CHAPTER VI   
A PSEUDO SECULAR STATE UNDER ANTI-BLASPHEMY LAW REGIME HARVEST AN ILUSSION OF RELIGIOUS FREEDOM

## 6.1 Introduction

Discussions on the enforcement of the anti-blasphemy act cannot be separated from a country's decision in establishing religious ties, or what is referred to in various literatures as the relationship between church and state. Although there are no such rules in International Law that compel nations to adopt a given pattern of relationships, the current trend seen by the international community in accordance with International Human Rights Law is a pattern of interactions in which the state is religiously neutral. In order to guarantee the protection of the right to religious freedom, a state must recognize and accommodate the needs of all religions. The actual structure of state-religious relations established by a state indicates the extent to which freedom of religion is guaranteed. According to Fox (2006), the structure of state-religion relationships throughout Europe, North America, Asia, and Africa is not uniform but rather diverse. There are nations in which the relationship between the state and religion is explicitly severed, such as the United States. There were other states with an established religion, such as Denmark and the Unified Kingdom, which were united with religion. The approach in France and Germany, meantime, removes religion from the sphere of the state and prohibits religious minorities via the Proselytism Law. In Austria and Belgium, only a few religions were recognized as official, while others were not.

Nonetheless, as a result of the establishment of democracy and the rule of law, the pattern of interactions that formerly positioned the state as the guardian of a particular religion has altered to one in which the state tends to be religiously neutral. Democracy and the rule of law need the protection of everyone's right to freedom of religion, with the state required to respect all religions equally (Niuwenhuis, 2012: p.153). An-Na'im, a Muslim scholar and specialist on human rights who analyzes state and religious relations in Muslim countries such as Turkey, India, and Indonesia, supported Niuwenhuis's proposal. An-Na'im thoughts that Muslim countries should reconsider the close link between state and religion (Islam) in order to better preserve the right to religious freedom.

This chapter investigates in further detail how the Anti-Blasphemy Law gives an overview of the pattern of relations between religion and state in Indonesia, despite the fact that the Constitution of the Republic of Indonesia, the 1945 Constitution, has never expressly articulated it. Secularity cannot be met by inserting a constitutional provision stating that Indonesia is not a religious state but a rule-of-law state. To what degree the present laws forbid the state from intervening in the religious affairs of its inhabitants, or on the other hand, permit the passage of laws that allow the state/government to ban, limit, and even penalize particular religious groups, requires additional investigation. In addition, it is quick to conclude that the precepts of Pancasila "Belief in One Supreme God" provide foundation for non-secular thought, since it is a universal principle or abstract value. This chapter demonstrates that the interpretation and execution of the Indonesian Anti-Blasphemy Law by lawmakers/public policy and law enforcements, as well as the evolution of this law over time, have given rise to a true relationship between the Indonesian state and religion. How the current design of state-religious relations during the implementation of the anti-blasphemy legislation might contribute to the optimization of the right to freedom of religion, or perhaps constitute an impediment, must be investigated further.

The application of the anti-blasphemy law in the cases of *Ahok, Gafatar, Meiliana, and Ahmadiyya* provides a more comprehensive explanation of why pseudo-secularity between State and Religions under the regime of Indonesia Anti's Blasphemy Law is strengthening and endangering the right to freedom of religion.

The scholarship on the connection between the state and religion in Indonesia focuses mostly on normative historical research. Ota Atsushi, Oka-moto Masaaki, and Ahmad Suaedy (2010), for instance, highlight how Islam has hegemonized its relationship with Indonesia via the implementation of sharia norms, the establishment of a compilation of Islamic law as family law for Muslims in Indonesia. [[1]](#footnote-1) Consequently, this chapter does not explore contemporary trends in the connection between religion and the state, particularly after the reformation era. This chapter also does not cover Pancasila's perspective on the connection between Islam and the state, nor does it examine the perspectives of Islamic groups on the subject. As a result of the application of the anti-blasphemy law, however, it is essential to utilize this chapter as a study guide while documenting the evolution of interactions between the state and religion.

Second, Abdul Karim (2005)[[2]](#footnote-2) in his article entitled Religion and State Relations in Post Reformation Era. Briefly from the title, the Author seems to discuss in depth the relationship between religion and the state during the reformation period. But this article only discusses the historical aspect of the relationship between religion and the state in Indonesia, and very little mentions about how its relation during the reformation era. Karim briefly stated:

“In the reform era, the ambiguity of the "gender identity" of our constitution is getting worse. This indication began when the demands for amendments to the 1945 Constitution were failed to be carried out by law and policy makers”.

