰

In school, wherever it is, there is regulation indeed, and it is only for people who needs it. May use, or may not use. In school, there is the ministry decree, so that is regulation there. Moreover, the picture guide is also made. It just to be applied only. But, for jilbab, it is only for them who need it, based on his/her religion. So that, the condition becomes harmony and surely appreciating each other among religious people. So, if then it is prohibited, this relates to human rights. If there someone who forbid it, so it violates human rights of individual.⁹¹

Later, this jilbab issue becomes one of complicated problem in Bali. Some factors just appears to play the issue of jilbab. The organization named Cakra Wahyu appears. That is a new Hindu organization which has particular militancy against protection of Hindu's symbols. Arya Weda, is also a "new" local actor who plays mediation roles in jilbab issue and education rules.

In jilbab issue that encouraged by a BUMN, this organization

that finally came to highway, performing mediation and so on. Arya Weda as an academician to mediate and he finally give an official letter to related parties, such as Minister of BUMN. Clarification letter of that policy appeared. An apology would not be enacted again forever because Arya Weda affirms to the brothers of various religious in Bali, that they are working in company. Even Bali is a part of the area of NKRI, but we should agreed that Bali is the *Land of Thousand Temples* or *Land of Gods*. That predicates given by international tourist. If you entering Bali, please accept, appreciate and cherish its local culture. Where the land is trampled, so there the sky is cherished. But if there is Muslim who wears jilbab, that is their own beliefs. Arya Weda said that Hindus should not disturb freedom of religion of someone, but if the religion is submitted to corporation or company affairs, it is extremely forbidden.⁹²

Next is about Hypermart, Smartfren, Hoka-Hoka Bento which begins to enter some places in Bali island. In Bali, 99% of those companies' employee are Hindu. But they are encouraged to wear Muslim clothes and some banks which employees are finally resign because not obey the command. Even though to use encouragement language, Arya Weda succeed to mediate those four companies. All are called to Hindu Center and invited Parisahindudarma who supports the demeanour of those Hindus' figures. That support was performed by giving statement that the tolerance form is no need to ask the employee wearing the uniform to make them as Muslim. The decoration is enough. And it is a form of tolerance of Hindu people. Then, they are finally agreed.⁹³

In order to promote education in Hindu's area, Arya Weda will apply Soekarno's teaching about secular country. There is no any religious intervention, even such as movement he led, Ekonomi Hindusat. As a doctorate, Arya Weda understand about syari'ah economy. Hindu has the similar economic science as well: usury sharing, profit sharing, and so on. There is nothing to be worried, but the thing should be look out in this Paradise Island is the person who behalf on syari'ah economy in order to influence economic security of Bali culture. Almost all of the things in Bali, is indigeneous belonging, such as land ownership that imbued by Hindu's values in accordance with local regulation No.3 Year 2003. This traditional economy is actually having sequence since long

time ago.⁹⁴

We surely not forget that Bali Bomb One and Two occurred because of religious cause. Because the bombers called Balinese as heathen, infidel and they likened as a dog, the odious. So that, Arya Weda educating people to not forgetting story because there is ideological conflict and he do not want to blame Islam or Christian with all their missionaries as well. Arya Weda will keep spirit to fight two movements in this zone, they are:wahabiyah with its like-arabian characters and one of Christian sect.⁹⁵

As a protector, Arya Weda knows the people's willingness to fight back, even it is sporadically. Such as when was happening in Buleleng, Karang Asem, Denpasar, appearing the movement that mentioned bakso or food from 100% pork is odious.⁹⁶ So, the Hindu's restaurant that provides that, cannot entering the Taman Ujung, in the tourism area. In Denpasar, then anger movement to fight this *halal* movement, named sukil. Sukil means *halal* as well, but it is in Hindu's terminology. Also in Tabanan, Karambitan, where the youngsters initiated to eat sukil food and they forbid to eat in Muslim restaurant. Don't eat *halal* food. That exists already, and he cannot intervene it. "My task is to accommodate them, to not being raptorial. I am as an acedemician, feel so sorry about that."⁹⁷

The discrimination about jilbab also happened in some companies which not accepting empolee who wears jilbab with unclear reasons, so if someone who wears jilbab wants to work that company, she should take off her jilbab and she can wear it again after working hours. Therefore, it could be called that it is a massive intolerant even though the people in Bali is still in conducive category, means intolerance that relating to individual still happens but without any social conflict occurrence among them.

Besides that, the prohibition on jilbab-wearing also happened some in high school in Dali on behalf of uniformity reason. In accordance to information, at least there are 41 schools in Bali that carry out regulation to prohibiting its female students to wear jilbab. The schools are; SMAN 4 Denpasar, SMPN 11 Denpasar, SMKN 2 Denpasar, SMAN 1 Denpasar, SMAN 3 Denpasar, SMAN

2 Kuta, SMAN 1 Kuta, SMAN 1 Kuta Selatan, SMAN 1 Kuta Utara, SMPN 2 Singaraja, SMPN 1 Singaraja, SMAN 3 Singaraja, SMPN 6 Singaraja, SMAN 4 Singaraja, SMAN 1 Singaraja, SMPN 3 Singaraja, SMAN 1 Kediri, and SMPN 1 Negara. Relating to previous cases, happened in 2011-2013, there is violation on prohibition of jilbab-wearing in SMAN 4 Denpasar. Moreover from existing news, there are some teachers in school also reprimand them and seemed to force their desire to obey the applicable rule in school. It then appears perception that a teacher who should teaches the students to respect each other, precisely perform intimidative actions.⁹⁸ Until this time, that case is being advocated by the management of Indonesian Islamic Student Board (Pengurus Besar Pelajar Islam Indonesia), especially in Bali region that it is supported by PB PII⁹⁹

Besides about jilbab, the matter of establishing house of worship also becomes problem. That prohibition is happened in Bali more than outside Bali. "It is many! For example is we asked permit to build a musholla (little mosque), or to expand musholla to be a mosque, it is so complicated. I remember, the Catedral Church was almost spending 17 years to get its building permit. And it just was issued in 2013 ago. That too should use swap and so on. That is actually will become a trouble, about the house of worship establishment."¹⁰⁰

In the context of establishing house of worship all this time, during the story, we have problem with that Catedral Church, but the others are not. It spend long time because that is our land. The original is actually located in southern of Sudirman where now it already becoming a pool and concrete buildings. That is our land actually, but we cannot establish house of worship there. In the period of a governor (he forgot the name of governor), we were asked to move to the place we occupy now, with the consequence while the land measured, it is smaller that the land before. So under the process, we want to build there, but the permit is so hard to be obtained."¹⁰¹

The difficulty of establishing house of worship came from the government who rather difficult by using all sorts of reasons. But we said that this is not only about land our belonging, but the government also who pointing this place. At the first, we want to build there, but it was forbidden by the reason that it is a school

expansion plan, but it is absolutely not. We sure that there is a trick to deceive us.¹⁰²

Besides the Catholic, the Proobstacleant also find difficulty in establishing house of worship. But, because the Proobstacleant has many church genomes, so they could rent the shophouses, or house to worship. If we refer to 2 Joint Decree of Minister of Religion and Minister of Internal Affairs, that PBM No 9 and 8, that said that the allotment of house of worship, it shall be in accordance to its place. If renting the house, sometimes it could disturb the surrounding or appearing the question. Those what become problems in many places as well. But so far, it could be communicated and relized, and so they understand it.¹⁰³

The problem that often becomes obstacles, are customs procedure. Sometimes, to establish house of worship for Muslim is obstructed by the customs. "Under the various pretexts, too near with aisle, or bend, and so on." Well, something like that."¹⁰⁴

It seems deliberately complicated through the contrived reasons. Those reasons are not appropriate with PBM. The real PBM is actually problem. In line with PBM, the followers should be in amount that is determined as minimum. Then, the society should gives signature as well, and the amount is already determined also. Many people do not want to make it, or they are provoked by one person, so the establishment plan of house of worship will be cancelled. "But, this also depends on the political map changing. I remembered while accompanying Ahmadiyah in Lombok. They worried and scared to be attacked, but now the condition is better after Tuan Guru Bajang move into Democate Party. He was part of PKS in the past. Well, while he was in PKS, the Ahmadiyah in Transito are completely unfair treated. Now, he can be communicated after switching into another party. All of the matters are depending on political interest, Bro. So, we should be more little bit tricky to find the elite whom we approach to. Foregone, I tried to approach Puspayoga. People who found trouble while willing to establish house of worship, they tried to come to Puspayoga, because he is welcome and wants to hear us. The problem of Catedral Church also finally to approach Puspayoga. So, all depends on the leader."¹⁰⁵ But in general, the administrative problems are often being the reason to hamper.¹⁰⁶

The sample is As-Sofiyah musholla on jalan Belimbing which still closed. Yesterday, I came to the Ministry of Religion, well, its hard to find a place to worship there, because the Muslim is measly.¹⁰⁷

Next case is about musholla in Buleleng. There are rejection banners. But that case is under handling process, because basically that musholla have been established there since along time ago. In that area, Muslim have been occupying there also since along time ago. But, because of the landslide matter occurred, so it becomes a problem there.¹⁰⁸

Discrimination potential for minority in Bali that monolithic, rather large. But the potential of religious harmony there also high, either internally or externally.

From the side of Balinese themselves, they are resilient and having good skill. Level of jobless among them is very low. They would not easy to be provoked and divided.¹⁰⁹

Besides that, there is strong willingness to build harmony in Bali. There is a spirit to not questioned little conflicts among religious people there. Religious figures there considers the importance of establishing good relationship that have been maintained since hundred years ago in Bali. The young generation in Bali today are also being reintroduced about local local content in their schools that describing how important harmony in diversity.¹¹⁰ The local wisdom in Bali is good. The ability of lobbying in religious stewardship level is also good.

e. East Kalimantan: The Majority Temptation in Ethnic and Religious Pluralism

Province of East Kalimantan is one of large provinces in Indonesia. It has natural resources potential which most of those potentials have not been used optimally. The capital of East Kalimantan is Samarinda where located in river bank of Mahakam.

The native inhabitants of East Kalimantan contains of 3 big tribes, they are: Dayak, Kutai, and Banjar. In religious life, it is relatively good. Moreover, the tolerance conditions of religious

people is followed-up by establishing Communication Forum for Religious People in the level of province, 10 regencies, and 4 cities. The society in East Kalimantan embraces various religions that approved by the state of Indonesia, they are: Islam in 87,62%, Christian (Protestant and Catholic) in 11,96%, Buddha in 0,24%, Hindu in 0,18%. The Chairman of Religious Harmony Forum (FKUB) Chapter East Kalimantan, Asmuni Ali, said that the potential of religious conflict occurrence in this region is minimum, because tolerance among religious people is well-maintained.

If we probe the history of religion entry in East Kalimantan, so we must recall to Kutai Kingdom which is the oldest kingdom in Indonesia. The Kutai Kingdom is predicted to establish on 5th century or roughly 400 century. Its location in the area of Kutai, East Kalimantan that the center is nearby Tenggarong City, Kutai Karta Negara, exactly in headwaters of Mahakam river.

The glory of Kutai Kingdom ended when the King of Kutai, Maharaja Dharma Setia died in the war, killed by the 13th King of Kutai Kartanegara, Aji Pangeran Anum Panji Mendapa. Should be remembered that Kutai (Kutai Martadipura) is different from Kutai Kartanegara Kingdom which its first capital located in Old Kutai (Tanjung Kute). Kutai Kartanegara, itself, in 1365, that mentioned in Sastra Jawa Negarakertagama. Kutai Kartanegara subsequently becomes the Islamic Kingdom that called as Kesultanan Kutai Kartanegara.

On the other side, the religious and belief system of Dayak people, which the belief embraced by a tribe, could be traced through cultural expression like folklore, especially in the myth about the universe event and human beings and another myths that describe intrinsic connection between human beings and natural surrounding. The Dayaks have belief, in similar to Bataknese. They believe that the human being comes from unity of the 'Sky Gods' (identified as hornbills) with the sea or 'water nymph' (identified as dragon). The human being live in 'middle world' between 'top world' and 'under world'.

The Dayaks believes that the Gods should be made happy in certain times in order to provide welfare and peace for human

beings. Human is believed to have soul or vitality which same with another creatures in this world that should be guarded. Regularity and cosmic life balance achieved with requirement to follow the Customs that considered coming from ancestor who achieves it from Gods and should be practiced hereditary to make life blessed and fertility. And if they will not do it, so they will get catastrophe. Customs maintains cosmic balance that relating to land fertility, and avoiding them from God's anger and spirit disruption. Human beings considered to have body and soul, and that soul can leave the body through the dream and connect to the spirits. Someone whose spirit not come back so he/she will be sick or possessed by an evil spirit. And if he stay like that, he would die. Relief is obtained through the shaman who will drive out evil spirits and summon the spirit of it back. The dead spirit needs to be delivered directly into the world of the dead one so as not to interfere with the life, this is done through burial ceremonies and taboos.

Along with the times, in slowly, the natives finally accept and open to migrants who lived and settled in the region, to run their activities in accordance with their jobs, and provide freedom of religion and respect the religion that embraced by settlers. It so happened in East Kalimantan. Many residents who comes to East Kalimantan as transmigrator lives and diffuses with the natives in East Kalimantan. For sure, many different in culture, religion, and customs happened. If these different are not being well anticipated, so social gap among natives and transmigrators will finally occurred, and it means that the conflict with SARA (matters pertaining to ethnic, religious, and racial relations) nuances shall be happened.

This is what should get particular attention from regional and city government, to prevent the social gap will not be happening in East Kalimantan. For that, the rule of religion is indispensable in order to handle those gaps because religion is basic foundation to form personality and attitude of human. It needs institutions and religious mass-organizations that participate actively in taking care of harmony among religious people and to anticipating the impacts that will be happening in society if a dispute with SARA nuances conflict happens.

In notation of SETARA Institute, violation on freedom of

religion/belief in East Kalimantan is relatively high. Almost 20 events happened in 6 years.¹¹¹ The violation intensity and other factors, such as government policies, actor consolidation, and tolerance group's role to push SETARA Institute to categorize this province into orange zone.

Various cases that relating to violation on freedom of religion/belief in East Kalimantan, are: First, prohibition to Ahmadiyah in Indonesia, including in Samarinda. Just to review again that Ahmadiyah is established and began to run their activities in Samarinda in 1993. It was marked by the establishment of Adz-Dzikri mosque. It cannot be known surely, how much the number of Ahmadiyah congregation in Samarinda at that time. But, on March, 2011, the Governor of East Kalimantan mentioned that the number of Ahmadiyah congregations in East Kalimantan, without mentioning that information source.

Since Ahmadiyah began their religious activities from 2008 to 2011, some actions and reactions began to appear and performed by some society groups that demanding dissolution of Ahmadiyah in Samarinda. The society group who outface the existence of Ahmadiyah, are: MUI of Samarinda City, FPI chapter East Kalimantan, and HMI branch Samarinda. Although it is often under pressure, but it has never happened violence and physical fights against Ahmadiyah in Samarinda.

On February 28, 2011, the Mayor of Samarinda issued a Decree number 200/160/BKPMI.I/II/2011 which containing about Termination Command and Closure Activities of Ahmadiyah congregations in Indonesia. This Mayor Decree containing of Appeal Letter/calls of MUI chapter Samarinda to stop Ahmadiyah's activities as one of considerations and its legal foundation.

On July 28, 2011, at around 10.15 o'clock wita, the city government of Samarinda with its entourage that contains of the Chairperson of MUI, The Head of Public Order Agency (Satpol PP) of Samarinda, The Head of Ministry of Religion Office of Samarinda, Vice Chairperson of Intel Polresta Samarinda, Legislators of Samarinda, The Chairman of Police Precincts of Sei Kunjang, The Neighborhood Chairman (RT) 26, Subdistrict Military Command of Sei Kunjang and member of Islam Defender

Front. This entourage was led by The Chairman of The National Unity and Community Protection Agency (Kesbanglinmas) of Samarinda and sealing Adz-Dzikri mosque. Ustadz Danang, a Mubaligh of Ahmadiyah who ever proobstacle the sealing of that mosque, but it was responded emotionally by Zaini Na'im, the The Chairperson of MUI Samarinda. Until finally that sealing lasted without resistance.

Second, the rejection on Toraja Church establishment. On April 7, 2008, there was a resident of village action from Lok Bahu/ Sei Keledang, Kecamatan Samarinda Seberang, who refused the establishment of the Church of Toraja Jemaat Bukit Harapan Loa Janan. The reason of residents to refuse that church establishment because the majority of surrounding people are Muslims, and the building permit of that construction has no approval from surrounding people which proved by 60 signatures of them.¹¹²

Third, the rejection of Habib Riziq, the Leader of FPI, coming on August 27, 2014. Some actions from Composite of Borneo's Youth refused his arrival in East Kalimantan, especially in Samarinda. Two days before his come to Samarinda, the office building of FPI where locates on Jl. Gerilya Samarinda, visited by demonstrators who refuse the coming of that Head of FPI. Moreover, they asked FPI no more exist in East Kalimantan. That rejection ever appearing dissension among mass organizations in Samarinda, but it was succeed to be muted so as not to clash. And finally, Habib Rizieq also can breezed freely carrying out his activity in Samarinda with escort from Pemuda Pancasila organization.

East Kalimantan, especially Samarinda wit its heterogeneous and multi-ethnic society needs to get special attention from Regional and City Governments to always maintain religious harmony in the area of East Kalimantan. Although the conflict about religion in East Kalimantan is low, but did not rule out the possibility that the upheavals that occurred, and in the name of religion, was often happens. Such as the actions taken by the Mayor of Samarinda who issued a decree to freeze the activities of the Ahmadiyah and sealing the Adz-Dzikri Mosque. In the analysis of SETARA Institute, there is the omission of the refusal of a place of worship (church) establishment by the dominant Muslim community, and no imbalance in the organizational

structure of the Religious Harmony Forum (FKUB) of Samarinda is not sensitive to the problems of religious harmony, and even just concern to the budget-centered activities only.

f. Riau: Misdirection on Ahmadiyah and Syi'ah in Malay Land

Riau is a province with Muslim majority. Riau Province society is known critical thinking about the differences that exist, and it is a homogeneous society that can think more realistic and intelligent in addressing any differences include differences in religion. In societal life in the province of Riau-even each component communities have a high tolerance to other religions example in celebration of another religion for example the Chinese Holy Day, the other religions also welcomed by joyful of that festivities.

As noted by Ria Yunita living around the neighborhood Budhi Dharma temple in Rokan Hilir regency who claimed that the differences actually give new and unique lessons for her. Similar to narrative Romo Bobi Saputra Wibowo as administrator Monastery Dharma Loka located at Jalan Dr. Leimena, Pekanbaru that the prominence of the conflict between religious communities, because of the fairly high tolerance between each religion.¹¹³

Religious life and very diverse culture in Riau Province has been quite safe and peaceful and run in accordance the existing social order in society. Adherents of various religions that exist in this area such as Islam, Christian, Catholic, Hindu, Buddhist, and Konghucu are relatively living adjoining in harmony and peaceful within the aegis of the local government. Even there is a conflict, not to cause casualties and huge material losses. Government and all levels of society are constantly performing harmony dialogues in the frame of Tri Kerukunan Umat Beragam, such as: internal inter-religious harmony, inter-religious harmony and inter-religious harmony with the government.

