TOLERATING RELIGIOUS INTOLERANCE: THE STATE AND THE REVIVAL OF ISLAMIC FUNDAMENTALISM IN INDONESIA

By

PERMANA, Muhammad Prayoga

THESIS

Submitted to
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ABSTRACT

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Despite its remarkable democratic transformation, it is interesting to note that the problem of religious freedom and violences under the banner of religious ideology are rampant in Indonesia. Meanwhile, instead of protecting the freedom and security, the state has turned its blind eye towards the vigilant groups of Islamic fundamentalism. This research aimed to discover some factors determining the tolerating religious intolerance tend to do policy. The research suggests that in historical review, the state has been accommodating the fundamentalist not only for ideological purpose but also political, it affects state's commitment to protect religious freedom. The state also encountered with dysfunctional democracy while political openings with inadequate institutional constraint have facilitated the rise of Islamist political identity in public sphere. In addition, despite its close relations to the fundamentalists during the history, the state actually maintained its stance towards coexistence between Islamism and secularism at the same time. The ambiguity provides a room for the fundamentalist to infiltrate the decision making process.

Keywords: Islamic Fundamentalism, Democracy, Islam and Secularism Coexistence

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Again, I am indebted to everyone mentioned before. However, while this people and many others contributed to this thesis, I alone am responsible for its contents and any errors or omissions it may content. Finally to all of them I dedicate this thesis.

"It is amusing that under the military government of Soeharto, there was more tolerance and equality than under democracy. Give the radicals an inch of freedom and they will take miles of your freedom away",
Deddy , The Jakarta Post (2013)

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CHAPTER ONE

I.1 INTRODUCTION

Western leaders often called Indonesia as the role model of a new democracy. In 1998, Indonesia surprisingly turned from a militaristic and authoritarian state to democracy with profound overall impression: it is the place where Islam and democracy can coexist. Indonesia's vibrant democracy sustained country's stability to survive amidst the global crisis with substantial growth at roughly 6 to 7% recently. The facts impressed the former United States Secretary of State Hillary Clinton, she praised Indonesia's great democratic transformation as a step forward. Clinton highlighted, "If you want to know if Islam, democracy, modernity and women rights can coexist, go to Indonesia".[1] Three years later, Indonesian democracy was still adorable in western leaders' point of view. British Prime Minister David Cameron exalted Indonesian democracy as the role model that other Muslim countries are seeking to be. Indonesia represents an example where democracy emerges as the people's choice instead of extremism and dictatorship.[2]

Those applauses were partly right as Indonesia has shown a remarkable performance in democratic transformation compare to the other Islamic predominated states (*see table 1 below)*. According to the 2011 report of Freedom House, Indonesia's democracy discloses more evidence for the thesis of Islam and democracy compatibility. It was the only Muslim predominated country with a free label. Indeed, it suggested that while the general Muslim worlds are in democratic deficit, Indonesia has undergone the opposite positive direction.

Table 1. Islamic Predominated Countries and Their 2011 Freedom Index

Country	**Freedom Index**
Indonesia	Free
Pakistan	Partly Free
Nigeria	Partly Free
Bangladesh	Partly Free
Egypt	Not Free
Iran	Not Free
Turkey	Partly Free
Country	**Freedom Index**
Sudan	Not Free
Algeria	Not Free
Morocco	Partly Free
Iraq	Not Free
Afghanistan	Not Free
Malaysia	Partly Free
Uzbekistan	Not Free

Source: Freedom House, 2011

Beyond its extraordinary performance, did stories from the field actually depict world's impression on Indonesian democracy? For some minorities and to certain degrees, Indonesia is no model for Muslim democracy as there were some attempts to turn Indonesia from a secular democratic state to conservative Islamic state by threats and street level violence upon the minorities by some non-state actors under the banner of the highest truth.[3] Some evidences suggest that there were some dangerous attacks to Ahmadiyah[1], a sect in Islam that accounted for small number of Indonesian minority. FPI (*Front Pembela Islam* or

[1] Ahmadiyah is a sect within Islam that emerged in South Asia during British colonization before it spread quickly across Muslim world. Despite its numerous followers in Indonesia, Ahmadiyahh is deemed as blasphemous. Many Islamic preachers in the country blamed Ahmadis beliefs that supporting Mirza Ghulam Ahmad, the founder of Ahmadiyahh, as another prophet after Muhammad.

Islamic Defenders Front)[2] raided Ahmadis facilities in South Sulawesi[4]; vandalized their mosques in Tasikmalaya, West Java and backed the tragic event of Cikeusik where six of Ahmadiyahh followers were killed.[5] In 2012, Universitas Gadjah Mada (UGM)[3] received serious intimidations from the same group. At the time, the university intended to hold a public discussion with Irshad Manji[4], a controversial Canadian Muslim author. Unfortunately deemed to security concerns, the event was cancelled despite the fact that in Indonesian soil, academic institutions have the highest degree of independence and integrity that even state and military can't freely intervene. Some alumnus perceived the pressure as a setback towards 'religious fascism'.[6]

The situations finally culminated and draw international attention after 'the Lady Gaga Saga' that resulted to similar cancellation. The FPI threatened to deploy their members to the street if Lady Gaga successfully landed in Indonesian soil.[7] Those cases emerged as major defeat for Indonesian security in democratic era and the most concerned matters, political setback for democracy, freedom and pluralism.

The conventional wisdom of democracy often said that the real democracy guarantee individual religious belief and obligate the state to create government agencies that grant fundamental human rights with no discrimination. In fact, Indonesia's democracy can do a little to prove what supposed to be. The state was seemingly weak to highlight its role as the defender of religious pluralism. It is evidenced that Titi Sartika, the head of Ahmadiyah's

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[2] FPI (*Front Pembela Islam*) or the Islamic Defenders Front is a fundamentalist group, pressure group and vigilante jihad paramilitary that often considered as notorious because of their violences against the enemy of Sharia.

[3] Universitas Gadjah Mada or Gadjah Mada University is the oldest public university in Indonesia. The university has long been considered as a permanent member of top three university across the nation. It currently has more than 50.000 students registered in various program.

[4] Irshad Manji is the author of controversial book called 'The Problem With Islam Today". Irshad claimed her book as an open letter for reforming Islam. The covers wide range of issues such as gender, slavery and contemporary understanding of Islam.

Women Group in Bekasi, West Java expressed her fear to perfom her religious activities. She said,

> *"We get nervous every time we go to Mosque, especially those with children, we are afraid to bring them. The women often don't go to pray if we see people with white robes".*

In Cikeusik West Java when Ahmadiyah community was attacked by militants, a victim namely Ahmad Masihudin witnessed,

> *"They held my hands and cut my belt with machete. They cut my shirt, pants and undershirt. They took my money and cell-phone. They tried to take off my underwear and cut off my penis. I was laying in fetal position. I tried to protect myself but my left eye was stabbed. Then I heard them say, 'he is dead, he is dead".* [8]

The Jakarta Post (2013) also recorded several recent attacks on religious minorities to illustrate that government were unwilling to cope with the serious problems.

Table 2. Recent Attacks on Religious Minorities (2012- early 2013)

April 6, 2013	An Islamic boarding school in Tasikmalaya that allegedly spread perverted understanding of Islam attacked by 500 hard liners
March 21, 2013	Officials broke HKBP's (Batak Protestant Community) unfinished church due to permit issues in Bekasi
Februari 14, 2013	an Ahmadis Mosque in Bekasi was closed down by Bekasi Municipal Official
January 27, 2013	Islamic groups block the BNKP church in Bandung, West Java from holding sunday mass
October 25, 2012	The hard liners FPI assaulted Eid celebration on An Nasr mosque
August 26, 2012	Two killed and dozens of houses demolished as The Sunnis rampage through Shia community villages in Madura, East Java
August 6, 2012	St. Johannes church in Bogor, West java was officially sealed by the local administration. The government

	ignored permit application submitted by the christians in 2007
April 22, 2012	a HKBP church service in Bekasi, West Java was broke up by local muslim groups
April 20, 2012	Hard liner Islamic groups vandalized Ahmadis Mosque in Tasikmalaya
March 16, 2012	Some unidentified men fired 20 shots into a catholic church in Indramayu, West Java
February 17, 2012	Crowd raided Nur Hidayah Ahmadis Mosque in Cianjur, West Java
January 23, 2012	Two hard line group raided Sunday service at a Christian Church in Taman Yasmin, Bogor West Java
January 1, 2012	Some hardliners attempted to prevent Christians in GKI Taman Yasmin to perform their sunday service

Source: The Jakarta Post and Kompas, April 5, 2013

The Rise of Islamic Hardliners and Its Policy Dilemma

The existence of religious non-state actors who resort on violence to convey their aspirations is a new phenomenon in Indonesian democracy. During 32 years Suharto's authoritarian era, Islamic hardliners were massively suppressed under the government control. It is indeed, brought a good impact for Indonesian society as. Since then, Islamic movement emerged as a lifeline for the people. Muhammadiyah[5] and Nahdlatul Ulama'[6], the two largest Islamic organizations, instead of being formal parts of Indonesian politics, they were actively engaged in education and humanitarian action. Nowadays, they have been consistently promoting democracy under the state's ideology and standing as defenders for pluralism. Nevertheless after 1998's reform when the freedom of speech, expression and human rights were acknowledged by the government, the activities of Islamic hardliners on public sphere were more appealing and somewhat moved to negative direction against democracy and pluralism. The luminosity of Indonesian democracy suddenly turned as an irony, it is