The normative historical perspective may be able to describe how the founding fathers envisioned the connection between religion and the state, but the wording of the constitution and the interpretations of the constitutionalists may not accurately reflect the actual situation. This section aims to explain accurately why judges are unable to completely actualize the principles of the link between state and religion in the interpretation of statesmen's constitutionalism when determining situations involving religion. Through an examination of blasphemy case decisions, this chapter will examine the connection between the state and religion, focusing on improving and implementing the legislation against blasphemy and its consequences for religious freedom in Indonesia. Therefore, the discussion of the relationship between state and religion as represented in numerous court decisions on blasphemy trials is deemed crucial in order to offer a more clear picture of whether the argument that Indonesia is not a religious state, but a religious state, is accurate or not.

This chapter examines the extent to which the execution of the Anti-Blasphemy Law reflects the state's support for the established faiths in Indonesia. The connection between the State and Religion under the regime of the Blasphemy Law will be evaluated using a variety of indicators. The first section will examine how the established orthodox religions enjoy main governmental protection and how the legislation targets religious minorities. The second section will elaborate on why the state's neutrality toward religions is problematic, citing instances in which the government has controlled religious life and established rules about deviant faiths. The final section investigates the relationship between official control of religion and judicial judgments to penalize other religious organizations. The fourth section describes how the State or government supported religious intolerance among the majority.

## Theory and Conceptual Framework

### Relationship between State and Religion.

This study examines the link between religion and politics from a theoretical standpoint. This notion is also known as the relationship between church and the state in certain publications (An-Na'im, 2008; Durham and Scharffs, 2010; Salim and Azzra, 2020). Durham and Scharffs (2010: 121-175) categorize the relationship between religion and the state as follows: theocratic states, established religion states, religious status system states, endowed religion states, states with a preferred set of religions, cooperation between states and religion, states accommodating religions, separation between states and religions, lacité, secular control regimes, and abolitionist regimes. Authors underline that the form of state-religion relations influences the degree of religious freedom in a country (p.123).

Some institutional structures are less likely to encourage religious freedom than others, while some are completely incompatible with it (p. 121). The structure of the relationship between religion and the state is defined using a loop, allowing for a more precise identification of its impact on the right to religious freedom. Durham and Brett demonstrate the range of options, from complete or positive identification through non-identification and on to negative identification, when persecution or antagonism towards religion prevails, in figure 2. Positive identification (such as recognizing just one religion) reduces religious liberty for other faiths. Negative identification in which State animosity towards religion leads in the absence of religious liberty.

This loop diagram illustrates the category of state-religion connection, the attitudes of the state toward religion, and the level of religious freedom in each category. The state can transition from one classification to another, such example from a theocratic state (positive identification) to a state with an established religion. Depending on the political and social climate of the nation, the transition might lead to either a total separation or an abolitionist regime (negative identification).

People often believe that a high degree of religious freedom corresponds with a low degree of religion-state identity or a low degree of religious freedom correlates with a high degree of religion-state identification (Durham and Scharffs, 2010). Durham and Scharffs claim that separation between state and religion does not necessarily lead to a high degree of FoRB, and vice versa, because the structure of religion-state interactions is never static (2010, p.121). A high degree of religious freedom corresponds with a low degree of religion-state identity (recognition); nevertheless, it is not necessarily the case that a low degree of religious freedom correlates with a high degree of religion-state identification. Some nations, like as Norway, Finland, and the United Kingdom, have total identification or religious institutions while retaining a high level of religious freedom. A country has non-identification or non-establishment of religion, on the other hand. They have little religious freedom, such as the Soviet era of Russia and Albania (p.122). In conclusion, secularism is not the sole condition that ensures a high level of religious freedom. Other elements, such as social and political considerations and the interpretability of religious law by communities, must also be studied. To determine the relationship between religion and the state in Indonesia, it is necessary to examine in detail the extent to which anti-blasphemy law enforcement in Indonesia is influenced by political manipulation of religions and populism has an effect on violations of the right to religious freedom.

### Implication of Relationship towards Religious Freedom

Abdul-lah An-Na'im, one of the foremost Muslim intellectuals and specialists in Law and Human Rights, says that it is crucial for the Muslim community to apply secularism in the twenty-first century. An-Na'im argues that the coercive implementation of Sharia Law by the state in a majority Muslim community such as Indonesia, which also includes other religious groups, is contrary to a Qur'anic injunction emphasizing that the acceptance of Islam is voluntary and a person's free choice to obey his orders. This position validates an-rejection Na'im's of the notion of building an Islamic state, as the Qur'an itself states that "religious compulsion is forbidden." Therefore, An-Na'im underlined that secularism is a step forward for the future of Muslim-majority nations.

