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What the Gereja Kristen Indonesia (GKI) Yasmin Case Says about Religious Freedom in Indonesia

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Snapshot of video covering the laying of the first stone for the Gereja Kristen Indonesia (GKI) Yasmin, on 5 December 2021. Source: <https://twitter.com/BimaAryaS/status/1467843683336679426>.

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EXECUTIVE SUMMARY

- After waiting for 16 years, the Gereja Kristen Indonesia (GKI) Yasmin congregation in Indonesia can finally practise their faith peacefully in a new church building. This is the outcome of GKI Yasmin's agreement with several stakeholders (including the Bogor City Government) following a protracted conflict concerning the legality of the church's previous building permit.
- This case had been a prolonged embarrassment for Indonesia, as it attracted international and domestic criticism of the central and regional governments for their perceived poor handling of the case.
- The GKI Yasmin case is just one among many cases relating to the construction of houses of worship in Indonesia. On this issue, the authorities tend to defer to the demands of local residents of the majority faith, and would thereby persuade or coerce the minority faiths to relocate their houses of worship. The authorities portray this as a sound compromise solution, in the sense that it accommodates majority demands while also acknowledging the rights of minority faiths to practise their religions in their own houses of worship.
- However, this approach of applying the majoritarian principle is not ideal, as it infringes on the rights of minorities to practise their faiths. The state needs to promote "champions of peace" to influence the community to be more tolerant of minorities. In fact, the state must also be prepared to act firmly against intolerant conservative groups because, in many cases, it is these groups that are responsible for provoking communities to commit acts of intolerance and even violence against minority faiths.

INTRODUCTION

After waiting for 16 years, a church congregation in Bogor City, West Java Province, finally found a new home at which to practise their faith: a new church building located just a kilometre away from where their previous church stood. This congregation, the Gereja Kristen Indonesia (Indonesia Christian Church) Yasmin, known as GKI Yasmin, had to face fierce resistance from local Muslim residents when they held religious services in their old church building. They were forced to perform religious services elsewhere, including on footpaths and other places. The congregation fought socially and legally for recognition of their right to practise their religion in their old church building, turning their resistance into a prolonged saga that made headlines in local and international media.

On Easter Sunday, April 2023, all stakeholders finally buried the hatchet, when many high-ranking government officials and religious figures turned up to mark the opening of a new church building for GKI Yasmin. Among them were Coordinating Minister for Political, Legal, and Security Affairs Mohammad Mahfud Mahmodin, Home Affairs Minister Tito Karnavian, Chair of the National Commission on Human Rights (Komnas HAM) Atnike Nova Sigiuro, and Bogor Mayor Bima Arya Sugiarto.

Coordinating Minister Mahfud claimed the opening of the new church building was the outcome of extensive dialogue among all stakeholders in the conflict, saying it was evidence that the state did help resolve such conflicts. Minister Tito added that the way the conflict was resolved could serve as a model for other regional governments to follow: resolution emerged after the local government granted the use of a piece of land to GKI Yasmin, meaning the congregation no longer needed to insist on performing religious services in the old church building that was the cause of disputes with local Muslim residents. KOMNAS HAM Chairperson Atnike Nova Sigiuro argued that while this kind of settlement was not ideal, it was a realistic compromise.¹ This paper asks: Did the way the Indonesian state resolve this problem provide a good model for the central and regional governments to solve similar cases in the future?

Construction of places of worship occupies top position in Indonesia in terms of the highest number of violations of freedom of religion and belief. Between 1945 and 2005, there were 978 cases of rejection and dispute over the construction of places of worship, especially churches. A total of 520 cases, or more than 50 percent of the total cases, occurred after Reformasi (between 1998 and 2005).² Between 2009 and 2018, there were 163 violations (in the form of church closures, property vandalism, and others), with church buildings often being the targets. Among these cases included the ‘sealing’ of the church building used by GKI Yasmin Bogor City in 2008.³

GKI YASMIN: LONG ROAD TO FREEDOM

The GKI Yasmin saga began in 2006 when the then-Mayor of Bogor, Diani Budiarto, approved the congregation’s proposal to build a church in the Yasmin Garden housing complex in Bogor City. Muslim residents, supported by a conservative group, *Forum Komunikasi Muslim Indonesia* (Forkami, Indonesian Muslim Communication Forum), opposed the congregation’s plan to build the church, and started to organize a series of protests. These resulted in the Bogor

