CHAPTER II

Condition on Freedom of Religion/Belief in 2013

This chapter is one of main chapters which presenting description condition on freedom of religion/belief in Indonesia during 2013. It is called as the main one because of two matters: First, this part is particularly describing condition on freedom of religion/belief in 2013, not in the other year. So, its time coverage, it only happened specifically along 2013. Second, this part can be juxtaposed linearly with the similar parts of previous years. Even the technical presentation is not precisely same, the main data of this part can be compared with data from previous years to recording the dynamics of condition of freedom of religion/belief in Indonesia.

In this part also will be explained about special conditions which spending attention and general condition of freedom of religion/belief in Indonesia during 2013. The general condition is analyzed from monitoring data, both in quantitative or qualitative. Whereas, special conditions is presented in accordance to the investigation report and special monitoring which is done by SETARA Institute through some reports from observers of concerned area.

Systematically, the presentation of this chapter will be started by the Monitoring Founds of Violation on Freedom of Religion/Belief which contains quantitative data and relevant analysis about some violation aspects. Then, it is continued with presentation about General Condition on Freedom of Religion/Belief in some of observation regions, even not all of regions are described in this part. The presented general condition from observation area in this parts consists of four
regions with quiet high of violation intensity; two are from outside Java, they are North Sumatera and West Sumatera, and two are from inside Java, they are East Java and Central Java.

A. Monitoring Findings of Violation on Freedom of Religion/Belief

In 2013 SETARA Institute noted 222 cases of violations on freedom of religion/belief with 292 action forms which is spreaded in 20 provinces. From the time, the highest number of incidents occurred in May, 33 cases. Next, respectively occurred in February and March (26 cases of each), January and December (21 cases of each), June (19), April (16), October (16), July (13), September (12), August (12), and November (9) cases. [See Chart 1 and 2]
As though the previous years reports, the highest number of violation occurred in West Java. West Java becomes a place where violation thrives, there are 80 cases in 2013. Followed by other 5 provinces with highest violation numbers, they are; East Java (29), Jakarta (20), and Central java (19) cases, also North Sumatera and South Sulawesi (respectively 15 and 12 cases) [See Chart 3]. Thus, despite a decline from last year’s figures, number of violation is still in high, that is in average 18.5 cases and 24.33 acts in every month. The spreading highest region is not much change, besides the increasing of violation numbers in North Sumatera.

Related to the high numbers of violation in West Java, at least there are six factors which causes violation cases thrives in the province where led by Ahmad Heryawan governor (Aher). The first factor is the existence of Governor Regulation Number 12 Year 2011 about Restriction of Ahmadiyah Activity. That regulation substance by itself stir intolerance groups who hostile and anti Ahmadiyah to be more agressive in action. That Governor regulation is sociologically used as instrument of justification by society groups to justify violation acts and intolerance that they do.
The second factor is thrives of intolerance groups. In West Java, there are groups which often do violation acts and intolerance in area of regency/city, such as Bandung, Tasikmalaya, Cianjur, and others.

The third factor is weakness of dynamic management old society in very large amount. As we know, West Java is demographically largest province in Indonesia. Thus, diversity in West Java is more complex thank another provinces in Indonesia. Then, the factors which affects the height of intolerance, is actually not about the number of residents and the height of that diversity level, but about the failure of local government in managing the number of residents and height of diversity there.

Fourth, is the strong religious and Islamic culture in West Java. Factually, and also historically, Islamic development in West Java is sociologically different with Islam which develops socially in Central Java or East Java. So that, if this matter intersects with dissability of local government and local religious figure in teaching and sharing about tolerance in the scope of diversity of state, then it will become a big destroyer potency againts tolerance of religion/belief.

Fifth, the mass organization’s pattern which is tightly in West Java, tends to be rigid. Compare to the condition of East Java, Islamic mass organization in West Java has style and movement pattern which quiet different. So it is naturally if the religious issue is appeared then offending Islam sentiment, this mass organization will mobilized itself easily.

The sixth factor, lack of awareness on diversity (pluralism and multiculturalism) of Islamic Party politicians there, such as also used by Governor Aher in political contest of direct election for governor (pilkada), is utilized to gain majority voters in general election and direct election for governor. This is itself potentially to discredit minority groups, not only socially but also politically at the end as an implication of their promises to Islamic majority group.
Chart 3.
The Spread of Violation Occurrence Territory

As the top of violation territory, 5 (five) regions of Regency/City in West Java which gives most contribution of violation is Bekasi with (16) incidents, Tasikmalaya Regency (13) incidents, followed by Bandung City (11) incidents, and the last is Cianjur Regency with (7) incidents. Besides in West Java, Bekasi City and Tasikmalaya Regency are city/regency with violence incidents numbers as the top rank among the other city/regency in Indonesia. [See Chart 4]

The number of incidents and violation action in West Java, either in provincial level or regency/city level, and also in other regions, indicates that incompetency and incapability of state administrators in government, and also lack of political will of government in local level to deal with politico-juridical policies in order to enforce the
constitutional provisions and guarantee the constitutional rights of citizen in the field of freedom of religion/belief.

In provincial level, that data also shows that in fulfillment perspective and human rights protection, relation of province and regency/city cum governor and regent/mayor is not effective. That ineffectivity can be seen from their unwillingness as political apparatus fellow who authorized to take political policy in order to jointly eliminate intolerance in their regions. The prominent one is, they acts omission each other, moreover they are throwing responsibility mutually to another one, and they hide behind authority apology. As shown as by the Governor of West Java, Ahmad Heryawan in dealing with violence in his region. As is known, at the beginning of May 2013, there were an incident occurred which created vandalism at the same time with the assault of Jamaah Ahmadiyah in Kampung Babakan Sindang, Desa Cipakat, Kecamatan Singaparna, and at Kampung Wanasigra, Desa Tenjowaringin, Kecamatan Salawu, Kabupaten Tasikmalaya. The Governor admits that those actions are wrong. One of violence determinants is his taken politico-juridical policy, but at the last, he threw his responsibility and handlement to police.

Chart 4.
The Spread of Incidents in Regency/City in West Java

From the side of actor’s act, by using prevalent category that is used in human rights field, the violation on freedom of religion/belief could be categorized to be two; the act which is done by state
and violation which is done by non-state actor. From 292 forms of violation acts on freedom of religion/belief, there are 117 of state’s acts which involves the state administrators as the actor, versus 175 acts which is done by non state actors [See Chart 5]. That state acts includes direct action (by commission), omission action (by omission), and discriminative regulation formation (by rule/judiciary). Included in the state active act is public official’s statements that provocative and invite violence (condoning). Whereas the citizen’s act includes criminal offense, condoning by society figures, and tolerance. Cumulatively, the act percentage based on this actor did not experience a shift from year to year.

Chart 5.
The Actor Comparison of Violence Actions

From those actions performed by the state, there is increase of action forms from previous year, namely 39 of action forms. The kind of that violation act shows that how more “creative” the perpetrators in doing way of violations, moreover in the form which is usually
performed by citizen and should be shunned by the state apparatus that must be neutral ideally, such as intimidation, persecution, dan misdirection. From the category matter, most of the actions by the state actors are in the form of direct action (by commission) around 88.9 %, while the omission acts (by omission) around 9.4%, the rest is in the form of regulation (by rule/judiciary) around 1.7 %. The height of state active action in performing violation indicates about the weakness of state administrator’s awareness on human rights. Instead of protecting the citizen within its jurisdiction, the state become of that violation actor itself. [See Chart 1]

Table 1.
Forms of State Action

<table>
<thead>
<tr>
<th>No.</th>
<th>The Actions of State</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Threat of Arrest</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>Threat of Closure</td>
<td>1</td>
</tr>
<tr>
<td>3</td>
<td>Condoning</td>
<td>8</td>
</tr>
<tr>
<td>4</td>
<td>Blasphemy Charges</td>
<td>1</td>
</tr>
<tr>
<td>5</td>
<td>Discrimination</td>
<td>21</td>
</tr>
<tr>
<td>6</td>
<td>Intimadation</td>
<td>1</td>
</tr>
<tr>
<td>7</td>
<td>Discriminative Policies</td>
<td>2</td>
</tr>
<tr>
<td>8</td>
<td>Prohibition of Religious Activities</td>
<td>1</td>
</tr>
<tr>
<td>9</td>
<td>Prohibition of Religious Sects</td>
<td>1</td>
</tr>
<tr>
<td>10</td>
<td>Prohibition of Worship</td>
<td>8</td>
</tr>
<tr>
<td>11</td>
<td>Prohibition of Religious Activities</td>
<td>2</td>
</tr>
<tr>
<td>12</td>
<td>Prohibition of worship place building</td>
<td>1</td>
</tr>
<tr>
<td>13</td>
<td>Faith Coercion</td>
<td>3</td>
</tr>
<tr>
<td>14</td>
<td>Coercion of Changing Faith</td>
<td>3</td>
</tr>
<tr>
<td>15</td>
<td>Restriction of worship place access</td>
<td>2</td>
</tr>
<tr>
<td>16</td>
<td>Dismal Learning</td>
<td>1</td>
</tr>
<tr>
<td>17</td>
<td>Omission</td>
<td>11</td>
</tr>
<tr>
<td>18</td>
<td>Demolition of worship place</td>
<td>3</td>
</tr>
<tr>
<td>19</td>
<td>Religious Discussion Dismal</td>
<td>1</td>
</tr>
<tr>
<td>20</td>
<td>Religious Activities Dismal</td>
<td>1</td>
</tr>
</tbody>
</table>
For violation which involves the state as an actor, the institution which “donates” violations are 32 institutions. The big five of state institution which become the violators on freedom of religion/belief respectively, are: Police Department (35 actions), Satpol PP (18), District Government (14), Indonesia Millitary (10), and City Government (7) [See Chart 6]. For the record, as year ago, the Police Department of Republic of Indonesia becomes the actor who the top position as violators in category of state actor. This shows about the human rights perspective in Police Department is very weak. Consequently, the legal action that they perform is not for straightening the law enforcement of constitutional rights protection of citizen, but in contrary doing violations on minority rights. The steps and actions of police institution and its apparatus is not to enforce the justice for violation’s victims of minority group in various intolerance cases, discrimination, and
violence in the name of religion, but instead add and multiply the suffering of victims with other violations on their rights.