However, the terms secularism and secularity are sometimes misunderstood. Secularism emphasizes the notion of the separation of state and religious connections. In this environment, the state does not care or even cares about religious activity in the public domain, or even outlaws it. This perspective will jeopardize the status of religion itself since it can lead to an extreme form of secularism in which the state does not want to know about or even restricts or punishes its citizens who believe in or express their faith. Therefore, the term secularism is perceived as a threat to religious life or the right to religious freedom. This differs from secularism in that secularity, as an adjective, focuses on the nature of the state's relationship with religion, which neutralizes the state's position on religion or accommodates the interests of religious adherents without favoring one religion or forbidding others.

This publication refers to the idea of Durham and Scharffs using the term secularity rather than secularism. Scharffs recalled that secularism and secularity are distinct because, both theoretically and practically, they differ in terms of meaning, character, and degrees of freedom, as shown in Table 10.

Table 10. Distinction Between Secularity and Secularism

| Distinction | Secularity | Secularism |
| --- | --- | --- |
| Definition | “Secularity is an approach to religion-state relations that avoids identification of the state with any particular religion or ideology (including secularism itself) and endeavours to provide a neutral framework capable of accommodating a broad range of religions and beliefs” | “secularism is an a positive ideology that the state may be committed to promoting, an ideology that may manifest itself as opposition to religiously-based or religiously motivated reasons by political actors, hostility to religion in public life and an insistence that religious manifestations, reasons, or even beliefs be relegated to an ever-shrinking sphere of private life, or even in progressive proselytizing atheism, or what has been called “secular fundamentalism”. |
| State position | Secularity will be inclined towards negative liberty. States are avoiding to interference freedom of other people. | Secularism will be inclined towards positive liberty. States are willing to use their power, resources, or freedom to fulfil one’s potential who are willing to use coercive means to help us achieve what is food for us. |
| Upholding certain values | Secularity upholds multiple, plural, and ultimately incommensurable. | Secularism allows criminalization towards certain religions. |

Source: Cited from Durham & Brett Scharffs (2010).

According to Durham and Scharffs (2010), the relationship between state and religion determines the degree to which the right to freedom of religion is realized. In Diagram 6.1, the connection between the two might be very dynamic or undergo a transition from a positive identification posture in which the state dominates people' religious matters. Such a relationship can evolve into a state that is tolerant of all religions practiced by its citizens, a neutral state relationship to religion in which the state maintains its distance from the religious choices of its citizens and treats all religions equally, or a state that completely separates its affairs. religion with the state (secularity) so that the state does not need to recognize the faiths or beliefs of its residents and allows it to flourish according to the community's wish.

Diagram, engineering drawing

Description automatically generated

Figure 7. Relationship between state and religion

This concept of neutrality can also lead to negative identification if secularity moves towards insensitivity or if the state is less sensitive to the religion of its citizens, or it can lead to secularism if the state begins to restrict religion in state life by prohibiting the use of religious symbols in public spaces. Extreme secularism can eventually lead to official intolerance of religion, culminating in conflict that ultimately leads to state persecution of religious followers. This theory is used to analyze the genuine connection between the state and religion in Indonesia while the Anti-Blasphemy of Religion Law was maintained and implemented, and how this affected the situation of the right to religious freedom in Indonesia.

Referring to figure 14, the relationship between the state and religion in Indonesia oscillates like a yo-yo, at times displaying the face of a separate state and religion, at other times supporting established religions, or favoring only the six major religions, and at other times controlling religion - existing religions. When seen from a normative perspective, the Indonesian Constitution recognizes and protects the right to freedom of religion, although explicitly stating that Indonesia is not a religious state, but rather a state based on law. According to the Durham and Schaarffs diagram, Indonesia appears to have established a distinct connection between the state and religion. Additionally, the constitution does not specify the names of faiths accepted in Indonesia (established religion). Article 1 of the Anti-Blasphemy Law provides that Indonesia does not restrict the existence and development of religions or other beliefs. Religions, however, define a person's standing (reli-gious status system), and Indonesian nationals are required to list their faith on their identity cards. Obviously, ha-line has far-reaching consequences for a person's life if their faith is not listed on their identification card. Later, the Constitutional Court declared that Indonesian nationals who adhered to a religious belief were not required to mention their faith on their identification cards.

In the meanwhile, Indonesia continues to maintain the Ministry of Religion, which serves as the government's official endorsement of religious organisations. The Indonesian government may also be classified as a state with a preferred set of faiths, where the state gives more attention to the six religions practiced in Indonesia than to other religions or beliefs. In the case of state-determined religious holidays, for instance, only religious holidays of the six affiliated faiths are considered, whereas other religions outside of the six belonged religions are of no interest to the state.

Sociologically, the positive identification of religion in Indonesia might lead to tolerance of religious life, although it is not unusual for the state to regard the six faiths or beliefs subscribed to and those not devoted to less equally. State protection of religion is limited to the six faiths prevalent in Indonesia and tends to overlook or restrict the presence of religions or other beliefs outside of these six. In this regard, the Anti-Defamation Law has become a tool for the state to persecute religions or beliefs outside the six religions, either by issuing public policies declaring certain religions or beliefs "heretic" or by punishing leaders or followers of these religions or beliefs as perpetrators of religious blasphemy.