Mayor rescinding the church's building permit in 2008. The mayor claimed that the permit was revoked because some of the signatures presented were forgeries.⁴

GKI Yasmin filed a lawsuit against the mayor's decision to the Bandung Administrative Court. The court determined in favour of the church, and so the church established a temporary building where the congregation could start holding religious services. But Forkami and Muslim residents continued to stage frequent protests in front of the building. The congregation halted construction and ceased holding religious services for fear of their safety.⁵ Instead, they chose to perform religious services elsewhere. In 2010, the Supreme Court reaffirmed the Bandung Administrative Court's decision, giving the congregation legal backing to resume the construction of their church building. But the church never materialized due to the fact that the Bogor City Government sealed off the building, purportedly for safety reasons, despite the ruling by the Supreme Court.

In 2012, the Bogor City Government, backed by the central government, proposed that GKI Yasmin be granted a new piece of land for the construction of their church building, but on the condition that the congregation left the former building. The congregation rejected the proposal.

In 2019, Bima Arya, then Mayor of Bogor, proposed three solutions to resolve the protracted conflict:⁶ First, the congregation would be allowed to use the old church (but at the risk of being targets of bullying or intimidation by Muslim residents); Second, the government would build both a church and a mosque in the old location to appease Muslim residents; or third, the government would grant a new piece of land as an alternative to the old location and permit GKI Yasmin to build a new church building there. After 30 official meetings and over 100 informal meetings, almost all parties approved granting the new location for the congregation. Most congregation members also agreed with the solution; to be sure, some rejected the outcome of the negotiation and still firmly wanted to hold religious services in the old location.⁷ Finally, the Bogor City Government and the GKI Synod Council signed an agreement in June 2021, and the city government then granted the new land to the congregation for their new church building.⁸

INTERNATIONAL AND DOMESTIC PRESSURE

The GKI Yasmin case was a stubborn pebble in the shoes of the Indonesian government. International institutions and foreign governments frequently criticized Indonesia for handling the case poorly. The reproach began during the presidency of Susilo Bambang Yudhoyono (SBY) between 2004 and 2014, and continued into President Joko 'Jokowi' Widodo's first term. For example, the Civil Society Coalition for the Third Universal Periodic Review (UPR) argued that the SBY administration had not improved the government's policies on promoting and protecting human rights, including the freedom of religion.⁹ In response to foreign pressure, SBY acknowledged on 15 February 2012, in front of 128 ambassadors of friendly countries, that religious freedom, including the GKI Yasmin case, was a concern for the Indonesian government. The case created a negative international image of the Indonesian government. However, SBY argued that because it was a legal conflict among stakeholders in Bogor, including the Mayor of Bogor, the central government could not intervene. Instead, he appealed to all stakeholders to seek an amicable solution to the conflict.¹⁰

Following the election of Jokowi in 2014, several international institutions continued to express concern that the new government had failed to significantly improve Indonesia's human rights situation, especially for people of minority faiths to practise their religion. For instance, in 2017, Christian Solidarity Worldwide complained that the Indonesian government had not fully implemented all the United Nations' UPR recommendations to improve the protection of the rights of minority faiths. In the GKI Yasmin Church case, in particular, the regional government did not follow up on the decision by the Supreme Court to ensure the rights of the church congregation to practise their religion in their own church.¹¹ Instead, the Bogor City Government insisted on continuing the shutdown of the church, claiming the closure was needed to prevent horizontal conflict between church-goers and members of Muslim groups who were against the establishment of the church in the area.

Increasing international pressure boosted the morale of domestic actors, especially non-governmental organizations (NGOs), in advocating for the rights of Indonesian minority faiths. Setara Institute and Wahid Foundation were among the organizations routinely monitoring the implementation of religious rights in Indonesia, and they often voiced concern over the government's handling of the GKI Yasmin case.¹²

Adding to the pressure, GKI Yasmin and another Christian congregation facing a similar problem in Bekasi (Huria Kristen Batak Protestant [HKBP] Filadelfia) joined forces in staging routine rallies in front of the State Palace in Jakarta. Between 2012 and 2019, the two congregations held street protests and religious services in front of the State Palace for a total of 209 times.¹³ These protests enjoyed widespread media coverage.

