CHAPTER 5

Conclusion

A. Commitment and Hope

Discussion of previous chapters explains the enormity of new government’s homeworks in the field of freedom of religion/belief. New hope have been given by public, civil society, media and even international peoples to that new government. The high commitment of new government to fulfill public expectation is needed, especially in the field of freedom of religion.

The commitment of Joko Widodo-Jusuf Kalla in the beginning could be seen from their vision-mision that labelling “vision, mission, and action program: The Way of Change for Civilized Indonesia, independent, and have personality”, that formally they registered to the General Election Commission (KPU) as part of one requirement packet of president-vice president candidacy in presidential election in 2014. In this conclusion chapter, we will remind the new government which is very young, about their commitment of their priority program that they called as Nawa Cita. Nine big dreams and priority programs at once that they proclaimed since last candidacy.

The coveted Nawa Cita, will be done, and become the commitment that must be manifested by new government, among other:

1. To represent the state for protecting people and giving the security to all of citizens, through some basic programs: a) free-active foreign policy, b) to protect the right and safety of Indonesian citizens abroad, especially, c) maritime sovereignty, d) to develop the defense budget about 1.5% from GDP in 5 years next, e) to develop national defense
industry, and f) to guarantee the security feeling of citizens with establishing professional Police Department.

2. To make the government always present in establishing the governance government that clean, effective, democratic and trustworthy, by giving priority on; a) to heal public trust through partial system reform, election and parliament, b) to increase the role and representation of women in politics and development, c) to strengthen the presidential office to run presidential tasks more effectively, d) to build the governance transparency of government, e) to run bureaucracy reform, and f) to open public participation.

3. To build Indonesia from its edge by strengthening regions and villages in united state framework, through a) asymmetric decentralization, b) equitable development inter regions especially village, Indonesian east area, and borderland, c) structuring a new autonomous region for the people welfare, and d) implementing the Law of Village.

4. To strengthen the presence of state to do system reform and law enforcement that free from corruption, dignified, and reliable, through some priority; a) to build strong legislation in corruption eradication, Human Right enforcement, environment protection and law enforcer institution reform, b) to strengthen Corruption Eradication Commission (KPK), c) to eradicate judicial mafia, d) to eradicate the actions of illegal logging, illegal fishing, and illegal mining, e) to eradicate drugs and psychotropic, f) eradication on banking crimes and money laundry, g) to guarantee legal certainty and land belonging, h) to protect children, woman, and marginalized group, i) to respect Human Right and equitable completion against the human rights violation cases if the past, and j) to build legal culture.

5. To improve the quality of life of Indonesian, by prioritizing; a) the Program of “Indonesia Pintar” through education compulsory 12 years freely, b) the program of card “Indonesia Sehat” through social health service, c) the program of “Indonesia Kerja” and “Indonesia Sejahtera” through agrarian reform of 9 acre land for the farmer and
farm workers, subsidized apartment (flat home), and social security.

6. To improve the productivity of society and competition in international market, so Indonesian people can be rise and progress together with other nations in Asia, with the priority agendas, are; a) to build the new street infrastructure at least along 2000 kilometers, b) to build at least 10 new ports and to renovate the old ones, c) to build at least 10 new airports and to renovate the old ones, d) to build at least 10 industrial areas and residential development for workers, e) to build at least 5000 traditional markets around Indonesia and to modernize the existed traditional markets, f) to create one-door service for investation, business permit efficiency in 15 days maximum, and g) to build some science and technopark in polytechnic in Vocational High Schools supported by infrastructure and facilities with the latest technology.

7. Realizing economic independence by moving the sectors of the domestic economy strategics, among others; a) building food sovereignty, b) realizing energy sovereignty, c) realizing the financial sovereignty, d) establishing Bank Farmer/ Fisherman and UMKM including warehouse with post-harvest processing facilities in each production center farmer fisherman, and e) realizing technology strengthening through policy of the national innovation system creation.

8. Performing revolution of the national character, through polices; a) building citizenship education, b) evaluating the model uniformity in the national education system, c) guarantee adequate living for teachers, especially for teachers who are assigned to remote areas, d) to enlarge access of the poor to obtain higher education, and e) to prioritize funding of technology research to support science and technology.

9. Strengthen the diversity and strengthen social restoration Indonesia, through the priority policies; a) to strengthen education for diversity and to create dialogue spaces among the citizens, b) social restoration to restore the spirit of harmony among citizens, c) to rebuild mutual-help as the social capital through the social reconstruction, d) to develop
special incentive to introduce and to promote the local culture, and f) to improve the process of cultural exchange to build diversity as a cultural force.