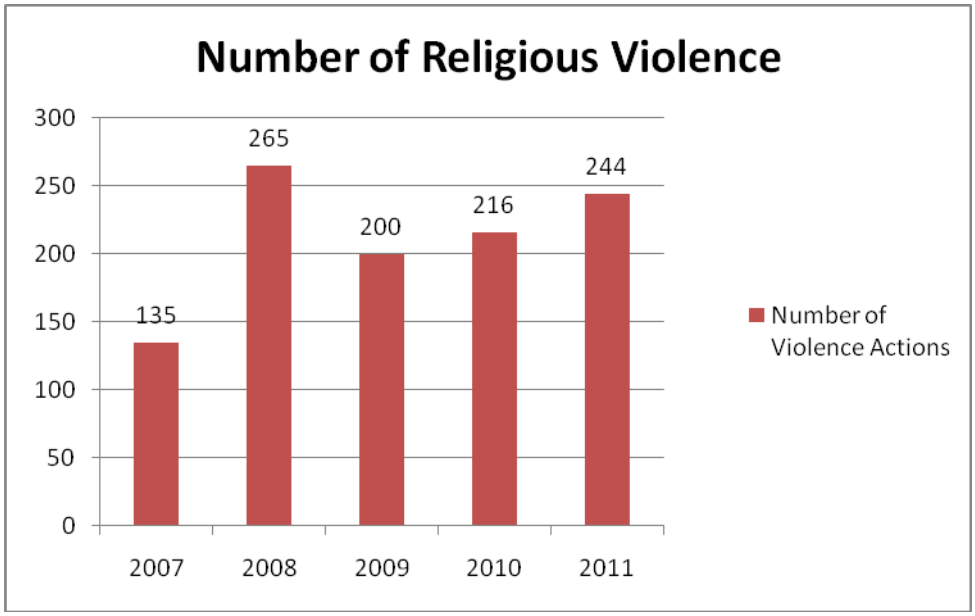
[5] Muhammadiyah is the second largest Islamic organization in Indonesia. They advocate individual interpretation of Quran rather than following ulama's interpretation. Muhammadiyah known as a reformist sociologist movement. It often opposed to Nahdlatul Ulama.

[6] Nahdlatul Ulama' is traditionalist Muslim group, often opposed to Muhammadiyah.

allegedly fueled destructive hardliners to be more powerful and counterattacked freedom and pluralism.[9]

Furthermore, unlike the previous regime (Soeharto's 32 years administration), the rise of hardliners leads to equally unfavorable policy option for the government to deal with that is between indirectly supporting them or prosecuting them. Even if democratic rights were infringed, some evidences proved that government was unable to protect the minorities. Setara Institute revealed the trend of religious violence by the hardliners has been growing steadily during the past 6 years.

Chart 1. Number of Religious Violence[10]



I.2 Research Questions

The lack of government response to control the fundamentalist has turned the country to be a thug controlled state.[11] *The New York Times* in 2012 illustrated the situation in Indonesia as if the government turned their blind eye towards religious pressures. The US Commission for Religious Freedom Report suggested that Indonesia's tradition on religious tolerance is facing some serious problems. Many evidences proved that the current

administration has tolerated extremist activities and some local legal aspects have strained religious freedom. Thus, state incapability to protect the minorities from religious pressure raises some questions:

1. Why did the government tolerate the threat of Islamic fundamentalist who relied on violence to pursue their ends?
2. How do the relations between the government and the fundamentalists?
3. What are the problems faced by the government to protect religious freedom?

In order to discover the causes of state's failure in protecting religious freedom, this research is aimed at explaining some important factors hindering government's policy to cope with the fundamentalist. The factors are the following:

1. Power-seeking relations between the government and fundamentalist, explaining a mutual coexistence on power and legitimacy seeking. The relations affected government commitment to protect individual freedom.
2. Explaining dysfunctional democracy as an internal factor. Fundamentalists often used the characteristic of Indonesia's democracy such as public sphere to boost their influence.
3. A policy towards coexistence of Islam and democracy in Indonesia. Debates on Islamic influence in Indonesian statehood were endless during the history. Therefore, the government maintained coexistence of Islamism and secularism.
4. Inadequate law provision in Indonesian legal structure. Protection of minority rights requires legal instrument to ensure state's roles and the rights of minorties. Legal instrument also provides some directions for state to act.

I.3 Research Method

In order to analyze the factors, qualitative research method is used in the entire analysis. The focus of research method is based on discourse analysis in political science. The discourse analysis suggests institution (state) is being constructed by several interactions that include social interaction and discourses. In that sense, discourses such as political manifesto, political speeches, publication, TV program, legal acts and bills will be used to answer the questions of origin and rationale of state's behavior. The discourses may also implicitly explain the stories behind some policy initiatives and options (Burnham, 2008).[12]

In addition, historical approach is also utilized in some particular contexts such as in explaining the patterns of state and Islamic fundamentalist relations. The use of such approach is aimed at understanding paradigm shift in a brief timeline. From there, the study may absorb some basic roots of the problem.

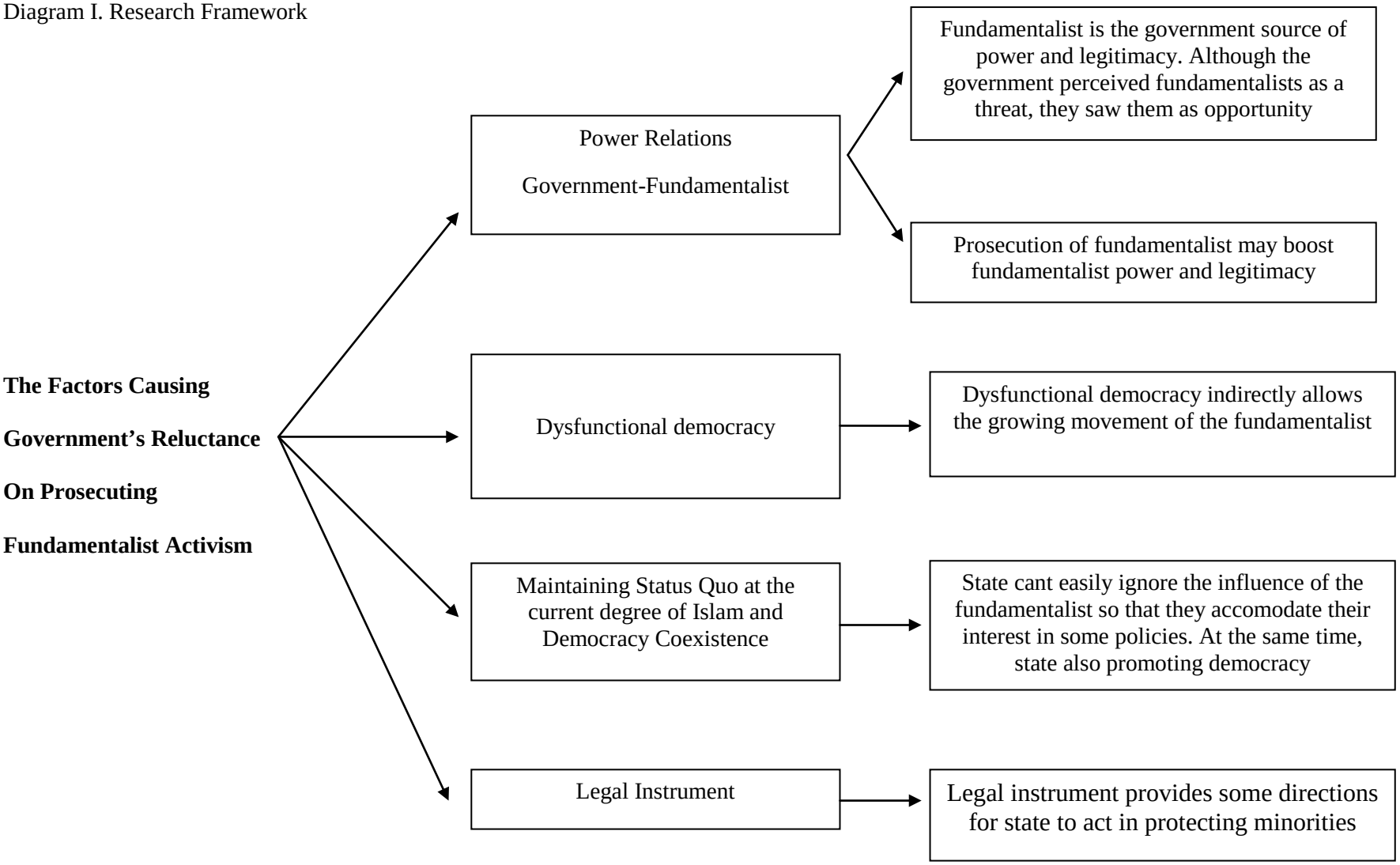
I.4 Research Objectives

The main objective of this research is to investigate the causes of government policy which tolerated intolerance action of the fundamentalist. Problem of tolerating destructive fundamentalist action was highly questioned in general public and Indonesian scholars. There were some assumptions on conspiracy theory which relied on anonymous news leaks and whistle blowers occur lately, they one-sidedly claimed the fundamentalist as Indonesian intelligence paramilitaries or hidden state sponsored thugs. Therefore, a scholar explanatory is necessary to analyze the problem in academic frame. Moreover, conducting a research on government policy in this area is essential because freedom of religion and human rights is indispensable in a democracy.

