

There have been so many cases on internally displaced persons in Indonesia. In 2012, they renewed sectarian and intercommunal violence in East Java and Lampung provinces. In East Java, around 165 Shia Muslim minority were driven from their home on Madura Island. Unwilling to be relocated to be converted to Sunni Islam. Government aid was withdrawn, leaving in many limbo.

A transnational movement has penetrated in Indonesia to nullify and perish the Shia sect, which has existed in the region since the fourth century.¹ In Java, Sunni and Shia co-existence occurs mostly in areas far from the access of religious green light, such as in the domain of art and culture. Unfortunately, since its independence, Indonesia is not immune to ethno-religious tensions, conflicts, and violence, some of which have been provoked by the appearance of transnational Islamist groups and likewise by state appliance and locally-based Muslim and Christian groups.

In December 2012, hundreds of people set on fire houses in a Shia community in Sampang, Madura, compelling more than 160 Shia followers to settle refugee camps in Sidoarjo, around 100 kilometers away.² They were also contrived to convert to Sunni beliefs if they wish to return home. Some Shia leaders were imprisoned for charges against blasphemy. The sectarian violence between Sunni and Shia is not limited to Indonesia only, Middle East, Central Asia and South East Asia are also suffering from the religious conflict. In Sunni-Shia conflict case, many scholars think that it not a sectarian violence, it is much higher factor of slow genocide of a ethnic group because in sectarian violence both groups shows equal resistance.³ The religious conflict in Indonesia is also part of the global phenomena which has lead to disturb all the Muslim communities in particular and entire globe generally. The Wahhabi movement in Indonesia is owned independently by different groups and is run though their localised mechanism to reach at

¹ CRS,. 2013. <http://icrs.ugm.ac.id/news/127/presence-of-shia-and-its-trajectory-in-southeast-asia.html>.

² Wahyoe. 2014. 'Sampang Shiites Tell SBY To Resolve Conflict'. The Jakarta Post. <http://www.thejakartapost.com/news/2014/04/12/sampang-shiites-tell-sby-resolve-conflict.html>.

³ Naqvi, Sibtain. 2015. 'This Is NOT Sectarian Violence, It Is Shia Genocide'. Express Tribune. <http://blogs.tribune.com.pk/tag/shia-genocide/>.

the grass root level.⁴ The mushroom growth of anti-Shia movement in Sunni-majority Indonesia is the outcome of the geopolitical situation in the Middle East and not due to the rising Wahhabi movement.⁵ The dynamics of Islam in Indonesia had always been hooked up to the different political circumstances in the Middle East. Iran's policy to get nuclear weapons had threatened Middle Eastern countries, especially Saudi Arabia. Shia beliefs, centered in Iran, and Sunni beliefs, centered in Saudi Arabia, had always been adverse toward each other from decades.⁶ Indonesia has been chosen as favourite base for bolster the anti-Shia movement because it owns world's largest Muslim population, the majority of whom were Sunnis. By assembling anti Shia movement Indonesia becomes the capital of Sunni solidarity against Shiites. If the anti-Shia movement was in Indonesia, it would become a strong capital to form Sunni solidarity against Shiites.

In the 1980s, the anti-Shia movement was expanding across the world ensuing the leader of Iran's Islamic revolution Ayatollah Khomeini's strategy to internationalize Mecca and Medina.⁷ Wahabi influenced religious organizations were used as an instrument to denounce Shia belief in different countries by Saudi Arabia. In 2004 King Abdullah of Jordan heightened suspicions of Shias as an Iranian fifth column by warning of a looming "Shia crescent" as the long-dominant Sunnis lost control of Iraq in the wake of its American-led invasion.⁸ During the Arab uprisings of 2011,

⁴ MONIQUET, Claude. 2015. 'THE INVOLVEMENT OF SALAFISM/WAHHABISM IN THE SUPPORT AND SUPPLY OF ARMS TO REBEL GROUPS AROUND THE WORLD'. Policy Department DG External Policies, European Union. doi:10.2861/21042.

⁵ Muryanto, Bambang. 2014. 'Anti-Shia Acts Triggered By Middle East Politics: Expert'. The Jakarta Post. <http://www.thejakartapost.com/news/2014/01/23/anti-shia-acts-triggered-middle-east-politics-expert.html>.

⁶ Matthiesen, Toby. 2014. 'Sectarianism Comes Back To Bite Saudi Arabia'. <http://www.washingtonpost.com/blogs/monkey-cage/wp/2014/11/18/sectarianism-comes-back-to-bite-saudi-arabia/>.

