

Religion and state in *Negara Indonesia Timur*

The question of religion in the Parliament of the State of East Indonesia in 1949, illustrated by the situation on Bali¹

Dr. Chris de Jong

This essay will discuss the question of freedom of religion in the State of East Indonesia (*Negara Indonesia Timur*, NIT), as this was provided for in the draft constitution of 1949. Although the State of East Indonesia hardly saw the light of day and the constitution was never ratified, the parliamentary discussion throws light on the relationships of religions in East Indonesia.²

After a brief introduction explaining how the constitution came into being and an account of the relationship of religion and state in the pre-war Dutch East Indies, the essay first discusses the manner in which the parliamentary decision-making process with regard to freedom of religion in the State of East Indonesia came into being, and in what form this freedom was laid down in the constitution.³ Subsequently the essay looks at the direct consequences of this for the situation of the Dutch mission on the island of Bali in the second half of 1949 and the beginning of 1950. The essay concludes with a few comments on the constitution of the Federal Republic of Indonesia (*Republik Indonesia Serikat*, RIS).

1. Introduction: the 1949 draft constitution

Exactly four years after the framing in 1945 of the constitution (*Undang-Undang Dasar*, UUD 1945) and the ideological foundations (*Pancasila*) of Sukarno and Hatta's Republic of Indonesia (*Republik Indonesia*, RI) in parts of Java,⁴ the constitution of the State of East Indonesia came up for discussion in its Parliament. The State of East Indonesia had been founded during the conference of Denpasar, held from 7 to 24 December, 1946, and had as its centre of government the city of Makassar on South Sulawesi.⁵ At the same time a provisional representative body, popularly known as Parliament, was established, which consisted of the delegates who were present at the Denpasar conference. The first, and only, president of the State of East Indonesia was the Balinese Tjokorde Gde Rake Sukawati; for the time being the Law regarding the form of government of the Netherlands Indies (*Wet op de Indische Staatsregeling*, I.S.) of 1927 remained the "constitution", supplemented by the "Draft Regulations for the formation of the state of East Indonesia" (Denpasar regulations) of the 23rd of December 1946, decided upon at the Denpasar conference.⁶

In November 1947 the Government in Makassar appointed a Commission which was charged with the task of drafting a new constitution for the State of East Indonesia. This constitution was to have been enacted at the time that Indonesia, as a federal state, would gain its independence from the Nether-

1 Translated from the Dutch by Truus Daalder-Broekman, Adelaide, Australia.

2 The most authoritative study about the State of East Indonesia still is: Agung, *Negara Indonesia Timur*.

3 The Acts of the Parliamentary debates about the Preamble and the section on religion of the draft constitution can be found in: *Agama dalam Peraturan Tatanegara Negara Indonesia Timur, (Dibitjarakan oleh Sidang B.P.S. N.I.T. Mei-Djuni 1949)*, 1949, in: ACC, IX/4.21; Agung, *Negara Indonesia Timur*, 574-588.

4 Background and history in: Anshari, *Piagam Jakarta 22 Juni 1945*.

5 Sulawesi was formerly known as Celebes.

6 The post-war political parties and movements in S. Sulawesi are discussed by Luhukay, "Peranan KRIM". The Parliament in Makassar (initially 70, later 80 members) consisted of 55 representatives of the 13 *daerah* (indigenous administrative regions or "Landschappen") of the State of East Indonesia. The remaining members were appointed by the President and represented several interest groups and movements. In Parliament the *daerah* of S. Sulawesi was represented by the largest number of delegates (16), followed by Bali (7) and Lombok (5). Cf. *Ontwerp-regeling*, 35-36, 47-48; Agung, *Negara Indonesia Timur*, 809-810.

lands.⁷ According to section 12 of the Linggadjati Agreement (November 1946) this was to have taken place on the first of January 1949 – it actually happened on the 27th of December.⁸ The Constitutional Commission, chaired by the Minister of Justice, Dr Chr.R.S. Soumokil LLM,⁹ presented its first draft in July 1948; the final version was dated 1 March 1949. Of particular importance for the religious, and, related to this, the political stability of the new state were the Preamble, in which the significance of religion for both the state and its population was laid down in broad outlines, and the section concerning religion, which explained these in greater detail.

The legal and political framework of the parliamentary debates about the section on religion was based on Chapter VIII of the constitution of the Netherlands, Chapter IX of the I.S., section 3 of the Denpasar regulations,¹⁰ and various government policy statements, of which that of the 10th of November 1948 of the first Ide Anak Agung Gde Agung cabinet was, in this context, the most important. It supported the Dutch concept of a federal Indonesia.¹¹ All this happened against the background of the political and religious relationships within the State of East Indonesia and in the archipelago as a whole, particularly on Java.¹² By then both Islamic and Christian circles had re-oriented themselves and had formulated their points of view accordingly. In the case of Islam this had to a significant extent happened within the *Masyumi* (*Majelis Syuro Muslimin Indonesia*), which had been (re-)established in Yogyakarta in 1945;¹³ in the case of Protestant Christendom this had happened at several conferences, such as one in Jakarta (August 1946), in Malino on South Sulawesi (March 1947) and in Kwitang, Jakarta, (May 1947).¹⁴

2. Religion and state in the Dutch East Indies

The question of the section on religion in the State of East Indonesia constitution cannot be considered without taking into account the relationship between religion and state in the pre-war Netherlands Indies. Because of the remarkable role the regulations, which had been especially created for the Church and the Protestant and Roman Catholic missions, were to play during the debates in Makassar, a short introduction about this matter is required.

Freedom of religion, formally operative from the time of the Francophile Governor-General H.W. Daendels LLM (1808-1811), was guaranteed by Chapter VII of the Statute regulating the government of the Netherlands Indies (*Regeringsreglement*) of 1854: “About Religion”. This mentioned “absolute

7 The Constitution of the State of East Indonesia was called the *Peraturan Tatanegara Negara Indonesia Timur*. The term *Undang-Undang Dasar* (UUD) was used exclusively for the Constitution of the Republic of Indonesia, cf. *Agama dalam Peraturan Tatanegara Negara Indonesia Timur, (Dibitjarakan oleh Sidang B.P.S. N.I.T. Mei-Djuni 1949)*, 1949 (ACC, IX/4.21), 1.

8 Tobing, *Perjuangan*, 20; *Commissarissen-Generaal over de Ontwerp-overeenkomst*, 3.

9 The other members were: Muh. Kaharuddin, the Sultan of Sumbawa, J. Bastiaans, Prof. Dr. A.A. Cense, Prof. Dr. W.L.G. Lemaire, Maj. J.B.A.F. Polak, A. Mononutu, A.J. Nieuwenhuys, Teng Tjin Leng LLM, G.C. Twijzel LLM, Prof. Dr. W.P. Coolhaas and B. Roep (secr.), Agung, *Negara Indonesia Timur*, 385.

10 Section 3: “The State of East Indonesia has the obligation to guarantee the fundamental rights of the population, including the freedom and equal rights of the religions — — —, and the just treatment of the minorities”, *De Conferentie te Denpasar*, II, 33; Verkuyl, *Enkele aspecten*, 313.

11 Tobing, *Perjuangan*, 146-147; Agung, *Negara Indonesia Timur*, 430-431.

12 Pantouw, “Perjuangan”, 1.

13 The *Masyumi* on Java is discussed by Boland, *The Struggle*, 42-45; Benda, *The Crescent*, 90ff; Pluvier, *Overzicht*, 130-131.

14 The conference of August 1946 is discussed in: Hoekendijk, *Zending in Indonesië*; the Malino conference of churches (March 1847) in: Holtrop, *Selaku Perintis Jalan*; the conference at Kwitang (Jakarta) in May 1947 in: De Jong, *De Gereformeerde Zending*, doc. 82, 83, 84.

freedom” with respect to every person’s religious beliefs, but it was “subject to the protection of society and its members against violations of the general provisions of the criminal law” (section 119).¹⁵

The chief architect of colonial policy with respect to religions (in particular Islam) in the East Indies was, around the turn of the century, Dr Chr. Snouck Hurgronje, who from 1889 was adviser to the government of the Netherlands Indies (1898 – 1906, Adviser for Indigenous Affairs), whose influence made itself felt long after his departure. During his period in office the government policy of strict separation of religion and politics was developed, with strong emphasis on improving relations between the colonial government and Islam, which for him was acceptable merely as a spiritual and cult phenomenon; he was implacable with respect to potential political adventures under the pretext of the discharge of religious obligations. In the long run this policy had little chance of success.¹⁶

Although Protestant Christianity had been known in the Indies since the earliest days of the VOC, the number of indigenous Christians around the middle of the 19th century was limited to a few hundred people on Java, and around 100,000 on the outer islands. Fairly generally it was distrusted, and seen as an intolerant imported religion from which emanated a subversive and destabilising effect. In regions where the majority of the population were Muslims, as well as on Bali, the indigenous and European elites largely experienced the various missions as objectionable, because they could harm good governance, and thus the stability of the state. In other areas, however, the colonial authorities were happy to make use of the services of the missions.

Both in Protestant and in Roman Catholic circles there were constant complaints that the true motivation of government policy with respect to the Church and the missions in the Netherlands Indies did not spring from a wish for impartiality and neutrality. The provisions with respect to the missions in the Statute of 1854 were experienced as too emphatically preventative in nature. Although they gave the impression of being the result of an assessment of two kinds of interests and values – on one side the requirement of freedom of religion and worship, on the other side the maintenance of public law and order – the second objective, prompted by political and economic motives, generally appeared to prevail.¹⁷

The most controversial element of colonial policy with respect to freedom of religion, at least in the eyes of the Christians, was section 123 of the Statute of 1854, the so-called “access regulation” (*toelatingsvoorschrift*). Incorporated during a period which witnessed the establishment of a significant number of new European missions of diverse nature and background, the purpose of this section too was the maintenance of law and order. It decreed that missionaries who came from outside the Netherlands Indies, as well as indigenous workers employed by European or other missionary societies, must be in possession of a special authorisation to carry out their work, even for areas which had already been largely converted to Christianity, such as the island of Flores and the Minahasa (North Sulawesi).¹⁸

In the Law regarding the form of government of the Netherlands Indies (I.S.), which came into force on 1 January 1927, this section 123 was reproduced without change as section 177; since then it was widely known in abbreviated form as “Section 177 I.S.”. Although much regretted by some, from 1927 on the prohibition of “double mission” – i.e. two mission organizations working in the same area at the same time –, for the avoidance of which section 123 of the Statute of 1854 had been chiefly used in the preceding decades, was no longer enforced. In their eyes this section of the law was a last, even though a much enfeebled and distant echo of the duty of the “Christian authorities” to “preserve the public faith” (by closing off for others territories as soon as they were occupied by a mission) such as this, on

15 Dutch text in: “Regeeringsreglement van Nederlandsch-Indië” (1854), 186; a discussion of the position of the Church and mission in the Netherlands Indies after 1800 is offered by Aritonang, *History*, chapt. 6.