Nevertheless, the potential and the case of intolerance are also quite large, but just happened in the internal religion and not between religions. One that would trigger the small ripples

of freedom of religion/belief is the internal differences in the understanding of the religion.

Riau, which is known as the Islamic region, known as the Malay Land, considering the majority Muslim population and condensed with Malay culture. Residents who are friendly and polite culture become the characteristics of the people of Riau. Peace and religious harmony is not uncommon in Riau considering population that upholds good religious norms. Religious education that introduced since childhood became a major influence in religious harmony that is perceived today. The deeper religious understanding, so the increasing degree of tolerance.

SETARA Institute noted, there are 23 violations on freedom of religion/belief in Riau occurred in the last 8 years. Most of the cases originated from the internal relation of religion. Several internal case of Islam overwrite Ahmadiyah and Syi'ah.

Some of these cases, among others, the sealing of Ahmadiyah Congregation Mosque by FPI in april 2011. The sealing action is done by attaching writings that places of worship are sealed by Muslims Pekanbaru. Massa also tacking the door of that mosque entrance.

The sealing is done as a form of proobstacle against the silence of Riau Governor, M. Rusli Zainal to the presence of the Ahmadiyah in Riau. In fact, as many as 30 community organizations, including the MUI Riau Province has lodged a proobstacle and asked the governor to be assertive by issuing a decree (SK) of prohibiting Ahmadiyah in Riau.

FPI chairman of Riau, Zulhusni Domo, said, "we are forced to do the sealing against the Ahmadiyah's places of worship, as a form of proobstacle against the governor who is not responsive to the demands of 30 Islamic organizations to realize that Ahmadiyah is prohibited in Riau."

Meanwhile, the Coordinator of FPI Pekanbaru, Feli Rizieq stated, the action they did is as a rejection reaction of Muslim to against the activities of Ahmadiyah congregations who are still running the worship activities that have deviated from the teachings of Islam. What we are doing is the work of Muslims, but just FPI is in front side as a coordinator and ready to deal with

anyone, including the law,” he explained.¹¹⁴

Condoning against Ahmadiyah in writing by the local leaders also rife. Through the official website of the Ministry of Religious Pekanbaru, the Vice Chairman of PWNU Tanfidziyah of Riau and Member of the MUI of Fatwa Commission in Riau, Shamsuddin Muir presents an article that misleading Ahmadiyah and encourages its dissolution as well.¹¹⁵

Additionally, misdirection of Syi'ah is also starting to be rife. For several times, MUI Riau and Muthmainnah Mosque Youth Forum (FRMM), organize National Seminar titled 'Membongkar Kesesatan Syiah' in the hall of Masjid Agung An Nur, Pekanbaru. "Syi'ah teachings in Pekanbaru has begun to circulate. For that, the Muslims in the Kota Bertuah is expected to be more careful, and not to get into the group," the Muhammadiyah Riau activist, Roni Candra said in that seminar. Roni describes the contents of lecture entitled "Pekanbaru Dalam Cengkraman Ideologi Syiah". For him, the spread of Syi'ah in Pekanbaru have been seen. One of the fact is some book store sells the books about Syi'ah.

"In some of the bookstore, there are several bookstores that sell books published by Mizan. Books published by Mizan it, found some books Shia propaganda. Among them, titled *Lentera Ilahi: 99 Wasiat Imam Ja'far ash-Shadiq*, dan buku berjudul *Tafsir Populer al-Fatihah* by Muhammad Alkaf," Roni said.

In the books that talks about the ideology of Syi'ah, Roni continued, also mentioned the traces of Syi'ah in one of mosques in kelurahan Tuah Karya, Kecamatan Tampian. "For that, I hope that the people of Pekanbaru, recognize what is Syi'ah Islam, and how is the Syi'ah teachings," he said.

Committee Chairman of the National Seminar 'Membongkar Kesesatan Syiah', Reza Lutfi said, this seminar is held in order to anticipate spread of Syi'ah in Riau which begins to entering Riau. Therefore, if the Syi'ah spread in Indonesia, especially Riau, the slaughter of Muslims in Syria, is likely to occur in Indonesia as well, especially in Riau.

Hence, through this seminar, people are expected to better understand what it is Syi'ah. Because, the Syi'ah is not part of Islam, because of its shahada (syahadat) and holy book of its not the

Koran. So, this is what we shall anticipate. Don't let Syi'ah growing in this Malay Land," he said.¹¹⁶

Besides that, the case of jilbab that occurred in university which supposed to uphold the academic freedom. The case of intolerance involves the Islamic State University (UIN) in Pekanbaru which implemented a policy that every student both Muslims and non-Muslims are required to wearing hijab. The university believes it is based on the consideration that the university under the auspices of Islamic education, so it requires non-Muslims to wear jilbab also.

Beyond that, in general, in the analysis of the monitoring of SETARA Institute, the role of government in the province of Riau is pretty good. Religious conflicts are very rare happening, moreover until doing the destructions on places of worship. Government sensitivity to the importance of maintaining religious harmony, local governments are not placing the maintenance of religious harmony as the second priority. Roles of Religious Harmony Forum (FKUB) of Riau is quite capable to be optimized by local governments to maintain inter-religious harmony in Riau.

Government apparatus took part in resolving conflicts that may arise in the difference of religious communities. In the field of security, for example, security forces proved able to guarantee the tranquility of the religious communities to implement their worship activities properly, can reduce the problem or disturbance that may appear to confound all solemnly's worship, such as that often occurs in Christian worship.

By the time of Christmas, especially in the city of Pekanbaru, security forces are always stand guard around the place of worship and always check the security in order to prevent things that are not desirable although annually there is rarely presence of a thing that can threaten the way of worship, like was happened in any other city that proved the problems which commonly occurs there.

In cases of religious freedom which, religious minorities and beliefs such as the Ahmadiyah, Syi'ah and Churches become parties that persecuted by the majority who attacks on minorities, and moreover, the country such as local government apparatus are sometimes also execute.

In that context, the government must be fair to minorities. Local governments should be able to protect minorities who are recognized in law and his rights protected under freedom of religion through the way of creating a feeling of safety. Government with the State apparatus, in this case, should be able to perform well-coordination in maintaining peace among religious community.

3. Yellow Zone

a. North Sulawesi: The Tilapia in the middle of Christian Majority

The North Sulawesi Province is located in the northern tip of Sulawesi island which a winding formations like the letter “K”, with Manado as the capital. The people in North Sulawesi are Proobstacleant majority if it is seen from the religion they embraced.

According to census data in 2010, the total population in North Sulawesi province is 2.270.596 people, and the biggest is in Manado city. This province contains of 11 regencies and 4 city. According to religious aspect, most of the people in North Sumatera are Christian, then Muslim, Catholic, and Hindu. Christian becomes majority in some regencies and cities, among other Minahasa regency, Sangihe island, Talaud island, South Minahasa, North Minahasa, Sitaro, Southeast Minahasa, Manado city, Bitung, and Tomohon city. Whilst, the Islam become the majority population in Bolaang Mongondow regency, North Bolaang Mongondow, South Bolaang Mongondow, East Bolaang Mongondow and Mobagu City. And the Catholic in biggest number is in Manado city and Tomohon. Some of other religions, such as Jewish also has basis in Tondano.¹¹⁷

North Sulawesi is known as an area with preety high tolerance. The Head of Karya Islamiyah Boarding School in Manado city gives depiction about the religious harmony in South Sulawesi, especially Manado.

“I am here since 1975, its about 40 years ago. I left my hometown in 1969 after graduated from Senior High School for continuing my study in an university in

Jogya. Since I was here until this time, there is no even there was in the past, but there was a third sider who did effort to divide people here. I was here for 40 years and never experiencing it. This boarding school is under the auspices of Karya Islamiyah Foundation that also sponsors the Islamiyah which built in some locations that in fact there is no Muslim here. While the government in the first time bought this land with some buildings, then there is addition. In about 2000, a religious figure have created a minstrelsy that inspired from the Church to the Mosque, the sounds of the Mosque and the Church. It describes a harmony that direct looks, either physically or through social relation.”¹¹⁸

SETARA Institute noted, there are only 8 events of violations on freedom of religion and belief happened along 6 years of research and monitoring.¹¹⁹ All those events are relating to the establishment of house of worship, especially Muslim people.

Lack of frictions among the religious people, pushing the minor religions such as Jewish to select its basis in North Sulawesi. Such as stated by the important figure of Jewish in Tondano, selecting North Sulawesi is like to select the right bed and bedmate.¹²⁰

But nevertheless, some cases that relating to the house of worship establishment of Muslim which become problem, such as what happened in Mapanget. Just like a residential complex, it should provides the facility houses of worshipn as social facilities, such as playgrounds. But, in Gritma residential complex that located in the area of Kelurahan Paniki Bawah, Kecamatan Mapanget, Manado City. The developer does not provide place of worship facility for all religious community there at all. The reason is because at the first time they bought the land, was not immediately, but gradually. Firstly, they bought for two blocks, then 2 blocks after.

So they mean that the developer not required to provide place of worship facility for any religious community. But, even so, they provide two empty locations at the block that different to

block L and block B. That land is earmarked for place of worship for whatever religious community that wants to buy it. But, in that residential set plan, that land is for residential development.

The first land was bought by Advent community, so by the developer they are pointed to block L1 and L2. Whlist, beside that land, there is an empty land where is set as complex's park facility.

In 2008, the Muslim community bought the second empty land that provided by the developer, namely at block B8 number 6 and 7 for establishing house of worship. To anticipate an objection from other communities, the preacher of Muslim community asked a statement letter from developer which states that the land will being established a house of worship.

The content of the handover letter: "to handover a plot of land where located in Perum Giya Tugu Mapanget Asri Paniki Bawah Blok VIII no.6 and 7 to the Muslim resident in that residence to be used as house of worship establishment," that signed by financial division head of PT. Cipta Graha Selaras, as the developer (later, the handover letter was also rejected by GMIM residents who refuse renovation mosque because only signed by the Head of Finance).

It is proved that, in early February 2009, they began to leveling the land and make the foundation. In February 22, suddenly there was a pig's head on the land which has been leveled. That action is a symbol that there were no calls for a mosque there.

Even so, the mosque management continued development, not in permanently, but of materials plywood and tin roof with an area of 6 x 6 meters. When the building is completed, Muslims were praying in the mosque continues to receive intimidation. One form of intimidation is by throwing stones at the roof of the mosque for worship takes place.

The reason of rejection by GMIM community, is because in the set plan of that residential complex, that land is not for house of worship establishment. To disturb the convenience of surrounding people. They asked the establishment of house of worship moved into block L where the empty land that set plan is for park and located after the Advent church. Even though the mosque management already showing that handover letter from developer

that said the land is bought for establishing house of worship, but the GMIM community don't care.

The management of mosque denounce this problem to the authorities of Mapanget. The Head of Local Intelligent Agency invited National and Political Unity Office (Kesbangpol), Regional FKUB to dialogue directly to the location of the mosque. Which encourages intelligence agencies make the meeting, because it is a letter from the Central Religious Ministry to the Provincial Ministry of Religious that there is a problem where the mosque could not be used as a place of worship.

After knowing the problem, so the meeting was continued in the office in Manado Mayor's Office that attended by: 1) The Manado Vice Mayor Mr. Harley Mangindaan, 2) Kesbangpol of Province, 3) Regional Intelligence Agency, 4) Provincial FKUB, 5) Representative of Masjid, 6) Representative of Curch, 7) The Millitary District Chief (Dandim) 1309/Manado, 8) The Head of Commission D, City Parliament of Manado, 9) The Government Assistant and Public Welfare Regional Secretary (kesra sekda) of Manado city, 10) Head of the City Planning Department of Manado city, 11) Camat of Mapanget, and 12) Subdistrict Head of Paniki Bawah.

The meeting resulted a joint agreement between the mosque management with community representatives of Perum GRITMA:

1. That the location of Jabal Nur Mosque establishmeny will be built reserved as social facility, base on the permit revision designation permit of land use (IPPT) number: 02/II/IPPT/WM-DTK/2007 dated February 8, 2007
2. Second party will be fulfilling the administrative requirements and technical requirements appropriate to Joint Decree of Minister of Religious and Minister of Internal Affairs (PBM) number 9 and 8 Year 2006.
3. The congregation cannot worship temporary during the mosque establishment permanently with the nameplate of the mosque shall be revoked as the requirement.

At the time of this meeting, the developer also submit orally of land in block L, which is planned for the park complex to Manado City Government to use resolve these problems. Based on requests from the community GMIM.

For the Muslim community, it does not matter as long as it is still in a complex environment, certified and there is legal position namely the letter of appointment that issued by the Mayor. This means that if there will be a rejection again and certainly have refusal of the Adventist community again, then those who refuse will be dealing with the government.

At that time the Government has promised to issuing letter of appointment of the location which have the smallest resistance in the near future. But in fact, until now there has been no appointment letter issued by the City Government from 2010-2014.

Until SETARA Institute conducted in-depth interviews regarding this case, the IMB has not been given. On October 27, 2014, the Mosque Development Committee sent a letter to the Secretary of the Province after the interview with SETARA INSTITUTE on October 15, 2014. As chairman of the Council of Mosques, he promised to solve the problem of Jabal Nur Mosque.

Besides the issue of Jabal Nur Mosque, also occurred prohibition Musholla dome installation formerly in the Talawaan Bantik village, Kecamatan Wori, North Minahasa regency. The case of dome installation prohibition is a series of that small mosque establishment itself which started in March 2009 which Muslims in the Talawaan Bantik village, Kecamatan Wori, North Minahasa through the Ta'lim Assembly formed a committee and make proposals approved by fundraising KUA chief of Kecamatan Wori and Village Head of Talawaan Bantik.

But while the mosque will be built, it is prevented by Village Government and the Chairman of the Village Assembly (BPD) with the reason of not having permit. The committee also organize its permit to Religious Department of North Minahasa. With recommendation "to give permit to Talawaan Bantik society to establish house of worship in the form of surau/nusholla". By some requirement points, the 4th point of it mentioning that house of worship could be established without using religious symbols.

The establishment should be continued, but factually there was again prohibition by government apparatus (The Guard Head of Community Unit/RW) before getting permit from the regent of North Minahasa.

The committee came and met the Regent to ask permit of that musholla establishment. According to him, the establishment process can be done and cannot be prevented if there is permit from Ministry of Religion as the representative of Regent to organize religious matter.

Then, the Regent called Camat and Village Head again. Throug Village Secretary as the village government representative to inform that the Musholla Establishment could be done. Prohibition occurred again when the dome installation gonna be done by the village government and BPD. But they asked the dome is lowered because the applicable status they made that the dome cannot be installed on Musholla.

The committee came again the Ministry of Religion of North Minahasa to ask the clearance of that requirement. The official of Religious Department directly came to location and explained the society and village government relating to the meeting result of Religious Ministry in Jakarta. The result is to oblige all of house of worship should have symbol.

The dome installation is still forbidden by the Village Head. According to him that's the society want, but while the meeting in Kecamatan building, most of society said no while being asked about that matter. There are only 3 persons who said yes. Because there is no decision, this case is brought to Regency level.

At October 2011, the meeting in Regent Office that facilitated the Regent attended by the Village Head of Talawaan Bantik, The Chairman of BPD and religious figures of the village, MUI Kabupaten, Mass Organizations, The Municipal Police Chiefs, and Millitary District Chief (Dandim). The result is that the dome cannot lowered again and the case considered ended.

The problem of house of worship establishment for Muslims become "a speck of tilapia" in North Sulawesi. The religious life in North Sulawesi will be the *role model* of how majority treat

minority in a governmental jurisdiction, if the case of the house of worship establishment not become the protracted case, especially for Muslims.

b. North Maluku: Little Obstacle of Intolerance for Syi'ah Congregation

The entry of Islam in Maluku is closely relating to trading activity. In 15th century, the traders and ulema (Islam preachers) from Malaka and Java to spreading Islam to North Maluku. From here, appearing four Islamic kingdoms in Maluku which called Maluku Kie Raha (Maluku Empat Raja), they are: Sultanate of Ternate that led by Sultan Zainal Abidin (1486-1500), Sultanate of Tidore that led by Sultan Mansur, Sultanate Jailolo that led by Sultan Sarajati, and Sultanate Bacan that led by Sultan Kaicil Buko. In the period of that ruling sultanate, the Muslim society in Maluku have been spreading up to Banda, Hitu, Haruku, Makyan, and Halmahera. The Kingdom of Ternate and Tidore which located next to Halmahera Island (North Maluku) are two Kingdoms that have prominent rules to face foreign powers which trying to domineer Maluku.

In the next development, this Ternate and Tidore Kingdoms were competing to domineer political hegemoni in Maluku area. The Kingdom of Ternate and Tidore are the areas which producing spices, such as nutmeg and cloves, so these areas become the center of spices trading. The area of eastern part of Maluku and Irian beaches (Papua), dominated by Tidore Sultanate, whereas most of Maluku area, Gorontalo, and Banggai in Sulawesi, up to Flores and Mindanao, dominated by Ternate Sultanate. Ternate Kingdom reached its heyday in the period of Sultan Baabullah, whilst Tidore Kingdom reached its heyday in the period of Sultan Nuku. The competition between the Kingdom of Ternate and Tidore is about the matter of trading. From this competition, appearing two trade alliances, and each of them becoming the leader of one alliance, namely:

- a. Uli-Lima (The Alliance of Five Brothers) led by Ternate that including Bacan, Seram, Obi, and Ambon. In the period

of Sultan Baabullah, the Kingdom of Ternate reached the golden age and referring to the info, its power spread up to Philipines.

- b. Uli-Siwa (The Alliance of Nine Brothers) led by Tidore including Halmahera, Jailalo up to Papua. The Kingdom of Tidore reached its golden age under the leadership of Sultan Nuku.

Geographically, the Kingdom of Ternate and Tidore locates in Maluku Island, between Sulawesi and Irian Jaya. That position is very strategic and important in trading sector at that time. At that tome, Maluku Island is the biggest spices producer that entitled as “The Spicy Island”. The spices become the main commodity in trading sector at that time, so every trader or nation who came and have destination there, passing that trading route, Islam spreading up to Maluku, such as Ambon, ternate, and tidore. This kind situation, have been influenced the society’s life aspects in politic, economic, social, and culture.

In Maluku Island, there is small kingdom, among them the Kingdom of Ternate as the leader of Uli Lima, that is the Alliance of Five Brothers. Uli Siwa means Alliance of Nine Brothers. While the Portuguese was directly siding on and helping Ternate. That was because Portuguese considered that Ternate is stronger. And so did the Spain which siding on Tidore, then finally the war occuring between those two white nations. To solve it, the Pope tooke part and created Saragosa agreement. In that agreement, the Spain should leave Maluku and move to Philipines, whlist Portuguese was staying in Maluku.

In order to strengthen its position, Portuguese built a fortrees that named as Benteng Santo Paulo. But the action of Portuguese made it becomes hated by the people and Ternate Kingdom’s stakeholders. Hence, the sultan Hairun openly oppose the political monopoly of the Portuguese nation.

