A PRICE FOR DEMOCRACY? RELIGIOUS LEGISLATION AND RELIGIOUS DISCRIMINATION IN POST-SOEHARTO INDONESIA

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Abstract
Various studies have expressed concerns about the decline of religious freedom in Indonesia. However, these studies have suffered from three limitations. First, they have inadequately differentiated between various aspects of state-religion relations. Second, they are largely inward looking, overlooking how Indonesia compares to other countries in the world, especially other Muslim countries. Third, they have not explicitly tested whether this decline in religious freedom was triggered by the downfall of Soeharto and the more open political and social space that ensued. Applying a synthetic control method to a global dataset, the present study shows that Indonesia’s level of state discrimination of religious minorities has not changed much since 1998. The country’s levels of social discrimination and religious legislation, on the other hand, have increased significantly. This suggests that efforts to improve Indonesia’s religious freedom should focus on tackling the proliferation of religious bylaws and discrimination by social groups.

Running Head: Religious Freedom in Indonesia
Keywords: religious freedom, Islam and democracy, state-religion separation

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Acknowledgment:
I thank Tom Pepinsky and the two anonymous reviewers for their useful feedback, as well as the Indonesia Project at the Australian National University for granting me a fellowship to work on this manuscript. All errors are my own.

FORTHCOMING IN THE BULLETIN OF INDONESIAN ECONOMIC STUDIES (BIES)
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INTRODUCTION

The downfall of Indonesia’s dictator Soeharto has been highlighted by many as a significant factor that shapes religious freedom and state-religion relations in Indonesia. Scholars and observers have noted a trend where the state has become more accommodative of the demands of the religious majority, often at the expense of religious minorities (Bagir 2014; Hefner 2013; Wahid Foundation 2018; Human Rights Watch 2018). Other scholars have documented social and political changes that happened after the downfall that lead to an increase in state-religion intermixing, threatening the rights of religious minority groups or Indonesia’s moderate image (e.g., Mietzner and Muhtadi 2018; Hamayotsu 2013; Lim 2005; Suryana 2018).

Notwithstanding the insights that these various reports and studies have contributed to our understanding of religious freedom in Indonesia, three areas of improvement are evident. The first area is conceptual. The existing studies have focused on different specific phenomena yet used them as evidence to argue for a broader trend on the decline of religious freedom. There is a lack of systematic framework that one can use to track how Indonesia’s religious freedom has changed over time (Ali-Fauzi et al. 2009).

For example, studies have examined restrictions on minority worship house (Crouch 2010b), proliferations of sharia bylaws (Fanani 2011), the rise of religious vigilante groups (Jahroni 2004; Woodward et al. 2014), or the growing clout of the Indonesian Council of Ulema (Majelis Ulama Indonesia; Lindsey 2012). Regarding all these phenomena as signs of increasing state-religion intermixing or deteriorating religious freedom is convenient but might lead to a
conceptual imprecision. When one says that Indonesia’s religious freedom has become worse, does it mean that there are more acts of intolerance against minorities or that there are more laws discriminatory of minorities? Consequently, we need a more systematic framework to assess the state of religious freedom in Indonesia.

The second and third areas of improvement relate to a lack of comparative perspective. Most studies fail to compare Indonesia to other countries. On the other hand, such a comparison is essential to understand how Indonesia compares to other countries, especially other Muslim countries. It is also paramount if we are to understand whether the seeming decline in religious freedom is truly due to the downfall of Soeharto. If other countries also experienced the same decline, then Indonesia’s worsening religious freedom might be a part of a global trend. The country would have still experienced it regardless of whether there was or there was not a regime change in 1998.

The present study improves these limitations and contributes to the literature on three regards. First, it employs a theoretical framework commonly used in comparative research on state-religion relations. Second, it charts Indonesia’s trend in state-religion relations across time and compares it to other Muslim countries’. Third, it explicitly tests whether the suspected decline in religious freedom is indeed triggered by the downfall of Soeharto and the subsequent democratic transition.

In the following sections, I review the literature related to these contributions. The next section describes the potential mechanisms through which Soeharto’s downfall might lead to lower religious freedom. This section is then followed by one that discusses the issues of measuring and conceptualising state-religion relations. I then compare Indonesia to other Muslim countries and conduct a synthetic control analysis to formally test the effects of Soeharto’s downfall on
Indonesia’s religious freedom. I conclude by proposing some explanations for the results and highlighting key issues that human rights observers and scholars should focus on when it comes to advocating religious freedom in Indonesia.

**SOEHARTO’S DOWNFALL AND RELIGIOUS FREEDOM**

A connection between Soeharto’s removal from power and an increase in the intermixing of state and religious affairs has been made by different observers (e.g., Crouch 2010; Hamayotsu 2013; Hefner 2013). In general, two types of mechanisms have been proposed to explain how the regime change in 1998 might lead to a decline in religious freedom: ones that emphasise political changes and ones that focus on societal changes.

**Political Changes**

Explanations that focus on political changes are concerned with changing institutional arrangements that lead to decentralisation of power and the mushrooming of political entrepreneurs. For example, Suryana (2018) points out the increased constraints on the presidential power and the growing assertiveness of the House of Representatives (DPR; Dewan Perwakilan Rakyat). That the president is no longer the sole centre of power, in turn, means that there are now more political actors with more diverse interests.