I.5 Disclaimer

The context of this research was not intended for a study in any particular religion including Islam. Instead, this research perceived Islam as a different entity to Islamic fundamentalism. The latter was the focus as Islamic fundamentalism potentially is a threat whereas Islam *per se* was brought with no intention for aggressive political ambitions. In contrast to Islam, Islamic fundamentalism is sought as purely political movement under the banner of Islam with non religious ambitions.

Diagram I. Research Framework



I.6 Literature Review

I.6.1 State-Fundamentalist Power Seeking Relationship, a Discussion on Islamic Leviathan Theory

Nasr (2001) introduced the so called Islamic Leviathan theory. The theory illustrated the relations of the state and Islamist as a power seeking relations. He argued that Islamic Fundamentalism and its characteristic is apparently the source of state's hegemony. Therefore, no surprise that even though the government considered Islamic fundamentalists as a threat, the state might see them as opportunity.

To obtain such conclusion, he analyzed the situations in Malaysia and Pakistan. In two countries, the circumstances depicted the states were becoming the agent of Islamization and in some degrees allied with Islamist force. In such premises, state acted as an opportunist Islamizers rather than the rejectionist secularist. The opportunist Islamizers seek to accommodate Islam in politics for some critical periods but less likely involve them in the state's cultural orientation. The state showed their dexterity on using Islam to serve their interest in garnering legitimacy.

Yet, the state never attempt to dominate Islamic discourse or being active in Islamic political arena. Islamist in turn, seeks a greater access of resources and influence in public policy making process. [13] Haynes (1999) again argued that religious doctrines are often utilized for legitimatization by government. In a simplest way, many examples in Africa represent the pattern of politician co-opting the religious power to boost their electoral votes.[14]

What kind of legitimacy that the state was looking for? Ma'arif Institute did implicitly point out that the stance against the fundamentalists has its cost such as the fear of losing

public support. In Indonesia recently, the supports for fundamentalist movement and their characteristics are legally permitted. In that sense, the government tends to cooperate rather than conflict the fundamentalist. The main reason is that the government does not want to be perceived as the enemy of Islam as the fundamentalist might scrutinize them as infidel. Thus, the fear of future prejudice of becoming an infidel government might confuse policy maker to deliver a policy. Undoubtedly, the fundamentalist massively gained public support under the banner which claimed as promoting and defending Islam, the major religion so that they called themselves as the defender of good deeds and forbidding wrong. [15] In political arena, the notion of opportunistic politicians may open up another possibility of fundamentalist goals acceptance within the government entities. The careless political actor may work together with the fundamentalist by sacrificing the future of multi-religious and ethnic nation for the sake of their own political ambitions and wealth.[16]

In the other hand, prosecution of Islamist may possibly strengthen their existence in society. Reflecting the lesson learn of authoritarian regime, the government prosecuted the illegal Democratic Party (*Partai Demokrasi Indonesia or PDI)* led by the former Indonesian president, Megawati Soekarnoputri. The misled strategy garnered tremendous public sympathy. As a consequence of such mishandling, in 1999 PDI in turn won a landslide victory against the former ruling party and other newly created reformist parties. Having learned from the rise of PDI, government supposed to start a new strategy by using the enemies instead of marginalizing them. Therefore, instead of prosecuting any opposition as they did in the past, the state possibly tried to incorporate the fundamentalist. According to the 48 Laws of Power by Robert Greene (2000) that in order to obtain more power, any actor should be aware of their friendly political partner as they are more likely to betray and they are easily aroused to envy. They also may become spoiled and tyrannical. In contrast, hiring a

former enemy will be an answer as they are more loyal by their effort of proving something good for the main actor's benefit. The strategy was part of know-how to use enemy for gaining profit and authority. Green proposes, "you must learn to grab a sword not by its blade, which would could you, but by the handle which allows you to defend yourself. The wise man profits more from his enemies, than a fool from his friends". [17]

All the above mentioned about power seeking relations have some impacts to state's commitment toward religious freedom. a thesis that proposed by Susanti (2010) descirbed that in Indonesia the relations of Islamist and the state determine the degree of state ability to protect religious freedom. The state commitment towards minority is resulted from government's stance towards various issues in public sphere. The stance sometimes affected by Islamic fundamentalists' direct or indirect pressure within the government itself and many related organizations.[18] The thesis derived its argument from the theory of secular state. It says that even if some polities strictly separated state and religion, religion's influence to the state is inevitable.

I.6.2 Dysfunctional Democracy and The Rise of Fundamentalism

Schumpeter(1950) defined democracy as in terms of free election. He defined democratic method as "that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of competitive struggle for the people's vote". Schumpeter's defintion of democracy has sharpened by Juan Liz (1978) by summarizing the criteria of democracy. He proposes democracy as "legal freedom to formulate and advocate political alternatives with the concomitant rights to free association, free speech, and other basic freedoms of person; free and non violent competition among leaders with periodic validation of their claim to rule; inclusion of all effective political

offices in the democratic process and provision for participation of all members of political community, whatever their political preferences". In line with Linz and Schumpeter, Huntington holds a proposal that a regime is democratic to the extent that collective decision makers are selected through fair, honest, and periodic elections in which candidate freely compete for votes. Moreover, democracy also requires political freedom to speak, publish and assemble". Those three experts viewed democracy in a sense of procedural democracy in which democracy itself sought as simply by the existence of free elections. In broader sense, democracy could be also defined by popular control over the state that opposes authoritarian. The latter implies harsh rule that conceptually incompatible with democracy.[19]

In the context of Indonesia, as the world has witnessed in the last two decades, had transformed from a militaristic and authoritarian state to a democracy with three free elections have been contested since 1999. Harsh rule acted by government such as abduction of political activist, supression of mass media never heard anymore. Some regulations for organization and assembly also has been relaxed.

From the late 1960's to 1990's Indonesian society faced the challenge of violences, abuses and pressures that directly exercised by state actors. Later after the demise of authoritarian regime, the paradox start occuring. The violence that used to be exercised by state actors nowadays turned to another violence exercised by non-state groups. Why did Indonesian democratic societies face such challenge?

Bauman (2002) on Schwarzmantel (2011) illustrated the situation of 'society under siege'. In such circumstance, society faces continuous violence that exercised not only by terrorist attack but also by state agencies. He concluded violence is very natural and inseparable from politics. Non state groups will resort on violence once they could not find a

healthy sphere for discussion to convey their ends. Furthermore, he suggested that violence rules when democracy is in a setback. In the other hand, it says that the absence of centralized state that could effectively enforce rules and regulations to the community makes the violence highly probable.[20]

Aside from the argument of natural relations between politics and violence, Kaye (2008) proposed another theory that democracy in extreme condition is likely to produce Islamist government. At the beginning of the theory he suggested that political opening to democracy could facilitate moderate forces in politics but at the same time marginalize the hard liners. An option such as allowing the hard liners to participate legally in political arena may leads to certain degree of moderation. Still, the future confrontation among different interests may trigger some elements within the fundamentalist group to fight back. They possibly debate the benefit of involving in a democratic political system and finally perceive political system which involves them as corrupt and illegitimate.[21]

Eubank and Weinberg (2010) pointed the similar epitome as Bauman. He argued that extremist assault is more likely appear in democracy because there is no institutional constraint in open societies that restrict their movement.[22] The elements of democracy such as freedom of speech, freedom of expression and freedom of forming any organization with less government control facilitate the robust growing fundamentalist movement. Any restriction that exercised by the government to limit their movement may seen as a political setback towards freedom of expression. The situation leads to indecisive policy making process to cope with the fundamentalist.

Another postulate of some flaws in democracy explained an argument that political openings, liberalization and democratization basically cannot solve the problem of extremism.

It does not really mean that the more freedom a country turned to be, the less terror they may face. The traditional tenet across the globe that emphasized the importance of democracy was obsolete. Democracy can do little to stop extremism and somehow may worsen the stability. The study in Middle Eastern countries (Egypt, Jordan, Bahrain, Saudi Arabia, Algeria and Morocco) showed that political reform often bring out intolerance and support to political violence. Political openings in those countries by some attemps on involving the fundamentalists to participate legally in political arena was once could moderate the hard liners. However, growing inevitable confrontation from the hard liners as political opposition may cause further conflict.