⁷ moore, john. 2014. 'The Evolution Of Islamic Terrorism'. FRONTLINE. <http://www.pbs.org/wgbh/pages/frontline/shows/target/etc/modern.html>.

⁸ PROCTOR, PAT. 2008. 'The Mythical Shia Crescent'. United States Army War College Press. <http://strategicstudiesinstitute.army.mil/pubs/parameters/Articles/08spring/proctor.pdf>.

embattled rulers in Bahrain and Yemen, as well as Syria, resorted to divide-and-rule tactics by pitting the sects against one another.⁹

In Indonesia Saudi Arab could not apply its factors directly but applied anti shia discourses through its partners. ¹⁰ The uprising of the Wahhabi movement in Indonesia occurs in the 2000s when it shapes into the jihad movement functioning in conflict regions such as Poso in Central Sulawesi and Ambon in Maluku. The stimulation in jihad factor links with the 9/11 attacks on the united states. ¹¹

After the 9/11 attack in the United States, Saudi Arabia cut short its backing to Wahhabism due to global pressure and from the united states. Actually, Saudi Arabia also tried to present its good image to the world so that it would not be pointed as an exporter of terrorism. Anti-Shia movement popped out because Saudi Arabia with support from the US did not want to give up its leadership and virtual power status in the Islamic world. This is treated important because from a political aspect, Iran is more developed, democratic and progressive contrarily, Saudi Arabia is authoritarian, radical and feudal. ¹²

In this scenario, Indonesia is reliant to Saudi Arabia because Indonesian has a large number of migrant workers in Saudi Arab and hundred thousand Muslims go for pilgrimage. ¹³So Saudi Arab has got more political influence in Indonesia. The targeting of Shiites has been increasing in the past few years. In East Java, some Sunni clerics have asked the local

⁹ SIDON, CAIRO. 2013. 'Sunnis V Shias, Here And There'. The Economist. <http://www.economist.com/news/middle-east-and-africa/21580162-sectarian-rivalry-reverberating-region-making-many-muslims>.

¹⁰ Muryanto, Bambang. 2014. 'Anti-Shia Acts Triggered By Middle East Politics: Expert'. The Jakarta Post. <http://www.thejakartapost.com/news/2014/01/23/anti-shia-acts-triggered-middle-east-politics-expert.html>.

¹¹ Muryanto, Bambang. 2014. 'Anti Shia Acts Triggered By Middle East Politics'. <http://www.thejakartapost.com/news/2014/01/23/anti-shia-acts-triggered-middle-east-politics-expert.html>.

¹² Muryanto, Bambang. 2014. 'Anti Shia Acts Triggered By Middle East Politics'. <http://www.thejakartapost.com/news/2014/01/23/anti-shia-acts-triggered-middle-east-politics-expert.html>.

¹³ The Indonesia,. 2010. 'Organising For Migrant Worker Rights'. <http://www.insideindonesia.org/organising-for-migrant-worker-rights>.

administration to issue a regulation limiting the spread of Shia Islam, saying that the sect matched the criteria for heresy issued by the Indonesian Ulema Council (MUI) in 2007.¹⁴ Violence and fear used to be endured by radical Islamists to try to pressurise the Indonesian government to review its policy to promote Islamist agenda. Members of the Front Pembela Islam (FPI), or Islamic Defenders Front (IDF), attacked a group of peaceful demonstrators on June 1, 2008, who were demonstrating at The National Monument in Jakarta in support of tolerance and peace.¹⁵ A June 2008 International Crisis Group report stated “violence was narrowly averted in Manokwari and Kaimana in West Papua Province in 2007, but bitterness remains.”¹⁶ Dispute over plans occurred in 2005 to build a Mosque on the site where German Missionaries brought Christianity to Papua in the 19th century has angered the Papuan Christian community.¹⁷ It also shows that this religious dispute line is concerned to ongoing migration of Muslims to Papua and West Papua from different parts of Indonesia. Indonesia’s recent history has determined that Islamist extremists and terrorists have used inter-communal animosity in the past, in places such as Ambon and Poso in the Maluku’s and on Sulawesi, as a means of mobilizing assistance for their motive and as a way of recruiting members.¹⁸ Violence between Sunni and Shiite Muslims on East Java’s Madura Island and an attack on an Ahmadiyah community in West Java are among the 282 cases of religious violence in Indonesia reported in the first half of the year by the Setara Institute, an organization that monitors religious freedom in the country.¹⁹ The struggle for religious freedom continues to face

¹⁴ Muryanto, Bambang. 2014. 'Anti Shia Acts Triggered By Middle East Politics'. The Jakarta Post. <http://www.thejakartapost.com/news/2014/01/23/anti-shia-acts-triggered-middle-east-politics-expert.html>.

