

Religion, Law and Intolerance in Indonesia. Edited by Tim Lindsey and Helen Pausacker. London: Routledge, 2016. Pp. 395. \$225 (cloth). ISBN: 978-1138100879.

Since the overthrow of President Suharto in May 1998, the Southeast Asian nation of Indonesia has undergone one of the most significant transitions to electoral democracy anywhere in the late-modern world. The transition is of comparative interest for several reasons. With a population approaching 260 million people, 88.7 percent of whom identify as Muslim, Indonesia is the largest Muslim-majority country in the world; it is also the world's third most populous democracy. Although Muslim-majority countries like Turkey, Mali, Bangladesh, and Malaysia have also implemented democratic elections, democratic institutions in all of these countries have in recent years either deteriorated or collapsed outright. No less disturbing, the sweet hopes of the Arab Spring have in all countries except Tunisia ended in uncivil repression or catastrophic violence. It is against this troubled background that the Indonesian transition looms large.

Indonesia's two-decade transition has not been easy. During the first three years of the transition (1998–2001), eight of the country's (today) thirty-four provinces were plagued by outbreaks of communal violence, resulting in the death of some 15,000 people and the displacement of more than a million more. During the first decade of the new millennium, Indonesia suffered regular incidents of terrorist violence, much of it instigated by al-Qa'eda-aligned groups. Despite these and other setbacks, Indonesia today has an independent labor movement, an outspoken press, and a system of government that has (since 2001) decentralized significant funding and state responsibilities to the regions. Every five years since 1999, the nation has also held national and regional elections, the results of which have been notable for the openness of their competition and (in most cases) the moderation of their outcome. Parties advocating the establishment of an "Islamic state" have fared poorly. Notwithstanding these achievements, one phenomenon continues to cause alarm: a pattern of growing religious intolerance toward religious minorities, including Shi'a, Ahmadis, Christians, and nonconforming varieties of Islam.

It is the legal, constitutional, and political context of this latter phenomenon that lies at the heart of this welcome and important volume, *Religion, Law and Intolerance in Indonesia*. Edited by Tim Lindsey and Helen Pausacker, the bulk of its chapters originated in two conferences on religion, pluralism, and law in Indonesia held at the University of Melbourne and the Australian National University in September and November 2012, respectively. Drawing on specialists from a broad range of legal and social science disciplines, the volume offers the most comprehensive account of religion, law, and pluralist coexistence in Indonesia currently available.

Legal scholars Lindsey and Pausacker introduce the volume with an overview of legal and religious developments in contemporary Indonesia, providing a masterful frame for the volume as a whole. They observe that modern nation states are "usually based on the idea that the state's authority is independent of religious authority" (1). They add that, as the state becomes involved in the regulation and administration of religion, "it cannot avoid taking a normative role in religious affairs" (1). Established in 2003 as part of democratic Indonesia's effort to strengthen the separation of state powers, Indonesia's constitutional court has consistently upheld the right of the state not just to regulate religion, but to define and restrict what counts as a legitimate religion. Rather than opposing this state prerogative, the proponents of state-enforced shariah law have sought to use "the secular structures of the state to strengthen their positions" (2).

One of the most striking developments in the post-Suharto period is that this largely illiberal strategy has proved partly successful. Using the combined influence of the courts, the police, and the Ministry of Religious Affairs, the supporters of state-enforced Islamic orthodoxy have launched far-reaching campaigns against so-called deviant sects (*aliran sesat*). Although on paper the Indonesian constitution offers strong protections for the category of religious traditions that Indonesians refer to as “spiritual beliefs” (*kepercayaan*), those protections have been progressively undermined by state regulations and court rulings, as well as the adventures of Islamist vigilantes, who often act with impunity. These actions have in turn been facilitated by state officials’ increasing reliance on definitions of religious orthodoxy provided by the semigovernmental (and generally conservative) Council of Indonesian Ulama, which has succeeded in positioning itself as an “informal religious police force” (4). Although constitutional amendments introduced in the early transition period had been intended to expand protections for freedom of belief and religion, Constitutional Court rulings affirming the right of the state to “protect public safety, order, health, or morals” have effectively “rendered the new guarantees of religious freedom largely nugatory” (4). The result has been a “tendency for governments to see “religious difference as . . . inherently subversive” (5).

The next four chapters in the book, which together comprise part one, “State Regulation of Religious Freedom,” explore the implications of these developments in different societal fields. In chapter 1, Tim Lindsey and Simon Butt provide an overview of the legal framework for state restrictions on religious expression and shed further light on how the religious freedoms enshrined in the constitutional amendments of the early reform era have not been realized, but have instead given rise to increased criminalization of varieties of religious expression deemed heterodox. Crucial in this regard was a 2009 ruling by the Constitutional Court that affirmed that Indonesia is a *religious* country not a secular one (25), and that the freedom of religion protected under the constitution is only a “private right to hold a religious belief” (*forum internum*) and not a right to public expression (*forum externum*). The result of this and other rulings has been to make nonstandard professions of religion vulnerable to the accusation that they are “deviant” (*sesat*) and, as such, a threat to public order. Although in legal principle the national government is supposed to have authority for regulating religious affairs, in many regions decentralization has been interpreted in such a way as to allow local governments to restrict religious freedom in a manner “as wide and unconstrained as . . . the national government” (27).