16 Suminto, *Politik Islam Hindia Belanda*, 122; Benda, *Crescent*, 19-31; Boland, *The Struggle*, 13-15.

17 Cf. “Eerste Kamer.”

18 Van Randwijck, *Handelen*, I, 292, 307.

the basis of section 36 of the *Confessio Belgicae* (1561), had remained in force from the renewal of the patent of the VOC in 1622 until Daendels. Section 177 I.S. would in future only be allowed to serve to maintain law and order in mission areas. The religious characteristics of a missionary society would no longer be an argument; the only criterion, as the Director of Education and Worship in Batavia stated in an official missive of 1928, was the question whether a missionary society “attracted the turbulent and dissatisfied elements of the population”. Simultaneous activity by different societies in the same region was permitted; the Government’s duty was to be strictly impartial in this matter.¹⁹ For understandable reasons missionary circles continually pushed for the repeal of section 177 I.S. – although there were others who defended this section as essential.²⁰ That criticism of this section was fairly widespread in missionary circles was due to the general view that this section, even after the restriction of its range of application in 1927 (followed by further restrictions in later years) was often applied too freely and too generally, and, particularly in the Moluccas and on Sulawesi, frequently led to excessive government interference in the methods and locations of mission work. In addition this “access regulation” (*toelatingsvoorschrift*) was considered to be unfair because Islam and other non-Christian religions were spared this intervention. Although Islam was subject to a *guru* decree introduced in 1905, which made it obligatory for teachers of religion to apply for a licence from the Government, this had been changed in 1925 to a duty to report, which no longer meant a great deal. For the rest a repressive system existed for non-Christian religions, which acted retrospectively, based on the above-mentioned section 119 of the Statute of 1854 (section 173 I.S.).²¹

These complaints were only partly justified. Although the situation in Madiun, in West-Java, or in North-Sumatra was indeed not always easy for the church and mission, this did not alter the fact that, wherever possible, particularly in the eastern part of the archipelago, the motives and objectives of the mission and the Government to a significant extent coincided: each in its own way conducted itself as “guardian of minors” and all had the common goal to usher the peoples of the East Indies into the world community of nations.²² This self-imposed educational task with respect to the indigenous population, called Ethical Politics, in concrete terms meant that certain regions, where Islam was as yet little known or unknown, could be declared “closed” for this religion, albeit of course not officially: both Roman Catholic and Protestant missions could in such cases count on the support of, and mediation by, the Government. Sometimes the colonial authorities, by means of the the semi-official Protestant Church in the Netherlands Indies (Indies Church, *Indische Kerk*) themselves embarked upon the task of conversion, as in the area of Mamasa, West Sulawesi, from 1913 where even the Royal Dutch East Indies Army (KNIL) was deployed to accompany those who were recalcitrant to church; at other times the Roman Catholic mission was emphatically invited to establish a mission post somewhere, for which the Government made sure the local chiefs would not object, as in Kendari, Southeast Sulawesi, in 1885. The appointment of Islamic village and district heads and civil servants in non-Islamic territories was also to be resisted. Were Islam, appealing to sections 119 and 120 of the Statute of 1854, to prepare for the conducting of missionary activities in non-Islamic territories in spite of this, the rule applied that “local customary law, the local form of government and judicial procedure – – – were to be preserved intact as much as possible”;²³ the building of mosques had to be firmly resisted in any case.²⁴

19 Dir. Education and Worship, *Secret Circular*, 19/12/1928, in ASEI 33/231; cf. Res. Celebes, *Secret Circular*, 2/12/1939, in: BoA 11/4.

20 A survey in: Van Randwijck, *Handelen*, I, chapt. 19.

21 Van Randwijck, *Handelen*, I, 309-310, note 9; cf. Benda, *Crescent*, 70-75.

22 As to the problem in how far missionaries can be seen as “agents of cultural hegemony”, cf. Smith Kipp, *The Early Years*, 12-17.

23 “Extract uit het Register der Besluiten van den Gouverneur-Generaal van Nederlandsch-Indië”, 3/6/1889, in: INA-M, BaA, 2.

24 Gov. W. Frijling (1916-1921), *Circular*, no. 4, 3/7/1916, in: INA-M, BaA, 2.

One can add to this that the Indies Church, and its member churches in the Minahasa (GMIM) and the Moluccas (GPM), which had existed within it since the 1930s but which were, however, administratively largely independent, could always count on significant financial support from the Government.²⁵ After 1945 this whole system of mutual relationships between religions, and between religious communities and the state had to be reformulated.

I

3. Government and Parliament of East Indonesia

The attitude of many Islamic leaders, those in charge of Self-Rule, adat-chiefs, and other prominent figures both within and outside the Parliament at Makassar, was ambivalent with respect to the federal structure of Indonesia and the Union of the Netherlands and Indonesia, agreed on in Malino (July 1946) and Linggadjati (November 1946).²⁶ Many of them had made their careers during the Dutch period and owed their social positions and administrative functions to the Dutch. As members of Parliament they were prepared, particularly if they represented minority groups, to contribute to the realisation of the plans for federation and did not a priori reject a continuation of cooperation with the Netherlands, albeit subject to certain conditions. Their attitude was inspired by caution: they feared Java's supremacy in religious, political, economic and military matters, and the repercussions which might be the result of a too abrupt ending of the ties between East Indonesia and the Netherlands.²⁷ Moreover, the administrative restructuring of the State of East Indonesia, which was also in progress, strengthened the authority of the *daerah* councils and Self-Rule administrations in relation to the central governments in Makassar and Jakarta. However, almost without exception, they were all nationalists; "kemerdekaan" (freedom, independence) was what everyone was striving for.²⁸

Furthermore, the isolation with respect to the rest of the archipelago in which East Indonesia was kept by the Dutch by means of military and political measures, for a long time prevented pro-"Yogya" sentiments gaining the upper hand.²⁹ But republican sentiments certainly did exist, not only outside Parliament, but also within it. They had already come to the fore at the time of the 1946 conferences in Malino and Denpasar, and they were explicitly articulated in Makassar by members of Parliament such as Arnold Mononutu,³⁰ Kiyai Hadji Muchtar Luthfi, S. Binol LLM, and Teng Tjin Leng LLM of the progressive faction, the largest faction in the Parliament. But even in these circles there was fear that if a single united state were to be established, the interests of East Indonesia, which could look back on three quarters of a century of unparalleled economic growth, would not be adequately guaranteed. In Makassar therefore, "republican" and "progressive" stood for the point of view that on the level of national politics nothing should be done without the knowledge of the Republic on Java. "Yogya" was seen as the standard-bearer of freedom, but they did not go so far as to challenge openly the resolutions passed in Malino, Linggadjati and Denpasar. In the words of Teng Tjin Leng LLM: "in 1949 the State of East Indonesia was more than a Dutch fantasy for us; the State of East Indonesia had

25 Several numbers in Benda, *Crescent*, 77, 223 note 57.

26 Van Goudoever, *Malino maakt Historie*, 13-17; Van Mook, *Indonesië*, 146-148; *Conclusies*, 3-8; *Commissarissen-Generaal over de Ontwerp-overeenkomst*, sections 2 and 6.

27 By far the most of the 115 Self-Rule Areas in eastern Indonesia were conservative and prohibited pro-Republic military and propaganda activities within their jurisdiction. Letter Res. of S. Celebes to Interior Min., 11/6/1949, and other documents in ASEI, 33/229.

28 Interview author with Prof. Teng Tjin Leng LLM, 9/10 Dec. 1991; Agung, *Negara Indonesia Timur*, 230ff, 278-279, 582-583, 679ff.

29 Van Dijk, *Rebellion*, chapt. iv; Patang, *Sulawesi*, chapt. ii; Pantouw, "Perjuangan", 2-3.

30 Mononutu, "Beberapa catatan dan koreksi".

by then taken on a life of its own. For the immediate future we wanted to work with it; for what was to come afterwards, we would cross that bridge when we came to it.”³¹

But the beginning of 1950 showed how unrepresentative the “Denpasar Parliament” was – as well as perhaps providing proof that times were changing rapidly – when in the new Parliament of 66 members, which had been formed on the basis of the first general elections in East Indonesia, held in November 1949, the wish to form a united single Republic of Indonesia, to be achieved by affiliation with “Yogya”, had much greater prominence than before. The federalist majority now amounted to only a few votes.³²

In 1948 and 1949, however, in the eyes of the Government and Parliament a separate constitution was an excellent opportunity to safeguard federalist aspirations for the foreseeable future. For this reason the different parties cooperated more or less in unison when drafting such a document. The wish was not to allow religious, regional or ethnic differences to weaken the unity of East Indonesia, and undermine its position in a future federation. In this context it is significant that members of Parliament who emphatically stood up for the interests of the Islamic part of the population, such as Kiyai Hadji Muchtar Luthfi, Andi Sewang Daeng Muntu and Mohammed Akib received but very little support in Parliament.

Prime Minister Ide Anak Agung Gde Agung reiterated the basic principles and objectives of his second cabinet, which had taken office on January 12th, in an address embellished with quotations from Sutan Sjahrir on radio Makassar on the 22nd of February 1949, 12 days after the opening of the first session of the new Parliament: the Government pursued the speedy introduction of the free and sovereign Federal Republic of Indonesia, based on the principles of federalism, democracy, and a strict retention of the legal nature of the foundation of society. All the changes in the composition of the cabinet had not altered these objectives in the slightest. He exhorted the population to show unity and compared Indonesia to “a seriously ill patient, attended by many doctors and nurses”; for this reason the Government was willing to seek a solution by means of a “constructive consultation with all parties”, particularly with respect to the difficult matter of the preparation of a draft constitution for the State of East Indonesia”.³³

Ide Anak Agung Gde Agung’s words referred not least to the question of religion. This was raised in the Preamble and in sections 10 and 133-139 of the draft constitution which the Government presented to Parliament at the start of its second session on the 9th of May 1949.³⁴ The question to be answered in the Preamble was that of the constitutional position of religion. In other words: was the State of East Indonesia, or was it not, a secular state, or was there a third way? The second question, that of the practical implications of the Preamble, was: what, in practice, did freedom of religion mean? Could or should it be restricted, and if so, in what circumstances, on what grounds, and by whom?