¹⁵ Santoso, Aboeprijadi. 2008. 'Genesis Of Non-State Violence:FPI And A Threatened Democracy'. The Jakarta Post. <http://www.thejakartapost.com/news/2008/06/12/genesis-nonstate-violence-fpi-and-a-threatened-democracy.html>.

¹⁶International Crisis Group 2008. 2015. Review Of 2007 Plans For 2008. Brussels: International Crisis Group. [http://www.crisisgroup.org/~media/Files/Annual%20Reports/annual-report-2008.pdf](http://www.crisisgroup.org/~/media/Files/Annual%20Reports/annual-report-2008.pdf).

¹⁷ Boon, Kristen, and Aziz Huq. 2012. Global Stability And U.S National Security. New York: Oxford University Press.

¹⁸ Muryanto, Bambang. 2014. 'Anti Shia Acts Triggered By Middle East Politics'. The Jakarta Post. <http://www.thejakartapost.com/news/2014/01/23/anti-shia-acts-triggered-middle-east-politics-expert.html>.

¹⁹ International Religious Freedom Report For 2012. 2012. United States Department of State • Bureau of Democracy, Human Rights and Labor. <http://www.state.gov/documents/organization/208444.pdf>.

headwinds, as the institute reported only a minor drop in the number of acts of religious intolerance. In its January-July 2012 report, Setara recorded a total of 297 cases of violence. The world's first ever anti-Shia conference was held in Bandung, Indonesia which is one of organised program ever against Shia. It surprised the world when thousands attended the program including government officials and 100 Islamic scholars and Jihad was declared against Shias.²⁰

Even though Indonesia's 1945 Constitution proclaims religious freedom, religious intolerance remains rampant, especially in diverse and densely populated Java.²¹ Since President Suharto was pressurised to step down in 1998, after ruling for thirty two years, a new era started in Indonesia of greater freedom and repressive viewpoints opened out abruptly long²². A strong pop up of religious militancy is among them.²³ The government response lacked the decisive measures to overcome the intolerance that is expressed through acts of harassment, intimidation, and violence, which often affect freedom of expression and association, creating a climate in which more such attacks can be expected.²⁴ The ethnic and religious clashes created a harsh atmosphere which compelled minorities groups to relocate and become IDPs. Internally displaced persons, are among the world's most vulnerable people.²⁵ Unlike refugees, IDPs have not crossed an

²⁰ 'Jihad Against Shia' Issued At Indonesian Convention'. 2014. Blog. 14Publications.Com. <http://www.14publications.com/blog/jihad-against-shia-issued-at-indonesian-convention/>.

²¹ setneg.go.id,. 2015. 'THE 1945 CONSTITUTION OF THE STATE OF THE REPUBLIC OF INDONESIA'. http://www.setneg.go.id/images/stories/kepmen/legal_product/uud_1945.pdf.

²² MYDANS, SETH. 1998. 'THE FALL OF SUHARTO'. The New York Times. <http://www.nytimes.com/1998/05/21/world/fall-suharto-overview-suharto-besieged-steps-down-after-32-year-rule-indonesia.html>.

²³ Muryanto, Bambang. 2014. 'Anti Shia Acts Triggered By Middle East Politics'. The Jakarta Post. <http://www.thejakartapost.com/news/2014/01/23/anti-shia-acts-triggered-middle-east-politics-expert.html>.

²⁴ Human Rights Watch, In Religion's Name: Abuses against Religious Minorities in Indonesia, 28 February 2013, ISBN: 1-56432-992-5, available at: <http://www.refworld.org/docid/513085c22.html> [accessed 24 February 2015]

²⁵ ('Protecting Internally Displaced Persons: A Manual For Law And Policymakers' 2008) Bibliography: 'Protecting Internally Displaced Persons: A Manual For Law And Policymakers'. 2008. Universitat Bern. <http://www.unhcr.org/50f955599.pdf>.

