

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Questions

- 1. Please provide some general background about the Front Pembela Islam (FPI). Please also provide information on the relationship between the FPI and the police.**
- 2. Please provide information on the relationship between the FPI and the Ahmadiyya. Please also provide information on the situation of the Ahmadiyya in Indonesia more generally.**
- 3. What is the situation in Indonesia with regard to inter-faith marriages? Specifically: what information is available on the marriage of a Muslim man to a Christian female?**

RESPONSE

- 1. Please provide some general background about the Front Pembela Islam (FPI). Please also provide information on the relationship between the FPI and the police.**

The *Front Pembela Islam* (FPI; Islamic Defenders Front) is an Indonesian Islamist movement which has advocated for the implementation of conservative laws and whose activists have been involved in militant attacks upon groups, institutions and practices deemed un-Islamic and immoral by the FPI leadership. The FPI is also reported to have attacked minority faiths, including Christians (although the FPI also deployed its activists to defend Christian Churches over the Christmas of 2005) and, in particular, the Ahmadiyya. The relationship between the FPI and the authorities is a complex one. On the one hand there have been reports of clashes between the FPI and police over the years when FPI demonstrators or assailants have been reigned in by certain police commanders. This is not always the case, however, and some commentators have alleged that the police have been generally ineffective, and in several cases sympathetic and cooperative, with the FPI. A 2003 background note on the FPI produced by the Australian Parliamentary Library has noted that:

“Sceptical observers suspect that the police turn a blind eye to, or are complicit in, these activities, knowing that the victims will be encouraged to maintain protection monies to the police”; and the International Crisis Group has recently identified a number of senior officers in the Indonesian police and military forces who are linked to the FPI and have sometimes allowed the FPI to operate as semi-official authority. In June 2008 the involvement of the FPI in an attack on a rally for religious tolerance sparked widespread outrage in Indonesia and led to the arrest and prosecution of a large number of FPI members, including the FPI leader Habib Rizieq Shihab. Tensions between the FPI and the police would appear to much more fractious than usual at present as are tensions between the FPI and the more moderate traditionalist followers of former Indonesian President Abdurrahman Wahid (known as Gus Dur) and likeminded elements of the Nahdlatul Ulama (NU), the largest of Indonesia’s Islamic social movements (for general background on the FPI and its links to senior police and military officers, see: Parliament of Australia, Parliamentary Library 2003, ‘The Front Pembela Islam (Islamic Defenders Front–FPI)’

<http://www.aph.gov.au/library/intguide/FAD/sea.htm> – Accessed 8 January 2009 – Attachment 2; and: International Crisis Group 2008, *Indonesia: Implications of the Ahmadiyah Decree*, 7 July

http://www.crisisgroup.org/library/documents/asia/indonesia/b78_indonesia_implications_of_the_ahmadiyah_decree.pdf – Accessed 8 July 2008 – Attachment 1; for FPI attacks on minority faiths, see: ‘Rights body to investigate forced church closures’ 2007, *The Jakarta Post*, 15 December – Attachment 9; ‘Bandung locals protest, demand church closure’ 2006, *Jakarta Post*, 22 February

<http://www.thejakartapost.com/yesterdaydetail.asp?fileid=20060222.D01> – Accessed 8 February 2007 – Attachment 11; for the FPI’s defence of Christian churches in 2005, see: McCawley, Tom 2005, ‘Muslims guard Jakarta’s Christians’, *The Christian Science Monitor*, 23 December – Attachment 12; for the uneven reaction of Indonesian police to the FPI, see: Setiawan, M. 2007, ‘A bravery test for National police’, *Jakarta Post*, 9 October

<http://www.thejakartapost.com/news/2007/10/09/bravery-test-national-police.html> – Accessed 25 March 2009 – Attachment 3; and: Suwarni, Y.T. 2006, ‘Police foil attempted closure of church’, *Jakarta Post*, 24 September

<http://www.thejakartapost.com/yesterdaydetail.asp?fileid=20060924.@02> – Accessed 8 February 2007 – Attachment 10; for the recent arrest and prosecution of FPI members, see: Thompson, G. 2008, ‘Indonesian police arrest violent Islamic group’, *ABC News*, 4 June

<http://www.abc.net.au/news/stories/2008/06/04/2265391.htm> – Accessed 1 December 2008 – Attachment 4; Tapol 2008, ‘Freedom of religion tested: the case of Ahmadiyah’, Tapol website, *Tapol Bulletin*, no.190, August <http://tapol.gn.apc.org/bulletin/2008/Bull190.htm> – Accessed 25 March 2009 – Attachment 5; ‘FPI members clash with police after Rizieq verdict’ 2008, *Jakarta Post*, 31 October <http://www.thejakartapost.com/news/2008/10/31/fpi-members-clash-with-police-after-rizieq-verdict.html> – Accessed 25 March 2009 – Attachment 6; for background on tensions between the FPI and elements of the NU, see:

Nugroho, I. & Suherdjoko 2008, ‘FPI foes ready to take up arms’, *Jakarta Post*, 9 June <http://www.thejakartapost.com/news/2008/06/09/fpi-foes-ready-take-arms.html> – Accessed 25 March 2009 – Attachment 8; and: Franklin, N. 2009, ‘Ahmadiyah dispute intensifies’, *Inside Indonesia*, January/March <http://insideindonesia.org/content/view/1180/47/> – Accessed 25 March 2009 – Attachment 7).

A September 2007 report published in *The Jakarta Post* illustrates the manner in which Indonesia’s police force has reportedly dealt with the FPI in an uneven manner; reigning in the activities of FPI activists in some areas while allowing them in others according to the stance of local commands.

Some people claiming the name the Islamic Defenders Front (FPI) forcefully closed food stalls in Central Jakarta and Bogor, West Java. Besides the food stalls, these people also destroyed some houses which were thought to be places of prostitution.

...The reason these stalls were closed is because they sold food in the middle of the day during Ramadhan.

The stalls tried to respect those who were fasting by not showing the food they sold. The owners covered their stalls with a long strip of cloth so people could not see the food. We need to remember that not all Indonesians are Muslims and also not all Muslims can exercise their obligation to fast for several reasons, including health factors.

The food vendors are mostly Muslim as well. So, they knew what they were doing. What they did is not wrong since they did not ask or invite others to eat at their stalls. They had to open their stalls because of one simple reason: they need money to live. If the FPI closes their stalls, will the FPI give them money as compensation?

Tracking through the records, FPI is not a new organization. The movement has been in news often. What happened in Bogor several days ago is just one example. It is still fresh in our minds how they destroyed the office of the publisher of Playboy Indonesia. The group does not hesitate to use violence to achieve its purposes.

What is sad is that the police have done nothing to deal with this group. They have made some statements about taking strict action against any organization that uses violence. However, these organizations are still active.

The latest case in Bogor showed how powerless the police are. They just stood there and told the FPI members to stop without taking any action.

It was totally in contrast with what happened in Central Jakarta. Police in Jakarta took firm action against members of the same organization who attempted a similar raid. This is what the people want to see from the police (Setiawan, M. 2007, 'A bravery test for National police', *Jakarta Post*, 9 October <http://www.thejakartapost.com/news/2007/10/09/bravery-test-national-police.html> – Accessed 25 March 2009 – Attachment 3).

In July 2008 the International Crisis Group (ICG) provided extensive commentary on the FPI in the context of reporting on the manner in which the FPI had, along with a number of other militant Islamist groups, targeted the Ahmadiyya as alleged heretics. The ICG report may be of particular interest given that it alleges that there are close connections between the FPI and elements in the police and military forces of Indonesia.

The FPI is basically an urban thug organisation led by Habib Rizieq Shihab, a Saudi-educated scholar of Arab descent, that has been running anti-vice campaigns since its founding in August 1998. Its stated goal is the implementation of Islamic law in Indonesia and upholding the principle of “doing good and avoiding evil”. One part of FPI focuses on religious outreach (dawaa) to the Muslim community, urging stricter adherence to Islamic tenets; the better known part, a kind of morality militia, attacks places it sees as emblematic of vice and decadence. It has branches in most of Indonesia’s provinces, some of which are less thuggish than the Jakarta headquarters. In Poso, for example, the FPI head is also the respected leader of al-Chairat, a broad-based, largely moderate organisation.

