Various incidents related to religious life particularly in the past few years posed a severe test for the Indonesian government’s policies on religious affairs. Attacks towards minorities such as Ahmadiya, Syiah and some other non-mainstream religious groups as well as serious tensions emerged over the building of places of worship in many cities have become such gloomy feature of contemporary Indonesian religious relations. Those incidents sparked debate and criticism not only regarding the role of the state in upholding the rule of law and protection of minorities, but also on deeper questions regarding the relationship between the state and religion.

This chapter argues that one of main causes of those underlying conflicts and tensions is rooted from the ‘unsettled’ discussion on the state-religion relationship in Indonesia. This is due in particular following the insertion of the principle of Ketuhanan Yang Maha Esa in Indonesian legal and political system. To this stance, Ketuhanan Yang Maha Esa as the First Principle of Pancasila has served as the main foundation of the acknowledgement of religiosity in the state system and the main source for a variety of legal arrangements and lawmaking as well as political activism in modern Indonesia.

The first part of the chapter reviews in brief the history of state-religion relationship by underlining the ‘invention’ of the clause of Ketuhanan Yang Maha Esa and the contest over interpreting its meaning particularly by Muslim activists. This is of importance since the insertion of an ‘Islamic interpretation’ of the loose clause of Ketuhanan Yang Maha Esa in the Constitution particularly in 1950s has had a great impact upon the issuing of state policies based on Islamic precepts. The case to point out in this sense is the roles of the Ministry of Religious Affairs (MORA) that constructed wide-ranging discretionary powers to control religion and to oversee religious freedom in Indonesia. In turn,

The phrase Ketuhanan Yang Maha Esa means belief in ‘Almighty God’ or belief in God in general sense rendered in a variety of translations in English. Due to different translations with various emphasises, I will use the Indonesian idiom Ketuhanan Yang Maha Esa.
following the marginalization of Islamic political activism in the New Order era, the regime at that period took greater control over the MORA, transforming it from a ‘political representative of Islam within the state’ to a compliant institution allowing the Ministry to be used to promote the New Order’s developmentalist policies. The regime was then able to dictate the new role of MORA as one of disseminating religious piety within society.

The second part of the chapter examines the further development of the interpretation of the Principle of Ketuhanan Yang Maha Esa particularly in the New Order era. While recognizing the important place of religion in national development, as far as Ketuhanan Yang Maha Esa is concerned, the regime also began to construct the meaning of Ketuhanan Yang Maha Esa as the new ‘Indonesian identity’ (jati diri bangsa) it should preserve. Under this new political epithet, the regime closely managed citizens’ religious life to ensure people were subject to state domination. At the same time, control of religious activities and religious affairs in accordance with strict regime standards were justified in the name of restoring or maintaining stability and order. I argue in this part that the regime in this period became obsessive in regulating and controlling its citizens’ behaviour, in both the private and public spheres, and ranging over almost all aspects of religious life. Often this was accomplished by resort to heavy-handed intervention by the security and armed forces.

**State-Religion Relations in Indonesia: an Overview**

State-religion relations in Indonesia have a long and troubled history, which pre-dates the nation’s independence in 1945. The debate on the issue continued among the Founding Fathers and took place in the meetings of BPUPK (Badan Penyelidik Usaha-Usaha Persiapan Kemerdekaan/Investigating Body for the Preparation of Independence of Indonesia) in mid-1945. Suffice to say that after long and heated argumentation a ‘compromise’ was reached among the Indonesian Founding Fathers. It rested upon five foundational principles called Pancasila, the first of which was belief in Ketuhanan Yang Maha Esa. With the acceptance of this principle, Indonesia would be neither a ‘secular’ country in which religion was absolutely separated from the state, nor a religious one where the state was organized on one particular faith.

As far as state-religion relation is concerned, indeed the clause Ketuhanan Yang Maha Esa deserves closer scrutiny. While the clause was very often used as if it was a standard Indonesian religious idiom, in fact there were only few references denoting the usage of the clause in any of the political debates and discussions among the Founding Fathers prior to 1945. It was highly likely introduced by Muhammad Hatta as a response to Hadikusumo’s inquiry regarding the substitution of the ‘seven words’ clause in the informal lobby before the meeting of PPKI (Panitia Persiapan Kemerdekaan Indonesia/the Preparatory Committee for Indonesian Independence) in August 18, 1945.

The clause initially had no ‘specified’ meaning indeed, although it was very persuasive, and at the same time ‘loose’ and ‘multi-interpretative’ for the two
main opposing groups (the Muslims and the nationalists). Each group had a different understanding of the clause but both sides decided against pressing for its detailed ‘official definition’ and explanation. It should be borne in mind that the clause received limited attention in any discussion and has not also been contested or debated among the Founding Fathers particularly until the early 1950s. Suffice to say in this vein, both groups agreed that while the clause implied philosophical acknowledgement of God (and religiosity) as the fundamental norm of the state, there was not sufficient documentation to explain how the clause should be properly understood.

Thus, from a brief examination to this ‘invention’ of the clause and the lack of conceptualization of the clause in its initial phase, one may wonder how then Ketuhanan Yang Maha Esa becomes the source of wide-ranging discretionary powers of the state to control religion, to intervene religious affairs and to circumscribe religious freedom? One of ways to understand this is by examining the Constitutions and its further politics of interpreting the clause by the Muslims and the Ministry of Religious Affairs (MORA).

**Ketuhanan Yang Maha Esa and the Indonesian Constitutions**

It is a matter of fact that there is no official state religion recognised in the Indonesian constitutions, and so the state is theoretically removed from the possibility of conferring privilege to any particular religious grouping. However, it is also true that the same constitution has gradually justified an intrusive government role, where the norms and values of the majority, implicitly and explicitly, have underwritten the government’s role on religious affairs. The following table provides a list of articles on religion in Indonesian constitutions in order to understand why and how the government has issued laws, policies and regulations on religion.

<table>
<thead>
<tr>
<th>The 1945 Constitution</th>
<th>The 1949 Constitution</th>
<th>The 1950 Constitution</th>
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<tr>
<td><strong>Article 29</strong></td>
<td><strong>Article 18</strong></td>
<td><strong>Article 43</strong></td>
</tr>
<tr>
<td>1. The state is based on <em>Ketuhanan Yang Maha Esa</em>;</td>
<td>Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change one’s religion or belief, and the freedom to manifest his religion or belief either alone or in community with others, in public or private, in teaching, practice, worship and observance, and in the education of children in</td>
<td>1. The state is based on <em>Ketuhanan Yang Maha Esa</em>;</td>
</tr>
<tr>
<td>2. The state shall guarantee freedom for every citizen to embrace any religion or belief and to practice religious duties in conformity with that religion or belief.</td>
<td></td>
<td>2. The state shall guarantee freedom for every citizen to adhere to any religion and belief and to practice religious duties in conformity with that</td>
</tr>
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</table>
accord with the parents' religion and belief.

**Article 41**
1. The government shall provide equal protection to all recognized religious groups and affiliations;
2. The government shall supervise all religious groups and affiliations so that they obey the laws, including the unwritten laws of custom.

**Article 41**
3. The government shall provide equal protection to all recognized religious groups and affiliations;
4. *Any support of any means* by the government to the leaders or representatives of religious groups and affiliations is given on the basis of equality;
5. The government shall supervise all religious groups and affiliations so that they obey the laws, including the unwritten laws of custom.