In chapter 2, Simon Butt provides an incisive analysis of five Constitutional Court decisions dealing with religion-state-society relations. He shows that, on one hand, the court has not given ground to those advocating a more robust state recognition of Islamic law. On the other hand, however, the Court has cited Qur’anic concepts to justify its rulings, reflecting “the Court’s desire to not appear to be anti-Islamic”; the habit does not “bode well for the future protection of constitutional religion-related rights for Indonesian Muslims who do not follow the conservative version of Islam advocated” by the Council of Indonesian Ulama (44). No less momentous, “The Court’s use of Islamic concepts, even as secondary justifications for its decisions, is tantamount to applying Islamic law against non-Muslims” (63).

In chapter 3, Stewart Fenwick applies a sophisticated political philosophical metric to questions of religion and pluralism in Indonesia. He shows that the Indonesian Constitution is “an interesting amalgam of different theoretical elements” (83), not all mutually consistent. The amalgam greatly complicates efforts to press for a more consistent commitment to *either* liberal principles or Islamic legal traditions. In chapter 4, Melissa Crouch examines efforts by the national government to regulate religious affairs through the introduction of a draft law on religious harmony. Crouch shows that different versions of the draft law promote fundamentally different models of state-religion

relations. She observes that the engagement of nongovernmental organizations in the draft process offers an at least partial hope for downplaying government rhetoric on “order” (*kerukunan*) in favor of greater emphasis on religious freedom and nondiscrimination.

The four chapters in the book’s second section, “The Politics of Religious Intolerance,” deploy different case studies to explain rising levels of intolerance. In an especially important chapter, Greg Fealy asks whether the growing incidence of intolerance is driven by extremists out of step with mainstream society, or whether in fact it reflects more general societal attitudes. Drawing on three national surveys, as well as his own interviews with government officials, Fealy shows convincingly that, compared with Muslims in other parts of the world, Indonesians are actually *more* intolerant of Ahmadis, Shia, and non-Muslims than are their counterparts in other parts of the Muslim-majority world, and that levels of intolerance have risen significantly since the return to democracy. The picture is not without nuance: Indonesians tend to be progressive on matters of family planning and polygyny (121). But overall, “the oft-praised moderation of Indonesia’s Muslim majority is not borne out by comparative surveys of Muslim opinion” (128).

In chapter 6, Ismatu Ropi explores the way in which the Ministry of Religious Affairs has over the past sixty years succeeded at promoting a mainstream “Muslim” understanding of the first principle of Indonesia’s national philosophy, “belief in Almighty God” (*ketuhanan yang Maha Esa*). The hegemonization of this interpretation has left those who hold less Abrahamic understandings of divinity on the legal and ideological defensive. In chapter 7, Ahmad Suaedy examines recent debates on interreligious harmony, once again demonstrating that “status quo” proposals have prevailed over those emphasizing commitment to international human-rights norms. In his case study of the 2012 Jakarta gubernatorial elections, Nadirsyah Hosen argues that race and religion will continue to figure in national elections, but the effectiveness of these appeals may be diminishing, since elections show that such “ideological issues are now less important than the real practical challenges facing people in their daily lives” (181). Sadly, the more recent (2017) gubernatorial elections in Java suggest that Hosen may have spoken prematurely, and that the use of anti-Christian and anti-Chinese appeals by conservative populists in alliance with Islamists may actually be on the rise.

In chapter 9, Ismail Hasani explores the problematic place of atheism in Indonesia, arguing that its continuing stigmatization represents a “prejudicial treatment” (207) antithetical to a proper democratic order. In chapter 10, Syafiq Hasyim provides a critical analysis of fatwas prepared by the semiofficial Council of Indonesian Ulama (Majelis Ulama Indonesia, or MUI) with regard to the Ahmadi minority and Islamic liberals. As Hasyim and other scholars have shown, Islamist vigilantes in *Reformasi*-era Indonesia have invoked MUI fatwas to justify attacks on religious minorities. The invocation has proved all the more effective inasmuch as former president Susilo Bambang Yudhoyono (r. 2004–2014) regularly described the MUI as the guardian of Islamic orthodoxy. On a hopeful note, Hasyim observes that in recent years a number of more pluralist-minded religious scholars have emerged in MUI ranks, although their views have yet to achieve purchase in mainstream society.

