

Vigilante Justice Persists Amid the Enforcement of Indonesian Anti-Blasphemy Law's Failure to Preserve Justice.¹

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ABSTRACT

In previous studies on vigilante justice against blasphemy in various nations indicates that reactive religious violence results from inadequate protection of religious values against transgressions, regardless of religious affiliation. According to a separate study, conservatives religious groups engaged vigilante justice against blasphemy in Indonesia gave pressure to law enforcement to undermine judicial legitimacy. Using a socio-legal approach, this study aims to apprehend the factors and actors that encourage vigilantism over purported blasphemy, assess their impact on the independence of the judiciary in deciding blasphemy cases, and evaluate the failure of the courts to uphold justice. This study adds to the findings of previous study, which determined that vigilante justice against blasphemy in Indonesia has shifted from spontaneous action to more structured or state-sponsored action. **Vigilante justice tetap terjadi meskipun UU Anti Penodaan Agama dipertahankan. Vigilante justice tidak hanya melibatkan organisasi-organisasi agama garis keras, tetapi organisasi ini mendapatkan legitimasi dari institusi keagamaan dan aktor-aktor negara who continued to create various extended discriminatory policies to emphasized the Indonesia's flawed anti-blasphemy.** In addition to legal factor, Indonesia embraces the ideology of "Godly Nationalism" promotes society to monopolize the truth and offers the dominant religious group justification to reject religious minority accused of heresy. Hardliner religious organizations spin hate to mobilize vigilante justice by portraying themselves as victims of religious hatred inspired by the accused which is exploited for the benefit of power politics. As the result, the complexity of vigilantism outside the court sponsored by the state creates the pattern, compromises the judiciary's independence, hindering the court from delivering justice to defendants.

Keywords: vigilante justice, Indonesia's anti blasphemy law, law enforcement, judicial independency, justice.

ABOUT THE SPEAKER

Cekli Setya Pratiwi is an Associate Professor at the Law Faculty of Universitas Muhammadiyah Malang (UMM) who is actively engaged in human rights and peace studies as a PhD candidate. She is a distinguished tutor of a human rights program on standard and mechanisms at the IHRP Mahidol University. Pratiwi holds a Master's degree in Comparative Law from J. Reuben Clark Law School, Brigham Young University (2019) and an LLM degree in International and European Protection of Human Rights from School of Law, Utrecht University (2006). Her research work on law, religious law, and human rights law is widely acclaimed and a few examples of her publications include peer-reviewed articles such as Blasphemy Law as Structural Violence (Muslim World Journal of Human Rights, 2020), Rethinking the Constitutionality of Anti-Blasphemy Law (Constitutional Review, 2021), and Indonesia's Legal Policies amidst Covid-19: Balancing Public Health and Religious Freedom (Journal of Southeast Asian Human Rights Journal, 2022). Since 2011, she has taught the Master Course on Shariah and Human Rights organized by UMM, the ICLRS, and the Norwegian Center for Human Rights. She is the editor-in-chief of Shari'a and Human Rights: A Coursebook (Mizan Publisher, 2022) in two languages and the main author of A Study of the Second Amendment of the Bill of Information and Electronic Transaction in Indonesia Relevancy to the Right of Freedom of Expression (KOMNAS_HAM, 2022). Currently, she is working for KOMNAS_HAM to develop an audit guideline for state institutions' human rights compliance.

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INTRODUCTION

Indonesia, despite international recognition of allegations of infringement of freedom of religion and expression, retains anti-blasphemy laws. The issue of blasphemy often becomes a weapon against political opponents, resulting in much polemic (Villa, 2022). Scholars argue that the content ambiguity of Indonesia's Anti-Blasphemy law is a flaw (Bielefeldt, 2012; Marshall, 2018; Menchik, 2014). Pratiwi's (2021) recent research suggests that the Constitutional Court of the Republic of Indonesia disregarded the principle of non-discrimination in the right to freedom of religion, rejecting a request for a judicial review to annul the blasphemy law out of concern for the potential for conflict between different religious communities in the event of a legal vacuum. Nonetheless, current reality deviates from the legal philosophy of Constitutional Court, and despite efforts to enforce the Law Against Blasphemy of Religion, vigilante attacks on religious minorities accused of heresy persist.