From the above table it is obvious that there has been a steady development in the articles on religion. There are some important features: the absence of an official state religion, the preservation of religious freedom of the citizens ‘with conditions’ and importantly, the expanding roles of the government. Despite the fact that Islam is adhered to by the majority of the population, the above constitutions are in theory far from conferring any explicit privilege to Islam. In the absence of any official religion, the constitutions recognized *de facto* and *de jure* a plurality of religions in which all religious groups are to be treated equally. These are important grounds for the protection of the right of religious freedom. However, preserving this right is not always easy in practice, particularly when the role of government is on public display. Tensions between the ‘rights’ of citizens on regarding religion and the ‘roles’ of government in religious affairs have become apparent. Hence, analysis of each article in each constitution is essential to understand the policies on religion at any particular given period.

**Articles on religion in the 1945 Constitution**

As shown in Table 1, Article 29 of the 1945 Constitution consists of two sections: the first is ‘the state is based on *Ketuhanan Yang Maha Esa*’ and the second is ‘the state shall guarantee freedom for every citizen to embrace any religion or belief and to practice religious duties in conformity with that religion or belief.’ Many scholars have argued that the clause *Ketuhanan Yang Maha Esa* came into being in substitution of the ‘seven words’ of the Jakarta Charter in order to minimize overt Islamic symbolism in the state system. Being part of this political compromise, it seems safe to say that from the beginning the first section of this Article was not designed comprehensively as the basic guideline for acknowledging all beliefs within the variety of religious systems in the archipelago.
Analysis of this first section reveals an inherent theoretical difficulty in the meaning of the clause of *Ketuhanan Yang Maha Esa*. While the meaning could come close to 'monotheism' or belief in 'One God', there were many different ways in which to interpret it. The larger religious groupings, particularly the Muslims and the Christians, argued repeatedly for their own interpretations to be accepted by the government and laws to be drafted accordingly. This can be labelled the ‘politics of interpreting *Ketuhanan Yang Maha Esa*’ and I will return to it in a later part of this chapter.

Another issue is the structural limitation upon freedom of religion that appears in the second section of Article 29. This section only offers a specific kind of freedom, the freedom of embracing and practicing a religion. One may argue that it does not deal with ‘freedom of religion’ as an inalienable individual right *per se*, as found for example recently in international documents on human rights like in Stahnke and Martin, 1998. In the Indonesian context, the state guarantees this limited religious freedom, but much depends on how the state itself defines the meaning of the words ‘religion’ and ‘religious practices’. This section is an example of what Gvosdev called a “redefinition of religious freedom where the legal right of religious freedom is put intentionally in a narrower or more restrictive fashion than the general understanding of the term” (Gvosdev, 2001: 82-82).

As mentioned earlier, there are limited discussions on the meaning of *Ketuhanan Yang Maha Esa* in this 1945 Constitution. It is important nevertheless to quote how one of the Indonesian Founding Fathers, Muhammad Yamin, interprets this article. According to Yamin, when the word ‘the State’ is placed in conjunction with the particular concept of God as *Ketuhanan Yang Maha Esa*, one may argue that it implies that the state itself is the subject [emphasis is mine]. Whereas the concept of nation-state is ‘attached’ to this concept (of belief in *Ketuhanan Yang Maha Esa*) exclusively, this ‘state religious attitude’ cannot be imposed upon Indonesian society if individuals believe in some other conceptions of God. The citizens are free to believe in whatever they prefer, as long as they still hold ‘a belief in God’, and the state cannot restrict or punish the citizens if they do so (Yamin, 1958: 61).

In addition to this ambiguity, there is also uncertainty on how the article on religion should be understood as a whole. In other words, should the principle of *Ketuhanan Yang Maha Esa* in the first section become an essential condition in preserving the contours of ‘limited’ religious freedom as stated in the second section? Or should each section be treated separately? This remains obscure, since there is no additional explanation given, either in the constitution itself or in any other official legal documents. The lack of any sufficient explanation of the article is understandable, however. The fragile political atmosphere immediately following Indonesian independence ‘forced’ Indonesian leaders to

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2In the Article 18 of United Nations Charter or the Universal Declaration of Human Rights (UDHR) it is stated: “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance".
consolidate their thoughts on entering a possible armed struggle against colonial authorities attempting to reinstall political power. This may explain why political leaders at that time were keen to avoid any issues that might have further divided rather than united the community. In such circumstances, ambiguity in this article of the Indonesian constitution serves to limit, for the time being, ongoing disputes on religious matters.

**Articles on religion in the 1949 Constitution**

The second constitution to consider is the 1949 Federal Constitution which was in force for only one year. This version resulted from long negotiations between the Republicans, the Federalists and Dutch representatives concerned with the management of the Federal States of Indonesia (Drooglever, 1977). It was enacted only in the established federal states and not in all areas and provinces acclaimed as part of the Indonesian nation-state. While this 1949 Constitution had certain limitations, in terms of time and coverage, this did not mean that it had little impact on the overall foundation of state policies on religious affairs. In fact, it paved the way to the state’s intrusive role in religious affairs, since all articles on religion from the 1949 Constitution also reappeared, with slight modifications, in the 1950 Constitution.

Compared to that of 1945, the 1949 Constitution was more general, offering apparent features on the protection of human rights taken from the United Nations Charter. Under the influence of Dutch representatives and the leading role taken by nationalist activists like Supomo and Hatta, the 1949 Constitution incorporated principles of the rights in a more general sense and in accord with international human rights documents. In fact, Article 18 of this constitution was a literal translation of Article 18 of the Universal Declaration of Human Rights (UDHR).

The 1949 Constitution prescribed the role of the government in maintaining religious order, which led to certain ‘impediments’ in applying Article 18 in its entirety. It is clear that Article 41 stated the precise role of the executive body in which *penguasa* (the government or the ruler) offered the protection and supervision of religion. It was not extended, however, to all religious groups in Indonesia but solely to those officially recognized (*diakui*). It is worth mentioning that this was the first time that the idiom ‘recognized religions’ (*agama yang diakui*) appeared in the Indonesian legal lexicon.

Who were the ‘recognized religions’ mentioned in the 1949 Constitution? No specific explanation was given in the Constitution nor in any legal documents indeed. Given the lack of any clear definition it came as no surprise that existing religious groups would be competing with each other to claim the official recognition status which would guarantee their existence and government protection. It would later become clear as well that ‘protection’ did not simply mean legal recognition; rather it would involve government support in material and financial terms [emphasis is mine]. Particular conditions were applied to this ‘protection’ however as those religions would be subject to obey the laws of the land, including the ‘unwritten laws’.
The third constitution, that of 1950, deserves closer analysis because, technically speaking, it ‘blended’ together the articles on religion of both previous constitutions. At a glance, and as many scholars have argued, the 1950 Constitution was comprehensive, with a strong emphasis on the freedom and rights of citizens, together with the adoption of a liberal Western-style form of government.

However, as far as religious affairs are concerned, in fact this constitution went in the opposite direction. It was ‘authoritarian’ in nature and set up limitations on the citizens to embrace and practice religion freely. More importantly, it should be borne in mind that the Ministry of Religious Affairs (MORA) effectively used the articles of this Constitution in issuing strict regulations and policies on religious affairs.

The 1950 Constitution acknowledged the right of religious freedom but with reservations. Unlike previous texts in the 1949 Federal Constitution, this version limited the right solely to the ‘freedom of religion, conscience and thought’. More importantly, it excluded the freedom to change religion. This point became crucial later on when some Muslim members of parliament voiced strong objection to any religious conversion. For Muslim activists at that time, as cited for example by Cerna, 1994: 746 by conversion (stated in the clause ‘this right includes freedom to change his religion or belief’ in Article 18 of the 1949 Constitution) went particularly against Islamic teaching. Negative Islamic sentiment over the issue of conversion was evident in the parliamentary discussions. It was likely due to strong pressure from Muslim parties that the clauses, particularly on the right for conversion (together with remaining clauses such as the right to manifest religious/belief expression in public and the right of religious education for children previously found in the 1949 Federal Constitution) were removed in the drafting of the 1950 Constitution (Yamin, 1958: 88).