Chart 6.
State Institution as the Actor

Outside the violation actions on freedom of religion/belief that performed by the state, there are 175 cases are performed by the citizen. The number of violation which done by citizens can be classified in three categories of actions, they are: criminal offense (132 cases), intolerance (39), and *condoning* which done by society figure (4) [See Chart 2]. As the monitoring result of previous years, the violation actor on freedom
of religion/belief in the category of non-state actor are always dominated by residents, which showing which always seemed “horizontal war” in any conflicts of religion/belief. The conflict escalation then become more destructive with the absence of state in preventing the conflict potency prevention, management and conflict resolution, and peace situation preservation. In that situation, the intolerance group becomes more daring transparently to lead the conflict and moreover through the open assault which is shoted by mass media.

Table 2.
Violation Actions by Citizens

<table>
<thead>
<tr>
<th>No.</th>
<th>The Actions of Citizens</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Threat of Violation</td>
<td>11</td>
</tr>
<tr>
<td>2</td>
<td>Threat of Expulsion</td>
<td>2</td>
</tr>
<tr>
<td>3</td>
<td>Threat of Closure</td>
<td>1</td>
</tr>
<tr>
<td>4</td>
<td>Threat of Attack</td>
<td>2</td>
</tr>
<tr>
<td>5</td>
<td>Condoning</td>
<td>4</td>
</tr>
<tr>
<td>6</td>
<td>Discrimination</td>
<td>9</td>
</tr>
<tr>
<td>7</td>
<td>Intimidation</td>
<td>5</td>
</tr>
<tr>
<td>8</td>
<td>Intolerance</td>
<td>39</td>
</tr>
<tr>
<td>9</td>
<td>Report on heresy charge</td>
<td>2</td>
</tr>
<tr>
<td>10</td>
<td>Prohibition of Religious Sects</td>
<td>1</td>
</tr>
<tr>
<td>11</td>
<td>Prohibition of Worship activities</td>
<td>8</td>
</tr>
<tr>
<td>12</td>
<td>Force on Faith</td>
<td>1</td>
</tr>
<tr>
<td>13</td>
<td>Force on Changing Faith</td>
<td>1</td>
</tr>
<tr>
<td>14</td>
<td>Burning on Properties</td>
<td>3</td>
</tr>
<tr>
<td>15</td>
<td>Burning on Worship place</td>
<td>2</td>
</tr>
<tr>
<td>16</td>
<td>Demolition of Worship place</td>
<td>1</td>
</tr>
<tr>
<td>17</td>
<td>Dismissal on Religious Discussion</td>
<td>3</td>
</tr>
<tr>
<td>18</td>
<td>Dismissal on Religious Activities</td>
<td>8</td>
</tr>
<tr>
<td>19</td>
<td>Omission on Refugees</td>
<td>1</td>
</tr>
<tr>
<td>20</td>
<td>Persecution</td>
<td>5</td>
</tr>
<tr>
<td>21</td>
<td>Under Siege</td>
<td>2</td>
</tr>
<tr>
<td>22</td>
<td>Raid</td>
<td>2</td>
</tr>
<tr>
<td>23</td>
<td>Termination on Religious Activities</td>
<td>3</td>
</tr>
<tr>
<td>24</td>
<td>Expulsion</td>
<td>5</td>
</tr>
<tr>
<td>25</td>
<td>Rejection on Building worship place</td>
<td>4</td>
</tr>
<tr>
<td>26</td>
<td>Access Restriction</td>
<td>1</td>
</tr>
<tr>
<td>27</td>
<td>Closure on Islamic Boarding School</td>
<td>1</td>
</tr>
<tr>
<td>28</td>
<td>Hate Speech</td>
<td>1</td>
</tr>
<tr>
<td>29</td>
<td>Sealing Religious Properties</td>
<td>2</td>
</tr>
<tr>
<td>30</td>
<td>Sealing Worship Place</td>
<td>5</td>
</tr>
<tr>
<td>31</td>
<td>Attack</td>
<td>7</td>
</tr>
<tr>
<td>32</td>
<td>Attack on Settlement</td>
<td>1</td>
</tr>
<tr>
<td>33</td>
<td>Attack on Worship Place</td>
<td>1</td>
</tr>
<tr>
<td>34</td>
<td>Heresy</td>
<td>14</td>
</tr>
<tr>
<td>35</td>
<td>Holy book vandalism</td>
<td>1</td>
</tr>
<tr>
<td>36</td>
<td>Properties Vandalism</td>
<td>9</td>
</tr>
<tr>
<td>37</td>
<td>Worship Place Vandalism</td>
<td>7</td>
</tr>
</tbody>
</table>

The doer of those violations in category of non-state actors are individual citizens or individual groups which joining in society organization. The likely group which done most violations on freedom of religion/belief as the big five, respectively are: Society/residents (65 actions), Islam Defender Front-FPI (16) Indonesian Ulema Council (14), The Combined Islamic Mass Organization (7), and Religious Figure and also The Islamic People’s Forum (5 actions per-each) [See Chapter 7].
Chart 7. Non-State Actor
From the victim’s side, violation on freedom of religion/belief in 2013 mostly befalls on Jamaah Ahmadiyah. Around 59 incidents with many forms of violence places Jamaah Ahmadiyah as the victims. Whereas, the Christian becomes another victims with having 48 incidents. Besides those both groups, several religious sects become victims also with having 28 incidents. Jemaah Syiah also often become victim of this violence, they have 23 incidents. Whilst, the individuals who become violence actions is with 20 incidents. The Moslem are generally becoming the victims also, their cases are 11 incidents. Then, the rest, violation on freedom of religion/belief befalls several forms of other minority groups in Indonesia. [See Chart 8].

Chart 8.
Groups of Violence Victims

Remembering that the target of violence in this context is group of religion/belief, then automatically their house of worship
are also being one of another target. The disturbance of house of worship in the incidents which documented on 2013, are mostly pointing to house of worship of Christians, namely around 27 incidents.

The Mosque become the target of disturbance in 17 incidents. The rest is Vihara with 2 incidents of being the disturbance object target and house of worship of them – the Mystical Beliefs – in 2 incidents, and Pura with 1 incident. [See Table 3].

Table 3.
The House of Worship Which Have Disturbed/Impaired

<table>
<thead>
<tr>
<th>No.</th>
<th>Worship Place</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Church</td>
<td>21</td>
</tr>
<tr>
<td>2</td>
<td>Mosque</td>
<td>17</td>
</tr>
<tr>
<td>3</td>
<td>Monastery</td>
<td>2</td>
</tr>
<tr>
<td>4</td>
<td>Temple</td>
<td>1</td>
</tr>
<tr>
<td>5</td>
<td>Religious Sects</td>
<td>2</td>
</tr>
</tbody>
</table>

B. The General Condition on Freedom of Religion/Belief in Several Monitoring Territories

1. North Sumatra: Stagnation and Heap of Problem in House of Worship

Religion Diversity in North Sumatra is almost perfect. The majority religion in North Sumatra is Islam, are embraced by ethnic Malays, the coastal people, Java, Aceh, Batak Mandailing, South Tapanuli (Angkola), part of Batak Karo, Batak of Tapanuli Utara, Simalungun, Nias and Pakpak. Theb Christian and Catholic, are generally embraced by ethnic Batak Karo, Toba, Tapanuli Utara, Simalungun, Pakpak, Mandailing, and Nias. And Hindu is generally embraced by ethnic Tamil in urban area. Buddha is embraced generally by mix-ethnic origin community in urban area. Konghucu is embraced by mix-ethnic origin people in urban area.
Besides six 'legal' religions which is ‘recognized by the state’, there is Parmalim belief which is embraced by some Batakinese that based in Huta Tinggi. There is also animism there, especially which is embraced by Batakinese, that is Si Pelebegu Parhabonaron and those cults alike. Thereby, North Sumatra has prominent and quiet unique dynamics related to the matter of freedom of religion and belief, but also complex with having issues that related to religion.

[a] Several Incidents of Violation on Freedom of Religion/Belief

The level of violation on freedom of religion or belief along 2013 seems have trend changing, where the mosque eviction prominently occurred. Generally, despite compared to the previous year that decline, but the intolerance actions happens in the region which generally inhabited by majority community, such as Binjai and Tapanuli Utara. The most prominent violence actions which documented by SETARA Institute up to this time is about no significant effort of the local government to solve the problems which appears in some region. Despite, there is effort to solve the problem, but most of it just taken because of pressure from majority groups, and the minority ones has no serious attention acceptance at all. Those incidents can be seen through the actions from a group which against the existence of worshipping house and demolition of it, or its removal. But the government tends to be quiet, and if they do an action, it is just because of considering the interests and willingness of majority group.