From the beginning FPI has been closely associated with individual police and military officers, including the presidential candidate and former armed forces commander, General Wiranto, and his ally, the former commander of the elite Kostrad forces, Lt. Gen. Djadja Suparman. As a Crisis Group report noted in 2000:

It is not suggested, however, that Wiranto and other military officers ... share the goals of FPI but only that they have found it useful to maintain contacts with Islamic organisations that have the capacity to mobilise supporters in the streets.

Another officer present at the creation of FPI in 1998 was the then Jakarta police commander, Nugroho Djayusman, and the police have had close ties with the group ever since. The FPI leadership acknowledges only that for the first two years, it coordinated all actions with the police. But cooperation lasted well beyond two years, despite Habib Rizieq's arrest in October 2002 for incitement. In November 2002, the organisation was briefly dissolved, in part to avoid any association with terrorists who had carried out the Bali bombing on 12 October, in part because the bombing led to a temporary funding shortage for all organisations deemed radical (there was never any association between FPI and Jemaah Islamiyah, the organisation behind the Bali bombs).

But in November 2006, police sponsored a speaking tour for Habib Rizieq around the Poso, an area hit by communal conflict and terrorist activity, hoping that his anti-vice message might attract young people susceptible to recruitment by terrorist organisations. In a speech in Luwuk on 29 November, he spoke of how the FPI and the police were "like husband and wife", both committed to upholding public order. It was an ironic message, given that FPI is largely associated with violence, both organised raids on nightclubs, karaoke bars and other dens of iniquity as well as on "unauthorised" churches and Ahmadiyah property. It is not surprising, then, that in a coalition with Hizb ut-Tahrir, FPI members would be the enforcers.

It was more surprising, but encouraging, that following a decade of FPI's ability to commit crimes against property and sometimes individuals with near-total impunity, the public outcry against it subsequent to 1 June 2008 was so strong. President Yudhoyono, after silence in the face of earlier FPI attacks, said that such violence would not be tolerated. The coordinating minister for political, legal and security affairs said he was looking into whether FPI as an organisation could be banned under the 1985 law on mass organisations. On 5 June, as noted above, police arrested 59 men at FPI headquarters, including Habib Rizieq, who, after questioning, was officially declared a suspect along with nine others.

FPI has been able to last as long as it has not just because of official toleration and its targeted use of extortion, but also because the public up until now has been willing to distinguish between what many see as the admirable goal of protecting morality and the deplorable means used to achieve it. Anger at the images of a vicious assault on clearly peaceful civilians was high, however, and a survey in the country's largest daily newspaper showed 86 per cent of those polled were concerned about the "militarism" of mass organisations (International Crisis Group 2008, *Indonesia: Implications of the Ahmadiyah Decree*, 7 July http://www.crisisgroup.org/library/documents/asia/indonesia/b78_indonesia_implications_of_the_ahmadiyah_decree.pdf – Accessed 8 July 2008 – Attachment 1).

In June 2008 reports appeared of the arrest of FPI activists who been involved in assaulting participants in a rally staged in support of religious tolerance. Some of the participants who the FPI activists attacked were Muslim women and images of the harassment of these women reportedly sparked outrage across Indonesia. Australia's *ABC News* reported that, while such "perpetrators are almost never pursued by Indonesia's police", the police were on this occasion compelled to action "with pressure mounting from President Susilo Bambang Yudhoyono and others". The report follows:

Indonesian police have detained more than 50 members of a hardline Islamic group that launched an attack on people at a religious tolerance rally on Sunday.

The Islamic Defenders Front, known as FPI, operates more like a gang than a religious movement, and made its name raiding open bars and restaurants during the Muslim holy month of Ramadan.

The perpetrators are almost never pursued by Indonesia's police, but last weekend a group of militant youth from FPI went too far when they attacked a faith tolerance rally in the centre of Jakarta.

When images of veiled women being beaten with bamboo sticks as the police stood by were broadcast on TV, most Indonesians were outraged.

Still the police did nothing, but with pressure mounting from President Susilo Bambang Yudhoyono and others, 59 members of FPI have now been detained for questioning (Thompson, G. 2008, 'Indonesian police arrest violent Islamic group', *ABC News*, 4 June <http://www.abc.net.au/news/stories/2008/06/04/2265391.htm> – Accessed 1 December 2008 – Attachment 4).

Further background on the recent FPI arrests follows below sourced from a report published by Tapol, an Indonesian human rights advocacy movement. The report provides background on the manner in which opposition to the Ahmaddiya faith from various actors, including the FPI, had led to a rally, staged on 1 July 2008, in support of religious freedom and the plight of the Ahmadiyya specifically.

On 9 June President Susilo Bambang Yudhoyono (SBY) announced that members of Ahmadiyah, a minority Islamic sect, would be allowed to continue practicing their religion but were prohibited from proselytising. He had struck a compromise after months of violent attacks against members of the sect and against their houses, shops and mosques. The Ahmadiyah case is a basket case of problems the SBY government has been facing to uphold secularism and freedom of religion in general.

Ahmadiyah is a small but vibrant Muslim sect which has been functioning in Indonesia since the days of Dutch colonialism [*sic*], back in the 1930s. The members of the sect are conservatively estimated to number around 200,000. Until recently, they were able to practice their religion in pluralistic Indonesia without disruption. But in the last few months, Ahmadiyah villages have been the target of vicious [*sic*] attacks by fundamentalist groups, in particular the Islamic Defenders' Front (FPI). It has been singled out for vilification because of its unorthodox views regarding acknowledgement of the Prophet Muhammad as the last prophet. The government's restriction order which requires members to confine their religious activities to their own homes has been strongly criticised for violating their constitution right to freedom of religion.

Although the decree stops short of an outright ban, members of the sect are liable to imprisonment of up to five years for certain ill-defined activities. But it requires the security forces to protect members of the sect from acts of violence.

Three months ago, on 16 April, the Coordinating Board for Monitoring Mystical Beliefs in Society, Bakor Pakem, called for Ahmadiyah to be banned. While this encouraged fundamentalist groups to attack the sect, it also led to a number of civil society groups and individuals, including Muslim scholars, Catholic priests, representatives of other religions such as Confucianism, Buddhism and Hinduism, as well as poets, writers and human rights campaigners to sign a petition urging the government to protect Ahmadiyah from attack. The FPI campaign hence has triggered actions by a wide range of organisations and individuals to uphold the principle of secularism.

The 9 June decree was signed by the Minister of Religious Affairs, the Minister of Home Affairs and the Attorney-General. In response, Human Right Watch criticised this as a violation of Indonesia's ratification in 2006 of the International Covenant on Civil and Political Rights. The human rights lawyer, Adnan Buyung Nasution warned that the government had been 'weakened by this decision, weakened in the sense that aggressive of extremist fundamentalist Muslims ... know they can put pressure on the government.' [Column on Indonesian Justice, UPI Asia Online, 11 June 2008]

A month before the decree, the UN Committee Against Torture at a meeting in Geneva, recommended that Indonesia should drop its plan to outlaw Ahmadiyah, arguing that it would legitimize crimes against members of the sect. The Committee noted the failure of the Indonesian security forces and authorities to provide sect members with adequate protection or to conduct prompt, impartial and effective investigations into the recent violence against its members. It also proposed that the UN special rapporteur on religion should visit Indonesia.

Under attack for two decades

Harassment of Ahmadiyah goes back more than two decades. In the 1980s, the Indonesian Ulama Council (MUI) issued a fatwa (edict), in June 1980 followed up by a second one in July 2005. The first edict declaring Ahmadiyah to be 'heretical' and since then its followers have been under repeated attack. Members of the sect were evicted in 2002 when residents of Lombok Island in West Nusa Tenggara raided their homes. In 2005, some 12,000 Ahmadiyah members were attacked as they were holding an annual meeting in Mubarak College, Parung, Bogor. Sixteen people were injured in the attack and less than a week later, the homes of two Ahmadiyah members located near the college were damaged.

While members of Ahmadiyah have not been known at any time to resort to violence against anyone, they have been subject to unprovoked attacks in their homes, in their mosques simply because of their adherence to a belief that puts them at odds with fundamentalist groups.