international border to find shelter but have remained inside their home countries. Even if they have fled for similar reasons as refugees (armed conflict, generalized violence, human rights violations), Their own state government is legally responsible for their protection even the state might be involve or cause of their flight. As citizen of the state, they owe all the rights to protection under both human rights and international humanitarian law.²⁶ However internally displaced persons are not passive victims of situations, and that policy makers and humanitarian organizations need to look the circumstances more deeply'. According to Journal of Refugee Studies Internally displaced persons are those who have been forced to flee their homes and who do not cross an internationally recognized border.²⁷ There are a breathtaking twenty eight million people around the world who currently consider as IDPs.²⁸ Unlike refugees, there are no particular organisation to address their plight. Not very much is known about how people respond to the experience of displacement. In economic context, the presence of the internally displaced is evident. What are less appropriate about the informal protection mechanisms that facilitate people to confront with the experience of displacement. Their lives are in more danger and they can easily be chased within the boundaries.²⁹

Primitively, UNHCR's mandate does not explicitly cover IDPs, but being the agency's expertise on displacement, it has for decades been protecting and assisting millions of them across the world, more recently through the "cluster approach."³⁰ UNHCR leading the role of looking after the protection and shelter needs of IDPs and also coordination and management of camps.

²⁶ UNHCR-The UN Refugee Agency, 2015. 'On The Run in Their Own Land'.

<http://www.unhcr.org/pages/49c3646c146.html>.

²⁷ Osenberg, Matthew. 2015. 'Refugee Law and The Displacement Loophole'. Hertfordshire Law Journal 2: 19-25. https://www.herts.ac.uk/__data/assets/pdf_file/0005/38642/HLJ_V2I2_Rosenberg.pdf.

²⁸ Osenberg, Matthew. 2015. 'Refugee Law and the Displacement Loophole'. Hertfordshire Law Journal 2: 19-25. https://www.herts.ac.uk/__data/assets/pdf_file/0005/38642/HLJ_V2I2_Rosenberg.pdf.

²⁹ Black, Richard. 2001. 'Fifty Years Of Refugee Studies: From Theory To Policy'. International Migration Review 35 (1): 57-78. doi:10.1111/j.1747-7379.2001.tb00004.x.

³⁰ Clusters are groups of humanitarian organizations, both UN and non-UN, in each of the main sectors of humanitarian action, e.g. water, health and logistics.

Internally Displaced people are not fully protected by the 1951 Refugee Convention as refugees.³¹ The large number of people being displaced within the borders of their home countries are causing more humanitarian challenges and it is also getting threats to the stability of countries and entire region. Unfortunately, the IDPs are not yet focused by a single international agency or international treaty which address their problems and protections exclusively. Therefore the international response to the internal displacement has not been very loud and it is inadequate and very selective. Large number of IDPs are deprived of humanitarian assistance and protection. The protection of IDPs and delivery of humanitarian assistance for them is also getting challenges by sovereignty of states and its territorial principles.³² Some countries indulge it as interference in the internal affairs of their territory and scum international pressure. More recently, the internal displaced plight has shown more concern at international level. On the recommendation of Commission on Human Rights, the Secretary General of the United Nations, designated a representative on the plight for internally displaced persons.³³ His responsibility is to study the causes and reasons on internal displacements, the status of the internally displaced in the international law perspective, making sufficient arrangement's to fulfill their needs and protection and conducting dialogue with Governments and other state actors to help the displaced people. There are various bodies of laws which protect IDPs, mainly national law, human rights law and if they are within the state in hostile situation, international humanitarian law.³⁴ If the state is involved in the armed conflict, the IDPs within its boundary are considered civilians where they are not taking part in any violence and entitled to the protection afforded to civilians.

In the time of armed conflict, the legal regime applicable is international humanitarian law, also known as international law of armed conflict. The International Committee of the Red Cross defines ' International humanitarian law applicable in armed conflict as:

³¹ Parliament of Australia,. 2000. The Problem With The 1951 Refugee Convention. Social Policy Group.

³² 'Internally Displaced Persons'. 2004. UNHCR. <http://www.unhcr.org/4444afce0.pdf>.

³³ University of Minnesota, Human Rights Library,. 1998.

<http://www1.umn.edu/humanrts/instrree/GuidingPrinciplesonInternalDisplacement.htm>.

³⁴ UNHCR -The UN Refugee Agency,. 2015. 'Internally Displaced People On The Run In Their Own Land'. <http://www.unhcr.org/pages/49c3646c146.html>.