Relating to freedom of religion/belief, Nawa Cita of Joko Widodo-Jusuf Kalla’s government explicit number of commitments: First, Bringing back the state to protect the people and to provide security to all citizens (Nawa Cita 1). This is a new hope for the old situation of freedom of religion/belief in which the country is frequently absent in a variety of events and violations of freedom of religion/belief in Indonesia. Countries have also tended to fail to provide security for freedom of religion/belief, especially the views and beliefs that differ from the majority group.

Second, ensure the security of citizens by establishing professional Indonesian National Police (Nawa Cita 1 point six). This commitment is something that is elementary in an effort to guarantee and protect freedom of religion / belief. So far, the police often subject to intolerant groups, and even become part actor violations of religious freedom. believes, for example, in the scheme of the criminalization of belief and victims of violations.

Third, building a strong legislation in human rights (Nawa Cita 4 points one). The issue of legislation on freedom of religion/belief is a crucial issue. One of homeworks to be done by the new government is the harmonization of legislation with the mandate of the Constitution and human rights standards. With a strong commitment to building legislation in human rights enforcement-in addition to other legal issues, then there is new hope for the establishment of a legal system that is conducive to freedom of religion/belief.

Fourth, to ensure legal certainty (Nawa Cita 4 points seven). This commitment gives new hope for improving the condition of freedom of religion/belief in Indonesia. Therefore, the rule of law on the issue of freedom of religion/belief is one of the central issues. Criminalization of belief that befell the victim with an unusual procedure and awkward proceedings showing lack of legal certainty. Proofs of blasphemy in Act No. 1/PNPS/1965 which is absurd express unavailability of legal certainty. Even in the case of the houses of worship establishment, especially GKI Yasmin and HKBP Filadelfia, the law and the court failed to ensure legal certainty, so that the violation occurs continuously and
the victims are in a hopeless situation of the procedures and mechanisms of law that provided by state.

Fifth, to protect marginal community (Nawa Cita 4 point eight). In various events and violations on freedom of religion/belief, the minority groups are often being the object of marginalization, either culturally or structurally. Thereby, that commitment are the new hope for better condition creation of freedom of religion/belief in Indonesia.

Sixth, to respect Human Right (Nawa Cita 4 point nine). The guarantee on freedom of religion/belief is the estuary of respecting human rights. The respecting commitment against Human Rights is expected to be conducting the government toward guarantee and protection that more conducive for freedom of religion/belief.

Seventh, to establish citizenship education (Nawa Cita 8 point one), to strengthen diversity and Indonesian social restoration (Nawa Cita 9), and to strengthen education of diversity (Nawa Cita 9 point one). The high intensity of violation on freedom of religion/belief which performed by non-state actor, or which dominantly by the society, showing the weakness of people’s knowledge and awareness among us. Thus, the new government should pay the particular attention for citizenship education establishment which supporting the plural and multicultural social order as in line as the Pancasila and State Constitution.

Eighth, to create the dialogue spaces among society (Nawa Cita 9 point one) and social restoration to restore the people’s harmony spirit (Nawa Cita 9 point two). The freedom of religion/belief in Indonesia in the last 8 years, are often threatened by the violence instruments that massive and collective. The impact is, the people’s and religious harmony are often in tension and risk as well. For that, the government should firmly states and implements the commitment of accentuating the dialogue spaces and society harmony, in order to get peaceful and secure social discipline in the spectrum of difference.

Those commitments are in line with the hopes given by the public to Jokowi-JK’s government in the matter of freedom of religion/belief. Through the interview with a 100 informans/sources in some regencies/cities that including the monitoring area of SETARA Institute for the freedom of religion/belief issues in 2014 (including religious figures and victims), could be identified some macro points of public hopes, such
as;

1. Law enforcement in the fairest for the violation case of freedom of religion/belief.
2. Cancellation and review on the restrictive and not-in line with constitution and human rights norm legislation.
4. Enforcement and Prosecution of the violation actors legal responsibility.
5. Establishment of more conducive legal systems for freedom of religion/belief, and,
6. Strengthening the human rights education and awareness for state government organizers, in central or regional level.

B. The Agendas of New Government

According to the data and research and monitoring analysis on freedom of religion/belief, especially in 2014, SETARA Institute lodge the main problems which urged to be solved by the government of Joko Widodo and Jusuf Kalla in order to guarantee and to protect the freedom of religion/belief in Indonesia, with the measurable working target, for short, middle and long term.

