

Fundamentalism: Outcry at Indonesia draft criminal code that could see unmarried couples jailed

Sunday 29 September 2019, by [LAMB Kate](#) (Date first published: 19 September 2019).

New draft bill, decades in the making, could also criminalise insulting the president and tightens abortion laws.

Indonesia is set to pass a new criminal code that could outlaw living together outside marriage, extramarital sex and insulting the president, among a raft of changes that rights groups have decried as disastrous.

The Indonesian parliament has spent decades revising its colonial-era criminal code, creating a 628-article draft bill that could be passed in coming days.

Containing a series of contentious new revisions, a coalition of Indonesian rights groups argue the new code violates the rights of women, religious minorities and lesbian, gay, bisexual and transgender people, as well as freedom of speech and association.

“Indonesia’s draft criminal code is disastrous not only for women and religious and gender minorities, but for all Indonesians,” said Andreas Harsono, senior Indonesia researcher at Human Rights Watch, “Lawmakers should remove all the abusive articles before passing the law.”

Activists have called on president Joko Widodo to delay the bill, saying significant revisions were required.

In the world’s most populous Muslim nation, among one of the most controversial inclusions in the draft penal code was the article on adultery, which could see extramarital sex punishable by up to one year in prison.

As well as criminalising adultery and sex workers, in a country where LGBT people face persecution and rampant discrimination, critics believe the article would in effect criminalise all same-sex conduct.

A separate article states that couples living together outside marriage could be sentenced to six months in prison, an offence that can be reported by a village head, while another specifies that only health professionals and “competent volunteers” can discuss contraception and family planning.

“The bill’s provisions censoring information about contraception could set back the progress Indonesia has made in recent years to dramatically reduce maternal deaths,” Harsono said.

Subsequent articles state that only doctors have the right to decide on abortions. Under the draft law, a woman who has unlawfully terminated her pregnancy could face four years in prison.

Indicative of Indonesia's increasing religious conservatism, the new draft further recognises any "living law", which could be interpreted to include local sharia or customary laws at the local level, of which there are hundreds across the country that discriminate against women, LGBT people and religious minorities.

The new code also looks set to rollback Indonesia's notable press freedoms by making it a criminal offence to insult the president and vice president.

This week, on the back of another problematic law that is widely expected to weaken a critical anti-corruption commission, the media published scathing caricatures of the president - content that could be deemed unlawful in the future.

The new code will further expand the existing blasphemy law, and outlines a 10-year prison term for associating with organisations that follow a Marxist-Leninist ideology.

Kate Lamb in Jakarta

P.S.

- The Guardian. Thu 19 Sep 2019 04.23 BST Last modified on Thu 19 Sep 2019 18.30 BST: <https://www.theguardian.com/world/2019/sep/19/outcry-at-indonesia-draft-criminal-code-that-could-s ee-unmarried-couples-jailed>

- Since you're here...

... we [The Guardian] have a small favour to ask. More people are reading and supporting our independent, investigative reporting than ever before. And unlike many news organisations, we have chosen an approach that allows us to keep our journalism accessible to all, regardless of where they live or what they can afford.

The Guardian is editorially independent, meaning we set our own agenda. Our journalism is free from commercial bias and not influenced by billionaire owners, politicians or shareholders. No one edits our editor. No one steers our opinion. This is important as it enables us to give a voice to those less heard, challenge the powerful and hold them to account. It's what makes us different to so many others in the media, at a time when factual, honest reporting is critical.

Every contribution we receive from readers like you, big or small, goes directly into funding our journalism. This support enables us to keep working as we do - but we must maintain and build on it for every year to come.