In Indonesia, blasphemy cases demonstrate that the accused subjected to violent or physical attacks at their places of worship, and the courts have handed down harsh sentences. The Setara Institute reports that 42 of the 97 blasphemy cases between 1965 and 2017 involved vigilante groups. Overall, 76 cases were settled through "pro-justicia," with 47 receiving jail terms ranging from one to 4.5 years, five over 4.5 years, and eight less than a year in prison (Nalle, 2021).

Vigilante actions often arise from community dissatisfaction with law enforcement processes, such as poorly handled criminal cases, instances of protected illegal activities, or perpetrators being allowed to go free without being held accountable. Therefore, communities may take matters into their own hands and punish the perpetrators even without considering the rule of law (Scheuerman, 2022).

In cases of blasphemy, Hassner's (2011) research found that reactive religious violence results from inadequate protection of religious values against transgressive acts, regardless of religious affiliation. However, vigilante justice related to blasphemy accusations has become more structured, even at times being State-sponsored. Pratiwi and Sunaryo (2021) argue that vigilante violence surrounding blasphemy accusations in countries such as Indonesia, Malaysia, and Pakistan cannot be separated from State-created structural violence resulting from discriminatory anti-blasphemy laws.

This study complements previous findings by analysing the occurrence of vigilante justice over blasphemy allegations, its impact on judicial independence in blasphemy cases, and why anti-blasphemy laws have failed to preserve justice. The study finds that vigilante justice existed both before court decisions and after court rulings are issued. Different vigilante organizations use hate-spinning strategies to portray themselves as victims of hatred. A vague blasphemy law encourages those in positions of authority to issue public policies that give more protection to majority religious groups, which compromise the court's independence in blasphemy cases, undermining justice administration.

RESEARCH METHODOLOGY

Numerous studies have analysed the Anti-Blasphemy Law in Indonesia, primarily focusing on normative evaluations of the law's substance and its non-conformity with international human rights standards (Bielefeldt, 2012; Pratiwi, 2021). Other studies have examined public perceptions of the law through empirical legal analysis utilizing a socio-legal approach to explore the gap between ideal legal norms and the reality of law's implementation in society (Banakar, 2019; Bedner & Vel, 2010). This study therefore focusing on analysing the occurrence of vigilante justice over blasphemy allegations, its impact on judicial independence in blasphemy cases, and why anti-blasphemy laws have failed to preserve justice. We have gathered a wide array of data, including case studies, statutory analysis, and in-depth interviews with experts, judges, religious followers, members of religious groups, and minority religious groups.

The study examines four cases related to blasphemy, including the conviction of a Christian Chinese Governor of Jakarta named Ahok, the conviction of a Buddhist woman from Medan named Meiliana for criticizing the loudness of the adhan call to prayer, and experiences related to the Ahmadiyya and Gafatar groups, highlighting the dangers of vigilantism in response to blasphemy law enforcement. The findings from the four cases will be presented in a table categorizing the events based on the form of vigilante actions that occurred, whether it affected judicial independence, and whether the anti-blasphemy law enforced in the case preserved public justice. Subsequently, the classified data is evaluated to address the research questions.

LITERATURE REVIEW AND THEORITICAL FRAMEWORK

The Anti-Blasphemy Law is a remnant of the old order that has been maintained until today (Temperman & Koltay, 2017). Several studies have indicated that the law has two main weaknesses. The first weakness is that the law no longer aligns with human rights law development (Bush, 2015; Fischer, 2021; Telle, 2017). A 2019 study found that 40% of countries and territories had blasphemy laws, which are often related to ethno-religious sensitivity and outlaw speech, attitudes, or actions deemed insulting or degrading to religion, teachings, and sacred symbols (Villa, 2022). Definitions of religious offenses lack clarity and uniformity, with no international consensus on blasphemy's definition. The punishment for blasphemy varies by country, with some countries enforcing the death penalty. Blasphemy is controversial and often weaponized against political opponents (Villa, 2022). The law prohibits individuals who hold beliefs or teachings that differ from officially recognized religions in Indonesia. Consequently, minority religious teachings can be deemed heretical, and freedom of religion or belief can be violated. The second weakness is that the law contains normative provisions that are ambiguous and open to interpretation. When enforced, subjectivity in interpretation could lead to discrimination against religious minority groups. If used as the basis for court rulings, it could result in discriminatory decisions against minority religious groups.