Therefore, it is still impossible to classify Indonesia as a country that can ideally uphold the right to religious freedom. Indonesia tends to conform to the Religious Status System, Endorsed Religion, and Preferred Set of Faiths with regard to the six religions it has embraced. Indonesia, on the other hand, positions itself between secular control regimes and abolitionist regimes for faiths or beliefs other than the six acknowledged religions. The uncertainty of the state's approach towards religions has impeded the equitable treatment of all faiths or beliefs, therefore the right to freedom of religion, particularly for religions or beliefs other than the six declared, remains a significant concern for Indonesia.

Culture is produced and evolved under the influence of different factors, such as values, beliefs, and actions that become the norm in social life. According to the definition of culture by McCormick, culture is "an institutionalized and systematic collection of ideas, values, attitudes, and activities." Therefore, in certain nations, a community's beliefs or religion cannot be separated from governmental life. This differs with the perspective of secularism, which is founded on the notion that religion and the state must be kept apart. The separation of church and state enables the government to respect all religions equally, allowing for greater social order. However, it is also anticipated that secularism may lead to intercultural problems because various cultures revere different religions. Extreme secularism can potentially lead to the restriction of religion in society or even to the establishment of an antireligious state (Schaarffs, 2010).

Since the majority of BLs are implemented by Muslim-dominated nations, several analysts believed that the restrictions of the FoRB exist due of the tight relationship between state and religion. This section discusses whether the concept of separation between state and religion is likely to occur, particularly in Muslim-majority nations, and if it warrants further discussion. Professor An-Naim, an expert in Islamic law and human rights, is among those who advocate for secularism as a means to lessen the state's authority over religion. An-Naim (2017) persuades Shariah-compliant nations to consider converting to a secular state on the grounds that only secularism would allow Sharia to grow and endure in the future. Secularism permits an individual to choose his religion freely, without official coercion and in line with his personal convictions. Contrary to the concept of "no coercion in religion" as stated in Art.18 of the ICCPR and the principle of "no-compulsion in religion" that is explicitly acknowledged by the Qur'an, An-critical Naim's thinking asserts that Islamic regimes tend to implement Sharia Law on all its inhabitants. Therefore, he was persuaded by the concept of separation between Islam and the state or a secular state in which the government is neutral regarding religious beliefs and public policies and supports religious observance, but may control the link between Islam and politics. Unfortunately, An-Naim does not specify the form of secularism that is appropriate for an Islamic state. An-Naim overlooked the fact that most nations with BL adhere to cultural relativism (Afshari, 1994). Referring to Article 18 (3) and Article 19 (3) of the ICCPR, it is permissible for them to limit FoE based on the state's discretion stipulated in their national legislation, even if countries such as Pakistan and Malaysia have not yet ratified the ICCPR. The concept of An-Naim with the above-mentioned qualities of secularism is ideal, but it can only be realized in Islamic nations by a public vote and constitution amendment, followed by social and legal change. For instance, the secularization of Turkey began in 1928 when the term "Islam is the official religion" was removed from the Constitution. Then, few years later, by the Constitutional Amendment of 1937, the concepts of secularism were made official. This fundamental transition requires strong government leadership and political resolve, as well as public backing (Dever, 1969: p.58). Otherwise, this concept is pure imagination.

Second, secularism is harder to establish in countries where cultural relativism is prevalent. According to Donnelly (1984), culture relativism is "the fundamental wellspring of moral justice and rule's validity" (p. 401). In other words, human rights are relative and contingent on how a community interprets them and the extent to which cultural variances are tolerated. Donnelly emphasized, however, that radical or strong culture relativism is "misguided" due to its rejection of human dignity. While extreme universalism also denies local knowledge and national sovereignty (p.402). Donnelly thinks that we must strike a balance between culture relativist and universalist perspectives by admitting the universality of human rights on the one hand and culture as a source of limitation and exception on the other. The equilibrium between cultural relativist and universalist approaches is applicable to the fundamental human rights treaties, such as the UDHR and the other two covenants, such as the ICCPR and the ICESCR (p.402). To defend the right to FoRB and FoE enshrined in Articles 18 to 21 of the ICCPR, for instance, the States must uphold the concept of individual autonomy (Art.1) and the principles of equality and nondiscrimination (Art.2 and 4 of the UDHR). These values are internationally recognized and should not be diminished by the states in the sake of cultural relativism. Therefore, restrictions on FoRB and FoE are acceptable under Art.18 (3) or 19 (3) of the ICCPR so long as they do not contradict the rights provided by Art.1, 2, and 4 of the ICCPR. For example, the implementation of BL may be acceptable from the standpoint of a weak culture relativism, but it would be problematic if the enforcement of such a rule excluded or discriminated against particular groups of individuals on the basis of their religion or belief that differs from the majority.