1) Demolition, Destruction and Disallowance of Construction of House of Worship in Medan

Within 2011 until 2013, there are some problem happened related to Moslem, Christians, and Buddhists’ house of worship in Medan. Since the beginning of 2011 until 2013, recorder about some mosques that evicted or demolished by some residential developers which is suspected supported by surrounding apparatus, which is then getting rejection actions from society who become the victims of that action. This incident befall three mosques in Medan, they are: first is Al-Ihklas mosque which locates in Jalan Timur Medan,
that suspected done by Hubdam I/Bukit Barisan together with residential developers who bought the area from Kodam I Bukit Barisan. Despite, this mosque is finally decided to be reconstructed again after some phases of meeting and negotiation of all parties.

Second, the demolition of Raudhatul-Islam mosque and Madrasah Al Kairiyah which is done by PT Jati Masindo where locates on Jalan Putri Hijau Medan, precisely behind the Emeral Garden hotel. Third, demolition and destruction of At-Thoyyibah mosque which previously was in Kompleks Multatuli Indah, and until now the Board of Mosque are still waiting for the verdict process from Cassation Level on lawsuits of BKM Masjid At-Toyyibah in Supreme Court (MA).

Besides of demolition and destruction of mosque, there is no case completion of the assault of group of thugs on jamaah and also case of demolion on Nurul Hidayah mosque where located in Komplek Perumahan MMTC Medan Perjuangan Jalan Dr. Williend Iskandar or precisely located on Jalan Pancing simpang Unimed Medan. There is no legal proceeding or follow up on this case. Up to present the mosque is still maintained by the people and jamaah of
Nurul Hidayah mosque.

According to the chairman of Islamic People Forum (FUI) of North Sumatera, Ustad Timsar Jubir⁴, numbers of mosque which are destructed will be increasing. There are 3 (three) mosques and 1 (one) musholla (small mosque) will be destructed by residential developers, they are Ar Rahman mosque on Jalan Pelita II Brigjend Katamso Medan, Nurul Hidayah mosque where locates in Komplek perumahan MMTC Medan Perjuangan Jalan Dr. Williem Iskandar or Jalan pancing simpang Unimed Medan, and a mosque which locates on Jalan Lampu.

Before, there are some incidents of mosque demolition in Medan. Some of them are, Al Hidayah mosque in Komplek PJKA Gg. Buntuk, Jenderal Sudirman mosque in Komplek Kavaleri Padang Bulan, Ar Ridha mosque in Komplek Kodam Polonia. Before of those incidents, there is also threat happened about demolition of Al-Musa’adah mosque that locates on Jalan Cemara, Gang Jambu, Lingkungan 1, Subdistrict Pulo Brayan Darat, Kecamatan Medan Timur.

Besides the problem related to mosque demolition issue, on Friday, November 15, 2013 chaos happened between Police of Kota Medan and residents and jamaah of At-Taqwa mosque, Polonia. Hundreds of Muslim Alliance (Aliansi Umat Muslim) which defy the existence of parking area in Hermes Palace Hotel beside of Taqwa mosque, on Jalan Mesjid, Subdistrict Babura, Medan Polonia, clashed with police. The police also fired tear gas to disperse them who continue to pelt them and the building of hotel. According to the field report, the problem was started from Pelaksana Tugas (Plt) of Medan Mayor, Dzulmi Eldin to came and see the parking area that is considered to violate the rules and to cover the wall of At Taqwa mosque. The mass also asked Dormant Municipal Police Force (Satpol PP) to demolish the parking facility which locates beside the mosque. But, Eldin did not come and then the mass was finally starting to act anarchist. They pelted Hermes Palace Hotel and parking building with stones. Then, the hotel's glasses are broken.
In spite of Moslem’s tensions related to the incident of house of worship in Medan are happened a lot, those incidents are actually not pure as the violation on freedom of religion/belief if we deeply analyzed, because it tends to be like the impact of land/area conflict. But, because of the disputed object is about house of worship, the religious tension seems happened increasingly. And if these similar cases have no serious handlement, it is very possible that will be trigger for a broader tension.

Besides the problem of mosque in Medan, network of SETARA Institute also documented some problems on Christians’ and Hindu’s house of worship, that is; resident’s rejection on house of worship construction which consists of 3 (three) units of churches; Pentakosta church in Martubung, Air Putih church in Martubung, and prohibition by Pemko Medan and local residents on the use of the church of Kristus Rahmani Indonesia in Medan. Besides that, prohibition is also experienced by Hindus on their house of worship construction which locates in complex of Asia Mega Mas in Sukaramai Medan Denai.

2) Prohibition of House of Worship in Deli Serdang

Besides as mentioned incident which happened in Medan, the same case also happened on Christians in Deli Serdang Regency. Prohibition was done by Moslem on construction of Rok Bethel Indonesia Church (GBI) which locates in Galang Regency, Kabupaten Deli Serdang. Up to present, that case has no completion and guarantee from local government to get permit to reestablish the previous church which was burned a few years ago.

3) Prohibition of Al Munawar Mosque Construction in Kabupaten Tapanuli Utara

On March 4, 2013, hundred of residents of Pahae Jae protested related to displacement as well construction of Al-Munawar mosque in Pahe Jahe regency, Kabupaten Tapanuli Utara, Province of Sumatera Utara. The case of prohibition on construction of Al Munawar mosque in Pahae Jae Regency,
Kabupaten Tapanuli Utara by local residents since 2010, eventhough the initiative of these mosques construction have been done by its worshipers since 19198.

In 1998 the idea of renovating the mosque of Al Munawar appeared, but that construction plan (renovation) failed to be executed because of monetary crisis attack on Indonesia, so that postponed by the worshipers of Al-Munawar. The initiators are: H. Mawardi Panggabean, Mandong (deceased), Maruli Gultom, Jaiman Harianja and Syarif Sianturi (deceased). But, the aspiration of youth of Islam wanted the construction of the mosque to be postponed until the economic crisis is over and the economic condition become stable, while seeking the strategic location for the mosque. An agreement went to the second choice. Because of that idea was released since 2010, which had been postponed for around 12 years. The construction of Al Munawar mosque not to increase the number of mosque like stated by the Christians, but to relocate it from Desa Sarulla to Desa Nahornop Marsada that 100 metres distance from the previous one and the old one will be utilized as an Afternoon Lessons of Koran (TPA). 7

There are some reasons of Al Munawar mosque displacement from Desa Sarulla (Pasar) to Desa Nahornop Marsada, that located within 100m to the west, they are 8: a) The capacity of Al Munawar is limited, b) The building construction of Al Munawar mosque is relatively old and not worth as well, c) The condition of the mosque’s surrounding is seedy, d) the direction shift of the Qibla.

But, the rejection by Christians occurred, with the reason that the location of the mosque is too close with 2 churches. The Christians who rejected the mosque construction, came to Religion Ministry office in Tapanuli Utara regency, and presented a letter of rejection of the mosque construction signed by the society. They accompanied by a local parliament’s member (DPRD) in Tapanuli Utara, he is Ottonier Simanjuntak from PDIP.

The rejection of Al Munawar mosque construction
actually based on the internal problem of pewakif’s family (the giver of waqf land), besides the strong rejection of the people as well. After the certainty plan of displacement and construction of Al Munawar mosque from Desa Sarulla to Desa Nahornop Marsada, then the rejection comes also from the Christian. The objection submitted to Badan Kenadziran Masjid (BKM) Raya Sarulla, Pahe Jae. Moreover, the people of Dusun Aek Bulu and Dusun Siria-ria expressed complaints and disagreement of the construction of the mosque which located in Dusun Aek Bulu, Desa Nahornop Marsada. That statement was signed by 117 Christians resident that submitted to the Regent of Tapanuli Utara on November 22, 2010.

The reasons of local residents that become disapproval of Al Munawar mosque construction, are: a) Dusun Aek Bulu and Dusun Siria-ria Desa Nahornop Marsada contains of 86 householders who are Christians and and 6 householders who are Moslems, b) around the location of the establishing mosque’s plan, there are 2 churches exists before, namely Gereja HKBP Nahornop Marsada and Gereja Advent (GMAHK) within 30 metres, so that considered too close with the church’s position.


Until now Development Committee and the BKM of Al Munawar still make efforts to approach the Christian community, and that development committee also meets the requirements of the consent of indigenous and local communities. But, the impact of this rejection action, the
mosque's construction becomes dormant.\textsuperscript{11}

4) The Rejection of HKBP Binjai Baru Church Construction in Kota Binjai

The refusal incident of the construction of Gereja HKBP Binjai Baru that located in di Jl. Wahidin, Kelurahan Jati Makmur, Kecamatan Binjai Utara, North Sumatra actually has been going on since 2008, when the building process of this church has been started since 2007. But in 2008, some of local residents showed their dissagrement with the construction plan of HKBP church. This problem had culminated in 2008 and in 2010, until nearly clashing mass, and there have been attacks on Christian who sought to keep building construction. Last, this church construction process was being continued by the development committee of HKBP Church of Binjai Baru, until today.

On December 1, 2013 an incident of attacks and eviction of HKBP Church's pilgrims of Binjai Baru happened again. The intolerance action occurred there which performed by some residents of Tandem and some peoples from Islamic Defenders Front (FPI) of Kota Binjai. They tried to perform forced dissolution of activities of HKBP Church's pilgrims of Binjai Baru.