International rules, established by treaties or custom, which are specifically intended to solve humanitarian problems directly rising from International or non-international armed conflicts and which, for humanitarian reasons, limit the right of parties to a conflict to use the methods or means of the warfare of their choice or protect persons or property that are, or may be affected by the conflict.³⁵

Humanitarian law explicitly do not allow force migration of civilians and displaced from their homes unless it is high demand of their security or imperative military reason.³⁶ When they are displaced on the strong reasoning of security, IDPs are protected from any cause of hostility under the general rule governing the protection of civilians and humanitarian assistance. The Humanitarian law which was signed in 1864 followed by revisions in 1906,1929 and 1949 was supplemented with new conventions to protect shipwrecked, prisoners of wars and civilians.³⁷The civilian part highlights many plights which is recommended for the IDPs as well. It is also prohibited to use starvation of civilians as a method of warfare, and to destroy crops and objects which are indispensable to the survival of the civilian population.³⁸ However, whether in an international or internal conflict the provisions of international humanitarian law apply essentially on the territory of the parties in conflict.³⁹ As a rule, they do apply to refugees who have sought refuge on the territory of a state that is not involved in the conflict. Insofar as they have reached the territory of a neutral or non belligerent state, refugees are protected by the national law of the

³⁵ Jacques, Mélanie. 2012. *Armed Conflict And Displacement*. New York: Cambridge University Press.

³⁶ Bugnion, Francois. 2004. 'Refugees, Internally Displaced Persons, And International Humanitarian Law'. *Fordham International Law Journal* 28 (5).

³⁷ Bugnion, Francois. 2004. 'Refugees, Internally Displaced Persons, And International Humanitarian Law'. *Fordham International Law Journal* 28 (5).

³⁸ See *id.* art. 54; see also Additional Protocol II, *supra* note 9, art. 14

³⁹ A. Bouvier, Antoine. 2012. 'International Humanitarian Law And The Law Of Armed Conflict'. *Peace Operations Training Institute*, no. 2.

http://cdn.peaceopstraining.org/course_promos/international_humanitarian_law/international_humanitarian_la

host country, by human rights law and by the 1951 refugee convention, if they are refugees as defined in the latter.⁴⁰

Generally, if respected, the humanitarian law emphasis on the protection of civilians and avoid displacement. If somehow it doesn't work, it particularly mentions focuses on some rules to abide by, which prohibit:

- Attacks on civilians and civilian object or the conduct of hostilities in an indiscriminate manner
- starvation of civilian population and the destruction of objects indispensable to its survival.
- Collective punishments-which often take the form of destruction of dwellings.⁴¹

In 2002, Office for Coordination of Humanitarian Affairs (OCHA) was established by the United Nations and its humanitarian partners to address the needs of IDPS. OCHA consists of international staff seconded by, inter alia, the UNDP, UNHCR, WFP, UNICEF and the NGO community.⁴² A significant role of OCHA is to support the UN Emergency Relief Coordinator in responding vibrantly to the needs of IDPs worldwide and to provide support to field response in IDP crises.⁴³ In **Indonesia**, UNHCR has been working effectively to provide necessary protection to refugees and asylum-seekers in a number of urban locations through registration, RSD, documentation and processing for

⁴⁰ A. Bouvier, Antoine. 2012. 'International Humanitarian Law And The Law Of Armed Conflict'. Peace Operations Training Institute, no. 2.

http://cdn.peaceopstraining.org/course_promos/international_humanitarian_law/international_humanitarian_la.

⁴¹ International Committee of the Red Cross,. 2002. 'INTERNATIONAL HUMANITARIAN LAW'.

http://www.redcross.org/images/MEDIA_CustomProductCatalog/m22303661_IHL-FAQ.pdf.

⁴² Unocha.org,. 2015. 'OCHA | Coordination Saves Lives'. <http://www.unocha.org/>.

⁴³ CELAND HUMAN RIGHTS CENTRE,. 2015. 'INTERNALLY DISPLACED PERSONS (IDP'S)'.
<http://www.humanrights.is/en/human-rights-education-project/human-rights-concepts-ideas-and-fora/the-human-rights-protection-of-vulnerable-groups/internally-displaced-persons-idp-s>.

resettlement and repatriation. The detention of refugees and asylum-seekers and the largely spread location of people of matter remain key protection challenges in Indonesia, especially for a increasing number of children and detainees with peculiar needs. To get more attention to protection environment, the organization will strengthen capacity of local authorities. It will also assist those with specific protection needs, though funding shortfalls limit the number of people likely to benefit.⁴⁴ Another organisation which plays an active role to the protection of IDPs, is the International Committee of the Red Cross (ICRC).⁴⁵ As the ICRC's mission is to protect and assist victims of armed conflict, its main target group to help IDPs. The ICRC estimates the great majority of those people the organisation assists are IDPs. Majorly, ICRC has been designing programmes specifically aimed at protecting and assisting IDPs. The organisation aims to develop and to restore acceptable living conditions and help people to continue an atmosphere that is as near as possible to what they are used to until unless they start accepting new environment. By assuring that people can fulfil their basic dearth, these programmes help avert displacement and takes initiatives to build community capacity to host IDPs or IDPs camp⁴⁶. ICRC has been playing important role in Indonesia to with the evolving humanitarian situation throughout the peninsula. It has also signed a MoU with the Indonesian National Armed Forces on the circulation of the basic rules of international humanitarian law and human rights to military audiences.⁴⁷In 2005, the signing of peace agreement in Helsinki between Indonesian Government and rebels of the Free Aceh Movement has