In Chapter 4 of the book titled *Law and Religion: National, International, and Comparative Perspective*, Professors Cole Durham and Brett Scharffs argue that separation between state and religion does not always result in a high degree of religious freedom and vice versa because the system of religion-state relationship is never static (p.121). Many individuals believe that a high level of religious freedom corresponds with a low level of religion-state identity (recognition) and that a low level of religious freedom correlates with a high level of religion-state identification. However, there are nations with total identification or religious institution, such as Norway, Finland, and the United Kingdom, that also have a high level of religious freedom. On the other side, countries like as Soviet-era Russia and Albania, which have non-identification or non-establishment religions, have a limited degree of religious freedom (p.122). In conclusion, secularism is not the sole condition that ensures a high level of religious freedom. Other aspects, such as political and economic concerns and the flexibility with which societies interpret religious law, must also be studied.

However, Islamic nations such as Pakistan, Malaysia, and Brunei cannot qualify as true democracies (Rothstein and Broms, 2011). Consequently, it is improbable that the universality of human rights would be completely applied. If what An-Naim (2011) implies is that governments accept the ideals of a secular state without modifying its institution, then Indonesia has met An-expectations Naim's with its decision. Indonesia is a mostly Muslim country, although it has never been designated an Islamic state. Rather, it is a state built on the rule of law, which upholds the Pancasila philosophy and adheres to the ideal of secularism (Sheo, 2012). Nevertheless, the BL remains difficult.

**6.2.3 Unfinished debate of Indonesia-State and religion**

Anti-Blasphemy Law has strengthened Indonesia's state-religion connection. Because of the insufficient debate of state and religion at the time the Indonesian state was created, a law was born to direct the connection between the two. Indonesia's constitution does not expressly establish how the state and religion are intertwined, unlike other countries'. This isn't without justification, but the author believes the debate is insufficient, leaving room for interpretation. The state-religion relationship in Indonesia is elastic, depending on the national leadership and socio-dynamic situation. As the largest religion, Islam may substantially affect Indonesia's path, yet it can also stay away from political power. During pre-independence, the state's religiosity waned. From 1800 until 1942, the Dutch Colonial Government implemented Snouck Hurgronje's principles to modernize, secularize, and westernize, meaning it did not govern or meddle in the religious matters of Dutch East Indies inhabitants. The Netherlands' Government Regulation 119 Year 8154 prohibits religious groups from engaging in practical politics.

The Dutch colonial administration excluded religious groups from practical politics by creating the Office of Indigenous Affairs (Het Kantoor for Inlandsche zaken), or the Ministry of Religious Affairs. This ministry oversaw Muslim marriage, education, and political activities during Dutch colonial rule. From the Dutch colonial era until 1942-1945, the Ministry of Religion retained its existence, even strengthening it by constructing an administrative work unit, Shumubu or the Office of Religious Affairs (KUA). Pre-independence, the state regulated marriage, education, and political activities to protect Muslim interests.

Muslims were only separated into Islamist and Islamic-Nationalist factions after independence. Islamist organizations seek to establish an Islamic state with Islam as the official religion. The Islamist organization established the Jakarta Charter by adding seven words to Pancasila's "Belief in One Supreme God" to make it "Belief in God with the commitment to implement Sharia for its members." With these seven phrases, it is hoped that Indonesia would become an Islamic nation-state, so that the state and religion are one.

Islamic-nationalist movements oppose this ideology and desire national unity, democracy, and justice. Soekarno, the first president of Indonesia, backed Nationalist Islam and launched Pancasila on June 1, 1945. He listed five state principles: (1) Indonesian nationality, (2) internationalism or humanity, (3) consensus or democracy, (4) social welfare, and (5) Divinity. Islamic Nationalists, who desire state and religion to remain separate, opposed modifying Sila I Pancasila's editorial. The Committee for the Preparation of Indonesian Independence (PPKI) eliminated the seven words on August 18, 1945. This is translated as Indonesia's decision in setting the connection between the state and religion: Indonesia is not a state (religion/Islam), but a country founded on "God Almighty."

Indonesia has had four Constitutions: the 1945 Constitution, the 1949 RIS Constitution, the 1950 Provincial Constitution, and the 1945 Constitution (amended four times) or Post Amendment of 1945 Constitution. In the four constitutions, no provision specifically governs the state-religion relationship. Because the constitution does not regulate the connection between state and religion, it can be regarded by the authorities as a swing that can be moved by the present leadership pattern. Soekarno's government enacted Indonesia's 1945 Constitution. "Article 29 states..." The article doesn't list the protected religions. The State must protect a citizen's faith. Soekarno nominated himself President for life under a guided democracy, therefore Sukarno issued Law no. 1/PNPS/1965, the Anti-Blasphemy Law.