Research conducted by George Cherian (2017) indicates that hate spin is a contributing factor that supports the enforcement of the blasphemy law. According to George, hate spin has become an instrument of political campaigning, planned as a sophisticated instrument designed to paralyse political opponents through identity concerns. George elaborates that hate spin tactics involve "manufactured vilification or anger employed as a political technique". This tactic of hate spin is disseminated in a way that opportunistic or hardliner groups exploit sentiments of the dominant religious group to seek extensive support, aided by online communication mediums that travel swiftly and unfiltered.

Fischer (2021) stated that out of the 164 observations of anti-blasphemy law enforcement in different countries in 2020, 76 of them were accompanied by mass mobilization activities, threats of violence, and actual violence. Vigilante justice, also known as *Main Hakim Sendiri* in Indonesia, is typically described as the act of trying to convict an accused individual without proper legal proceedings or taking justice into one's own hands. It is generally considered illegal and occurs spontaneously as a result of public anger over criminal offenses or immoral behaviour that is caught red-handed. Alternatively, *Main Hakim Sendiri* can also be seen as arbitrary acts of power or without the consent of the affected parties, as per Manan's interpretation (Manan, 2013). In essence, *Main Hakim Sendiri* characterizes the execution of sanctions by individuals. Additionally, Indonesia is currently experiencing an increasing trend of religious intolerance (Sebastian & Arifianto, 2020).

This study departs from the theories of the rule of law and justice that are essential for creating fair and equitable societies (Bellamy, 2017; Merkel, 2012); Baxi, 2013; Zaidi, 2021). Justice and the rule of law are closely related. Fair and equitable society require both (Kramer, 2017; Merkel, 2013). The rule of law applies to everyone, regardless of socioeconomic class (Baxi, 2013). Justice guides the rule of law and seeks to create a fair and just society where everyone has equal rights and opportunities. Without the rule of law, justice is impossible since an unequal judicial system would violate people's right to justice (Boer, 2020).

To accurately determine whether an action is prohibited in a legal context, judges require clear and unambiguous laws (Beckett et al., 2018). Conversely, ambiguous laws can lead to subjective interpretations, making it difficult for judges to determine if conduct is prohibited, and increasing susceptibility to external factors (Malle & Nelson, 2003). Fair trial is a human right, as highlighted in Articles 9-15 of the ICCPR, and it is the obligation of the state (the judiciary) to ensure it (General Comment No. 3 on Article 10; General Comment No. 13 on Article 14; and the Basic Principles on the Independence of the Judiciary 1985). To achieve fair trial, due process of law and judicial independence are pivotal. In essence, an impartial court must base its decisions on factual evidence without being influenced by any restriction, improper influence, inducements, pressure, threats and interference, direct or indirect, from anywhere or for any reason. Vigilante demonstrations outside courts during blasphemy cases can undermine judicial independence, while government regulations aimed at preventing vigilante justice may similarly impact judicial independence. As the ultimate arbiter of justice, courts must treat all individuals equally and carry out professional law enforcement. Defendants must be presumed innocent until proven guilty and have the right to present evidence to defend themselves. In criminal cases, the intention is crucial, and suspects must be acquitted if intent is absent. However, in practice, the qualification of blasphemy offenses is often influenced by subjective considerations of judges and factors outside the courts.

RESULT, DISCUSSION AND ANALYSIS

Perpetuation of vigilante justice against blasphemers influenced by the hate spin strategy

The Constitutional Court's rationale for upholding the Anti-Blasphemy in Indonesia is to prevent conflicts between religious groups by prohibiting one group from insulting another's religion. However, the reality is that it is still easy to falsely accuse religious minorities of blasphemy, making the anti-blasphemy law a weapon against them. If law enforcement authorities do not take these accusations seriously, the accusing groups may take matters into their own hands, leading to physical attacks, property damage, and forced eviction. This phenomenon contravenes the Constitutional Court's argument that the anti-blasphemy law prevents inter-religious conflicts. According to the hate spin theory suggested by Josh Cherian, vigilantism is motivated by hate speech from influential figures within hardcore Islamic groups, perpetrated against minority groups (George, 2017). One such minority group targeted by vigilantism is the Ahmadiyya, a legally recognized group in Indonesia established in 1953, and the Fajar Nusantara Movement, who were accused of promoting heretical teachings. According to SETARA Institute's records, persecution against minorities in Indonesia takes various forms. One of the most frequent occurrences is the disturbance of places of worship. Such disturbances include the rejection of building a place of worship, disruptions during the construction of a place of worship, sealing off places of worship, disruptions during worship at places of worship, destruction of places of worship, and attacks on individuals in places of worship/places of worship carried out by non-state and/or state actors (SETARA Institute, 2022). Table 1 indicates the number of incidents of disturbances to interfaith harmony in Indonesia.

