



Religion Unplugged

Indonesian Government Forbids State Schools From Requiring Muslim Headscarves

By Paul Marshall • February 9, 2021



An Indonesian woman wears a headscarf. Creative Commons photo.

(OPINION) On Feb. 3, the Indonesian government issued a joint ministerial decree that forbade state schools throughout the country from requiring students or teachers to wear a Muslim headscarf, a *tudung*, or any other religious symbol.

The decree was signed by three ministers: Minister of Home Affairs Tito Karnavian, Minister of Education Nadiem Makarim and newly appointed Minister of Religious Affairs Yaquut Cholil Qoumas.

Since the fall of President Suharto in 1998 and especially since the establishment of regional autonomy in 2001, there has been controversy over the practice by many Indonesian public schools to require Muslims and non-Muslims to wear symbols related to religion.

This came to a head in December 2020 when a non-Muslim student at a public vocational school in Padang, West Sumatra, was punished after she refused to wear a tudung during an online class. Her mother went to the school to challenge the ruling and posted a video about her protest on YouTube that went viral and drew national media attention to the incident. The school then apologized and withdrew the punishment.

The incident was not an isolated one. The SETARA Institute, a human rights group, said that it has documented at least seven similar cases at schools in Riau, East Java and Yogyakarta between 2016 and 2018. Moreover, the school's rule was actually based on a 2005 bylaw in the Province of West Sumatra that required all female students to wear a tudung.

Throughout Indonesia, many local and regional governments enforce similar rules reflecting the growth of a more political Islam in the country. Minister of Religious Affairs Yaquut Qoumas himself stated that the events in Padang were not isolated and that the ministry had information on many schools applying similar restrictions.

The decree states that teachers and students together with their parents have the legal right to choose between two types of uniform when attending state schools: a uniform with no particular religious attributes, or a uniform with religious attributes, such as a tudung. The choice may not be imposed by a state school upon its pupils or teachers. The decree also requires that relevant by-laws issued by regional administrations, such as that in West Sumatra, or related rules by schools themselves, must be revoked within the next 30 days or the issuing body would face sanctions, including possible funding cuts. The Ministry of Education and Culture has set up a hotline for people to report any violations.

There are three important implications of the Indonesian government's move. The first is that the central government is at long last taking some steps to curb local governments that have been imposing their own unconstitutional rules in an attempt to enforce more repressive versions of Islam. There are many examples of Indonesian government passivity in the face of repression. Perhaps the one best known internationally, although atypical, is the case of the Yasmin church in Bogor.

Despite the fact that, since 2008, the Yasmin congregation has had a valid permit to construct a church building and had even won a 2010 Supreme Court case affirming that fact, the local government has been blocking any construction. Despite a Supreme Court ruling, the central government has done nothing. Now it appears that the central government may be reasserting its right to control religion policy. (The exception is the Province of Aceh which, as part of the 2005 peace agreement ending its decades-long armed independence insurgency, is allowed to maintain its version of sharia.)

Secondly, the government is stressing an individual right to religious freedom. This does not mean that it will attempt to reduce religious freedom to individual choice. But it does mean that, while respecting communal and cultural patterns that run deeply in the country, it will stress the importance of individual freedom. In affirming the decree, Education and Culture Minister Nadiem stated: “This is an individual's right. Teachers, students - with parents' consent - have the right to choose. It is not the school's decision....”

The third is the role of new Minister of Religious Affairs Yaquut Cholil Qoumas. To be sure, there were three very senior ministers who needed to agree to issue the decree, and any matter this sensitive needs to have support from the president's office. It is the result of a broad-based initiative and effort. But Pak Yaquut is a new addition to the mix, having been in office only six weeks. His appointment by President Joko Widodo (Jokowi) on Dec. 22 was something of a surprise. Pak Yaquut was previously the general chairman of GP Ansor, the youth wing of Nahdlatul Ulama (NU), which is the world's largest Muslim organization. In October 2020, Ansor hosted then U.S. Secretary of State Mike Pompeo on a visit to Jakarta.

Pak Yaquut, like his colleague and brother Yahya Cholil Staquf, General Secretary of the NU Supreme Council and co-founder of the Humanitarian Islam movement, calls for genuine reform and renewal in Islamic theology and law, and he fights against extremism. He has even declared: “It is false and counterproductive to claim that the actions of al-Qaeda, ISIS, Boko Haram, and other such groups have nothing to do with Islam, or merely represent a perversion of Islamic teachings. They are, in fact, outgrowths of Wahhabism and other fundamentalist streams of Sunni Islam.” On taking office, he promised that, “We will be seeing solutions from the Religious Affairs Ministry not seen in previous periods.”

There was some controversy in his first week when, after committing himself to defending the religious freedom of minorities, notably including Shia and Ahmadiyah, he later stated that, “I've never said I'd protect [*mengafirmasi*] Shia and Ahmadiyah organizations or groups. My stance as a religious affairs minister is to protect [*melindungi*] them as citizens.” Some worried that these words could be a partial backtracking, but they could equally be a simple assurance that he is not making theological judgments on the rightness of their views but as a government minister defending their rights as Indonesians.

If this latest decree on religious garb in schools is a harbinger of future religion policy, then things look better for religious freedom in Indonesia. And if it is an indication that the Jokowi administration is moving away its previous passivity in the face of religious restrictions, then there may be real improvement.

Paul Marshall is Wilson Distinguished Professor of Religious Freedom at Baylor University, a senior fellow at the Religious Freedom Institute and the Hudson Institute, and a contributing editor of Providence.

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