Ali-Fauzi et al. (2011) highlight a consequence of this power decentralisation in their study of church controversies in Jakarta. They find that some church leaders actually regarded Soeharto’s regime as providing more certainties when it comes to building churches. Under Soeharto, as long as a church was able to secure the approval of the local security authority, it was almost guaranteed that the church could be constructed. In the post-Soeharto era, however, a church often has to
obtain approvals from various parties, such as the local government, the local police, the local interreligious forum, and the local mass organisations. These parties might have different or even conflicting interests, creating more uncertainties for the church.

The decentralisation of power and the growing importance of the parliament also means that elections now matter more than ever. Parties have to compete with each other to win votes, which translate to seats and eventually political influence. One of the strategies that parties employed to win these votes is to engage in religious politics. Tanuwidjaja (2010) suggests that Islamic parties fail to dominate in post-Soeharto elections not because Islam is not a significant political factor in Indonesia but because even supposedly secular or nationalist parties engage in the same identity politics. This strategy blurs the distinction between nationalist and Islamic parties and enables the former to appeal to supporters of the latter. Buehler (Pisani and Buehler 2017; Buehler 2016) also finds the same phenomenon related to sharia bylaws. He notes how sharia bylaws are often a strategic move by politicians from nationalist parties to attract support from Muslim voters. This reality of political competition where pragmatic politicians employ religious rhetoric and advocate religious agendas to win votes arguably can put religious minorities at disadvantage by making their voices less visible.

Another significant political change that has taken place after Soeharto’s downfall is the growing independence of the judiciary (Suryana 2018). While under Soeharto the justice system principally submitted to the will of the president, in the more democratic era the judiciary is more independent, which means the ideologies and interests of the judges play a greater role in their decision making. Suryana (2018) notes how judges often value harmony more than religious freedom, handing out jail sentences to people with non-mainstream beliefs on the ground of blasphemy and disrupting the society’s religious harmony. Indeed, blasphemy has been
highlighted as one of the most significant threats to religious minorities in Indonesia (Crouch 2012) and in the broader Muslim world (Varagur 2017).

Societal Changes

The second type of changes that followed the regime change in 1998 is societal. Two of such changes are particularly consequential. The first is the rise of religious vigilante groups such as the Defenders of Islam Front (FPI; Front Pembela Islam). Jahroni (2004) and Crouch (2010a) note the roles these groups play in pressuring state officials to conform to the will of conservative Muslims. Through mass mobilisations and demonstrations these groups give the voices and aspirations of conservative Muslims a heavier weight. For example, in 1999 FPI threatened to ‘occupy’ the Jakarta city hall, forcing then-governor Sutiyoso to accede to their demand of implementing a stricter regulation on night clubs. In addition to pressuring state officials, the religious vigilante groups also often directly discriminate against religious minorities such as in the case of attacks on Ahmadiya’s Parung campus in 2005. This kind of vigilantism arguably would be difficult to thrive under Soeharto as it challenges the state’s monopoly of coercive power.

The second notable societal change is the opening of the media, both offline and online. Several printed Islamic publications were founded following Soeharto’s downfall that soon gained popularity among conservative Muslims. Perhaps most notable of these publications was Sabili. Sabili distinguished itself by focusing on the communal Maluku and Poso conflicts and framing them as Christian-Muslim conflicts, using languages that drew parallels between the conflicts and the Crusades (Woodward 2010).

In addition to printed publications, conservative groups also aptly utilise new media and social media platforms to voice their messages. Mietzner and Muhtadi (2018) and Hamayotsu
(2013) highlight conservatives’ improved capacity to mobilise and take advantage of Indonesia’s more open media climate. Lim (2005) examines how conservative groups use online platforms to deliver anti-America rhetoric while Lim (2017) highlights the influence of social media on the development of sectarianism during the 2017 Jakarta gubernatorial election. Such a mushrooming of conservative offline and online media arguably would be less likely to happen under Soeharto’s authoritarian and tight control of the state.

Notwithstanding the solid theoretical foundation to argue that Soeharto’s downfall has led to a deterioration of religious freedom in Indonesia, to my knowledge no study has ever formally tested it. Two challenges are particularly responsible for the absence of such a test: conceptualisation and measurement. How should we conceptualise religious freedom and how should we measure it? The next section addresses these issues of conceptualisation and measurement. It first describes how existing studies have covered religious freedom in Indonesia and the limitations of their approach. It then discusses a global dataset that has been widely used in comparative research on religious freedom and outlines how this dataset can help us answer questions about Indonesia’s religious freedom in the post-Soeharto era.

CONCEPTUALISING AND MEASURING STATE-RELIGION RELATIONS

Reporting Indonesia’s Religious Freedom

Assessments of the state of religious freedom in Indonesia have largely taken the forms of documenting and listing significant events of religious freedom violations (Bagir et al. 2011; Komnas HAM 2017; Wahid Foundation 2018). The focus is on describing in great details the violations that occurred and the responsible actors. This approach has the benefits of providing
detailed information concerning an event or incident. It can also offer descriptions about actors who play significant roles in shaping religious dynamics in Indonesia.