Sultan Baabullah (Son of Sultan Hairun) rise up to fight Portuguese. In 1575 AD century, Portuguese could be defeated and it left the fortrees. The land in Maluku Island is fertile and covered by jungle that gives too much source, such as clove and Banda Island produces nutmeg. In 12 AD century, the demand on

spices increasing, so clove is being the most important commodity. The rapid development of trade out of Maluku resulted in the appearance of alliances. Furthermore fisheries livelihood to support the community's economy.

The arrival of the Portuguese in the Maluku islands aims to establish trade and get the spice. The Portuguese also wanted to develop the Catholic religion. In 1534 AD, the Catholic religion has had a strong foothold in Halmahera, Ternate, Ambon. It caused by the activities performed by Franciscus Xaverius.

As is well-known, part of Maluku, especially Ternate as the centre, people have been embracing Islam. Hence, it is not uncommon religious diversity is exploited by the Portuguese to provoke conflict between the followers of that religion. And when a conflict has occurred, the conflict will be exacerbated again by the interference of the Portuguese in the field of government, so as if they were in power.

After the entry of Dutch Company in Maluku, all those who have embraced Catholicism should be changing their religions into Proobstaclean. After the entry of Dutch Company in Maluku, all those who have embraced Catholicism should be Proobstaclean change religion. This raises social problems that are very large in the lives of the people and the more depressed people's lives.

The long history of forming a typical configuration of religious life in North Maluku. Now, we will find the Muslim spread in the city of Ternate, Tidore, Halmahera Selatan, Sula Islands, Morotai, Obi, Halmahera Timur, Halmahera Tengah, and Halmahera Barat. Whereas, the activity of Catholic is centered in Ternate city, and Proobstaclean Christian is centered in Tobelo, Halmahera Utara and spread into Tidore city, Halmahera Barat, Halmahera Timur, Ternate City, Halmahera Selatan, and Halmahera Tengah.

SETARA Institute not noted the massive events in North Maluku. There are some small ripples on freedom of religion/belief. First, on April 04, 2014 located in Ternate City, Kelurahan Tanah Raja, Kecamatan Tengah, exactly in front of the Ayam Church or left side of Bank BII at 01.30 WIT. There is a riot happened between Syi'ah congregations and Jamaah Tabligh. This event began from the opinion differences in a discussion session of Islam study that

performed in Syi'ah secretariat building. It became more heated and led to quarrels and fist fight.

Number of Syi'ah congregation was less than Jama'ah Tabligh because Jamaah Tabligh asked help from friends who are also jama'ah Tabligh to come and help them. Between those two fighting groups, some were bringing weapons such as sword and machetes. They were not ignoring security apparatus which tried to arbitrate the dispute by performing warning shot several times in order to make the mass dissolve themselves. After dissolved by police apparatus in location, the Syi'ah heading to Police District Office of Ternate which located not far from incident location to secure themselves because of their number which was less than Jama'ah Tabligh. "All of you were secured here, so the clash not occurring anymore!"¹²¹

The chaos began from discussion of Islam in Syi'ah secretariat building in kelurahan Tanah Raja, Kecamatan Ternate Tengah. Not far from the location of the two floors building secretariat, those two groups debating until some hours because that program considered to be started at 12.00 o'clock WIT. While the debate going on, some members of both groups do not want to accept the arguments which stated in the dialogue, so it led to quarrels and fist fights.

The Syi'ah mass are in Ternate police station for about 30 minutes and they disband themselves. The police do not have authority to stop the Syi'ah group's activity, because it has no legal basis for the police "We have no authority to stop your activities (Syi'ah), but to secure is our authority"¹²²

Besides the events that befall Syi'ah congregation, other minorities are also experiencing problems relating to the houses of worship establishment. The Buddhist lodged a complaint that they wanted to build a place of worship in their own land, but it was prevented by the community. According to the government, in this regard as an executive, this problem is being solved. While, it temporarily look for a way out. Their problems surely referring to the regulation. The thing should be seen is how many adherents or followers they have. That becomes serious problems for the Buddhist.¹²³ The Buddhist in Ternate have no house of worship at

all actually.

Different from the Christian, that have church in many. Moreover, one of their churches becomes a heritage in 1500, since the Dutch period. “There are three churches surrounding that cultural heritage, right? It could be said that those are many Christians there, but the Buddhist is almost not audible.”¹²⁴

The regent of Ternate also confirmed it. The absence of house of worship for the Buddhist is caused by the minimal number of congregations of that religion. Besides of number factor, the land they belong for place of worship establishing also become the obstacle for the Buddhist. Their belonging land for their place of worship, located in Muslims environment, so they have rejection from surrounding people there.¹²⁵ Thus, the Buddhists in Ternate until now are faced two major problems, the first is low political will of governments that led to the fulfillment of the right to worship Buddhist followers to be violated by the positivistic regulation pretext without any effort to explore other solutions, especially retrofitting the local cultural values and the true local wisdom. Second, intolerance of religious groups by the number of people who have a lot of real dictate government, and at the same time the government receives intolerant and discriminatory situation with friendly.

That is reinforced by the Chairman of the North Maluku PWNU that links the absence of a place of worship with the demands of regulation, concerning the number of the congregation or people. It was a serious obstacle to the Buddhist in North Maluku. “But it should, Buddhist community here also need facilitation.”¹²⁶

Related to Local Government Policy, both at province, district and town level of North Maluku, problems occurred, mainly between religious communities conflicts, has not been a concern of the local government. FKUB formation in some districts and cities, for example the FKUB in Ternate and FKUB Halmahera Tengah, are inactive whereas religious conflicts are prone to happen there.

c. **West Kalimantan: KBB in Social Conflict Vortex**

West Kalimantan is a province in Indonesia which located

in Kalimantan island, with Pontianak as the capital. According to Kakawin Nagarakretagama (1365), West Kalimantan becomes the conquered area of Majapahit, even since Singhasari leadership period, Majapahit names it as Bakulapura or Tanjungpura. Tanjungpura territory stretches from Tanjung Dato to Tanjung Sambar.

Since October 1, 1609, The Panembahan Sambas Kingdom becomes protectorate area of VOC, Dutch. Even became the protectorate area of VOC Dutch. Although in recent times, the Sambas Kingdom is under the rule of the son in law of King Panembahan Sambas who is a prince of Brunei, but the Sambas still not included as a part of Brunei.

In line the agreement on October 20, 1756, VOC Dutch promised will help Sultan Banjar Tamjidullah I to conquer again the regions where breakaway, such as Sanggau, Sintang and Lawai (Kabupaten Melawi), whereas the other regions are Banten Sultanate's, except Sambas.

According to the deed on March 26, 1778, Landak and Sukanada (most of West Kalimantan) are given to VOC Dutch by Banten Sultanate. These are the regions which the first belonging of VOC Dutch besides the protectorate of Sambas. In the same year also, Syarif Abdurrahman Alkadrie who formerly inducted in Banjarmasin as Pangeran Syarif Abdurrahman Nur Alam legitimated by VOC Dutch as the first Sultan of Pontianak in that Dutch's belonging region. In 1789, the Poltianak Sultan was helped by Kongsu Lan Fang commanded by VOC Dutch to take over the Mempawah and then conquer Sanggau.

The dominant tribe in West Kalimantan are, Malay and Dayak. Malay is the biggest ethnic in Sambas regency, Pontianak, Ketapang, Kayong Utara, Kubu Raya and Pontianak City, and Dayak is the biggest ethnic of Bengkayang regency, Landak, Sanggau, Sintang and Sekadau. While, in Kapuas Hulu and Melawai, the number of Malay and Dayak are relatively balanced.

The Tionghoa are also many in West Kalimantan, and especially in city area. In Singkawang, the Tionghoa ethnic is being the biggest one, then followed by Malay. And in Pontianak city, the Tionghoa ethnic is the second largest ethnic after Malay.

Javanese and Madurese are also having significant number in West Kalimantan and especially who occupying transmigrant area and the city. Sundanese also occupying part of transmigrant area in West Kalimantan.

Another tribes lives in West Kalimantan are, Bugis people and Arabic who are occupying the coastal area and city, and as well Banjar tribe, Bataknese, Minangkabau tribe and so on.

The composition of tribes in West Kalimantan in accordance to Census 2000, consist of Sambas (11,92%), Tionghoa (9,46%), Java (9,14%), Kedayan (7,83%), Malay Pontianak (7,50%), Darat (7,39%), Madura (5,46%), Pesaguan (4,79%), Bugis (3,24%), Sunda (1,21%) and Banjar (0,65%). That official publication of BPS were not showing officially the number of Malay and Dayak tribes.

Religion that embraced by society in West Kalimantan, are:

| Religion | Number | Consentration | Information |
|-------------------------------------|-----------|---------------|--|
| Islam | 2.603.318 | 59,22% | Embraced by the tribes of Malay, Java, Madura, Bugis, Sunda, Banjar, Minangkabau, little number of Batak, Dayak and Tionghoa |
| Christian (Catholic and Protestant) | 1.508.622 | 34,32% | Embraced by Dayak, Tionghoa, NTT, little number of Batak and little number of Javanese |
| Buddhist | 237.741 | 5,41% | Embraced by the Tionghoa |
| Khonghucu | 29.737 | 0,68% | Embraced by the Tionghoa |
| Hindu | 2.708 | 0,06% | Embraced by the Bali people |

Source: Compiled from various sources.

The social conflict among ethnic groups in West Kalimantan is relatively high. Since by conquest Hindia-Belanda period, some of social conflict that involved the Tionghoa ethnic, Dayak and Malay have happened. Then in the time of after independence in 1950's that involved the ethnic of Tionghoa and Malay. And the peak was indeed the case in 1997- 1999 ethnic conflict involving ethnic Madurese, Malay and Dayak. Ethnic conflict that claimed thousands of lives lost souls and millions of people lost their homes and property. A bit much this fact show that West Kalimantan is vulnerable to potential ethnic conflict.

Just like the cases of conflict involving other communal violence, ethnic conflict in West Kalimantan also bring tremendous impact on society. The impact has been much brought extraordinary changes of people in West Kalimantan. Aspects of life of people of West Kalimantan was actually torn. West Kalimantan people formerly known harmonious and tolerant society turned into suspicion to each ethnicity.

One of the effects on the public level are the rejections and the reluctance of some people in West Kalimantan to discuss openly about ethnic issues to seek resolution. Or such rejection of Malay community in Sambas, which until now refused the return of the Madurese community in Sambas district. By the government itself inter-ethnic conflicts have otherwise been completed with the transfer of refugees to a new settlement (tebang kacang). But the problem is not that simple. Many problems in the field which have not been resolved until now. Such as how the property of refugees in the region of origin (Sambas) that has been abandoned, and the recovery of their lives evacuation location that is more like the isolation location for them to other groups.

In the middle of which high vulnerability of social conflict, SETARA Institute noted, the intensity of violations on freedom of religion/belief in West Kalimantan is relatively low. There are only 8 events in the 6 years of monitoring violations.¹²⁷ One of cases on freedom of religion/belief is the demolition of Church building in 2014.

The Building of Gereja Pantekosta di Indonesia (GPdI), at Desa Sendoreng, Kecamatan Monterado, Bengkayang Regency,

West Kalimantan, were destroyed by surrounding people there on Sunday, June 8, 2014. The people considered that the worship activities in that church have violated the ritual of Samsam tribe which ongoing at that day as well.

The information collected from informan, Heru, the Chairman of the Election Supervisory Committee, Kecamatan Menterado, Pendeta Irwandi, and Tumenggung Binua Gerantung the adat elders Yulianus Saba that the incident began while the Christian running their worship activity in Gereja Pantekosta di Indonesia (GPDI) where located in desa Sendoreng on Sunday, about at 10.00 o'clock in the morning. Some people came to the church and reprimanded Irwandi, the preacher of the church, because there was traditional ritual of Samsam ongoing at Desa Sendoreng. But, because there was no clear common-ground of their talks, so the situation became heated and the residents then destructed the building and the facilities of church, including the preacher's house where locates next to the church.

The sound of musical instrument of the church which so loud, considered by the people already nulls the traditional ritual process. Mediation then held in the house of Village Head of Desa Sendoreng to muffle situation on Monday, June 9, 2014. The mediation was attended by Camat Monterado, Kapolres Bengkayang, Danramil Bengkayang, society figures, religious figures and residents. In that mediation, a resident revealed that before holding that traditional ritual, the traditional leaders and the people have hold a meeting and they agreed that the traditional ritual of Samsam will be held on Sunday, June 8, 2014. All the society elements were suggested to obey that ritual, including the house of worship. "We are not forbidding worship activity in this church, but we asked you to not using musical instrument and not too loud while singing in that day, so it will not make noisy and disturb our traditional ritual. But it was not obeyed, and it was precisely violated."

Camat Monterado, Tommy said that, the church demolition by the residents was very painful lesson. "The customs are existing, before (humanbeing) recognize the God in ancient times. But, it should be understood that our country is having Bhineka Tunggal Ika slogan. It just a part of miscommunication that not mediated," said Tommy in mediation with residents.

Meanwhile, representatives Gereja Pantekosta Samalantan, Pastor Halasuan Silitonga explained, this action was actually embarrassing Sendoreng society in general. Halasuan judge, chairman of the Bengkayang Traditional Council must take full responsibility of this incident.

“There must be rembugan regarding timing of ceremonies Samsam, so it can take a day-neutral,” said Halasuan in mediation. Bengkayang police chief, AKBP Vendra Riviyanto after mediation explained that there was a misunderstanding in the beginning of both parties. After the church service, there may be things that do not see the meeting point. Vendra added that this incident has been responded by the village government and the government held a mediation so that this incident will not happen again. “We need tolerance from all, neither the indigenous peoples or communities from outside. Basically the Dayak people here are very open to outsiders. This activity is similar to the ceremony of Nyepi in Bali. So, all must be synergistic among officers. For legal action, we will see progress, because it’s about beliefs, anything will definitely at stake,”

“This is purely in the social environment, not from outsiders. We hope they can resolve this problem. There must be a tolerance with people which are not like-minded with us. The way is not directly damage the house of the Lord, this is our responsibility,” added Vendra. Vendra also added, for the future, in the context welfare or the public, there must be a dispensation. He can provide security, and this issue should be resolved, do not let it be protracted. “Do not let this harm our unity and diversity”.

The events of the freedom of religion/belief in West Kalimantan are not too obtrusive, but social conflict ethnic background is very high. Considering, wedge between religion and ethnicity is also high, so ethnic conflicts which occur if not be managed properly will lead to violations of freedom of religion/belief.

d. Central Kalimantan: About Kaharingan and Social Conflict Challenge

Central Kalimantan is a province which locates in Kalimantan island, with Palangka Raya as the capital. The religion that embraced by the highest porcentage is Islam (74,31%), Christiant that covering Proobstaclean and Catholic (18,60%), Kaharingan(6.26%), Hindu (0,50%) and Buddhist (0,10%). Islam is embraced by 1.643.715 of Banjar tribe, Javanese, Malay, Dayak Bakumpai, Madurese, Sundanese, and some of Dayak Ngaju tribe, Sampit, Katingan, Maanyan and Bataknese. Christian that covering Proobstaclean and Catholic are 411.632 embraced by part of Dayak Ngaju, Sampit, Katingan, Maanyan, Bataknese and little number of Javanese. Kaharingan is a mystical belief of original people of Central Kalimantan according to Census 2010, and if it combined with the others adherent so it has 138.419 adherents. Kaharingan adherent are spread in Central Kalimantan and occupying river upstream area, among other upstream of Kahayan river, Katingan river and upstream area of other rivers. For Hindu, the number of its adherents are 11.149, and mostly embraced by Balinese transmigrants. Whereas, for Buddhist, there are 2.301 with majority adheents are Tionghoa.¹²⁸

Islam adherent are mostly in West Kotawaringin Regency, namely 282.836 adherents, Christiant Proobstaclean are mostly in Gunung Mas regency, namely with 64.822 adherents, Catholic are mostly in East Barito Regency with 12.511 adherents.

Meanwhile, the Hindu religion is mostly in North Barito regency with 34.177 adherents, Buddhism is mostly in the city of Palangkaraya with 3.000 adherents, Konghucu also is mostly in the district of West Kotawaringin with 108 adherents, noted as many as 3.186 other religions are also occupying district of West Kotawaringin.¹²⁹

The data of religious adherents are not directly proportional with numbers of place of worship. From the same data resources, the mostly are in Kapuas regency, they are 311 Mosque and 638 Musholla. Whereas, the musholla are mostly in Palangka Raya city, about 158 buildings.

For Prosobstaclean and Catholic congregations, numbers of

religious adherents are directly proportional with the number of places of worship. The church are mostly in Gunung Mas regency, they are 253 churches and the Chapel are mostly in East Barito regency, they are 51 Chapels. And for the main Catholic church are mostly in Lamandau regency, with 35 units.

About Hindu, the Temples are mostly in Kapuas regency that has 60 temples and North Barito regency with 26 Sanggar. And for Balai are mostly in Pulang Pisau, they are 69 Balai.

For Buddhist, in East Kotawaringin regency and Palangka Raya city, they are 3 Monasterys in each region. There is 1 Pagoda in each regency of East Kotawaringin and Sukamara for Konghucu.¹³⁰

In general, the freedom of religion/belief in Central Kalimantan (Kalimantan) could live in harmony. One indication is the number of place of worship that are mutually not far apart. For example, the Nurul Iman Mosque building was established in 1970 ad Kalimantan Evangelis Church (GKE) of Efrata Bukit Hindu was established in 1987 on jalan Kinibalu, Palangka Raya city. Even these both buildings are having 17 years difference of estblishing time, but the tolerance runs well until this time.

On Friday, while Muslims performs Friday praying, the churchyard is often used as parking area for the congregations' motorcycles or cars. Whereas, on Sunday or another church's activities, the Christians are also performing their worship peacefully and parking their motorcycles not far from the mosque-yard.¹³¹

In the same city, on jalan Raya Galaxy Amaco and jalan Gemini Palangka Raya, the same condition also happened between GKE Nazaret, that was established in 1986 and Al-Azhar Mosque that was established in 2005. They were established side by side that within less about 2 span of hand. But they appreciate each other in performing their worships.¹³²

In a real situation of religious communities in Central Kalimantan, particularly in Palangka Raya city, is preety conducive, both in terms of internal religious, inter-religious and religious communities and the government. In carrying out the teaching of religion in accordance with the teachings of their respective religions. This is based on social-religious traditions and the

development of local wisdom.

Socio-religious traditions includes familiar influence in the community that in a family there are different religions adherents, which is called by indigenous cultures as “rumah betang”. The other thing is, a sense of togetherness/harmony/tolerance, that communities already used to do visiting-each other (silaturahmi), for example on the day of marriage, celebration of religious holidays, helping security and being the committees of many religious activities, such as MTQ, PESPARAWI, Utsawa Dharma Gita, Kaharigan Tandak Intan Party, and Dharmapada Scripture readings Festival.

Government run under the principles of fairness in the religious life coaching and development in religious context. The government also encourages the local wisdom to develop different religious life but can work together in terms of which context of humanity or for the mutual-benefit interests. Aspects of religion equations is highlighted than the differences in religion, this is followed by avoiding away selfishness and arrogance in religion that does not claim to be which is the most correct one.

