

Tim Lindsey and Helen Pausacker

Religion, Law and Intolerance in Indonesia. London/New York: Routledge, 2016, xxxiv + 396 pp. ISBN 9781138100879. Price: GBP 125.00 (hardback).

Eighteen authors, including both foreign Indonesianists and Indonesian scholars contribute to Lindsey and Pausacker's edited volume. *Religion, Law and Intolerance in Indonesia* makes a valuable contribution to understanding the political, legal, and religious landscape in Indonesia's Post New Order Era. At the heart of the book lies the question of how well the world's largest Moslem and democratic country is managing its vast cultural diversity. The book explores whether an elite-managed strong central state will continue to dominate Indonesian domestic politics, or if Indonesia's strong state will be increasingly challenged, and even fragment, as the forces of other groups gain power and visibility, including conservative religious movements and identity-based organizations and ideologies. The book focuses on religious intolerance, which from this reviewer's perspective is quite accurate, but unfortunately doesn't give as much attention to civil society movements that struggle for constitutional rights, Pancasila, and Indonesian diversity. These civil society movements, especially women's organizations, have been and continue to be vital to the social and political dynamics during this critical time in Indonesian history.

All forms of intolerance have increased as the state intervenes in various disputes between groups, and intolerance has been formalized to some extent through public and legal institutions. The 2015 presidential election and the Jakarta gubernatorial elections in 2012 and 2017 illustrate the worst intolerance in recent Indonesian history, especially in the Post New Order, as Nadirsyah Hosen describes in chapter 8, on Race and Religion in the Jakarta Gubernatorial Election (p. 180). Society is fragmented in conflict that seems primordial in nature and escalated by the hegemonic views and hoaxes broadcasted by the mainstream and social medias.

According to Lindsey and Pausacker, the main causes of Indonesia's chaotic situation is the interpretation of the first principle of Pancasila, 'Ketuhanan yang Maha Esa' (The believe in One God) (Lindsey and Pausacker p. 9; Ropi p. 132). Pancasila was created by founding fathers, mainly Soekarno, as a principle to guarantee religious freedom and to accommodate the diverse religious identities of all Indonesians. However, the recent interpretation devolves into a homogenous doctrine of One God that solely mirrors a majoritarian perspective, disavowing any other interpretations. This homogenous and majoritarian interpretation of the First Sila of Pancasila is so embedded and institutionalized that it legitimizes widespread false consciousness, primarily among the poor and uneducated.

Almost all forms of intolerance discriminate against minority religious groups and women, identified by many authors of this book. Their concerns include inter-religious harmony, permits for places of worship, and deviant labeling for believers (*penghayat*) whose religions are not formally recognized by the state (Melissa Crouch, chapter 11 p. 95); provoking media with intolerant news, charges of blasphemy leveled against individuals (Ismail Hasani, chapter 9 p. 198); and utilizing fatwa (an official statement from an Islamic religious leader) issued by the Majelis Ulama Indonesia (MUI, Indonesian Ulema Council) to legalize the particular issue in that fatwa as haram (forbidden by Islamic law), mostly aimed at a minority (Syafiq Hasyim, chapter 10 p. 211). Intolerance tends to victimize women, although of course other groups are affected. This occurs in many formal and informal ways, including through the endorsement of regional regulations that place women in the domestic domain (Dina Afrianty, chapter 16 p. 335). Some progress has been made regarding divorce, but women still lose rights after a divorce is finalized (Euis Nurlaelawati, chapter 17 p. 353). Among the worst forms of intolerance is terrorism, which is on the rise (Sydney Jones, chapter 12 p. 257).

Another valuable area of focus in this book is the creep of conservatism into legal institutions and practices. Indonesia has a constitution and a set of legal instruments, such as Indonesia's ratification of ICCPR (International Covenant on Civil and Political Rights), which grants freedom for religion and beliefs. However, women's rights are still derogated through at least 421 regional regulations monitored by Komnas Perempuan in 2016, as well as policies, certain Articles of Law, and various judicial decisions, which Lindsey characterizes as a legal paradox (Lindsey and Butt, chapter 1 p. 37).