<table>
<thead>
<tr>
<th>No</th>
<th>Current Situation</th>
<th>Period</th>
<th>Working Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Ahmadiyah congregations were already experiencing in serious difficulty in Transito evacuation place for 9 years.</td>
<td>Short</td>
<td>To take back Ahmadiyah congregations to their original places and to give them protection of security and acceleration of welfare improvement</td>
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<tr>
<td>No</td>
<td>Current Situation</td>
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<tr>
<td>2</td>
<td>The followers of Syi‘ah are still evacuated in Sidoarjo evacuation place.</td>
<td>Short</td>
<td>To take back the Syi‘ah followers to Sampang, to initiate permanent resolution and to give protection of security and acceleration of welfare improvement.</td>
</tr>
<tr>
<td>3</td>
<td>There are 2 verdicts related to house of worship establishment that not performed by local government (HKBP Filadelfia Bekasi and GKI Yasmin Bogor)</td>
<td>Short</td>
<td>To order the Regional Head to running the verdict and to guarantee the establishment of house of worship of HBP Filadelfia and GKI Yasmin</td>
</tr>
<tr>
<td>4</td>
<td>Constitutional Court stated that the Act No. 1/ PNPS/1965 is conditionally constitutional and implicitly to order the Ministry of new Act</td>
<td>Middle</td>
<td>To ensure the Act Draft about the guarantee of Freedom of Religion/Belief or Protection of Religion/Belief are included in Prolegnas 2014-2015 and to form the Drafting Team of RUU</td>
</tr>
<tr>
<td>5</td>
<td>The Police of Republic of Indonesia has no particular standard of handling violence cases and violation on freedom of religion/belief</td>
<td>Middle</td>
<td>To form standard operating procedure (SOP) of handling the cases of violation on freedom of religion/belief</td>
</tr>
<tr>
<td>6</td>
<td>The budget of national character education that spread in some ministries that used not qualified and not performed optimally without clear synergy and coordination.</td>
<td>Middle</td>
<td>To design the program of national character education with integrated and accountable budgeting</td>
</tr>
<tr>
<td>No</td>
<td>Current Situation</td>
<td>Period</td>
<td>Working Target</td>
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<tr>
<td>7</td>
<td>The handling of violence and violation on freedom of religion/belief are not patterned and sporadic</td>
<td>Middle or Long</td>
<td>To form the Task Force of Promotion and Protection on Freedom of Religion/Belief</td>
</tr>
<tr>
<td>8</td>
<td>Joint Decree of Religious Ministry and Internal Affairs Ministry Number 9 and Number 8 Year 2006 about the guidance of Task Implementation of Regional Head/Vice of Regional Head in Maintenance the Religious Harmony, Religious Harmony Forum Empowerment, and House of Worship Establishment (PBM) and the Joint Verdict of Religious Ministry, Attorney General, and Internal Affairs Ministry of Republic of Indonesia Number 3 Year 2008, Number KEP-033/A/JA/6/2008, Number 199 Year 2008 about Warning and Command to the Adherents, Members, and/or the Management of Jemaat Ahmadiyah Indonesia (JAI) and Society (SKB) that restrictive and triggering violation on freedom of religion/belief both directly or through the policy.</td>
<td>Middle or Long</td>
<td>To form the review team and harmonization of Technical Rules in Ministry level through the higher regulations by involving human rights expert.</td>
</tr>
<tr>
<td>No</td>
<td>Current Situation</td>
<td>Period</td>
<td>Working Target</td>
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<tr>
<td>9</td>
<td>Some regulations in regional level are in contrary to the higher ones and more restrictive for freedom of religion/belief protection</td>
<td>Middle or Long</td>
<td>To form task forces and harmonization of regional regulation, under the ministry involving the ministry of Law and Human Rights</td>
</tr>
<tr>
<td>10</td>
<td>Some prisoners of conscience are still in jail because became the criminalization objects of belief</td>
<td>Short or Middle</td>
<td>To form of Review Team to give amnesty or clemency to the victims of belief criminalization</td>
</tr>
<tr>
<td>11</td>
<td>Intolerant Actor is paternally performing violation on freedom of religion/belief in Indonesia</td>
<td>Middle or Long</td>
<td>To order the Ministry of Internal Affairs to form Evaluation Team on the Mass Organizations that paternally performing the activity and action that violating law</td>
</tr>
<tr>
<td>12</td>
<td>Religious Radicalization is very worrying and threatening religious harmony</td>
<td>Middle or Long</td>
<td>To design the citizenship and diversity education which more programmatic, systematic and effective.</td>
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</tbody>
</table>
Bibliography


Desember 2014


Kekuasaan sejak Awal Sejarah Islam di Kepulauan Nusantara. Surabaya: PT. Bina Ilmu


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Surat Pengaduan warga Desa Prigelan kepada Bupati Purworejo tentang penolakan keberadaan kegiatan MTA yang berlokasi di Dusun Krajan Kidul RT 02 RT 03 Desa Prigelan, Kabupaten Purworejo, tanggal 12 September 2013.


