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# Indonesia doesn't need to further blasphemy law

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The act of blasphemy and its impact on human rights is a worldwide phenomenon. The debate on whether blasphemy laws should be retained, reformed or abolished has been raised by many human rights advocates, as blasphemy legislation brings up complex questions about human rights. There have been urgent calls to evaluate



In general, blasphemy laws interfere with the rights of heterodox religions, which practice distinctive religious beliefs, because blasphemy laws are typically used to protect the selected official religion of a nation. Such legal practices allow the state to support a specific religious doctrine that is favored by the majority

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The main objective of such laws are to protect the feelings of believers from offensive materials being used to ridicule the sacred elements of their religions.

These regulations emphasize the fact that there is a state-sponsored religious orthodoxy and that potentially sanctions discrimination against heterodox religions when the majority argues that the teaching of heterodox religions is harmful to their orthodox belief.

These laws stipulate that non-orthodox interpretations are seen as threatening to claims of superiority, exclusivity and monopoly of interpreting religious texts, which in turn makes non-orthodox religious groups vulnerable to charges of apostasy as well as heresy.

It is a common policy in many states, not only Muslim but also Western states, to pass legislation on insulting religions and religious feelings.

For instance, the Roman Catholic Church states that insulting words or behavior toward Mary and the saints constitutes a criminal offense against the dignity of Roman Catholics. The Christian Protestants similarly place the gravamen of blasphemy specifically in contemptuous treatment of the Triune God, the Incarnate Christ and the Holy Scriptures.

Before the blasphemy law was abolished in the United Kingdom in 2008, blasphemy was defined as any contemptuous, reviling, scurrilous or ludicrous matter relating to inter alia the Church of England.

The acknowledgment of the Church of England places other non-established religions in an inferior position. For example, when the application of the Salman Rushdie case was rejected by the court on the ground that the English law protects only the Christian faith, Muslims argued that English law on blasphemy discriminates against Islam.

If the court had interpreted the statute more broadly, applying the principles of the statute to all religious symbols, Rushdie would likely have been convicted.

In the Islamic world, the blasphemy law is understood by many regimes as an imposition of a uniform standard of orthodoxy on their fellow Muslim citizens and a rejection of the legitimacy of the positions of Muslim groups that do not accept what is being presented as the officially sanctioned Islam. In other words, this law has been applied to silence heretical practices considered a threat to mainstream interpretation of Islam.

One main reason is that those beliefs are intended to advocate internal reform or heterodox interpretations of Islam, in opposition or held to be contrary to the orthodox Islamic doctrine.

Blasphemy laws in many occasions trigger systemic persecutions against heterodox Islamic groups because many Muslims generally perceive their fellow Muslims who have different interpretation of Islamic beliefs as heretics or apostates. Pew Forum research in 2012, for example, demonstrated that at least 40 percent of the Sunni Muslims in the Middle East and North Africa do not accept Shiites as fellow Muslims. Saudi Arabia, which follows the Wahabi

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In 2009, the Indonesian Constitutional Court refused to overrule Blasphemy Law No. 1/965 largely because

'religious values' asserted by article 28I (9) of the Constitution, which inspired proponents of the blasphemy

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The Court interprets religion as not only associated with the private sphere but also consisting of sociological, cultural and historical aspects within a given society.

Religion is not solely a private matter and individuals are unable to exclusively or individually interpret the pluralism, liberalism or fundamentalism of a religion. The Court not only considers religious freedom in 'written documents' per se to resolve the blasphemy law case, but also considers other perspectives such as 'religious values' embraced by people in the country.

I hope the Court knows that more than four years after its verdict, there are still many cases of persecution against non-mainstream religious groups in Indonesia.

The Court should understand that the majority still use blasphemy laws to discriminate against minority religions considered as un-established religions in a given country.

As a democratic nation and the most populous Muslim country, do we really need to give a particular religion a privilege to discriminate against non-mainstream religious groups?

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*The author of this article is writing a PhD dissertation on blasphemy at the School of Oriental and African Studies, University of London.*

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