



UNITED STATES COMMISSION *on* INTERNATIONAL RELIGIOUS FREEDOM

POLICY UPDATE: BLASPHEMY ALLEGATIONS IN A POLARIZED INDONESIA

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USCIRF's Mission

To advance international freedom of religion or belief, by independently assessing and unflinchingly confronting threats to this fundamental right.

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Indonesia's 1945 constitution provides for the freedom to worship and to practice the religion of one's choosing. As noted in the U.S. Commission on International Religious Freedom's (USCIRF) 2019 [Annual Report](#), despite these constitutional protections, the Indonesian government heavily regulates religious expression and criminalizes blasphemy. As noted in a USCIRF [factsheet](#) on blasphemy legislation, these laws are inherently inconsistent with international human rights standards, failing to respect the right to freedom of religion or belief and freedom of expression. Indonesia's blasphemy laws are problematic because they frequently—but not exclusively—disadvantage religious minorities. The laws are also regularly used to punish seemingly offhand or innocuous comments. This policy update provides an overview of the legal sources of Indonesia's blasphemy prohibition, discusses recent trends in enforcement, and concludes with policy recommendations.

The Blasphemy Laws

Indonesia's criminalization of blasphemy is primarily based in two legal documents. Article 156(a) of the Criminal Code criminalizes the expression of "hostility, hatred or contempt against" a religious group. A presidential decree promulgated in 1965 (PD No. 1/PNPS/1965) expands the definition of blasphemy to prohibit "deviant interpretations" of religious teachings. Individuals convicted on blasphemy charges can be sentenced to a maximum of four years' imprisonment under the Criminal Code and five years' imprisonment under the presidential decree. In addition, the Law on Electronic Information and Transaction (No. 11/2008) covers the dissemination of online content deemed blasphemous.

Although some civil society groups claim these measures contradict the constitution, the Indonesian Constitutional Court has [reaffirmed](#) their constitutionality three times since 2010. The court argued that abuses against religious minorities derive from the implementing regulations and improper enforcement of blasphemy laws, but that criminalizing blasphemy was a constitutionally appropriate means of combating interreligious tension.



INDONESIA | Blasphemy Laws

CRIMINAL CODE Article 156(a)

“A maximum imprisonment of four years or a maximum fine of three hundred Rupiahs shall punish the person who publicly gives expression to feelings of hostility, hatred or contempt against one or more groups of the population of Indonesia.

By group in this and in the following Article shall be understood each part of the population of Indonesia that distinguishes itself from one or more other parts of that population by race, country of origin, religion, origin, descent, nationality or constitutional condition.”

PRESIDENTIAL DECREE No. 1/PNPS/1965

Article 1: “Every individual is prohibited in public from intentionally conveying, endorsing or attempting to gain public support in the interpretation of a certain religion embraced by the people of Indonesia or undertaking religious based activities that resemble the religious activities of the religion in question, where such interpretation and activities are in deviation of the basic teachings of the religion.”

Article 2: “By a maximum imprisonment of five years shall be punished for whosoever in public deliberately expresses their feelings or engages in actions that: a. in principle is hostile and considered as abuse or defamation of a religion embraced in Indonesia; b. has the intention that a person should not practice any religion at all that is based on belief in Almighty God.”

The number of prosecutions and convictions under Indonesia’s blasphemy laws have significantly increased since the country’s transition to democracy during the late 1990s. During President Suharto’s authoritarian reign (1967–1998), the government prosecuted just eight blasphemy cases. By contrast, under Susilo Bambang Yudhoyono (2004–2014)—Indonesia’s first directly elected president—the number of blasphemy convictions

increased to 125. This change is largely attributable to the rise of religious hardliners and their attempts to pressure elected officials to pursue blasphemy cases. The number of convictions decreased to 25 during incumbent President Joko Widodo’s first term (2014–2019), possibly reflecting his administration’s attempts to distance itself from hardliner political factions.