**Document**

International Covenant on Civil and Political Rights
Komentar Umum No. 22 Komite HAM PBB
Undang-Undang Dasar Negara Republik Indonesia 1945
Undang-Undang No. 39 tahun 1999
Undang-Undang No.1/PNPS/1965
Universal Declaration of Human Rights

**Internet and Mass Media**


si?9922032, diakses pada 10 November 2012


Bambang, “Ajarannya Meresahkan, Pemuda NU Kudus Bubarkan


Tempo.co/read/news/2012/09/02/0784269665/Berapa-Populasi-Syia-di-Indonesia

Profile

Setara Institute for Democracy and Peace

TOWARD AN EQUAL SOCIETY

SETARA Institute is an organization that founded by some individuals which dedicated to the ideal that everyone should be treated equal while respecting diversity, giving priority to solidarity and upholding human dignity. It was founded by people who would like to eliminate discrimination and intolerance on the basis of religion, ethnicity, tribe, skin color, gender, and other social statuses, and promote solidarity with the weak and victims.

SETARA Institute believes that a democratic society would allow progress and mutual understanding, uphold honor, and recognize diversity.

However, discrimination and intolerance still exist and even lead to violence.

Therefore, some measures that strengthen respect for diversity and human rights through broader participation should be undertaken to advance democracy and peace.

SETARA Institute is promoting the creation of conditions that would lead to an open political system based on respect for diversity, defense of human rights, and elimination of intolerance and xenophobic attitude.

Since its establishment, at least for 5 years operation, Setara Institute has been produced 20 reports (in research report form, policy paper) and assesses many appreciations.1 The presence of Setara Institute is referred by Foreign Department,
Institute has another influence in promoting pluralism which differs from another institution that did the same issues with theological approach, while SETARA Institute do it with secular based.

**Objectives**

Setara Institute’s goals:
- To promote pluralism, humanitarianism, democracy and human rights
- To study and advocate pluralism, human-centered public policy, democracy and human rights
- To launch a dialogue on conflict resolution
- To undertake public education activities.

USA in arranging Report on International Religious Freedom – Indonesia, 2009, 2011, 2012. It also referred by Australia Government -Country Advice Indonesia, 8/9/2010, and also quoted by any national and international mass media, such as Kompas, 13/8/2012, h. 38, some links that can be referred:


Program and Activities

1. Human rights monitoring, particularly with regard to freedom of religion/belief and Human rights performance index 2013
2. Policy review on President Instruction No. 2 year 2013 about handling the internal security disorder
5. Case Tracking System (CTS); database online system on violence of Religious Freedom and Belief
6. Sort Messages Service (SMS) gateway on violence of Freedom of religious and Belief
7. Research: MP3EI/ master plan on Indonesian economy acceleration and development, and also human rights fulfillment.
9. Research: Understanding Minority Rights in Indonesia
10. Research: National educational system and the issues on violence of Freedom of Religious and Belief
11. Research: the urban dynamic and the tension of social religious life.
13. Research: Internet, freedom of expression and radicalism

Special Concern

a. Freedom of religious and Belief: as one of the human rights insurance and as constitutional democracy indicator, the insurance of freedom of religious and belief has been studying and will keep going in order to promote the civil freedom in Indonesia. The pluralistic nation construction in Indonesia demands the strengthening of freedom of religious and belief insurance to make sure that the Indonesian nationality would
not be lacerated.

b. **Law and human rights:** beside mainstreaming conducive legislation for human rights, Setara Institute has been monitoring and reporting regularly about the Indonesian’s human rights condition. Three years in a row, Setara Institute published the Human Right Performance Index.

c. **Minority rights:** protections of minority rights are intersection issue from the issues that became the framework of Setara Institute. Beside the guarantee from international human rights, Indonesian Constitution also assures the protection among the rights of minority groups. The operation of insurance, instrument, and strengthening mechanism of Indonesian state law still unavailable.

d. **Business and human rights:** the idea of business and human rights research sector is aimed to make sure the adoption and integration of the human rights principles in business. This program especially contributed for human rights integration in implementing the policy of MP3EI/ master plan on Indonesian economy acceleration and development 2011-2025.

e. **Constitutional democracy:** after the amendment of UUD Negara RI 1945, constitutional democracy became the principle for organizing the state in Indonesia. But a decade after the amendment, the practice of constitutional democracy still could not protect the citizen and give the welfare and justice. This research area would develop the evolutional work with some indicator based on constitutional democracy principles to institutionalizing democracy in constitutional life consistently.