Table 1. Incidents Related to the Interreligious Harmony in Indonesia²

Year	Number of Incidents
2017	17
2018	20
2019	31
2020	24
2021	44
2022 (Jan-Sep)	32

Source:(SETARA Institute, 2022)

This study reveals that vigilantism occurred repeatedly in the four cases examined, as illustrated in Table 2. Ambiguous legal standards might be misinterpreted by society, resulting in accusations of "tarnishing Islam" for criticizing Islamic teachings (the Ahok case), Muslim religious practices (the Meiliana case), or beliefs that vary from orthodox Islamic teachings (the Ahmadiyya and the Gafatar cases). Ministerial circulars, governor's regulations, and regional regulations support this interpretation. Social media also perpetuates slander and accusations of the "true" teachings of Islam to elicit support and outrage. It should be noted that even though legal proceedings were ongoing or had been reported to authorities during vigilantism incidents, they still occurred.

The Hardliner Islamic groups, such as the Front Islamic Defender organized enormous protests to demand justice, which often leads to vigilante punishment. Ahok and Meiliana were convicted for Islam-related charges because hatred was organized. The politicization of religion, through blasphemy laws, has led to the prosecution of political opponents in Indonesia, as seen in Ahok and Meiliana's cases (Mulyartono et al., 2021). While the Ahmadiyya and Gafatar instances were also considered deviations from "true" Islam and violations of Islamic law. Propaganda and vigilante action against these groups resulted from this enmity.

Table 2. Vigilante Justice Against Blasphemy Effects on Law Enforcement Process

Cases	Vigilante Justice using hate spin strategy	Public Policies Support Vigilante Justice Against Blasphemy	Vigilantism's Effects on Law Enforcement Process
Ahok Case (George, 2017; Nuryanti, 2020)	When Ahok made a statement referencing QS. Al-Maida verse 51, someone recorded the speech and edited the footage to falsely accuse Ahok of insulting the	<ul style="list-style-type: none"> Ahok's case was initiated by reports from the Indonesian Ulema Council (MUI) of South Sumatra by Habib Novel Chaidir Hasan and the 	<ul style="list-style-type: none"> False information and hate speech were disseminated during the early stages of Ahok's blasphemy case.

² However, it is important to emphasize that the majority of mosques targeted for disruption are Ahmadiyya mosques and other mosques that differ from the mainstream Muslim groups.