I.6.3 Status Quo in Current Islam and Democracy Coexistence

Fundamentalists in general are opposing the concept of democracy. Democracy offered equality among the citizen before the law and in participative political decision. It is resulted to the same treatment from state to its citizens without any exception. However this collective rationality is contradicting the fundamentalists' belief. They believed that the truth is solely on the text of holy and they are undoubted (Marti, 2007).[23] Schwarzmantel (2011) called the opposition as a hostility idea to democracy. He argued that the final truths in democracy are basically illegitimate in fundamentalists' eyes. Thus, the idea of conflicting democracy its characteristics such as freedom pluralism finally raised and the abuse of religious banner as legitimacy is prevalent to justify the violence.[24]

In that sense, the fundamentalists are fully aware of the strategic value behind the banner of religion. The label of Islam frequently used as a shield upon critics and prosecution. Therefore, the violence that conducted by fundamentalists are not rooted from religious purposes. According to the research of International Peace Institute in Oslo, Islamic belief is

not as dangerous as Catholic majority in Latin America who has more tendencies towards violence. Furthermore, it suggests that religion was not the eminent factor causing act of violence. Instead of beliefs, political and economical motivations are the major factor which includes cross cultural, economic well being and the absence of democracy.[25]

While the fundamentalists stand against democracy, in a best scenario government acts as the agent of democracy and its elements. It is crucial for a new born democratic country like Indonesia to rebuild their democratic image after economic and political turmoil in 1997-1998. The government kept on promoting the country as the world's third largest democracy and most importantly, as an influential moderate Muslim majority. Many evidences illustrated Indonesia's direction towards moderate Muslim influenced foreign policy. The country hosted a dialogue between Sunni and Shiah to bridge the long historical conflict between two. They also dispatched peace-keeping troops to Lebanon (Sukma, 2011).[26] Pr In 2012 Indonesia continued its contribution on the similar peace-keeping mission in southern Philippines Muslim region of Mindanao.

Still, despite some serious efforts to maintain their image as a moderate Islamic country, in a certain degree the government of Indonesia preserved its close relations to the fundamentalists. The Wahabi Islamic discourse that originated from Saudi Arabia which has embedded in the fundamentalist's ideology has undoubtedly becoming prominent power that the government can not resist. No wonder that some fundamentalists have involved in the decision making process of the secular state (Susanti, 2008).[27]

Therefore, government attempted to embrace moderate image to garner a better international image as an agent of peace but in contrast for domestic purpose, government can not simply ignore the importance of being a friend of the fundamentalists. Even though

the relation between Islamist and the state have been always uneasy, there were always compromises between secularism and fundamentalism in the process of Indonesian statecraft. Indonesian government attempted to maintain a degree in which they are in the middle of between two different sides as a win-win solution. The strategy emerges for getting acceptance in both sides. Whenever the state perceived as too secular and pro-western, the threat of fundamentalist will find its momentum as it becomes a perfect political justification to fight against the regime that is allegedly standing behind the western interests. In the other hand, when it goes to a strong degree of Islamism, the state may lose their Islamic moderate image.

I.6.4 Legal Instrument and Protection of Religious Freedom

Government generally respects religious freedom in law and its practice. In many democratic nations, religious freedom is one of their founding principles such as by the first amendment or federal law. In United States, The Civil Rights Division of Department of Justice enforces various decrees to ensure their people's religious liberty.

The US were enacted as (1) Laws barring discrimination based on religion in employment, housing, credit, education, and access to public services; (2) The Religious Land Use which regulate zoning authorities from discriminating againts houses and religious schools; (3) Laws protecting the religious rights of institutionalized person and (4) criminal statutes making it federal crime to attack person or institution based on their religion or otherwise interefering their activities.[28] Thus, ideally according to the US standard the protection of religious freedom must cover many aspects that related to daily lives including anti discrimination in public service. Rather than issuing further discussion on law, this paper later will discuss how Indonesia's decree protecting religious liberty.

CHAPTER TWO

STATE – ISLAMIC FUNDAMENTALIST

POWER AND LEGITIMACY RELATIONS

II.1 State and Islamic Fundamentalists Relations in Historical Perspective (Post Independence Timeline)

II.1.1 Guided Democracy Era (After Independence in 1945)

Islamic marginalization was the key feature on Islam and state relations at the beginning of Indonesian statecraft. Yet, the shape of relations in this era colored current Indonesian government and Islam relations or vice versa particularly in the area of common law and basic constitution formulation. There are five main occurrences during this era: Dispute of the Jakarta Charter (1945), insurrection of Indonesian Communist Party (1948), the uprising of local Islamic rebellion (1948-1962), the first democratic election (1955) and Communist party mass massacre (1965).[29]

In the end of 1945, Japanese colonial government established the formation of BPUPKI (The Committee for Preparatory Work of Indonesian Independence) to formulate state's constitution. Formulation of Indonesia's first constitution raised the very first debate between nationalist and Islamic groups as the five basic principles of the nation did not mention Islam as a part of it. Under the pressure of Islamic groups, the phrase of '*believe in God'* occurred as the most important element of state's principle with some additional words "*dengan kewajiban menjalankan syariat Islam bagi pemeluknya"* (with the obligatory principle of implementing Islamic law for Indonesian Muslim). The compromise finally did not turn Indonesia into an Islamic state. Indonesia's choice as being a secular state has clearly stated by Soekarno,

"If we establish a state based on Islam many areas whose population is not Islamic such as Mollucas, Bali, Flores, Timor, and Kei Islands and Sulawesi will secede. And West Irian will not be a part of this republic".

Feeling unsatisfied with the consensus, ten years afterwards Islamic party pushed for the charter's revision in order to accommodate their interest and ideology but once again they lost against the nationalists. Their attempts occur repeatedly in decades after 1940s as it discussed once more in 2002 and 2004 consecutively with no significant agreement for revision.[30]

Shortly after Indonesia's independence, the Indonesian left-wing that represented by Indonesian Communist Party (PKI) attempted to fight against the ruling regime by bloody insurrection for ideological ends. At the same moment, Darul Islam (DI) under Kartosuwiryo started struggling against the ruler with similar ideological objective which is the creation of an Islamic state. In comparison to the communist, Islamic movement gained meaningful support as many Muslim felt offended of Soekarno's irreligious lifestyle and his support to the growing communism in the region. The massive support to DI leads to the civil war between the state and DI. It marked as a superabundant guerilla which killed 15.000-40.000 citizens. Unfortunately, the civil war resulted to the meaningless end at the Islamist side. This struggle against the regime highlighted a lesson-learn for Islamist that force-led or military struggle could not benefit the Islamist movement to pursue their ends because sufficient power was not at their own. Consequently for the Islamist, political strategy could be an option when the state pledged for democratic election later in 1955.[31]

The first democratic election in 1955 brought a landslide victory for three main ideologies in Indonesia: nationalist, Islam and communist. Reformist Muslim *Masyumi*

accounted their significant vote at 20,9%, The Islamic traditionalist *Nahdlatul Ulama* (NU) at 18,4% and the smallest one, PSII (*Partai Syarikat Islam Indonesia* or Indonesian Islamic Syarikat Party). The total vote of Islamic parties in 1955 was obviously in substantial number at roughly 42%. Even though their political power was tremendous according to the result of election, the standings of each party was divided. Thanks to the pluralistic Islam in indonesia, their stances towards Islamic state were appealing differently. Still, Masyumi as the largest party believed in "state based on Islam" which can be defined as Islam and Pancasila (State basic principles) coexistence.[32]

In 1965, Indonesia came to the darkest episode in its history. Indonesian Communist Party (PKI) attempted to lead a coup aimed to eliminate anti communist high military official that ended up by massacre and regime turnover. Communist party was mislead by assuming that they had garnered rural citizen supports in doing so. In fact, Islamic parties were dominated rural political sphere by the existence of *pesantren* (Islamic traditional boarding school) all across Java, Indonesian Main Island. The traditional Islamist saw communist party as a serious threat for Islamic way of life never their agenda never matched Islamic rules. Together with the military, some youth Islamic organizations under played a major role on dragging the communists in rural areas. The massacre evidenced by the death of 100.000 to more than a million people. [33]

In a brief case, the era of Sukarno (Guided democracy) marked by the relations between Islamic politics and the state as in major ups and downs. The pattern showed that the Islamist struggled to maintain the degree of Islamic influence within the public sphere: First by involving themselves in long debate of state's basic principle and secondly by combating

the communists. The first intention underwent by standing against the ruling nationalist regime which promoted secularism but it did not work as intended. However, at the end of the era, Islamist allied with the state and stood at the barricades of discarding communism in Indonesia. Islamist and the state obviously incorporated together to pursue their political ends.[7]

II.1.2 New Order (Soeharto's Era of *Pancasila Democracy*)[8]

Successfully ousting Soekarno's era of guided democracy, Indonesia trapped to the second *pseudo democracy*[9] where democratic rights and civil society were massively suppressed by state actors. This era endeavored by government control to any Islamic movement in both social and political spheres for the sake of economic development and modernization. The vision not only pressured political Islam but also Indonesian civil society as a whole. Aside from modernization and stability, the reason behind marginalization was successful elimination of communist threat in 1960s. State no longer needs Islamic power to counter communism and therefore started hamstringing Islamic movement from real politics.