[b] The Sects of Religius Belief: Groups are vurnerable to the acts of intolerance\textsuperscript{12}

Besides problem related to the construction of house of worship as described as, some regions spread in some regencies and cities in Sumatra Utara, there are some religious sects which monitored by Head of Municipal Administration's office of nation unity, politics and community protection (Kesbangpol Linmas) of province of Sumatera Utara. That monitoring accorded to the reason of some sects which are accused heresy by society, MUI of Kota Medan, and MUI of North Sumatra, and FUI of North Sumatra.

Those sects are; First, Ahmadiyah which spreads in City and Regency of Meda, Langkat, Deli Serdang, Tanah Karo, Tanjung Balai, Simalungun, Labuhan Batu, Tapanuli Selatan
and Serdang Bedagai; Second, sect of Blankon and Fardu Ain in Langkat Regency; Third, sect of Soul Training which exists in Deli Serdang Regency; Fourth, sect of Satariyah that is in Medan; Fifth, sect of pesantren Tarekat Babu al Ridho that is in Medan; Sixth, sect of Tarikat Samawiyah. The last sect is accused as the heresy by MUI because that organization’s leader, Dr. Ahmad Arifin, is suspected of doing sexual abuse to tens of his students.13

2. West Sumatra: The Government of Majority Defender14

Province of West Sumatra consists of 19 regencies and cities, 176 sub-districts, 627 Nagari, 260 Kelurahan, 126 Desa and 3520 Korong/Jorong/Kampong.15 With an area of 42,2 thousand Km² Wesr Sumatera is inhabited by 4.823.466 peoples16, and the populous area is Kota Padang with 825.145 peoples and the area with smallest population is Sawahlunto with 57.299 people. And, the cities with diverse residents are Kota Padang and Kota Bukittingi.

As the area that famous by having the philosophy adat basandi syara’, syara’ basandi Kitabullah, West Sumatra is known as one of the regional bill (Perda) producer with religious nuances. That regional bill sets about religious obligation that should be or should not be done by society/community. Nevertheless, those some regional bills have been not used well. About the above philosophy was taken because of closeness of West Sumatra and religious Minangkabau, this matter was seen from the percentage composition of residents’ numbers with the embraced religion. According to data of BPS that released in 2013, there are 4.952.374 peoples of West Sumatra embrace Islam, 58.626 people are Protestant, 20.867 peoples are Catholic, 1.191 peoples are Hindu, 4.336 are Budha and 1.232 peoples are Konghucu with have no religion/belief.17 The factors of majority religion domination and regional autonomy reasonably influence the birth of a policy, so that it’s not surprising if West Sumatra has many ‘Islam’ nuances regulations that set society’s life.

Within that situation, numbers of violation on freedom of religion/belief in West Sumatra are reasonably prominent. In 2012, according to the data collection result which was done by
LBH Padang 18 around 5 cases relates to the violation of freedom of religion/belief in West Sumatra, namely; Case of Atheism of Alexander Aan, Rejection of Vihara Budha Metha performed by residents of Kelurahan Nunang Kota Payakumbuh, Assault on house of M Nasir, the pilgrim of Darmoga sect done by around 200 resident of Padang Tangah Payobada, Payakumbuh and the sealing of the Church in Pasaman Barat by Islamic Organization Communication Forum (FKOI) and discrimination case on public service for 2 pilgrims of Jemaat Ahmadiyah who wanted to marry.

The most attention capture case in 2012 is Atheism that brought Alexander Aan (Civil Servant Candidates (CPNS) of Darmasraya), who became the defendant of District Court of Sinjunjung. This Alexander Aan's case is not the first case that was charged under the blasphemy cause, but this case is so capturing international people's attention, moreover it becase one case that discussed in United Nation.

This case has a different dimension from another cases that along this time are charged under the blasphemy cause. Alexander Aan was blamed because acknowledge himself as the Atheism follower, then wrote his thoughts through the social media. Some people said that, he already did blasphemy of Islam. Whereas, along time before his writing and thought are made and published through the social media, there are too many similar articles in blog, kaskus, facebook, and twitter that heresy many religions, including Islam, but they are allowed.

Another interesting aspect is, another civil servant (PNS) have spread that Alexander Aan's writing by copying and giving to some peoples. That could anger residents and at the last to come to Alexander Aan's office and performed acts of persecution on Alex, until it is finally handed to the police.

As the area with largest population of Moslems, about 4,952,397 peoples from 5,038,650 residents, in West Sumatra also prioritized for Moslems to establish the house of worship. Based on BPS data that released in 2013, there are 4,798 mosques and 11,046 mushalla.

This is contrary to the development of worshiping house of other religions that is undeveloped. The growth of another religions’ house of worship is not balance with the people's growth. Hindu is a sample, since 2010 until nowadays, the numbers of its
house of worship is only one, that is Pura which located in Kota Padang. According to Ketut Budarga, umat Hindu is necessarily having a house of worship in their every own house that is called as Merajan or Sanggah, but until now, the Hindu people in several areas (Trans area) have difficulty to establish that house of worship, with the reason of having the permit first. Besides it, the chronic problem is difficulty of Hindu to do the funeral pyre ritual, because the difficulty to get the permit, so that they should bring the corpse to another region or Bali for sure. That classical case is still going until today.

[a] Some Incidents of Violation on Freedom of Religion/Belief in 2013

For the year of 2013, the incidents that characterize intolerance in the exercise of freedom of religion and belief in West Sumatra are dominated by refusal of Siloam Hospital construction, Mall and Pelita Harapan School (Super Blok Lippo Group), the restriction of Ahmadiyah, restriction of religious book about Syiah thought, and control of the sect that suspected heresy.

1) The rejection of Siloam Hospital

The project of Super Blok from Lippo Group gets rejection in the reason of Christianization and apostasy sheathed investment. This is stated by Gusrizal Gazahar Lc. M.A., the Chairman of Fatwa Field of MUI of West Sumatra. Moreover he described that the rejection is not performed by MUI, but the element of ulema and ninik mamak also performed that projection acts. The reasons of aqidah, economics, law, and social culture, they declared to refuse that hospital construction plan. But the main argument of refusing it, is about the seriuos worrying problem of christianization and apostasy sheathed.

The rejection of Siloam hospital construction is not only performed by Islam organization, but also by the Governor of West Sumatra, Irwan Prayitno who is the cadre of PKS (Prosperous Justice Party) also refused to the construction of Siloam Hospital. In some opportunities to meet some Islam
organization from Kota Bukittinggi and Kota Payakumbuh and Minangkabau Society Forum of Anti Siloam that led by Masfar Rasyid, Irwan stated:

We will try to reject the construction of Siloam Hospital in Kota Padang if it is suspected or worried of having covert mission of christianization during the process, and if that Siloam Hospital which invested by Lippo Group is a missionary, so we need to do rejection also. But, we hope, that rejection is precisely to struggle for Islam aqidah, not for politicization media.

Just to remaining, the first stone laying of the construction process in integrated area of Lippo Group in Kota Padang which consists of hospital, school, mall and hotels, can be attended by the Head of Regional Representatives of Republic Indonesia Irman Gusman, Coordinating Minister of People’s Welfare (Menko Kesra) Agung Laksono, The Head of National Disaster Mitigation Agency (BNPB) Syamsul Maarif, the former Coordinating Minister of People’s Welfare (Azwar Anas), the Governor of West Sumatra Irwan Prayitno, the Head of Dewan Syuro Prosperous Justice Party (PKS) Hilmi Aminuddin, the Regent of Padang Fauzi Bahar, the Owner Lippo Group James Riady, the President Lippo Group, Theo L Sambuaga and the other figures.

Masfar Rasyid, on October 22, 2013 was also using the Pilkada (direct election for Governors, Mayor, and Regents) of Kota Padang to refuse the plan of Lippo Group by inviting 10 candidates of mayor to make a commitment the Siloam’s existence. And while that meeting is held, on October 24, 2013, about 7 of those candidates and their vices attended the invitation, they are: the mayor and deputy mayor Emma Yohanna-Wahyu Iramana Putra (EMYU), Ibrahim-Nardi Gusman (IMAM), Kandris Asrin-Indra Dwipa (KAIN), Maigus-Armalis (Mars), Indra Jaya-Yefri Hendri Darmi (Rancak), Syamsuar Syam-Mawardi (SAMA), and Mahyeldi-Emzalmi (ME). Three other pair candidates were not come.

In the presence of MUI Chairman of West Sumatra
Syamsul Bahri Khatib, the MUI Secretary of West Sumatra Edi Safri, the Chairman of Fatwa Field of MUI (Ketua Bidang Fatwa MUI) of West Sumatra Gusrizal Gazahar, the Head of Tarbiyah Islamiyah of West Sumatra Buya H. Boy Lestari Dt Palindih, the officials of Islam Organization, and NGO activists, seven pairs for candidates of mayor and deputy mayor of Padang, they signed statement of refusing the Construction of Siloam Hospital in the area of Khatib Sulaiman Kota Padang, West Sumatera.

