

ASIAN INSTITUTE OF INTERNATIONAL FINANCIAL LAW FACULTY OF LAW, THE UNIVERSITY OF HONG KONG

Seminar

Cultural Relativism Interpretation of Indonesia's Blasphemy Law: Does Religious Values Effect Foreign Investment?

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**Tuesday, 20 November 2018, 12:30 - 1:30 pm
Room 723, 7/F Cheng Yu Tung Tower
The University of Hong Kong**

Indonesia has been facing renewed calls to repeal its controversial blasphemy law, particularly after Jakarta's ethnic Chinese and Christian governor, Basuki "Ahok" Tjahaja Purnama, was sentenced for 2 years in prison for blasphemy in 2017. The verdict immediately raised ethnic and religious tensions. This article attempts to analyze the view of judges in Indonesia towards how blasphemy law is interpreted as a permissible limitation of freedom of expression. It thus furthermore examines whether religion and cultural sensitivity may bring indirect effects to the business and foreign investment sector. The results show that the decision of the Indonesian Constitutional Court on judicial review of the Blasphemy Law is inclined to prioritize the concept of cultural relativism by incorporating the so-called "Indonesian perspective". It is based on the ideology of the State, "Pancasila". However, religious values and prohibition of "different interpretations" regarded as legitimate restrictions need to be reviewed, both in terms of substance and implementation. Revisions to certain provisions of blasphemy law are essential to determine the extent to which States can intervene in one's beliefs, speech and expression to prevent arbitrary interpretations. This too will create legal certainty for business and foreign investment which are to respect and adherence with the local laws, culture and belief of the Indonesian people.



Nanda Saraswati graduated from Brawijaya University Indonesia majoring International Law in 2009 and received a master's degree from the University of Indonesia in 2012 majoring Transnational Law. Since 2013, Nanda has served as a lecturer at the Faculty of Law, Brawijaya University, Indonesia, under the International Law Department. Currently, she teaches courses on International Law, Introduction to Indonesian Legal System, Human Rights Law and Pancasila. Apart from teaching, Nanda is active at the Center of Human Rights and Democracy as well as in the Indonesia Diversity and Peace Association in East Java, which constantly holds events in association with national human rights institutions. She is now

preparing a proposal for a PhD on law and religion which she hopes to pursue in the following years. Her field of research is related to international human rights law, freedom of religion and freedom of expression.

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