Blasphemy Cases Resulting in Convictions under Indonesian Presidents

<p>Suharto (1967–1998)</p>  <p>8 cases</p>	<p>Bacharuddin Jusuf Habibie (1998–1999)</p>  <p>0 cases</p>	<p>Abdurrahman Wahid (1999–2001)</p>  <p>0 cases</p>
<p>Megawait Sukarnoputri (2001–2004)</p>  <p>0 cases</p>	<p>Susilo Bambang Yudhoyo (2004–2014)</p>  <p>125 cases</p>	<p>Joko Widodo (2014–2019)</p>  <p>25 cases</p>

Currently, the Indonesian legislature is considering a bill to replace the existing Criminal Code, which dates back to the Dutch colonial era. The *most recent draft* would expand the criminalization of blasphemy to include insulting a religious leader during a religious service, persuading someone to become an atheist, and defiling or unlawfully destroying houses of worship or religious artifacts. The legislature was expected to pass the bill in late September 2019, but delayed any action until the following legislative term (which started October 1) in response to widespread public protests, including by local religious groups concerned about the changes to the Criminal Code and to another measure dealing with anti-corruption efforts.

Recent Trends

1. Political opportunists use blasphemy allegations to undermine opposing candidates:

During the April 2017 Jakarta gubernatorial election, hardliners successfully exploited the blasphemy laws to regain political momentum. On September 27, 2016, then **Governor Basuki Tjahaja Purnama**—popularly known as **Ahok**—told an audience that the Qur’an did not prohibit Muslims from voting for a non-Muslim political candidate. (At the time, hardliners were circulating a restrictive interpretation of the Qur’an to discourage Muslims from voting for Purnama, a Chinese Christian). A coalition of groups, including the Islamic Defenders Front (FPI) held massive

rallies demanding that the government prosecute Purnama for blasphemy. Not only did Purnama lose his gubernatorial bid in April 2017, but the following month he was convicted of blasphemy and sentenced to two years’ imprisonment. On January 24, 2019, authorities released Purnama early for good behavior. The blasphemy allegations *persuaded* many Indonesian Muslims that voting for a non-Muslim politician violated the Qur’an. The trial gave hardliners an opportunity to advance their interpretation in court, which the judges inadvertently *endorsed* by convicting Purnama.

Since 2017, other politicians have been similarly targeted. In May 2018, a local hardliner group submitted a formal complaint against then West Kalimantan governor **Cornelis** because of a speech bemoaning the effect that colonization by Muslim kingdoms throughout history had on the island’s indigenous Dayak population, who generally practice Christianity or traditional beliefs. Although police declined to press charges, hardliners *texted* over WhatsApp that they “Ahokked” Cornelis after his preferred candidate lost the race to replace him in the June 2018 gubernatorial election. In November 2018, an activist from an Islamist party *reported* **Grace Natalie**, a Protestant Christian politician and founder of the Indonesian Solidarity Party (PSI), to the police for blasphemy for a speech critical of laws regulating

gambling, drinking, and socializing with members of the opposite sex. An Islamic hardliner group [submitted](#) a separate complaint to police in February 2019—just months before the April 2019 general elections—after Natalie had criticized the practice of polygamy. At the time of writing, there was no indication that authorities will pursue further action.

2. Broad application of blasphemy laws punishes innocuous or unintentional comments and behavior:

The term “blasphemy” itself is poorly defined in Indonesian law. In practice, courts have convicted individuals who made relatively innocuous offhand comments about a particular religion or religious practice. In some cases, blasphemy allegations are based on rumors. For example, in July 2016, [Meliana](#), a Buddhist woman from North Sumatra, asked the daughter of a neighboring mosque’s caretaker if the volume of the loudspeaker could be lowered. After rumors spread that Meliana had demanded the mosque end the call to prayer, a mob [attacked](#) her house and ransacked 14 nearby Buddhist temples. On August 21, 2018, a court found Meliana guilty of blasphemy and sentenced her to 18 months’ imprisonment. She was [released](#) on parole in May 2019.

There was considerable debate about the extent to which Meliana’s comments even constituted an insult against Islam. Several prominent Islamic scholars—including the late Abdurrahman Wahid, former president of Indonesia and leader of the Muslim mass organization Nahdlatul Ulama (NU)—had previously suggested limiting the volume of loudspeakers on mosques. In fact, a week after Meliana was convicted, the Ministry of Religious Affairs [issued](#) guidelines on the use of loudspeakers during the call to prayer.