But nevertheless, SETARA Institute noted several events in the last 3 years.¹³³ At least, there are 5 prominent events that identified, among other is about the place of worship establishment. In Palangka Raya, FKUB of Palangka Raya city issued a Notice about Place of Worship Eastblishment. This letter refers to the Joint Decree of Religious Minister and Internal Affairs Minister No. 9 and No. 8 Year 2006 About the Guidance of Implementation Task Regional Head/Deputy of Region Head in Maintenance of Religious Harmony, Religious Harmony Forum Empowerment, and the Houses of Worship Construction, which tend to be discriminatory. In the Article 19 verse 2 of that Notice, mentions: “An attestation of granting a temporary permit utilization of the building is not the house of worship referred to in paragraph (1) shall be a maximum of two (2) years”.

According to Drs. H. Misbah, M.Ag, the Secretariat Head of FKUB of Palangkaraya city, the society said their objections if there is shophouse that used for a church on jalan RTA Milono. Misbach explaining the observer of SETARA Institute, essentially,

it must ask permission first, so if there is public objection, they can say we've been able to permission from the city government.

He quotes the rule sound says that, if it has not got the church in 2 years, and FKUB will follow up with a Notice as well. However, in another location at jalan Galaxy of Palangka Raya city, it (FKUB) already gives a notice but it has no response yet.¹³⁴

The other deterioration indicators of KBB in Central Kalimantan is also observed from the prohibition construction of mosques in Transmigration Settlement Unit (UPT) Siong, East Barito. Events that ended up the demolition of the mosque that is constructed of wood which occurred on Saturday (24/05/2014).

The demolition was carried out by 30 people which did not agree and transmigration that led by Mr. Supardi as chairman of RT. These activities was let by the official from the Ministry of Transmigration and Religious Affairs of East Barito which are in the location at that time. It's about 5 (five) families (KK) of Ahmadiyah congregations become victims and until now the construction of the mosque is still pending.¹³⁵ Until now, has not been repaired demolished mosque waiting for favorable conditions. That Ahmadiyah mosque demolition story shows massive transmission intolerance against the Ahmadiyah.

Besides the case of the houses of worship establishment and Ahmadiyah Mosque demolition, in a note of SETARA Institute, Central Kalimantan also leaves a major homework problem about Kaharingan protection of local religious believers. They had been discriminated in civil services. They often forced by the government to "confess" as an Hindus or other religions which recognized by the state. If they persist with their real and original identity, they will be more made difficult to make settlement services, such as ID cards, and descriptions of other population administration.

Central Kalimantan also faced other challenges of social conflict management. Sampit tragedy has left a deep trauma. But the Sampit conflict resolution experience is relatively smooth, at least compared to the tragedy of Sambas, its in-Western side "neighbor". But nevertheless, that bloody conflict remains being a note that the escalation of social conflict is constantly threatened in East Kalimantan, which will definitely an impact on the protection

of freedom of religion/belief, either directly or indirectly.

e. East Nusa Tenggara: the Tolerance in Flobamora Land

East Nusa Tenggara with its capital, Kupang, is well-known as Flobamora land which became abbreviation of big islands that string up that provinces, they are Flores, Sumba, Timor, and Alor. East Nusa Tenggara is a province with majority people as Catholic adherents. Based on the BPS data of East Nusa Tenggara Timur province, most of people there is Christian with percentage Catholic (*55,880 percent*) which concentrated in Manggarai, Timor Tengah Utara, Belu and all of main land of Flores and Lembata. The next largest adherents is Proobstaclean Christian (*34,396 percent*) which concentrated in Sumba island, Kupang regency, Timor Tengah Selatan, Alor, and Kupang city. Whlist, the largest Islam adherents is (*9,504 percent*), Hindus (*0,215 percent*), and Buddhist (*0,005 percent*). Numbers of place of worship for the Catholic (*including Chapel*) in the whole of East Nusa Tenggara are 2.527 units, Proobstaclean church 5.386 units, Mosque (*including musholla*) 987 units, Temple 28 units and Monastery 2 units that located in Belu City and Sikka.¹³⁶

Beside it, there are many other islands which are in it. East Nusa Tenggara has several sub-ethnics inside, a different language and customs. Native of East Nusa Tenggara consists of various tribes who are occupying areas that scattered throughout the region of East Nusa Tenggara.

East Nusa Tenggara is dominated by Christian (Catholic and Proobstaclean), and Islam as well. The Catholic religion developments was spread by the Portuguese, and the Proobstaclean Christian religion was spread by the Dutch. While, the spread of Islam into the East Nusa Tenggara through traders from Ternate which spread through the districts of Alor. In East Nusa Tenggara, there is still faiths (custom)/religions local (ethnic) which is still growing in the community, such as Marapu (Sumba).

Marapu religion is “original religion” which still alive and embraced by Sumba people, East Nusa Tenggara. What is meant as *Marapu* religion is a belief system that based on the ancestor

worship. In Sumba language, those ancestor spirits are called as *Marapu*, means “yang dipertuan” or “yang dimuliakan”. That’s why, the religion they embrace is called as *Marapu* as well. *Marapu* has a lot of numbers, and hierarchically has certain structure that divided into two groups, namely *Marapu* and *Marapu Ratu*. *Marapu* is the ancestor spirit that as deified and considered will be a pioneer of a *kabihu* (large family, *clan*), and *Marapu Ratu* is *marapu* that considered comes from the sky and being the ancestor of other *marapu*. So it is the *marapu* with the highest position. The presence of *marapu* in real life is represented and symbolized by holy symbols in the form of golden or silver jeweleries (or sculpture or jar) that called *Tunggu Marapu*. Those holy symbols are kept in *Pangiangu Marapu*, namely over inside the *uma bokulu* tower (big house, central house) a *kabihu*. Even having so many *Marapu* that often mentioned its name, worshiped, and used as a place for asking help, but it not causes disapproval of a God Almighty at all. The adherents of this belief sure that the life in this world is just temporary and they will life in the eternality in the last of the day, in the spirit world, in *Marapu* destiny, that is known as *Prai Marapu*. Religious ceremony of *marapu* (such as death ceremony, and others) always followed with slaughter of sacrificial animals of buffalo and horse. And, that becomes a hereditary tradition which is always maintained in Sumba.

Besides it, there is also *Jingitiu* mystical belief (Sabu island). The society of Sawu (Sabu) embraces original religion of *jingitiu* before they hold Christian. Today, about 80 % of Sabu people are masyarakat Sabu Proobstaclean Christian. However, they are still supported by *jingitu* mindset. Their belief norms still remain valid, with custom calendar that determines when to plant and other ceremonies. The original belief norms still determining the customs life destiny or *uku*, that supposedly believed to organize the whole of human’s life and it came from their ancestors. All of things in this world is *Rai Wawa* (land under) comes from *Deo Ama* or *Deo moro dee penyi* (the God collects, forms, creates). *Deo Ama* is very respected and dreads at once, it is so mysterious. In accordance to that, there are some spirits under the *Deo Ama*, they arrange the seasonal activities, such as dry season arranged by *Pulodo Wadu*, and rainy season arranged by *Deo Rai*.

Besides it, there are also Uis Neno, Uis Pah and Pah Nitu (Kupang, Kab. TTU and Kab. TTS). Dawan society praise *Uis Neno* which means Sky Lord. This *Uis Neno* is symbolized as *apinat-aklabat* or ‘that flaming and fiery’, and *afinit-amnanut* that means ‘the highest and overcome everything’. *Uis Neno* is also believed as *manikin-Oetene* giver or ‘coolness and coldness’. He is the giver of *tetus ma nit* ‘justice and truth’. Besides that, He also considered as a God of fertility that arrange the season, give rice and corn, to arrange nature as well. *Uis Neno* also plays a role as *abaot-afatist* that means ‘who give food and take care of us’, *amoèt-apaket* means ‘who create and carve’. But *Uis Neno* is also believed could bring long drought that causes plants dead and bring the pest against plants and pets or humanbeing. This illustration shows that *Uis Neno* is the Creator, the Organizer, and almighty. *Uis Neno* is believed to have two forms, namely *Uis Neno Mnanu* means “Lord the Most High” and *Uis Neno Pala* or “God who is near and close”. But, both are still classified as Lord of the Sky.

Besides Lord of the Sky, the Dawan society also recognize the Lord of Land or the Master of Universe. The Lord of the Land is called as *Pah Tuaf* or *Uis Pah*. (*Pah* means earth, world or nature). *Uis Neno* and *Uis Pah* is recognized to form divine powers, but the superiority of *Uis Neno* is stay real. Both are indeed different, and those have its own existence, but both of them cannot be separated. *Uis Pah* is considered as the bearer of bad luck and catastrophe for humanbeing. Therefore, human must try to ingratiate them with rituals. Together with *Pah Nitu* (spirit or death people world), *Uis Pah* is believed rule the world and live in forest, coral reef, water springs, big trees, mountains.

The society of Dawan believes in *Pah Nitu*, that is spirits of death peoples. This spirits have important rule in human’s life, because they often made as connector or intermediary between humanbeing and *Uis Neno*. They believes also to *Uis Leu*, namely the holy King, Ilicit God, that usually related to *Uis Neno*.

There is also a mystical belief of Lera Wulan Tana Ekan (Kab. Flores Timur). Lera Wulan Tana Ekan is local belief that respects ancestor’s spirits. The Figure of the Divine as called as “Lera Wulan Tanah Ekan” or Sang Ada that mastering sun, moon and earth.

The Condition of Freedom of Religion/Belief in East Nusa Tenggara if seen at glance, it includes as a province with good in tolerance among religious people, but it is not being the indicator that East Nusa Tenggara is free from the event of “intolerant” on freedom of religion. These are the events that happened and capture public attention:

In 2009, there is an arrest and detention of Kelompok Doa Sion Kota Allah.¹³⁷ The background of Kelompok Doa Sion Kota Allah: Initially in 2002, Nimbrot Lasbaun from Alak, West Kupang, then start with a self-service in the environment of Kisbaki (which is his home now), services carried out as to pray someone for the sick, a lot of scrimmage (life issues) and all sorts of problems other. The journey through the healing service of prayer which performed, many miracles of healing that occurs, and the more people which come to ask for service. Because more and more people, then in 2004, Nimbrot form prayer groups with the name of Kelompok Doa Sion Kota Allah.

In the prayer service with worship, Kelompok Doa Sion Kota Allah that led by Nimbrot Lasbaun, came to the congregation's house who needs service, moreover they are who sick, and every Saturday, member of association hold a meeting that coupled with weekly worship that spend about 2 hours in Nimbrot's house.

To make the service easy for congregations who need it, Kelompok Doa Sion Kota Allah opens the branch of association in Belo, Bakunase, Batu Plat and West Kupang, with the different name in every branch. For the area of group service spread into some places, such as Bakunase, Kisbaki, BTN Kolhua, Uenesu, Airnona, Batakte and some other places in West Kupang district.

In 2006, Kelompok Doa Sion Kota Allah set some rules which interpreted from the Bible such as: all the people who becomes the member of Kelompok Doa Sion Kota Allah should take off their shoes while entering the church, if there is a dolor, they could go but without eating and drinking in that murning people, for male and female are forbidden to cut their hair, if the female congregation has short hair, so they have to wear head scarf (jilbab), and male member should wear robe while worship. Since that rules application, many members who are joining that

association before, then retire to join. In 2009, the permanent members and hold the role in Kelompok Doa Sion Kota Allah are just 6 persons.

Besides that, in 2011, there is a case of restriction of Masjid Nur Musafir establishment, that located in Kelurahan Batuplat, Kecamatan Alak, Kupang city. The reason of restriction that used as the condonation is¹³⁸: First, FKUB have never held a supporting data verification in connection with the houses of worship establishment. Second, FKUB have never had a dialogue with the community, public figures, religious leaders and other interested parties around the construction area of houses of worship (in accordance with the ministerial Joint Decree No. 8 and No. 9 Year 2006). The third, the contrived administration requirements of the houses of worship establishment (signatures supporting the development is taken is the name while taking the qurban meat distribution).

In 1998, East Nusa Tenggara had experienced an event with *sara* nuances between the Christian and Islam. That event occurred because people uses religion as an instrument, but not purely a religious conflict but more due certain political issues which eventually created a single event, but the event that not as widespread as the conflict in Ambon and Poso, because the people of East Nusa Tenggara are still having marital relationship (marriage), blood relationship. By the kinship aspect, they are familiar with the peace and serene at the beginning. From the experience in 1998 up to now, the role of government and religious figure is more pro-active in handling the religious case nuances.

The government and religious figure doing *silaturahmi* (meeting) that attended by all religious components in East Nusa Tenggara in every month, religious holiday, and the end of year. In that meeting, they discuss various problems that faced and find a solution of those problems. The problem which always happened such as guilty feeling of a community and other community, the denominations in the internal of Proobstaclean Christian, and house of worship establishment (Mosque and Church).¹³⁹

In relation with the framework of relations among religions there which more positive dynamics. Conditions of inter-religious

harmony in East Nusa Tenggara began to improve from year to year, but it is not a guarantee will not be any problems, among certain groups there are still concerns which if not responded will give bad impact for peace and tolerance. Regard to addressing these concerns and also be a recommendation to the government, that the government must be taking firm action in order to make any religious group/certain belief is guaranteed in religion life and belief (peace and tolerance) as mandated by the 1945 Constitution. ■

Endnotes

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 - 13 Interview of Researcher of SETARA Institute, Dindin AG with Dedi Ahmadi, the management of Jamaat Ahmadiyah Indonesia (JAI) of West Java Regon, Bandung, 21 October 2014.
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CHAPTER 4

The Big Home Works of State and The New Hope

A. Introduction

After the stagnation on freedom of religion/belief that almost perfect in two periods of SBY's leadership, the new government should take the new basic policies and approaches, demeanor and actions, which congruent to the guarantee protection embodiment on freedom of religion/belief as the constitutional rights of all citizens. That matter is in order to build the new hopes for the establishment of better religious life in Indonesia.

One of prerequisites for new policies that have taken by President Joko Widodo, is appointment process of stakeholders that promising for condition creation on freedom of religion/belief which is more conducive, especially for Ministry of Religion and Ministry of Internal Affairs. The vision of pluralism, multiculturalism, and diversity on the own self of Ministry of Religion, Lukman Hakim Saifuddin and Minsitry of Internal Affairs, Tjahjo Kumolo, in the perspective of SETARA Institute are proven sufficiently.

The Ministry of Religion, that "*post* Suryadharma Ali", have showing new initiatives in various religious issues, such as how the religion accommodate and embosom minority, dialogic approach that performed, recognition on Baha'i, the effort of finishing the whole case of Syi'ah Sampang, and so on. The Ministry of Internal Affairs is also proven his vision about pluralism and his alignment to minority religious/belief groups in Indonesia which reflected in the issue of religion column in identity card of minority religious group outside the

sixth mainstream religions that recognized formally by the state.

However, the appointment of Ministry personnel is just first step of the whole government fundamental agendas that conducive for freedom of religion/belief in Indonesia. The whole existence stakeholders, in the central or local scope, should build policies and new approaches in order to create freedom of religion/belief and religious harmony in Indonesia, by doing the basic “home works” that failed to be finished by former government. In this chapter, SETARA Institute tried to map and to present the big home works that must be finished by the new government in order to realize the new hopes of religious life in Indonesia for being better and conducive. The mapping of those home works is based on the analysis on main problems about freedom of religion/belief in Indonesia, which are based on long research of SETARA Institute in 8 years along and which its report is always published annually.

Those big home works are about legal establishment and legislation policy that appropriate to the main idea of constitutions about freedom of religion/belief, the completion problem of house of worship, stoppage criminalization against belief/mystical belief, and law enforcement for intolerant actors who are often openly performing anarchy and violation on freedom of religion/belief. Then, the big home works on freedom of religion/belief will be reviewed in these following sections.

B. The Restoration of Constitutional Idea about Freedom of Religion

The Constitutions of this Republic, Constitutions 1945 of Republic of Indonesia (UUD 1945), substantively contains of the state government performance, including in the scope of religion/belief/faith¹. In Constitution 1945 could be identified some provisions that give guarantee of all citizens’ rights to hold certain religion and belief. At least, there are three Articles with 5 verses in Constitutions 1945 that could be identified as Articles that give guarantee on freedom of religion for all. Those provisions are Article 28E verse (1) and (2), Article 28I verse (1) and (2), and Article 29 verse (1) and (2). Those articles give basic constitutional rights for people in embracing religion and belief in accordance to their certain religion and belief, and also it

firmly state that the all form of intolerance in religious life and religious discrimination is extremely in contrary to the *staat fundamental norm*.

Article 28E verse (1) of UUD 1945 mentions: “All people are free to embrace certain religion and worship in accordance to it, to select education and teaching, to select the job, to select citizenship, to select the state area of living and leave it, and get back there as well.”

Next, is the Article 28E verse (2) UUD 1945 states: “All people have rights on freedom to believe his/her belief, to state his/her mind and attitude, according to his/her conscience.”

The Article 28E UUD 1945 gives guarantee to the people to be free of embracing a religion and/or belief. That provision declares implicitly the freedom for anyone to have religion and belief. The guarantee of freedom of religion also perfected by the guarantee for anyone to worship in accordance to what they believe.

Then, Article 28I verse (1) UUD 1945 recognizes: “The rights to life, rights not to be tortured, rights of freedom of thought and conscience, rights of religion, rights not to be enslaved, rights to be recognized as individual before the law, and rights not to be charged on retroactive law are the human rights that cannot be reduced in any circumstances.”

Next verse is in the same article, which states: “All People has rights to be free from discriminatory treatment for any reasons and has rights to get protection against that such discriminatory treatment.

That Article 28I firmly states that rights of religion is non derogable rights. So that rights cannot be reduced in any circumstances or cannot be revoked by anyone.² The next verse gives confirmation about the rights stated in previous verse, including rights of religion, in order that its fullfilment could be done equally, not discriminative, or the mechanism of protection guarantee of discriminative actions is provided.

The guarantee existence in UUD 1945 shows that rights of religion or a certain religion embarecement by someone, is the essential in human rights.³ In the more firmly languag, Seto Harianto stated that rights of religion is the most basic rights from all the human rights.⁴ Moreover, in discussion about the rights of religion matter during the UUD 1945 changes. He stated that the rights of religion is not the state’s granting, not the communal granting, bso the state cannot oblige

its people or even the state cannot interfere the religious matter of its citizens each.⁵

Besides to give guarantee and position as the *non derogable rights* on rights of religion/belief, the UUD 1945 also manage the relation between state and religion, and the state's position as well in the context of respect and protection of that right. That matter is regulated in the Article 29 UUD 1945 that states as follows:

In Article 29 verse (1) UUD 1945 states firmly that “the State base on The One Almighty God”. It is followed by next verses that states: “The State guarantees freedom of ever residents to embrace his/her religions and to worship in accordance to that his/her religion and belief.”

The birth of that provisions, is obiter influenced by long discussion in BPUPKI court. In that court that held on May 29 to June 1 1945, the religious issue becomes the main important subject.⁶

In the court beginning period, the Head of BPUPKI, Dr. KRT Radjiman Wedyodiningrat filed question on what basis this new country will be established. One of the aspects that being polemic then, about is Indonesia will be religious country or not. The member of BPUPKI divided into two sides perspective. *First*, the group that propose the “nationality and divinity” is provided as the state fundament. *Second*, the group who propose about the state religion is Islam. In this context, the Islam should be recognized as the state's religion with extra-wide freedom for people to embrace religion not Islam.⁷

The first group was supported by secular-nationalist figure, M. Yamin, Soepomo and Soekarno. But if deeply seemed, those three figures also have different opinion as well. M. Yamin⁸ and Soekarno⁹ still want to make the country based on the religion. Whereas Soepomo¹⁰ prefers to divide about the state and religion.