What is more is that the Provisional Constitution of 1950 included more detailed notions on how the state and the government should deal with religious affairs. It is worth mentioning that Article 43 used overlapping terms of negara (‘the state’) and penguasa (‘the government’ or ‘the ruler’). Regardless any specific meaning behind the use of those two different terms (negara and penguasa) the fact remains that overall Article 43 invests excessive powers of the government over matters of religious life. The citizens’ rights of freedom of religion were to an extent dispensable to state interests and dependent upon a particular set of standards enforced by the state itself. This is an example of what Gvosdev 2001: 82 calls ‘the subversion of religious freedom’, where the entitlement of the right of religious freedom in one constitution article is overtly or covertly compromised in another. Within the overwhelming role of the government as mentioned in Article 43, the earlier Article 18 preserving the right of limited religious freedom appears very artificial.

Later the tendency to undermine this formulation of the fundamental right would become obvious in practice, when the argument that ‘the state is based on Ketuhanan Yang Maha Esa’ would be treated as the most important point of
departure for the state in its management of religious affairs and preservation of religious freedom. I therefore argue that the prolonged contest among religious activists in understanding and interpreting the clause has proved to be one of the most important features of government in the early and the mid 1950s, following the enactment of the 1950 Constitution.

The ‘Muslims’, MORA and Ketuhanan Yang Maha Esa

Different articles on religion depicted from the three Indonesian constitutions as I have discussed briefly above have provided different levels of state involvement in religious life as the consequence. At the same time, efforts to enshrine Islamic norms and values intact within the state system persist. In this sense, the case to point was how the loose phrase *Ketuhanan Yang Maha Esa* Pancasila dan Constitutions was increasingly interpreted as embodying the Islamic norm of *tawhid*, or monotheism as found for example in Hamka’s work *Urat Tunggang Pantjasila* (1952) and Salim (1953).

Muslim activists’ persistence in interpreting *Ketuhanan Yang Maha Esa* in an Islamic context commenced following the defeat of their attempts to create an Islamic state in Indonesia in the BPUPK Assembly in 1945. In turn, the strategy was then shifted in focus from creating an ‘Islamic state’ to the ‘Islamisation of the state’ (or ‘Islam in the state’). Thus the ‘Islamisation of the state’, not an ‘Islamic state’, is an ongoing process and has been the continuing ethos of certain Muslims in Indonesia. In effect, this process aims to leave the state in its religiously neutral, *Pancasila*-based format, but to undertake the gradual Islamisation of statutes and institutions. This strategy took a variety of forms, both legally and politically.

There are at least two reasons why the Muslim activists in this period were insistent on interpreting the idiom as identical to Islamic monotheism. The first was to re-build the psychological confidence of the Muslims themselves, following their political loose in the struggle to establish an Islamic state, and at the same time to retain Islamic symbolism intact in the state system. In Muslim understanding, the concept of Islamic monotheism in the *Pancasila* was understood as the primary source of humanism, unity, nationalism and the social welfare of the Indonesian people. And importantly, it was *Ketuhanan Yang Maha Esa* derived from Islamic tenet, according Muhammad Natsir, one of prominent Muslim intellectuals, which became “the spiritual, moral and ethical foundation of the state and the nation” (Natsir, 1954: 1). The second reason, more importantly, signified Islamic influence in the state system. Once the idiom (within the *Pancasila* and within the Constitution) was ‘Islamized’, any law, regulation or policy generated from it should be in accord with the values and interests of Muslims. To a certain degree, this strategy of associating *Ketuhanan Yang Maha Esa* with Islamic monotheism was effective in easing a wider public perception that some Muslims had always been ‘hostile’ to the *Pancasila*. 
It was not only for the above reasons that Muslim activists and scholars insisted on the meaning of *Ketuhanan Yang Maha Esa* in the *Pancasila* as monotheism, the lodestar of all of his arguments on Islamic influences in the state system. Hamka’s work mentioned above for example was also intended to refute arguments published earlier by Christian figures like Rosin, 1951: 43 who argued that the clause of *Ketuhanan Yang Maha Esa* as a syncretic compromise between Islamic, Javanese and modern assumptions of religion, and therefore open to any interpretation or meaning. Moreover, Hamka’s work was also addressed to answer Subagya who argued that *Ketuhanan* “is the best word that opens the opportunity for various interpretations according to one’s religion and beliefs,” and crucially, “the word ‘Ketuhanan’ in itself removes us from having a religious state, that is, a state based on Islam.” For Subagya whose book was republished in 1955, the clause was not exclusively derived from Islam but rather inherited from ancient tradition in the history of the people of the archipelago. It was rooted in various religious traditions, including Islam, Buddhism and Hinduism (Subagya: 1955, 64).

Muslims’ insistence to interpret the clause in line with *tawhid* drew public scrutiny particularly after the enactment of the 1950 Constitution. As mentioned in the table earlier, this Constitution included the clause in tandem with the roles of the state in religion. In turn it gave the Ministry of Religious Affairs (MORA) more extra powerful roles in managing religious affairs in Indonesia.

Perhaps because of the political nature of MORA’s establishment in 1945, the precise status of this institution was ‘unclear’. On the one hand, it served to represent Muslim interests within the state system. MORA seemed to be more an instrument for achieving ‘Islam in the state’ rather than ‘the Islamic state’. On the other hand, it served as the government institution for delivering religious services and to promote the state ideology in society. In practice, however, the main function of MORA, particularly in its first phase from 1946 to 1949, tended to prioritize the consolidation of the administration of Islamic affairs within the state system. Consequently, as Boland (1983) once concluded, MORA was “primarily set up on behalf of Islam.”

As far as the roles of government in religious affairs are concerned, it would also become obvious that the sorting out of these constitutional legacies on as mentioned earlier was adopted as the main task of MORA. It functioned as the state institution to implement the articles on religion in the 1950 Constitution. Ever since there have been two chief tasks carried out by MORA. The first task was as the institutional watchdog for “the realization of *Ketuhanan Yang Maha Esa*” in public life; and the second was its responsible for “watching over individual freedom, giving guidance and support” so as to “promote healthy religious movements”. Such a role became entrenched since the appointment of Wahid Hasjim as the Minister in the early 1950s (Azra and Umam 2001; Nieuwenhuijze 1958: 226-43).

Realization of *Ketuhanan Yang Maha Esa* in public life

MORA’s attention to these tasks was inseparable from the political and socio-religious circumstances of the early 1950s. Many Islamic activists saw the
growing political influence of the PKI (*Partai Komunis Indonesia* or Indonesia Communist Party) and the steady development of Javanese religious movements (*aliran kebatinan*) in society.

The rise of communism in Indonesia was one of the main concerns of Muslim activists including those who held positions in MORA. In the heat of this religio-political rivalry it was inevitable that MORA saw the ideology of *Ketuhanan Yang Maha Esa* as a counter to communism, and regarded this as part of its role as the custodian of Islamic values and the guardian of state ideology. The campaign to use *Ketuhanan Yang Maha Esa* in this stance evoked a set of standards for ‘political correctness’ to determine whether or not the ideology of any organization or party was in line with this First Principle of the *Pancasila* and the constitution. One might expect that, with these standards, communism was excluded from ‘legitimate’ as it principles accordingly denied or neglected to the importance of God and religion, and therefore could be seen as deviant from the first principle of the state itself.