2) The Restriction of Ahmadiyah

On November 14, 2013, the provincial government of West Sumatra, through the National and Political United (Kesbangpol) and City Government of Payakumbuh had socialization related to SKB 3 Menteri and Governor Regulation No. 17 Year 2011 about the Activity Restriction of Jemaat Ahmmadiyah Indonesia in West Sumat. This socialization program was opened by regent of Payakumbuh that represented by the Head of Kesbangpol, Ir. Yufnaini Away and attended by 40 participants from governmental apparatus, society figure, religious figure, Islam organization, NGO and youth from Payakumbuh City.

That socialization event presented speakers from some elements, such as local government, Prosecutor Office (Kejati) of West Sumatra, Polda West Sumatra, MUI West Sumatra, and Minangkabau Communal Organization (LKAAM) of West Sumatra. Zulhadi as the representation of Kebangpol stated that this socialization is important for state apparatus, society figure, religious figure, cultural figure can synergize in facing the problem that appears within the religious life related to JAI and the cults in order to prevent the conflict which probably occur and can be detrimental of society.22

The Chairman of Indonesia Ulema Council (MUI) of West Sumatra, Syamsul Bahri Khatib on June 2, 2013 was also urging the restriction on Ahmadiyah through his statement that every sects as the the Moslem and is not deviant, should perform Islam in accordance to the Qur’an and Sunah. Because Islam does not give any tolerance to them who as
recognize as Moslem, but embrace as contrary as to aqidah (belief). He said that every sect that accused heresy must states that they are on the right way. “As like as a thief, they won’t to be accused as a thief as well, they should defend themselves!” he strictly said.

The residents are also rejecting the improvement chance of Ahmadiyah, such as shown by the residents Solok Selatan. Some elements in society of Solok Selatan, against the existence of Ahmadiyah followers that live in Jorong Bukit Malintang Sikinjang, Nagari Lubuk Gadang, Kecamatan Sangir, Solok Selatan. They are worrying these Ahmadiyah followers will teach their thoughts the disgression to another resident.

3) Religion Textbook for Elementary School (SD) is Allegedly Loading Shia Doctrine.

The Libas of West Sumatra, Majelis Mujahidin Indonesia (MMI) of Padang, Pagar Nagari, Islamic Law Enforcement Committee (KPSI) of West Sumatra, and High Council of Natural Closeness Culture of Minangkabau (MTKAAM) of West Sumatra mentioned that some books of their religious text book they found in investigation is contrary with Islamic Sharia. One of the samples is like what was found in SDN 07 Kelurahan KTK, Kecamatan Lubuk Sukarah, Kota Solok.
According to Irfianda Abidin, the Chairman of MTKAAM, those books are 19 pieces, which are bought from the particular allocation finance (DAK) of Educational Division of Solok in 2010. Those books are published by Trisula Adisakti, Cahaya, and Qorina. Some of them are: Qalbun Salim, Sejarah Fathimah Az-Zahra, Wanita-wanita Pilihan, Dosa-dosa Besar, dan Kisah Ajaib.

4) The Assault to Ahmadiyah Followers Dharmasraya

Ngasiman Hadi Susanto, a follower of Ahmadiyah at Jorong Langanja II, Nagari Sipangkur, Kecamatan Tiumang, Dharmasraya, was attacked by a group of people on Sunday, Februari 17, 2013. That assault is triggered because of Supriano as a local resident wants to follow the Ahmadiyah taught. Supriano’s family and local residents cannot accept that such treatment then they assault back and damage the house of Ngasiman. After attacked by a group of people, Ngasiman directly reported on Februari 17, 2013 to police district of Dhamasraya, but until November 2013, the report of report of torture and house damage of Ngasiman never be followed up, moreover, until now the psychology of Ngasiman is under a threat, so that he should move to Bungo, Jambi.

[b] Government’s Performance and Law Enforcement Apparatus

The awareness of tolerance urgency, protection and appreciation on Freedom of Religion/Belief as a constitutional right of citizen, and obligation and responsibility of its fulfillment, within the governmental apparatus of West Sumatra is so problematic. Lack of awareness and Human Right perception surrounding the issue on freedom of religion/belief in West Sumatra, seems from the apparatus’ statements which is not constructive for freedom promotion.

M. Jafri, the Division Chairman of Social Politics field of Prosecutors Office of West Sumatera, through the interview on November 20, 2013, said that: “During 2013, the society condition in West Sumatra region is fine if seen from the context of tolerance on freedom of religion. Generally, the society condition is serene
and peaceful. There is no cases related to religion occur during 2013.” M. Jafli seems don’t care to the intolerance and violation acts phenomena and in the name of religion/belief.

The indicator of that ‘disturbing’, according to M. Jafri is when a forbidden cult appears, like Ahmadiyah. Thai is clearly forbidden, either according to the joint Decree of Three Ministers or Governor Regulation.

Clearly, M. Jafri states that, “if there is a regulation which discredits current religion/belief, it is fair. In West Sumatra, the applicable rule is what was created in West Sumatra. If you feel uncomfortable, so you pleased to move from that place! And it is very reasonable, because the minority group always feel to be discredited by majority group, he said.” That statement shows that low of our understanding about constitution and diversity in Indonesia and life urgency to live peaceful co-existence in the climate life in the pluralism country.

Idris Nazar as the Head of Law and Inter Religion Harmony of Ministry of Religion of West Sumatra, described that in 2013 the condition of plurality or inter religion has no complaint. The general condition is relatively fine. Related to the Ahmadiyah problem, Idris considered it is finished because there is no clash or protest happened among the society. Related to the steps of harmony maintenance, Ministry of Religion conduct to do training of religion harmony and establish an organization for young people from inter religion and also make the FKUB become effective.

The logic of complaint where the apparatus put themselves in passive position, is often used as an apology or moreover the avoidance the responsibility to enforce the law in many ways of violation on freedom of religion/belief. By the thinking that way, it is so reasonable if in some incidents on freedom of religion/belief, the government is often absence, and if he come, he often performs like the country’s image which should be fair to cover and to gather all of the citizens.

Potency of religion nuances tenseness during 2013 according M. Jafri is zero. The Prosecutors has not found yet a complaint or information of that tenseness. Though there is tenseness happened several years ago which is related to Ahmadiyah, but that case
is solved and the condition is already conclusive now after the Governor Regulation of West Sumatra Number 17 Year 2011 was published, which prohibits Ahmadiyah. But, several times ago, a problem related to problem/issue diversity occurred, that is about Siloam Hospital construction, but that was clearly contained political particle that infiltrated by certain people for their private interests. But the problem does not bring tenseness potency which will disrupt religious harmony.

Zulnadi, the Head of Community Development of National and Political Unity Office (Kesbangpol) of West Sumatra, stated that the government role just to support the harmony creation. The government just educated how to life well in a harmony. For example are to socialize or to share the society. Such as, the local government to do socialization about the regulation which sets diversity, whether applicable in national level or just exist in local level. For example, to socialize the Governor Regulation that related to Ahmadiyah about Ahmadiyah prohibition, socialization of PBM about House of Worship, and so on.

According to Zulnadi, there is a special effort to guarantee the freedom of religion, because he said during 2013, there is no tenseness appeared. The society is fine, so we just need to maintain that harmony and to do socialization as well. One of thing that should be remembered according to Zulhadi, is to appreciate the Minang’s philosophy, “dimana bumi di pijak di situ langit dijunjung”, which is meant his brought belief that should be obeyed, but to obey the applicable regulation in where he live in.

Talks about the role of law enforcement persons, M. Jafli explain for Attorney that stays to monitoring the society, especially about religious sects in society. And this is a part of attorney’s task. About the breakthrough to take care of society, the government and including the attorney also have done some preventive acts of conflicts, such as the socialization and also development. So, the Attorney is being a ways of conflict prevention of inter religion in society. Related to those tenseness-creating issues, Attorney with Ministry of Religion and Local Government has been organizing FKUB, and there is a place of where all the religious problems will be handled.

The Government of West Sumatra do not perform particular
breakthrough in order to guarantee freedom of religion in West Sumatra, by that only to much doing socialization related to prevention acts of religious sect spread and cooperation with government in city/regency level.

Besides that, according to Zulnadi, Local Government usually facilitates the conflict completion related to religion in society, such as case in Pasaman Barat where the inter-ethnic tenseness appeared, because there are people from Lunang Silaut as a region that has some ethnics. The facilitation is done to muffle and to solve the problem with kinship ways, until to reach the speher count.

About house of worship construction that often mentioned as being the conflict caution, Zulnadi said that the matter is already regulated by minister. The Government will handle this problem according to the available rule. This conflict alike occurred in Pariaman regent. Because has no recommendation, house of worship construction has no permit because of not fulfilling the requirements.

Generally, the statements of state apparatus in West Sumatra showing that they have not adequate knowledge and ability as a duty bearer in perspective of fulfillment, protection, and promotion human rights with the citizen’s constitutional rights. Besides that, they prefer to lay on majoritarian logics. So that, they often see the problem of harmony from the perspective of interest and majority domination, whereas it should be, the administrator must do balance movement within the majority rule and minority rights. The administrators in local government should see the problem of freedom of religion/belief and inter-religion harmony as the disturbance from minority who “perturb” majority, either from the belief aspect or socio-cultural ratio. Moreover, the harmony which is imagined is not only as the coexistence between particular element, but also the absence of “disturbance” from minority to majority.

As the implication of that perspective, it is reasonable if in many cases happened in West Sumatra, the state apparatus tends to punish the “victims”, whereas the perpetrator is given privilege by the government. This condition will surely have implication to restriction of someone’s freedom to embrace a religion and to worship with state constitutional guarantee.