At the beginning of New Order era, marginalization of Islamic movement was apparent. The previously powerful Islamic party such as Masyumi, NU and PSII were fusioned into a single party namely PPP (*Partai Persatuan Pembangunan* or United

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[7] Guided democracy is a political system in Indonesia that took place between 1957 to the beginning of 1966. The system suggests that western style of democracy would never match theirs. Instead, Soekarno believed that discussion and consensus under the guidance of the leaders possess Indonesian characteristics which appropriate to be implemented in the country.

[8] *Pancasila democracy* is political system that refers to the five basic principles of Indonesia. It has been implemented in Indonesia's political system from the late 1960s to 1998. The system believed that the decision making could be achieved through consensus with no opposition.

[9] Modified democracy

Development Party). Islamic symbol and ideology within the existing party were abolished and revised by *Pancasila* (state ideology) as a single ideology for their political platforms. The use of Pancasila as political basis was relatively easier as it has embedded in every citizen's mind by radical education of state ideology since their childhood. In addition, the regime also regulated the Ulama'[10] by domesticating their force into a single government controlled organization, *The Majelis Ulama Indonesia* or MUI (Indonesian Council of Ulema'). The body assigned for issuing legal Islamic opinions or *fatwa* which found mostly legitimizing government policy.[34]

Suharto's effort to limit Islamic political force triggered numerous menaces. A fundamentalist group called *Pola Perjuangan Revolusioner Islam* (the Model of Revolutionary Islam Movement) attacked the head quarter of Indonesian National Assembly in 1978. Another notable assault was marked on the tragedy of an attempt to hijack a Garuda Indonesia's fleet in 1981 which led by the ex-Darul Islam member. Surprisingly, they were some actors who employed by state intelligence to discard communism decades ago. The battle between the state and Islamist finally mounted in Tanjung Priok Affair in 1984 which killed unidentified number of people.[35]

Successfully controlled Islamic movement, Soeharto began to accommodating Islam in the late 1980s. The appearance of Islamic symbol and tradition in public sphere were becoming apparent and publicly accepted. Suharto also performed pilgrimage to Mecca and his daughter started wearing hijab with particular style that symbolizes moderate Indonesian Islam. Thus, State again incorporated Islam in order to prevent possible future threat that challenge Suharto's political power.[36] This argument suggested by Hefner (2002). He argued

[10] Islamic Preachers. In Indonesia the preachers are often participating in politics

that the state sponsored religious movement was not intended to support Islam. Instead, state wants to deter cultural globalization influence to Indonesia. The element of cultural globalization such as western democracy or communism would become a serious threat for authoritarianism. [37]

II.1.3 *Reformasi* Era (Democratization)

Post-Suharto's era was the turning point of Islamic fundamentalist movement which suddenly came as significant power. The regime change enabled further religious discourses, identities and rise of various religious movements including Chinese belief, Confucianism that has long been banned by the government. *Reformasi* or democratization process and its aftermath after 1998 were frequently pointed out as a standoff for religious diversity management. During democratic transition, the banners of religion were often abused for simply gaining political interest.

Soon after the demise of Suharto's authoritarian regime, the discourse of Islamic law or Sharia became a prominent issue discussed in various government level, from local government to national. The appeal of Sharia law was supported by Islamic parties in Indonesian parliament such as PPP (which has turned to an be an Islamic party), PBB (*Partai Bulan Bintang or* Moon and Star Party) and the rising star PKS (*Partai Keadilan Sejahtera* or Welfare and Justice Party). At the same time, the enactment of new local autonomy law which enables local participation on policy formulation facilitated the trend of Sharia law in various regions. It was somehow implemented at the expense of individual rights. Indonesia finally witnessed the story of Sharia implementation that enacted firstly in Aceh, the northernmost region. Special autonomous region status held by Aceh allowed the practice of Sharia in a form of one country two systems with special law separated from the common law.

Shortly afterwards many regions followed the Acehnese paths, Solok regency in West Sumatera necessitate Quranic literacy for its citizen; then suddenly the similar thing was plethora in West Java and many more regions with different forms: the prohibition of liquor, a duty of women for wearing headscarf, and regulations of business hours during fasting month Ramadhan.[38]

The law enacment and implementation of Sharia was sustained not only by supports of Islamic party but also by Islamic Fundamentalist group.[39] It is prevalent that whenever Ramadhan comes, hard liners group such as HTI (*Hizbut Tahrir Indonesia)* or FPI conducted some operations in entertainment venues and any other places that deemed as against Islamic norms. The operations mostly came with street level violence and no concrete measure from government bodies to control the thug actions. Many evidences showed the government turned their eyes blind to cope with the fundamentalists. Even if Indonesian police was so heroic on battling terrorism under *Jamaah Islamiyah* as, they always seemed unwilling to deal with fundamentalist.

In addition to the government reluctance to deal with the fundamentalists, the group also maintained their good relations to various Islamist networks across Indonesia such as Islamic schools called *Madrasa*, religious gathering, mosques and media. Those relations framed into man to man interaction indoctrination to motivate the people on doing their version of *jihad.*

II.2 Power and Legitimacy Seeking Within the Relations

This first part of analysis will explain the mutual coexistence of power seeking of both actors between the fundamentalist and state. As it said earlier by Nasr (2001), Islamic Fundamentalism and its tools are apparently the source of state's hegemony. Even though the

government considered Islamic fundamentalists as a threat, they saw them as opportunity for getting more power and legitimacy. In that sense, state and the fundamentalist are mutually benefit each other in terms of pursuing greater power. The existence of fundamentalist may boost state actor power which can be defined by either politician or state agencies.

In Jakarta, the center of Indonesia's administration and barometer of national democracy, the nuance of powerful fundamentalists were evident. The Islamist party such as PKS (*Partai Keadilan Sejahtera*/Justice and Welfare Party) gained significant vote during the previous national election in 2009. In this region, PKS was placed on the second after the current ruling party (Democratic Party or PD). PKS sustained its popularity at top three despite the fact that PD was outperformed PKS in 2009.

Table 3. Local Election Result in Jakarta Special Capital Region, 2009

NO	PARTY	TOTAL VOTES	PERCENTAGE
1	Partai Demokrat (Democratic Party)	1.208.855	33,58%
2	Partai Keadilan Sejahtera (Justice and Welfare Party)	620.207	17,23%
3	Partai Demokrasi Indonesia Perjuangan (Indonesian Democratic Struggle Party)	386.533	10,74%
4	Partai Golkar (Functionalist Group)	232.778	6,47%
5	Partai Gerakan Indonesia Raya (Great Indonesian Movement Party)	185.924	5,16%
6	Partai Persatuan Pembangunan (United Development Party)	185.375	5,15%
7	Partai Amanat Nasional (National Mandate Party)	150.236	4,17%

Table 4. Local Election Result in Jakarta Special Capital Region, 2004

NO	PARTY	TOTAL VOTES	PERCENTAGE
1	Partai Demokrat (Democratic Party)	812.884	25,06%
2	Partai Keadilan Sejahtera (Justice and Welfare Party)	941.684	29,03%
3	Partai Demokrasi Indonesia Perjuangan (Indonesian Democratic Struggle Party)	543.230	16,75%
4	Partai Golkar (Functionalist Group)	332.003	10,23%
5	Partai Gerakan Indonesia Raya (Great Indonesian Movement Party)	(became a new party in 2009)	
6	Partai Persatuan Pembangunan (United Development Party)	303.755	9.4%
7	Partai Amanat Nasional (National Mandate Party)	309.665	9,2%

Thus, Islamist party was basically had a considerable electability among people in Jakarta. The popularity urged PKS to nominate their own candidate for local governor election in Jakarta. Jakarta's governor is widely known as a powerful figure among Indonesians. It sometimes considered as Indonesia Third, or the third most influential people after Indonesian President and Vice President. Still, The nomination process was tough on the side of the Islamists. PKS had to compete with large coalition body consisted of 19 parties. After all, the result was easily predicted, PKS failed to place its own candidate in the city hall with only 24% against 72%. Despite the defeat, Islamists have flexed their muscles as a significant power in the capital.

Nevertheless, further research is necessary to find out the relations between PKS and other Islamic fundamentalist wings. What was obvious is that the supporters of fundamentalism in Jakarta are existed in tremendous number of civilian. Thus, it could be a considerable source of power for any politicians in Jakarta in particular and generally in Indonesia.

Some evidences showed a good relation between the state actor and the fundamentalists. A report published by Australian agency revealed that the governor of Jakarta, Fauzi Bowo and Chief of Indonesian Police, Timur Pradopo attended Islamic Defenders Front (FPI) anniversary. It also evidenced that Timur Pradopo intended to maintain their close ties to FPI for securing Jakarta. Moreover in 2010, Fauzi called FPI contribution to monitor Muslim's behavior during fasting month Ramadhan.[40] The approaches concreted the allegation of power seeking. Fundamentalist group deemed as possessing potential attraction to be embraced.

Furthermore, any support to fundamentalist means larger support from media. For opportunist politician, media support can boost their popularity upon the upcoming election. A survey conducted by The Pantau Foundation, Jakarta's based research institute on journalism concluded that more than 50% of Indonesian journalist support the idea of fundamentalism. The survey revealed that more than 60% of journalists are in favor to idea of banning Ahmadiyahh even though 96% of them believed that it is their obligation to convey the voice of minority and 70% agreed that human rights issue is very important. It was also said that they basically agreed with the MUI fatwa which prohibiting secularism and liberalism.[41]

CHAPTER THREE

FLAWS IN INDONESIA'S NEW DEMOCRACY AND THE RISE OF HARDLINERS

This chapter will argue that democracy was not the best solution to combat fundamentalism, hardliners and their consequences. Democracy in fact has some limits that potentially boost fundamentalist power to pursue their political ends.