The second group, one of them represented by A. Rachim Pratalygram¹¹, Abdul Kadir¹² and Ki Bagoes Hadikoesoemo¹³. A. Rachim Pratalygrama and Ki Bagoes Hadikoesoemo firmly stated that Islam is used as state's basis and Islam also used as religion of the state. That discussion with all dissent of members of BPUPKI above, was finally led to decision that Pancasila as the state's basis, but with the confirmation about the rights to embrace religion in Article 29 UUD 1945.

After reformation, the political dynamic happened that demanding

the amendment of UUD 1945. The formulation of that Article 29 UUD 1945, even not been changed in its changing process in 1999-2002, but it was discussed and becoming polemic among the Commiteemen of Ad Hoc (PAH) I Agency Worker (Badan Pekerja/BP) MPR in changing period of UUD 1945. The discussion of PAH I BP MPR was more emphasis on how about the relation of state and religion. F-PDIP through its spokesman, Hobbes Sinaga in Introduction of Council Faction Discussion (Pengantar Musyawarah Fraksi-fraksi Majelis) on December 6, 1999 said about necessity of reinforcing relation of first precepts of Pancasila and the Article 29 verse (2), especially in the matter of authority limit of government against those religious power.¹⁴

Besides F-PDIP, F-PBB through its spokesman, Hamdan Zoelva even had proposed to change the Article 29 verse (1). That changes, according to Hamdan Zoelva shown to confirm that our country is not “secular country”.¹⁵ Further, Hamdan also stated that the adjustment of religion should be confirmed in Indonesian constitution.¹⁶

The introduction of that faction colloquy, particularly relating to religious matter as adjust as in Article 29 UUD 1945 just got response in the 44th meeting of PAH I BP MPR on June 14, 2000. On that meeting beginning, Harun Kamil from F-UG as the chairman of that meeting said that in general, there are three models of state and religion relation. Those three relations are: *first*: secular state, is the state which dividing the relation between the state and religion absolutely. *Second*, religious country, means the state enacting religion as the basis of power and sovereignty. *Third*, our country, Pancasila State, means the state gives religious rule in national and state life.¹⁷

The Pancasila State that mentioned by Harun Kamil means the state based on the God Almighty where the state gives religious role in religious life, as regulated as in Article 29 UUD 1945. In this context, the state no need to deeply intervene the citizen’s dealing. Further, Harun Kamil describes that relation of religion and state is preserved but that such relation is administrative. The state ought to not deeply intervene the internal of every religion. The religious pluralis should considered as a reality. The consequence is every religion lives in society and they should get recognition of the state.

To response of what stated by the meeting chairman relating to that religion, almost of factions state its arguments. In these factions’

opinion, the disagreement of re-putting again the seven words in Jakarta Charter, was reopened. F-PPB and F-PPP suggest that those seven words in Jakarta Charter is put in the change of Article 29 verse (1).¹⁸

Meanwhile, other three fractions, namely F-PDIP, F-TNI/Polri, F-PDKB refusing the change of Article 29 UUD 1945. But the others, even they proposed the change, it doesn't mean that they agree to put the seven words in that Jakarta Charter. They prefer to perfect formulation of Article 29 UUD 1945. After discussion in three season time (2000-2002), the People's Consultative Assembly (MPR) finally decided to preserve the Article 29 UUD 1945 without any correction.

The debate about Article 29 UUD 1945 is actually stating that one of basic ideas of UUD 1945 is to give guarantee and protection to every residents to get their constitutional rights, namely freedom of religion/belief.¹⁹ Religion position is the strategic point that states Indonesian country is a modern and religious. Religion get aegis and guarantee everywhere from the state.²⁰ Indonesia is not a religious country or theocracy and also not a secular country.²¹ State gives guarantee to the whole people to be freely in running their religion. So that, the state should not make any prohibitions and obstacles for people to running their religions. Precisely, the state should give wide spaces for all people to perform their own religions.²²

Basic ideals of the constitution as defined in article 29, confirmed again with the addition of two articles, namely Article 28E and Article 28I. Thereby, that state's constitutional responsibility become more firmly to protect the religious rights of every citizen. State has an obligation to guarantee freedom of religion/belief as stated as in Article 28E, Article 28I, and Article 29 of the 1945 Constitution. The state's responsibility and obligation confirmed the mandate Article 28 paragraph (4) of the 1945 Constitution which states that the protection, promotion, enforcement and fulfillment of human rights is the responsibility of the state, especially the government.

Hence, the obligation to provide security, protection, promotion of human rights, especially freedom of religion for every citizen in the country there. Countries who act as obligations stakeholder. State is not allowed to delegate the implementation of the obligations to non-state actors to implement it. Because, the implementation of state

obligations by non-state actors will open space to violations of religious rights occurrence. Additionally, it will also open up space emergence of groups in the name of religion for violence against people with different beliefs.

The next breath of the basic ideas and ideals of law (*rechtsidee*) the constitution is the state governments who obliged to establish harmony of regulations with the basic ideas and ideals of the constitutional law. So, the new government of Joko Widodo shall review some implementing regulations that in contrary to basic ideas and ideas of that constitution.

In SETARA Institute study, there are several legal policies of governments that are not in harmony, or even in contrary to the ideals of law and the basic idea of Pancasila State Constitution in the field of freedom of religion/belief. Policy and legal norms which are not in harmony, among others: First, Act Number 1/PNPS/1965 about the Prevention of Abuse and/or religious blasphemy.²³ Fundamental errors in the Act, among others: First, government discriminate the religion adherent with interpretation that subjectively assessed “not in line” to majority interpretation. Second, the State intervenes too deep in *forum internum* of individual, not state. Moreover up to interpretation space of their head and heart. Third, the State not guarantee the legal certainty for all of citizens, through the establishment and implementation of legislation that sets the object and substance which abstract, blurred, and absurd.

Second, the policy of Islamic Law implementation as a part of special autonomy “packet” for Aceh Government, through the Act Number 11 year 2006.²⁴ Islamic Law implementation in Nanggroe Aceh Darussalam is a deviation in national law building of Pancasila State that in its basic law not as theocracy state and it also not base on a certain religion. Islamic Law implementation has clearly not harmonious, even in contrary with the State Constitution. Besides that, Islam in Aceh is basically not an extreme diversity that, but instead, it is quiet flexible and syncretic. The Qanun or local regulation in Islamic Law based is a negotiation space and political servic among the elites in local or central level and otherwise. Because if we referring to the ethnography and local sociocultural, the qanun then just capitalized by Islamic minor groups only.

Third, the Joint Decree of Minister of Religion and Minister

of Internal Affairs Number 9 and Number 8 Year 2006 about the Task Implementation Guidance of Local Head/Vice Local Head in MReligious People Harmony Maintenance, Religious People Forum Empowerment, and House of Worship Establishment (the Joint Decree of Two Ministers). This regulation have gave serious restriction for freedom of religion/belief as guaranteed as in Constitution and Law Ideas inside, especial in the provisions that relating to the establishment of house of worship. That regulation trigger some various serious violations in house of worship establishment as the main part of freedom of religion/belief.

That PBM is arranged according to the Act Number 1/PNPS/1965. Principally, that Act not set the religious harmony, but organize the religious blasphemy. Besides it, PBM also command the arrangement of religious harmony maintenance by Local Government. So, in formally, the PBM issued in 2006 contining formal defect.²⁵ Because if refering to the Act of Regional Government, religion is about the authority of Central Government. It is appropriate to the Article 10 verse (3).

The PBM also sets about the house of worship establishment problem, because it not refer to the real necessity, but to the followers quantification or the minimum congregations. As setted in Chapter IV of that PBM, the provision of establishing house of worship must fullfilling the particular requirements such as the name list and identity card of that house of worship users at least 90 (ninety) persons that legalized by surrounding officials there and must get surrounding people's support at least 60 persons that legalized by the headman/village head as well. For the minority adherent, that requirements is surely hard to be fullfiled. So, until whenever, the minority religion/belief will never have house of worship. If it will be happening, so that matter absolutely in contrary to the constitution. Because of those reasons, the new government should take initiatives to reviewing that PBM.

Fourth, The Joint Decree of Religious Ministry, Attorney General, and Ministry of Internal Affairs of Indonesia Number 3 Year 2008, Number KEP-033/A/JA/6/2008, Number 199 Year 2008 about the Warning and Command to the Adherents, Members, and/or the Board Member of Indonesian Ahmadiyah Congregation (JAI) and Citizens (commonly called as SKB Tiga Menteri). This regulation has triggering some violations and intolerance policies against minority of Ahmadiyah

Congregation in many regions, moreover through the anarchy deadly actions like that happened in Cikeusik.

Fifth, some regulations in local government, either in provincial or regency/city level, in many forms, such as Regional Regulation (Perda), Gubernatorial Regulation (Pergub), Regent Regulation (Perwal), Bupati Regulation (Perbup), and others, which derived from the Joint Decree of Three Ministers about Ahmadiyah, and/or according to the Islamic Law implementation. Those such regulations are found in many Regional Regulations and it is clearly triggering the occurrence of serious violations on Freedom of Religion/Belief.

This big home works in legal sector and legislations should be a main concern of Joko Widodo government, in order to ensure the enforcement and realization of law ideas and ideals of 1945 Constitution that the freedom of religion and worship according to religion/belief is the constitutional rights of people which must be guaranteed and protected by the state. In accordance to long research of SETARA Institute, the laws which in contrary to constitutional basic requirements, have truly triggering violations behalf the name freedom of religion/belief. The Pancasila State Spirit and law ideal of state constitution have been killed by the legislations of constitutional derivation. So, the new government should restore the basic ideals of Constitution about that freedom of religion by reviewing, repairing, and perfecting, and/or cancelling the not-harmonious legislations which in contrary to basic provisions of 1945 Constitutions about freedom of religion/belief. In that situation, there is a new hope for better freedom of religion/belief life.

C. To Unrave the Complexity of House of Worship Establishment

Worship is one of the elementary activities inherent in religious freedom as a fundamental right. That's why Article 29 verse (2) of the 1945 Constitution affirms freedom of religion for every resident is in one breath with the freedom to worship according to their religion or belief. That is why the establishment of houses of worship become a fundamental aspect as the indication of protection guarantee on freedom of religion/belief.

Faktanya, pendirian rumah ibadah menjadi isu yang problematik dalam kehidupan beragama di Indonesia. The data of SETARA Institute shows that in recent years occurred 68 times the violations of

freedom of religion/belief in the form of prohibition or interference on the establishment of houses of worship. [See Table 4]. These violations committed by the accumulation of state actors and non-state actors.

Especially when juxtaposed with a data disruption to homes and places of worship. Fundamental element situation of freedom of religion/belief increasingly apparent so concerning. About 307 violation occurred in 8 years, or approximately 38.5 violations per year. Occurred more than 3 violations of freedom of worship in this Pancasila country!

Table 7.
Disturbance and Problems of Houses of Worship Establishment

| Year | The Disturbance of House of Worship | The number of violation related to the establishment of houses of worship |
|-------|-------------------------------------|---|
| 2014 | 26 | 10 |
| 2013 | 63 | 8 |
| 2012 | 47 | 9 |
| 2011 | 58 | 12 |
| 2010 | 28 | 16 |
| 2009 | 28 | 12 |
| 2008 | 35 | 1 |
| 2007 | 22 | 0 |
| Total | 307 | 68 |

The violations befall almost all places of worship and places of worship of all religions, although most befall the church. The magnitude of the church number who became victims of violation is confirmed by some other data, among other is from Toddoppuli Journal. Online journal released by Theophilus Bela, Chairman of the Jakarta Christian Communication Forum (FKKJ), Secretary General of the Indonesian Committee of Religions for Peace (NGOs for mutual understanding between religions), and a Board member of ACRP, it describes that for the year 2013, churches were attacked, harassed, broken down or closed / sealed in 2013 reached 55 cases, whereas the previous year there were

76 cases.²⁶

For cases of interference on the house of worship and religious activities at a place of worship or house of worship, the state must ensure fair enforcement against actions which mostly is a crime.

Especially for violations related to the establishment of houses of worship, it is more complex, deals with many aspects, whether political, juridical, sociological, up to technical matter. It takes an affirmative approach of the state official to resolving cases of houses of worship establishment, of course, after revising the restrictive provisions contained in the PBM as reviewed in the previous section.

In terms of impact, the prohibition of the establishment of houses of worship will have an impact on the occurrence of other violations, which ultimately creates a derogation sporadically freedom to worship as defined in Article 29 of the 1945 Constitution. State institutions should be in the forefront in providing legal certainty and guarantee at the same in the matter of houses of worship establishment. The assertiveness of the central government becomes a fundamental prerequisite. Because matters of religion is basically the central government affairs that are not decentralized to the regions within the framework of regional autonomy, as stipulated in the Act about Local Government.

During this time, the assertiveness the central government is almost always absent in houses of worship establishment problem. The central government turned as if turned a blind eye to this problems of the establishment of houses of worship that experienced by religious minorities, even for cases that are very striking and close of the “radar” of the central government, namely DKI Jakarta and West Java.

Jakarta in record SETARA Institute is one of the opened arena of intolerance in the establishment of houses of worship. In the last 5 years, there were 20 issues of the church that occurred in Jakarta and intolerant actions, including intimidation, terror, destruction and prohibition of the placement of government officials on religious identity. Among them, are: house of worship establishment of Jemaat Gereja Pantekosta in Indonesia (GPDI) Immanuel Sukapura, Cilincing, North Jakarta (2007), Gereja Bethel Indonesia (GBI) Semper, Tanjung Priok (2008), Gereja GAPEMBRI at Tambora, West Jakarta (2009), Gereja St.Yohannes Maria Vianney, Cilangkap, East Jakarta (2010), Gereja Katolik Paroki Santa Maria di Kalvari, Lubang Buaya, Pondok

Gede, East Jakarta (2011), and Gereja Katolik Paroki Damai Kristus, on Jalan Duri Selatan V/29 Rt 0015/05, Kecamatan Tambora, West Jakarta.²⁷ Cases of Church in Tambora is a test case for the Government Joko Widodo when he served as Governor of DKI.

In 2013, hundreds of people under the name of Cooperation Forum of-Mosque-Musholla-Majelis Ta'lim (FKM3T) at Duri Selatan, Tambora, West Jakarta, doing demonstrations refusal development plans of gereja Paroki Damai Kritis that locates in Bunda Hati Kudus Foundation school on Jalan Duri Selatan V No. 29 RT12 / RW02 Village South Duri Tambora, West Jakarta. The reason for rejection is not eligible pursuant to the Article 14, paragraph 2 (b) of the Joint Regulation of the Minister of Religious and the Minister of Internal Affairs No. 9 of 2006 and No. 8 of 2006. Rejection of the citizens at that time was a very strong.²⁸

Jakarta Governor Joko Widodo (Jokowi) come and find solutions to the citizens who reject the development plan of Gereja Paroki Damai Kristus on April 12, 2013. During his visit, held a mediation meeting with citizens who have been refused the construction of the church in the complex Jami Masjid Al Ulama, at jalan Duri Selatan road, Tambora, West Jakarta.²⁹

Conducive and comfortable atmosphere within the community become the attention of serious concern Jokowi. In that mediation meeting, Jokowi want to hear directly from residents about problems citizens' rejection, to seek solutions and to remind all parties to respect the norms of decency and civility and ask importance of good communication between community leaders and religious leaders. Jokowi also underlined the problems on church building rejection, if not handled in quickly, it will be a problem that is more enlarged.

After doing *blusukan*, Governor Jokowi to explore the problems of the people of Jakarta, to the current disruption of Gereja Damai Kritis Tambora for establishing their church and to worship, is no longer exist anymore. Even the allotment of establishment principles of the church permit has been issued by the Governor.³⁰

The trends of the case of the houses of worship establishment in some other areas even triggered, supported, and even initiated by local governments. Hence, the experience Jokowi to overcome the problem of houses of worship establishment Tambora must be having repetition

to other cases in his position as head of the central government, as well as the Head of State. The assertiveness of central government to local government is very waited by minority religious group especially.

Some cases the houses of worship establishment is very tragic, because in such cases, local governments express defiance to the laws and judicial decisions that are inkracht. Proverbs are striking in this context is the case of GKI Yasmin and HKBP Filadelfia.

The case of HKBP Filadelfia Bekasi is protracting to the present. The officials of church and congregation of HKBP Filadelfia already suffered intimidation related to the houses of worship establishment since 2000. It means, 15 years after they were stranded in expressing their basic rights as human beings and citizens to worship freely. In fact, the decision of the court has won a lawsuit of HKBP Filadelfia.

The State Administrative Court of Bandung (Administrative Court) declared null the Decree (SK) Bekasi regent of the Cessation Event and Activity Development Worship, Gereja Huria Kristen Batak Protestant (HKBP) Filadelfia, RT 01 RW 09 Dusun III, Jejalen Jaya Village, Kecamatan Tambun Utara, Bekasi, West Java. Thereby, the regent of Bekasi should revoke the decree, and give permission to build a house of worship for HKBP Filadelfia in accordance with applicable legislation.³¹

But the verdict of the State Administrative Court (PTUN) not give any judicial guarantee for HKBP Filadelfia in performing worship. Various actions of intolerance and discrimination still happen to them as citizens. Various religious activities HKBP prevented, forbidden, and dissolved.

Based on archival interviews between SETARA Institute and administrator of HKBP Church of Philadelphia. The case began when HKBP Filadelfia Church, Tambun Bekasi, in 2008, filed a Petition Recommendation Permit of Houses of Worship Establishment (namely HKBP Church) to the Head Office of Religious Affairs Bekasi, Religious Harmony Forum (FKUB) Bekasi and also to the Regent of Bekasi to obtain permit for house of worship establishment. This was done after the special requirements are met in accordance to Joint Regulation of the Minister of Religious Affairs and the Minister of Internal Affairs No. 9 Year 2006, No. 8 Year 2006.³² Although the application is equipped with the required documents have been submitted by the HKBP Filadelfia

since April 2008, but until October 2009, the permit being applied for, have not being published.³³

Conversely, Bekasi regent was precisely published the decree No.300/675/KesbangPollinmas/09, concerning Cessation of Establishment and Worship Activities, Huria Kristen Batak Protestant (HKBP) Filadelfia, at RT. 01 RW.09 Dusun III, Jejalen Jaya Village, Kecamatan Tambun Utara, Bekasi, West Java, which was published on December 31, 2009.³⁴

The congregation of HKBP, then submitted objection of the Decree issuance by the Bekasi Regent No. 300/675/Kesbangponlinmas/09 through the State Administrative Court (PTUN). On September 02, 2010, the State Administrative Court of Bandung consent that objection of HKBP Fiadelfia through the verdict Number: 42/G/2010/PTUN-BDG which stated: *first*, to consent the whole objection of plaintiff, *second*, to state null of Decree of Bekasi Regent Number: 300/675/Kesbangponlinmas/09, dated December 31, 2009, concerning: Cessation of Development and Worship Activities of Huria Kristen Batak Protestant (HKBP) Filadelfia, at RT. 01 RW.09 Dusun III, Jejalen Jaya Village, Kecamatan Tambun Utara, Bekasi, West Java which issued by defendant.