4. Religion in the constitution: the Preamble

In order to be able to place the points of view of the various parties in perspective, this chapter first addresses the government proposals with respect to the Preamble, and subsequently the standpoints adopted by the Islamic and Christian communities in East Indonesia.³⁵

31 Interview author with Prof. Teng Tjin Leng LL.M., 9/10 Dec. 1991.

32 Agung, *Negara Indonesia Timur*, 709ff, 714ff.

33 Radio address in: ASEI, 1/5; cf. Agung, *Negara Indonesia Timur*, 335-337, 501-506, 709.

34 *Agama dalam Peraturan Tatanegara Negara Indonesia Timur*, (Dibitjarakan oleh Sidang B.P.S. N.I.T. Mei-Djuni 1949), 1949 (ACC, IX/4.21), 4-5; cf. *Nota van toelichting plus bijlagen to the Preamble, Vastgesteld ter vergadering van de Grondwetscommissie van 1 Maart 1949*, 1/3/1949 (ACC, IX/4.1), “Van de Godsdienst”.

35 The total population of the State of East Indonesia in 1948 amounted to ca. 12 million people, of whom were 960.315 Protestant Christians and 519.643 Roman Catholic Christians. Cf. “Indonesië”-issue of *Wending*, 4/3 (May 1949), 170; Agung, *Negara Indonesia Timur*, 716.

a. The Government

In order to “emphasise clearly some ideals for the state in an unprompted manner”,³⁶ the Government in paragraph 2 of the Preamble stated: “He [the State] accepts the Lord as the First Cause and the Final Purpose”.³⁷ A memorandum of explanation stated that this was not a profession of faith on the part of the state, but that it was merely an attempt to put into words the fact that belief in the Supreme Being occupied a central position in the life of the community, in spite of the enormous variety of culture, ethics and religion in East Indonesia. With this in mind, a rather general phrasing had been selected (consequently “Tuhan” – “Lord”, not “Allah – “God”), in the hope that this could count on wide support among the various groups of the population. After all, the creed of God (the Lord) Almighty appeared in the Koran as well as the Bible, and also formed part of the oath to be sworn by the head of state and members of Parliament (“Allah/Tuhan Jang Maha Kuasa”).³⁸ It was conceded that the phrasing was vague, and that it was unclear of what the Supreme Being was the First Cause and Final Purpose. But the Government assured everyone that it had not had in mind the philosophy of Aristotle, nor was it the intention to trace back the lofty principles referred to in paragraph (1) of the Preamble (“constitutional state”, “democracy”, “human dignity”) to the will of God – this would create a starting point for a theocratic form of government, and this was not what was intended.³⁹

b. Islam within and outside Parliament

Islamic circles had thoroughly prepared for the parliamentary debates, even though the portents were not favourable. The grassroots supporters of Islamic spokesmen such as Muchtar Luthfi, Daeng Muntu and Akib, were organised in the *Kongres Al-Islam Indonesia Timur*, founded in Makassar in September 1948. Its establishment was associated with the implementation of a parliamentary resolution of July 1948 to create a Ministry of Religious Affairs in the State of East Indonesia.⁴⁰ The most important organisations which were represented in the *Kongres Al-Islam* were *Muhammadiyah*, chaired by Akib, an Islamic group which advocated reform and which generally adopted an apolitical stance; the *Partai Nasional Indonesia* (PNI), which was banned in Sulawesi in September 1946 and operated underground from that moment on, led by Daeng Muntu and later by Saleh Daeng Tompo (1950); and, as number three, *Nahdlatul Ulama* (NU), a more traditional party of *kiyai* and *ulama*, represented by Muchtar Luthfi.⁴¹

The governing body of the *Kongres Al-Islam* was the Congress Council (*Dewan Kongres*), chaired by Daeng Muntu. Its intended aim, as formulated in section 1 of the Statutes⁴² and following in the footsteps of the Javanese *Masyumi*,⁴³ was to be an Islamic Advisory Council for the whole of East Indonesia (“...suatu Madjelis Sjura bagi Ummat Islam seluruh Indonesia Timur”), with as its most important task “the struggle for the interests of Islam” (“...memperjuangkan tuntutan Islam...”; section 2). This task was carried out by three bodies: the plenary meeting of the delegates (Congress), which met at least once a year, and where general policy guidelines were developed;⁴⁴ a “Badan Agama” (“Body for the Faith”), and a branch for Islamic jurisdiction (“Kehakiman Agama”, section 3, 5). The “Badan

36 *Nota van toelichting plus bijlagen to the Preamble, Vastgesteld ter vergadering van de Grondwetscommissie van 1 Maart 1949, 1/3/1949, (ACC, IX/4.1), Nota, 1/3/1949, 1.*

37 *Ibidem; Agung, Negara Indonesia Timur, 576.*

38 *De Conferentie te Denpasar, I, 100-101.*

39 *Nota van toelichting plus bijlagen bij: Preamble, Vastgesteld ter vergadering van de Grondwetscommissie van 1 Maart 1949, d.d. Makassar, 1/3/1949, (ACC, IX/4.1), 2.*

40 *Agung, Negara Indonesia Timur, 235.*

41 *IJzereef, De Zuid-Celebes Affaire, 72-76.*

42 *Peraturan Dasar Badan Kongres Al-Islam Indonesia Timur, concluded in Makassar, 9/2/1949, ACC, IX/3.*

43 *Boland, The Struggle, 42-45.*

44 *Hasil² Kongres Al-Islam NIT ke-I jang berlangsung dari tgl. 26 hingga 30 Sept. 1948 di Makassar, (ASEI, 33/229), par. 1.*

Agama” was intended to be (the Islamic Affairs branch of) a Ministry of Religious Affairs; another name for it was the Islamic Supreme Council (“Dewan Agung Islam”, section 17, paragraph (1)). Section 17, paragraph (2) of the Statutes decreed that this Supreme Council was to be established under the terms of the constitution (“Dewan Agung Islam harus dibentuk menurut Undang-Undang Dasar Negara”); according to section 18, paragraph (1) the Council was competent to manage all interests of Islam in the State of East Indonesia, with the exception of those matters in which Islamic jurisdiction was competent (“...silang-sangketa berdasarkan hukum Islam”).

For the latter duties judicial tribunals for the administration of religious justice (“Pengadilan Tertinggi Islam”) were to be established in the *daerah*, under a Supreme Islamic Court of Law for the whole of East Indonesia, to be set up in Makassar (sections 23b, 23c, 24). One of the most important tasks of this Court of Law was to make the old regional Islamic tribunals (“sjarat”, councils of priests) fit for these duties, by means of re-organisation “in accordance with constitutional law” (“--- reorganisasi Sjarat-Sjarat sebagai Pengadilan Sjarat jang sah dan sempurna sepanjang hukum tatanegara”, section 23a). One of the resolutions of the Congress of September 1948 was also dedicated to the creation, reorganisation and job description of this system of courts of law.⁴⁵

In general terms the Statutes furthermore decreed that Islamic jurisdiction, to be administered on the basis of principles of justice which were to be more precisely specified by the *Kongres Al-Islam Indonesia Timur* or, by the Council of Congress, with the endorsement of the Congress, should be included in the state fabric (“Kehakiman Agama diwujudkan didalam pemerintahan-negara”, section 21). The legitimacy and authority (“kekuasaan”) of Islamic jurisdiction had to be laid down in the constitution, while the composition and powers of the tribunals were to be set down separately, in legislation yet to be determined (section 25).

In part one can see from the Statutes and Congress resolutions of the East Indonesian *Kongres Al-Islam* the wish to resolve the question of the place of Islam in the community by parliamentary means and in a democratic manner. However, after the war, Islam in East Indonesia found itself in a curious situation: on the one hand it was thought possible to adopt this democratic position since the introduction of a new, democratic electoral system – accepted by Parliament on the 12th of March 1949⁴⁶ – would in future seem to guarantee an absolute majority in the Government and in Parliament (where the constitution would have to be given a second reading); on the other hand there must have been an awareness that realisation by parliamentary means of the objectives mentioned above was hardly possible under the prevailing balance of power.⁴⁷ Symptomatic of this situation was the fact that early in 1949 Muchtar Luthfi and Daeng Muntu resigned from the progressive faction in protest against the complete lack of support shown there for their plans. Telling also were Muchtar Luthfi’s words during a debate on the 17th of March 1949. Meant to be a shot across the bows of the Government and Parliament, he declared that the *Kongres Al-Islam* did “not yet” (“belum”) aspire to a *Negara Islam* (Islamic state), at least as long as the interests of the Islamic section of the population were guaranteed.⁴⁸

The Statutes of the *Kongres Al-Islam*, which had been determined on the 9th of February 1949, as well as the Congress resolutions of September 1948 and the political reality of the moment determined the (relatively moderate) point of view of the Islamic members of Parliament during the debates: they

45 Hasil² Kongres Al-Islam NIT ke-I jang berlangsung dari tgl. 26 hingga 30 Sept. 1948 di Makassar, (ASEI, 33/229), par. 4.