In March 2019, a court in Serang [sentenced](#) Aisyah Tusalamah—a woman who allegedly believes herself to be a reincarnation of a mythological “Queen of the South Sea”—to five months’ imprisonment for posting videos on Facebook in which she incorrectly recited the shahada (the Islamic declaration of faith) and claimed that the Prophet Muhammad came from Indonesia. Although her statements were factually inaccurate, reports suggest her misstatements were neither intentional nor meant to insult the Islamic faith.

3. Blasphemy allegations usually—but not exclusively—target religious minorities:

Although approximately 87 percent of Indonesians practice Sunni Islam, in recent years the overwhelming majority of suspects in blasphemy cases have been non-Muslims, particularly Christians and members of the Gafatar movement, a syncretic blend of Islam, Christianity, and Judaism that the government banned.

Although the vast majority of prosecutions under the blasphemy laws target perceived attacks against Islam, the laws have been enforced against perceived attacks on other religions. On August 17, 2019, the popular Islamic preacher [Abdul Somad](#) uploaded a video to his YouTube channel in which he claimed that the Christian crucifix contains an “infidel jinn,” or evil spirit. The police opened an [investigation](#) into Somad for blasphemy. The Indonesian Ulema Council (MUI), Indonesia’s top clerical body, distanced itself from the preacher’s conduct, urging mutual respect for all religious symbols.

4. Blasphemy prosecutions are often driven by public pressure:

Law enforcement authorities are responsible for deciding which blasphemy allegations to pursue, but in practice these decisions are often driven by public pressure. When news spreads about incidents of alleged blasphemy, it often incites angry responses and demands for punishment, regardless of the legal merits of the case. For example, during its October 2018 Commissioner delegation visit to Indonesia, USCIRF learned that local authorities believed the legal case against Meliana to be weak, but succumbed to community pressure to prosecute her.

On June 30, 2019, authorities [detained](#) Suzethe Margaret, a Catholic woman diagnosed with schizophrenia, for entering a mosque with her dog (many Muslims consider dogs to be impure). Authorities initially appeared reluctant to file charges against her because Article 44 of the Indonesian Criminal Code prohibits the use of criminal sanctions against individuals with mental health issues. Instead, police referred her to a psychiatric hospital. However, after a video of the incident went viral online, the local community was outraged and demanded she be punished. In September 2019, authorities bowed to public pressure and declared that she would face trial.



Conclusions and Recommendations

U.S. policymakers have increasingly turned their attention to the negative impact of blasphemy laws around the world, but often overlook Indonesia's blasphemy laws and continue to laud Indonesia as a "moderate Muslim democracy." Although Indonesia certainly deserves praise for the overall success of its democratic transition, blasphemy prosecutions exacerbate interreligious tensions and could ultimately threaten the country's progress on democracy and human rights. In order to combat the abuse of Indonesia's blasphemy laws, USCIRF recommends that the U.S. government:

- Urge the Indonesian government to revise the draft Criminal Code bill to remove criminal sanctions for blasphemy, repeal or amend the blasphemy laws, and release prisoners held on blasphemy charges;
- Prioritize funding for programs that support the efforts of civil society and the media to counter the religious tensions that arise in the wake of blasphemy allegations; and
- Ensure that U.S.-funded programs for Indonesian police, counterterrorism officials, and the judiciary incorporate training on international human rights standards related to freedom of religion or belief, including concerns related to enforcement of blasphemy laws.

Congress should:

- Support measures such as [H.Res.512](#), which urges the global repeal of blasphemy, heresy, and apostasy laws. The resolution mentions the 2017 prosecution and conviction of former Jakarta governor Purnama.

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The U.S. Commission on International Religious Freedom (USCIRF) is an independent, bipartisan federal government entity established by the U.S. Congress to monitor, analyze, and report on threats to religious freedom abroad. USCIRF makes foreign policy recommendations to the President, the Secretary of State, and Congress intended to deter religious persecution and promote freedom of religion and belief.