According to one leading Indonesian columnist: 'The anti-Ahmadiyah fatwas have since provided an on-going rationale which is providing a legitimizing platform for some religious leaders and some real and moral protection and cover for those who want to implement the fatwas in the name of religion. This has formalised the role of the MUI (founded in the late 1970s) as a state institution and made its fatwas appear more authoritative for all believers.' [Aboeprijadi Santoso, The Jakarta Post, 12 June 2008]

Public rally attacked

A rally held on 1 June in Central Jakarta, on the site of the National Monument, Monas, to commemorate the 63rd anniversary of the Pancasila, was confronted by a group of thugs, most of them from the FPI. Participants in the rally were physically attacked and 34 people were injured as a result. The organisers of the rally, the National Alliance for the Freedom of Faith and Religion (AKKBB), had announced their intention to hold the rally through the media, stating that they endorsed pluralism and urging people not to be intimidated. A co-ordinator of the event, Nong Darol, explained that they had been warned by the police that a counter demonstration would take place, as a result of which, they had decided to hold the rally for only one hour.

'We were shocked when FPI members chased and beat us with bamboo sticks, mostly those who were already inside Monas. We ran away, but they had already hurt many people.' Some of those injured had to be treated in hospital. One of the injured, Muhammad Guntur Romli, was rushed to hospital for surgery because his cheek bone had been fractured by blows from FPI members wielding sticks.

Another AKKBB co-ordinator, Anik HT, said: 'They hit us with wooden sticks and cudgels, and sprayed us with pepper that hurt our eyes.' A young student from the Az-Zaman Islamic boarding school in Cirebon was injured on the chin and needed treatment in hospital.

Although police were present in large numbers and witnessed the attack, they decided not to make any arrests on the spot, for fear of triggering further riots. Jakarta's police chief, Comr Budi Winarko, said that they had enough evidence to make arrests on a later occasion.

Muslim leaders condemn the violence

The attack on the peaceful rally was condemned by a number of human rights organisations, while the leaders of Indonesia's most influential Muslim organisations, Muhammadiyah and Nahdatul Ulama, also raised the voices in protest, making it clear that the thuggish actions of the FPI did not represent the feelings of the country's millions Muslims.

Masdar Farid Masudi of Nadhatul Ulama said: 'The NU opposes any violence for any reason. There is no religious justification that tolerates violent actions. I urge the government to take immediately proper measure against the perpetrators. If the state ignores this case, its authority will be destroyed and anarchy will emerge.'

Din Syamsudin, chairman of Indonesia's second largest Muslim organisation, Muhammadiyah, said: 'This action is not in line with Islam's image. It is a crime that must be prosecuted. I hope everyone can control himself or herself and avoid violence and anarchism.'

KontraS, the Commission for the Disappeared and Victims of Violence, also condemned the attack and urged the President to pay attention to the incident, while the police were urged to arrest the FPI members involved. [Jakarta Post, 2 June 2008]

Former president, Abdurrahman Wahid also criticised the perpetrators of the attack. In his opinion, the FPI should be banned because it threatens the freedom of faith in Indonesia.

As the storm of protest grew, the FPI again showed their true colours by threatening to 'wage war' on Ahmadiyah if the president failed to act within three days.

As the conflict continued to fester, the government appears to have lost its nerve and issued a decree on 9 June restricting the activities of Ahmadiyah. A spokesman for the Indonesian Ahmadiyah Assembly (JAI) commended the government for maintaining neutrality and acting fairly. Abdul Syukur from the sect's base in Manis Lor village, West Java, said: 'We respect the government for its fairness. The decree is a reminder to us all the government is protecting each and every citizen.' He declared that Ahmadi in Manis Lor would continue with their normal routines until further notice. 'Prayer and worship are the personal responsibilities of each Muslim, as well as a requirement, so we will continue to do this.'

Giving assurances of 'round-the-clock' protection, a local police officer in Manis Lor said that a number of officers had been mobilised following issuance of the decree and would 'protect Ahmadiyah members and their assets from the risk of attack from certain groups.' [Jakarta Post, 4 June, 2008]

Tolerance safe and well in Indonesia

It fell to one of the country's foremost Catholic intellectuals, Franz Magnis-Suseno, to declare that recent events could lead to global misconceptions about Islam in Indonesia.

'The whole world gets the impression that this is Indonesian Islam. But this is nonsense.... There is no problem in Indonesia. Even changing a religion from Islam to another religion is

possible. It is a very substantial thing.’ He insisted that Indonesia still adheres to plurality, tolerance and the State ideology, Pancasila.’ Speaking during a discussion hosted by the Centre for Islam and State Studies at Paramadina University, he also reminded his audience that ten per cent of the population were Christians, adding: ‘There is no hatred against the minority.’ [Jakarta Post, 12 June 2008]

Police make many arrests

Three days after the violent attack on the public rally in Jakarta, the police announced that they had detained 57 members of the FPI. Announcing the arrests, a police spokesman said they had rounded up FPI members at the group’s headquarters and in several houses in Jakarta on suspicion of being involved in the attacks.

President Sudilo Bambang Yudhoyono condemned the attack on 1 June and said that he had asked ministers to examine the options for banning the FPI. [AFP, 3 June, and Reuters, 4 June 2008] (Tapol 2008, ‘Freedom of religion tested: the case of Ahmadiyah’, Tapol website, *Tapol Bulletin*, no.190, August <http://tapol.gn.apc.org/bulletin/2008/Bull190.htm> – Accessed 25 March 2009 – Attachment 5).

The leader of the FPI, Rizieq Shihab, was among those arrested, charged, and later sentenced to a prison term. FPI activists responded to the outcome with attacks on police and the Ahmadiyah in Jakarta. On 31 October 2008 *The Jakarta Post* reported that “Hundreds of members of the Islam Defenders Front (FPI) clashed with police outside a Central Jakarta court and attempted to force the closure of a nearby Ahmadiyah mosque after their leader, Rizieq Shihab, was sentenced to 18 months in prison”. Further details follow in the extracts follow:

The FPI members, stationed outside the Central Jakarta District Court, were outraged at the guilty verdict handed down to Rizieq for his role in instigating an attack on religious freedom activists at the National Monument park on June 1.

After a shoving match with police officers securing the courthouse on Jl. Gajah Mada, the FPI members headed to the Al Hidayah mosque, run by the Ahmadiyah community, on Jl. Balikpapan, Gambir, to close it down.

They were stopped 50 meters shy of the mosque by the police, leading to a scuffle between the two. It ended when the FPI members dispersed.

No one was detained during the clash, but Central Jakarta Police deputy chief Heri Wibowo said there were elements inciting the crowd. Some 1,500 police officers had been deployed in anticipation of the hard-liners’ reaction to the verdict.

Rizieq’s supporters inside the court were also outraged. Several shouted and swore at the judges, but were asked to restrain themselves by their leader. Rizieq’s wife and children were crying.

Rizieq and his subordinate Munarman, commander of the Islam Troop Command, were both given 18-month sentences for their role in the attack on members of the National Alliance for the Freedom of Faith and Religion, rallying for the Ahmadiyah community after it had been declared heretical by the Indonesia Ulema Council (MUI).

The presiding judge at both trials, Manusunan Harahap, said Rizieq had been proved guilty of instigating violence, and Munarman of committing violence.

Both men protested the verdicts, claiming they were handed down based on dubious evidence.

Both said they would appeal, and Rizieq maintained his calls for anti-Ahmadiyah actions.

“Even if we risk breaking the law... even if I’m thrown in jail or die, we will never stop our efforts to disband Ahmadiyah,” Rizieq said after the sentence was read out.

There was a visible sense of relief among police officers outside the courthouse after a police car carrying Munarman, whose sentencing followed Rizieq’s, left the compound. The officers had frequently been engaged by the FPI in clashes throughout the trial (‘FPI members clash with police after Rizieq verdict’ 2008, *Jakarta Post*, 31 October <http://www.thejakartapost.com/news/2008/10/31/fpi-members-clash-with-police-after-rizieq-verdict.html> – Accessed 25 March 2009 – Attachment 6).

