‘FREEDOM OF RELIGION’ IN INDONESIA: SOME THOUGHTS FROM AN INTERNATIONAL PERSPECTIVE

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Introduction

Indonesia, with an estimated current population of 245 million, is not only a highly populated country but also the country with the largest Muslim community in the world. Demographers count almost ninety percent of Indonesians as Muslims, although precise figures are lacking. While Indonesia’s vast majority do adhere to Islam, the country is not an Islamic state. This is not to say that freedom of religion has not been on the agenda in Indonesia. It certainly has been, and it increasingly is and will be. But the national debate on the issue has varied in its intensity. The Jakarta Charter debate at the start of Indonesia’s independence, as a first example of this national conversation, settled on the choice of Pancasila as the state philosophy instead of positioning the country as an Islamic state. However, the regulations from the Ministry of Religious Affairs in the 1970s and the Law on Civil Organisations in the 1980s; the response or lack of response when religion was used as instrument for violence in Ambon, Halmahera, and Poso in the 1990s; and the closing of church buildings during recent years all reflect the way ‘freedom of religion’ has been considered in Indonesia.

The present article provides input on several aspects of this extremely complex human right. This complexity contains elements of law (both national and international), political science, social and cultural aspects, and of course religion—in general, but mission studies in particular. Part I elaborates on freedom of religion as it developed and has been understood as a human right in international law. Western and Islamic interpretations of human rights differ, with consequences for Indonesian interpretation. Part II focuses on the special case of Indonesia. I will examine the ongoing discussion as to whether or not the country should be an Islamic state, starting with the Jakarta Charter debate at the time of the country’s independence. Part III offers some
reflections on the current situation and the possible roads to take with respect to this recurring issue in connection with the state’s chosen ideology and principles of philosophy.

**International Law**

The atrocities during the Second World War gave impetus to human rights as a matter of international law.¹ This concern was heralded by the ‘four freedoms’ (freedom of speech and expression, freedom of religion, freedom from economic want, freedom from fear of aggression) listed as the foreign policy goals of the United States in a message to Congress by President Roosevelt in 1941, and which were included in the Atlantic Charter.² The goals of the United Nations listed in Article 1 of the UN Charter were based on the Atlantic Charter, and therefore include the promotion and encouragement of respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.³

The concept of human (or fundamental) rights is certainly a dynamic one and has been subject to change and expansion—as can be seen from the constitutional history of Western states. But it is important to retain the essence of the concept, which is that *every individual has certain inalienable and legally enforceable rights protecting him or her against state interference and the abuse of power by governments*. Among these civil rights and fundamental freedoms are freedom of speech and freedom of religion. These civil rights in the sense of individual freedoms from state interference form what is now called the first generation of human rights.⁴

The Universal Declaration of Human Rights was adopted in 1948.⁵ Article 18 of this Declaration reads: “Everyone has the right to free-

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³ UN Charter (San Francisco 26-06-1945)—see also Article 55 under c where the UN is explicitly given the task to promote this respect.
⁴ As civil rights form the first generation, social rights (for instance, the right to education) form the second generation, whereas the third generation, according to some advocates, is formed by rights to clean environment, development, etc.
⁵ *Universal Declaration of Human Rights*, (New York: United Nations), adopted and proclaimed by General Assembly UN resolution 217 A (III) of 10 December 1948