Third, to command the defendant to revoke the Decree of Bekasi Regent No.300/675/Kesbangponlinmas/09, dated December 31, 2009, concerning: Cessation of Development and Worship Activities of Huria Kristen Batak Protestant (HKBP) Filadelfia, at RT. 01 RW.09 Dusun III, Jejalen Jaya Village, Kecamatan Tambun Utara, Bekasi, West Java which issued by the defendant.

Fourth, to command the defendant to process the permit that have been submitted by plaintiff and allows them to build house of worship in accordance to the applicable legislations.

Of that decision, the defendant in this case Bekasi Regent appealed to the State Administrative High Court (Administrative Court), Jakarta. On March 30, 2011, the PTTUN Jakarta though the verdict No.255/B/2010/PT.TUN.JKT won again the HKBP Filadelfia and upheld the verdict of Bandung Administrative Court.

On June 28, 2011, the State Administrative Court of Bandung published the case determination No.42/G/2010/PTUN-BDG Jo No.255/B/2010/PT.TUN.JKT, that decided: 1) To grant the petition of

the plaintiff, 2) To declare that the case Number: 42/G/2010/PTUN-BDG Jo. Number: 255/B/2010/PT.TUN.JKT is stated not fulfilling formal requirements, so it cannot be submitted to further appeal in Supreme Court level of Republic of Indonesia.

With the release of Determination of PTUN Bandung in the case No: 42/G/2010/PTUN-BDG Jo No. 255/B/2010/PT.TUN.JKT, dated June 28, 2011, so thus the verdict of PTUN Bandung No.42/G/2010/PTUN-BDG, dated September 02, 2010 Jo, the verdict of PT.TUN Jakarta No.255/B/2010/PT.TUN.JKT, dated on March 30, 2011 is final already. It means that those verdicts of PTUN Bandung and PT.TUN Jakarta have legal binding already or *inkracht*.

So, do the case of HKBP Filadelfia construction finished and the fairness have been given to the congregation actually? Absolutely no! Even HKBP Filadelfia already won the accusation through the court verdict that has legal and enforceable binding, but up to this time, the Bekasi Regent does not perform that Court Verdict and HKBP Filadelfia becomes the violation object of freedom of religion/belief.³⁵ The residents are still refusing that church establishment.

The case of GKI (Gereja Kristen Indonesia) Taman Yasmin³⁶ is also same. This case began from the plan of new church establishment, because the old one cannot accommodate the congregation capacity. The church's document mentioned that their church cannot accommodate the congregation who come every Sunday praying activity anymore, whereas the development process is impossible to be done so because of land limited. So, the congregation agreed to build a new church in developing area, namely in the Taman Yasmin residence that locates on Jalan KH Abdullah bin Nuh.³⁷ Most of residents refused the existence of GKI Taman Yasmin because it is in a stree which in Islamic name.³⁸

Relating to the plan of that church establishment, the church management did preparation of that new church establishment plan in Taman Yasmin or at that time it located on Ring Road of Bogor City—now, that street's name had changed into Jalan KH Abdullah bin Nuh No. 31. The management of GKI Yasmin then organize the permit for building establishment (IMB) to start the establishment plan, that begun with the study and internal survey about congregation development by seeing the need of Congregation's Post for Taman Yasmin area and its surrounding.

Based on data collected SETARA Institute of GKI Taman Yasmin, the IMB (Building Permit) process has been carried out from March 10, 2002. A number of people expressed no objection to the establishment of GKI Taman Yasmin, it is proved by obtaining the signatures of support from citizens.

Then the GKI started the construction of a church which is right next to the hospital Hermina. In laying the first stone moment in 2006, the City Government was present and gave a speech. But in 2008, the local government of Bogor revoked its building permit by the reason of forged the signatures of citizens.

GKI Taman Yasmin then filed a lawsuit against the State Administrative Court in 2008. During the court proceedings, the Bogor city government has made the sealing against building owned by GKI Taman Yasmin including padlocked gate. Since that, then GKI Yasmin church to worship on the pavement, right in front of the church building. Bogor city government argued that the pending proceedings will remain open seal. The church was still patient to worship on pavements, including the celebration of Christmas and Easter.

Legal proceedings in Administrative Court of Bandung, has been completed and the court held that the Yasmin church building can be resumed. But apparently the City Government has prepared a legal action to appeal to the State Administrative High Court (PTTUN) Jakarta. In the appeal process the city of Bogor still GKI Yasmin church does not allow to use the church building, they reasoned to waiting the legal process. PTTUN Jakarta again stated that no evidence of a violation of law in the process of IMB GKI Yasmin, so should the Bogor city government immediately revoke the seals on GKI Yasmin. But in fact, the Mayor of Bogor is not budging to implement the decision PTTUN Jakarta. Instead, then as the Bogor Mayor Diani Budianto appealed to the Supreme Court against the decision of the GKI Yasmin.

The Supreme Court then issued a decision number 127/PK/TUN/2009 on December 9, 2009 won the GKI Yasmin associated with building permit (IMB). But, instead of obeying the final court decision, the Mayor of Bogor when it precisely issued Decree No. 645.45-137 Year 2011 on Revocation IMB GKI Yasmin on March 11, 2011. The Ombudsman also issued a recommendation to the number 0011/REC/0259.2010/BS-15/VII/2011 on July 8, 2011 that containing of the

revocation decision by the Mayor of Bogor on IMB GKI Yasmin.

Is the final decision of the court and then restore justice to the GKI Yasmin? Surely it is not. Supreme Court decision ignored by the City Government. Supreme Court decision ignored by the Bogor City Government. Even up to this moment, violation of legal rights GKI Yasmin remains preserved by the new Mayor of Bogor, Bima Arya Sugiarto, which is actually a young, progressive known, and had become a beacon of hope. The PAN politician permanently seal the church building, prohibiting the celebration of Christmas December 25, 2014 at the church, and ordered the Public Order Agency (Satpol PP) to dissolve worship activities in connection with the celebration of Christmas in the GKI Yasmin.

Those two attitudes of local government in Bekasi and Bogor, which obviously has been expressed openly dissent against the provisions of the constitution and the courts final decision must be disciplined by the Central Government. Government expected Joko Widodo politico-juridical act to provide legal certainty and restore justice to the victims.

In SETARA Institute study, the problem of houses of worship establishment as a violation of freedom of religion/belief in Indonesia, determined by the following factors: *First*, and foremost is the poor human rights perspective and a lack of commitment and firmness of government, both local and national, in view of relations religious communities in the social order. It was reflected from the various policies, attitudes, and actions taken by the government in various problems of houses of worship establishment.

Second, the lack of diversity management by the state as a prerequisite to ground state Pancasila as plural and have joints the *Bhinneka Tunggal Ika*. The style of such state is mandated by the state constitution, so that the state government should guarantees institutionalization of diversity management which mainly involves two aspects; organization (policies, systems, procedures, and mechanisms) and personnel (organizer of government). That such diversity management is intended to the enforcement of the basic state laws mandate.

Third, the lack of tolerance and willingness to life *peaceful co-existence* in various differences, especial religion and belief. That situation is residues of failure of three educational center (formal, informal and non-formal) or the school, family, and society) in teaching

people and Indonesian human being to have their own characters and learning to live together with the others, who are different (*liyan, the other*).

Fourth, is the omission of religious radicalization. Radicalization can spread and transmitted. Religious radicalization driven by real actors minor. But, radicalization among people with a low tolerance would be a great energy that lead to conflict and violation of different religious adherents. That is apparent in the case of the establishment of houses of worship various problematic. Mass in the hundreds who reject the establishment of houses of worship, in many cases, mobilized by a handful of intolerant actors usually come from outside the local community or around.

Fifth, is the weak law enforcement. In the name of freedom of assembly, expression, and expressing opinions, everyone is entitled to express their aspirations, refuse, or support any policy. But if all that is done in ways that violate the law, especially criminal action category, such as destruction of property, attack, torture, intimidation, terror and threats, or even murder, the law enforcement officers should not be silent and allow it. The problem is, there are more apparatus absent in situations where they have to prioritize law over than political considerations, alignments in the majority, and so on. As a result, various violations in the category of criminal/criminal act was shown without any legal action. Impunity in various crimes occurred against freedom of religion/belief.

Sixth, and this is over than the other factors, that is the lack of firmness, courage, and commitment of the state to make the state constitution as a guidance to regulate and to govern state government. Once the State ignores the constitution, hundreds of times citizens will do the same. Arrangements the establishment of houses of worship had been allowed to get away from the atmosphere of mysticism (*geitslichenhintergrund*) and state constitutional mandate. Establishment of houses of worship as a basic element of “freedom of religion or worship according to their religion and their respective beliefs” more often positioned behind the privelege consideration for the majority, popularity, and political calculation only.

These factors causing the establishment of houses of worship become complex problematic in religious governance in Indonesia.

In that situation, the government of Jokowi should showingb strong political will to parse the problems of house of worship establishment by resting on state legal basis. Every policy, regulatory, governance, and state action must be based on the constitutional mandate which states that “freedom of religion or worship according to religion and belief” is the right of every person to get a guarantee from the state constitution. The government of Jokowi-JK should be able to cultivate a new hope for the realization of the constitutional mandate that “the independence of embrace religion” is one breath with “freedom to worship according to the religion and belief.”

D. Stopping the Belief Criminalization

One of the big homework of Jokowi government is the issue of criminalization of belief. Referring to the research and monitoring SETARA Institute in the last eight years, the criminalization of belief is one of the actions that are often carried out by the state. This was confirmed by International Amnesty (Amnesti Internasional) study which concluded that the criminalization of religious freedom is still rampant in Indonesia.³⁹ In general fact, the expressed-criminalization belief portraits of freedom of religion/belief that become more diminishing than in the era of SBY-Boediono.⁴⁰

According to data from Amnesty International, since 2004 there have been at least 106 individuals were convicted under the blasphemy law. Most of the arrested, are convicted because of having minority views and religious beliefs, or different from the views and belief of the majority.

One criminalization belief recorded as serious criminalization by Amnesty International was the case of Alexander An, a civil servant (PNS) 30-year-old from Kecamatan Pulau Punjung in West Sumatera Province. Alexander An imprisoned for blasphemy charges in June 2012. Aan accused of running atheism and write a statement and put a picture on his personal Facebook site and the Facebook group “Minang Atheist”, which is considered by some people to insult Islam and the Prophet Muhammad.

On June 14, 2013, the Court decided him guilty and sentenced him to two and a half years in prison and a fine of 100 million dollars for violating the Act ITE. In the verdict, the judge openly declared his

atheist beliefs are not allowed under the state ideology of Pancasila and the Indonesian constitution, which requires every citizen to believe in God, and that belief is also “disturbing public order”. He was released in January 2014 after serving his sentence, but must live in another province to avoid disruption from religious groups for allegedly “insulting religion”.⁴¹

The very serious criminalization cases of belief and recorded by the public, is the criminalization of Tajul Muluk, the Syi’ah Sampang leaders who became the victim of violence and violations of freedom of religion/belief in Sampang.⁴²

Tajul Muluk and other Syi’ah citizens are victims of attack on December 29, 2011. After the incident, the criminalization of Tajul Muluk precisely take place systematically. The clerics, Local Government of Sampang, and police work together to imprison Tajul Muluk. The criminalization scheme that conducted were involving Roies al-Hukama, the younger brother of Tajul Muluk to impress that the case Sunni-Syi’ah in Sampang is merely a family conflict. In fact, the state actors were proven to involve directly in this belief criminalization scheme.⁴³

Tajul Muluk criminalization scheme began shortly after attack. On the day of Sunday, January 1st, 2012, MUI chapter Sampang issued a fatwa about the misdirection of Tajul Muluk teachings. The fatwa was issued on a impressed forced because that imprison process was performed in holiday. In the fatwa, there is also not described in detail where the location straying Tajul Muluk teachings. The content of fatwa only mention that Tajul Muluk’s heretical teachings is mislead, without any further information about why and what it is considered heretical.

The process of criminalization of belief still continuing. Two days later Rois al-Hukama reported Tajul Muluk to Sampang Police on charges of religious blasphemy. After receiving reports of Rois, Sampang Police issued a Letter of Acceptance Report Number: LP/03/I/2012/Police. Strangely, the report goes to the process of investigation by the Police Sampang, without going through the process of the investigation beforehand. In the same day, Police Sampang issued an Investigation Warrant Number: SP-Fingerprint/05/I/2012/Criminal. After checking out some of the witness, and the witness of fact, Police Sampang began compiling Police Interrogation File (BAP).

Based on the police dossier, there are many irregularities that occurred during the process of witnesses examination took place.⁴⁴

The state's desire to judge the belief of Ustadz Tajul Muluk seems so great. The proof, the Polres Sampang bestows his investigation file to Regional Police Department of East Java. That file transfer is caused by disability of Polres Sampang in proving the criminal elements that alleged to Tajul Muluk. "They (Sampang Police Investigator) were difficulty proving the article element, but they still forced to restrain Tajul, so that they bestow that case to Polda East Java," Otman Ralibi said, the legal council of Tajul Muluk.⁴⁵

On January 24, 2012, Polres Sampang bestows this case handling to Polda East Java. In the same day, Polda East Java issued the Investigation Warrant Number: SP.Sidik/47/I/2012/Ditreskrim about the commencement of the investigation process. Examination of witnesses by the Polda East Java began on March 9, 2012 until March 31, 2012.

Two days after, the Polda East Java held the *gelar perkara* related the charge of religious blasphemy that pointed to Tajul Muluk. Some of the parties attending his case, including the High Court (Kejaksaan Tinggi) envoy, members of the Police Sampang, and representatives of the State Attorney of Sampang. Along with his case, Investigators of Polda East Java issued a Suspect Determination Letter to Tajul in alleged violation of Article 156a of the Criminal Code on religious blasphemy, and Article 335 of the Criminal Code of unpleasant acts.

Three days after, the case file of Ustadz Tajul Muluk was being transferred by Investigators Polda East Java to the High Court of East Java to be consulted first. Apparently, the investigators are not enough sure with the files they arranged, so they shall be doing machination beforehand together with East Java High Court. Five days after, exactly on Tuesday, April 10, 2012, the case files of Tajul Muluk is declared P21 by East Java High Court. That P21 determination that declared by East Java High Court was also controversial. The General Criminal cases usually take weeks, even months, only for the determination of case file (P-21). For the case Tajul, it only took 3 days (because Saturday and Minggu are day off). Since that case transferred on to High Court of East Java.

Two Days after, the East Java High Court bestow the case file of

Tajul Muluk to the State Attorney of Sampang. Together with that case file transfer, the State Attorney of Sampang issued Arrest Warrant Number: Print. 293/O.5.36/Ep.1/04/2012 against Tajul Muluk. At that day also, Tajul Muluk arrested by Sampang State Attorney.

Four days after, on April 16, 2012, the State Attorney of Sampang bestow Tajul Muluk's case file to the State Court. At the same time, the Judge Council of State Court of Sampang issued Determination Letter Judge that the court will be started on Tuesday, April 24, 2012. The speed of this process is really something that is unusual in criminal proceedings.⁴⁶ At that same date also, Tajul Muluk was made as defendant and brought to the trial by the charge of religious blasphemy, with the article 156a Criminal Code jo. The Article 335 of Criminal Code with the 5 years threat. Tajul Muluk was charged to spread teaching that essentially: 1) accuses the Koran now is not original, 2) Additional lafadz of Syahadat, 3) Cursed the companions and wives of the Prophet, 4) Shall be lying (*taqiyah*), 5) The number of rukun iman and rukun Islam are different, 6) believe in to 12 priests, and 7) allowed to perform suicide.

After going through about 14 marathon trials, Tajul Muluk was convicted in a trial verdict, dated July 12, 2012. The verdict Judge composed only three days from the last session. The verdict also did not consider the Pledooi Tajul Muluk which was nearly 250 pages thick.⁴⁷

As suspected many parties, the trial court of Tajul in PN Sampang was a farce. A strong suspicion that the judges who lead the trial of this case has made a decision before the trial process, trial process is totally useless. Although what was accused on Tajul can not be proven in court, but the judges said the pretext that Tajul and witnesses have *taqiyah*⁴⁸ so all the explanations of witness and Tajul were not considered by the judges. The court did not prove the charges against Tajul at all. The judges still decide Tajul was guilty and reward him with a sentence of 2 (two) years on the charge of teaching and have a different Qur'an which was different with ordinary one that followed by the Muslims in general.

Worse than PN Sampang, Surabaya High Court actually aggravate the punishment for Tajul up to 4 years, and again with ridiculous and irrational consideration. Surabaya High Court on September 20, 2012 to aggravate the punishment of Tajul for assessing his activity as the

cause of the riots happened in Sampang that creates one person died. And, the last Supreme Court also agreed with what was issued by the Surabaya High Court.

Case Tajul Muluk, and Alexander An as well, explaining how strong state involvement in the scheme of the criminalization of belief. The law in those cases relating to minority beliefs not enforced to bring about justice, but otherwise just as a legal justification on the real intentions of the country that has been in the hegemony by the majority's views and beliefs. Those criminalization of belief have being the violation in serious state active action form. Joko Widodo should handle those case as one of his homeworks in freedom of religion/belief.

One of the roots of the criminalization belief problem is the Act No. 1/PNPS/1965 concerning about the Prevention of Abuse and/or Religious Blasphemy. Beside it, countries often perform criminalization by using the Article 156a of the Criminal Code about religious blasphemy, as well as Article 335 of the Criminal Code about the unpleasant acts

Relating to criminalization on beliefs by the state, Jokowi-JK government must show a strong desire to stop, as well as stop derivative violations the resulting. Several major agenda should be done in the context of that, among other things: First, immediately formulate academic papers and legislation draft of the Act No. 1/PNPS/1965 replacement. That new meant bill should be based on the constitutional provisions of liberty/freedom of religion and freedom of every person to worship according to the religion and beliefs respectively. Beside it, those provisions in it also should be harmonized with the human rights framework in accordance with international instruments that recognized by civilized nations and is ratified by the Indonesian positive law, in particular the International Covenant on Civil and Political Rights which has been ratified by Act No. 12 Year 2005.

Second, urge to revision of the Criminal Code by inserting the repeal of Article of Religious Blasphemy as part of the revision, beside the Unpleasant Acts which is often used to criminalize the expression of religious freedom peacefully.

Third, immediately release unconditionally all prisoners detained or imprisoned because of his conscience (prisoners of conscience). Those who uses his conscience to express their basic rights in thought and expression, belief and religion, or embrace religion/conviction/

beliefs in peace are not worth to be reduced and be removed (derogation and limitation) through criminalization using the justification law and state justice..

Fourth, ensuring law enforcement, especially those in the executive domain, in this context are the police and prosecutors to not criminalize them who are minorities because of having different views and belief from the majority.

E. Presenting the State in facing Intolerance Actors

One homework of previous governments' legacy that must be resolved by the Jokowi-JK Government is a matter of intolerance actors. According to research and monitoring SETARA Institute, the government of President SBY has a tendency to put the agents of violence is above the rules of state law.

The government along this time has preserved many accommodation spaces for groups that are clearly questioned by the society because often presenting violence using behaviour. One example of how the tendency still ongoing is about the government's stance on the FPI (Islamic Defenders Front). FPI in many cases often demonstrate anarchy, violence, and the arrogance of the group (and of course, its interests) is using the name of religion.