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	<p>Quran. This hate spin strategy was used to portray the Ahok protest movement as a defence of Islam, implying that Ahok had attacked the religion and justifying the protests as retribution for his supposed hatred towards Islam.</p>	<p>Muhammadiyah Youth³ (Kompas, 2016).</p> <ul style="list-style-type: none"> • He was charged with violating Article 156a of the Criminal Code in conjunction with Article 28 paragraph (2) of Law Number 11 2008 concerning Electronic Transaction Information. • Thousands of members of Islamic organizations staged mass protests, including the Aksi 212 and Aksi 414. • The Aksi Bela Islam 55 marched to encourage the Constitutional Court to reject Ahok's judicial review of the anti-blasphemy bill. • Demonstrations were held outside the courthouse during the trial process, with protesters calling for Ahok's conviction. • The panel of judges eventually sentenced Ahok to two years in prison. 	<ul style="list-style-type: none"> • The aim was to rally the masses and secure Ahok's conviction. • This dissemination of hate speech and fake news is a criminal offense. • Despite this, security forces hesitated to take action and allowed hate speech to proliferate rapidly. • The anti-blasphemy law has failed to prevent social unrest. • Instead, it has been weaponized by groups that felt their religion had been insulted. • The law was used to legitimize the notion that their beliefs need to be protected from so-called blasphemy.
Meiliana Case (Madanih, 2019)	<ul style="list-style-type: none"> • The case of Meiliana began with her complaint to a neighbor about the loud volume of the mosque's call to prayer. • However, the information was distorted on social media to portray Meiliana as rejecting the call to prayer in Islam. • This represents a form of hate spin that quickly spread due to anti-Islamic sentiment. • Vigilantes burnt many Buddhist temples, damaged Meiliana's home, and forced her to leave during the trial. 	<p>In the Meiliana case, local policies were intertwined with vigilante justice in the following ways:</p> <ul style="list-style-type: none"> • The Chairman of the MUI wrote a letter to the Head of Police on August 2, 2016 expressing concern about the arrest of 12 perpetrators of vandalism and requested that Meiliana be made a suspect. • The Alliance of Students and Independent Communities Bersatu asked the Tanjung Balai MUI to issue a fatwa against religious blasphemy by Meiliana and held several mass actions to pressure law enforcement to arrest and sentence Meiliana. • The MUI of North Sumatra Province No. 001/KF/MUI-SU/I/2017 was released. 	<ul style="list-style-type: none"> • Meiliana received a prison sentence of one year and eight months for insulting Islam when she complained to her neighbor about the overly loud call to prayer. • The Panel of Judges exclusively followed the MUI Fatwa of North Sumatra Province during the case, despite it not being legally binding, disregarding several expert testimonies. • The Medan District Court made its ruling based on the MUI Fatwa. • Meiliana was called a "woman who incited the riot" by some.
Gafatar Case (al Mutahar, 2017)	<ul style="list-style-type: none"> • The villages of Moton Panjang and Tanjung Pasir in Kalimantan opposed Gafatar, which 	<ul style="list-style-type: none"> • On January 14, the Indonesian government began putting pressure on Gafatar when the Ministry of Home Affairs 	<ul style="list-style-type: none"> • Gafatar leaders G. Mahful Muis and Ahmad Musaddeq were apprehended and detained

³ See. Kompas.com, Ahok was reported to the Metropolitan Police Department by two organizations on October 7th, 2016 at 19:20 WIB.

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	<p>is a legal organization with a Ministry of Home Affairs establishment permit, and has 55,000 members.</p> <ul style="list-style-type: none"> As a result of vigilante justice, Gafatar was disbanded in 2015, and 2,422 families, or 7,916 people, were forcibly displaced from Kalimantan and experienced property and place of worship destruction, while over 6,000 Gafatar members were illegally detained in detention centers. The strategy employed against Gafatar was a hate spin that labeled it a deviant group, which had a disastrous effect on its members, who were subjected to vigilante acts resulting in eviction, property destruction, and severe injuries. 	<p>ordered the Regional Government to suspend all Gafatar offices.</p> <ul style="list-style-type: none"> The Attorney General, Muhammad Prasetyo, issued a warning on March 24th, stating that "former members and administrators of Gafatar" who participate in "spreading, interpreting, and activities that deviate from the main teachings of Islam" could face up to five years in prison under article 156a of the 1965 anti-blasphemy law. 	<p>by police on March 27, 2016.</p> <ul style="list-style-type: none"> The justice of Gafatar complied with Supreme Court Circular No.11 of 1964, which orders courts to severely punish those who commit religious blasphemy within their jurisdiction. According to Mohammad Said, the Chairman of the Gafatar Court Panel, a spokesperson for the Supreme Court stated that the letter had never been canceled. In March 2017, the East Jakarta District Court found the two guilty of denigrating Islam and sentenced them to five years in prison. Their attorneys claimed the court's decision legitimized violence against marginalized minority groups and criticized the court's neglect of facts.
Ahmadiyya Case (M. Crouch, 2009)	<ul style="list-style-type: none"> Violence against Indonesia's Ahmadiyya community by vigilantes has been prevalent since 1980. In Lombok, West Nusa Tenggara, Tangerang, Bogor, and East Java, Ahmadiyya followers have been subjected to violent attacks, causing damages to their houses of worship, buildings, injuries both minor and severe, deaths, and displacement. The government of Indonesia must actively promote religious tolerance and understanding and prevent such violence from reoccurring. 	<ul style="list-style-type: none"> The hate spin strategy has been employed against the Ahmadiyya community, considered heretical by the MUI because of their belief in Mirza Gulam Ahmad as the last prophet and having a sacred book, other than the Qur'an. This fundamental difference has created a tense environment and resulted in vigilante justice against Ahmadiyya followers. Despite their religious practices being similar to mainstream Islam, Ahmadiyya followers are rejected by Pakistan, Malaysia, and most OIC countries. The MUI's recommendation for Ahmadiyya adherents to denounce Islam has been futile as they remain loyal to Islamic precepts. 	<ul style="list-style-type: none"> Legal rights and the rule of law ensure the protection of religious minorities and prevent vigilantism. In the Ahmadiyya case, both the court of first instance and the high court ruled that blasphemy against religions other than Indonesia's is illegal. The court specifically targeted Ahmadiyya members who "intentionally committed an act publicly that is basically blasphemy against a religion adhered to in Indonesia." If the faith of Ahmadiyya followers deviates from mainstream Islam, they are banned from preaching in Indonesia. Even though Ahmadiyya was approved by the Ministry of Law in 1953 as a legal entity founded by the Indonesian Islamic