In chapter 11, Melissa Crouch reviews the political and nonjudicial mechanisms open to community-based groups of democratic persuasion to press for legal review of government actions and policies. Reform-era institutions like the National Committee on Human Rights and the Corruption Eradication Commission ensure that “there are now more avenues than ever before to raise issues of accountability and legal control of government decisions in Indonesia” (248). However, she adds, mechanisms that might ensure government responsiveness to such appeals remain weak. As a result, aggrieved minorities and their legal representatives often have to resort to “other ways of negotiating disputes . . . such as negative media coverage” (249).

The book's fourth section, "Violence and State Responses," opens with an essay by the celebrated policy analyst Sidney Jones. Through a careful array of case illustrations, she shows that, although the state has made impressive progress toward containing violent extremism, nonterrorist radicals have begun to make common cause with once-violent jihadi groups. The development—an example of an "Islamist civil society" (263) little concerned for civic rights or democratic proceduralism—"poses a tough question for a young democracy" (257), not least with regard to the challenge of curbing violent extremists "without infringing hard-won civil liberties" (257).

Separated from the armed forces in the early years of the democratic transition, the Indonesian police have often been faulted for standing aside in moments of sectarian conflict, especially where the latter involves street-savvy Islamists. In his study of policing of sectarian conflict with regard to Indonesia's small Shi'a minority (which is estimated to number less than 1 percent of the country's Muslim population), Samsu Rizal Panggabean shows that police responses have varied significantly; indeed, in several notable incidents, local police have proved effective at forestalling violence. In all cases, Panggabean argues, "it is state strategy, and not sectarian beliefs and practice, that matter in the final analysis" (286). In chapter 14, Helen Pausacker provides a fascinating analysis of the changing attitudes of Islamist vigilantes like the Islamic Defenders Front with regards to sexuality and media. She shows that, although individual artists remain vulnerable to vigilante challenge, Islamists' focus on pornography has declined since the passage of the pornography law in 2008, while the state has shifted its efforts away from the censoring of artworks, toward "the distributors and creators of hard pornography" (309).

The implementation of "regional bylaws" (*perda*) of a broadly "Islamic" nature has been one of the more notable features of Indonesian legislation since the early 2000s. In chapter 15, Arskal Salim summarizes the legal setting that made the proliferation of bylaws possible, and their societal consequences, not least for non-Islamic minorities. He concludes that "Increasing hatred . . . against religious minorities has been observed in a number of regions that have introduced religious regulations" (329), and that, as yet, "Indonesian judicial agencies are not currently sufficiently sensitive to issues of religious freedom" (330). In a comparative analysis of the implementation of regional bylaws of a "shariah" nature in Aceh and West Sumatra, Dina Afrianty reaches a similarly sobering conclusion. However, she also observes that many local Muslims have been so disappointed by the meager moral impact of such legislation as to lose confidence in the state-enforcement tack. In a thoughtful study of the legal fate of Muslim women in Indonesia's family courts, Euis Nurlaelawati offers a similarly measured assessment. She notes that procedural legal reforms introduced by the government and supported by international legal aid agencies have significantly improved the legal ability of Muslim women to get a divorce, but the securing of such rights remains problematic. Many judges put the law aside in favor of their own religious values, "and this can result in significant intolerance and discrimination" (364).

In the book's concluding chapter, Adnan Buyung Nasution—a pioneer of legal aid and human rights reform in Indonesia—observes that since the fall of the Suharto regime in 1998 the long-established consensus on the need to balance democracy with protections for ethnic and religious minorities has eroded. Nasution blames the anti-pluralist turn on several factors, including legislators' willingness to compromise minority rights in the interest of promoting religious orthodoxy and the Yudhoyono presidency's habit of turning a blind eye to the persecution of religious and ethnic minorities.

The evidence offered in this deeply important book suggests two overall conclusions. The first is that Indonesia's new democracy has succeeded at putting in place a variety of new democratic institutions. However, the second is that these institutions have not managed to reverse an ascendant trend in both state and society, which is one of growing conservatism and intolerance, if not violent

extremism. Although far from decisive, some of the chapters also hint that the wind in the sails of Indonesia's "conservative turn" may today be diminishing somewhat. Recent research on the situation of women's groups linked to Indonesia's two huge Muslim social welfare associations, the Nahdlatul Ulama and the Muhammadiyah, offers a similar conclusion, suggesting that some of the most conservative currents with regards to women's rights have dissipated. However, and reflecting a trend also seen in the United States and Western Europe, the recent ascent of right-wing populists in Indonesia making common cause with conservative religious groups suggests that the national scene may remain uncertain for some time to come, notwithstanding the consolidation of electoral democracy.

Whatever the future may bring, this book offers a masterful overview of the unsteady situation of religion and law in contemporary Indonesia. It should be read by all who study this vast country and by anyone concerned about the future of religion and civility in the broader Muslim world.

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