Since the Anti-Blasphemy Law was issued in 1965, the concept of religion has narrowed since Article 1 of the Law exclusively protects the 5 official religions and not others. At first, this law wasn't controversial. Anti-Defamation Legislation became a death law that was never enacted.

Second, the 1949 RIS Constitution did not prominently examine the connection between the state and religion since it was superseded by the 1950 Provincial Constitution. Soekarno's Guided Democracy resulted to the invalidation of the 1950 Provisional Constitution and a restoration to the 1945 Constitution. Indonesia's Reformation began in 1999. Four times, the 1945 Constitution was changed. No articles on state-religion relations were added in the four updates. Changes have strengthened religious freedom. Constitutions do not control the state-religion relationship.

Now that the 1945 Constitution has been changed to preserve religious freedom, the Anti-Blasphemy Law causes complications when applied narrowly. Faiths not included in Article 1 of the Law are being reported as deviant religions as religious prosecution spreads. This happened to Gafatar, Ahmadiyya, etc. followers. In its current development, after more than 7 decades of independence, the Constitutional Court as the legal interpreter of the constitution affirms that: "Godhead in the One and Only God as the basis of the Indonesian state, religion as a way of life bestowed by Allah, the Almighty God must receive attention in the life of the nation and state." The government must not disregard or oppose religion.

“Godhead in the One and Only God as the basis of the Indonesian state, religion as a way of life bestowed by Allah, the Almighty God must receive attention in the life of the nation and state. The administration of the state must not ignore religion or must not conflict with religion.”

Unfinished talks on the state-religion connection have left it ambiguous and influenced by the ruling power. This affects how the state helps established faiths. A moderate administration won't stigmatize specific religious groups, but a repressive government will use the Blasphemy Law to punish anyone who oppose it.

## Anti-Blasphemy Law allows the state to interfere in the religious affairs

Article 18 of the UDHR and Article 18 of the ICCPR require states to respect and preserve religious freedom. Since Indonesia joined the ICCPR in 2005, Article 29 and 28E of the 1945 Constitution safeguard and preserve the right to religious freedom as outlined in Article 18 of the ICCPR. Paragraph 1 of Article 28I states that every citizen's right to religious freedom cannot be restricted. Since the strengthening of the right to religious freedom, the old-order Anti-Defamation Law has not modified. Article 1 of the Anti-Defamation Law, which permits a person to be penalized for accepting a belief different from Indonesia's 6 main faiths, continues to legitimize governmental apparatus and public intolerant acts against religious organizations or minority beliefs.

This study's statistics on religious or belief adherents criminalized before and after the 1945 Constitutional amendment reveals a considerable surge. Both have Anti-Blasphemy Laws. Before the Constitution was changed, the Blasphemy Law criminalized religion just once. Ironically, under the same Anti-Blasphemy Law regime, criminalization of religion has increased.

Table 11. Criminalization of Adherents of Religion or Minority Beliefs Before and After the Amendment of the 1945 Constitution under the Anti-Blasphemy Law regime.

|  |  |  |
| --- | --- | --- |
|  | Before Amendment of the 1945 Constitution  (1945 to 1998) | After the Amendment of 1945 Constitution  (1998 to 2021) |
| Number of Criminalization of blasphemy case | 3 | 67 |

Sources: Cited from various sources.

The data above illustrates that although the 1945 Constitution specifies that Indonesia is not a religion-based government (Islam), the Anti-Blasphemy Law has enhanced the state's role in intervening with citizens' religious issues, including punishing heretical religionists. The Anti-Blasphemy Law, which was seldom utilized to punish religious groups, has intensified since the Constitution guaranteed the right to religious freedom. Police are receiving more blasphemy reports. The Anti-Blasphemy Law's multi-interpretational provisions are used by law enforcement to follow up on reports until the trial and sentencing. Hardline Islamic organizations' protests, huge gatherings, and vigilante acts have caused official authorities to label faiths heretical. Law enforcement became helpless and unable to decide cases independently. The constitution doesn't specifically control the relationship between the state and religion, therefore the ruling administration can freely interpret it. Under the Anti-Defamation Law regime, the criminalization of religion and numerous government policies reveal that state institutions and law enforcement regulate or intervene in the religious matters of its residents.

In Durham and Scharffs' (2010) diagram, Indonesia is between a theocratic and a religious state. This empowers certain faiths to monopoly the truth and persecute wrongdoers. Such a connection threatens religious freedom since someone who chooses and believes in his faith and religious teachings might be branded heretical and punished.

