

## USCIRF-RECOMMENDED FOR SPECIAL WATCH LIST

### KEY FINDINGS

In 2022, Indonesia's religious freedom conditions remained poor, as in the prior year. The country maintains several regulations that either constitute blasphemy laws or effectively function as such: [Presidential Decree No. 1/PNPS/1965](#), Criminal Code [Article 156\(a\)](#), and [Law No. 11/2008 on Electronic Information and Transaction](#) (known as the ITE law) Articles 27(3) and 28(2). Indonesia also maintains a 2006 joint regulation on houses of worship that local authorities often exploit to hinder religious communities' right to build and maintain houses of worship. Minority religious leaders throughout Indonesia report that this regulation enables corruption, emboldening local Islamic religious leaders and/or political officials to coerce bribes from religious communities to obtain permission to proceed with construction. In addition, minorities' houses of worship—especially for groups that are officially unrecognized—are especially vulnerable to attacks and lack the protections afforded to majority-affiliated religious sites in law or in practice. For example, in early January, Pontianak District Court [sentenced](#) 21 men to only four and a half months in prison for ransacking and burning an Ahmadiyya mosque in West Kalimantan the prior year but released them a mere 16 days later.

Indonesia recognizes six official religions, excluding the less than 0.5 percent of the population who practice traditional or indigenous faiths, including forms of animism or syncretic versions of religions. In 2016, followers of traditional faiths appealed to the Constitutional Court against the 2013 Civil Administrative Law, which codified discriminatory regulations such as forcing members of indigenous groups to leave the religion section of their national identification cards blank. Despite the Constitutional Court ruling in favor of traditional faith communities, members still [reported](#) discrimination in accessing public services such as education.

In December, the Indonesian Parliament passed a new criminal code that reinforces the criminalization of blasphemy, further undermining religious freedom. Article 300 [broadens](#) the sorts of acts, speech, or outcomes to which the blasphemy prohibition applies and expands enforcement to include fines and up to three years in prison. Article 302 criminalizes "inciting" someone to leave their faith—an offense that carries a punishment of up to two years' imprisonment. The law replaced the Dutch colonial-era code and will [gradually](#) take effect over a period of up to three years. This legal development coincided with a general backsliding of democratic norms as well as growing political and societal influence from conservative Islamist organizations, such as the quasi-governmental Indonesia Ulema Council (MUI), that seek to impose their religious interpretations on others. The MUI [responded](#) to public criticism of provisions in the then draft criminal code that incorporated the MUI's preferred religious views on issues of sexual morality by insisting that all six of Indonesia's officially recognized religions condemn the lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community and therefore the government should not protect its members.

The enshrinement of a particular interpretation of Islam into Indonesian law that is binding on all people regardless of their religious beliefs coincides with the government's [increased level](#) of international cooperation to combat religiously based violent extremism, which remained a persistent concern. The country's counterterrorism force, known as Densus 88, continued to pursue radical Islamist groups believed responsible for killing several Christian farmers in Sulawesi the prior year. In September, Densus 88 [pursued and killed](#) a group of radical Islamist militants in that area, and in December, the National Police [arrested](#) 24 suspected terrorists in connection with a suicide bombing that targeted a police precinct in Astanaanyar, West Java.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Include Indonesia on the Special Watch List for engaging in or tolerating severe violations of religious freedom pursuant to the International Religious Freedom Act (IRFA);
- Work with the Indonesian government to:
  - Amend the criminal code to comply with international human rights standards, including relating to the freedom of religion or belief;
  - Repeal or amend the existing blasphemy laws, including Indonesia's ITE law;
  - Release all individuals currently detained or imprisoned on blasphemy charges;
  - Repeal or revise the 2006 Joint Regulation on houses of worship.
- Incorporate training on international religious freedom standards into the bilateral partnership on combating violent extremism, including the U.S. Agency for International Development's (USAID) funded programs such as the Harmoni and MAJu projects, and all education initiatives to which the U.S. government contributes; and
- Urge the Indonesian government, as chair of the Association of Southeast Asian Nations (ASEAN) and its Intergovernmental Commission on Human Rights, to publicly advocate for religious freedom, pluralism, and inclusion throughout the region.

The U.S. Congress should:

- Raise Indonesia's ongoing religious freedom challenges through hearings, meetings, letters, congressional delegation trips abroad, and other actions.