At the same time, this mode of reporting is also the most notable limitation of these studies. Ali-Fauzi et al. (2009) review the existing religious freedom reports and compare them to the literature on religious freedom around the world. They find that the reports face limitations in how they categorise and measure violations of religious freedom. The reports’ focus on describing and counting the number of incidents as an indicator of Indonesia’s state of religious freedom has inadvertently led to less attention devoted to carefully categorising and coding these incidents.

A notable exception to this mode of reporting is the reports by the Wahid Foundation. The Foundation produces annual reports documenting incidents of religious freedom violations. These reports note whether the perpetrators are state or non-state actors and classify the incidents by their types (e.g., whether an instance of physical intimidation or an instance of banning a worship activity).

While a step in the right direction, reports by the Wahid Foundation can be improved even further. First, the focus on contemporary incidents might overlook the latent, structural violations of religious freedom. For example, a local government prohibiting an Ahmadiya community to engage in a communal prayer may be recorded as a violation by a state actor in the year the prohibition was issued but not in the following years. This is problematic because it overlooks the influence such a prohibition might have on the religious freedom quality in the subsequent years. In other words, by focusing on salient incidents the reports might overlook the influence of the institutional arrangements that give raise to these incidents.

Second, the Wahid Foundation reports can also be improved in regards to their consistency. For example, the most recent (2017) report includes ‘religious persecution’ as one of the categories
of violations committed by non-state actor. This category, however, did not exist in reports from the previous years and, considering its broad meaning, it is difficult to ascertain what types of violations would be included or excluded from this category.

This review is not meant to be overly critical of these studies. I certainly appreciate the insights these studies have provided. They have raised the public’s and policymakers’ awareness of the potential problems surrounding Indonesian religious minorities. At the same time, there is a window of opportunity to build on these studies. The relative absence of the use of a systematic framework provides us with an opportunity to either develop a framework or to apply an existing one to the Indonesian case.

I choose to do the latter not only for practical reasons but also to follow the recommendations outlined in Ali-Fauzi et al. (2009). As mentioned above, Ali-Fauzi et al. (2009) highlight the lack of a systematic framework in the existing reports on Indonesia’s religious freedom. They recommend future studies to employ a more systematic conceptual framework, such as one developed by Grim and Finke (2006) or Fox (2008), that enables one to differentiate between various dimensions of religious freedom and state-religion relations.

**The Religion and State (RAS) Project**

Government regulation refers to laws that restrict religious practices, groups, or expressions. Government favouritism refers to support provided by the state or state officials to a select religion or a small groups of religions. Social hostilities, on the other hand, are concerned not with the state but with restrictive actions or persecutions committed by certain social groups (usually the majority) to other social groups (usually the minority). The Pew Research Centre later took up Grim and Finke’s framework to produce their Global Restrictions on Religion report. This report incorporates additional sources such as from the Amnesty International and the Human Rights Group.

Fox (2008) offers an even more detailed measurement of state-religion relations in his religion and state (RAS) project. The project was initially developed to empirically test the secularisation theory. In subsequent iterations, more indicators have been added to better capture how competitions between secular and religious political actors shape religious discrimination in a country (Fox 2019a). Most importantly, the latest (third) round the RAS project added indicators of societal discrimination, following Grim and Finke's (2006) concept of social hostilities.

The most recent RAS dataset covers 183 countries from 1990 to 2014. It conceptualises state-religion relations into five main categories divided into two dimensions: state and societal. The state dimension covers state discrimination of minority religions, general state regulations of religion, and religious legislation. State discrimination of religious minorities is concerned with how the state creates laws that discriminate against religious minorities. General state regulations of religion are related to how the state regulates all religions. It is an indicator of a state’s general attitudes to religion, as opposed to an effort to target specific religions. The third category, religious legislation, is concerned with government policies that legislate aspects of religious life. Religious legislation is different from state discrimination of religious minorities because the former applies
to all religions. Furthermore, state discrimination of religious minorities is concerned mainly with restrictions on religious practices whereas religious legislation covers a wider array of issues, such as blasphemy, interfaith marriage, state funding for religious schools, and ‘morality’ issues like homosexuality.

The societal dimension covers aspects pertaining to social discrimination against religious minorities and to minorities’ discriminatory actions. Social discrimination of minority religions measures persecutions and discriminations aimed at religious minorities by social groups and other non-state actors; whereas minorities’ discriminatory actions are related to how minority groups engage in discriminatory activities against the majority religion or other religious minorities.

Each of these categories is measured with multiple indicators. In addition to these categories, there are also separate variables tapping into other aspects of state-religion relations such as structural separation of state and religion, general societal relations, and societal regulations of religion. As with the Pew report, the coding is based on various human rights reports, academic sources, and news media sources.

Scholars have used the RAS dataset to understand the consequences of different variations of state-religion relations. For example, studies have examined how government regulations of religion shape religious individuals’ likelihood to join peaceful protest activities (Arikan and Bloom 2019; Lu and Yang 2019) or increase the likelihoods of terrorism and interstate conflicts (Brown 2019; Henne 2019). Perhaps the most common use of the RAS dataset is to examine the relationship between how the state regulates religion and its level of democracy (Menchik 2018; Driessen 2018; Cesari 2016).