While there are very few accounts of clear MORA’s policies vis-à-vis communism, number policies were issued to respond to the unprecedented growth of *aliran kebatinan* (Javanese beliefs) which later became better known as *aliran kepercayaan*. It has been reported that the number of these groups rose to approximately 360 in Java in 1953, where there had been only 29 groups in 1952 accordingly (*Patty, 1986: 69*). It may elucidate that successive Ministers (like Faqih Usman, Masjkur and Mohammad Ilyas) tightened oversight of these ‘quasi-religious’ sects, making this one of the MORA’s priorities. In expansion of *aliran kebatinan*, a task as stated in Regulation of Ministry of Religious Affairs No. 9/1952 “to make contact with [or to monitor] movements or religious groups and local religious sects which are not the part of Islam and Christianity” entered the list of MORA responsibilities. MORA’s policies on this issue were aimed to bring them into adopting established religious affiliations in the society.

For this reason therefore, the Minister established a ‘new desk’ responsible in particular for the supervision of such beliefs as mentioned in Regulation of Ministry of Religious Affairs No. 10/1952. This working desk was later known as the PAKEM (*Pengawas Aliran Kepercayaan Masyarakat* /Supervisory Body of Local Beliefs in Society). Although in effect this desk has functioned to provide an internal database for MORA rather than acted as supervisory body to oversee those local movements, the establishment of PAKEM became a milestone for further state scrutiny of religious beliefs in Indonesia. This desk later became an autonomous unit in 1954, based on Government Decree No. 167/Promosi/1954 at the time when Ali Sastroamidjojo served as Prime Minister.

For many Muslim activists in the political parties and MORA, *aliran kebatinan* was such a ‘threat’ soon the BKKI (*Badan Kongres Kebatinan Indonesia* /Indonesian Kebatinan Congress Body) articulated their ‘religious’ position declaring that it was from *kebatinan* teaching the First Principle of *Pancasila, Ketuhanan Yang Maha Esa* was originated. In turn the BKKI released the statement that *kebatinan* was “the source of the principle of *Ketuhanan Yang Maha Esa* to achieve good character for the perfection of life”
KETUHANAN YANG MAHA ESA, THE STATE AND RELIGIOUS (IN)TOLERANCE

(Subagya, 1976: 76; Djioseobrotomulder, 1953: 19-23; Mulder, 1978: 4–9). Having defined kebatinan as the source of the First Principle of the Pancasila, in its Third Congress in 1957 the BKKI formally requested President Sukarno to recognize the position of kebatinan as having equal status side by side with the other established religions. The BKKI also asked the President to appoint kebatinan representatives in the Dewan Nasional (National Council). To these activists, state recognition of the existence of aliran kebatinan was justified, since the 1945 Constitution itself included the provision to protect and preserve agama/kepercayaan. In their view the insertion of these two words (separated by a slash mark ‘/’) would indicate that there were two different domains of religiosity acceptable within the Indonesian constitution: agama as the established religions and kepercayaan as local beliefs.

With this bold statement of their position by the BKKI, it was clear if Muslim activists unsurprisingly became more attentive and curious to new developments in aliran kebatinan. While the role of PAKEM under two other ministerial offices in this period was limited to preventing excesses threatening social order and the abuse of power by some of its charismatic leaders, in fact the role played by MORA in monitoring the aliran kebatinan continued.

MORA’s concern to oversee this religious movement was understandable. For MORA, monitoring aliran kebatinan was not undertaken simply for the sake of social order. More importantly, it was for maintaining Islamic norms intact in the society. The new augmented tasks in MORA became the more apparent, scrutinizing the aliran kebatinan and overseeing any organization or religious group to ensure they would be obedient to the state and subservient to the law, including the ‘un-written laws’ (hukum tak tertulis). MORA maintained a watch over speeches or publications of kebatinan activists which tended to ‘denigrate’ the teachings of established religions (Islam in particular) such as questioning the nature of God and His relationship with humanity as cases occurred in Central Java. By the same token, MORA also paid extra attention to kebatinan adherents who became communist cells (Mulder, 1978: 108). This is what lay beneath the directives of MORA in 1958 in monitoring developments in religious affairs and their further ‘initiatives’ [possibly ‘tough’ decisions] when any such matters could be seen to harm the common good, harmony and security.

MORA’s growing attention to aliran kebatinan was also a response to the BKKI itself as the BKKI hardened its stance on kebatinan and agama stating no significant differences between the two. Due to this, a new recommendation from the BKKI’s Fourth Congress in 1960 was issued demanding kebatinan activists lobbied the government to acknowledge kebatinan as a fully-fledged official religion in Indonesia. From the above development on aliran kebatinan, one may argue that this religious local belief was ‘important task’ for MORA. Even the controversy of aliran kebatinan or aliran kepercayaan was to continue until the mid 1960s resulted to the enactment of the Presidential Stipulation No. 1/1965 on the Prevention or Misuse and/or Religious Vilification (Penetapan Presiden No. 1/1965 tentang Pencegahan, Penyalahgunaan dan/atau Penodaan Agama) as I will discuss in next pages. As well the controversy of aliran kebatinan continued following the consolidation of the New Order regime in the mid 1970s.
Apart from *kebatinan* affairs as previously discussed, MORAh also paved the foundations of regulating religion in Indonesia, which later became the character of the state-religion relationship in Indonesia. Under the policy of the realization of *Ketuhanan Yang Maha Esa*, MORA has promoted the protection of freedom of religion and expression, but with conditions. It ruled that religious freedom is preserved under circumstances such as ‘awareness’ and ‘thoughtfulness’ (*kesadaran dan penuh tanggung jawab*). This concept of ‘religious freedom with awareness and thoughtfulness’ (*kebebasan beragama dengan kesadaran dan penuh tanggung jawab*) later proved to be an effective tool under the New Order to mute critics who accused the regime of violating religious freedom and to take action against those accused of exceeding the bounds of acceptable religious freedom. At the same time this concept implicitly signified someone who holds minority or different religious views must be ‘aware’ of majority sensitivities in practicing the faith. In this vein, MORA, with assistance from other departments such as Internal Affairs and the Attorney-General’s, proved critical to determining the character of state-religion relations in Indonesia.

Beside those above tasks, MORA’s various roles in maintaining other general matters of religion also deserve attention. It has been involved in supporting and supervising the establishment and maintenance of houses of worship. It has provided religious chaplaincy for police or army officers and for criminals. MORA has also served as an advisory body for the government in the organization of state ceremonies (*upacara kenegaraan*) as well as deciding on religious holidays and monitoring the process of the swearing in (*pengambilan sumpah*) of newly appointed state officers. Another significant development of MORA since 1960 has been its judiciary role in scrutinizing religious publications in Indonesia and at the same time monitoring incoming foreign publications on religion.

Promoting healthy religious movements

Implicit in the MORA role for ‘the realization of *Ketuhanan Yang Maha Esa* in public life’ not only for ‘watching over individual freedom and giving guidance and support’ but also for ‘promoting healthy religious movements’. And this definition has constituted the way in which MORA has perceived ‘acceptable’ religious groups in Indonesia worthy of its protection and services. Of groups which did not meet this definition the leaders and organizations became subject to monitoring and supervision and by any means necessary achieved a healthy and vigorous religious life as mentioned in MORA tasks *(Departemen Agama RI, 1987: 54)*.

Implicit as well in the policy of mainstreaming *Ketuhanan Yang Maha Esa* and promoting healthy religious movement was a set of standards to measure the model of an ‘acceptable’ God, and this model was later developed in the writings of many contemporary Indonesian Muslims like Ali (1970), Rasjidi (1974) and Wikatma (1980). Unsurprisingly, these standards in turn were turned against any idea of God which contradicted the ‘pure’ and ‘strict’
monotheism of Islamic teaching. Unsurprisingly, there have been far reaching effects on other established religions such as Hinduism, Buddhism and communal tribal belief systems, whose conceptions were the divine triad, impersonality and polytheism-animism respectively.