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			Community, the Indonesian Council of Ulama declared them heretical in 1980 after issuing several fatwas.

Source: Summarised by the Author from interviews and al Mutahar, 2017; M. Crouch, 2009; George, 2017; Madanih, 2019; Nuryanti, 2020)

Table 2 shows a pattern where vigilante justice always emerges at least in one of the stages of the legal process in each of the blasphemy cases examined. The emergence of vigilante justice is intertwined with the legitimacy given to it through fatwas issued by religious scholars or regional regulations strongly influenced by Shariah. Consequently, Shariah nuances in these regulations indicate that society's measure of truth is viewed from the perspective of the majority religion. Those accused of blasphemy face two punishments directly: the first from vigilante justice without trial, and the second from the court's verdict. During the trial, the accused are inevitably justly punished, as the proceedings are unfair due to pressure from vigilante groups on the court to deliver severe punishment quickly, without considering whether there is a fair process of proof against the accused. The government has defended the ambiguous and flawed Anti-Blasphemy Law by issuing various policies that label blasphemy cases as insults to Islam or deviant sects. Instead of promoting interreligious dialogue that respects different religious beliefs, these policies provide legitimacy that encourages intolerance and exclusion.

Actors and Factors Influence Vigilante Justice Against Blasphemy

Before discussing how vigilante justice against blasphemy cases has influenced law enforcement in Indonesia, this section describes the factors and actors that contribute to vigilante justice, as shown in Figure 1. This study reveals that actors who engage in vigilante justice are not limited to hard-line religious groups, but also the Indonesian Council of Ulama, state institutions, and law enforcement agencies. These actors play a significant, albeit indirect, role in supporting or at the very least allowing vigilante justice to continue to occur and repeat itself.

Firstly, the ideology factor indicates that the ideology of Godly Nationalism in Indonesia contributes to the prolonged enforcement of the Anti-Blasphemy Law by creating a law enforcement system that glorifies vigilante acts. Scholars suggest that Godly Nationalism leads to religious intolerance by upholding religious values that are seen as contrary to blasphemy (Menchik, 2014; Telle, 2017). The ideology encourages dominant religious groups to monopolize the truth to protect orthodox religions from deviant teachings and intolerant actions. This ideology justifies vigilante acts against those accused of deviating from orthodox teachings, leading to religious intolerance and promoting mob violence.