A January/March 2009 report published in *Inside Indonesia* provides information which suggests that the FPI is too closely associated with certain interests common to large parts of Indonesia’s Muslim community, and to the Muhammadiyah network in particular, that make it unlikely that there will be political pressure to rein in the FPI entirely. The report looks at the East Java pesantren region of Lamongan as an indication of how the Jakarta disturbances have affected a more rural locale, noting the strained tensions between Indonesia’s two major Islamic community networks, Muhammadiyah and Nahdlatul Ulama (NU), and that: “Police in Lamongan asked local religious leaders to discourage angry NU youth from confronting the FPI”.

1 June 2008 marked the sixty-third anniversary of the Pancasila ideology. On this day members of the National Alliance for the Freedom of Faith and Religion held a rally at the National Monument (popularly known as ‘Monas’) in Jakarta demanding that the controversial Ahmadiyah sect should be dealt with in accordance with Indonesian law rather than subjected to organised violence. Members of the Islamic Defenders’ Front (FPI) descended upon the gathering, harassing and assaulting them. It did not surprise many that the FPI took this action: for years its members have attacked Ahmadiyah mosques, prayer houses, and other properties throughout Indonesia, while calling on the government to disband the organisation.

The incident at the National Monument appeared to swing public opinion against the FPI. What should have been a day of celebration was instead transformed into a violent incident that reverberated throughout the country. For several weeks, the national media were flooded with reports about the incident at Monas. There was a cry from liberal groups and many ordinary Indonesians for the FPI itself to be disbanded. The government responded by arresting the FPI militant wing’s commander, Munarman, and central chief, Habib Risiek Shahib, for initiating the violence.

It is less widely known that the incident also had consequences outside the capital. In the East Java pesantren region of Lamongan, it very nearly caused a conflict between members of Nahdlatul Ulama (NU) and Muhammadiyah.

FPI in Lamongan

The FPI was formally established in Lamongan in July 2005, built upon a local organisation called ‘The Fighters Enjoining Honour and Forbidding Dishonour’. The Lamongan branch is relatively autonomous but nevertheless receives instructions from the FPI Central Leadership Board in Jakarta. A long-standing instruction commands FPI members to pressure the government to disband Ahmadiyah.

The FPI has a strong presence in the subdistricts of Brondong and Paciran, north of Lamongan. Local reports suggest their numbers range from 75 to 100 members. However,

according to their leader in Lamongan, the FPI under his command can amass between five hundred and a thousand 'soldiers of Allah' when it goes on raids. The Lamongan group relies heavily on young males as foot-soldiers. The older members provide leadership in Qur'anic studies, and in directing physical operations. This is based on the FPI philosophy of 'amar ma'ruf nahi mungkar', derived from the Qur'anic verse in Surah Ali Imran (Ayat 104), 'Let there arise out of you a band of people inviting all that is good, enjoining what is right, and forbidding what is wrong: They are the ones to attain felicity'.

Since this Brondong–Paciran area along the north coast of Lamongan is dominated by Muhammadiyah, the FPI ranks include many Muhammadiyah Muslims. In fact, the deputy leader of the FPI in Lamongan is also the headmaster of the Muhammadiyah pesantren of Karangasem in Paciran. Another Lamongan group whose membership overlaps with the FPI is the North Coast Islamic Youth Association, which was responsible for inviting Abu Bakar Ba'asyir to the area in October 2007 (see *Inside Indonesia* 92). Like the FPI, Ba'asyir encourages a rigid interpretation of 'amar ma'ruf nahi mungkar' during his sermons, selectively intertwining it with promotion of holy war and martyrdom. These narrow and literalist interpretations of Islam provide legitimacy for hardline Muslims in the area who wish to resort to physical action to achieve their objectives.

An NU–Muhammadiyah conflict in the making?

Even before the 1 June incident, former Indonesian President Abdurrahman Wahid (Gus Dur) had been an outspoken defender of Ahmadiyah's rights and a frank critic of the FPI. Gus Dur argued that Ahmadiyah was not a threat to anybody, and that its followers were responsible citizens who deserved the same rights and privileges as other Indonesians. FPI founder Habib Risiek Shihab argued that Gus Dur was wrong and that Allah would judge him so. The situation developed into a heated public debate about tolerance and what methods were acceptable for dealing with such issues.

Police in Lamongan asked local religious leaders to discourage angry NU youth from confronting the FPI.

Although there are no known Ahmadiyah members in Lamongan, the local youth wing of NU, known as the Ansor Youth Movement (GP Ansor), who are concentrated in the south of Lamongan, were angered by the way the FPI – and in particular Habib Risiek – treated Gus Dur. In a TV statement broadcast on Indonesia's Channel One shortly after 1 June, Habib Risiek stated that Gus Dur could not have understood what happened at Monas because he was blind. Furthermore, he claimed that Allah protected the FPI from the former president's efforts to disband it, and instead disbanded Gus Dur's government. A local newspaper reported that the GP Ansor were about to come to the north coast of Lamongan from their base in the south to force the FPI to disband. According to a police chief in the area, there was a real concern that the row could develop into an NU–Muhammadiyah conflict, as a large number of Muhammadiyah members were affiliated with the FPI.

Police in Lamongan approached the local religious leaders, including the leaders of the Sunan Drajat School and the Lamongan branch of the Indonesian Council of Islamic Scholars, in the hope that these religious figures could persuade the GP Ansor not to come to the north coast to confront the FPI. This strategy proved successful. The GP Ansor members never arrived. Speaking afterwards, the leader of the Lamongan branch of NU downplayed the situation, saying the GP Ansor had planned to go to the Paciran-Brondong area only to get a clear picture of the FPI's position in Lamongan. However, many local residents believe that the intervention and consultation initiated by the Lamongan police succeeded in averting a dangerous conflict which could have had serious long-term consequences.

According to polling conducted on the official NU website, 57 per cent of respondents maintained that the FPI was necessary to eliminate immorality and oppose liberal groups, while a quarter of respondents believed that the FPI should be disbanded because it ruined the image of Islam.

Both positions are found among the NU community in Lamongan. Some locals think that the FPI were just thugs and the organisation should be disbanded. Others see the FPI as useful for eliminating drinking, gambling and prostitution in the area. Although there were mixed opinions about disbanding FPI, there is considerable consensus among NU followers in Lamongan about Ahmadiyah. Most believe it should be disbanded because of its recognition of a prophet postdating Muhammad. Regardless of affiliation, all Lamongan residents believed that an NU–Muhammadiyah conflict would be detrimental to Islam.

The existence of Ahmadiyah and the FPI will continue into the foreseeable future, as will disagreements between Gus Dur and Habib Risiek. And as this example shows, events on the national stage can resonate in regional contexts and ignite religious conflict. There is reason to hope that the incident in this rural district in East Java has been resolved. But the history of rivalry in Lamongan means religious matters are highly charged and the potential for conflict remains (Franklin, N. 2009, 'Ahmadiyah dispute intensifies', *Inside Indonesia*, January/March <http://insideindonesia.org/content/view/1180/47/> – Accessed 25 March 2009 – Attachment 7).

Just recently, on 24 March 2009, it has been reported that an alliance “affiliated with Nahdlatul Ulama (NU), Indonesia’s largest Muslim organization, and the National Awakening Party (PKB)” is “[d]issatisfied with the government’s reaction to violence by the Islamic Defenders Front” and was preparing “in Jember regency, East Java, ...to launch a strike at the hard-line group”. Extracts follow:

The force will be divided into 300-member groups to undergo special training in self-defense and the use of knives, machetes and other traditional cutting tools in a training field in Sucopengetok village, 25 kilometers from Jember.

A large number of self-defense instructors were coming down from mountainous areas in the regency to train the combatants recruited from Garda Bangsa, Batuan Serbaguna, Anshor and a number of Islamic pesantren (boarding schools) in the regency, Ayub Junaidi, coordinator of the force and secretary of the Jember branch of the PKB told The Jakarta Post here Saturday.

“If the FPI is not disbanded, the special force will leave for Jakarta to do it,” Ayub said.

Ayub said the training would be conducted in groups and would be completed within several months.

“All participants will be trained physically and mentally so they will be able to endure the worst situations.”

He said the special militia was not being reestablished to create public unrest but to put an end to that created by the FPI and its affiliated organizations.

The special force was originally founded in 2000 and was deployed to the State Palace to support President Abdurrahman “Gus Dur” Wahid, who was facing increasing pressure to resign.