46 Agung, *Negara Indonesia Timur*, 499, 527-530, 575, 655, 704ff.

47 Van Dijk, *Rebellion*, 45-46.

48 Luthfi noted: “Dapatlah kiranya Pemerintah meyakinkan, bahwa pada dasarnya, waktu ini, *belum* kami menghendaki Negara Islam, belum, selama hak² kaum muslimin dan selama Pemerintah Negara Nasional, Negara hukum, dapat terjamin dalam negara, sampai kemana *hak² kaum muslimin dapat diperlindungi* dan kami selamanya pada waktu ini masih berdjuaug untuk mentjiptakan negara hukum sampai pada Negara Serikat Indonesia jang merdeka”, in: *Nota van toelichting plus bijlagen to the Preambule, Vastgesteld ter vergadering van de Grondwetscommissie van 1 Maart 1949*, 1/3/1949, (ACC, IX/4.1), app. 21/3/1949, 2.

indicated, as has been mentioned, that their aspiration was not a *Negara Islam*, an Islamic state, in which the supreme body was a *Dewan Imamah*, and the Koran and tradition (*hadîth*) formed the foundations for governance and legislation, as had been the case with the *Negara Islam Indonesia*, proclaimed by S.M. Kartosuwirjo on West-Java on the 7th of August 1949.⁴⁹ Far from it: even the question of a possible formulation in the Preamble of the constitutional position of Islam, which had been an issue during the drafting of the Jakarta Charter (1945), was not touched upon.⁵⁰ In the words of the Congress:

— — — one of the important prerequisites for the glory of the Islamic Community and Islam is the Freedom of all the Peoples of Indonesia. — — — The Islamic Community strives for the solid advancement of the nation, a nation based on the ideals of fraternity, justice, human dignity and universal peace.⁵¹

Just as the establishment of the *Kongres Al-Islam Indonesia Timur*, especially intended for East Indonesia, had placed Islamic members of Parliament implicitly behind the government of Ide Anak Gde Agung with respect to the future federal form of government for Indonesia, this was done explicitly in a resolution passed by the meeting of September 1948, which demanded a speedy transfer of sovereignty to the *Republik Indonesia Serikat* (RIS), mentioning as date the 1st of January 1949.⁵²

However, although the State of East Indonesia was not to be an Islamic state, the separation of (belief in) God and politics was improper and directly contravened the spirit of the Statutes and the resolutions of the *Kongres Al-Islam*. This separation, which in advance precluded the execution of the most important part of the Statutes, was seen as occurring if the Preamble, in a separate paragraph, would restrict itself to a non-committal statement that religion in general was a significant social phenomenon, while in a different paragraph such terms as “constitutional state”, “democracy” and “human dignity” were proclaimed to be the political foundations of the State of East Indonesia. Not merely “human dignity” in general, but also the dignity of the Muslim community was at stake. For that reason Daeng Muntu wanted to see belief in God constitutionalised as a part of the political foundations of the State of East Indonesia. This did not alter the fact that he too had a problem with the formulation of God as the First Cause and the Final Purpose. He rejected this phrase as “mere philosophy and unsatisfactory”.⁵³

Just as in Yogyakarta in 1945, Islamic circles in Makassar in 1948 and 1949 in this way tried to find a third way between an Islamic state on the one hand and on the other a secular state after the Western model.⁵⁴ Accordingly Daeng Muntu’s amendment of the first paragraphs of the Preamble read: “the State of East Indonesia is a constitutional state founded on the belief in a just God and on the principles of democracy, with respect for human dignity”;⁵⁵ which, if accepted, would have given the state a

49 Van Dijk, *Rebellion*, 58-68, 92-97.

50 Jakarta Charter in Anshari, *Piagam Jakarta 22 Juni 1945*.

51 “— — — salah satu sjarat jang penting untuk keluhuran Ummat dan Agama Islam, ialah Kemerdekaan Ra’jat Indonesia seluruhnja. — — — Ummat Islam menghendaki susunan masjarakat jang Kukuh-kuat, masjarakat berdasar kepada tjita² persaudaraan, keadilan, peri-kemanusiaan dan perdamaian dunia”, *Hasil² Kongres Al-Islam NIT ke-I jang berlangsung dari tgl. 26 hingga 30 Sept. 1948 di Makassar*, (ASEI, 33/229), par. 7.

52 Resolution 30/9/1948, in: *Hasil² Kongres Al-Islam NIT ke-I jang berlangsung dari tgl. 26 hingga 30 Sept. 1948 di Makassar*, (ASEI, 33/229), par. 7.

53 *Agama dalam Peraturan Tatanegara Negara Indonesia Timur*, (Dibitjarakan oleh Sidang B.P.S. N.I.T. Mei-Djuni 1949), 1949 (ACC, IX/4.21), 1, 2.

54 Yamin, *Naskah-Persiapan*, I, 109-121.

55 “N.I.T. ialah negara hukum berdasarkan Ke-Tuhanan Jang Maha Adil beserta berdasarkan asas² demokrasi menghormati peri kemanusiaan”, *Agama dalam Peraturan Tatanegara Negara Indonesia Timur*, (Dibitjarakan oleh Sidang B.P.S. N.I.T. Mei-Djuni 1949), 1949 (ACC, IX/4.21), 1-2.

religious, if not yet a specifically Islamic, foundation. This was also the case with the *Republik Indonesia*, for the first column of the *Pancasila*, as well as the Preamble and section 29 paragraph (1) of the 1945 constitution stated that the state was founded on, among other things, “Ke-Tuhanan Jang Maha Esa”, [belief in] the One Omnipotent Lord.⁵⁶ However, this wording, both in the case of the *Pancasila* – which was in itself a compromise – and in the case of the *Kongres Al-Islam Indonesia Timur* was meant in a negative rather than a positive sense: it was not the formulation of a positive foundation for the state, but rather what Indonesia and the State of East Indonesia respectively were not: not a Western, secular state nor a purely Islamic state. What was the real issue would have to be determined, according to the *Kongres Al-Islam Indonesia Timur*, on the basis of the statutes and resolutions of future congresses.

On Java this policy of moderation eventually led some to the establishment of an alternative for Sukarno and Hatta’s *Republik Indonesia*: Kartosuwirjo’s Islamic State of Indonesia (*Negara Islam Indonesia*). Protestant Christians and especially the Protestant mission recognised in this “third way” with horror the syncretism of the time of the Roman empire.⁵⁷

c. Church and Protestant mission within and outside Parliament

The political attitude of the Government and Parliament in Makassar, outlined above, as well as the related fact that proportionately the number of non-Islamic members of cabinet, high-ranking officials, government advisers and army officers had always been fairly large (this was what Muchtar Luthfi referred to), did not fail to yield rewards for the church and the mission: in 1949 only two of the nine members of the cabinet were Islamic (S. Binol LLM and Abdul Rajab Daeng Massikki), while only one of the members of the Constitutional Commission was a Muslim (Muh. Kaharuddin). Three ministers were also advisers to the Council of Churches (*Majelis Kristen*) of East Indonesia in Makassar: Soumokil (Justice), I.H. Doko (Information) and Drs Tan Tek (Economic Affairs/Finance). J. Th. Droop, a senior civil servant for religious affairs attached to the cabinet of the prime minister, and E. Katoppo (former Minister of Education), also acted as advisers, while Katoppo and Tan Tek Heng had since 1947 been members of the Board of Governors of the new Theological School (then still located in Timor). Most of the Indonesian senior civil servants with the departments in Makassar were Christians, with the result that the interests of the Christian section of the population were extremely well looked after. It is reasonable to assume that this state of affairs was to a significant extent responsible for the predominantly “Western” nature of the government proposals with respect to the question of religion in general, and in particular for the inclusion in the draft constitution, and the retention without change, of the controversial section 134. More about this follows below.⁵⁸

R.M. Luntungan, a GMIM-minister from Manado, and Secretary of the newly founded Council of Churches of East Indonesia,⁵⁹ was a member of Parliament on behalf of the Council. To some extent this Council may be seen as the (much smaller) counterpart of the *Kongres Al-Islam Indonesia Timur*. Because future cabinets and parliaments would undoubtedly have an Islamic majority, Luntungan tried to strike while the iron was still hot: during the debates he argued that the constitution should acknowledge and guarantee freedom of religion and of a change of religion, and that there was no place for a positive profession of faith on the part of the state. However, Luntungan and his supporters did not think

56 Section (Pasal) 29 of the UUD 1945 reads: “(1) Negara berdasar atas Ketuhanan yang Maha Esa. (2) Negara menjamin kemerdekaan tiap-tiap penduduk untuk memeluk agamanya masing-masing dan untuk beribadat menurut agamanya dan kepercayaannya itu”, Anshari, *Piagam Jakarta 22 Juni 1945*, 187.

57 Van Randwijck, *Handelen*, II, 395-397.

58 Letter J. Swaak to dr. K.J. Brouwer (VNZ, Oegstgeest), 7/7/1948, AMSS, II DB 19; Holtrop, *Selaku Perintis Jalan*, 48.

59 This council was established during the Malino Conference of Churches (March 1847), cf. Holtrop, *Selaku Perintis Jalan*; Verkuyl, *Enkele aspecten*, 314. Acts and reports in: ACC, I/2.1.

in terms of guarantees for the rights and freedoms of minorities – this usually amounted to the maintenance of the status quo and for them that did not go far enough. They wanted a constitutional guarantee and recognition of the freedom of the Christian church to profess the faith, to organise itself and conduct activities, emphatically including missionary work amongst non-Christians.

This point of view is thrown into relief if placed against the background of the developments within Indonesian Protestant Christendom as a whole. In August 1946 the government of the Dutch East Indies in Jakarta was presented with a memorandum entitled “Freedom of religion in future Indonesia”. This memorandum had been drafted by the Protestant Church in Indonesia (GPI), the Reformed Churches in Indonesia (*Gereformeerde Kerken*) and the Missionary Consulate in Batavia. It formulated the relations of church and state along traditional Calvinist lines, as follows:

In accordance with its origin and being the *Church* must be recognised and respected as an institution which receives its foundation, its structure and its calling from its Divine Creator, and which consequently is obliged to God and His Word in its organisation, objectives and activities. For its part the Church recognises and honours the Government as constituted by God and called to the righteous exercise of authority in His service.

The consequences which those who had drafted the memo attached to this were couched in eleven subsections. One of these was the demand of freedom from intervention by the state; another was the freedom to

proclaim and disseminate its belief and doctrine by means of preaching, education and in other ways everywhere, including publicly, by the use of all available means of communication (the press, radio, film etc.), without being subject to special restrictive conditions concerning form [– – –] or content [– – –], viz. no other than those which are in force pursuant to the general legislation with respect to assembly and expression of thought for the purpose of maintaining public order.⁶⁰

The basis of this memorandum was a “Statement on religious liberty” which had its origin in American church circles.⁶¹ This “Statement” was formally adopted as the position of the Council with respect to freedom of religion in East Indonesia at the time the Council of Churches of East Indonesia was set up in March 1947, and it played an important role in Makassar in 1949: the more so because it reflected the same spirit as the Declaration of Human Rights of the United Nations (December 1948), it was incorporated in the draft constitution as section 134.⁶²

In addition to this Luntungan in 1949 conducted a survey, in preparation for the parliamentary debates, among the affiliated churches and a number of advisers.⁶³ This made it clear that, chiefly on practical and strategic grounds, there was general objection to the inclusion of any “religious formula” (Verkuyl) in the constitution. An anthology follows here of the advice Luntunga received from the survey: J. Koper, who from 1947 to 1950 was a missionary on the Sangir and Talaud islands (North Sulawesi), considered the formula “The state is founded on belief in One God” (UUD 1945, section 29, paragraph (1)) – incorrectly – as an “Islamic profession of faith”. He was also of the opinion that the wording of God as the First Cause and Final Purpose had no place in the constitution. He feared that the inclusion of such a formula was a first step in the direction of restriction of freedom of religion for non-Muslims,

60 Both quotations from Hoekendijk, *Zending in Indonesië*, 58.

61 Hoekendijk, *Zending in Indonesië*, 57.

62 Holtrop, *Selaku Perintis Jalan*, 139-141.

63 R.M. Luntungan, *Circular letter*, 5/5/1949, ACC, IX/4.1, printed in: Holtrop, *Selaku Perintis Jalan*, 207-209.

and that this would eventually lead to East Indonesia becoming an Islamic state.⁶⁴ This fear was shared by J. Salawati, the first (Indonesian) Chairman of the Evangelical Church of Sangir and Talaud (GMIST, established in 1947),⁶⁵ and also by Koper's colleague J.M. Langeveld in Bolaang Mongondow (North Sulawesi) and by Luntungan himself.⁶⁶ The latter was afraid that an "unhealthy competition" would arise between the various religions in their interpretation of this formula, which might lead to the state adopting the role of arbiter in matters of theology. In these quarters there was a fear that this formula would later be interpreted as if all religions stem from one and the same God, and that all religions therefore amounted to the same thing. Their combined preference was a federal state, as had been agreed at Linggadjati, and which, as far as the State of East Indonesia was concerned, was beginning to take shape on the basis of the Denpasar regulations.