Although this international and domestic pressure was often ignored, it did raise awareness in the government that the situation was getting serious.

'HARMONY POLICY' AND THE CONSTRUCTION OF HOUSES OF WORSHIP

The GKI Yasmin case is just one of many cases related to the construction of houses of worship in Indonesia. When addressing this problem, the Indonesian government often relies on forced relocation, persuading or even coercing members of minority faiths to relocate their houses of worship, following the demands of local residents of the majority faith. The government often sees this 'solution' as the middle ground in the sense that it accommodates the majority demands while acknowledging the right of a minority faith to practise their faith in their own houses of worship. The government argues that this policy is needed to avoid violent conflict, create public order, and "build harmony" ("*membangun kerukunan*") among different faiths.¹⁴

This 'harmony policy' was developed during the New Order era (1965-1998) and is still in use today. Then-Minister of Religious Affairs, Mukti Ali, first introduced this policy in the late 1970s and promoted the 'trilogy of harmony' concept. Through this concept, Indonesian citizens were encouraged to promote internal harmony among religious peoples, between religious peoples, and between religious peoples and the government. The harmony concept re-emerged strongly during SBY's administration. In the view of his government, religious harmony was "a state of inter-religious relations based on tolerance, mutual understanding, mutual respect, respect for equality in the practice of their religious teachings and cooperation in social, national and state life within NKRI based on Pancasila and the 1945 Constitution".¹⁵

This harmony concept was further manifested in SBY's government in the 2006 Joint Ministerial Decrees No. 8 and No. 9, which rule on the establishment of houses of worship. The two decrees were issued jointly by the Minister of Religious Affairs and the Minister of Home Affairs, providing guidelines for heads of regional governments in "maintaining and empowering religious harmony, and in regulating the construction of houses of worship". One of the contentious articles in the decree is that when wishing to build a house of worship, a congregation must submit a document that includes the list of names, the signatures, and the identity cards of at least 90 people who will use the house of worship. The document needs to be approved by local officials, including officials from the regional governments. It also needs to be approved by at least 60 residents of the neighborhood where the house of worship is to be located, as well as the approval of the head of the village. This is a tough requirement, because residents surrounding prospective locations of houses of worship often reject proposals to build houses of worship of a different faith.

In addition to these documents, the congregation also needs written recommendations from the regional office of the Ministry of Religious Affairs and the Forum for Religious Harmony (FKUB). FKUB consists of representatives of people of different religions in the respective regions. After all documents are secured, the proposal still needs final approval from the head of the regional government, and within 90 days. The joint decrees also oblige the head of the regional government to find a new location if the existing house of worship needs to be moved to conform with changes in a master plan.

The harmony concept aims to promote peace and security in the community, but it is often implemented at the expense of minority faiths. When there are disputes between the majority faith and a minority faith, for example, in the construction of places of worship, the government often forces the minority faith to give way, claiming that the majority's demands need to be fulfilled to avoid physical conflict; however, this policy results in loss for the minority faith in the sense that their freedom to practise their religion is violated. In other words, the approach of the state only benefits the majority group and discriminates against the rights of minorities and vulnerable groups.¹⁶ The government's claims are justified in some cases, as religious disputes have previously resulted in widespread violence and fatalities, as happened during the riot in Maluku Province at the end of the 1990s, which resulted in the death of some 5,000 people and the displacement of 700,000 people, or as occurred during fatal clashes between Shi'a and Sunni Muslims in Sampang District, Madura Island, East Java Province in 2012 that led to one death, 14 injuries, and the destruction of 49 houses. However, there are often other reasons for the government to resort to relocation policy, such as electoral ones: heads of regional governments seeking second terms in office often try to appease the majority faith in order to win the election, albeit at the expense of minority faiths.