Ayub said all Muslim organizations in East Java were opposed to the FPI, which used violence in the name of Islam, a religion, he added, that actually sought to create peace on the planet.

He said the government must disband the FPI, which had acted against the law, endangered national unity, discredited the 1945 Constitution and risked authoritarianism.

He also said Muslim people and organizations in East Java were disappointed with the police's failure to take strong actions against the FPI, despite the group's history of violence.

Another militia group has been prepared at Soko Tunggal Islamic Boarding School in Semarang, led by cleric Nuril Arifin Husein.

The group was ready to take on the FPI, Nuril said Saturday.

"The FPI is only a small group of Muslims, but behaves as if it were the biggest one. Its members like to force their will on others and take the law into their own hands," Nuril said.

Nuril said he did not agree with FPI leader Rizieq Shihab.

"From where in the world does the FPI's brand of Islam, which tends to ridicule clerics, come from? What kind of teaching is Rizieq spreading?"

Defense Minister Juwono Sudarsono said the FPI was the result of social conditions.

"Beyond the merits of banning or not banning the FPI, as long as there are 9.8 million unemployed and 36 million living below the poverty line, there will always be angry young men and women attracted to various streams of radicalism, Islamic or otherwise," the minister said in Jakarta on Sunday.

"They (the FPI) skillfully position themselves as defenders of the humiliated, young and marginalized urban poor fighting the evils of bars, nightclubs and other symbols of decadent foreign secularism."

Juwono reminded people that 10 years ago, the then Jakarta Police chief was a patron of the FPI.

"The important thing is that sympathy for the FPI has effectively been eradicated from the hearts and minds of most mainstream Muslims in Indonesia," he said. (Nugroho, I. & Suherdjoko 2008, 'FPI foes ready to take up arms', *Jakarta Post*, 9 June <http://www.thejakartapost.com/news/2008/06/09/fpi-foes-ready-take-arms.html> – Accessed 25 March 2009 – Attachment 8).

For previous research on the situation of the FPI in Indonesian politics, see the below:

- **RRT Research & Information 2009, *Research Response IDN34217*, 21 January – Attachment 14** (Provides information on the relationship between the FPI and Indonesia's two largest Islamic social networks: Nadhlatul Ulama (NU) and Muhammadiyah. An update on the situation for the Ahmadiyah is also provided along with information on the attitude of various Indonesian authorities).

2. Please provide information on the relationship between the FPI and the Ahmadiyya. Please also provide information on the situation of the Ahmadiyya in Indonesia more generally.

As is noted above, the FPI is stridently opposed to the Ahmadiyya movement and has been at the forefront of a campaign of violence and intimidation as well as lobbying and demonstration in an effort to have the Ahmadiyya movement banned. The ICG's July 2008 report provides the following background on the FPI's ongoing campaign against the Ahmadiyya faith.

...on 9 July, FUUI members, joined by youths representing the Islamic Defenders Front (Front Pembela Islam, FPI) and Djamaluddin's LPPI led an attack on an Ahmadiyah annual meeting in Parung, Bogor. Eight people were wounded by sticks or stones before the Bogor police eventually arrived on the scene. Muslim conservatives blamed the attack on the Ahmadiyah community – it had been “getting more aggressive”, one MUI member recalled.

Then, on 26-29 July 2005, at its Seventh National Congress, opened by President Yudhoyono, the MUI issued a fatwa declaring Ahmadiyah to be “outside Islam” and its members apostates. It urged followers to return to the true teachings and said the government was obliged to ban the dissemination of Ahmadiyah teachings and stop its activities. It also issued a fatwa against pluralism, secularism and liberalism. A week later on August 5, declaring support for the two MUI fatwas, the Forum Umat Islam (FUI) was established, a coalition dominated by hardliners, with the FPI and Hizb ut-Tahrir Indonesia as two of its largest components.

...In the course of the struggle, however, an incident occurred which was to have ramifications for the Ahmadiyah decree. Former President Abdurrahman Wahid (Gus Dur, as he is more popularly called), a leader of Indonesia's largest Islamic organisation, Nahdlatul Ulama, and known for his commitment to pluralism, was an outspoken opponent of the proposed law as drafted. He had joked that by the standards of the draft, even the Koran would be considered pornography.

On 23 May 2006, he was invited to Purwakarta, West Java, to take part in a public interfaith dialogue, with hardline groups such as FPI and Hizb ut-Tahrir in the audience. Gus Dur criticised the bill again and said that some participants in the Million Muslim March had been paid to take part by unnamed generals. The head of the local FPI chapter stood up and demanded that he either apologise or leave Purwakarta. He left, amid a hail of rude insults, with the national media reporting that he had been forced out by emotional supporters of the draft, including FPI.

In the aftermath of the Purwakarta incident, clashes took place between FPI and Garda Bangsa, a militia loyal to Gus Dur, in Jember, East Java, and a few other areas. On 15 June, Garda Bangsa prevented FPI head Habib Rizieq Shihab from speaking at a pesantren (Islamic boarding school) in Demak, Central Java, threatening to burn the school if he showed up. Banners appeared near the Nahdlatul Ulama headquarters calling for the dissolution of FPI. On 26 June, several dozen young men from Garda Bangsa claimed they were going to march to FPI headquarters in Jakarta, and FPI members, backed by two other hardline groups, readied themselves for defence. Police diverted Gus Dur's supporters, and no violence took place. Serious bad blood between FPI and Garda Bangsa remained, however, and two years later, the government's fear of violence erupting between them was to affect the timing of the joint decree.

...On 14 February, a tabligh akbar (mass public religious discussion) took place at a pesantren in Banjar, West Java, with Shobri Lubis from FPI, Muhammad Al-Khaththath from Hizb ut-

Tahrir and Abu Bakar Ba'asyir, representing Majelis Mujahidin Indonesia. A video taken of the event and posted to You Tube shows all three railing against Ahmadiyah and Lubis shouting, "we must make war on Ahmadiyah, kill Ahmadiyah wherever they are, kill Ahmadiyah, kill Ahmadiyah!"

On 1 June 2008, in the absence of a decree and in the hopes of forestalling one, AKKBB organised a rally on behalf of freedom of religion, intending to demonstrate support for tolerance and rejection of hardline views. ...The organisers agreed but decided to gather at Monas first. The demonstrators, including hundreds of Ahmadiyah families as well as many of the signers of the 10 May statement, were attacked by a stick-wielding Muslim militia shouting anti-Ahmadiyah slogans, who hurt dozens before they were dispersed by police. Among those injured was a Muslim scholar from Cirebon; the head of the Wahid Institute, a think tank associated with Gus Dur; and several other Muslim leaders known for their moderate views.

The assault caused national outrage, with the president for the first time weighing in and saying that violence would not be permitted – despite the fact that one of the main groups involved, the FPI, had been wielding violence since it was founded, with police and army support, in 1998. One of the field coordinators of the militia was Munarman, a former human rights lawyer from Palembang turned Muslim militant, who was shortly thereafter named a suspect by police.

For one week, the country was riveted by the police search for Munarman. On 5 June, over 1,000 police were deployed to the area around FPI headquarters, as a team went in and arrested 53 members, including the leader, Habib Rizieq Shihab. Munarman was not there, and speculation increased that he had left Java, left the country or been killed. But on the same day, he released a video from his hiding place, saying that he would turn himself in if and when the government banned Ahmadiyah.

On the morning of 9 June, a massive demonstration took place in front of the presidential palace, calling for a ban on Ahmadiyah. The decree drafting team was hastily called to the religious affairs ministry for an emergency meeting, and the decree was released that afternoon. While it stopped short of a full ban, and the intent of the drafters was that Ahmadiyah be allowed to continue to worship as long as it did not try to draw in anyone else, the appearance was of capitulation to the hardliners in the street.²⁷ According to a participant, one of the key factors driving the release of the decree that afternoon was the fear that violent clashes would take place between Gus Dur's supporters and the FPI. "The odd thing is that they're both from Nahdlatul Ulama backgrounds", said an NU leader. "It's a question of secular NU vs radical NU".

...Despite its warning to members of the public not to engage in criminal actions against JAI and the insistence of government officials that enforcement would be strictly within the law, the decree increases the likelihood of religious vigilantism. In a popular television show, "Today's Dialogue", on 18 June, a religious affairs ministry spokesman said the public could monitor implementation and report to the police if it saw anything amiss.