Sectarian interpretation is increasingly dominant in even the highest body of legal authority, the Constitutional Court (Lindsey and Pausacker p. 7; Fenwick p. 87). Indonesian courts have argued that Indonesian law is separate and distinct from western law in that the Indonesian Constitution accommodates religious values (without, interestingly, mentioning which religion, Simon Butt, chapter 2 p. 61). The Constitutional Court has rejected judicial reviews from civil society groups in various important cases, including the Blasphemy Law (no. 1/1965), the Bill on Pornography (no. 44/2008), polygamous marriage as stated in certain Articles of Marriage (no. 1/1974), and the Religious Court (no. 3/2006). Some decisions negatively impact women's position, like polygamous marriage, pornography, and the abolishment of Article 214 of General Election (no. 10/2008), which was about a zipper system in promoting political quota for women in parliament; and the last one is the rejection of Constitutional Court to the judicial review on child marriage, which places a minimum of 16 years of age for the bride (2015). This has set the women's movement back,

since all these decisions nullify their fight to promote better life of women and children and women justice through legislation and advocacy.

This book notably describes the growth of a culture of hatred and intolerance, and how hardliners of the majoritarian groups activate conservatism and how they have increasingly crept into the legal arena. However, there is an additional narrative which is not so much addressed in this book. Historically, Indonesian politics were glorified by powerful social movements including the women's movement. They are always present at any stage of Indonesian history: pre-independence, the Soekarno Era, the New Order Era, and the recent Reformation Era. The social movement activists of today are those linked to the civil society organizations, NGOs, and certain cultural and academic figures, who come from various religious backgrounds, beliefs, ethnic groups, social classes, professions, and genders.

Since the fall of New Order up to now, civil society movements have been taking part in formulating many legal instruments in the humanitarian field, including women's rights. Many progressive legal instruments and policies have been promoted. Such efforts have been instrumental in advocacy in many crucial areas, including in conflicts over land, where they have defended *adat* communities against the state and powerful private industries; in discriminatory cases against religious minority groups; in combating corruption, and in many other state policies that harm civil society and justice seekers. Today, groups and individuals involved in such struggles are actively voicing the fight against intolerance.

Another important issue should be highlighted in this volume is how to view the Indonesian legal system from the modern legal pluralistic perspective. When two or more legal systems confront one another in this global era, the inevitable result is some sort of hybrid of local law (in this case, *adat*- and religious law), national law, and global law. With this in mind, it seems an uneasy prospect whether Indonesian law could transform into a version of Shariah law, since the main requirement is to change Indonesia into an explicitly Moslem state. Lots of research so far has focused on the field of natural resource management and family law, such as inheritance. These laws and practices are strongly influenced by global discourses and legal instruments which promote human rights and gender equality and justice.

This book is a valuable reference, as it points out the richness of the interdisciplinary study of law, especially as this approach pertains to Indonesia. Law cannot be productively studied in isolation, as it closely relates to politics, culture, religion, and society.

Intolerance endangers the social cohesion of Indonesian society. It could be understood as the mobilization of the politics of identity to seize power at

the state level or in incrementally, by enforcing rigid social norms in public spaces. The politics of identity exercised against minority groups has come about largely through legal means, official policy, and political events. Thus via formal and informal means, certain characteristics and stereotypes have been imposed on Indonesia's diverse racial, ethnic, religious, class, and gender identities. But this is not a simple story. These desperate efforts to impose a kind of orthodoxy demonstrate the degree to which such orthodoxies are socially constructed—as are the identities that emerge in resistance. The main goal of Indonesia's formal and informal efforts to “other” certain groups is to delegitimize them in the political arena.

As the largest Moslem democratic state in the world, Indonesia lies on the spectrum between a democratic and Islamic state. Though recent developments render social cohesion vulnerable, Indonesia has deeply rooted historical experiences which unify it as a nation, in at least two ways. Firstly, the civil society movement remains quite strong, as they wield significant power and it is always ready to defend Pancasila and plurality. Secondly, the reality of global legal pluralism is unavoidable, which means that the Indonesian legal system and the Indonesian state are not easily transformed to a bigoted tyrannical country hiding behind religious law.

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