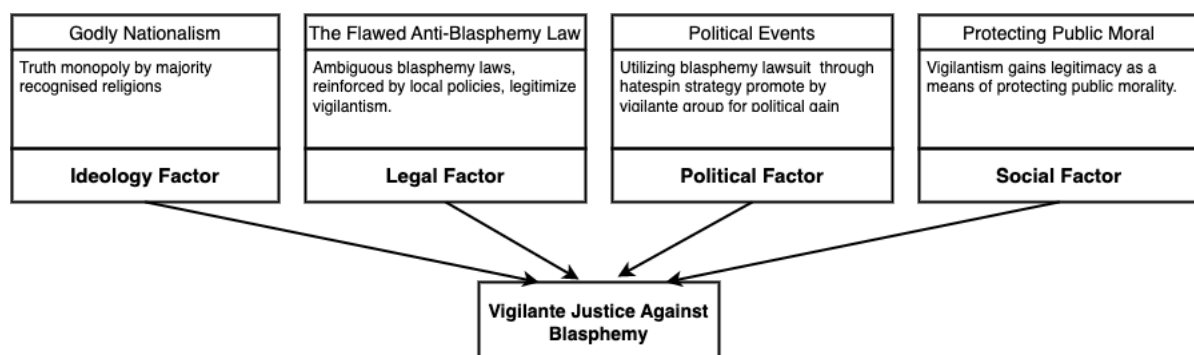


Figure 1. Factors influencing Vigilante Justice Against Blasphemy

The legal factor has contributed to the development of vigilante justice in Indonesia, particularly due to the existence of the flawed Anti-Blasphemy Law (Pratiwi, 2021), that only recognizes six major religions: Islam, Christianity, Catholicism, Hinduism, Buddhism, and Confucianism (M. A. Crouch, 2012). This has created a subjective interpretation of religious criticism, which is seen as a form of insult against these orthodox religions (Peterson, 2018; Tyson, 2021), leading to interference in religious life by organizations such as the MUI and various state institutions, as seen in Table 1. The reluctance of law enforcement officers to protect minority groups'

freedom of religion and accommodating majority groups' demands for religious issues has resulted in widespread vigilante violence against religious minorities. All these regulations have been exploited by hardline Islamic groups to legitimize vigilante justice, as Butt (2018) argues.

Moreover, hardline Islamic groups use blasphemy lawsuits to gain public support for political purposes (Tyson, 2021). In the cases of Ahok and Meiliana, vigilante justice cannot be separated from the political context surrounding the regional elections in Indonesia at that time. The close connections between state officials and vigilante groups used identity politics to secure electoral victories. In addition, vigilante groups employ hate-mongering strategies (George, 2017) by framing the accused as blasphemers who insulted their religion (Islam), making them undeserving of public support.

According to Asif M and Don Weenink's (2022) study, vigilante justice gains legitimacy because of the public's belief that blasphemy is a violation of public morals. Hence, vigilante groups exploit public fear and anger to legitimize their fight against blasphemers. While the law criminalizes blasphemy, hate speech that incites violence by vigilante groups is not adequately regulated in Indonesia, as Hewson's study found. This connection has allowed vigilante groups to commit violent acts against minority congregations with impunity (Hewson, 2017).

Ultimately, self-proclaimed "justice" undermines Indonesia's rule of law and democracy. To promote tolerance and individual rights, strong legislative frameworks and their enforcement are essential. Allowing extreme Islamic organizations to violate the law in the name of religion will erode Indonesia's national character and democracy.

Hindering Independency of the Court to Preserve Justice

Figure 2 depicts the pattern that occurs in cases of blasphemy and its relationship with the frequent emergence of vigilante actions. Vigilante justice towards blasphemy suspects has a significant impact on the failure of judicial justice to achieve fairness. The independence of the judiciary, particularly in cases related to blasphemy, is not realized for five reasons: (a) judges misapply the law; (b) judges fail to prove the defendant's guilt; (c) judges overlook legal facts presented in court; (d) judges disregard the due process of law. For example, in the case studies, suspected cases of blasphemy were categorized as such following demands by MUI, which influenced the court's decision. The fatwas issued by the Indonesian Ulama Council and religious figures from the majority group that label suspected individuals as deviant or blasphemous legitimize this injustice. The vigilantes use hate speech and disseminate fake news to manipulate social situations and exert pressure on law enforcement and courts to accelerate legal proceedings, oftentimes resulting in the violation of minority religious groups' rights with the support of local policymakers at the city, regency, and provincial levels.

The court's failure to establish the defendants' "intention" to blaspheme Islam demonstrates that it disregarded the Anti-Blasphemy Law's significant defects and compelled a social justice-based judgment. The court's independence was compromised due to the lack of a comprehensive investigation and reliance on prejudiced testimony, the court's independence was compromised. Since the defendants' culpability were not established, the court failed to provide procedural justice. Furthermore, the due process of law was violated because there was a procedural flaw in the trial process, such as there was no warrant for an investigation on behalf of the defendant, the defendant was not accompanied by an attorney during the examination process so that it was difficult to testify freely, and the trial was unfair due to the unequal relationship between the defendant and the witness in disclosing false information.