Findings from this line of research show that, while generally democracies have less government involvements in religion and better protection of religious freedom (Fox 2007;
Brathwaite and Bramsen 2011), virtually all countries in the world have some level of government regulation of religion. This, in turn, means that the concept of secularism or separation between state and religion should be understood as a continuous spectrum, as opposed to a binary (secular/not secular) concept. What is necessary for democracy, then, is not so much a truly secular state but a state that guarantees a twin-tolerance (Stepan 2000)—a condition where the state respects the rights of religious institutions and religious institutions respect the independence and authority of the state.

An equally thriving body of literature exists that utilises the RAS dataset to examine the antecedents of state regulation of religion broadly defined (which includes state discrimination and religious legislation). Finke, Martin, and Fox (2017; also see Fox, Finke, and Eisenstein 2018) argue that minority religious groups are often discriminated by the state because they represent a challenge to the dominant religion and to the society’s culture or worldview.

Sarkissian (2015) takes a more rational choice approach and emphasises the importance of political competition and religious diversity. She argues that higher religious diversity combined with lower political competition lead to higher state repressions of religious minorities. In a society with low political competition, the regime is relatively immune from political backlash that can result from discriminating against certain minority groups. Engaging in such discrimination, on the other hand, enables the regime to gain favor from the majority and to maintain control over the religiously divided society. Furthermore, Fox and Flores (2009) find that state discrimination and religious legislation are present in many countries, including democratic ones, despite the express religious freedom clauses in the countries’ constitutions, highlighting the political expediency such regulations of religion might provide.
Another body of work uses the RAS data to examine the factors that shape social discrimination of religious minorities. There are fewer studies on the topic than there are studies that examine state discrimination because the societal component of the dataset was a recent addition. Fox and colleagues (Fox 2019b; Fox, Finke, and Eisenstein 2018) find that social discrimination is shaped by threat perception, specifically when it comes to Muslim minorities in Western countries. They argue that the securitisation of Islam (a perception that Muslim communities are a national security threat) contributes to the higher social discrimination against the Muslim communities. In another study, Akbaba and Fox (2018) find that the Arab Uprisings led to a higher social discrimination but had no significant effects on how the state regulates religion. They argue that this is because social discrimination is more open to change. The weakening of the Arab states’ repressive capacity during the Uprisings opened up a space for radical groups to discriminate against religious minorities.

THE PRESENT STUDY

The present study analyses Round 3 of the RAS Project and focuses on three aspects of state-religion relations most closely related to religious freedom and the rights of religious minorities: state discrimination of religious minorities, religious legislation, and social discrimination of religious minorities. These variables are operationalised as the sum of their question indicators. There are 36 questions used to construct state discrimination, 52 to construct religious legislation, and 27 to construct social discrimination. The theoretical maximum score for state discrimination, religious legislation, and social discrimination are 108, 52, and 81, respectively, with the minimum score of zero. The higher the scores, the more restrictive the state or the society is toward
minorities. The list of questions and descriptive statistics for the variables are available in the Appendix.

Engaging in an exercise that relies on a more explicit and systematic coding approach as the present study undertakes offers four benefits that complement the insights offered by existing studies of religious freedom in Indonesia. The first is that a more conceptually refined coding approach enables us to breakdown each religious freedom violation incident or other relevant information into various dimensions of interest. An incident where the police let a religious vigilante group attack a minority group after the local state attorney declaring the group as deviant following a fatwa from local clerics, for example, would have state and social components. Even under the state component, we can still breakdown the incident further as one that involves security apparatus (the police) and a justice system official (state attorney). Such a refined approach arguably would be more difficult to achieve if we focus on describing the incidents themselves.

The second benefit is that a more systematic coding approach enables us to examine the trend over-time. This is because such an approach uses the same measurement criteria to code incidents and other relevant information across the years, which ensures comparability. It arguably would be difficult to compare a country’s religious freedom scores in two different years if the scores themselves were generated from two different coding schemes.

Third, in addition to enabling a detailed coding of incidents on various dimensions and making possible an over-time comparison, the present study is also benefited from the fact that the RAS dataset is a global dataset. This means that it is possible to compare Indonesia to other countries. To my knowledge, such a comparative exercise has never been undertaken before when it comes to the study of religious freedom in Indonesia and as such is one of the contributions of the present study.
Lastly, the abilities to engage in temporal (over-time) and spatial (cross-country) comparisons mean that the present study can more formally test the effects of Soeharto’s downfall on religious freedom in Indonesia. Such a comparison arguably would be impossible without a longitudinal data that covers multiple countries. Specifically, the present study takes advantage of a recent development in causal inference by employing a synthetic control method (Abadie, Diamond, and Hainmueller 2015). The method has been used to examine how a significant political event affects various outcomes such as economic growth (Pepinsky and Wihardja 2011) or child mortality (Olper, Curzi, and Swinnen 2018), promising an opportunity to examine how regime change affects religious freedom.¹

COMPARING INDONESIA TO OTHER MUSLIM COUNTRIES²

¹ Using a global dataset has its own limitations as it cannot describe instances of religious freedom violations as detailedly as in-depth studies. The present study is conscious of these limitations. It situates itself as a complement, as opposed to a substitute, for the existing studies on Indonesia.