**Publications**

2. Human Rights Enforcement Performance Index – 2009-2010
5. Report on Freedom of Religion and Belief in 2010 - Denial by the State (2011)
11. Policy document on erasing the discrimination of religious and belief (2012)
13. Religion Radicalism in Jabodetabek and West Java (2011)

Other Information

In 2013, SETARA Institute has projected at least 10 activities to produce knowledge:

2. Human Rights Work Index, 2013
3. Policy Paper on fulfilment of victims rights in religious freedom and belief
4. Online Case Tracking System (CTS) on religious freedom and belief violence.
5. Report of MP3EI/ master plan on Indonesian Economy Acceleration and Development
6. Report of a decade of terrorism eradication accountability work
7. Report of Understanding Minority Rights in Indonesia
10. Index on Citizen Constitutional Rights Fulfillment: a decade of Constitutional Court and Indonesian Republic Constitutional Amendment.

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HALILI

The writer is lecturer of Human Rights Education and Politics of Law at Department of Civic Education and Law, Faculty of Social Sciences, Yogyakarta State University. Since 2011, he involved in the issue of human rights and democracy in SETARA Institute, as associate researcher.

This Madurese origin man undertook undergraduate degree in Faculty of Social Sciences, Yogyakarta State University and achieved Master degree from Faculty of Social and Political Sciences, Gadjah Mada University. He wrote the graduate thesis on “Minority and Democratic Political Inclusion: Options of Shiites in Struggling for Political Representation post-Sampang Case, Madura, East Java”.

He deals with the issues of human rights and democracy in some civil society organization, beside speech and lecture in academic fora and universities. He is recorded as an activist of Indonesian Human Rights and Legal Aid Association (PBHI, 2005-2012), Independent Organization for Social Transformation (LINTAS, 2009-2011), SETARA Institute (2011-present), and Circle of Human Rights and Democracy Studies (Link-DeHAM, 2013-present).
This lecturer of Human Rights Education produced some works in the form of mass media opinion, journal articles, conference papers, title of books, research reports, and books. His short writings can be read in rubric of opinion of KOMPAS daily, Kedaulatan Rakyat, Tribun Jogja, Harian Jogja, Radar Jogja, etc. One of his book titled “Berpancasila secara Sederhana” became 1st Winner of Book Writing Contest held by Centre of Book and Curriculum Development, Ministry of National Education (2012). He also presented his ideas in The 2nd International Graduate Student Conference on Indonesia (IGSCI), Yogyakarta (2010), World Conference on Youth and Islamic Awakening, Tehran Iran (2012), National Conference of Pancasila and Civic Education Profession Association (2015), etc. [ ]
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Bonar Tigor, so called Coki, is one of co-founders of SETARA Institute for Democracy and Peace. He officiates as Vice Chairperson. He handles internal affairs and external networks of SETARA Institute.

The writer is also activist of some other civil society organization. He is Vice Chairperson of Members Board in Indonesian Human Rights and Legal Aid Association. He is also activist of Solidarity for Peaceful Solutions in East Timor (Solidaritas untuk Penyelesaian Damai Timor Leste/Solidamor). Solidamor is an independent advocacy, information and action group which is concerned about East Timor and its future post-political referendum 1998 which legated humanitarian catastrophe.

He involved in crucial program and agenda of advocacy, policy advocacy, and knowledge sector. Beside, he produced some works in the form of articles, reports, and books. “Leadership without Initiative” and “Stagnation on Freedom of Religion” are some of his works in the issue of freedom of religion and belief. He also involved in a constitutional democracy book titled “Dinamika Perlindungan Hak Konstitusional Warga: 10 Tahun Mahkamah Konstitusi”, produced by SETARA Institute in cooperation with Germany Embassy. Besides, he is also active in delivering analytical comments on actual issues of politic and democracy published in newspapers and televisions. []