This can be seen in the case of Balinese Hinduism. As noted by van der Kroef, (1953: 123) to secure state acknowledgement, in 1952 MORA required of the Hindus that “the religion in question would have to enjoy recognized standing abroad and would have to constitute a unit.” Moreover, it should possess a “designated Holy Book and a founder [the Prophet] of their religion” as both are the elements in the definition of religion in Islam.

Thus broadlying speaking, the way MORA viewed religious groups was based on this single Muslim perception that religion should have at least the three essential elements of God, Prophet and the Scriptures. In the absence of any one of these, a belief failed to be recognized as a religion. In the case of Balinese Hinduism, it was only in 1963 under Saifuddin Zuhri, that it came under the administration of MORA and was granted a separate bureau called Biro Urusan Hindu Bali (Bureau of Balinese Hindu Affairs) after a ‘theological adjustment’ had fitted it to the definition imposed by MORA. Suffice to conclude in this stance that MORA reinforced its hegemonic meaning of religion by intentionally using particular expressions and forms from Islam, making this, to use Beaman’s argument, “an implicit model of what constitutes a legitimate religion and thereby maintaining the marginalization and restricting the freedom of other religions in so far as they do not fit that model.” (Beaman, 2003: 118-126).

MORA and the Religious Vilification Act

As mentioned briefly in the earlier section, one of important government policies on religion in which MORA (at that time under Saifuddin Zuhri) played a role was the enactment of the Presidential Stipulation No. 1/1965 on the Prevention or Misuse and/or Religious Vilification (Penetapan Presiden No. 1/1965 tentang Pencegahan, Penyalahgunaan dan/atau Penodaan Agama) signed on January

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3In many Muslim writings there are different categories of agama (the revealed and the non-revealed religions) which leads to different words used to denote God (Tuhan). Tuhan is usually used in agama wahyu (revealed religion) while Dewa or ‘the Deity’ is for agama budaya (the non-revealed). Tuhan is referred to as the ‘Sacred’ and Dewa is to some extent the ‘Profane’. When Ketuhanan Yang Maha Esa became ‘compulsory’ to adopt into all religious traditions, the concept became more subtle, particularly in those religions whose conception was not strictly monotheistic. Indonesian Hindus, for example, used the word Sang Hyang Widi to refer their monotheistic tendency and sacredness as part of their engagement with Ketuhanan Yang Maha Esa. At the same time, they also still displayed a polytheistic tendency, referring to Dewas or the Deities: Brahma, Visnu and Shiva. These Deities were defined as different attributive functions of the abstract Sang Hyang Widi. Indonesian Buddhists also developed a concept of God as the prerequisite for state acceptance of their existence, whereas in general Buddhism makes no strong attachment of acts and the world to a God. For them, Sang Adhi Buddha (the Original and Eternal Buddha) is the sacred Tuhan and this is in accord with the concept of Ketuhanan Yang Maha Esa.
27, 1965. There was a steady development of this policy from simply a stipulation. I refer to it in this section as 'the Act' in the Sukarno era and 'the Law' in that of Suharto in 1969. In this part, the focus of analysis would be on the historical origin of the Act before it became an intrusive Law to manage religious life in New Order Indonesia.

Many observers saw that the enactment of the stipulation was one of recommendations of the First Seminar on National Law in Jakarta in mid-1963. In this seminar, Oemar Seno Adji, one of Indonesia's foremost legalists, was insistent that an article on religious vilification should be included in the Indonesian criminal code (the KUHP) arguing that religion was a fundamental basis of the state. Seno Adji opined that it was imperative to protect religion from any act of defamation and to preserve the principle of *Ketuhanan Yang Maha Esa*, and such a provision should be included in the penal codes (the KUHP) (Seno Adji, 92; 100-102).

The socio-religious and political factors surrounding the enactment of the Act were clear. One of the reasons for its application was the rise of a variety of *aliran kebatinan*. For many, the unprecedented development of this new religious movement was seen as a source of social disorder, national disintegration and religious 'confusion' in society. As a matter of a fact, many *aliran kebatinan* misused particular teachings from established religions for their own ends, while at the same time attacking other doctrines in terms couched in an offensive manner (Departemen Agama RI, 1998 5-6).

The Muslims were in favour of the Act unsurprisingly. Religious defamation had occurred quite frequently and Islam was often the target for this vilification. Many Muslims harboured memories of cases in the colonial period when Islam or the Prophet Muhammad were denigrated and attacked. Muslim activists like Natsir, for example, could remember the Ten Berge affair in 1931 in which a Jesuit priest named J.J. Ten Berge published articles in the Dutch journal *Studien* mocking the Prophet as "the anthropomorphist, the ignorant Arab, the gross sensualist who was in the habit of sleeping with women, to conceive of a different and more elevated conception of Fatherhood" (Steenbrink, 1993: 118). Following Ten Berge, in the same year Oei Bee Thay wrote an article in the Chinese periodical *Hoakien* characterizing Muhammad as a murderer, an insane man and a robber. In 1937 Muhammad’s character was further attacked in the local periodical *Bangun* by Siti Sumandari and Soeroto. The writers attributed Islamic views on polygamy and marriage to wanton sexual desires and jealousy on the part of the Prophet (see for example Federspiel, 1970: 107-108).

For the Muslim community, attacks on Muhammad’s character were deeply injurious and intolerable, since Islamic teachings recognize him as the model *par excellence*, the ultimate human paradigm for them to follow. Many Muslims had expressed their uneasiness over these acts of defamation and expected religious slanderers to be subject to legal sanctions. However, the colonial government evidently did nothing to bring them to justice (Natsir, 1969 37-43).

In the period directly after independence many Muslims also found the inflammatory comments and defamation of Islam did not decrease. These
came not only from Christian missionary zeal but also from kebatinan adherents; in many cases the latter group believed that the authentic religion of Indonesia was kebatinan, centuries-long rooted in local society. Islam, they claimed, was an imported religion and achieved little for Indonesia except religious expansion. In the light of such religio-political tensions, questioning the existence of Islam in Indonesia was a challenge to the very ethos of Islam and a blow to its integrity. It was very understandable why the Muslims fully supported the Act, and more importantly, with the enactment of the Act any attempt to make aliran kebatinan a new official Indonesian religion or to have an equal position with others was an affront. Hence I argue that it was the aliran kebatinan which gave the main impulse to the drawing up of the Act. Elucidation of the Act also stated that “the government should try to lead them to a healthy vision in accord with the direction of Ketuhanan Yang Maha Esa.” It was also true to assume that the Act would be an effective tool to limit the spread of communism, as has been argued for example by Mujiburrahman (1994), since antagonism between the Muslims and Communist activists was on-going. It should be kept in mind, however, that there was no overt provision in this Act with regard to communism. The Act only included a warning to punish “those who prevented others from observing any religion” (supaya orang tidak menganut agama apapun juga) which phrase was implicitly directed at the atheistic ideology of communism.

The Act was important for the Sukarno regime in another direction. It was designed for the sake of social and religious order, “to secure not only the state and society but also national revolutionary aspirations.” Divisive religious vilification could cause conflict and violence, given the great heterogeneities of religious and ethnic groups in Indonesia. Allied to this question, the Act was issued during a growing concern within the Sukarno regime itself of what constituted the Indonesian national identity or character (jati diri bangsa). Following the instalment of Guided Democracy, the regime became ‘obsessive’ in seeking the authentic character of Indonesia, and religion was part of this character, embodied in the principle of Ketuhanan Yang Maha Esa. The regime believed that Ketuhanan Yang Maha Esa was shared by all religious groups in Indonesia.