This point of view was not inspired by the love of a modern, secular democracy after a Western model, but, on the contrary, it was based on ancient Calvinist thinking. Langeveld argued that it was the responsibility of the church to "advise" the state and "to lead it as a shepherd does his flock", and, if necessary, to adopt a cautionary tone to ensure that it stayed on the straight and narrow. He would have very much liked to see this responsibility of the church included in the constitution.⁶⁷

Dr J. Verkuyl, a Reformed (GKN) missionary minister in Jakarta whose doctoral thesis had concerned itself with religious freedom in Asia,⁶⁸ following Dr T.S.G. Mulia LL.M., a former member of the People's Council ("Volksraad"; an advisory body in the East Indies), one of the founding fathers and the first chairman of the Indonesian Council of Churches (1950), also rejected any formula "thought up in order to formulate the religious basis of the State in an attempt to reduce the religious ideas which exist in a nation to a common denominator. This attempt is highly dangerous to the true Faith." It was not that Verkuyl opposed the idea of a (Calvinist) theocracy as such, but, taking into account the political reality, it was in his view "preferable not to speak about God in the constitution, rather than to speak about Him unsoundly. For the Christian church there is only one possible way to take an active part in a constitution with a profession of faith, viz. in a Christian State." He advised Luntungan not to agree to the inclusion of such a formula in the Preamble: not because it was a matter of principle that such a formula did not belong in a constitution, but because, under the prevailing conditions, the inclusion would undoubtedly favour Islam.⁶⁹

The Board of Governors (*Kerkbestuur*) of the Protestant Church in Indonesia (GPI) reacted in similar vein, as did the Moluccan Church (GPM). Both a statement in the sense of the UUD 1945, section 29 paragraph (1), and the one about God as the First Cause and Final Purpose were anathema for both churches. The primary reason was that such statements were open to more than one interpretation and that Islam, the Roman Catholic Church, the Hindu community on Bali and other religious groups in Indonesia gave them a very different status and significance than the Protestant Christian churches. The GPM even predicted a "power struggle" between Christianity and Islam, with a predictable outcome, if such a "vague" statement were to be included. To avoid a blurring of concepts GPI and GPM wanted to add the name of Jesus Christ – in the sense of a profession of faith, not in a manner which merely recorded – to any statement about God of whatever kind which was to be included in the constitution. Because this was obviously not achievable, they preferred to see no statement whatever about the religious foundations of the state included.⁷⁰ The Protestant Church proposed to Luntungan to move

64 Letter J. Koper to R.M. Luntungan, 12/5/1949, ACC, IX/4.1.

65 Letter J. Salawati to R.M. Luntungan, 22/5/1949, ACC, IX/4.1.

66 R.M. Luntungan, *Circular letter*, 5/5/1949, ACC, IX/4.1.

67 Letter J.M. Langeveld to R.M. Luntungan, 12/5/1949, ACC, IX/4.1.

68 Verkuyl, *Gedenken en verwachten*, 171 ff.

69 Letter J. Verkuyl to R.M. Luntungan, 11/5/1949, ACC, IX/4.1; cf. Verkuyl, *Enkele aspecten*, 311-316.

70 Similar objections had been raised by the Moluccan Church against the Preamble of the UUD 1945, Van Dijk, *Rebellion*, 48-49.

during the debates the following suggestion, borrowed from the Constitutional Commission, as an amendment to the Preamble: “The State recognises that Religion, in its manifold manifestations, is of fundamental significance in the personal lives of its subjects, and consequently also of profound significance for the social order.”⁷¹

With an emphatic reference to section 173 I.S. (section 119 of the Statute of 1854) with respect to the freedom of conscience and religion and the corresponding sections of the Dutch constitution, the Moluccan Church (GPM) formulated its point of view about this matter as follows: 1. The church must remain church, despite any resistance; the principle of separation of church (religion) and state must not be abandoned. 2. The state must be founded on social justice [this meant that the rights of minorities must be guaranteed]; for the GPM this was a “minimum requirement”, which it interpreted as “toentoetan ilahi”, “God’s Will” [thereby introducing in its turn a political principle based on the supernatural]. 3. On no account should the state prescribe what its subjects were to believe and in what manner they should profess their faith. 4. The different religions should cooperate, fully aware that religion, whatever its manifestation, forms the basis of the individual lives of the subjects of a nation, and the source of all its social life and education.⁷²

d. The government’s response

As had already been announced in Anak Agung’s radio address of 22nd February, the Government was not prepared to relinquish its view of the principle of a neutral and secular nation. It rejected the proposal of Daeng Muntu and Muchtar Luthfi’s and like-minded people as a *contradictio in terminis*: a state founded on a profession of faith, however general in its wording, is not a democracy or a constitutional state, but a dictatorship; moreover, such a statement is inconsistent with the principle of the “self activity [*zelfwerkzaamheid*] of the citizens” pronounced in the Preamble. Supported by a large majority of members of Parliament, who did not want the progress of the budding state, en route to “kemerdekaan”, to founder on the rock of religious differences of opinion upheld by constitutional means, the Government maintained its stance that a profession of faith was not to be elevated to be one of the most important, or even one of the pillars of the state: it was argued that the state had neither God nor religion, not did it need them.⁷³

Retaining section (1) of the proposal of the Constitutional Commission, the recognition of the fact that religion played an important role in the social life of East Indonesia (superfluous according to the Constitutional Commission), this was subsequently formulated clearly and was accommodated in a new section (2): “the State recognises and respects belief in God and religion as the chief foundations of the community of nations, and of every community individually, in the State of East Indonesia”.⁷⁴ Parliament endorsed this; this action removed the statement about God as the First Cause and Final Purpose, also because of objections from Hindu-Balinese quarters against such an explicit monotheistic formula.

5. Religion in the constitution: sections 10 and 133-139

Sections 10 and 133-139 specified in greater detail what had been laid down in the Preamble. Section 10 “recognised and guaranteed freedom of religion [— — —]”. It formed part of a series of sections which set forth a number of fundamental civil rights such as the protection of life and property (section 6),

71 Letter J.E.Chr. Geissler, W.J. Rumambi to R.M. Luntungan, 17/5/1949, ACC, IX/4.1.

72 Letter S. Marantika, W.I. Louhanapessij to R.M. Luntungan, 17/6/1949, ACC, IX/4.1.

73 *Agama dalam Peraturan Tatanegara Negara Indonesia Timur, (Dibitjarakan oleh Sidang B.P.S. N.I.T. Mei-Djuni 1949)*, 1949 (ACC, IX/4.21), 2; Anak Agung, *Negara Indonesia Timur*, 578.

74 “Negara mengakui dan menghormati bahwa Ketuhanan dan agama adalah dasar jang terutama untuk masyarakat dan tiap² rakjat di-N.I.T.”, *Agama dalam Peraturan Tatanegara Negara Indonesia Timur, (Dibitjarakan oleh Sidang B.P.S. N.I.T. Mei-Djuni 1949)*, 1949 (ACC, IX/4.21), 1.

the right of association and assembly (section 7), freedom of speech (section 8), and the right to air grievances without restraint (section 9).⁷⁵

Of the remaining sections, sections 133 and 134 were the most important. Section 133 was received with some suspicion. The government proposal went as follows:

Everyone is granted complete freedom to embrace and profess religious opinions, sentiments and doctrine and to preach these, with the exception of every person's responsibility in cases prescribed in the legislation setting forth the criminal code.⁷⁶

This, however, was considered incompatible with the administrative restructuring of the State of East Indonesia and the increase in jurisdictions of the Self-Rule authorities which this involved, which the Government had been working on for some years, and which was laid down in Chapter IV of the draft constitution. Although a note of clarification stated that this section implied recognition of, and respect for, the adat,⁷⁷ by means a comparison with section 177 I.S. many parliamentarians reached the conclusion that the hold of central and local authorities on activities of religious proselytising had been much reduced. The repressive (in retrospect) nature appeared to have prevailed. Section 133 of the government proposal was, in spite of the clarification, and particularly in combination with section 134, generally seen as aimed at safeguarding the interests of the missions, even if Islam would also have benefited from it.⁷⁸

This led representatives from Bali, an island with a predominantly Hindu population, to propose the inclusion, in so many words, that the right of freedom of religion, at any rate the utilisation of this right, for example by a change of religion, could also be restricted on the grounds of local adat laws and other rules and customs, separate from the question of public law and order. Two prominent lawyers from Bali, I Gde Panetja LLM and Anak Agung Ngurah Ktut Djlantik LLM, both Denpasar veterans,⁷⁹ proposed in an amendment the addition of a second paragraph to section 133, which went as follows: "While the first section remains in full force, the permission of the authorities needs to be obtained for religious proselytising in the midst of followers of a different religion. Such permission may be subject to conditions".⁸⁰

This amendment, which amounted to the re-introduction of the "access regulation" (section 177 I.S.), but this time for all religious propaganda, was rejected by a large majority. However, the Government was forced to accommodate the issues behind the amendment, which existed not just on Bali, but everywhere in the State of East Indonesia; this was the reason why to section 133 was added the possibility of preventive action by lower-placed authorities: criminal law, as the only government tool able to restrict proselytising, was replaced by a much wider formula, which enabled restrictions to be imposed on the strength of local, unwritten adat rules and laws. Moreover, the section was expanded with a second paragraph, which opened the possibility of additional restrictions with reference to public order. The spirit of the old "access regulation" thereby returned in an accentuated form. Parliament

75 Agung, *Negara Indonesia Timur*, 579.

76 Clarification of chapt. vii, "Van de Godsdienst", ACC, IX/4.1, 1; cf. *Agama dalam Peraturan Tatanegara Negara Indonesia Timur*, (Dibitjarakan oleh Sidang B.P.S. N.I.T. Mei-Djuni 1949), 1949 (ACC, IX/4.21), 3.