The state in local level should set the religious matter in the simple
meaning, that is to take care of majority interests, because if that minority “disturbance” to majority is allowed, so undiscipline and uncomfortable among society will appear. So practically, the local government always exists under the dominant religion control in performing the matter of religion/belief, so then the government is disable to be objective, neutral, and fair in its performance.

3. **East Java: Stagnant and Potential to Worsen**

Generally, the guarantee of freedom of religion/belief in East Java during 2013, has no significant change or stagnant if compared to the previous period. Some cases of freedom of religion/belief including the misdirection effort case, house of worship, and particular violation that is experienced by adherents, but it occurred without significant breakthrough from East Java government. Moreover, some violation of rights of freedom of religion/belief is actively done by government apparatus by of congregation with civil power.

[a] **Violation on Freedom of Religion/Belief**

1) **Violation on Jamaah Syiáh Sampang**

Since the second assault on Jamaah Syiáh, on August 26, 2012, series of violations are gradually faced by this group during their living in evacuation place. The violations are generally related to: [1] negligence of state to fulfill basic rights of jamaah Syiah in evacuation place; [2] belief shift coercion; [3] *hate speech* that is continually allowed by state apparatus then create kinds of intimidations which are never finish to be solved; [4] forced eviction, and; [5] impunity for actors behind the violence on Jamaah Syiáh, either that in Sampang case I, on December 29, 2011, or in Sampang case II, on August 26, 2012.

2) **The Attack on Jamaah Ahmadiyah**

The issuance of Letter of Decision (SK) No. 188/94/KPTS/013/2011 about restriction of Ahmadiyah activities in West Java, was marred by several violations on Jamaah Ahmadiyah in 2011, but had subsided in 2012. The accommodative behavior of Ahmadiyah East Java on that
regulation, participate to muffle the high number of violation. Though that accommodative acts is not a guarantee that the violence and violation on Ahmadiyah will be ended. Proven, in 2013 the violence to Ahmadiyah was recurring.

a. The Assault of Baitus Salam Mosque of Ahmadiyah Tulungagung

The attack and disturbance on Ahmadiyah’s pilgrim mosque in Desa Gempolan, Kecamatan Pakel, Tulungagung occurred on May 17, 2013. That attack was begun from the meeting in the head’s house of Neighborhood Units (RT) III, Desa Gempolan, Sarijan. On the pretext to have dialog with local ulema, Sarijan execute the command of Desa Gempolan Head, Isrofil, to invite Ahmadiyah figure. The Ahmadiyah’s preacher who came that meeting is Edi Santoso and Rizal. Those both men were sent by Aminullah (The Preacher of Ahmadiyah Kediri) to attend that dialogue event.

The dialogue was held after Isya praying time, and in that RT head’s house had came another invitation from MUI of Kecamatan Pakel, Subprecinct Police Station (Polsek), Precinct Police Station (Polres), Community Affairs (Babinsa) and the Village’s Head (Kepala Desa) in that house. More and more resident coming when Imam Muslim, the representatives of MUI Kecamatan Pakel, gave speech about the apostasy of Ahmadiyah. Both of Ahmadiyah’s representatives seemed judged by people at that time.

In the middle of the speech, the people shouted to destroy Ahmadiyah’s mosque, Baitus Salam, where located in that village. They brought woods and stones, and directly destroyed that mosque. Police personnel that have been there in location just let that violence happened. The Police just asked Edi and Rizal to leave Tulungagung. That both preachers, finally asked protection to Ahmadiyah’s mosque of Kediri. While they arrived in Kediri, those both men wrote report and that assault chronology. That report then sent to Polsek Pakel and Polres Tulungagung, but the police never followed up that report which made by Edi Santoso and Rizal.29
b. Eviction of Ahmadiyah’s Preacher.

Edi Santoso and Rizal asked protection to Aminuddin (Preacher of Ahmadiyah Kediri), and by Aminuddin let to stay for a while in At-Taqwa mosque, Ngadisimo, Kediri. On next day, May 18, 2013, police personnel suddenly came, and asked those both preachers of Ahmadiyah Tulungagung to leave Kediri immediately. The reso of police is, their presence there would be trigging the same incident in Kediri. Polsek and Koramil also pushed Aminuddin to stop any activities in Ahmadiyah’s mosque in Ngadisimo under the reason of unconducive situation.

The act which developed by the police have been changed. If the violence happened and threated the individual safety/minority group, police always to “sacrifice” the victims, and never tried to follow up that incident to the legal proceedings.30

3) Misdirection on Pondok Pesantren Alif Lam Mim Tulungagung

The misdirection case that took the lives, just reoccur again. That misdirection experienced by Pondok Pesantren Alif Lam Mim in Dusun Pampang, Desan Tawing, Kecamatan Gondang, Tulungagung. This Pondok Pesantren is misled by MUI Tulungagung because considered has taught cult. On September 9, 2013, MUI Tulungagung with Ministry of Religion, the Village Head of Desa Tawing, (district chief) Camat, Polsek Gondang, and Koramil Gondang called Gus Wahyudi (the Chief of Pondok Pesantren Alif Lam Mim) to clarifying. Gus Wahyudi considers that what is taught in Pondok Pesantren is not cons at all to Islamic teaching because they just practice Pancasila's value that strengthened by religion interpretation. Nevertheless, MUI stay to force Pondok Pesantren to stop its activity before fulfilling administrative requirements, dismantle the exixting building that located within the riverbank at the latest on September 16, 2013, and must report all of their personnels to Vital Statistic Office (Catatan Sipil).31
4) Assault on Pondok Pesantren

The assault of religious base is also happened in Puger region, Jember. Mass attacked and ruined Pondok Pesantren Darussolihin that led by Habib Isa Mahdi. That incident is coincided with carnival to celebrate Independence Day annual moment of Republic Indonesia to 68. PP Darussolihin is intentionally doing this activity event despite in lately because of some reasons of effective time to learn in Ponpes. Polres Jember since the beginning did not give permit of doing this event without any reason. But after negotiation, Polres finally issued that permit and promised to give safety guarantee.

During the carnival run, around 70 police personnel are commanded to guard the event. Strangely, the police were attempting to obstruct carnival troupe out of the cabin environment. After the pushing action, police finally opened the road. After a carnival troupe left that pondok, about 20 people came to pondok and damaging nine homes of Pondok Pesantren Darussolihin's administrators. They also burned about 19 units motorcycles and some another buildings of Pondok Pesantren. This action occurred precisely in front of the police, but they did nothing to obstruct it.\textsuperscript{32}

This case is actually a series of hatred syiar events.
that conducted by *ngaji* teachers of such area of Puger to that Pondok Pesantren in 2012. That hatred syiar which continually occurred, make people more and more are agitated and hostile the Pondok Pesantren “Darussolihin”.

5) Violation on Penghayat Community

The most massive violation and never be published, is actually experienced by penghayat community fro many years. Though there is no record relating numbers of violation, but every Penghayat Community’s family have experienced the violation of the rights for sure, especially in civil registration and population.

Violation of rights on Freedom of Religion/Belief is experienced by Penghayat Community related to religious column and Identity Card (KTP). Though UU No. 23 year 2006 about population administration, have give legal guarantee to Penghayat Community to empty the column of their religion in their identity card, but practically all of Penghayat community met serious obstacle since in Kelurahan until Department of Population and Vital Statistics Office. From Kelurahan, the resident always got obstacles of doing their effort to demand their rights, particularly related to the religious column in identity card.
In the field of education is no less serious. Children from Penghayat family are generally not being entitled to receive religious education in accordance with their beliefs. The schools tend to force children of penghayat community to choose religious education among the five official religions in Indonesia. Schools with various excuses not provide an opportunity for children to get religious education for penghayat children in accordance with their rights.

Until now, there are 37 group of penghayat that recorded joining in Peghayat Organization Cooperation Agency (BKOK) of East Java. In general, penghayat that incorporated in this organization do not have obstacle in report their marriage in Vital Statistic Office related to their beliefs in Dispendukcapil. But, penghayat groups and its culture which have not joined in BKOK, their marriage generally have not recorded in population administration.

Besides basic problems in recording population administration and education, another problem which is often faced by penghayat community are about difficulties to get permit to establish Sanggar and House of Worship. At several places, the construction of Sanggar and House of Worship always being inhibited by state apparatus and society. The Sanggar construction at Bulak Banteng, Surabaya, such as, at the first time of its construction, this Sanggar was refused by surrounding residents. This Sanggar cannot be built since 1998, and untuk now the government do not give any solutions.

In 20122, one of Sanggar Sapta Darma in Kecamatan Cerme, even is terrorized by Police, Cub-District Head, and Ulema. The followers of Penghayat community are forced to choose one of sixth official religions in Indonesia and encouraged to do not let the religious column in identity card as well. The latest case of house of worship occurred on November, 2013. That is construction of Sanggar in Kecamatan Nguling Kabupaten Pasuruan reinforced by government and government. The Village Chief (Lurah)
and District Chief (Camat) of Nguling Kabupaten Pasuruan provoked people to refuse the construction of Sanggar Sapta Darma (penghayat). And because of that provocation, until now that Sanggar have not established yet.33

[b] Perspective and Government Role: Zero Initiative

Eventhough the violation on Freedom of Religion/Belief in East Java is gradually under the scrutiny either from national or international, but until now, there is no breakthrough that made by Provincial Government of East Java to suppress the high violation numbers on citizen rights to get freedom of religion/belief and intensity of religious based violation. Vice versa, the Provincial Government of East Java tends to accommodate pressure from intolerance groups in issuing many kinds of discriminative policy on religious/belief minority groups.