However, there was no clear position offered on whether or not Ketuhanan Yang Maha Esa would mean monotheism in the sense argued by the Muslims. This kind of monotheism was not taken from Islam alone. What the regime needed to emphasize was not the origins of the principle but rather in what way Ketuhanan Yang Maha Esa had been an integral dimension of Indonesian religiosity for centuries.

So as far as the Act was concerned, the regime desired to preserve the religious character of Indonesia as an element of nation building. As stated in the Elucidation of the Law, “not only would Ketuhanan Yang Maha Esa serve as the moral basis for the state and government, but also would justify the national unity based on religious tradition.” Ketuhanan Yang Maha Esa could not ever be separated from religion. It served as one of the main pillars of humanity. For
the Indonesian nation, it was the backbone of the state and the main element of nation building (Departemen Agama RI, 1998: 8-9).

Suffice it to say that the Act served the interests of both the Muslims and the regime. For the former it would help protect their religion from any act of defamation and at the same time limit the growth of *kebatinan* (and Communism). For the latter it would help protect political and social order, while preserving the project of national character-building. The further development of this Act however moved in a different direction. Following the downfall of Sukarno, this policy, which was then elevated into Law, was used to suppress atheism and communism and at the same time to crush certain ‘deviant’ groups within the established religions like Islam and Christianity.

The Act itself consisted of 4 articles and an Elucidation. The first article was a statement of the prohibition for someone to “deliberately, in public, communicate, persuade, or solicit public support for an interpretation of a religion or a form of religious activity that is similar to the interpretations or activities of an Indonesian religion but deviates from the tenets of that religion.” The remaining articles of the Act stated the legal sanctions on those who engaged in such acts of defamation. These began with an instruction to serve as warning to cease the action, to be given by three ministerial offices (the Ministry of Religious Affairs, the Ministry of Internal Affairs and the State Attorney) in the form of Joint Decree. If such action continued the Ministers or the President could dissolve the organization and declare its banishment, or could impose on such person(s) a maximum penalty of five years’ imprisonment, as stated as well in the KUHP, Article 156 (a).

Besides the issue of religious vilification, there were a number of interesting features included in the Act which in turn guided the government in managing religious groups in Indonesia. Among these were the concept of official or recognized religions, state services to those recognized groups, the acknowledgement of limited ‘rights’ for other religious groups outside those recognized, the position of *aliran kebatinan* and the circumstances in which publications and speeches on religion could be undertaken.

The Act *de facto* recognized six groups as the ‘recognized religions’ of Indonesia, given the fact that they were embraced by Indonesian populations. It listed Islam, Protestantism, Catholicism, Hinduism, Buddhism and Confucianism in this category. For these groups, the government would offer privileges and a *de jure* guarantee, as stated in the 1945 Constitution, along with support and protection. It was highly likely that the word ‘support’ in the Act would mean material or financial aid as well as administrative assistance to those religious groups in spreading their message in society and in developing their social institutions, such as education.

At the same time, the Act offered a *de jure* guarantee to other religious groups which did not belong to the category of recognized groups to exist with the condition that they obey Indonesian law in general and the Act in particular. Those groups were Judaism, Zoroastrianism, Shintoism and Taoism and government service for them was limited. While their right to exist was preserved, they were not entitled to government support.
Another feature was concerned with the *aliran kebatinan*. The Act considered *kebatinan* not to constitute an established religion and therefore the Act did not offer any *de jure* recognition, nor any privileges or support. The Act however required the government to lead them to a healthy vision and implicitly to bring them into line with other recognized and established religious groups. As stated in the Elucidation of the Act:

"Religions embraced by Indonesian citizens [are] Islam, Protestantism, Catholicism, Hinduism, Buddhism and Confucianism. This can be seen from the historical development of religions in Indonesia. Since these six religions are embraced by almost all Indonesian citizens, apart from the guarantee as stated in the Article 29 (2) of the [1945] Constitution, these groups also receive support (aid) and protection as dictated by this article. It does not mean that other religions, for instance Judaism, Zoroastrianism, Shinto and Taoism are banned in Indonesia. They shall receive the full guarantee given by Article 29 (2) of the [1945] Constitution, so they shall be allowed to exist as long as they do not contradict this regulation or other regulations. As for *badan/aliran kebatinan*, the government will lead them to a healthy vision and into the direction of *Ketuhanan Yang Maha Esa* (Departemen Agama RI, 1998: 8-9)."

The Act also regulated the circumstances and conditions under which discussion of religious affairs in the form of publications and speeches could be carried out. The Act stated that prohibition and criminal charges would be enforced upon those who *deliberately* offended religion in public or *deliberately* showed hatred towards any religion. However, the Act mentioned that legal sanctions could not be applied upon writings or speeches on particular ‘sensitive’ issues in religion, on condition that they were objective, precise (*zakeliyk*) and academic and did not use any words to show hatred or defamation towards any religion or religious doctrine in Indonesia.

**Ketuhanan Yang Maha Esa and the National Identity**

Following the coming to power of Suharto’s New Order regime in 1967, MORA’s existing regulations on religious affairs were wielded heavy-handedly to help ‘restore and maintain’ social and political order. Nevertheless strict control of this Ministry evolved during the political consolidation of this regime, particularly after 1970. This strategy was taken for at least two reasons. First, the new regime was able to control and restrict any potential opposition from Muslim activists. Second, the regime began to transform MORA’s image from being a political representative of Islam within the state into a fully-fledged institution obedient solely to Suharto regime.

Following this development, the new regime was able to dictate the new role of MORA as one of disseminating religious piety within society which was totally apart from political activism. The new MORA position was also visible as playing a major role in translating a variety of regime policies on social and economic development using religious language. This was particularly important in order to disseminate the ideology of development among the Muslim
community aimed to achieve complete human advancement (pembangunan manusia seutuhnya) in both its material and spiritual (lahir dan batin) aspects (Moertopo, 1978: 44).

The above prescriptions on the new meaning of development have far-reaching consequences, and justified the government intervening into religious communities in order to deliver services and direct public discourses. In turn it required the regime to pursue and demand standardization and uniformity on religious affairs. As with so much of the New Order period, religion was supposed to conform to specified templates and deviation from these earned disapproval or worse. Given the heterogeneous nature of Indonesia’s religious communities and the fact that there was not an ‘official state’ religion, the regime developed two important premises on which its policies on religious life were based.

The first premise is that Indonesia is not a theocratic or a secular state, but rather a religious state (Indonesia bukan negara agama dan bukan negara sekular. Indonesia adalah negara beragama). Indonesia does not have a state ideology based on a particular religious conception. It is not a secular state in which the government refrains from interfering with religious affairs. Indonesia is clearly a religious state in the sense that the state is concerned itself with the religious activities and behaviour.

The second premise was that while the 1945 Constitution guaranteed the right of freedom of religion, religious freedom in Indonesia was not unlimited. It required ‘responsibility’ (kebebasan beragama yang bertanggungjawab) and allowed for the possibility of government action if religious freedom led to conflict which threatened the unity and oneness of the nation (persatuan and kesatuan bangsa) (Departemen Agama RI, 2002: 9-14). In both idioms Indonesia is not a theocratic or a secular state, but rather a religious state (Indonesia bukan negara agama dan bukan negara sekular. Indonesia adalah negara beragama) and religious freedom with responsibility (kebebasan beragama yang bertanggungjawab) were the expressions re-introduced by the regime in the early 1970s and were frequently reiterated by Suharto and his senior officials. It became a powerful rationalisation for intervention into religious life.