77 *Agama dalam Peraturan Tatanegara Negara Indonesia Timur*, (Dibitjarakan oleh Sidang B.P.S. N.I.T. Mei-Djuni 1949), 1949 (ACC, IX/4.21), 3.

78 *Agama dalam Peraturan Tatanegara Negara Indonesia Timur*, (Dibitjarakan oleh Sidang B.P.S. N.I.T. Mei-Djuni 1949), 1949 (ACC, IX/4.21), 3.

79 *De Conferentie te Denpasar*, II, 48, nrs. 33, 36.

80 "Dengan tiada mengurangi ketentuan dalam ayat (1) maka untuk memasjhurkan suatu agama diantara penganut² agama lain, harus ada persetujuan Pemerintah. Pada persetujuan itu boleh digantungkan sjarat²", *Agama dalam Peraturan Tatanegara Negara Indonesia Timur*, (Dibitjarakan oleh Sidang B.P.S. N.I.T. Mei-Djuni 1949), 1949 (ACC, IX/4.21), 3.

subsequently agreed to this with 38 votes in favour, 16 against and 9 abstentions.⁸¹ The section read as follows:

- (1) The right of every person to freedom of religion and religious beliefs is recognised and guaranteed, subject to everyone's responsibility according to legal regulations yet to be determined, or requirements derived from legal regulations.
- (2) The use of this right may be restricted by legal regulations, if and when necessary for the preservation of public order.⁸²

Section 133, thus altered, left section 134, which at the insistence of the Council of Churches of East Indonesia had been included in the government proposal, completely without teeth. Section 134 elaborately spelled out religious rights and freedoms and emphatically laid down the right to conduct missionary activities and every person's right of conversion to another religion; it read:

The right of freedom of religion is understood to mean every person's freedom to practise his religion according to his conscience, and to bring up children in the faith of their parents; [as well as] every person's right to change his religion; [as well as] freedom to proselytise one's religion, to instruct, to publish and to conduct missionary activities; [as well as] freedom to establish organisations and to decide their arrangements at one's own discretion, and to acquire and have in ownership possessions in order to pursue these goals; [as well as] to conduct all such activities which form part of one's religion.⁸³

Thus, by means of section 133, despite – or rather: on account of – section 134, a tool had been created to protect local social and religious relations against the influence of Christian and possibly Islamic missionary zeal – therefore also against the pursuit of a *Negara Islam*; the latter was in accordance with the wishes of the *Kongres Al-Islam Indonesia Timur*. The great variety of orthodox and heterodox, some mystical, some not mystical, currents and movements within and on the margins of East Indonesian Islam could not support any other outcome.⁸⁴ Boland observed about the struggle for independence on Java in the years 1945-1950 that “[f]or the feeling of Muslims this fight for political freedom was at the same time a struggle for the freedom of Islam”; for East Indonesia it should be added that this concerned not merely the freedom of Islam, but also the specific forms of Islam which had over the centuries developed within the local socio-cultural context. And this context included many elements of non-Islamic origin.⁸⁵

81 *Agama dalam Peraturan Tatanegara Negara Indonesia Timur, (Dibitjarakan oleh Sidang B.P.S. N.I.T. Mei-Djuni 1949)*, 1949 (ACC, IX/4.21), 5, “Serba pertimbangan”.

82 “(1) Hak tiap² orang atas kemerdekaan agama dan faham kepertjajaan diakui dan didjamin dengan tidak mengurangi tanggungan-djawab tiap² orang menurut peraturan² jang akan ditetapkan dengan atau dengan kekuatan undang-undang. (2) Undang² mengatur pemakaian hak itu semata-mata djikalau dan sependjang perlu untuk kepentingan ketertiban umum”, *Agama dalam Peraturan Tatanegara Negara Indonesia Timur, (Dibitjarakan oleh Sidang B.P.S. N.I.T. Mei-Djuni 1949)*, 1949 (ACC, IX/4.21), 4-5.

83 “Hak atas kemerdekaan agama diartikan kebebasan bagi tiap² orang untuk melakukan ibadat sesuai dengan kata-hatinja dan untuk memberi didikan kepada anak² dalam kepertjajaan orang tuanja; kebebasan bagi tiap² orang untuk pindah agama; kebebasan untuk memasjhurkan, mengadjarkan, menjiarkan dan melakukan pekerdjaan suruhan agama; kebebasan untuk mendirikan organisasi² serta menjusunnja menurut paham sendiri dan memperoleh serta mempunyai milik untuk memenuhi tudjuan² itu; lagi pula kebebasan untuk melakukan segala perbuatan jaitu jang tidak dapat dipisahkan dari agamanja”, *Agama dalam Peraturan Tatanegara Negara Indonesia Timur, (Dibitjarakan oleh Sidang B.P.S. N.I.T. Mei-Djuni 1949)*, 1949 (ACC, IX/4.21), 4-5.

84 A survey in: Abdullah, *Tarekat Khalwatiyah*, 3.

85 Boland, *The Struggle*, 40.

Of the remaining sections 138 deserves a brief mention. This section, which dealt with the provision of financial support by the Government to corporations with a religious foundation, was also altered. The proposal put forward by the Government read:

The Government has the authority to provide assistance to religious associations in whatever form it chooses, on the strength of their equality under the law, provided that no assistance is given to the discharging of religious duties.⁸⁶

In some quarters this proposal received a warm welcome, particularly in the former Indies Church, since it appeared to offer the potential to continue the old links with the state, as they had existed until then with respect to the salaries of ministers, which were expenses borne by the state, and other privileges.

Without offering an alternative text, the Dutch mission and the Indonesian churches which had evolved from it, of which a number attained independence during these years, were only prepared to agree to an arrangement based on the principle of subsidiarity: the state and religious communities each have their own separate tasks and spheres of activity and are each responsible for their own finances; insofar as a religious organisation fulfils a task in an area where the government also has a function (health, education, social work) there is an entitlement to a governmental subsidy, according to the principle of proportion, in which case, it was emphatically noted, this was not to entitle the state to have a say in the internal affairs of the various churches and missions. The sooner all ties were cut between the Indies Church and the churches which had developed from it on the one side, and the state on the other side, the happier the mission would be.⁸⁷

The Islamic point of view was recorded in the Statutes of the *Kongres Al-Islam Indonesia Timur*: a subsidy and other assistance were acceptable, insofar as these were “in accordance with religious doctrine” (section 9, paragraph (2)).⁸⁸ In practice this meant that the cost of the production of religious literature, the salaries of Islamic officials, religious instruction, and the building and maintenance of mosques, schools and universities, would be borne in part or in their entirety by the Ministry of Religious Affairs. This was not a demand for privileges, since not just Islam, but all religious organisations and communities, insofar as they were recognised by the state, had an equal right to receive such support. In this spirit Muhammad Akib proposed an amendment to delete the passage “provided that [— —] duties”. Hereupon the Government presented a new version, which subsequently was accepted without a vote being taken:

- (1) The Government can provide support of whatever kind to religious bodies and organisations for their work in the social sphere.
- (2) This support will be given on the basis of equal rights for all parties.⁸⁹

86 “Pemerintah boleh memberi bantuan dalam bentuk apapun kepada persekutuan² dan perserikatan² agama berdasarkan kesamaan hak masing², dengan pengertian bahwa tidak diberikan bantuan sekadar mengenai ibadah”, *Agama dalam Peraturan Tatanegara Negara Indonesia Timur, (Dibicarakan oleh Sidang B.P.S. N.I.T. Mei-Djuni 1949)*, 1949 (ACC, IX/4.21), 4.

87 R.M. Luntungan, *Circular letter*, 5/5/1949; letter J. Verkuyl to R.M. Luntungan, 11/5/1949; letter J. Koper to R.M. Luntungan, 12/5/1949; letter J. Salawati to R.M. Luntungan, 22/5/1949, all in ACC, IX/4.1.

88 “— — jang dibolehkan menurut ajaran agama”, *Peraturan Dasar Badan Kongres Al-Islam Indonesia Timur*, 9/2/1949, ACC, IX/3; cf. Benda, *Crescent*, 77.

89 “(1) Pemerintah boleh memberi bantuan dalam bentuk apapun kepada persekutuan² dan perserikatan² agama guna usaha² dalam lapangan sosial. (2) Bantuan itu akan diberikan berdasarkan kesamaan hak masing²”, *Agama dalam Peraturan Tatanegara Negara Indonesia Timur, (Dibicarakan oleh Sidang B.P.S. N.I.T. Mei-Djuni 1949)*, 1949 (ACC, IX/4.21), 4.

This ended the first reading of the debates about the section on religion (the 22nd of June 1949);⁹⁰ a second reading was never to take place.

II

6. A new struggle for Bali

In the (available) archives hardly anything can be retraced about the consequences of the events mentioned above regarding the position of religious minorities in East Indonesia. The draft constitution never became the constitution; moreover, the time frame during which the impact of the resolutions could have made itself felt was too short: at most one year. At the end of December 1949 the transfer of sovereignty took place, after which, in 1950, completely new political relations commenced. There is, however, one exception: Bali.

It was no coincidence that the representatives from Bali wanted to see the “access regulation” reinstated. On the 2nd of March 1949 the residency of Lombok and Bali was dissolved, within the framework of the administrative reorganisation plans mentioned above. Lombok was given a (temporary) Assistant-Resident, with the powers of Resident, while on Bali administrative matters were assigned chiefly to the Board of (eight) Self-Rule administrators, the *Dewan Raja-Raja Bali* (the Balinese Council of Chiefs). The Chairman of this Board, Anak Agung Gde Oka, a brother of the State of East Indonesia Prime Minister Ide Anak Agung Gde Agung, thus became the highest ranking administrator on the island. The relevant ministries in Makassar retained a supervising duty from afar with respect to the *daerah*, but in practice this meant that Bali was given a large measure of autonomy.⁹¹

Missionary and church circles on Bali were not confident about the events in Makassar. In contrast to Islam, East Indonesian Protestant (and Roman Catholic) Christendom had publicly indicated that it had little or no confidence in its religious, social and cultural environment, insofar as freedom of conscience and religious practice were concerned. This feeling of uncertainty was heightened by the fact that the impression it had of traditional Balinese society was largely negative. Before the war Dr H. Kraemer, Nestor of the Dutch mission and Professor of theology in Leiden, had led the way in this respect. In 1932, after a brief visit to the island, he had reached the conclusion that traditional Balinese society was in the process of disintegrating and had few chances of survival: the axe was about to strike at the roots. That fact did not surprise him, since the popular local religion was only a “undeveloped spiritual sense, which has not yet known the struggle for truth and enlightenment. [– – –] it is at most a temporary refuge for the desired sense of continuity with the past.” He drew the attention of missionaries to the chief obstacles for their work: “the adat position of the rulers [– – –] [is] inextricably linked with the Hindu-Balinese culture. They are the natural opponents of any fundamental spiritual change, and therefore to be accepted as such.”⁹²

In 1949 the mission on Bali experienced the repercussions of this attitude of enlightened ecclesiastical colonialism and paternalism; the Balinese rulers, equipped in 1949 with more elaborate powers than ever before, took up the challenge.