III.1 The Absence of Centralized State

Scharzmantel (2011) argued that the absence of centralized state that could effectively enforce rules and regulations to the community makes the violence highly probable.[42] The absence of a centralized state in a new democracy like Indonesia is apparently inevitable. In the context of Indonesia's democracy, central government had to give up some of their control functions and authorities to lower level of government such as privincial government, the municipalities and the regencies. Again in Indonesian context, democratic transformation allowed local administration to possess higher degree of autonomy which facilitated local authorities to regulate and control their citizen in many ways and in some degrees particularly by religious regulations. The number of religious regulation has been increased year on year after democratization. The data below depicts that there are at least 139 regulations have been enacted since 1999 and surprisingly, there are only 9 provinces out of 33 provinces that do not possess such regulations. The number depicts that 72,72% local government in the country attempted to have religious regulations.

Table 5. Number of Religious Regulation in Indonesia

Year	Number of Province	Number of Religious Regulation
1999	3	3
2000	4	7
2001	6	20
2002	9	15
2003	10	29
2004	8	18
2005	9	25
2006	8	13
2007	3	3
2008	5	5
2009	1	1
Total		139

The higher discretion on local government's hands nowadays means significant pressure to women's rights and the religious minorities. Some of the Sharia Laws were enacted at the expense of freedom simply for fundamentalist supporters' political interests.[43] In that sense, pressures given to women and minorities were acted by state actor to gain some non-state political actor supports. The forms of pressure were literally not in violence. Instead, it appeared as coercive measures by law. Aceh is the evident where Sharia Law was massively implemented in daily lives. The most recent example was obvious. The Lhokseumawe city mayor banned straddling on motorcycle for the local women under the banner of sharia law. Critics argued that instead of protecting women's rights, the government imposes restrictions on them. It is indeed against the spirit of Sharia. In fact Sharia Law was designed by prophet Muhammad to protect women against strict patriarchal Arab society at that time. The prophet condemned the tradition of legalizing women as the second class of society where men were able to inherit them to others. Women were merely object rather than subject in society. The prophet bravely broke out the damaging social order

by reforming the structure. He emphasized the equal rights for women through his sayings and deeds. Thus, it is strongly doubtful when the mayor of Lhokseumae claimed that bylaw his regulation was aiming at protecting Islamic values and morality in the region. The rule presumed that women straddling on motorcycle may lead to men's sexual misconduct. Again, it resembles patriarchy of the Arabs in the seventh century. Women largely perceived as object of sexual harassment, the major cause of misconduct instead of a civilian that state stand in the frontier to provide security and well-being.

Muhtada (2013) argued that there are three main reasons as to why the ruler stood against the spirit of real Sharia brought by Prophet Muhammad and imposed Sharia Law in Lhokseumawe. First, Muhtada assumes that the policy maker has limited understanding of Sharia. Second, the mayor stated that the regulation has been consulted and approved by several political parties and Ulama. In this stance, it is highly probable that strong patriarchal culture within Aceh society affected the decision making. Unfortunately, the influence given by the Ulema was failed to translate the real meaning of Sharia. Third, the government attempted to attract political elites, any particular segments who are in favor of introducing any regulation that sounds 'Islamic' regardless its substantial meaning and objectives.[44]

As well as Muhtada in his third argument, Crouch (2003) also suggests that the state had to compromise religious regulations in order to maintain a good relationship with Islamic political parties. The parties are widely known for their stances with the religious regulations. In 2006, a legislative petition by several political parties against religious regulations faced the challenge by counter-petition from Justice and Welfare Party, the country's largest Islamist party.[45] Therefore, resisting religious regulation in political level could be harsh; a grass root approach seems to be a more realistic alternative.

III.2 Minimum Institutional Constraint

Eubank and Weinberg argued that extremist attack is frequently happened in democracy because of the absence of institutional constraint in open societies that may restrict their movement.[46] Shortly it could be understood that freedom of speech, freedom of expression and freedom of forming any organization with less government control are the initial condition of fundamentalism momentum. In other words, the demise of Soeharto provided some political opportunities which allowed some fundamentalist identities to contest freely in a newly public sphere.[47]

Azca (2012) illustrated how the elements of political openings in democracy could facilitate the youth who are in search of identity to participate in radical movement through public sphere such as student organization. In contrast to Suharto regime, introducing any organization without legally approved permission in a campus or school is widely acceptable since 1998. As the result, many new Islamist movements were formed and attracted students across the country. Azca explained the phenomenon in some rationalizations, mainly the ambiance of political dynamics during the transition that were full of uncertainties. At the time, political structures were changed radically. It opened up political opportunity that enable Islamic organization to grow and at same time aimed to defend their identity in battleground of religious conflicts: Ambon (Mollucas/Maluku) and Poso (Central Sulawesi). Some others attempted to fight unfair global regime by Bali bombing while the most moderated one moved by participating through formal politics through Justice and Welfare Party (PKS) in Indonesian parliament.[48]

Azca rejected the argument of economic motivation as something behind the radicalism in Indonesia. Esposito and Mogahed (2007) supported the stance, their research in

several Muslim countries showed that there is no significant differences of unemployment rate between the radicals and moderates, both at roughly 20%. Thus, Azca pointed out at cognitive opening in micro-sociology that makes Indonesian youth easily accepting new ideas during transition. Still, even though economic motivation was not a significant variable contributing to cognitive opening to radicalism, the process was widely happened in youth at lower income class. A research conducted by Gerry Van Klinken (2010) showed a tendency towards radicalism and social class in Indonesia. Indonesian middle class are likely into liberal perspective while the lower income are more into exclusivism and illiberal. Moreover, the lower income is in favor of political authoritarianism, apolitical and unsatisfied of their lives. In contrast, the middle class are supporting democracy and further change in politics. However, social class was not the only variable, there were two other important variables: ideology and social networking.[49]

The story of intially named Budi was evidenced. Budi is currently the leader of *Salafi-Wahabi*[11] movement in Ambon, one of the frontier for fundamentalist movement. Budi was a graduate from Department of Politics and Governance in Gadjah Mada University, Indonesia. Instead of growing-up in a strict Muslim family, he was born from *abangan* Muslim community, a local slank term for non-practical Muslim. Considering the lack of Islamic education in his surrounding, he decided to join Islamic Boarding School during his junior high school. Later in Gadjah Mada University, he exposed to a wide variety of Islamic mainstreams that contributed to one of his biggest intellectual and cultural shock ever. First, he joined HMI, a union for Muslim students where he found out that they considered meeting as a more important activity than compulsory Islamic rituals such as daily prayer. The shock

[11] The Salafis and Wahabis think they have exclusive rights to be a true Muslim.

made him shopped around, he joined various Islamic organizations afterwards. At the end, he ascertained that *salafi-wahabi* suits him best. His active involvement in such organization sent him to two serious battlegrounds: Ambon and Poso.[12] Identity rationalization was behind his decision, he heard that his fellow Muslim were massively suppressed by the Christians in both regions.[50]

Azca provided another evidences illustrating the identity shock that leads to radicalism caused by the information spread in social media and wider public sphere. Awod, a local activist in Solo (Central Java) unveiled his first experience while watching the Muslim massacre video in Sulawesi. The story flows as it easily predicted, he felt a real sadness and simpathy to his Muslim fellows. An identity sentiment crossed his mind that he should defend the Muslim community by his own hand referring to the prophetic tradition. It says that the entire Muslim community is like a human body, while one of them is being hurt, the whole body may suffer the pain. Awod finally decided to go to Ambon and Maluku. As well as Awod, Abu Ayyash went to Ambon and Poso after witnessing news that illustrates the massacre of 800 Muslims a day. Abu Ayyash, father of a newly born child, was grown up in a non-practical Muslim community, in the middle of prostitution area in Central Java. The moral shock of Muslim massacre in Ambon triggered him to join the movement.[51]

Other than Islamic identity factor, Azca showed individual political motivation by joining the fundamentalists. The experience of *Jihad* in their definition create an open opportunity to reach a higher social status within the radical organization and beyond. An honor emblem given by the fundamentalist group provides pride, respect, and loyalty from

[12] Ambon and Poso was becoming batteground for the Indonesian fundamentalists due to some religious conflicts between local Muslims and Christians. Fundamentalist went there to help their fellow Muslims to fight against the Christians.

another member. Most of the respondents admitted political rewards following the promotion. Awod finally elected as the leader of Moon and Crescent Party; Abu Ayyash was in charge of Islamic Defender Front in Pekalongan (Central Java) for two periods of election; Surahman, an activist of *tarbiyah* movement who joined the battle in Ambon (Maluku), nowadays became the leader of nation's largest Islamic party (Justice and Welfare party) in Maluku.[52]

Following the previous evidence, the spread of political identity and religious sentiment as the seed of radicalism was grown through public spheres that tremendously banned before Indonesian democratization. The recent research conducted by Syarif Hidayatullah Islamic University suggested that all the respondents from the radical groups were greatly influenced by newly written religious literatures and discussion with group leaders.[53] Thus, it implies that the absence of regulations and institutional constraint in Indonesian democracy has contributed to growing fundamentalism.