One excessive expression of accommodation by SBY government is represented by the attitude of one Minister of Indonesia United Cabinet II, who stated that the FPI's position as one of the important elements in the life of the nation. Minister of the Internal Affairs, Gunawan Fauzi in his statement on Thursday, October 24, 2013, as quoted by so many national media, urged that local governments shall cooperate with the FPI. The way how the SBY government treats FPI, actually will strengthen and appreciate the use of violent methods which performed mass organization or other groups on behalf of any kind. That obviously will enrich the practice of intolerance in Indonesia.

On that government's treatment of FPI, it showed that Minister of Internal Affairs and the government of SBY in general, more pleased to capitalize FPI for a particular purpose and political interests, rather than doing the articulation and aggregation of the aspirations and interests of the community in general, and so the common interests of the nation

and state for institutionalizing democracy, peace and civility.

If the government's reason, especially Gamawan, is because of his authority to fostering mass organizations, should not obtain preferential treatment. Favoritism that shown by Gamawan on FPI, is contrary to mainstream which requires that whole practice of FPI violence shall be accounted before the law. In a democratic environment, the FPI it is, also has he same rights as other mass organization, but the image of the FPI as an anarchist mass organization should be considered morally and ethically by the Minister of Internal Affairs. That statement will further strengthen the role of the FPI as a vigilante organization in cooperation with the local government under the pretext of creating 'social order' through the various operations that violate basic human rights and constitutional rights of citizens. This appeal will only enrich the practice of intolerance.⁴⁹

The privilege granted by the government to the FPI is inversely proportional to the critical attitude of society, even dare to openly reject the FPI. Based on Tempo records, there are at least some public rejection of action against FPI presence in a number of areas,⁵⁰ among other: 1) Rejection by Dayaknese in Central Kalimantan, 2) Rejection by Muslim Pesilat in Kediri, 3) Resistance of College Students in Kupang, 4) Blocking Action by Residents in Wonosobo, 5) To sweeping treats on FPI at Tulungagung by Tulungagung Society Alliance Love Peace (Aliansi Masyarakat Tulungagung Cinta Damai), and 6) Dissolution demand on FPI by Resident in Pontianak.

Additionally, the state, in this regard is the legal apparatus, often do not demand legal responsibility for the actions of intolerance by intolerant actors on minority groups. In so many cases of violence against Mystical Beliefs were misled, church sealing cases such as in Aceh Singkil, the government did not take adequate measures to hold the law to intolerant groups for their violence actions and criminal they have done.

In certain cases, in which intolerant actors were dragged to court, the country just demanding only with a mild sentence to the agents of violence. The tragedy of Cikesik, Temanggung, and Sampang, showing the gambling data that the country is "tolerant" to the violence actors, whereas the victims of that violation are often criminalized with the severe punishment, such as what experienced by Tajul Muluk, as

explained as in previous.

Patterns of excessive accommodation or government submission to the intolerant groups, triggering more intolerant groups in society, both systematic and sporadic, organized or fragmented.

Research and monitoring data SETARA Institute in 8 (eight) recent years have shown consolidate intolerant actors. Actors who committed acts of intolerance, discrimination, and violence are relatively fixed, although in some cases only change costumes. It shows that they are untouchable (untouchable), or countries do not want to touch them. Countries often absent in some cases of violations of freedom of religion/belief performed by intolerant actors.

Actually, it is not needed a major and sophisticated agenda to finish this homework. State only required to carry out one of its “regular” responsibilities and authority, in the field of law enforcement. Freedom of association and assembly as well as thought and expression is a basic right of every person. But if all of those are expressed in a way of against the law and commit the patterned violence, then the state must be present. Thus, government Jokowi only required to carry out conventional functions in the presence of law enforcement actors intolerant.

In the frame of technical in government, President Jokowi is charged to allocate the state legal apparatus sources that existing in his authority to take adequate (appropriate) legal actions against intolerant actors. Some steps for solving it can be taken by Jokowi. *First*, to command the Police of Republic of Indonesia to: 1) take some appropriate legal actions on violence actors, 2) to arrange the conducive internal policy for promoting the guarantee on freedom of religion/belief by performing special training about pluralism and freedom of religion/belief for the police apparatus, including the steps of conflict handling and/or violence behalf of religious name. As we well-known, the police often failed to prevent, and not succeed to enforce the law, on various violations that happened on the freedom of religion/belief.

Second, to command the attorney to give maximum charge to te violation perpetrators and to avoid criminalization on the victims. During this time, the attorney often makes the victim as the object of criminalization, whilst the offenders are often allowed. So the anomaly and impunity in the case of violation on freedom of religion/belief are

stockpiled and invites the more bigger violations.

Third, to command the ministers in his cabinet, especially the Minister of Internal Affairs, to take legal actions that is made possible and justified legally against the mass organizations that patterned performing violence actions, behalf the name of everything, including the name of defense of the religion or certain religious teaching.

Besides that, the President also directing his governmental circle to be tolerant and to make constitutional requirements that guaranteeing the freedom of religion/belief as the foundation of preferences of ministers and taken political-judicial policy. ■

Endnotes

- 1 Three terms are used interchangeably in Articles of 1945 Constitution.
- 2 The Drafting Team of Comprehensive Script and Result of 1945 Constitutional Change, *Naskah Komprehensif Perubahan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 Latar Belakang, Proses, dan Hasil Pembahasan, 1999-2002, Buku VIII Warga Negara dan Penduduk, Hak Asasi Manusia, dan Agama (Edisi Revisi)*, General Secretariat and Constitutional Court Registrar, Konstitusi, Jakarta, 2008, page. 293
- 3 *Ibid*, page. 286
- 4 *Ibid*, page. 320
- 5 *Ibid*, page. 320
- 6 SETARA Institute have presented this study comprehensively in 2011 that relating to the Academic Papers and the Bill concerning Elimination on Religious Discrimination that initiated by SETARA Institute. See Ismail Hasani (ed.), 2011, the Document of Policy on Religious/Belief Discrimination Elimination, (Jakarta: Pustaka Masyarakat Setara).
- 7 The Drafting Team of Comprehensive Script and Result of 1945 Constitutional Change, *Naskah Komprehensif Perubahan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 Latar Belakang, Proses, dan Hasil Pembahasan, 1999-2002, Buku VIII Warga Negara dan Penduduk, Hak Asasi Manusia, dan Agama (Edisi Revisi)*, General Secretariat and Constitutional Court Registrar, Konstitusi, Jakarta, 2008, page. 83
- 8 In the BPUPKI session on 29 May 1945, M. Yamin said "..., that Indonesian people who will have independence state is a nation

- with virtuous, and their civilization have God Almighty”, Read RM. A.B. Kusuma, *Lahirnya Undang-Undang Dasar 1945, Memuat Salinan Otentik Badan Oentoek Menyelidiki Oesaha2 Persiapan Kemerdekaan*, Publishing Council of Law Faculty of University of Indonesia, Jakarta, page.98, also read the Drafting Team of Comprehensive Script of Process and Change Result of UUD 1945, *Naskah...Op.cit.*, page. 81.
- 9 Soekarno in the BPUPKI session on 1 June 1945 said that “Divine Principle! Not only the Indonesian People have God, but every each of Indonesiab should have God. Their own Gods. The Christiant worship the God in acording to the teaching of Isa Al Masih, who has not a God, in acording to the teaching of the prophet of Muhammad S.A.W, Buddhis run their worship in according to the holy book of themselves. But let’s we have God. Read the Drafting Team of Comprehensive Script of Process and Change Result of UUD 1945, *Naskah...Op.cit.*, page. 82
 - 10 While Soepomo BPUPKI session on 31 May 1945 said “... By itself in the united national state, religious matter will be separated from state authority and by itself also the religious matter will be handed over to religious groups concerned, Read the Drafting Team of Comprehensive Script of Process and Change Reuslt of 1945 Constitution, *Script...Op.cit.*, page. 81.
 - 11 In the BPUPKI session on 30 May 1945, A. Raachim P, said “the national principle; the solid people unity, the Islam 95% of religious residents and the Head of State should be a Meslem. Islam as the State Religion and the freedom are widely given to the residents to embrace religioun not Islam, read RM. A.B. Kusuma, *Lahirnya Undang-Undang Dasar 1945, Memuat Salinan Otentik Badan Oentoek Menyelidiki Oesaha2 Persiapan Kemerdekaan*, The Publishing Council of Law Faculty of University of Indonesia, Jakarta, page.120
 - 12 Abdul Kadir in the BPUPKI session on 31 May 1945 said “The religion, if independent Indonesia have been formed, there is forbidden if not Islam that have adherents will be the important religioun by itself”, RM. A.B. Kusuma, *Lahirnya Undang-Undang Dasar 1945, Memuat Salinan Otentik Badan Oentoek Menyelidiki Oesaha2 Persiapan Kemerdekaan*, The Publishing Council of Law

Faculty of University of Indonesia, Jakarta, page.123

- 13 Ki Bagoes Hadikoesoemo BPUPKI session on 31 May 1945 said “Islam is the best basic for our country, not in contrary but moreover so appropriate to our nationality”, RM. A.B. Kusuma, *Lahirnya Undang-Undang Dasar 1945, Memuat Salinan Otentik Badan Oentok Menyelidiki Oesaha2 Persiapan Kemerdekaan*, The Publishing Council of Law Faculty of University of Indonesia, Jakarta, page.143
- 14 The Drafting Team of Comprehensive Script of Process and Change Result of 1945 Constitution, *Script...Op.cit.*, page. 257
- 15 *Ibid.*, page. 258
- 16 *Ibid.*
- 17 *Ibid.*, page. 261
- 18 F-PBB and F-PPP suggested a change and addition on verse (1), so the formula becomes the State is based on God Almighty with the obligation to run Islamic Law for the adherents. Read The Drafting Team of Comprehensive Script of Process and Change Result of 1945 Constitution, *Script...page. 267*
- 19 The original 1945 Constitution used the independence term, as same as in that Article 29.
- 20 As said by Golkar Fraction in MPR. See The Drafting Team of Comprehensive Script of Process and Change Result of 1945 Constitution, *Script... page. 265*
- 21 As said by F-PDU MPR. *Ibid.*, page. 275
- 22 As firmly said by PBB Fraction in MPR. *Ibid.*, page. 267
- 23 Completed Review about this constitution tention with the legislation, heve been reviewed in theoretical frame in Chapter 1 of this report book on Freedom of Religion/Belief.
- 24 SETARA Institute has been reviewing long about this matter in Chapter III, exactly on the part of Aceh.
- 25 At that time, the Law about Legal Forming has been applicated, so the formal requirement of the legislation should be referring to that law. Whlist, that Law of Legislation Forming is not used

- in PBM drafting. See Khoirul Fahmi, dkk, *Dokumen Kebijakan Penghapusan Diskriminasi Agama/Keyakinan* (Jakarta: Pustaka Masyarakat Setara, 2011)
- 26 See “Daftar Gereja-Gereja Yang Diganggu, Diserang, Dirobuhkan Atau Ditutup Tahun 2013”, dapat dibaca pada laman berikut: <https://jurnaltoddoppuli.wordpress.com/2014/11/08/daftar-gereja-gereja-yang-diganggu-diserang-dirobuhkan-atau-ditutup-tahun-2013/>, accessed on 13 October 2014
 - 27 For more, see monitoring research of KBB, Setara Institute 2007-2013
 - 28 SETARA Institute have reviewed this case in previous report,. See Halili and Bonar Tigor Naipospos. 2014. *Stagnasi Kebebasan Beragama: Kondisi Kebebasan Beragama/Berkeyakinan di Indonesia tahun 2013*. Jakarta: Pustaka Masyarakat Setara
 - 29 “Tolak Pembangunan Gereja, Jokowi Damaikan Warga Tambora”, <http://metro.sindonews.com/read/2013/04/12/31/737453/tolak-pembangunan-gereja-jokowi-damaikan-warga-tambora>, accessed on 13 October 2013
 - 30 Interview with the member of FKUB DKI Jakarta, on October 2013
 - 31 Chris Poerba, “Kasus Filadelfia, Kodokpun DIPaksa Intoleran”, 25 April 2012, the article is available on <http://icrp-online.org/042012/post-1864.html>; Internet; accessed on 18 December 2013
 - 32 In Chapter IV, about the house of worship establishment, the Article 14 mentioned:
 - (1) House of worship establishment should fulfill the administrative and technical requirement of the building construction.
 - (2) Besides to fulfill the requirements as mentioned as verse (1), the house of worship establishment should fulfill special requirement, including:
 - a. List name and Identity Card of House of Worship users, at least 90 (ninety) persons that legalized by surrounding functionary, in line to the regional boundaries level such as meant as Article 14 verse (3);

- b. Society support of local, at least 60 (sixty) persons that legalized by the villager head/headman;
 - c. Written recommendation from Office Head of Ministry of Religion of regency/city; dan written recommendation of FKUB in regency/city.
- (3) In the term of requirements such as what meant in Verse (2) letter was fulfilled, whereas the requirement of letter b, was not. The local government should facilitate the availability of developmeny house of worship.
- 33 Interview SETARA Institue with Judianto Simanjuntak (Advocacy and Litigation Team of HKBP Fildelfia) through the email, on 14 December 2012.
- 34 *Ibid.*
- 35 Interview SETARA Institue Judianto Simanjuntak (Advocacy and Litigation Team of HKBP Fildelfia) through the email on 14 December 2012.
- 36 GKI Taman Yasmin is a “Bakal Pos”— it means that that church have not separated by its mother church; for the context of HKBP, it is called as “Pagaran”, in the context of GPIB is called as “Bakal Jemaat”. To become an independent church, GKI Taman Yasmin even should be a “post” first. After finishing that step, then it becomes “bakal jemaat”, then “jemaat”. Victor Silaen, *Bertahan di Bumi Pancasila: Belajar dari Kasus GKI Taman Yasmin*, Jakarta: Yayasan Komunikasi Bina Kasih, 2012, page. 33
- 37 Abdullah bin Nuh is a nationalist who involved in struggle for Indonesia independence, mainly in the period of Japan in 1943-1946. Abdullah once served as Daidanco or battalion commander. This battalion he held until while he joined People’s Security Agency (BKR) and People’s Security Army (TKR). He was also noted as one of the members of Central National Committee of Indonesia (KNIP). See Victor Silaen, *op.cit*, page. 102
- 38 The reason of restriction that there’s should not be a church that locates in a street with Islam name, refuted by the statement of KH. Toto Mustofa, youngest son of KH Abdullah bin Nuh, who stated that there is none of four children of Abdullah refusing the establishment of GKI Taman Yasmin, even it not means that his

- family express their support openly. In *Ibid*.
- 39 Amnesty International, 2014, “Mengadili Keyakinan: UU Penodaan Agama Indonesia”, *Ringkasan Eksekutif*. London: Amnesty International Publications. Executive Summary of pdf version, Vcan be downloaded at <http://www.amnesty.org/en/library/asset/ASA21/030/2014/en/75319b71-b46e-4bd3-93f5-2301a3930be6/asa210302014in.pdf>
 - 40 Hillarius U Gani, “Cabut UU Penodaan Agama”, <http://www.mediaindonesia.com/mipagi/read/6198/Cabut-UU-tentang-Penodaan-Agama/2014/11/22%2006:51:00>, accessed on 26 December 2014
 - 41 Amnesty Internasional, *ibid*
 - 42 SETARA Institute has reported comprehensively about this case in two reports, in 2012 and 2013. See Halili, dkk. 2013, *Kepemimpinan Tanpa Prakarsa.....* also Halili and Bonar Tigor Naipospos, 2014, *Stagnasi Kebebasan Beragama....* Both are published by Pustaka Masyarakat Setara.
 - 43 See report that written by Akhol Firdaus, “Sebuah Riset Dokumen: Konspirasi Menyeret Ust. Tajul Muluk ke Penjara”, dalam *Syahadah: Newsletter for Religious Freedom*, edition 17/ Februari/2012, page. 1-5
 - 44 See the report of Johan Avie titled “Kronologi Proses Hukum Ust. Tajul Muluk” dalam *Syahadah: Newsletter for Religious Freedom*, edisi 19/April/2012, page. 3-4
 - 45 Interview with Otman Railibi, 14 May 2012
 - 46 See the report of Johan Avie titled “Kronologi Proses Hukum Ust. Tajul Muluk” dalam *Syahadah: Newsletter for Religious Freedom*, edition 19/April/2012, page. 3-4
 - 47 See laporan “Laporan Sidang Kriminalisasi Keyakinan Ust. Tajul Muluk: Potret Konyol Sidang Pidana Penodaan Agama (2)”, *Syahadah: Newsletter for Religious Freedom*, edition 22/July/2012, page. 1-5.
 - 48 Taqiyah is to keep secret about something, to lie, or to behave pretending as desired as the ruler or another person because of avoiding his/her savety that threatened.

- 49 SETARA Institute ever said its demeanour of the objection on Gamawan Fauzi's statement in through *press release* on 26 October 2013.
- 50 "FPI Pernah Ditolak di Daerah-Daerah ini", 12 November 2014, the article is available in <http://www.tempo.co/read/news/2014/11/12/078621371/FPI-Pernah-Ditolak-di-Daerah-daerah-Ini>, accessed on 1 December 2014.

CHAPTER 5

Conclusion

A. Commitment and Hope

Discussion of previous chapters explains the enormity of new government's homeworks in the field of freedom of religion/belief. New hope have been given by public, civil society, media and even international peoples to that new government. The high commitment of new government to fulfill public expectation is needed, especially in the field of freedom of religion.

The commitment of Joko Widodo-Jusuf Kalla in the beginning could be seen from their vision-mision that labelling "vision, mision, and action program: The Way of Change for Civilized Indonesia, independent, and have personality", that formally they registered to the General Election Commission (KPU) as part of one requirement packet of president-vice president candidacy in presidential election in 2014. In this conclusion chapter, we will remind the new government which is very young, about their commitment of their priority program that they called as Nawa Cita. Nine big dreams and priority programs at once that they proclaimed since last candidacy.

The coveted Nawa Cita, will be done, and become the commitment that must be manifested by new government, among other:

1. To represent the state for protecting people and giving the security to all of citizens, through some basic programs: a) free-active foreign policy, b) to protect the right and savety of Indonesian citizens abroad, especially, c) maritime sovereignty, d) to develop the defense budget about 1,5% from GDP in 5 years next, e) to develop national defense

industry, and f) to guarantee the security feeling of citizens with establishing professional Police Department.