² Another interesting exercise would be to compare Indonesia to other cases of successful democratic transition. I present the results from this exercise in the Online Appendix (Appendix 5). The results are substantively similar in that Indonesia has higher levels of state discrimination, religious legislation, and social discrimination than the comparison countries. Given these similar results, I focus on comparing Indonesia to other Muslim countries for two reasons. First, while Indonesia is a case of a successful democratic transition, what makes it special is that it is Muslim-majority. Indeed, different scholars have highlighted this characteristic as what makes Indonesia unique (Mujani and Liddle 2009; Barton 2010; Künkler and Stepan 2013). Second, the definition
Figures 1 to 3 compare Indonesia’s levels of state discrimination, religious legislation, and social discrimination to that of other Muslim countries. The solid line represents Indonesia. The dashed line represents the mean of other Muslim countries. Each thin dotted line represents one Muslim country. Two patterns are evident. First, Indonesia’s levels on the measures are all higher than the average of the Muslim countries. This is quite ironic considering that Indonesia is often considered a model for a secular Muslim democracy (Mujani and Liddle 2009). It is beyond the present study’s purview to answer why Indonesia is more restrictive on religious minorities than most of the Muslim world. It is likely, however, that the country’s ‘godly nationalism’ (Menchik 2016) might play some roles. If religion is incorporated into the national identity and a special protection is afforded to a select religion (or religions), it is perhaps inevitable that the state would discriminate against non-believers or minority believers to protect the majority.

Second, the figures present a trend where Indonesia has become more restrictive on religious minorities over the period. So, not only that Indonesia is more religiously restrictive than most other Muslim countries, but also it has become more restrictive in the last two decades. But, is this decline largely a result of the democratic transition that followed the downfall of Soeharto?

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of ‘being Muslim-majority’ is better defined than ‘experiencing a regime change’ (for example of the ongoing debate, see Boix, Miller, and Rosato 2013; Munck and Verkuilen 2002). By comparing Indonesia to other Muslim countries, I therefore position the present study as being agnostic to the debate on the measurements of democracy and dictatorship and keep the study focused on how religious freedom in Indonesia has changed over time.
Figure 1. State Discrimination in Indonesia and Other Muslim Countries

Figure 2. Religious Legislation in Indonesia and Other Muslim Countries
RELIgIOUS FREEDOM AND POST-SOEHARTO DEMOCRATISATION

Synthetic Control Method: A Brief Background

To answer whether the decline in Indonesia’s religious freedom was largely triggered by Soeharto’s downfall, I employed a synthetic control method (SCM; Abadie, Diamond, and Hainmueller 2010, 2015). In the study of Indonesia, the method has been used to estimate how an

3 An assumption shared by any comparative approach such as this is that the mechanisms that tie politics and religion are comparable across the countries. Pepinsky, Liddle, and Mujani (2018) show why this is the case with Indonesia and why we can learn much about Indonesia by comparing it to other countries.
event affects various economic indicators. For example, Rao and Vidyattama (2017) examine how the Maluku conflict affected the region’s economy while Pepinsky and Wihardja (2011) examine the effect of decentralisation on Indonesia’s economic performance. Outside the economic domain, SCM has been used to examine as diverse topics as child mortality (Olper, Curzi, and Swinnen 2018) and firearm suicide (Crifasi et al. 2015).

To my knowledge, no study has ever employed the synthetic control method to examine how regime change affects religious freedom in a country. By employing SCM to examine how Soeharto’s downfall affected Indonesia’s religious freedom, the present study therefore connects the various excellent qualitative accounts of Indonesia’s regime change and Indonesia’s religious freedom to the growing literature on causal inference methods. A combination of these approaches arguably would provide us with a more complete picture of how Indonesia’s democratisation has shaped the country’s state of religious freedom.

The synthetic control method starts with a setup where we observe a \((k \times 1)\) vector of treated unit \(X_1\) and a \((k \times n)\) matrix of \(N\) potential control units \(X_0\) with \(K\) being characteristics of interest from the units. These units are observed repeatedly \(T\) times on different time points \(j\). Let \(j = 1, ..., T_0\) denote the pre-treatment period and \(j = T_0 + 1, ..., T\) denote the post-treatment period. We also have a \((t \times 1)\) vector \(Y_1\) that represents our outcome of interest for the treated unit and a \((t \times n)\) matrix of outcomes of interest of the potential control units.

The goal of the exercise is to measure how the treatment leads to different outcomes in the post-treatment period between the treated unit and some or all control units. In order to achieve this, the researcher has to ascertain first that the control units used as comparisons are as similar as possible to the treated unit when it comes to their pre-treatment characteristics. Unless this basic
requirement is reasonably achieved, it would be difficult to argue that the difference between the treated and the control units is indeed due to the treatment and not to some existing differences.

A common approach in the comparative literature is for the researcher to select one or more control units to use as comparisons. The selection is often based on the researcher’s a priori knowledge about how the characteristics of the control units approximate that of the treated unit. However, it is very rare, if ever, that the control units closely match the treated unit. Even if they are reasonably similar on some characteristics, they can be hugely different on some others.