Within the strengthening of current misdirection on Syiah in 2012, the Islamic organizations too much ambition to sue the Governor of East Java to publish policy, such as SK of Ahmadiyah that mainly state to dissolve the teaching of Syiah. To face this insistence, the Government directly responded by issuing Governor Regulation (Pergub) No.55 year 2012 about Religious Activity Development and Cult Monitoring in East Java. That Pergub was set on July 3, 2012. This Pergub content substance No. 55 year 2012 not different with Law No. 1/PNPS/1965. Another spirit that inspired this regulation is ‘Guideliness of Bad Cult Identification’ that is formulated by Central Indonesia Ulema Council (MUI) on November 6, 2007.

Since the beginning of 2013, the Provincial Government of East Java socialized seriously this regulation to every region in East Java. For sure, that plan is welcomed with great enthusiasm by Islam organization that Islamic organizations which are so far no call for holistic guarantee over the rights on Freedom of Religion/Belief for individual/group in society. Through this Governor Regulation No. 55/2012, numbers of violation on freedom of religion/belief in East Java will potentially increase and the religious/belief life in East Java potentially becomes worst in the future.
4. Central Java: Wide Potency for Inter-Religion/Belief Tenseness

Central Java is a province that locates in “central” of Java Island that consists of 35 Regents/Cities. Though the majority is Javanese, but the residents of Central Java also consists of some ethnics, such as Tionghoa, Arabian, Sundanesse, and many more of which comes from different religions/belief and culture.

In Javanese habit, there are popular two basic values of life, they are (1) harmonious principle and (2) respect principle. Those both principles are normative framework that decides the concrete forms of whole interactions within society.

The harmony principle in interaction horizon of Javanese means a together willingness to be in good situation, harmony, calm and peaceful. The harmonious means the condition that should be maintained in whole social relation such as household, dusun, village, and others. Harmony is finally creates social harmony. Whilst, the respect principle means someone’s way to bring himself to show appreciate behavior in accordance to everyone’s position and degrees. The appreciate principle is based on the view that all of relation in regular society is hierarchically appropriate to social ethics. In every existed religious and belief issue, those principles are itself as stake.

In Central Java, the conflicts related to the issue of Freedom of Religion/Belief at least begin to appear after reform in 1998. Until this moment the issue of freedom of religion/belief is still quite complex in Central Java. Various sources of tension and latent conflict in the middle of Central Java community with regard to the relationship between religious/belief as well as inter-religious streams in existing mainsect.

Throughout the year 2013, there are several cases related to freedom of expression of religion/belief considerable public attention, such as the case of a clash between the Islamic Defenders Front Sukorejo citizens, Kendal, and murder cases in Jepara religion conversions background/beliefs of the victims. Most of the tensions and conflicts related to the issue of freedom of religion and belief in Central Java prevalent in rural areas or areas south of Central Java, especially in districts such as Surakarta, Karanganyar, Boyolali, Magelang, and Temanggung.
[a] Conflict Potency

Potential conflicts in each region depend on the demographic composition, urbanization, and the development process has not been completed. For example is in the borderline area between Demak and Semarang. The appearance of conflict is not caused by the religious issue, but due to economic interests. Concretely, there is no land dysfunction due to massive industrial development in Semarang which causes damage to paddy and ground fish (ponds) in the border area. The phenomenon has occurred in the gap between the interests of society with government or employers.

Potential conflicts are also relevant to the issue of religion in Jepara. As an example related to the Syiah group that live and thrive in Jepara well. But the ripples of conflict occurred and peaked in 2002. Currently the Department of Religion sentence that Syiah groups in Jepara is a Syiah Imamiyah deemed harmful to the ideology of Indonesia, many of (Jamaah Syiah) whom were interrogated by District Military Command (Koramil), intimidated, and so on. Fortunately the conflicts in relation Sunny and Syiah can be mitigated by Sheikh Abdul Qadir Bafaqih, a charismatic cleric who deploys its cadres in various regions in Jepara.

However, it is not possible conflicts among Sunny-Syiah community in the future will not happen anymore. In this context, the government takes serious initiatives to maintain a peaceful situation in the midst of diverse community groups. To realize it, the state must ensure the functioning of itself as bearer obligations and responsibilities in the protection, fulfillment and promotion of human rights, and on the citizens of its cash meaningful constitutional rights of citizens. In addition, the need to strengthen social relations based on nationality (citizenship) democratic and fair.

While in Pekalongan, there are groups of ethnic Chinese and Arabic are different religions and beliefs, there are also Sunny and Syiah. Sentiment against ethnic Chinese in Pekalongan sizeable is triggered by social motives, and
political economy. The Syiah-Sunny relations also holds the potential conflict that often indicated by the appearance of small ripples of conflict. In Pekalongan there is a forum that seems to be systematically organized to counter and to negate the existence of Syiah however the forum does not turn into a big conflict voltage. Potential conflicts there, more or less being able to be muffled by the presence of Arab communities from Habib of Rabithah Alawiyyah.

Children watching Barongsai on Nyadran memorial and Pek Chun in Pekalongan City

While in Surakarta has its own peculiarity. In history, it was once the abangans basis, and now Islamic fundamentalism thrives. In Solo itself, Tafsir Al-Quran Assembly (MTA), the Islamic Defenders Front (FPI), Muhammadiyyah Ulama ‘(NU), and Kejawen grow together. If seen, the characters in Solo NU could be different from the others. They joined with Islamic fundamentalists, often forming joint forum. Of such diversity, they eventually adapt simultaneously. There are also reproductions and resistance, they retain their identity, but also reproduce the new values corresponding to the other.

In Sukoharjo, the influence of Pesantren Ngruki is very strong. “The Color” of Ngruki is very strong, even not only in Sukoharjo, but Ngruki spread its preachers up to Jepara and Semarang, precisely in the area of Mijen. The phenomenon of the spread of the Ngruki’s ‘color’ seems to be intentionally left, despite the fact that this is a state observation as well,
especially with regard to the issue of terrorism.

In the south, such as Cilacap, Banjarnegara and Banyumas, traditional and modern conflicts have started since 1930, which is started from Muhammadiyah and NU. The proof can be seen from the works that emerged in that era. The books are published by NU that impressed legitimize practices to counter tradition purification of Muhammadiyah movement. Around Banyumas, both grow through the organization, even their elites some are transformed through political parties. NU and also its elite that conservatives are joining to PPP, while modern-inclusive joined Golkar or PKB). Likewise with Muhammadiyah, there are conservative (joined to PKS) and there is a modern-inclusive (PAN). In addition to these differences, in particular when the two are collaborating on the face of the party alliance, for example, PPP and PKS commonly collaborate in terms of formalization of Islamic law through local regulation.

While at Wonogiri and surrounding areas, poverty and scarcity of resources such as water becomes particular problem there. Many potential conflicts in Wonogiri are caused by cultural factors, communications, resource constraints, and human needs. As the formula of socio-economic conflict,
where basic human needs are not met or reduced, it will be a conflict.

On the eastern part of Pantura (Northern coast) such as Pati, phenomena diversity of religious and belief is characterized by the development groups of Akmaliah and Syahadatain which by many is considered heretical one. In fact, the real problem is only related to the recognition of all its ‘mu’tabroh’. Besides it, the reason of the geographical eastern part of Pantura consists of the dry land, sometimes has also affected the spiritual condition. Not surprisingly, they are looking for an alternative model of religious and worship that meet their needs. Therefore, thoriqoh and religious streams, such as group Pangestu, thrives well in the region.

[b] Several Incidents of Violation on Freedom of Religion/Belief in 2013

1) The case of clash between the residents of Sukorejo and FPI Kendal

Although not directly related to the violation of freedom of religion/belief, Kendal case interesting to observe. That case is enough of capturing public attention because it deals with religious issues and involve organizations that have long been regarded as an organization that sow intolerance, FPI.

Kendal case began on Wednesday, July 17, 2013 around 15:00 pm, where FPI sweep in area of Sarem and several other entertainment venues in the Sukorejo District, Kendal. They came riding three cars. In that action, localization and entertainment venues were destroyed.

In the midst of sweeping action, clashes between local residents and FPI happened. Residents provide resistance to the action of FPI and damaging one car that carrying FPI in to Bundaran Alun-alun Sukorejo. In that Wednesday incident, two members of the FPI suffered minor injuries. Both were also briefly detained in police Patean. The incident ended at
17:30 pm and tails residents who keep watch at some point in the village.

The next day, Thursday, July 18, 2013, residents of Sukorejo got word that there will be a backlash from FPI that makes people get ready. At 13:00 pm, FPI actually came with the car while riding around seven villages. Their arrival on the day the police escorted.

Knowing the arrival of FPI, some people go out and gather at the Bundaran Sukorejo. The minor clashes had occurred and then FPI immediately left the location. However, upon leaving the Sukorejo, FPI car crashed into a woman who was riding a motorcycle in Jalan Sukorejo-Parakan to death.

The anger was triggered. Hundreds of people went to the location and a car chase that hit the woman. Residents caught up that car in Patean, about two kilometers from Sukorejo. The Toyota Avanza, a vehicle driven FPI, immediately destroyed and burned.