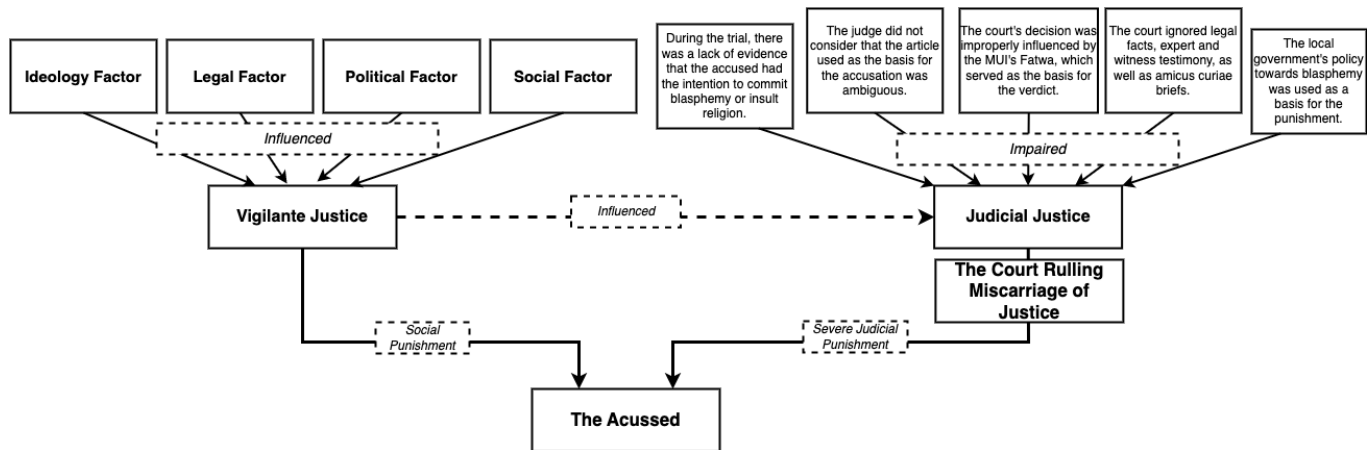


Figure 2. The Pattern of Vigilante Justice Against Blasphemy Weakens the Independence of the Court

The blasphemy cases analysed in this study show that vigilante groups' extrajudicial trials are taken over by the court, resulting in the accused facing double punishment: social punishment and a much harsher prison sentence than the crime they are accused of. The judiciary's independence has been called into question due to the judges' attitude, who did not fully apply due process laws and failed to demonstrate equal treatment before the law and violated the defendant's rights. Similar cases of blasphemy demonstrate that law enforcement is unable to provide procedural and substantive justice.

CONCLUSION

The analysis conducted in this study refutes the Constitutional Court's claim that the elimination of the Anti-Blasphemy Law would threaten society in cases of horizontal religious disputes. However, the cases of Ahok, Meiliana, Gafatar, and Ahmadiyya have all led to vigilante retaliation. Vigilantism in cases of blasphemy is motivated not solely by criminal activities in society, but by various other factors. The study also emphasizes that vigilante justice against blasphemy is not solely conducted by hardline religious organizations (Tyson, 2021), but also receives sponsorship from non-state actors such as the MUI, local policymakers, and law enforcement officers. Sustaining a flawed Anti-Blasphemy Law allows hardline Islamic groups to engage in hate speech and perpetuate structural violence (Galtung, 1969; Pratiwi, 2021) as it encourages policymakers to produce discriminatory policies and prevents courts from delivering just and impartial judgments.

To prevent minority groups' religious freedom from being violated, policymakers and law enforcers must examine the Anti-Blasphemy Law's shortcomings and stop implementing it. This research urges Indonesia to amend its Anti-Blasphemy Law to defend human rights and achieve social fairness. Social justice and a legislation that upholds the rule of law and human rights are essential. The study urges law enforcement to reconsider its limits and difficulties in religious intolerance by identifying the numerous elements that promote vigilante justice. The study's findings may help Indonesian law enforcement officer enhance fairness and justice.

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