⁴⁴ UNHCR-The UN Refugee Agency,. 2015. '2015 UNHCR Sub regional Operations Profile - South-East Asia'. <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e488116&submit=.GO>

⁴⁵ International Committee of the Red Cross,. 2015. 'International Committee Of The Red Cross'. <https://www.icrc.org>.

⁴⁶ crc.org,. 2015. 'Internally Displaced Persons: The Mandate And Role Of The International Committee Of The Red Cross'. <https://www.icrc.org/eng/resources/documents/misc/57jqhr.htm>

⁴⁷ ICRC Resource Centre,. 2011. 'The ICRC Gets Closer To Indonesia'. <https://www.icrc.org/eng/resources/documents/interview/2011/indonesia-interview-2011-10-11.htm>.

shown a new progression in the history of Indonesia. ICRC is playing its role after the conflict helping people building their lives.⁴⁸

The Guiding Principles of the UNCHR highlights the peculiar needs of internally displaced persons worldwide.⁴⁹ They analyze rights and guarantees relevant to the protection of persons from forced displacement. It also assures assistance during return and resettlement of the IDPs. It is important to note that the manual is development by the United Nations High Commissioner for Refugees (UNCHR) based on compilation and analysis for practical use of its staff while operating in the field. It has also been indicated that other humanitarian organisations can follow the example of UNCHR principle document. The document is very significant because its compilation determines international human rights law, humanitarian law and refugee's law in particular. The article 1 of the principle guideline narrates, "Internally displaced persons shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country. They shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced".⁵⁰ In the context of Indonesia, the Shia were forced to migrate and the IDPs are not pleased with the treatment of the government. Those who were not willing to leave were told that they might be responsible for themselves and Religious Affairs Minister Suryadharma Ali says converting Shiite Muslims to the Sunni Islam followed by most Indonesians would be the best way to prevent violent outbreaks between the sects in Sampang, East Java.⁵¹ The Minister was terrorising the victimised group and violating the principle guideline at: 11(2) (c) "Internally displaced persons, whether or not their liberty has been restricted, shall be protected in particular against:

⁴⁸ CRC Resource Centre,. 2006. 'Aceh: Helping Refugees Rebuild Their Lives'.

<https://www.icrc.org/eng/resources/documents/feature/2006/indonesia-stories-030806.htm..>

⁴⁹ UNHCR-The UN Refugee Agency,. 2015. 'Guiding Principles'.

<http://www.unhcr.org/pages/4ad2ec646.html>.

⁵⁰ UNHCR-The UN Refugee Agency,. 2015. 'Guiding Principles'.

<http://www.unhcr.org/pages/4ad2ec646.html>.

⁵¹ S. Aritonang, Margareth. 2012. 'Shia Conversion Is Solution: Minister'. The Jakarta Post.

<http://www.thejakartapost.com/news/2012/09/06/shia-conversion-solution-minister.html>.

Acts of violence intended to spread terror among internally displaced persons."⁵² In 2012, more than a thousand Sunni Islamist militants attacked a village of minority Shia Muslim community in Sampang regency in Madura Island, burning close to 50 homes which led to force migration of the people.⁵³ Ahmad Jamali, an Indonesian citizen and belonging from Shiite community wonders why the police does not let him return to his home where extremist groups have put on fire his community people houses. As a citizen why he is forced to leave his home, all his belongings and future of his children is concerned with the place. Unwillingly he along with other 300 shiitees are living a temporary shelter in Madura.⁵⁴ Principle no.3 of the guideline principles book narrates that 'National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction'.⁵⁵ Most of the people in the temporary shelter homes of Madura wants to go back, if the government assures to provide them protection. Andy Irfan, the coordinator of human rights group Kontras Surabaya, said the government's plan to relocate the Shiites showed that it was failing to protect its own citizens and failing to guarantee the religious freedom of the minority group.⁵⁶ According to Human Rights Watch report, Human rights progress was not satisfactory in 2013, President Susilo Bambang Yudhoyono's last full year in office.⁵⁷ President Yudhoyono was constantly calling

⁵² UNHCR-The UN Refugee Agency,. 2015. 'Guiding Principles'.