As to the burning car and crash incident happened, some of FPI’s members still are still “left behind” in Sukorejo. Those who are left behind are who were praying in the Grand Mosque Sukorejo. They were then detained remain in the mosque when the people had gathered again at the Bundaran Sukorejo. Hundreds of police and military lowered overcome these riots. FPI’s members who are stuck at Polres Kendal

Masses destruct gate of Luwung Islamic Boarding School (photo: said masykuri)
then evacuated to the mosque. After the incident, police set 7 suspected, they are 3 persons as FPI’s members and 4 as the members of society.

2) Murder of Omega Suparno in Jepara

This incident is actually occurred in late December 2012, but the trial court decision occurred on October 10, 2013. This case began when Omega Suparno who had been a Muslim, and was educated at the State Islamic Institute Sunan Kalidjaga, Yogyakarta. Later Omega Suparno converted from Islam to Christianity. Suparno then become a student at Baptist Theological Seminary of Indonesia (STBI) Semarang.

On December 11, 2012, three friends of Omega when they were being the student in pesantren (traditional Islamic school) in Kudus area met Omega who spends his holiday in his parent’s house in Jepara to directly confirm about the changes in belief. Through that discussion is allegedly occured about different perspective each other, so that the perpetrator then considered Omega’s perspective as an insult of Islam.

One day after, three of Omega’s friend killed him behind the shophouse of Jember, Kudus. After dead, the victim’s corpse is discarded into teaks forest in area petak 106 of teak forest of Desa Jinggotan, Kecamatan Kembang, Jepara. The victim is killed by stabbed repeatedly with knife, then victim was burnt. To eliminate traces and motives, those three perpetrators hijacked victim’s motorcycle.

The three perpetrators, Amir Machmud, Sudarsono, and Agus Suprapto were punished by Judges Council of State Court (Majelis Hakim Pengadilan Negeri) of Jepara, on October 10, 2013.

3) The Closure of Pondok Pesantren Santri Luwung Sragen

Pondok Pesantren Santri Luwung that located in Dusun Bedowo, Desa Jetak, Sidoharjo, Sragen that just established since 3 years ago, forced to be closed by some society groups. This closure was witnessed by Sragen Government, Regional
Secretary, Ministry of Religion of Sragen, Police Office Chief
of Sragen, and Military District Commander (Koramil) 0725
Sragen.

That occurred incident on October 6, 2013 was begun
while the resident’s group, such as Islam Defenders Front
(FPI), Laskar Umat Islam Surakarta (LUIS), and MUI which
require and then close this pesantren, considered that the
pesantren have practiced and taught the cult and shirk, like:
to teach holly book of laying ijo and penitential bath ritual in
the night with naked condition, ehich that contrary to Islam
taught.

Anto Miharjo, who often called as Gus Antok, the leader
of that pesantren, then stated repent and confessed has taught
the cult, and he has willingness to the true teaching of Islam.

[c] Vulnerable groups that has been and / or Potential
Becoming a Victim

1. Jemaat Ahmadiyah

Jemaat Ahmadiyah in Central Java scattered throughout
the district / town in Central Java under pressure since appeared
misguided fatwas of the MUI, followed by the emergence of 3
Ministerial joint decree prohibiting Ahmadiyah deployment.
In some regents, such as Kendal, Surakarta, and Karanganyar,
this group is forbidden to do activity by local government and
being forced to make written statement to do their activities
accorded to their beliefs.

2. Jamaah Syiah

This stream’s followers spread to the whole regions in
Central Java, but the most population is in Kabupaten Jepara.
Eventhough in Kabupaten Jepara this group is never involved
the conflict with another groups. This group is potential to
be violation victims of rights on freedom of religion/belief
because Anti Syiah massive campaigns that performed
by several groups either directly or through media which
affiliated to that groups.
3. Cult and/or Kejawen.

In Central Java, at least there are 55 cults that having followers until now. Besides pressure and harassment of society that embraces religion/belief “mainsect”, this group also has discriminative acts from State.

*d* The Role Local Government in Guarantee Freedom of Religion/Belief.

On the surface, the local government in Central Java quite well in maintaining and guaranteeing freedom of religion. At least this can be seen through the statement of the Governor of Central Java, Ganjar Pranowo on Thursday, October 16, 2013, which states that the Central Java Provincial Government will not make local regulations to ban Ahmadiyah. However, Central Java Governor’s statement is not a guarantee that the Central Java Provincial Government is really serious in protecting, respecting and guaranteeing freedom of religion / belief.

It can be seen from the number of sub-district level government officials and the regent is still “active” go with the flow criminalizing to some minority religious groups as happened in the Kendal area and Karanganyar, where in the two areas, local governments still prohibit the Ahmadiyah groups to perform religious activities. This happens also in Sragen, where government Sragen, which closed a boarding school that is considered a cult teaches.

In addition, it is difficult to find a breakthrough in the government’s efforts to guarantee freedom of religion in Central Java. Even so, there are enough interesting things done by the government in the regent of Wonosobo in ensuring freedom of religion in that area.37[]
Endnotes

1 The number of events with a number of different actions, because in one incident (event) could have been different forms of action (act). Discipline of human rights distinguish the meaning between events and actions.

2 In counting the actor, SETARA Institute also bases this report on those who are involved in an event. In the event of various state institutions could join perform a number of actions. Similarly between state institutions and community groups can also join the various actions in one event as well.

3 The Primary data and analysis in this section is largely derived from the Monitors of SETARA Institute for Violations of Freedom of Religion / Belief in North Sumatra, that namely Br. Muhrizal Syaputra, from JAP (Public Advocacy Network) of North Sumatra.

4 Daily News of Waspada and Suara Umat Online, February 16, 2012.

5 Interview with the Public Advocacy Network and Board of GBI Rok Galang, on April 24, 2013.

6 Public Advocacy Network Interview June 1, 2013, as well as data collection from Indonesian Muslim League, FUI Sumatra and the research data collection from M.Yusuf Asry, author of religious Life Researcher Center, Training and Development Agency and the Ministry of Religious Affairs of Republic of Indonesia.

7 Interview with Nadzir of Al Munawar Mosque, Ahmad Sihombing, June 2, 2013.

8 Interview with Muhidin Panggabean, Vice-Chairman of Inter-Religious Harmony Forum (FKUB), Former Chairman of the Indonesian Ulema Council (MUI) Tapanuli Utara, Tarutung, June 9, 2013.

9 Interview with Hj. Diamond Siregar, land Pewaqif for the location of the Al Munawar mosque, wife of the late Tumpal, Sarulla Pahe
Jae, June 10, 2013.

10 Interview with Ramdju Gultom, responsible person, People Alliance Nahornop Marsada Peaceful Caring, Pahe Jae, June 5, 2013

11 Intervies with one member of the Construction Committee of Al Munawar Mosque, Ahmad Sihombing in Republika newspaper, Friday, March 15, 2013.


14 Seluruh data pokok pada bagian ini dikumpulkan dan diolah oleh pemantau SETARA Institute untuk Wilayah Sumatera Barat, yaitu sdr. Roni Saputra.

15 Sumatera Barat in Figures 2010, BPS, 2011 Page. 33

16 Sumatera Barat in Figures 2010, BPS, 2011 Page. 61


18 Year-End Note of Padang Legal Aid Institute (LBH Padang), 2012

19 Adapted from various monitoring sources performed by SETARA Institute in West Sumatra.

20 Some of the organizations that participated prohibit the construction of Siloam Hospital; Muhammadiyah, Tarbiyah, LKAAM, Dewan Dakwah, Paga Nagari, King Pagaruyung, some NGOs, FPI Sumatra, West Sumatra MUI, Minang Community Forum Anti superblock Lippo Group, the Upper House Natural Adat Minangkabau (MTKAAM), HTI West Sumatra, Padang MMI, Libas West Sumatra and West Sumatra KAMMI


22 Haluan Daily, “Pemerintah Larang Ahmadiyah” Friday, November 15, 2013

23 “Jemaat Ahmadiyah di Dharmasraya Diserang”, http://www.metrotvnews.com/metronews/read/2013/02/18/6/132055/Jemaat-

24 Interview of SETARA Institute for West Sumatra region, November 20, 2013

25 Interview of SETARA Institute with Idris Nazar, on November 20, 2013.

26 Interview of SETARA Institute on November 20, 2013

27 The data on the subject is largely compiled from various sources by monitoring of SETARA Institute for Freedom of Religion / Belief in East Java, Br. Akhol Firdaus.

28 More detailed discussion regarding the Syiah Sampang case as a special case will be explored in another section of this chapter.

29 Based on interviews with Edi Santoso, May 20, 2013

30 Based on interviews with Aminuddin, May 20, 2013

31 Interview with Gus Wahyudi, September 15, 2013

32 Data based on the results of investigations conducted by the Center for marginalized Communities Studies (CMARs). Unpublished manuscript investigation results.

33 All information about the penghayat community generated through interviews with Dian Jennie, Executive Secretary BKOK Java. Interviews were conducted on December 8, 2013 and December 15, 2013.

34 The main source of data comes from Kahar Muamalsyah, Monitoring by SETARA Institute for Religious Freedom issues / Belief in Central Java Region.

35 Based on the investigations conducted by the Association of Indonesian Legal Aid and Human Rights (Snakes) of Central Java in the mid-2013

36 Adapted from various sources by SETARA Monitoring Institute in Central Java

37 Government initiatives Wonosobo, in this case is the regent, to create harmony and promote religious tolerance there will be reviewed specifically in Chapter V of this book.