### KEY USCIRF RESOURCES & ACTIVITIES

- **Factsheet:** [Blasphemy and Related Laws in ASEAN Member Countries](#)
- **Podcast:** [The Legacy of Blasphemy Laws in Southeast Asia](#)

## Background

Indonesia is the world's most populous Muslim-majority country. Muslims comprise 87.2 percent of the country's 267 million citizens, with around 99 percent identifying as Sunni and less than one percent and 0.2 percent identifying as Shi'a or Ahmadiyya Muslim, respectively. Protestant Christians comprise seven percent of the population, Roman Catholics 2.9 percent, and Hindus 1.7 percent; 0.9 percent identify with other minority religions such as Buddhism or Confucianism.

In light of this diversity, Indonesia has a long tradition of religious pluralism. Article 29 of its constitution "guarantees the independence of each resident to embrace religion and worship according to their respective religions and beliefs." The government has long promoted [Pancasila](#), an ideology that comprises five principles: monotheism, civilized humanity, national unity, deliberative democracy, and social justice. However, its promotion of this ideology extends only to those religious groups that leaders of the officially recognized religions determine as legitimate. In addition, the government requires all citizens to list their religious affiliation on their identification cards—a practice that has forced nonreligious persons and members of unrecognized religious minorities to misrepresent their faith or leave the field blank. This omission can impact access to licenses, permits, education, and employment.

In addition to hosting the G20 meeting in November, Indonesia also [hosted](#) the G20 Religion Forum, which brought together religious and government leaders to discuss interfaith initiatives and strategies to confront extremism. That same month, Indonesia [launched](#) a joint campaign with India—a country that USCIRF recommends as a "country of particular concern," or CPC—to promote moderate Islam. In January 2023, just after the reporting period, Indonesia assumed the chairmanship of the regional ASEAN, placing it in a potential position to guide the bloc's response to human rights challenges relevant to religious freedom, such as the ongoing conflict in Burma.

## Criminal Code Process

According to human rights activists, the government provided minimal, if any, opportunity for civil society and religious minorities to engage with the criminal code revision process since the new draft code was first introduced in 2019. In contrast, officials reportedly consulted with conservative Islamic groups during that process in coordination with the MUI. However, religious freedom advocates have expressed tentative hope that the new code's gradual implementation may afford civil society and the judicial system space to review and modify its provisions.

## Limited Central Government Authority

Many of Indonesia's religious freedom violations against religious minorities are perpetrated by local governing authorities, far outside the control of Indonesia's central government. In March, the mayor of a city within greater Jakarta publicly [opposed](#) a Ministry of Religious Affairs regulation on the volume level of the *azan*, or Muslim call to

prayer, which Muslim and non-Muslim neighbors and officials cannot publicly criticize without risk of [blasphemy](#) allegations. In July, reports [circulated](#) of public and private schools [forcing](#) girls to wear the hijab, illustrating the central government's limited success in preventing local schools from implementing such measures. Furthermore, in some areas where central or provincial government authorities have delegated social and education services to quasi-governmental and nongovernmental organizations, [violent Islamist groups](#) have set up schools to reportedly radicalize children. Such groups also [run](#) boarding schools and coordinate through social media to raise funds for violent Islamist activities.

## Expansion of Provincial Religious Laws

In July, the Indonesian government formally [declared](#) that the customs of the Minangkabau people, who comprise the ethnic majority of West Sumatra, are based on the philosophical values of the Qur'an. Provincial leaders requested this legal decision to legitimize their further development of local laws based on Shari'a (Syariah). The central government currently exempts the autonomous province of Aceh from national laws and permits it to implement its own legal system, which is based on a rigid interpretation of Syariah and is enforced through a religious police force. Enforcement mandates women to wear hijabs and bans them from straddling motorcycles, among other restrictions, regardless of their faith or personal choice. Violators of these religiously based laws are often subjected to [corporal punishment](#), and neither Muslims nor non-Muslims are able to opt out of this official interpretation.

## Key U.S. Policy

Throughout 2022, the USAID-funded *Harmoni* program continued to support the Ministry of Social Affairs and local organizations by strengthening Inter-Religious Harmony Forums; countering violent extremist narratives through community, university, and school-based campaigns; and rehabilitating women and children returning from conflict zones in the Middle East and the Philippines. The United States also maintained bilateral exchange programs such as the International Visitor Leadership Program to host Indonesian leaders in the United States.

In February, the United States marked one year since the administration of President Joseph R. Biden released its Indo-Pacific Strategy. As part of this strategy, the United States launched the Indonesia Millennium Challenge Corporation, which dedicated \$698 million to support infrastructure and development goals as well as initiatives for clean energy. The United States also [allocated](#) resources for a 30 percent increase in educational advising centers in Indonesia, although these programs did not include discussion of religious freedom or broader human rights. In November, rhetoric from the MUI and other [religious organizations](#) against the LGBTQI+ community prompted the Indonesian government to cancel a visit from the U.S. Special Envoy to Advance the Human Rights of LGBTQI+ Persons.