2. To make the government always present in establishing the governance government that clean, effective, democratic and trustworthy, by giving priority on; a) to heal public trust through partial system reform, election and parliament, b) to increase the role and representation of woman in politics and development, c) to strengthen the presidential office to run presidential tasks more effectively, d) to build the governance transparency of government, e) to run bureaucracy reform, and f) to open public participation.
3. To build Indonesia from its edge by strengthening regions and villages in united state framework, through a) asymmetric decentralization, b) equitable development inter regions especially village, Indonesian east area, and borderland., c) structuring a new autonomous region for the people welfare, and d) implementing the Law of Village.
4. To strengthen the presence of state to do system reform and law enforcement that free from corruption, dignified, and reliable, through some priority; a) to build strong legislation in corruption eradication, Human Right enforcement, environment protection and law enforcer institution reform, b) to strengthen Corruption Eradication Commission (KPK), c) to eradicate judicial mafia, d) to eradicate the actions of illegal logging, illegal fishing, and illegal mining, e) to eradicate drugs and psychotropic, f) eradication on banking crimes and money laundry, g) to guarantee legal certainty and land belonging, h) to protect children, woman, and marginalized group, i) to respect Human Right and equitable completion against the human rights violation cases if the past, and j) to build legal culture.
5. To improve the quality of life of Indonesian, by prioritizing; a) the Program of “Indonesia Pintar” through education compulsory 12 years freely, b) the program of card “Indonesia Sehat” through social health service, c) the program of “Indonesia Kerja” and “Indonesia Sejahtera” through agrarian reform of 9 acre land for the farmer and

farm workers, subsidized apartment (flat home), and social security.

6. To improve the productivity of society and competition in international market, so Indonesian people can be rise and progress together with other nations in Asia, with the priority agendas, are; a) to build the new street infrastructure at least along 2000 kilometers, b) to build at least 10 new ports and to renovate the old ones, c) to build at least 10 new airports and to renovate the old ones, d) to build at least 10 industrial areas and residential development for workers, e) to build at least 5000 traditional markets around Indonesia and to modernize the existed traditional markets, f) to create one-door service for investation, bussiness permit efficiency in 15 days maximum, and g) to build some science and technopark in polytechnic in Vocational High Schools supported by infrastructure and facilities with the latest technology.
7. Realizing economic independence by moving the sectors of the domestic economy strategics, among others; a) building food sovereignty, b) realizing energy sovereignty, c) realizing the financial sovereignty, d) establishing Bank Farmer/ Fisherman and UMKM including warehouse with post-harvest processing facilities in each production center farmer fisherman, and e) realizing technology strengthening through policy of the national innovation system creation.
8. Performing revolution of the national character, through polices; a) building citizenship education, b) evaluating the model uniformity in the national education system, c) guarantee adequate living for teachers, especially for teachers who are assigned to remote areas, d) to enlarge access of the poor to obtain higher education, and e) to prioritize funding of technology research to support science and technology.
9. Strengthen the diversity and strengthen social restoration Indonesia, through the priority policies; a) to strengthen education for diversity and to create dialogue spaces among the citizens, b) social restoration to restore the spirit of harmony among citizens, c) to rebuild mutual-help as the social capital through the social reconstruction, d) to develop

special incentive to introduce and to promote the local culture, and f) to improve the process of cultural exchange to build diversity as a cultural force.

Relating to freedom of religion/belief, Nawa Cita of Joko Widodo-Jusuf Kalla's government explicit number of commitments: *First*, Bringing back the state to protect the people and to provide security to all citizens (Nawa Cita 1). This is a new hope for the old situation of freedom of religion/belief in which the country is frequently absent in a variety of events and violations of freedom of religion/belief in Indonesia. Countries have also tended to fail to provide security for freedom of religion/belief, especially the views and beliefs that differ from the majority group.

Second, ensure the security of citizens by establishing professional Indonesian National Police (Nawa Cita 1 point six). This commitment is something that is elementary in an effort to guarantee and protect freedom of religion / belief. So far, the police often subject to intolerant groups, and even become part actor violations of religious freedom. believes, for example, in the scheme of the criminalization of belief and victims of violations.

Third, building a strong legislation in human rights (Nawa Cita 4 points one). The issue of legislation on freedom of religion/belief is a crucial issue. One of homeworks to be done by the new government is the harmonization of legislation with the mandate of the Constitution and human rights standards. With a strong commitment to building legislation in human rights enforcement-in addition to other legal issues, then there is new hope for the establishment of a legal system that is conducive to freedom of religion/belief.

Fourth, to ensure legal certainty (Nawa Cita 4 points seven). This commitment gives new hope for improving the condition of freedom of religion/belief in Indonesia. Therefore, the rule of law on the issue of freedom of religion/belief is one of the central issues. Criminalization of belief that befell the victim with an unusual procedure and awkward proceedings showing lack of legal certainty. Proofs of blasphemy in Act No. 1/PNPS/1965 which is absurd express unavailability of legal certainty. Even in the case of the houses of worship establishment, especially GKI Yasmin and HKBP Filadelfia, the law and the court failed to ensure legal certainty, so that the violation occurs continuously and

the victims are in a hopeless situation of the procedures and mechanisms of law that provided by state.

Fifth, to protect marginal community (Nawa Cita 4 point eight). In various events and violations on freedom of religion/belief, the minority groups are often being the object of marginalization, either culturally or structurally. Thereby, that commitment are the new hope for better condition creation of freedom of religion/belief in Indonesia.

Sixth, to respect Human Right (Nawa Cita 4 point nine). The guarantee on freedom of religion/belief is the estuary of respecting human rights. The respecting commitment against Human Rights is expected to be conducting the government toward guarantee and protection that more conducive for freedom of religion/belief.

Seventh, to establish citizenship education (Nawa Cita 8 point one), to strengthen diversity and Indonesian social restoration (Nawa Cita 9), and to strengthen education of diversity (Nawa Cita 9 point one). The high intensity of violation on freedom of religion/belief which performed by non-state actor, or which dominantly by the society, showing the weakness of people's knowledge and awareness among us. Thus, the new government should pay the particular attention for citizenship education establishment which supporting the plural and multicultural social order as in line as the Pancasila and State Constitution.

Eighth, to create the dialogue spaces among society (Nawa Cita 9 point one) and social restoration to restore the people's harmony spirit (Nawa Cita 9 point two). The freedom of religion/belief in Indonesia in the last 8 years, are often threatened by the violence instruments that massive and collective. The impact is, the people's and religious harmony are often in tension and risk as well. For that, the government should firmly states and implements the commitment of accentuating the dialogue spaces and society harmony, in order to get peaceful and secure social discipline in the spectrum of difference.

Those commitments are in line with the hopes given by the public to Jokowi-JK's government in the matter of freedom of religion/belief. Through the interview with a 100 informants/sources in some regencies/cities that including the monitoring area of SETARA Institute for the freedom of religion/belief issues in 2014 (including religious figures and victims), could be identified some macro points of public hopes, such

as;

1. Law enforcement in the fairest for the violation case of freedom of religion/belief.
2. Cancellation and review on the restrictive and not-in line with constitution and human rights norm legislation.
3. Recovery the rights of freedom of religion/belief violation victims.
4. Enforcement and Prosecution of the violation actors legal responsibility.
5. Establishment of more conducive legal systems for freedom of religion/belief, and,
6. Strengthening the human rights education and awareness for state government organizers, in central or regional level.

B. The Agendas of New Government

According to the data and research and monitoring analysis on freedom of religion/belief, especially in 2014, SETARA Institute lodge the main problems which urged to be solved by the government of Joko Widodo and Jusuf Kalla in order to guarantee and to protect the freedom of religion/belief in Indonesia, with the measurable working target, for short, middle and long term.

| No | Current Situation | Period | Working Target |
|----|---|--------|---|
| 1 | Ahmadiyah congregations were already experiencing in serious difficulty in Transito evacuation place for 9 years. | Short | To take back Ahmadiyah congregations to their original places and to give them protection of security and acceleration of welfare improvement |

| No | Current Situation | Period | Working Target |
|----|---|--------|---|
| 2 | The followers of Syi'ah are still evacuated in Sidoarjo evacuation place. | Short | To take back the Syi'ah followers to Sampang, to initiate permanent resolution and to give protection of security and acceleration of welfare improvement. |
| 3 | There are 2 verdicts related to house of worship establishment that not performed by local government (HKBP Filadefia Bekasi and GKI Yasmin Bogor) | Short | To order the Regional Head to running the verdict and to guarantee the establishment of house of worship of HBP Filadefia and GKI Yasmin |
| 4 | Constitutional Court stated that the Act No. 1/ PNPS/1965 is <i>conditionally constitutional</i> and implicitly to order the Ministry of new Act | Middle | To ensure the Act Draft about the guarantee of Freedom of Religion/Belief or Protection of Religion/Belief are included in Prolegnas 2014-2015 and to form the Drafting Team of RUU |
| 5 | The Police of Republic of Indonesia has no particular standard of handling violence cases and violation on freedom of religion/ belief | Middle | To form standard operating procedure (SOP) of handling the cases of violation on freedom of religion/belief |
| 6 | The budget of national character education that spread in some ministries that used not qualified and not performed optimally without clear synergy and coordination. | Middle | To design the program of national character education with integrated and accountable budgeting |

| No | Current Situation | Period | Working Target |
|----|--|----------------|---|
| 7 | The handling of violence and violation on freedom of religion/belief are not patterned and sporadic | Middle or Long | To form the Task Force of Promotion and Protection on Freedom of Religion/Belief |
| 8 | Joint Decree of Religious Ministry and Internal Affairs Ministry Number 9 and Number 8 Year 2006 about the guidance of Task Implementation of Regional Head/Vice of Regional Head in Maintenance the Religious Harmony, Religious Harmony Forum Empowerment, and House of Worship Establishment (PBM) and the Joint Verdict of Religious Ministry, Attorney General, and Internal Affairs Ministry of Republic of Indonesia Number 3 Year 2008, Number KEP-033/A/JA/6/2008, Number 199 Year 2008 about Warning and Command to the Adherents, Members, and/or the Management of Jemaat Ahmadiyah Indonesia (JAI) and Society (SKB) that restrictive and triggering violation on freedom of religion/belief both directly or through the policy. | Middle or Long | To form the review team and harmonization of Technical Rules in Ministry level through the higher regulations by involving human rights expert. |

| No | Current Situation | Period | Working Target |
|----|--|-----------------|---|
| 9 | Some regulations in regional level are in contrary to the higher ones and more restrictive for freedom of religion/belief protection | Middle or Long | To form task forces and harmonization of regional regulation, under the ministry involving the ministry of Law and Human Rights |
| 10 | Some prisoners of conscience are still in jail because became the criminalization objects of belief | Short or Middle | To form of Review Team to give amnesty or clemency to the victims of belief criminalization |
| 11 | Intolerant Actor is paternally performing violation on freedom of religion/belief in Indonesia | Middle or Long | To order the Ministry of Internal Affairs to form Evaluation Team on the Mass Organizations that paternally performing the activity and action that violating law |
| 12 | Religious Radicalization is very worrying and threatening religious harmony | Middle or Long | To design the citizenship and diversity education which more programmatic, systematic and effective. |

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Profile

Setara Institute for Democracy and Peace

TOWARD AN EQUAL SOCIETY

SETARA Institute is an organization that founded by some individuals which dedicated to the ideal that everyone should be treated equal while respecting diversity, giving priority to solidarity and upholding human dignity. It was founded by people who would like to eliminate discrimination and intolerance on the basis of religion, ethnicity, tribe, skin color, gender, and other social statuses, and promote solidarity with the weak and victims.

SETARA Institute believes that a democratic society would allow progress and mutual understanding, uphold honor, and recognize diversity.

However, discrimination and intolerance still exist and even lead to violence.

Therefore, some measures that strengthen respect for diversity and human rights through broader participation should be undertaken to advance democracy and peace.

SETARA Institute is promoting the creation of conditions that would lead to an open political system based on respect for diversity, defense of human rights, and elimination of intolerance and xenophobic attitude.

Since its establishment, at least for 5 years operation, Setara Institute has been produced 20 reports (in research report form, policy paper) and assesses many appreciations.¹ The presence of Setara

¹ Report on Freedom of Religious and Belief referred by Foreign Department,

Institute has another influence in promoting pluralism which differs from another institution that did the same issues with theological approach, while SETARA Institute do it with secular based.

Objectives

Setara Institute's goals:

- To promote pluralism, humanitarianism, democracy and human rights
- To study and advocate pluralism, human-centered public policy, democracy and human rights
- To launch a dialogue on conflict resolution
- To undertake public education activities.

USA in arranging Report on International Religious Freedom – Indonesia, 2009, 2011, 2012. It also referred by Australia Government -Country Advice Indonesia, 8/9/2010, and also quoted by any national and international mass media, such as Kompas, 13/8/2012, h. 38, some links that can be referred:

<http://www.thejakartapost.com/news/2012/06/07/editorial-intolerant-indonesia.html>,<http://www.amnesty.org/en/news-and-updates/indonesia-must-commit-freedom-religion-2011-02-23>,<http://www.thejakartapost.com/news/2011/12/20/w-java-least-tolerant-province.html>,http://sydney.edu.au/law/slr/slr_34/slr34_3/SLRv34no3Crouch.pdf,

<http://www.setara-institute.org/content/violations-religious-freedom-indonesia-rise-2010>,<http://www.theaustralian.com.au/news/world/yudhoyono-turns-a-blind-eye/story-e6frg6so-1226462700926>, http://www.perpustakaan.depkeu.go.id/FOLDEREBOOK/BUKU_DINAMIKA_opt.pdf, <http://www.smh.com.au/world/a-battle-to-worship-in-peace-20110309-1bntz.html>,<http://www.smh.com.au/world/indonesian-mobs-step-up-sectarian-violence-20110208-1ald.html>

Program and Activities

1. Human rights monitoring, particularly with regard to freedom of religion/ belief and Human rights performance index 2013
2. Policy review on President Instruction No. 2 year 2013 about handling the internal security disorder
3. Strengthening Advocacy for Religious Freedom
4. Policy advocacy on Religious Life Harmony Legal Draft, National Security Legal Draft, Mass Organization Legal Draft, etc.
5. *Case Tracking System (CTS)*; database online system on violence of Religious Freedom and Belief
6. *Sort Messages Service (SMS) gateway* on violence of Freedom of religious and Belief
7. Research: MP3EI/ master plan on Indonesian economy acceleration and development, and also human rights fulfillment.
8. Research: a decade on terrorism eradication accountability performance.
9. Research: *Understanding Minority Rights* in Indonesia
10. Research: National educational system and the issues on violence of Freedom of Religious and Belief
11. Research: the urban dynamic and the tension of social religious life.
12. Research: citizen constitutional rights fulfillment index: a decade of constitutional court and Indonesian Republic Constitutional amendment.
13. Research: Internet, freedom of expression and radicalism
14. Conference: national consultation for victims of Freedom of Religious and Belief

Special Concern

- a. **Freedom of religious and Belief:** as one of the human rights insurance and as constitutional democracy indicator, the insurance of freedom of religious and belief has been studying and will keep going in order to promote the civil freedom in Indonesia. The pluralistic nation construction in Indonesia demands the strengthening of freedom of religious and belief insurance to make sure that the Indonesian nationality would

not be lacerated.

- b. **Law and human rights:** beside mainstreaming conducive legislation for human rights, Setara Institute has been monitoring and reporting regularly about the Indonesian's human rights condition. Three years in a row, Setara Institute published the Human Right Performance Index.
- c. **Minority rights:** protections of minority rights are intersection issue from the issues that became the framework of Setara Institute. Beside the guarantee from international human rights, Indonesian Constitution also assures the protection among the rights of minority groups. The operation of insurance, instrument, and strengthening mechanism of Indonesian state law still unavailable.
- d. **Business and human rights:** the idea of business and human rights research sector is aimed to make sure the adoption and integration of the human rights principles in business. This program especially contributed for human rights integration in implementing the policy of MP3EI/ master plan on Indonesian economy acceleration and development 2011-2025.
- e. **Constitutional democracy:** after the amendment of UUD Negara RI 1945, constitutional democracy became the principle for organizing the state in Indonesia. But a decade after the amendment, the practice of constitutional democracy still could not protect the citizen and give the welfare and justice. This research area would develop the evolutionary work with some indicator based on constitutional democracy principles to institutionalizing democracy in constitutional life consistently.

Publications

1. Human Rights Performance Index – 2010-2012
2. Human Rights Enforcement Performance Index – 2009-2010
3. Report on Political Parties 2008
4. Religion and Report on Freedom of Religion and Belief in 2011- Political Discrimination by the SBY Regime (2012)
5. Report on Freedom of Religion and Belief in 2010 - Denial by the State (2011)

6. Report on Freedom of Religion and Belief in 2007-2009 - State Should Take Action (2010)
7. Report on Freedom of Religion and Belief in 2008 - Siding and Acting Intolerantly (2009)
8. Report on Freedom of Belief in 2007 – Submissive to Mass Judgment (2008)
9. From Radicalism Towards Terrorism (2012)
10. It's Not About Atheism, It's Freedom of Opinion! (2012)
11. Policy document on erasing the discrimination of religious and belief (2012)
12. Ahmadiyah dan Keindonesiaan Kita (2011)
13. Religion Radicalism in Jabodetabek and West Java (2011)
14. The Faces of Islam 'Defenders' (2011)
15. Recognizing Locus of Discrimination in Joint Ministerial Regulation (2010)
16. Policy Paper: Remedy for Victims of Freedom of Religion/ Belief Violations (2013)
17. Constitutional Court as a National Mechanism of Human Rights Enforcement in Indonesia (2013)
18. Report on Freedom of Religion and Belief in 2013 - Stagnation on Freedom of Religion and Belief (2014)

Other Information

In 2013, SETARA Institute has projected at least 10 activities to produce knowledge:

1. Report of Religious Freedom and Belief, 2013
2. Human Rights Work Index, 2013
3. Policy Paper on fulfilment of victims rights in religious freedom and belief
4. Online Case Tracking System (CTS) on religious freedom and belief violence.
5. Report of MP3EI/ master plan on Indonesian Economy Acceleration and Development
6. Report of a decade of terrorism eradication accountability work
7. Report of Understanding Minority Rights in Indonesia
8. Report of National Education System and Religious Freedom and Belief Issue

9. Report of Urban Dinamization and Social Religious Tension.
10. Index on Citizen Constitutional Rights Fulfillment: a decade of Constitutional Court and Indonesian Republic Constitutional Amendment.

ORGANIZATION

Founders

- | | |
|--------------------------|----------------------------|
| 1. Abdurrahman Wahid | 15. Luhut MP Pangaribuan |
| 2. Ade Rostiana S. | 16. M. Chatib Basri |
| 3. Azyumardi Azra | 17. Muchlis T |
| 4. Bambang Widodo Umar | 18. Pramono Anung W |
| 5. Bara Hasibuan | 19. Rachland Nashidik |
| 6. Benny K. Harman | 20. Rafendi Djamin |
| 7. Benny Soesetyo | 21. Dwiyanto Prihartono |
| 8. Bonar Tigor Naipospos | 22. Robertus Robet |
| 9. Budi Yuhanto | 23. Rocky Gerung |
| 10. D. Taufan | 24. Saurip Kadi |
| 11. Despen Ompusunggu | 25. Suryadi Radjab |
| 12. Hendaridi | 26. Syarif Bastaman |
| 13. Ismail Hasani | 27. Theodorus W. Koekeritz |
| 14. Kamala Chandrakirana | 28. Zumrotin KS |

ORGANIZATIONAL MANAGEMENT

National Board

- | | |
|-----------|---|
| Chief | : Azyumardi Azra |
| Secretary | : Benny Soesetyo |
| Members | : Kamala Chandrakirana M. Chatib Basri Rafendi Djamin |

Executive Board

- | | |
|-------------------|-------------------------|
| Chief | : Hendaridi |
| Deputy | : Bonar Tigor Naipospos |
| Secretary | : Dwiyanto Prihartono |
| Deputy Secretary | : D. Taufan |
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