



ASIA/INDONESIA - Lawyers and Islamic activists contest the application of the Sharia law to non-Muslims

Banda Aceh (Agenzia Fides) - A clause in Aceh's new Islamic criminal procedural codes, finally approved in February could see non-Muslims tried in Sharia Court (see Fides 15/02/2014), but lawyers, legal experts and human rights activists in the province contest the application of Sharia law on non-Muslims. As reported to Fides Agency, the corpus of the new rules is now under the scrutiny and review of the Ministry of Internal Affairs of Indonesia, which has asked the local government of Aceh for some clarification.

An article of the new Code - called "Qanun Hukum Acara Jinayat" (QHAJ) – states that non-Muslims can be prosecuted under Sharia law in Aceh if they participate with Muslims in offenses not regulated by Indonesian criminal law.

According to the Muslim Saifuddin Bantasyah, a Law professor at the "Syiah Kuala" University in Banda Aceh, this is not enforceable. The new Penal Code, in fact, regards dress code, gambling, adultery and alcohol consumption, but these apply only to Muslims. "When procedural law adds a clause that applies to non-Muslims, what is the legal basis for prosecution?" Asks the professor. Saifuddin cited a 2006 case in which three Christians and a Muslim involved in a gambling incident were brought to Sharia Court in Banda Aceh. During the trial the judge explained that Sharia Court is only for prosecuting Muslims. The judge ruled that Sharia Court had no jurisdiction or authority to proceed with the case as they were given the option of converting to Islam but declined. In such a case, non-Muslims could be prosecuted under Indonesian criminal law for disturbing public order.

Also according to the Islamic jurist Jamil Ibrahim, vice president of the Islamic Court in Aceh, the new code should be applied only to Muslims: because non-Muslims, absent their consent, are outside the Court's jurisdiction. According to Faisal Ali, a Muslim leader and representative of the "Aceh Clerics Association", the introduction of the new Criminal Code of Sharia was "a political ploy ahead of this year's elections and reflects a poor understanding of religion and the law".

In a note sent to Fides, Zulfikar Mohammed, coordinator of the "Aceh Human Rights Coalition", which includes about 30 NGOs that defend human rights, regrets that local legislators have introduced the controversial clause seeking to subject non-Muslims to the Sharia law: "It is a form of discrimination against non-Muslims", he says, noting a violation of religious freedom and states having sent a request to the Ministry of the Interior to cancel the clause.

The introduction of Sharia law in Aceh was authorized by the Central Government in 2001 as part of a "special autonomy" in order to put an end to a long separatist conflict. (PA) (Agenzia Fides 29/04/2014)