Nevertheless, the Indonesian government has applied this policy in many religious disputes. Besides GKI Yasmin, in Greater Jakarta alone, four churches have been affected by it. For example, demands by conservative Muslim groups and coercion by the government saw three churches in Bekasi City¹⁷ (part of Greater Jakarta) relocating in 2015 to an area near a public cemetery.¹⁸ The South Jakarta City Government forced the Batak Karo Protestant Church Council (GBKP) congregation to practise their faith somewhere else because the government had in fact not issued a permit allowing them to use the building as a place of worship.¹⁹ There are some exceptions, however. Despite demands by Muslim groups, the local government in

each case refused to relocate the Catholic Church of Santo Joseph Karimun Riau in Riau (2020)²⁰ and the GKI Citraland church in Surabaya, East Java (2021).²¹

While all the problems above occurred in Muslim majority areas, Muslims have also faced similar problems in areas where non-Muslims make up the majority faith. An influential religious figure recalled that it was not easy for Muslims to build mosques in predominantly non-Muslim areas such as Papua, Bali, East Nusa Tenggara, and North Sulawesi. Although Indonesia is a predominantly Muslim country with some 241.7 million Muslims (87 percent of the total Indonesian population of 276.5 million in 2022),²² there are also many islands where the majority of the local population are Protestant, Catholic, or Hindu.

DIALOGUE AND TOUGH MEASURES

Dealing with the problem of construction for places of worship is not easy. If the government backs minority faiths in building houses of worship amidst strong protests from local residents of the majority faith, it can pose security risks. Relocating the house of worship to government land is then a safe option for the government: it appeases the majority, while the minority can still practise their faith in their new house of worship.

But still, this policy does not address the initial violation of a human right. The government acts like firefighters, even though it is supposed to uphold the rights of its citizens, especially the rights of minority faiths to practise their religion wherever they see fit. This does not imply that the government must automatically approve requests from religious congregations to build places of worship at any site they desire. The site chosen for a place of worship must adhere to, among other requirements, regulatory requirements for spatial design (urban planning) and the 2006 Ministerial Joint Decrees No. 8 and No. 9.

This is a recurring problem for the Indonesian government. It sounds cliché but promoting dialogue among people of different faiths is crucial to the improvement of social relations. At the very least, mutual understanding increases when people of different faiths get to know each other better. Through dialogue, people can come to understand the aspirations and dreams of others. The government should help to spur such dialogue.

Efforts to build dialogue should be conducted simultaneously with law enforcement. The law must be enforced to create a deterrence effect. The GKI Yasmin case was a prolonged human rights case because the government used a soft approach towards the intolerant conservative group. The government should have instead taken firm action against the intolerant conservative group when they conducted hate speech and even intimidated the GKI Yasmin congregation.²³ Instead, prior to the case settlement, the Bogor City Government succumbed to the intolerant group's demands for security and electoral reasons by shutting the church between 2008 and 2021, despite the decision of the Supreme Court granting approval for church construction in the original site. The Bogor City Government should take inspiration from governments in other places in Indonesia who uphold constitutional laws when faced with opposition against the construction of minority faiths' houses of worship. Opposition actors who engage in acts of intimidation and violence should be reported to the police for investigation.

Scholar Khamami Zada also argues that producing ‘peace champions’ is important in reducing conflicts.²⁴ These peace champions should be respected figures in community, whose thoughts and ideas tend to be followed by people in the community. Government or security officials need to request that these respected figures, such as respected ulema or preachers, serve as peace champions to promote peace in the community. For example, Bogor City Government promoted influential Muslim figure Mustofa Abdullah bin Nuh, and this move was crucial in persuading conservative Muslim groups to accept the solution proposed by the government: the construction of GKI Yasmin’s new church building on a site located just one kilometer away from the old church building. On the other hand, Melissa Crouch proposes that the government and security officials get tougher on vigilante groups that provoke conflicts.²⁵ Tough measures in the form of arrest and legal prosecution can serve as deterrence for such groups.

CONCLUSION

This article argues that the forced relocation of minority faiths by the government is not a good model. Giving way to the majoritarian principle only infringes upon the rights of minorities in practising their faith. The state should instead promote peace champions to influence the community to become more tolerant while being firm on vigilante groups. Equally important is the dissemination of religious tolerance to all people, beginning at a young age in schools and within families. The role of religious figures is crucial for raising tolerance towards people of different faiths.

ENDNOTES

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