As far as Ketuhanan Yang Maha Esa is concerned, under the new regime, the meaning of clause was gradually redefined and transformed into a new epithet to express and characterise Indonesian cultural identity. Hence Ketuhanan Yang Maha Esa, became an important element in the New Order’s prescription of proper cultural identity [emphasis is mine]. Defending this regime-sanctioned definition of Ketuhanan Yang Maha Esa meant defending Indonesian identity; and in turn, subscribing to ‘true’ Indonesian identity meant accepting the official view of Ketuhanan Yang Maha Esa. In practice, the regime used the Ketuhanan Yang Maha Esa principle to require all religious groups to accept monotheism, and to endorse a model of orthodoxy. It also limited the number of legally recognized faiths to just five (after Confucianism was excluded from the list) and all citizens had to choose and affiliate with one of these religions.

So, the combination of MORA’s religious control agenda and the New Order regime’s obsession with socio-political and economic control, brought into
existence new unprecedented restrictions on religious life in Indonesia. Moreover, the New Order increasingly used coercive approaches, often enforced by the military and the state’s extensive intelligence apparatus. It regulated almost all aspects of religiosity of the citizens, including halting the activities of religious groups that were judged either to not comply with the state’s ever-narrower religio-political principles or to threaten social harmony and order. For the latter, the regime elevated the Presidential Stipulation into a new law No. 5/PnPs/1969 on the Prevention or Misuse and/or Religious Vilification (Ichtijanto, 1969: 24-26).

This Law, usually referred to as the Indonesian Law on Blasphemy, was chiefly a means of forbidding Communism and at the same time of controlling any religious activities allegedly deviant from mainstream traditions. Thus as far as this Law was concerned, the regime preserved the doctrines of the established mainstream groups as the models to follow. The regime was also vigilant in its monitoring of any group seen as ‘different’ from the mainstream and empower an inter-departmental body of the BAKORPAKEM.

This is the beginning of what Michael Foucault (1991: 87-104) identified as ‘the govermentalisation of the state’, in which the regime constructed the logic of governmental power by which the citizens were subject to state domination by means of policies to regulate their behaviour with the correct management of individuals, people and goods in detail. Regulation within this model of ‘govermentalisation of the state’ sought the realization of certain aims, desires and goals in order to construct the governed as a productive, regulated, controlled and adapted citizenry. In the Indonesian context, Foucault’s model of governmentalisation was visible.

The regime also believed that Ketuhanan Yang Maha Esa was the character of Indonesian religiosity and the chief element in all Indonesian religious belief. At the same time it also enforced the necessity for all Indonesians to subscribe to one of recognized religious denominations. This way of thinking crafted a framework wherein being an Indonesian citizen should be identical with believing in Ketuhanan Yang Maha Esa and being a follower of one of the mainstream religious traditions. Both were mutually defining. Those who fell outside this definition were considered belum beragama (‘not yet possessing a religion’).

The ‘people with no religion’ (orang yang belum beragama) were those who either had ‘not yet’ received the concept of divinity as embodied in the concept of Ketuhanan Yang Maha Esa or were ‘not yet’ a member of one of the state recognized religions. It was the duty of the regime to ‘civilize’ them in order for them to be fully recognized as Indonesian citizens. For the regime, their integration into the mainstream was important to prevent social unrest (keresahan) as well as to improve the quality of their lives.

Broadly conceived, this way of thinking was mainly directed towards the peripheral ethnic and tribal groups in the mountainous interior regions - the remote hinterlands of Sumatera, Kalimantan, Sulawesi and Papua. They had been labelled ‘isolated communities’ or ‘suku terasing’ and their systems of belief called ‘ethnic’ religions (agama murba or agama suku). In the popular mind, their systems of religion were strongly associated with superstition,
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shamanism and other traditional animistic practices (Hadiwijono, 1980). Most of those groups were nomadic in nature, gaining their livelihood by hunting and gathering and shifting cultivation. As far as religious affairs were concerned, regulations on religions had been addressed to those groups whose religious systems were placed in opposition to the ‘legitimate’ model endorsed by the regime. Once the regime tightened the policies on religious identity, followers of these local systems of belief were forced to adopt the state definition of religion. The systems of their deities, inherited from their ancestors, were reclassified in accordance with the official category or definition of God.

In sum, under the epithet of Ketuhanan Yang Maha Esa as religio-national identity, the regime displayed certain typologies or principles in its policies on religious affairs. The first was to encourage tolerance among religions through dialogue and discussion and by prohibiting members of society from discussing or expressing unacceptable views related to the topics of SARA (suku, agama, ras dan antar-golongan/ethnicity, religion, race and class) in public. SARA, according to regime, contained sources of conflict and thus presented potential causes for socio-political instability (Emmerson, 1976: 224). The second principle was to endorse religious piety by supporting religious ceremonies, or providing technical assistance and guidance in the performance of other religious activities. The third was to oversee heterodox groups. The fourth was to require all citizens to embrace one of the state’s recognized religions.

Following these principles, the regime’s controlling and developing of religion was measured not only in the growing number of places of worship or in efficiencies in the management of the hajj pilgrimage, for example, or the introduction of compulsory religious subjects in public schools, or the improvement of state and private religious education and institutions, but also by its endeavours to standardise religious groups and religious attitudes. While giving support to religious festivals in public, at the same time it tightly controlled overseas funding for religious missions and was highly restrictive in allowing missionaries to preach on Indonesian soil. It supported the publication and distribution of kitab suci (holy books) of all denominations but oversaw the contents of religious texts and monitored incoming books from overseas. It guaranteed and promoted the principle of religious freedom for all citizens but at the same time banned or limited the activities of particular religious groups in public, or fused one minor religious group into another established one. Within such a framework it was clear that the role of government on religious activism was central and pervasive. It is safe to say that the regime’s determination to standardise religion was similar to what it sought to do across society. It abolished all the regional differences in local administration and sought to regulate cultural differences in the name of national identity and culture.

In short, the overall regime blueprint on religious affairs which was based on the two premises. In practice, New Order intervention into religious affairs was, as Federspiel (1996) has noted, based on five main principles. The government should: first, encourage worship and the ceremonial practice of religion; second, continue to control the administration of system of religious affairs and provide a mechanism for protecting the general standards of religious orthodoxy; third, be vigilant towards any use of religion expressed in
political terms especially for opposition to the regime and its policies; fourth, treat any religious group and imposed severe sanctions if they operated ‘outside the required system’ or if they tended to deviate from orthodoxy; and the last, endorse the appointment of religious leaders, scholars and intellectuals who supported the government’s national development plan. These five principles became the basis for the regime’s many subsequent regulations on religious matters. In practice, regulations on religion took different forms from Law (Undang-undang).

Thus following the consolidation of the New Order, Indonesia was became one of the most heavily regulated countries in the world with regard to religious observance. A book published by MORA (Departemen Agama RI,1998) revealed the extent of regime control over religious life. From 1965 to 1995 more than 110 regulations related to religion were issued. The real numbers of regulations may actually be greater than this. These regulations took various forms and they have a hierarchy of precedence, which is as follows: Statutes (Undang-Undang), Decrees (Keputusan), Joint Decrees (Surat Keputusan or Surat Keputusan Bersama Menteri), Instructions (Instruksi), Circulars (Surat Edaran), Radiograms or Telegrams, Guidances (Pedoman Dasar) signed by the President, Ministers, the Attorney General, as well as Provincial Governors. Some of these applied nationally while others catered to religious problems at the provincial and district levels.