**6.3.2 Anti-Blasphemy Law Favours to Established religions**

From its conception to its current implementation, the Indonesia’s Anti-Blasphemy Law (IABL) continues to help established religions receive official backing. Assistance in this situation is not limited to financial support to existing religious groups, but also in giving legal protection to its members in creating religious organizations and worshiping according to their faith and beliefs. Ironically, this study indicates that the Anti Blasphemy Law not only offers the big faiths more legal standing, but it is also utilized to punish religious members.

President Soekarno signed the IABL in 1965. [[3]](#footnote-3) It was designed to decrease social friction between conservative people and non-religious belief groups and atheists[[4]](#footnote-4) who were in opposition to Pancasila and posed a threat to the protected religion, national security, and national disintegration. [[5]](#footnote-5) The events of the communist revolution of 1965 became a terrible chapter in Indonesian history, and the people did not want a similar catastrophe to occur again. [[6]](#footnote-6) Following this dreadful occurrence, the House of Representatives issued the Provisional People's Consultative Assembly of the Republic of Indonesia No. XXV/MPRS/1966, which outlawed communism, Leninism, and Marxism. [[7]](#footnote-7) The 1965 revolution movement urged Soekarno to step down and provided Soeharto the mandate to succeed him. The administration legislation under President Soeharto during the so-called "New Order" period was altered at that time. [[8]](#footnote-8)

As stated previously, Soekarno signed the President Stipulation in 1965,[[9]](#footnote-9) because he wanted to protect the established religions and beliefs in order to prevent the people's religions or traditional religious systems throughout Indonesia whose teachings were deemed to be in conflict with the fundamental principles of recognized religions. The body of the Blasphemy Law has no mention of the six religions that are infamously "recognized" by the Indonesian government. These paragraphs can be found in the explication, or the notes that follow the major provisions of the legislation. [[10]](#footnote-10) In accordance with the explanation of Article 1 of the President Stipulation of 1956, Indonesia recognizes Islam, Protestant Christianity, Catholicism, Hinduism, and Buddhism. [[11]](#footnote-11) However, this does not imply that the government prohibits Baha'i, Shinto, Jewish, and other religions. After the Reformation Period, under the presidency of Gus Dur, these five recognized faiths become six with the addition of Confucianism.

Furthermore, the IABL demonstrates that governmental protection for established faiths is preferred over protection for alternative religions. As the foundation for the establishment of the blasphemy legislation, Pancasila seeks to recognize their role and contribution to society throughout the independence struggle. Religions play a major role in Indonesian culture and have become an integral aspect of the country's philosophy. [[12]](#footnote-12) As a majority-Muslim nation, it is indisputable that Indonesian Muslims and Islamic organizations played a key role in achieving independence and national unity. However, the quest to build an Islamic state has proven extremely difficult due to the necessity to satisfy the non-Muslim viewpoints of numerous Indonesian provinces. Most founding fathers of Muslim ancestry prioritized Indonesia's unity. Schwarz cited by Nalle explains that Islamic groups such as Sarekat Islam (Islamic Union) and Muhammadiyah (the followers of Muhammad) played a significant part in the Dutch colonial's suppression in 1929.[[13]](#footnote-13) Many Muslim leaders, like Mohammad Hatta, Sutan Sjahrir, and Mohammad Yamin, backed the National Indonesia Party created by Soekarno. They have successfully announced Indonesia's unity. Therefore, on 1 June 1945, Soekarno articulated Pancasila, [[14]](#footnote-14) which consists of the five principles, as a basic national standard. The five principles are: (1) the beliefs of God the Almighty; (2) fairness and civility among peoples; (3) the unity of Indonesia; and (5) socioeconomic justice for everyone. Taking into account the aspirations of the Muslim population to form an Islamic state, Soekarno established the first principle as the foundation for all other principles. [[15]](#footnote-15) In the final text of Pancasila, the Belief in God with the commitment to implement the Shari'ah for Muslims, also known as the Jakarta Charter, has been removed. The judgment strikes a compromise between safeguarding the established faith and recognizing the majority Muslim community.

During the new order period, the IABL was maintained by the Soeharto Administration because President Soeharto wanted national stability, avoided horizontal conflicts that would affect the running of the government. Under President Soeharto administration, this law has been extended by the other law by adding Article 156a on the Indonesia Criminal Code. This Article used many times to eliminate the communism and atheism under the state ideology of Pancasila as well as to limit the right of non-recognized religions. There were at least three problems facing by Indonesia which could threaten the unity of Indonesia. The first was the spread of mystical beliefs that against Indonesian ideology, Pancasila. In the first principle of Pancasila is “Belief in One God the Almighty”. This principle has been understood that Indonesians are expected to hold a religion or believe in God. In that way, many beliefs of Indonesia who do not believe in God were expected to learn and get knowledge from other religions so that they can live as what they supposed to do according to the first principle of Pancasila.