The origin of fundamentalist paramilitaries itself was in fact inherited from the past regime (new order era under Suharto). Islamic Defenders Front (FPI) was a state sponsored paramilitary with direct assistance from high ranking military official called by 'the green officers'. FPI was the frontier of battle against Globalization that represented by the United States and their interests. In October 2001, they attempted to shut down the US Embassy in Jakarta and conducted massive sweeping to find Americans or British in town. Despite its bad reputation, FPI has the longest history of collaboration with police and military. FPI gained support for their role as *preman*, a gang or a group of thug who used to enforce interest with criminalities. Suharto regime was also known for using *Pemuda Pancasila* or the Youth of *Pancasila* (State Ideology) to cleansing the communists. Likewise, FPI was a new form of *preman* used for political rivalry, competition and imposing political interests by uncivil forces in a newly civil society. After Indonesian political reform, FPI gained their

greatest power when the centralized power finally destroyed in second and the state capacity was broke into intra-elite competition.[54]

Thus, democracy and political openings with limited institutional constraint in Indonesia allowed fundamentalist movement to strengthen their existence so that they could easily force their own agendas. The sphere is not only limited through Islamic organization but also through mass media, cyber-world, and educational institutions.

CHAPTER FOUR

MAINTAINING THE STATUS QUO:
A DEGREE OF POLITICAL ISLAM WITHIN A SECULAR STATE

Confirming the literature review in previous chapter, Schwarzmantel proposed the argument that the fundamentalists are basically opposing the idea of democracy. The reason was clear, democracy is the rule of majority so that in fundamentalist point of view it failed to convey the highest ultimate truth. In contrast, State is likely to be an agent of democracy, asserting truth through the voice of majority. Still, while the majority is becoming a silent majority, the active voice heard by the state might be the fundamentalists' voice and aspiration. Consequently the state has to compromise fundamentalist's interest as an important consideration of their policy. Any policy agenda that contradicts the fundamentalist value somehow perceived as opposition against Islam as a a whole. Thus, the role of state has turned in reverse. They suddenly act in favor of fundamentalist value and idea to prevent deeper hostility towards the ruling regime. However, the state's behavior is somewhat

swinging as the pendulum. At some extent, it could swing back and the state became the advocate of democracy.

IV.1 The Policy Dilemma of Protecting The Ahmadis[13]

In response of massive opposition against the existence of Ahmadiyah across Indonesia, the government releases a decree banning Ahmadiyah religious activity. The 2008 joint ministerial decree indirectly justified vandalism by damaging mosques, forcibly closing religious activities, and some Ahmadis were killed in mob violence in East Java. In statistics, there were more than 50 mosques that have been vandalized. Following the decree, some governors legally approved the banning of Ahmadis and prohibited their religious practices. In Jakarta, local government did not allow construction of house of worship in their area due to local zoning rules. In other region such as in West Java, South Sulawesi and West Nusa Tenggara, the fundamentalists successfully pressure local authorities to ban the place of worship. Several local NGO reports suggest some information that Ahmadiyah people are forcibly demanded to renounce their faith to the mainstream Islam, some others faced the problem of debt cancellation.[55]

Protecting the minority such as Ahmadiyah is huge undertaking for the government. The existence of Ahmadis is perceived as deviancy and by law it is against the blasphemy law that describes "hostility, hatred, or contempt against religion". The law punishes its suspect by at least 5 years punishment in prison.[56] This law allows local administration to sentence the practice of Ahmadiyah. Moreover, at the expense of public interest in terms of prevention of sect proliferation, the fundamentalists demanded the ban of Ahmadiyah legally.

[13] Ahmadis is a term explaining those who embrace Ahmadiyahh, a sect in Islam that believes of the existence of Mirza Ghulam Ahmad as another prophet after Muhammad

Thus, the protection of religious freedom to some extent could be perceived as violation against the law. Moreover, according to Wahid Institute, there are some Islamic sects were disbanded as requested by the local religious leader such as *Nurul Amal, Jamaah Islam Suci* and even a non-mainstream Christian sect called the Sion City of Allah was also disbanded. Therefore, the state was seemingly weak by tolerating a demand of religious freedom violation because of the decree that enacted by itself.

The problem of tolerating intolerance of religious freedom in law sourced from claims that the rejection of Wahabi's perspective will be construed as opposing Islam and its law (Wahid, 2003).[57] The stance for indirectly supporting the fundamentalist argument finally leaves the state in favor of fundamentalism. Moreover, fundamentalist's idea has largely infiltrated government bodies that are in charge of formulating regulations. In example, Observers had found extremists' infiltration to *Majelis Ulema Indonesia* (MUI), a quasi government institution established to control Indonesian Muslim. Through MUI, the fundamentalist dictated Indonesian Muslim majority and controlled government actions at the expense of Islamic law.[58]

IV.2 Indonesia In Search of Balance: Secularism vs Islamism

Analyzing the tendency of Indonesian political ideology is intriguing. Although it was officially declared that Indonesia claimed itself as a secular state, there is no clear evidence of whether Indonesians are tend to be secular or Islamist in practice. Therefore it is quite reasonable as to why Indonesian government maintains some policy tendencies in favor of both secularism and Islamism. The reason behind the ambiguity occurs from considerable number of perception of supporting the fundamentalists.

Many scholars have been questioning Indonesia's direction towards democracy, will Indonesia be a secular or a Muslim democracy? or could it be truly a secular democracy as it mentioned in state's basic principle? According to election trend in national and local level, it is indicated that Indonesia has moved towards secular democracy. In provincial level, Islamist could only win in one out of 33 provinces which was in Nusa Tenggara. In city and municipal level, the Islamists grabbed only seven out of 444 positions. As well as in local level, in national level Islamists could only attract 24% of voters in 2009 while the majority went to secular parties. Moreover, the 2007 survey conducted by LSI (*Lingkaran Survey Indonesia /*Indonesian Survey Networks) found that 72% of respondent did not oppose women as president; 63% opposed headscarf-wearing policy; and 61% rejected the idea of amputation for the thieves.

Indonesian secularism is not surprising. In 32 years Suharto had established a market oriented economy that produced rapid growth. Aiming at a stable and vibrant economy, Suharto sometimes repressed the fundamentalists and at the end, they incorporated Suharto for resources. Instead of confronting Suharto, they decided to join government-supported educational institutions as critical tool towards upward mobility in social and political life. Thus, educational relations successfully reconciled the relations of the state and the fundamentalists (Effendy, 2003).

Still, despite a massive support to secular democracy, according to the similar LSI survey there are some respondents in favor of radicalism. 20% of the respondents approved Al-Qaeda's attack to World Trade Center in 2001; 10% justified Bali bombing; 20% of them also agreed of executing apostates. The 2010 Pew Global Survey also indicates the same trend. In Muslim countries such as Indonesia, Turkey, Jordan, Lebanon and Egypt, the survey finds that the attributes of modernity often coexist with support of amputation punishment,

stoning for adulterers, and death penalty.[59] Therefore, even though Indonesia's current ruling party is secular; they could not resist the demand of fundamentalist ideas of enacting a regulation such as anti pornography law.

Beside the purpose of securing votes by accommodating fundamentalist interest, the democrats also considered 'the rainbow coalition' which formed from various political parties including Islamist party.[60] The fact indicates that accommodating the needs of fundamentalist interest has become necessary. Dalpino (2008) called the phenomenon as Indonesia's inclusive approach to Islamist parties.[61] By allowing the some Islamist parties to join the political arena, government hopes to minimize potency of radicalism. Aceh was the evidence, government allowed many Islamist parties to contest in local elections.