...Ma'ruf Amin told the television audience, and later reiterated in an interview, that MUI was putting together a monitoring team to determine whether Ahmadiyah was obeying the decree. The team would be organised by MUI branches at province, district and subdistrict levels, and mass Islamic organisations would be invited to participate. It is a foregone conclusion that the team will find Ahmadiyah in violation. In the meantime, mass actions against Ahmadiyah property and followers continue:

- 11 June: police used watercannons to turn back a mob marching on an Ahmadiyah mosque in Palembang;

- 18 June: six Ahmadiyah mosques in Cianjur, West Java, were sealed off by about 100 people calling their group Ahlussunnah Waljamaah, as police stood by and watched to ensure that no “anarchistic action” took place;
- 20 June: a local FPI contingent shut down Ahmadiyah headquarters in Makassar, South Sulawesi, mobs sealed off two more mosques in Cianjur, and dozens of youths tried to blockade an Ahmadiyah mosque in Tangerang, West Java; and
- 26 June: the al-Ghofur Mosque used by Ahmadiyah families in Cianjur, West Java, was sealed off and its sign torn down by a mob of about 500, who then clashed with police. Two days earlier a crowd prevented Ahmadiyah members from visiting the district council in Cianjur to express concerns over recent developments.

(International Crisis Group 2008, *Indonesia: Implications of the Ahmadiyah Decree*, 7 July http://www.crisisgroup.org/library/documents/asia/indonesia/b78_indonesia_implications_of_the_ahmadiyah_decree.pdf – Accessed 8 July 2008 – Attachment 1).

In a June 2006 paper on the nature of heresy campaigns being conducted in Indonesia by various groups, Dr John Olle provided the following references to the role of the FPI in regard to the campaign against the Ahmadiyya faith:

In the early weeks of July 2005, a small but militant crowd of 5000-10,000 people led by the Front Pembela Islam (FPI – Islamic Defenders Front) and the Lembaga Penelitian dan Pengkajian Islam (LPPI – Islamic Research and Study Institute) along with other groups twice attacked and tried to destroy the Ahmadiyah centre in Parung, Bogor near Jakarta. Ahmadiyah is an Islamic sect that has existed in Indonesia since 1925 and was accused by the attackers of being “heretical” due to the Ahmadiyah belief that their founder was a new prophet, an idea unacceptable to most Muslims. The attack was justified on the basis that the government supported body, the Majelis Ulama Indonesia, (MUI) that supposedly constitutes a national representative body of Islamic groups had issued a fatwa prohibiting Muslims from following Ahmadiyah in 1980. Following the attacks, whilst formally disapproving of violence, the MUI issued a further fatwa attacking Ahmadiyah and asking the government to ban the group. It seemed fairly certain there was a concerted campaign against “heresy” going on involving a synergy between violent attacks, fatawa and still existing legal provisions that had yet to be changed to be in line with newer legislation guaranteeing human rights.

... from the point of view of groups like FPI and LPPI, if Ahmadiyah is “heretical” then other religions are even more so. Indeed, the attacks on Ahmadiyah were followed in August by a wave of attacks on supposedly “illegally” established churches in Jakarta and West Java. Such a pattern of events is hardly new in Indonesia. As just one example, the burning of several churches that occurred in Situbondo, East Java, in 1996 was carried out by a crowd mobilized to follow a court case judging a supposed Islamic “heretic”.

For activist groups such as LPPI or FPI, a fatwa from MUI is considered as an expression of Islamic law and is therefore valid as a basis for action, regardless of arguments by Muslim scholars that fatwa are only opinions and do not have the same status as hukm (law).

...Subsequent to these wide-ranging fatawa, FPI tried to attack the headquarters of JIL (Jaringan Islam Liberal – Islamic Liberal Network) in East Jakarta but were prevented by the strength of local opposition to any interference with the group. Contrary to the claims of the groups like FPI or LPPI who often claim that “heretics” are “upsetting” the locals, the locals in this case stated quite plainly they were not at all “upset” by the presence of JIL who had never caused them any problems but felt more disturbed by the threats of violence towards the group by groups such as FPI (Olle, J. 2006, ‘The Campaign against “Heresy” – State and

For previous Research Response overviews of the beliefs, organisation and political situation of the Ahmadiyya in Indonesia, see the following Research Responses:

- **RRT Research & Information 2008, *Research Response IDN33990*, 14 November – Attachment 15** (Provides an update on the situation of the Ahmadiyya community in Indonesia).
- **RRT Country Research 2006, *Research Response IDN30493*, 7 September – Attachment 16** (Provides extensive background on the Ahmadiyya community in Indonesia and the campaigns being mounted against the Ahmadiyya by various organisations)

3. What is the situation in Indonesia with regard to inter-faith marriages? Specifically: what information is available on the marriage of a Muslim man to a Christian female?

In its most recent report on religious freedom in Indonesia the US Department of State provides the following brief assessment of the situation in Indonesia for couples from different faiths who seek to enter into a marriage:

Men and women of different religions also continued to face obstacles to marrying and officially registering their marriages. Such couples had difficulty finding a religious official willing to perform the ceremony, which is required before registering a marriage. As a result, some persons converted in order to marry. Others traveled overseas, where they wed and then registered the marriage at an Indonesian Embassy. Despite being among the officially recognized religious groups, Hindus stated that they frequently had to travel long distances to have their marriages registered, because in many rural areas the local government could not or would not perform the registration.

In practice couples prevented from registering their marriage or the birth of a child sometimes converted to one of the recognized religions or misrepresented themselves as belonging to one of the six. Those who chose not to register their marriages or births risked future difficulties, such as obtaining birth certificates for children. Birth certificates are required for school enrollment, scholarships, and government employment (US Department of State 2008, *International Religious Freedom Report for 2008 – Indonesia*, 19 September – Attachment 17).

In December 2008, Noryamin Aini, of the Faculty of Sharia and Law, State Islamic University of Syarif Hidayatullah in Jakarta, published an extensive study on the issue of “inter-religious marriages (IRMs)” in Indonesia. The study provides extensive information on the manner in which the interpretation of the language of the Indonesian marriage law (Decree No. 1/1974) along with a fatwa issued by the Indonesian Ulama Council (Majelis Ulama Indonesia, MUI) and prevailing Muslim societal attitudes have tended towards the exclusion of inter-faith marriage in practice if not necessarily in law. Nonetheless, the report also notes that a small number of interfaith marriages do occur in Indonesia and the report notes the manner in which such marriages occur and provides some commentary on the limited available statistical data on the number of interfaith marriages which have taken place over different historical periods as well as the various faith combinations which have been more or less statistically pronounced. According to this study: “In Jakarta province in 1970,

inter alia, there were only 10 cases of IRM that were formally registered at the Civil Registry Office, and by 1986, the incidence peaked at 491 cases”. The report finds that rates of interfaith marriage were highest where one of the parties was Catholic and lowest where one of the parties was Muslim. Extracts follow (various aspects of the study are highlighted in bold to assist the reader):

...many Indonesians do not favor IRMs, and Indonesian law reflects that view. IRMs are difficult to obtain in Indonesia; indeed, for many Indonesians they are impossible to obtain. Some people view the social issues surrounding IRM as human rights violations, although this article does not concern itself with the human rights verdict.

...Indonesians wishing to obtain an IRM face opposition from their family, society, and church leaders throughout the world. The cultural and religious pressure couples face cannot be underestimated.

...Adopting orthodox Islamic marriage laws the Indonesian Ulama Council (Majelis Ulama Indonesia, MUI) issued a special fatwa (legal opinion) in 1980 that forbade IRMs. The impact of this fatwa has been intense for many Indonesians. Following this fatwa, the Religious District Office, authorized to perform marriages, refused to perform marriages for many inter-religious couples who wanted to be married. The secular organization that operates under the authority of the Ministry of Home Affairs and is responsible for formally documenting and administering such marriages also refused to grant IRMs. But because some couples view love above religious and legal obligations, a number of inter-religious couples attempt to get around government barriers. Although Indonesian marriage law strongly discourages, and even prohibits IRMs, adherents of a variety of religions do enter into such marriages.