7. The section concerning religion and the mission on Bali

Section 133 of the draft constitution was judged more unfavourably by Christians on Bali than the “access regulation”, section 177 I.S.. While the old section 177 I.S. limited the law-and-order prob-

90 Agung, *Negara Indonesia Timur*, 587.

91 Transfer of authority to the *daerah* had already been raised at the Denpasar Conferentie, *De Conferentie te Denpasar*, I, 90.4

92 Kraemer, *De strijd over Bali*, 118-122.

lem to the discharge of their duties by the missionaries, the new section 133 unsettled, according to the linguist Dr J.L. Swellengrebel, who had been employed by the Dutch Bible Society on Bali since 1936,⁹³ the very principle of freedom of religion. He argued that the incorporation of this section was equal to a capitulation to what he called “desa-totalitarianism”, with all its detrimental consequences for the mission. On Bali in particular the consequences were the more noticeable because the Balinese desa-household formed a closed religious and social system and Balinese Hindus and Christians generally lived together in desa-context. While the closed attitude to, and rejection of, Christianity by the Balinese had until then be limited to desa level, he feared that higher spheres would now also be given a free hand. By the explicit linkage of freedom of religion to “public law and order”, Swellengrebel believed that the majority was invited to quarrel with the minority; this disturbance of law and order would then make it possible to limit freedom of religion.⁹⁴

According to Swellengrebel the consequences of one thing and another were immediately noticeable, not least in the attitude of the Self-Rule Administration. This certainly left no doubt about its intentions. In June 1949 new guidelines were issued for the Protestant and Roman Catholic missions, which amounted to their being placed under the guardianship and control of the Self-Rule Administration; with an implicit reference to section 133, paragraph (2) of the draft constitution, it was determined that an increase in the number of missionaries was prohibited without the approval of the Administration. In addition, the missions were instructed not to engage in anything without prior consent from the Self-Rule Administration, and were asked to provide detailed specifications of all missionaries and their staff, both European and Indonesian, as well as details of their operating procedures, Christian communities and associated organisations and the numbers of their membership.⁹⁵ Moreover the Self-Rule Administration attempted to counteract the establishment of Christian schools and to abolish existing ones by refusing all requests for subsidies for such education – notwithstanding the fact that such subsidies were not a burden on the regional budget of Bali, but funded by the education budget of the Central Government in Makassar. The first school to be affected by this was a small mission school in Blimbingsari, situated in the Jembrana district of West Bali.⁹⁶ Furthermore, land owned by Christians who had fled or been detained during the Japanese period was sometimes appropriated, and they were denied a residence permit when they wished to return to their desas and reclaimed their land.⁹⁷

The situation in the Mengwi district, which was under the jurisdiction of the ruler of Badung in the south of Bali, member of the Board of Self-Rule Administrators, was typical of the new attitude. Up to now the Christian communities in desas such as Buduk and Sading had, by special agreement with the Government, been exempted from the supply of labour for the maintenance of the large National Temple, the *pura* Taman Ajun, and from all other obligations which counted as specifically religious ones, in exchange for the “voluntary” supply of building materials for three smaller desa temples.⁹⁸ However, at the instigation of the ruler himself, who involved the district chief, the *punggawa* in this matter, they too were charged with the provision of forced labour for the National Temple (which, by the way, could also be bought off), the Christians in Sading as early as December 1948, those in Buduk in March 1949. The Board of Self-Rule Administrators, after having received complaints about this matter (which in vain appealed to section 3 of the regulation of

93 Swellengrebel, *In Leijdeckers Voetspoor*, II, 235-244.

94 Letter J.L. Swellengrebel to R.M. Luntungan, 22/8/1949, ACC, IX/5.

95 Letter Dewan Radja² Bali to Th.B.W.G. Gramberg e.a., 21/6/1949, ACC, IX/5; letter Th.B.W.G. Gramberg to Dewan Radja² Bali, 13/9/1949, ACC, IX/5.

96 J.L. Swellengrebel, *Enkele feiten en opmerkingen omtrent de godsdienst(on)vrijheid op Bali*, 22/8/1949, (ACC, IX/5), 1; J.L. Swellengrebel and Th.B.W.G. Gramberg, *Onderhoud van Ds. Gramberg en Dr. Swellengrebel met de Ketua Dewan Radja-Radja – – – op Dinsdag 29 November 1949*, ACC, IX/5.

97 Swellengrebel, *Kerk en Tempel*, 106.

98 Swellengrebel, *Kerk en Tempel*, 97-140, spec. 114-117.

Denpasar), referred to local practice and customs: labour for the National Temple in Mengwi was declared to be not merely a religious obligation, but also a social one, which was inextricably linked to someone's status and position within the desa community and the ownership of desa land. If someone refused to comply with the obligation arising from this, he would be considered a stranger and had to pay rent for his land. This money in part benefited the religious life of the desa. If he refused to pay this rent, he would be exiled from the desa, and his land ownership and rights would be declared nul and void.⁹⁹

The Self-Rule Administration further determined that in future the new rules which applied in Mengwi would also be operative for the rest of the island (August 1949). All previous agreements which regulated the special position of Christians (and Muslims) and which dated from the period of European governance, were rescinded.¹⁰⁰ Missionary activity, described by the Self-Rule Administration of Bali as "the provision of information about religion" was only to be conducted among those who asked for it.¹⁰¹

These supposed attacks on the social position of a group of Balinese Christians prompted Swellengrebel to involve the Council of Churches in Makassar and through this organisation to focus the attention of the Government of the State of East Indonesia on this matter. Not that he expected anything from this action, particularly because section 133 and especially the added paragraph (2), was "a revival of section 177, in worse form".¹⁰² And indeed the government in Makassar advised the Balinese Christians not to engage in a confrontation with the Self-Rule Administration, and to pay the taxes owing under adat obligations and other contributions, and to perform the labour requirements, even if only, as the Government argued, not to end up in a special position with respect to the Islamic part of the population on Bali, which was prepared, at any rate more willing, to comply with such obligations.¹⁰³

8. The section concerning religion at the Round Table Conference in The Hague

Kraemer, a participant in the Round Table Conference in The Hague (held from August to November 1949), and a strong opponent of section 177 I.S. even before the war, shared Swellengrebel's objections; he too was of the opinion that the addition of paragraph (2) of section 133 made freedom of religion an illusion. The only consolation he could offer was that the draft constitution decided on by the Parliament in Makassar involved only a first reading.¹⁰⁴

When presenting an introduction at the Round Table Conference about the cultural problems of Indonesia, in which he included the question of the relationship between religions, Kraemer seized the opportunity to point to the events which had occurred in Makassar and on Bali, and to show the, in his opinion, disastrous consequences of these. In this speech he argued that the Balinese rulers by their actions had pre-empted potential resolutions adopted by the conference with regard to one of the most important aspects of the cultural issue: the mutual relations of religions in Indonesia. Furthermore he had meetings about this matter with fellow participants at the conference such as

99 J.L. Swellengrebel, *Enkele feiten en opmerkingen omtrent de godsdienst(on)vrijheid op Bali*, 22/8/1949, (ACC, IX/5), 2-3; letter J.L. Swellengrebel to G.P.H. Locher, 1/4/1949, ACC, IX/5; letter Geredja Kristen Protestan Bali to Ketua Dewan Radja², 12/4/1950, ACC, IX/2.

100 Swellengrebel, *Enkele feiten*, 2.

101 J.L. Swellengrebel and Th.B.W.G. Gramberg, *Onderhoud van Ds. Gramberg en Dr. Swellengrebel met de Ketua Dewan Radja-Radja* --- op Dinsdag 29 November 1949, ACC, IX/5.

102 Letter J.L. Swellengrebel to R.M. Luntungan, 22/8/1949, ACC, IX/5.

103 Letter J.L. Swellengrebel to R.M. Luntungan, 7/11/1949, ACC, IX/5; letter J.M.J. Schepper to J.L. Swellengrebel, 7/11/1949, ACC, IX/5.

104 Kraemer, *De strijd over Bali*, 131; Lekkerkerker, "Drieërlei visie", 14-15.

Mononutu, Djilantik, Dr J. Leimena (Minister of Health, RIS) and the Prime Minister of the State of East Indonesia Ide Agung Gde Agung.¹⁰⁵

After having been put under pressure from various sides (among others by the threat of the matter being raised with the United Nations) Anak Agung offered to intermediate in the conflict on Bali; he also promised that the Government of East Indonesia would strenuously endeavour to include in a second reading of the constitution of the State of East Indonesia the same “internationally accepted set of principles” as was contained in the constitution of the Federal Republic of Indonesia – something which would hardly have been an improvement, however.¹⁰⁶

But, although the atmosphere at the Round Table Conference was fairly optimistic with respect to the matter of freedom of religion (as well as with respect to all other matters), Kraemer, VNZ-Chairman Count S.C. van Randwijck LLM, Chairman of the Dutch Mission Council and former mission representative in Batavia Prof. J.M.J. Schepper LLM, and others who concerned themselves with this issue, did not succeed in laying to rest the ghost of section 133.¹⁰⁷

The attempt at mediation by Ide Anak Agung Gde Agung, which took the form of a conversation with the Chairman of the Self-Rule Administration at Denpasar airport on the 27th of November 1949, was unsuccessful. A discussion of the Chairman with Swellengrebel and Th.B.W.G. Gramberg, also a missionary on Bali, on the 29th of November started with the complaint that Christians in Buduk were at that time also being forced to participate in a Hindu sacrificial ceremony to initiate a new cockfighting track, after they had earlier been forced to assist in paying for its construction. To a series of proposals by Swellengrebel and Gramberg to overcome the impasse, such as the establishment of an advisory council for the island to deal with such issues and to advise the parties involved, the Chairman of the Self-Rule Administration limited himself to holding out the “prospect of further consideration”. It was impossible to achieve more.¹⁰⁸