While such intrusive regulations remained in place for two decades, by the late 1980s, the regime’s attitude to the Islamic community and in particular its political activism began to change. It has set out the ways in which the regime became more accommodating of Islamic aspirations and symbols. This shift was due in large part to the role played by a rising generation of moderate Muslim activists, who introduced new Islamic agendas focusing on intellectual, cultural and educational activism rather than anti-regime politics. These emergent Muslim thinkers and activists convinced Suharto that Islamic activism was no longer antithetical to the regime’s development agenda, nor a threat to his political leadership.

This thawing in relations between the regime and Islamic groups in turn led to the appearance of more overtly Islamic values and symbolism in the state system and the issuance of some policies that catered predominantly to the wishes and interests of Muslim society. The establishment of Bank Muamalat Indonesia, as the first Islamic bank in Indonesia in 1992 was a prime example of how the regime begin adopting Islamic initiatives and supported to new pro-Islamic policies.

The Rise of Religious Intolerance after Reformasi

The downfall of the Suharto regime in 1998 ushered in the Era Reformasi, which saw a rapid transition to democracy and lifting of many political restrictions. The problematic nature of religious regulation has become all the more challenging following this Indonesia’s transition to democracy. Reform has
led to freedom of expression, the emergence of a diversity of political forces, as well as a shift from a centralized to decentralized governance. With reform also came the re-emergence of Muslim religio-political activism after some three decades of repression. All sorts of new Islamic groups were formed, ranging from the highly conservative to the progressive and liberal. In addition to this, sweeping decentralization since 2001 added greatly to the complexity of state-religion relations. Case to point is that although the central government formally retained authority in religious affairs, in reality many local administrations introduced new religious-based regulations, commonly known as *perda syariah* (shariah by-laws).

In turn the new shariah by-laws in tandem with the pre-existing regulations on religious affairs from the Sukarno and Suharto presidencies form the main features of Indonesia’s contemporary state-religion relations. It is also true that religious regulations are inseparable from various political and social factors, and are often part of political bargains between the government, major parties and dominant Islamic groups. The rise of the shariah by-laws signified the re-awakening of conservatism within the Indonesian Muslim community and, with it, a renewed push to ‘islamise’ the statutory system and moral norms of society. It also signified the rise of new gave expression to a revival of ethno-religious identity politics as an unintended consequence of the enactment of the new law on regional autonomy.

The paradox of post-Suharto Indonesia is that democracy, with its supposed emphasis upon rights, has proven to be no better and in some ways worse at defending minority religious rights than the political systems that preceded it. In fact, the fundamental pattern of religious authoritarianism is little altered since the Sukarno and Suharto presidencies, which is contradicts to the spirit of reform. Unfortunately, the record of many Indonesian governments shows them to have neglected minority rights and to have not upheld the constitutional principle of religious freedom. The incidents in early 2011 for example in which three Ahmadis were killed posed a severe test for the current government’s policies on religious freedom in addition with some serious tensions over the building of places of worship in many provinces.

The above cases indicate the government’s inability to preserve a neutral position in managing religious affairs in Indonesia. Particularly the current government has wavered in the face of pressure from Islamist groups that demand the application of their own particular religious values in community. For many, this has been an apt example of democratic governments bowing to pressure rather than preserving the rights of all. This suggests that when the state is weak and sections of civil society strong, the interests of minorities are vulnerable.

Of relevance here is the case of the judicial review in the Constitutional Court (MK) of the 1965 Blasphemy Law. The court ruled that this Law in essence did not contradict to the right of religious freedom and concluded that the state was responsible for maintaining security and order, and therefore has legal authority to prohibit any interpretation that was different from mainstream teachings. Widely seen as a victory for conservative groups, the court decision will probably ensure the continuation of existing state intervention in religious
affairs. Given Indonesia’s political dynamics and the attitude of its judiciary, the state’s commitment to protect religious freedoms is now in considerable doubt. Some Muslim organizations and Islamist activists are unlikely to ease their pressure on elected officials to continue to issue policies which reflect their religious preferences, which will likely result in intensifying state supervision of spiritual activities and governments asserting their authority to define what is proper and improper with regard to religious beliefs and behaviour. Thus Indonesia’s Constitutional guarantee of freedom of religion has every prospect of being further undermined in the future.

Concluding Remarks

I have argued in this chapter that one of reasons underlying the recent conflicts and tensions is rooted from the ‘unsettled’ discussion on the state-religion relationship in Indonesia particularly following the contest over interpreting the clause of Ketuhanan Yang Maha Esa. The insertion of an ‘Islamic interpretation’ of the loose clause of Ketuhanan Yang Maha Esa in the Constitutions has had a great impact upon the issuing of state policies based on Islamic precepts. This interpretation has led the Ministry of Religious Affairs (MORA) to employ wide-ranging discretionary powers to control religion and to oversee religious freedom in Indonesia. In turn, the following regime under Suharto took benefit from this loose to construct the meaning of Ketuhanan Yang Maha Esa as the new ‘Indonesian identity’ (jati diri bangsa). Under this new political epithet, the regime closely managed citizens’ religious life to ensure people were subject to state domination. At the same time, control of religious activities and religious affairs in accordance with strict regime standards were justified in the name of restoring or maintaining stability and order. I have argued in this chapter that the regime in this period became obsessive in regulating and controlling its citizens’ behaviour, in both the private and public spheres, and ranging over almost all aspects of religious life. Often this was accomplished by resort to heavy-handed intervention by the security and armed forces.

In conclusion I argue that at the heart of the issue of the state-religion relationship in Indonesia is a tension between ensuring religious order and harmony on the one hand, and protecting religious freedom on the other. Successive Indonesian governments have grappled with the problem but have increasingly prioritized order and harmony over the rights of Indonesian citizens. Furthermore, I also argue the history of the state-religion relationship in Indonesia has been about what I call ‘the constant negotiation’ for the boundaries of authority in regulating religious affairs between the state and the majority, which in this case is the ‘Muslims’. In this vein the government is eager to oversee and strictly control religious activities, but at the same time the majority group attempts to steer the direction of the state to be closer to their norms and values. Within this backdrop, the recent cases of attacks on minorities by some conservative Muslim groups are examples of such an attempt.
Ideally, government in a mature democracy should pursue policies that protect religious freedoms. All religious groups should be free from the spectre of threat and persecution. Repeatedly, Indonesian governments have, in the name of maintaining social order, trampled on or failed to uphold minority religious rights. Governments have tended to argue that common good was a matter of majority preference rather than respect for individual freedom and equality in religious expression. Sadly, successive administrations in Indonesia have not approached religious issues in a manner that is impartial and just to all of the nation’s many faith communities.
Reference List


Natsir, M (1954) *Observations Concerning the Role of Islam in National and International Affairs: An Address Originally Made before the Pakistan Institute of World Affairs with Subsequent Elucidatory Additions*. Ithaca: Cornell University, Southeast Asia Program, Department of Far Eastern Studies.


Steenbrink K (1993) *Dutch Colonialism and Indonesian Islam*. Amsterdam: Rodopy B.V.


List of Regulations Referred

Government Decree No. 167/Promosi/1954 on PAKEM.

Government Regulation No. 20/1952 on the Tasks of Ministry of Religious Affairs.

Government Regulation No. 8/1950 on the Amended Tasks of Ministry of Religious Affairs.

President Stipulation No. 4/1963 on the Scrutiny to Printed Matters (Pengamanan Barang Cetakan).


Regulation of Ministry of Religious Affairs No. 2/1958 regarding the Tasks of Ministry of Religious Affairs.

Regulation of Ministry of Religious Affairs No. 9/1952 on the Tasks of Ministry of Religious Affairs.

Regulation of the Minister of Religious Affairs No. 5/1951 on the Tasks of Ministry of Religious Affairs.