...Following a long and contentious process, the Indonesian Government in 1974 passed a national law on marriage, Decree No. 1/1974. This law attempts to accommodate competing interests that bear on issues of religion, gender equality, and inter-religious relations in Indonesia. Before Decree No. 1/1974, Indonesia did not have national laws on marriage, but rather the marriage laws that did exist were embedded throughout many different laws. Each religious community was, for the most part, self-governed in this respect. The Ordinance on Christian Marriage governed the Christian community; Islamic law governed Muslims; and other laws governed those of other faiths. Decree No. 1/1974, however, applies to all religious traditions. It states categorically that “a marriage is legitimate, if it has performed according to the laws of the respective religions and beliefs of the parties concerned.” This statement is expounded to mean that “there is no [valid] marriage outside the religious doctrines.”

...While instilling some national unity and advances for women, however, Decree No. 1/1974 also reflected the clear inspiration of classical Islamic law. In general, the articles of the decree give effect exclusively to those Islamic ideas represented by the Shafi’ite school. **Additionally, the Indonesian Ulama Council (Majelis Ulama Indonesia) issued a special fatwa in 1980 that adopted the orthodox or classical Islamic marriage laws, and one significant goal of the fatwa was to forbid IRMs. Because Decree No. 1/1974 specifies that no marriage is valid outside of religious norms, the fatwas impact has been intense. The Office of Religious Affairs at the Sub-District level performs official Muslim marriages, but it refuses to perform marriages for many inter-religious couples who want to marry. The Civil Registry Office, a governmental office where Buddhist, Christian, Hindu, or other religious marriages must be recorded in order to be legally valid, could document and administrate IRMs, but usually refuses to do so.**

The pervasiveness of Islamic ideas in the Law have led some scholars to claim that Decree No. 1/1974 is a special marriage law for Indonesian Muslims, and that all references to intermarriage in the decree refer only to marriages across nationalities. In reality, Decree No.

1/1974 does implement Shari'a law; Suharto's government had to agree to this concession in order to pass the new law. For example, it allows Indonesian courts to impose the marital provisions of the 1991 Compilation of Islamic Law on Indonesian Muslim citizens. Although the Compilation is not quite the same as Western positive law, it is similar to such law, and it is now being used more widely by Religious Court judges faced with the task of rendering meaningful verdicts in cases affecting Muslims. The Compilation boldly implements the fatwa by saying "it is unlawful for a Muslim man to marry a woman in certain conditions, that is, a non-Muslim woman" and it is also "unlawful for a Muslim woman to marry a non-Muslim man." While some may feel that Decree No. 1/1974 allows each religion to implement its laws of marriage, its effects stretch beyond any single religion through Islamic rules on IRMs.

...Traditional Islamic law governing IRMs is not gender neutral. As stated previously, early Muslim jurists permitted Muslim men to marry non-Muslim kitabiyyah women. These jurists, however, absolutely forbade Muslim women from marrying non-Muslim men. By means of the 1980 fatwa, however, the Indonesian Council of Muslim Scholars forbade Muslim men from marrying non-Muslim women. And while a fatwa may not be legally binding in all contexts, decision makers nevertheless give it much weight. Accordingly, it might affect not only a religious leader's decision as to whether to bless a marriage but also a civil authority's decision as to whether to perform a registration. Thus, depending on how it is applied, Indonesian family law may be less discriminatory in practice than is traditional Islamic law. This will depend, however, on whether the religious and civil authorities are more persuaded by Decree No. 1/1974 or the 1980 fatwa.

...Although Islamic marriage laws forbid IRMs, and Indonesian law enforces these provisions, the game of love is often played outside of religious rules, as demonstrated in a very public way by Jamal Mirdad and Lydia Kandou. Their case is not isolated; a number of inter-religious couples have attempted to get around government barriers. Thus, **even though Indonesian marriage law strongly prohibits IRMs, adherents of a variety of religions enter into such marriages.** A Muslim man might seek to marry a Hindu or Buddhist woman, or a Christian man might seek to marry a Muslim woman, or a Hindu man might seek to marry a Christian woman.

...**Inter-religious couples who want to marry in Indonesia face serious legal and bureaucratic obstacles.** Before a marriage can be considered legally valid, Decree No. 1/1974 requires that it be blessed, or authorized, in accordance with the religious laws of the religious communities of the bride and groom. However, because the state of Indonesia is secular, the state is not in a position to make declarations regarding religious laws. The only institutions authorized to declare that the marriage comports with the couple's religious laws are religious institutions, which speak through Ulamas, priests, monks, and so forth. Thus, **would-be married couples must turn to religious spokesmen for the blessing of their marriages before those marriages can occur. This blessing is not always possible to obtain in the case of an IRM, especially for a Muslim.** In addition, after the pertinent religious authority blesses the marriage, the couple must register the marriage with the appropriate civil authorities. According to Government Regulation, No. 9, 1975, and Act No. 32, 1954, the marriage based on Islamic norms shall be registered at the Office of Religious Affairs at the Sub-District level, whereas the marriage performed outside Islamic norms is to be registered at the Civil Registry Office.

In fact, the problem of obtaining a marriage certificate for inter-religious couples is an unsolved issue. Historically, in the days of Dutch colonialism, adversaries of IRM launched polemics against IRMs forcing the colonial government to introduce laws regulating mixed marriage. After a long process, the colonial rulers passed the Mixed Marriages Regulation (Regeling op de gemengde Huwelijken, S. 1898 No. 158). The provisions of the 1898 Mixed Marriage Regulation resulted in more intense polemics and boycotts from Muslim leaders.

After the end of colonial rule and into the 1950s, Penghulu – marriage registrars – mostly refused to register IRMs. As a result, many IRM couples failed to register their marriages. This led to government efforts to force the penghulu to register IRMs, and the dispute ended up in court.

In decision No. 432/1952 P., the Jakarta District Court ordered an IRM to be registered; the decision heated Muslim polemics. A group of Ulamas sent a resolution to the President of the Republic of Indonesia pushing the Indonesian Government to abolish the 1898 Mixed Marriage Regulation. Decree No. 1/1974 limited valid marriage to the confines of religious doctrines, but the Supreme Court affirmed the allowance of IRMs in 1979, and some government offices adopted this reasoning in a formal statement and began issuing IRM licenses. As noted, in June 1980, the Indonesian Government through the fatwa of the Council of Indonesian Ulamas prohibited Muslims from marrying non-Muslims. Armed with this fatwa, the General Court for the Central Jakarta District decided to repudiate an earlier decision allowing an IRM...

In essence, Indonesia's law discriminates against inter-religious couples. Indonesia's dual system – a religious blessing and civil registering – gives rise to a variety of problems. First, although both the preamble to the 1945 Indonesian Constitution and Article 29 of the same document guarantee the right of each religious follower to practice his or her beliefs, despite the still valid Supreme Court's Circular Letter. The Supreme Court disqualified the General Court's decision.

This brief history shows that although the Supreme Court approves of IRM, the majority of the General Courts do not adopt this jurisprudence, adopting the 1980 fatwa instead. Generally speaking, the Office of Religious Affairs and the Civil Registry Office refuse to register IRMs. Hence, there is a paucity of IRMs registered at the Civil Registry Office, but this does not mean that IRM does not occur.

In essence, Indonesia's law discriminates against inter-religious couples. Indonesia's dual system – a religious blessing and civil registering – gives rise to a variety of problems. First, although both the preamble to the 1945 Indonesian Constitution and Article 29 of the same document guarantee the right of each religious follower to practice his or her beliefs, the marriage law restricts that practice to the limits imposed by governmentally recognized religious authorities. Thus, at least where IRMs are concerned, Indonesia's couples do not have the right to exercise their religions as they see fit so much as they have the right to exercise their religions as their Ulama, priest, or monk sees fit.

Second, although many early Muslim jurists permitted a Muslim man to marry a kitabiyyah – a Jewish or Christian woman – as has been discussed, the 1980 MUI fatwa interacts with Decree No. 1/1974 to prohibit all forms of IRM involving Muslims. As a result, Islamic religious leaders generally refuse to bless IRMs. **If the marriage is not blessed, it cannot be legalized.**

Moreover, inter-religious couples also face obstacles from the civil authorities who must register their marriages. Indonesian government offices will not usually register marriages for inter-religious couples. According to the Indonesian Supreme Court, inter-religious couples can file a complaint with an Indonesian General Court in order to affect the necessary registration. In practice, however, this avenue of relief is not very useful. Only seldom do the District or Municipality Courts (Pengadilan Negeri) affect a registration for an IRM. This means that filing a complaint in a District Court offers only a slim chance of overturning an unfavorable decision by the registration offices.