This attempt at intervention understandably did not produce a positive result for the Christians, and complaints of the Balinese Church in April 1950 showed that the tensions in the Badung district had definitely not diminished compared with a year earlier, rather the opposite, although it was noted with pleasure that elsewhere on Bali Hindus, Christians and Muslims did live together peacefully.¹⁰⁹

III

9. The Federal Republic of Indonesia at the end of 1949 and after

One can be brief about the period of the Federal Republic of Indonesia, because this state barely attained an existence of its own. Despite an unmistakable sense of satisfaction on the part of the Dutch negotiators about the agreement reached in The Hague, i.e. the formation of the Federal Republic of Indonesia (Republic of the United States of Indonesia) and the Dutch-Indonesian Union, the practical significance of this was nil, also for the question of religion.¹¹⁰

Section 18 of the constitution of the RIS, accepted in The Hague on the 20th of October 1949, laid down, in the spirit of section 3 of the Denpasar regulation and section 134 of the draft constitution of the State of East Indonesia, freedom of religion;¹¹¹ section 19 guaranteed everyone “the right to

105 Letter J.M.J. Schepper to J.L. Swellengrebel, 7/11/1949, ACC, IX/5.

106 Letter H. Kraemer to R.M. Luntungan, 13/9/1949, ACC, IX/5; letter J.M.J. Schepper to J.L. Swellengrebel, 7/11/1949, ACC, IX/5.

107 Letter S.C. Graaf van Randwijck to J.L. Swellengrebel, 20/9/1949, ACC, IX/5.

108 J.L. Swellengrebel and Th.B.W.G. Gramberg, *Onderhoud van de Ketua Dewan Radja-Radja met Drs Th.B.W.G. Gramberg en Dr. J.L. Swellengrebel* — — — op Dinsdag 29 November 1949, ACC, IX/5.

109 Letter Geredja Kristen Protestan Bali to Ketua Dewan Radja², 12/4/1950, ACC, IX/2.

110 Agung, *Negara Indonesia Timur*, 623ff, 704ff; cf. “Ontwerp-overeenkomst Linggadjati”, 2.

111 *Ontwerp der Constitutie van de Republiek der Verenigde Staten van Indonesië*, 10.

freedom of opinion and freedom of speech”.¹¹² Although section 41, paragraph (1) set down that all recognised religious communities and organisations should be given equal protection under the law, the spirit of paragraph (2) was similar to section 133 paragraph (2) of the draft constitution of the State of East Indonesia: the Government is charged with “the monitoring of these [religious] communities and organisations to ensure that they observe obedience to the Law – including unwritten rules of law”.¹¹³

The constitution of the Federal Republic of Indonesia was a dead letter never called into being. After the formal transfer of sovereignty on the 27th of December a start was made with the dissolution of the RIS. One by one the separate states in the archipelago joined “Yogya”. The last one to do so was the State of East Indonesia (on the 16th of August 1950, one day after the proclamation by Sukarno of the *Negara Kesatuan Republik Indonesia*). Prevailing laws, regulations and provisions of the RIS were formally replaced by those of the new unified state of the Republic of Indonesia (RI). Indonesia terminated the union with the Netherlands in 1956.¹¹⁴

In reply to a question by a church in eastern Indonesia the Ministry for Religious Affairs of the RI in Jakarta notified the church that the (by now 96-year old) section 177 I.S. had lapsed – the RIS constitution and that of the State of East Indonesia were not even mentioned in the relevant correspondence. The remainder of the colonial paragraph on religion had also lost its relevance, according to the Ministry. Referring to the principle of freedom of religion as set down in article 29 paragraph (2) of the UUD 1945, and pending supplementary legislation, the Central Government was, for the moment, satisfied with the registration of missionaries, reverend ministers and other clerics and preachers, both foreigners and Indonesians, ordered according to their churches, with the local offices of the Ministry, which had meanwhile been established everywhere. This episode, however, belongs to a new chapter of the history of Indonesian religion and culture.

Conclusion

If one could consider the last Parliament in Makassar, which, after all, had been composed on the basis of the elections held at the end of 1949, as representative for political relations in East Indonesia, the unitarian pro-“Yogya” bloc would have been just about the same size as that of the federalists. The solution for the question of religion arrived at in Makassar, in the sense of the strict separation of church and state and the inclusion of paragraph 134, was that of the federalists: it was a typically Western attempt to solve the problem of the mutual relations of religions and the role of the state in this matter, based partly on natural law, and in part derived from the thinking of the Enlightenment. If “Makassar” is compared with “Yogya”, i.e. the formation of government of the State of East Indonesia in 1948 and 1949 with that of the RI in 1945, it becomes obvious that Yogyakarta also paid attention to the freedom of conscience and religion of minorities – albeit that on the side of the church and mission, where this freedom was seen in the first place in terms of the unimpeded expansion of Christianity, there was a great deal of unease at that time.¹¹⁵ However, as became clear as early as 1950, while the “Makassar” solution could not, the “Yogya” solution could ultimately count on a broad consensus among the population, and that applied not just to Islam. In Makassar in 1949 Islam was the losing party. The Statutes and congress resolutions of the *Kongres Al-Islam Indonesia Timur* could not be found back in the draft constitution, or possibly only in Chapter V, where there was recognition of two types of jurisdiction: jurisdiction in the name

112 *Ibidem*.

113 *Ontwerp der Constitutie van de Republiek der Verenigde Staten van Indonesië*, 13.

114 *Penetapan Kementerian Agama RI*, no. 1 tahun 1950, 16/9/1950, ACC, IX/2; Agung, *Negara Indonesia Timur*, 771; Pantouw, “Perjuangan”, 7.

115 Hoekendijk, *Zending in Indonesië*, 56.

of the state, and jurisdiction recognised by the state, such as adat-jurisdiction, religious jurisdiction, and jurisdiction by Self-Rule authorities, for which specific regulations were to be drafted.¹¹⁶

It would be easy to come to the conclusion that the debates about the paragraph on religion were controlled by two political paradigms, which both originated in theocratic thinking: an Islamic model versus a Calvinist model, against which the Government, supported by a parliamentary majority, put up its own model – were it not for the fact that the model proposed by the Islamic side could hardly be called “theocratic”, even if it was not entirely secular. The fact that the Christians of East Indonesia, still to a significant extent dominated by people from the Netherlands, at any rate that part of which the Council of Churches in Makassar was the spokesman, formed a united front with the Government, did not mean that they embraced the liberal, secular outlook on governance; on the contrary, they supported it out of strategic considerations: the ideal of a theocracy based on a Calvinist model – whatever this was understood to mean – was not feasible in East Indonesia, while they were of the opinion that throwing in one’s lot with the “Yogya” solution had great risks of leading to an Islamic theocratic form of government.

Notwithstanding the fact that among pre-war Indonesian Christians there had already existed nationalist movements (*Sarekat Ambon*, *Persatuan Minahasa*) and also political parties (*Perserikatan Kaum Kristen* and *Partai Kaum Masehi Indonesia*), the principal outcome of the Makassar debates of 1949, seen in the longer term, was yet another confirmation of the prevailing view of Christianity as “agama Belanda”, “Dutch religion”, which for its continued existence depended on a Western form of government. However, this social order was at best, for a few politicians and a part of the East Indonesian population, an acceptable temporary solution in a complex political situation. This immediately became clear on Bali, where church and mission were met with the constitutional weaponry they themselves had helped to create.¹¹⁷

116 Agung, *Negara Indonesia Timur*, 584.

117 By the end of 1950 both Swellengrebel and Gramberg were compelled to leave Bali, 9/11/1950, AGK Utrecht, inv. nr 6, Incoming letters 1950, UA.

Abbreviations

ACC	Archive of the Council of Churches of Eastern Indonesia, kept at the Theological Seminary for East Indonesia, Makassar (STT-INTIM)
AGK Utrecht	Archive of the Gereformeerde Kerk of Utrecht (Reformed Church of Utrecht, member church of the GKN)
ASEI	Archive of the State of Eastern Indonesia, kept at INA-M
app.	appendix
BaA	Bantaeng Archive, kept at INA-M
BoA	Bone Archive, kept at INA-M
CA	Celebes (Sulawesi) Archive, kept at INA-M
cab.	cabang (department, office, section)
Dir.	Director(ate)
GK	Gereformeerde Kerk (Reformed Church, member church of the GKN)
GKN	Gereformeerde Kerken in Nederland (Reformed Churches in the Netherlands)
GMIM	Gereja Masehi Injili di Minahasa (Evangelical Church in the Minahasa, Indonesia)
GMIST	Gereja Masehi Injili Sangir dan Talaud (Evangelical Church of Sangir and Talaud, Indonesia)
Gov.	Governor, Government(al)
GPI	Gereja Protestan di Indonesia (Protestant Church in Indonesia)
GPM	Gereja Protestan Maluku (Protestant Church of the Moluccas)
INA	Indonesian National Archives, Jakarta (Arsip Nasional Republik Indonesia, Jakarta)
INA-M	Indonesian National Archives, Makassar office, South Celebes (Arsip Nasional Republik Indonesia, cab. Makassar office)
I.S.	“Wet op de Indische Staatsregeling”, 1927 (Law regarding the form of government of the Netherlands Indies)
UA	Utrecht Archives (Het Utrechts Archief, Utrecht)
ISGIT	Institut Sejarah Gereja Indonesia Timur, STT-INTIM (Institute for the Church History of East Indonesia, at the STT-INTIM)
KNIL	Koninklijk Nederlands-Indisch Leger (Royal Dutch East Indies Army)
Min.	Minister (Government)
AMSS	Archive of the Mission in Sulawesi Selatan, kept at the Theological Seminary for East Indonesia, Makassar (STT-INTIM)
NIT (N.I.T.)	Negara Indonesia Timur (State of East Indonesia)
Res.	Resident
RI	Republik Indonesia (Republic of Indonesia)
RIS	Republik Indonesia Serikat (Federal Republic of Indonesia)
STT-INTIM	Sekolah Tinggi Teologi - Indonesia Timur, Makassar (Ujung Pandang) (Theological Seminary for East Indonesia, Makassar (Ujung Pandang))
VNZ	Verenigde Nederlandse Zendingscorporaties (United Dutch Mission Organisations)

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