CHAPTER FIVE

LEGAL INSTRUMENT AND PROTECTION OF RELIGIOUS LIBERTY

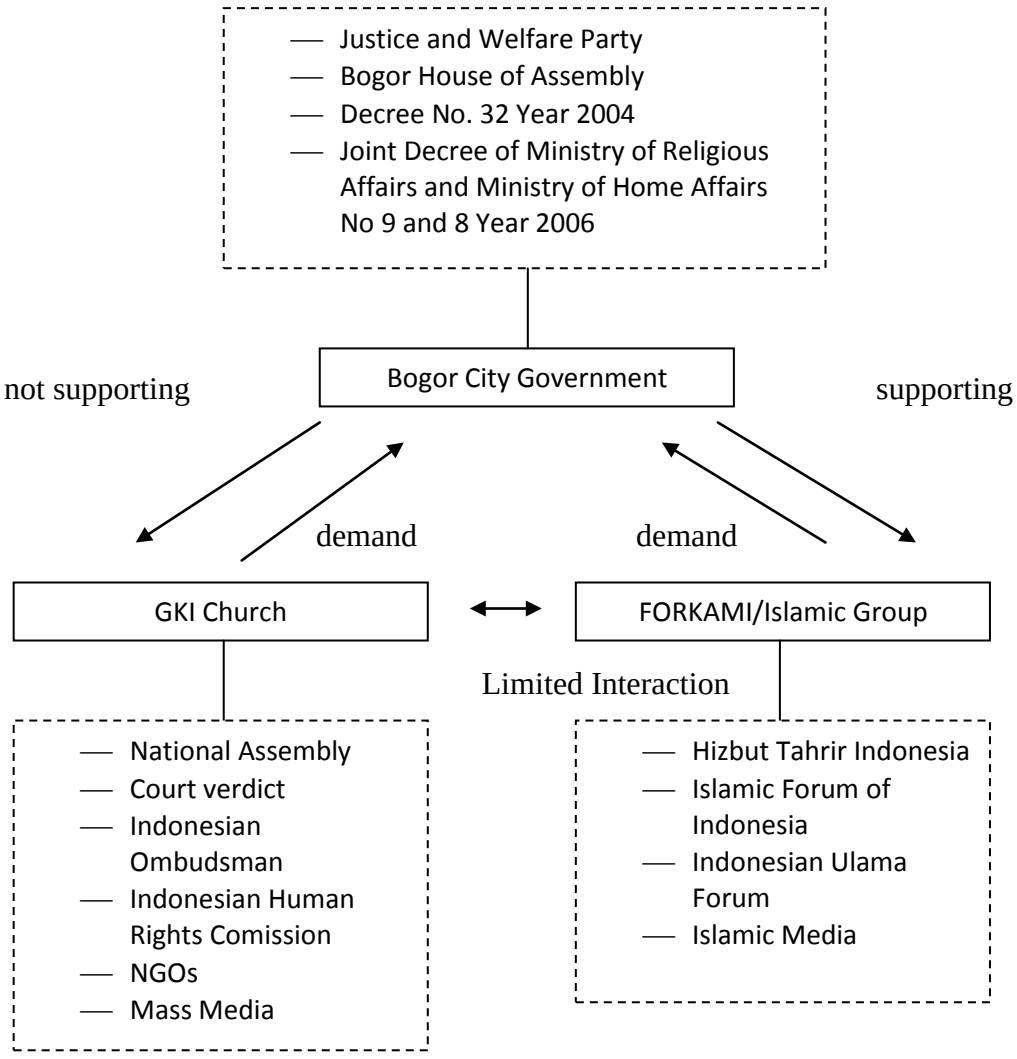
Indonesia has basically ratified the International Covenant on Civil and Political Rights. Under article 18(2) it says, "no one shall be subject to coercion which would impair his freedom to have or to adopt religion or believe of his choice". Thus, Legal instrument is essential as it provides some directions for the state to enforce rule of law in order to ensure its citizen religious librety. This chapter will briefly examine legal instrument in Indonesia and its adequacy in protecting religious liberty.

V.1 Policy/Legal Instrument Formulation: The Case of GKI Yasmin Church

The local administration of Bogor City issued a decree of sealing the GKI Yasmin Church. The church was initially approved legally by the government by issuing legal permission for its construction in February 15, 2006. In 2012, suddenly the government

changed their mind by issuing a letter number 645.45-137. Bogor City government officially sealed GKI Yasmin Church with no sufficient explanation. It is interesting to note on why the government decided to do so. This case will also explain the pattern of legal instrument formulation process for protecting religious liberty in Indonesia. The scheme of policy/ decree formulation is illustrated by the following diagram:

Diagram 2. Scheme of Policy Formulation Process in Yasmin Church Case



Source: Martin Arianto Gumilang. Relations of The State and Religion in Religious Policy Formulation in Indonesia. an Undergraduate Thesis at Department of Public Policy and Management. Universitas Gadjah Mada, 2012.

From the above diagram, it can be inferred that the decree on banning the church was fundamentalist bias. There are several reasons as to why the policy formulation could not satisfy the minority Christians. *First,* the Bogor City mayor was elected by major support from Welfare and Justice Party, local's largest Islamic party. It is quite reasonable that the Mayor could not resist his party demand. *Second,* even though FORKAMI as Islamist Group position in policy debate is equal to GKI Church position; Bogor House of Assembly and Joint Decree of Home and Religious Ministry was in favor of supporting FORKAMI argument. Therefore, GKI Church's stance is deemed weaker than FORKAMI.

In many cases, this pattern is repeated. Many of Indonesia's decree is considered as minority bias due to the fundamentalist pressure in policy formulation. The following review of Indonesia's legal instrument will deepen this argument.

V.2 Laws and Institutions That Indirectly Suppress Religious Freedom

Despite a clear statement in constitution article 28E that Indonesia guarantees freedom of religion that each person has the right to choose and believe according to his conscience, according to Human Rights Watch (2013), there are significant legal obstacles to religious freedom in Indonesia:

1. The 1965 anti-blasphemy law

   The 1965 anti-blasphemy law in article 156 A of penal code contradicts human rights standard on freedom of religion. This law in fact, targets who express hostility and disgrace against any religion. Practically, instead of maintaing peace and harmonious environment, this law becomes a weapon of radical Islam to destroy others. The Jakarta Post reported a case in Maluku in 2008. There was an accusation to a school teacher who taught an offensive lecture in his class about a religion. Consequently, a

mob came and destroyed houses around the school.[62] The teacher also ended up in court for blasphemy. Since 2005, dozens have been sentenced for blasphemy and since 1965, countless religious minorities were attacked.

This anti blasphemy law according to Freedom House ignited intolerance and often used to justify discrimination against religious minority as the law itself justifies Islamic extremist group to take things into their own hands.[63] The government in the other side denied to review the law. Minister of Religious Affairs said,

> *"government requested judges to deny assertion of blasphemy law review because those who oppose anti-blasphemy law have not clear legal standing. This law is basically needed to maintain harmony among religions".*[64]

In addition, Minister of Religious Affairs and Minister of Law and Human Rights argued that Islamic groups would only attack if blasphemy law is violated.

2. Joint ministrial decree by Ministry of Home Affairs and Ministry of Religious Affairs titled "Guideliness for Regional Heads in Maintaining Religious Harmony, Empowering Religious Harmony and Constructing Houses of Worship" released in 2006. The decree heavily regulates that construction of religious building should be in accordance to statistics, the number of of house of worship must be based on real needs and population composition. Therefore, the law mandates permit of constructing house of worship requires list of name at least 90 people living around the constructing area, support from at least 60 people who reside in the area, obtains official permission from Minister of Religious Affairs and local Religious Harmony Forum.

   By nature this law aims to prevent conflict among religions by restricting construction of house of worships. However, stories from the field illustrate that the decree was

largely used by Islamist to prevent Christians constructing their churces. Islamists argued that their opposition was due on limiting 'christianization', effort in spreading christian religion accross the country. The previous case of banning GKI Yasmin church was an impact of the decree. Islamists used the decree to pressure government.

3. a Joint decree issued by the minister of Religious Affairs, the Attorney General, and Minister of Home Affairs stating that the Ahmadis has to stop spreading the beliefs throughout the country. This decree allows local government to formulate their own regulation on banning Ahmadiyah. As a result there are more than 22 regulations attempt to stop Ahmadiyah that created by mayoralties and regencies. Some Indonesia's most populated provinces such as West Java, East Java and North Sumatra prohibited Ahmadiyah activities. In that sense, religious affairs has been decentralized, it is awkwardly occur because religious matters are the domain of central government in Indonesia.

   Shortly after the decree is released, violence against Ahmadiyah is going up sharply. The incidents rose from 50 in 2010 to 114 in 2011.[65]

CHAPTER SIX

CONCLUSION

V.1 Conclusion

This study has a purpose to discover the causes of state's not to do policy to protect religious freedom against the intolerant fundamentalists. The research model is developed by constructing three basic arguments: the relations of Islamic fundamentalist that will affect state's commitment to protect human rights; the dysfunctional democracy that facilitates the development of fundamentalism; and state's behavior to maintain the ambiguity between

secularism and Islamism which potentially embrace two different interests at the same time.

In historical perspective, it is evidenced that the state has attempted to incorporate Islamic fundamentalist for the sake of combating communist ideology and political ends. At the end of Sukarno era, fundamentalist joined movement to combat communism as the Sukarno regime were in support of communist spread throughout the country. In New order or Suharto era, despite the significant repression to the fundamentalists, the state again incorporated them for countering new ideology that widely spread by globalization. In democratization era, political pragmatism colored the relations. State actor and opportunist politicians exploited the fundamentalists to attract voters and radical media.

State also faced some problems to deter negative impact of the growing fundamentalism. Indonesia's democracy gave less institutional constraint that allowed Islamist power to boost their ends. Public sphere with inadequate supervision such as discussion, organization, and social networks have helped the development of fundamentalist discourse in general public. Moreover, decentralization and autonomy opportunity was largely abused by local leaders to promote many religious decrees. The regulations were mostly enacted at the expense of women and religious minorities.

Lastly, the ambiguity of state's stance between secularism and Islamism; and the fear of losing Islamic majority support or concerns of being accused as an advocate of the enemy Islam, provides a room for the fundamentalists to infiltratee decision making. It affects state's behavior from being the frontier of secular democracy to being fundamentalist friendly decision maker.

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