One final impediment does not directly affect inter-religious couples so much as it affects their children. The Indonesian government does grant birth certificates to the children of

couples who do not have a marriage certificate, but it marks the children as “illegitimate,” which means that they have no legal claims against their biological fathers. Marriage certificates only exist for legally valid marriages, and so if the couple’s marriage is not legalized, the couple cannot obtain “normal” birth certificates for any children born to them. Additionally, in order to obtain a legal relationship with the child, the father must then “admit” his relationship with the child – a pengakaun – and record the admission with the Civil Registry office. This creates a public record, but still does not grant the child any inheritance rights to the father’s family.

C. Circumventing the Marriage Laws

In spite of the legal and ecclesiastical condemnation and discrimination discussed above, in many circles IRMs are socially applauded and culturally admired. Thus, an inter-religious couple that wants to be married usually tries to find a way around the law, such as by using hilah, which is legal manipulation. Of the many possible solutions, some are available only to the wealthy, others require struggles with the Indonesian bureaucracy, and still others require disingenuousness on the part of the marrying couple.

1. Foreign marriage

One alternative, feasible only for couples with sufficient financial means, is to travel to a country like Singapore or Australia, where the couple can more easily secure legal recognition and formal registration. After fulfilling the legal requirements of that country, the couple marries. The couple then returns to Indonesia and files an appeal for recognition with the Civil Registration Office, which must register the marriage if it has been performed in accordance with the law of the country where it was solemnized.

2. NGO marriages

Another alternative, which does not require traveling abroad, is to turn to one of several socio-religious institutions, such as the Paramadina Foundation or the Indonesian Conference on Religion and Peace. Although these NGOs are condemned by some for masquerading as religions, so far the Civil Registration Office has validated the efforts of their religious leaders to bless IRMs. As a result, increasing numbers of inter-religious couples relied on these NGOs for assistance, but today their future is in doubt because some have been forced to close due to threats made against them and their operators. Even those couples who have availed themselves of these organizations must often pay bribes to corrupt Civil Registration Office officials, who will not register IRMs absent such payment. This method can also pose difficulties for the couple’s family, as traditional religious marriage ceremonies may become unavailable to those who chose to marry with a quasi-religious NGO in order to obtain an IRM.

3. Conversions of convenience

A third alternative, also employed by many inter-religious couples who do not have the financial means to marry overseas, is to have one member of the couple “convert” to the partner’s religion in order to meet the requirements of the law, only to “reconvert” to the original religion after the marriage has been properly registered. For example, in 1997 a Buddhist Chinese man publicly converted to Islam just prior to his marriage in order to marry his Muslim Javanese fiancée. He subsequently reverted to Buddhism. Similar documented occurrences have taken place in the cases of a Protestant woman who converted to Muslim to marry her Javanese boyfriend, a Protestant Batak woman who converted to marry a Muslim Sundanese, and a Catholic woman who converted to marry a Muslim.

While this option is legal and it works, it also has a certain religious disingenuousness that might deter some couples. Additionally, Islamic marriage law poses some hurdles for those couples attempting this method because it requires that a marriage be nullified if one of the spouses renounces Islam. Still, this may not be too high a hurdle, as such “conversions” may not be reported to the Court by a divorce filing unless one of the spouses wants a divorce. But if the “fake” conversion is reported, then the Religious Court and General Court have frequently allowed the divorce due to the conversion of convenience.

In light of the foregoing, it is apparent that inter-religious couples have had serious problems with the Indonesian bureaucracy, especially in the Muslim/non-Muslim context. Some couples unable to marry overseas prefer to commit hiah in order to protect themselves. Others have pretended to alter their beliefs in order to avoid administrative burdens. Thus, while bureaucratic resistance to inter-religious unions may be intended to limit cohabitation among inter-religious couples, its effect also has been to increase the incidence of hypocrisy in the Indonesian legal system and in the religions of Indonesia, which clearly undermines the integrity of these institutions.

D. Comparing the Incidence of IRMs in the Muslim/Non-Muslim and Non-Muslim/Non-Muslim Contexts

Whatever method an inter-religious couples uses, statistical data confirm that of the inter-religious Indonesian couples who find ways to marry, couples in which one participant is Muslim are relatively less successful than couples in which neither participant is Muslim. In Jakarta province in 1970, inter alia, there were only 10 cases of IRM that were formally registered at the Civil Registry Office, and by 1986, the incidence peaked at 491 cases.

Based on Yogyakarta Province Census data, in 1980 at least fifteen out of every thousand Indonesian marriages were inter-religious. That number increased to eighteen per thousand marriages in 1990 and decreased to twelve per thousand marriages in 2000. For Muslim communities, about six in one thousand marriages were inter-religious. Among non-Muslims, the rate was much higher: in 1980, in 1990, and in 2000, inter-religious unions accounted for at least five percent of all marriages that did not involve at least one Muslim spouse, which translates to a rate of fifty IRMs per thousand. Comparing the two communities, the incidence of IRM among non-Muslim marrying non-Muslims is roughly eight times higher than it is for Muslims marrying non-Muslims. Moreover, other studies found extremely high rates of inter-religious unions among Catholics. Professor Wiludjeng, whose study was based on data from the Catholic Jakarta Archdiocese from 1981 to 1989, found that one in three Catholic marriages was inter-religious. Professor Tjahaja asserts that IRMs made up forty-three percent of unions involving Chinese Catholics in Jakarta in a particular year.

Interpreting the data is not easy, as many factors may account for the variances, including social differences. First, it is still possible that Decree No. 1/1974 and the Islamic laws are important factors in the disparity of the rates of IRMs in the Muslim/non-Muslim and non-Muslim/non-Muslim contexts. However, during the last two decades, the incidence of IRM has become more common in urban and metropolitan areas. This growth of IRM among the working urban young results from the social and economic dynamics of life in a city. Because they deal professionally with various races, and because the cities often have large segments of each of the religious communities, they are more socially and psychologically prepared to enter into an IRM. They are also benefited by financial prosperity that enables them to handle the marriage bureaucracy. As has been discussed, money often solves the problems associated with obtaining a marriage license for an IRM, whether by paying additional fees for registering marriage, or traveling overseas to perform the marriage.

In short, although the IRM rate in Indonesia is not as high as compared to many Western societies, the incidence of IRM are not few and far between. In fact, those entering an IRM are less stigmatized today than in the past. As evidenced by the public coverage of famous Indonesians entering into IRMs, the media is helping these couples express their previously unspoken and hidden experience. These public examples show that although positive law and religious norms forbid IRM, inter-religious couples will continue to get married. Love has its own law and logic, and as a result IRM finds a way to happen. Because no regulation or even sanction can stop it, it is likely that the practice of IRM gradually will increase and continue to gain acceptance. Eventually, the present legal barriers to IRM should react to this social change, either by the government loosening enforcement of rules against IRM or actually changing the rules.

V. CONCLUDING REMARKS

IRMs do and will continue to occur in Indonesia. This is true even though the idea of changing either secular or religious law to allow these marriages is in open conflict with the ideas of Islamic religious authorities. However, inter-religious couples who hope to marry must do so very carefully. For, while love may be blind to religion, Indonesian society and legal structures are not (Aini, N. 2008, 'Inter-Religious Marriage from Socio-Historical Islamic Perspectives', *Brigham Young University Law Review*, no.3 <http://lawreview.byu.edu/archives/2008/3/1Aini.FIN.pdf> – Accessed 25 March 2009 – Attachment 18).

For previous research on the issue of interfaith marriage in Indonesia, see the below:

- **RRT Research & Information 2008, *Research Response IDN34011*, 4 December – Attachment 19** (Provides information on the Indonesian Marriage Law (Law No. 1 of 1974); contested viewpoints on the legality of interfaith marriage; societal and familial attitudes towards interfaith marriage; the legality of conversion between recognised religions; the ability/willingness of Indonesian authorities to protect religious minorities; and impediments to internal relocation).

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