The most important contribution of SCM is its insight that we can better approximate the pre-treatment characteristics of the treated unit by combining different potential control units—creating a synthetic control. This can be achieved by giving weights to all the potential control units according to their contributions to the creation of the synthetic control. As such, we have an \((N \times 1)\) vector of weights \(W = (\omega_1, ..., \omega_N)'\) with \(0 \leq \omega_i \leq 1\). A control unit receives a weight of zero if it does not contribute to the synthetic control. Generally, as a synthetic control is created by combining different control units, no unit has a weight of one.

A vector of \(W^*\) is selected that minimises \(X_1 - X_0W, j = 1, ..., T_0\) or the difference between the pre-treatment characteristics of the treated unit \((X_1)\) and the weighted control units \((X_0W)\). Specifically, Abadie, Diamond, and Hainmueller (2010) define \(\sum_{m=1}^{k} \nu_m(X_{1m} - X_{0m}W)^2\) as the function to minimise with \(\nu_m\) being the weight of the covariates or characteristics. Having obtained an estimate for \(W\) in the form of \(W^*\), the effect of the treatment at a specific post-treatment period can then be calculated as \(Y_1 - Y_0W\) or simply the difference between the outcome of the treated unit and the aggregated outcomes of the weighted control units at that period.

Two basic assumptions are necessary for the method to provide reliable estimates. The first is that there has to be a positive number of pre-treatment periods. In other words, the researcher
has to have data available on the treated and the potential control units from a period before the treatment. There is no specific rule about how many pre-treatment periods have to be available, although more is generally better. The second assumption is that the synthetic control has to be able to approximate the outcome of the treated unit during the pre-treatment period. This is not always possible. If the treated unit is such an outlier, the method would not be able to construct a synthetic control that mirrors the treated unit. One among the advantages of SCM, however, is that it is possible to examine how violations of these assumptions affect the results. This is so because the method produces the weights of the potential controls, enabling the researcher to do a balance check between the treated unit and the synthetic control.⁴

Before proceeding to the analysis, it is useful to briefly compare SCM to a regression-based approach. Both SCM and regression rely on the observables to create a comparable control unit. Both also use a variant of the least-squares function as the objective function to minimise. This is

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⁴ I present the list of countries used to construct the synthetic control, a comparison of Indonesia and the synthetic control on select characteristics, and two placebo tests in the Appendix. In the in-time placebo test, I selected a year before 1998 and ran the analysis as if Soeharto’s downfall happened in that year. Because there was no actual regime change in that year, we should not see different trends between Indonesia and the synthetic control. In the in-space placebo test, I selected another country to ‘experience’ a regime change in 1998. I then ran the same SCM. Because the country did not actually experience a regime change, then we should not see the country experiencing a change in state-religion relations that is as large as one experienced by Indonesia. These two expectations bore out in the tests, providing evidence for the robustness of the analysis.
obvious by comparing the SCM objective function $\sum_{m=1}^{k} v_m (X_{1m} - X_0 mW)^2$ to the OLS regression objective function $\sum_{i=1}^{n} (Y_i - \beta X_i)^2$.

What differentiates SCM from a regression approach is how it weights the potential control units. In SCM, the weights are constrained to range between zero and one. In regression, unit weights are calculated more implicitly and are unconstrained (for proof, see Abadie, Diamond, and Hainmueller 2015). This means that some units could receive weights that are smaller than zero (negative values) or bigger than one. Since conceptually a country either does or does not contribute to the synthetic control, weights outside the $[0,1]$ region are therefore equivalent to extrapolating beyond support of the data. In that sense, SCM is preferable to regression as its constraint on the weights ensures extrapolation is still within support of the data.  

**Synthetic Control Method Estimation**

As mentioned above, SCM aims to create a synthetic control that is as similar as possible to the treated unit on key characteristics. I specifically focus on seven characteristics. The first three are also the dependent variables: state discrimination, religious legislation, and social discrimination. Including these variables as characteristics to match on is a common practice and is theoretically justified because we want the synthetic control to be similar to pre-1998 Indonesia on these

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5 Another, more common example of extrapolation beyond support of the data is when a researcher employs an OLS regression to model a binary $\{0,1\}$ outcome and then uses the model to predict the probability of a ‘1’ outcome. If the researcher uses values of the predictors that are outside the range of his or her data, then the predicted probability can be higher than one or lower than zero, which is statistically meaningless because probability is constrained between zero and one.
variables. The other four characteristics are GDP per capita (in current USD), percent urban population, Polity IV score as an indicator of democracy, and level of religious diversity.

Each of these covariates has theoretical reasons to affect the dependent variable. Polity IV, which measures how democratic a country is, arguably affects state discrimination and religious legislation in that more democratic countries generally have lower government involvement in religion and lower legal discrimination against religious minorities (Brathwaite and Bramsen 2011; Fox 2007). It can also affect social discrimination through the process of democratic learning (Peffley and Rohrschneider 2003) where democracy exposes citizens to diverse views and inoculates in them a respect for diversity, hence lowering social discrimination.