<http://www.unhcr.org/pages/4ad2ec646.html>.

⁵³ GLOBAL INDONESIAN VOICES,. 2014. 'Religious Intolerance And Sectarian Violence In Indonesia'. <http://www.globalindonesianvoices.com/17226/religious-intolerance-and-sectarian-violence-in-indonesia/>.

⁵⁴ http Shiite News,. 2012. 'INDONESIAN SHIITES MUSLIMS FORCED TO MIGRATE'.
<http://www.shiitenews.org/index.php/shiitenews/asia/indonesian-shiites-muslims-forced-to-migrate>

⁵⁵ UNHCR-The UN Refugee Agency,. 2015. 'Guiding Principles'.

<http://www.unhcr.org/pages/4ad2ec646.html>.

⁵⁶ http Shiite News,. 2012. 'INDONESIAN SHIITES MUSLIMS FORCED TO MIGRATE'.
<http://www.shiitenews.org/index.php/shiitenews/asia/indonesian-shiites-muslims-forced-to-migrate>

⁵⁷ Centre for Civil and Political Rights,. 2013. 'UN Human Rights Committee 108Th Session'.

<http://archive.constantcontact.com/fs128/1102969153793/archive/1114082612397.html>.

Indonesia "a moderate Muslim democracy." On May 31, Yudhoyono said his government "would not tolerate any act of senseless violence committed by any group in the name of the religion" and on August 16 he showed his concerns about increasing religious intolerance and related violence.⁵⁸ On June 20, a mob of more than 800 Sunni militants pressured local authorities to force out hundreds of displaced Shia villagers from a stadium in Sampang, Madura, where they had been living since August 2012 after more than 1,000 Sunni villagers attacked their homes, killing one resident. The relocated shia villagers were then coercively pushed to an apartment building that the government had prepared in Sidoarjo, Java, three hours away.⁵⁹ Article 29 of Indonesia's Constitution, agreed in 1945, states:

- (1) The state is based on belief in the One and Only God;
- (2) The state guarantees each and every citizen the freedom of religion and of worship in accordance with his religion and belief.⁶⁰ It is quite evident that the Indonesian Constitution (the Undang-undang Dasar 1945 hereinafter UUD45) before its amendment was a symbol of national unity and integration and that it had no margin for the recognition of minority rights.⁶¹

On August 18, 2000, the constitution was amended in ways that in some respects strengthened the principle of religious freedom.⁶² Article 28E (2) broadly guarantees the human rights of Indonesian citizens, and specifically addresses religious freedom, stating that "each person is free to worship and to practice the religion of his choice." But article 28J (2), also introduced in 2000, sets out

⁵⁸ WORLD REPORT 2013. 2013. Human Rights Watch. <http://www.hrw.org/world-report/2013/country-chapters/indonesia>.

⁵⁹ Human Rights Watch, World Report 2014 - Indonesia, 21 January 2014, available at: <http://www.refworld.org/docid/52dfddd7b.html> [accessed 24 February 2015]

⁶⁰ Certified translation of the 1945 Constitution of the Republic of Indonesia,

⁶¹ Bell, Gary. 2001. 'Minority Rights And Regionalism In Indonesia Ñ Will Constitutional Recognition Lead To Disintegration And Discrimination?'. Singapore Journal Of International & Comparative Law, pp 784 ñ 806

⁶² The People's Consultative Assembly, The Second Amendment of the Indonesian Constitution, passed on August 18, 2000 and signed by MPR Speaker Amien Rais and seven MPR deputies: Ginandjar Kartasasmita; Sutjipto; Matori Abdul Djilil; Husnie Thamrin; Hari Sabarno; Jusuf Amir Feisal; Nazri Adlani

legal duties that in practice are being used to curb religious freedom, particularly of religious minorities: In exercising his rights and liberties, each person has the duty to accept the limitations determined by law for the sole purposes of guaranteeing the recognition and respect of the rights and liberties of other people and of satisfying a democratic society. The latter provision has been and continues to be invoked to demand that religious minorities cater to the demands of the religious majority. By 2010, Indonesia had at least 156 statutes, regulations, decrees, and by-laws that restrict religious freedom, many of them justified by reference to article 28J (2). y's just demands based on considerations of morality, religious values, security, and public order.⁶³

Among the most significant legal obstacles to religious freedom in Indonesia are:

- The 1965 blasphemy law, enacted under President Sukarno;
- A joint ministerial decree regarding proselytizing of religion signed by the ministers of religious affairs and home affairs (No. 1/1979), titled “Regulating Missionary and Foreign Aid to Religious Organizations”;
- Child Protection Act No. 23/2002, enacted under President Susilo Bambang Yudhoyono, which includes articles “to protect” the faith of a child even when adopted;
- A joint regulation issued by the ministers of religious affairs and home affairs (No. 8 and No. 9/2006), titled “Guidelines for Regional Heads and Deputies in Maintaining Religious Harmony, Empowering the Religious Harmony Forum, and Constructing Houses of Worship”;⁶⁴
- A joint decree issued by the minister of religious affairs, the attorney general, and minister of home affairs (No. 3/2008) ordering the Ahmadiyah to stop spreading their teachings.⁶⁵ In April 2010 the Constitutional Court upheld the 1965 Blasphemy Law, holding that the government had power to impose limitations on religious freedoms based upon security considerations. Human

⁶³ See Musdah Mulia, “The Problem of Implementation of the Rights of Religious Freedom In Indonesia,” paper submitted to the EU-Indonesia Conference, “Human Rights and Faith in Focus,” held by European Union and Nahdlatul Ulama in Jakarta, October 24-25, 2011. Musdah Mulia is the director of the Indonesian Conference on Religion and Peace

⁶⁴ See Musdah Mulia, “The Problem of Implementation of the Rights of Religious Freedom In Indonesia,” paper submitted to the EU-Indonesia Conference, “Human Rights and Faith in Focus,” held by European Union and Nahdlatul Ulama in Jakarta, October 24-25, 2011. Musdah Mulia is the director of the Indonesian Conference on Religion and Peace

⁶⁵ See Suryadharma Ali, Paper presented at the Work Meeting Minister of Religious Affairs with Commission VIII House of Representatives, Jakarta, February 9, 2011.

rights groups, including the Wahid Institute, led the effort to overturn the law. Many Muslims and members of other religions supported maintaining the law.⁶⁶

In the recent years Indonesia has made meaningful progress towards strengthening democracy and respect for human rights. The slow and steady effort and progress to leap into moderate Islam has got international appreciation and many liberal countries are looking at Indonesia as a model Islamic democracy. United States President Barak Obama during his visit to Jakarta in 2010 praised the transition of Indonesia and said, "the spirit of religious tolerance"⁶⁷ Secretary of State Hillary Rodham Clinton has declared, "If you want to know whether Islam, democracy, modernity and women's rights can coexist, go to Indonesia."⁶⁸ And Britain's Prime Minister, David Cameron, lauded Indonesia for showing that "religion and democracy need not be in conflict."⁶⁹ Indonesia's religious affairs minister, Lukman Syaifuddin, is drafting a "protection of religious communities bill" to be introduced this year.⁷⁰ By regulating communities rather than beliefs, the bill is expected to provide assurance for a just and peaceful religious life. Meanwhile, the home affairs minister, Tjahjo Kumolo, has announced that the government will allow citizens of faiths other than the six that are officially recognised to leave the religion column on their ID cards blank. He also warned regional leaders and their administrations not to discriminate against citizens of minority faiths⁷¹. The government needs to ensure that the proposed bill will not cause polarisation within the public, which would only complicate matters and aggravate social hostility. At the same time, the government should not get influence or pressure from the radical groups.

⁶⁶ INDONESIA. 2014. Government of Indonesia. <http://www.state.gov/documents/organization/171653.pdf>.

⁶⁷ Human Rights Watch, In Religion's Name: Abuses against Religious Minorities in Indonesia, 28 February 2013, ISBN: 1-56432-992-5, available at: <http://www.refworld.org/docid/513085c22.html> [accessed 24 February 2015]

⁶⁸ HARSONO, ANDREAS. 2012. 'No Model For Muslim Democracy'. The New York Times.

<http://www.nytimes.com/2012/05/22/opinion/no-model-for-muslim-democracy.html>.

⁶⁹ HARSONO, ANDREAS. 2012. 'No Model For Muslim Democracy'. The New York Times.

<http://www.nytimes.com/2012/05/22/opinion/no-model-for-muslim-democracy.html>.

⁷⁰ Rafsadi, Irsyad. 2014. 'Is A New Law Enough To Protect Religious Minorities In Indonesia?'. THE CONVERSATION. <http://theconversation.com/is-a-new-law-enough-to-protect-religious-minorities-in-indonesia-34242>.

⁷¹ Conversation. <http://theconversation.com/is-a-new-law-enough-to-protect-religious-minorities-in-indonesia-34242>.