GDP per capita and percent urban population are used as indicators of social and economic modernisation. According to the modernisation theory (Inglehart and Welzel 2005), the economic situation of a society affects the existential security of individuals living in it, which in turn shapes the dominant values in the society. More affluent societies with higher existential security create a demand for democracy and civil liberties. These societies also place higher importance on self-actualisation values, which are related to higher tolerance toward minority groups.

Religious diversity also has the potential to affect the dependent variables. Scholars have found that higher diversity increases the potential for conflict or discrimination (Montalvo and Reynal-Querol 2005) while others find that religious diversity can actually decrease conflict (Dowd 2016). In relation to state discrimination and religious legislation, Sarkissian (2015) finds that higher religious diversity combined with lower political competition leads to higher state repressions of religious minorities. In a society with low political competition, the regime is relatively immune from political backlash that might result from discriminating against certain
minority groups. Engaging in such discrimination, on the other hand, might enable the regime to gain favour from the majority and maintain control over the religiously divided society.

Figures 4 to 6 present the estimation results. In these figures the bold line represents Indonesia and the dashed line represents the synthetic control—a hypothetical Indonesia that did not democratise in the late 1990s and thus did not experience the opening up of the political and social spheres outlined above. Figure 4 indicates an absolute increase in the level of state discrimination. However, we also see a similar modest increase for the synthetic control. This suggests that while the state has become more discriminatory to religious minorities, this is unlikely to be driven by Indonesia’s more open political climate. In other words, even if Indonesia had been unsuccessful in overthrowing its dictator Soeharto in 1998, the country would still have experienced the same increase in its level of state discrimination of religious minorities.

Figure 5 exhibits a different trend. We see an absolute increase in Indonesia’s level of religious legislation. However, this time the increase outpaced that of the synthetic control. By the end of 2014, Indonesia’s level of religious legislation was 27% higher than its synthetic prediction. We see a similar trend in Figure 6 with the level of social discrimination. Indonesia’s social discrimination increased quite dramatically from 1998 to 2003, reflecting instances of violence against the Christian minorities which involved the Christmas Eve bombings, church burnings, and communal conflicts in Poso and Ambon. By 2003, however, the communal conflicts had largely subsided and attacks on non-Muslim worship houses had decreased, although not completely disappeared as they still continue to present days in relatively milder forms. Social discrimination thus decreased to the level of the synthetic control. From 2005 to 2014, however,
social discrimination increased and outpaced that of the synthetic control. By the end of 2014, the actual level of social discrimination was about 30% higher than its theoretical one.  

Could it be that the results are driven by issues related to data reliability? It might be that Soeharto’s control of the media led to an underreporting of religious freedom violations. After his removal from power, this control became relaxed and the media started to report more of such violations. If that was the case, the declining religious freedom documented in the present study would be more of a product of data unreliability than of actual increases in religious legislation and social discrimination.

While intuitive, this alternative explanation is unlikely to drive the results as the RAS project based its coding not only on local media reporting, but also on reporting by international news agencies, on academic work, and on reports published by human rights groups. An authoritarian government might be able to control the local media in its territory, but it is unlikely to have the ability to censor what is reported by international news agencies and human rights groups.

Abadie, Diamond, and Hainmueller (2010) suggest that units in the donor pool be selected such that they do not experience the same structural shock as the treated unit. In our case, that would be limiting the donor units to countries that did not experience a regime change between 1990 and 2014. In the Online Appendix, I present an analysis that excludes regime change countries (defined as countries whose Polity IV scores changed from negative to positive or vice versa during the period). The results are practically identical with ones presented here. Given these similar results, and considering the debate and complexity surrounding how to define regime change (e.g., Boix, Miller, and Rosato 2013; Geddes, Wright, and Frantz 2014; Högström 2013), I intentionally opt to use the least restrictive criterion of including all possible countries in the donor pool.
groups. In fact, it is likely that the tighter an authoritarian government’s control of the local media is, the more critical the reports by human rights groups and international observers would become. These reports produced by human rights groups and independent observers, in turn, would complement reports by the local media and reduce the likelihood of the RAS dataset missing critical information on religious freedom violations.

Figure 4. Trajectories of State Discrimination
Figure 5. Trajectories of Religious Legislation

Figure 6. Trajectories of Social Discrimination
DISCUSSION

Analysing a global dataset that covers the years between 1990 and 2014 and employing a synthetic control method that provides a stronger causal identification, I show that the level of state discrimination in Indonesia has not changed much following the downfall of Soeharto in 1998. At the same time, I find that the levels of religious legislation and social discrimination have deteriorated significantly. Why, then, do we see these patterns?

An oft-proposed explanation focuses on the presidents themselves. For example, Aspinall (2010) discuss how the governing styles of Abdurrahman Wahid and Megawati hindered reforms. While focusing on the individual presidents can be fruitful, there are at least three concerns with such an approach. The first concern relates to the stronger constraints on executive power that the post-Soeharto presidents had to face (Suryana 2018). This means that the successes or failures to protect religious freedom and the rights of religious minorities might not be immediately attributable to the president’s approach. The more assertive parliament and the more critical civil society groups—some advocating greater tolerance and some more opposed to it—arguably conditioned what the president was capable or incapable of doing.

The second concern is related to the fact that the first three post-Soeharto presidents (B. J. Habibie, Abdurrahman Wahid, and Megawati Soekarnoputri) had to face a legacy of conflicts in various parts of the country, most notably Ambon and Poso. These conflicts were inherited from the final days of Soeharto’s era and their severity means they likely took resources away from programs or initiatives that could otherwise been devoted to promote interfaith relations. Consequently, it can be difficult to assess how the presidents uniquely shaped religious freedom
during their terms given the constraints and the nature of these conflicts that required great resources to deal with.

Lastly, it is worth highlighting that none of the first three post-Soeharto president were in office for longer than three years. These presidents likely did not have the time to consolidate their powers. These brief ruling years, compounded with the legacy of conflicts as well as the newfound assertiveness of the parliament and the civil society, could actually force these transitional presidents to govern in an ‘emergency mode.’ Rather than engaging in a forward-looking, grand strategy on how to protect minority rights, they likely had to focus on more immediate problems such as security and the economy.

Considering these analytical challenges in focusing on individual presidents, the present study follows Suryana (2018) and shows that the patterns documented in the present study can be better understood through the lens of institutional and societal changes that happened as Indonesia democratised. The relatively unchanged level of state discrimination is likely due to the relative reluctance of Indonesian political actors to actually make a move that explicitly and officially favours a certain religion and discriminates the others. An obvious example of this rationale is the failure of the Islamic parties to put the Jakarta Charter back into the constitution during the constitutional amendment process in 1999. This suggests that the political actors might actually prefer the status quo (i.e., doing nothing) when it comes to creating laws that explicitly target religious minorities. Such laws might be too politically costly yet carry only little political rewards. In addition, to appeal to Muslim voters, parties and politicians might realise that they have another vehicle in the form of religious legislation.

Religious legislation is strongly related to the proliferation of Islamic bylaws (Fanani 2011; Pisani and Buehler 2017). These bylaws do not directly discriminate against minorities, which is
why they are different from state discrimination, but nonetheless are religiously inspired and most commonly target ‘morality’ issues such as proper attires and conducts for women, alcoholic beverages, and homosexuality. With the push for decentralisation that accompanied the democratic transition, these issues have been one of the popular means for local politicians to garner public support.

Buehler (2016) shows that these bylaws are often championed by politicians from nationalist parties as a strategic move to appeal to Muslim voters. By supporting the legislation of Islamic bylaws, these politicians try to create a pious and religious image, which they hope would improve their standing in the eyes of the Muslim voters or shield them from potential attacks from the opposition for being not-Muslim enough. In 2017 the Constitutional Court annulled the central government’s authority to void local bylaws. We can expect this ruling to give local politicians an even wider latitude to produce bylaws, including religious ones, which could make the religious legislation trend worse at least for the foreseeable future.

The third pattern—the increase in social discrimination—can also be understood through this frame of institutional and societal changes, specifically the rise and growing influence of religious vigilante groups like FPI. The level of social discrimination has increased by 30% since 2004, the year Indonesia’s first directly elected president Susilo Bambang Yudhoyono took office. This is in line with observations on Yudhoyono’s inability and reluctance to uphold religious freedom and minority rights (Fealy 2011). It was under Yudhoyono’s presidency that FPI gained a wider public recognition due to their roles in anti-Ahmadiya and anti-Shia protests, as well as demonstrations demanding forceful closures of non-Muslim worship houses.

The growing influence of religious vigilantes like FPI and their roles in discriminating religious minorities, however, do not exist in a vacuum. They are made possible by the more open
and relaxed regulations concerning mass organisations in the post-Soeharto era and abetted by the frequently accommodative attitudes shown by the state. At least some state apparatus have to tacitly approve or turn a blind eye to the acts. Ali-Fauzi et al. (2011) illustrate this point clearly in their study on church controversies. They note how the biggest obstacle in a church construction often was not active refusals by state apparatus to issue the necessary permits, but oppositions by conservative Muslim groups emboldened by the state and the security apparatus’ reluctance to enforce the law and mediate the conflict. These factors together might explain why we see increasing levels of religious legislation and social discrimination, but not state discrimination.

To conclude, the present study complements many excellent in-depth studies on Indonesia’s state of religious freedom by comparing the country to other Muslim countries and to a synthetic comparison unit. In doing so it highlights two aspects of religious freedom that have deteriorated most significantly since the downfall of Soeharto in May 1998: religious legislation and social discrimination. It should be noted, however, that explicitly establishing a link between Soeharto’s downfall and increases in religious legislation and social discrimination does not mean that the present study laments Indonesia’s democratisation.

The country’s religious legislation and social discrimination might not have deteriorated as much had Soeharto stayed in power. But the country also would not have had experienced greater liberty, free elections, greater freedom of press, and other fruits of democracy had Soeharto continued his control of the country. The findings presented here, therefore, should not be interpreted as evidence for the failures of Indonesia’s experiment with democracy. Rather, they should be understood as homework that needs to be done to make Indonesia’s democracy work better. Human rights activists would benefit from focusing on these two advocacy areas and
scholars could expand on these results by examining other aspects of state-religion relations or employing quantitative methods to compare Indonesia and other countries.

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