Following the age of reform, the blasphemy legislation stood at a crossroads. On the one hand, the state desires to improve the protection of human rights, while on the other, national stability and security continue to be of paramount importance. As the highest court of justice in Indonesia, the Constitutional Court has determined that the blasphemy legislation must be revised since it is not consistent with the law now in effect. In the meanwhile, socio-political situations in Indonesia continue to need this law. Unfortunately, since the government approved Law No. 11 of 2008 about Electronic Information and Transactions (hereafter the Law of EIT), the IABL has become more restrictive of the right to freedom of expression.

Many groups believe that the Anti-Defamation Law in Indonesia exclusively protects six major religions. According to the data presented in the table above, the majority of community members who encounter violence or criminalization are members of religious minorities. However, the general population is unaware that the Anti-Defamation Law also poses a threat to followers of the six major faiths practiced in Indonesia. Ahok identifies himself a Christian. Christianity is one of Indonesia's six predominant faiths. However, as a result of animosity, the Anti-Defamation Law has been utilized as a political instrument to punish Ahok. Meiliana is also a Buddhist, which is one of the six major faiths practiced in Indo-nesia. Meiliana is likewise a target of blasphemy law enforcement, like Ahok. In the evolution of the case, the Anti-Defamation Law is utilized as a form of retaliation by individuals who denounce religious leaders for "insulting" their faith. As stated in Clause 156a letter a, the purpose of the blasphemy article is to safeguard the religions practiced in Indonesia, including Islam. The explanation for this restriction does not appear in the ICCPR, nor does it account for other limits under Indonesian blasphemy legislation. This differs from the goal of restricting the freedom of association, which is to defend the rights of others. The court ruled that the blasphemy of Islam violated the rights of Muslims; hence, safeguarding Islam entailed protecting Muslim rights.

Although the ICCPR has become a positive law in Indonesia on par with the IBLs, many legal officials lack the rudimentary skills necessary to execute the law. The 1945 Indonesian Constitution and the Human Rights Law provide freedom of religion and belief as well as freedom of expression. However, the government, court, and police utilized IBLs against defamation and blasphemy more frequently in order to curtail those freedoms. [[16]](#footnote-16) In a number of instances, the Court has understood that sect membership constitutes defamation of the state's recognized faiths, which is contrary to the goals of General Comment No. 34 of the ICCPR and the Ra-bat Action Plan.

In the instance of Gafatar, [[17]](#footnote-17) three leaders of the religious sect were detained in Jakarta on May 26 for blasphemy because, according to the Authorities, Gafatar's teachings blend Islam, Christianity, and Judaism in a manner that is incompatible with recognized faiths doctrines. In March, the Ministry of Religious Affairs, the Ministry of Home Affairs, and the Attorney General's Office announce a combined decree banning Gafatar and any connected groups. Since the Minister of Religious Affairs never granted it legal status, the Gafatar has no legal standing as a civil body. Before the court ruled that the Gafatar is guilty of violating the blasphemy statute, the government had previously classified them as an unlawful organization. In this regard, it was unclear what legal basis the government would employ to restrict the religious freedom of Gafatar members.

In the same month, the East Jakarta District Court sentenced the three top leaders of the outlawed Gafatar religious cult to between three and five years in prison for blasphemy. [[18]](#footnote-18) Gafatar is not protected by the IABLs since the government defines a religion as having a prophet, sacred book, and divinity, as well as being globally acknowledged. The court determined that, unlike the six recognized faiths mentioned in the IBL, Gafatar did not meet these standards. The Court restricts the Gafatar's freedom of expression in order to preserve the six recognized faiths, rather than for the other purposes listed in the ICCPR. The Gafatar's ruling breaches the ICCPR's guarantees of freedom of religion and speech.

Ustad Abdul Somad, a religious leader with thousands of followers in Indonesia, faced this situation. Due to the uncertainty of the criteria in the Blasphemy Law, Ustad Somad was also charged of blasphemy as a follower of the predominant faith of the majority [Islam]. Similar experiences were shared by other prominent Muslim national personalities, as seen in Table 10.

Table 12. The Criminalization of Blasphemy Cases Based on the IABL Junto Article 156a Indonesia Criminal Code with Punishment for Maximum 1 Year in Prison

| No. | The Court | Year | Defendant’s Name | Defendant’s Religion | Indictment | Punishment |
| --- | --- | --- | --- | --- | --- | --- |
| 1 | Medan District Court | 1968 | HB. Jassin | Muslim who made  short story "The sky is getting cloudy" (1968) | 156a CC | 1-year sentence with 2-year probation |
| 2 | Polewali Mandar District Court | 2005 | Sumardin Tappayya | Village Leader who Praying by Whistling (2005) | 156a CC | 6 months sentence with 1-year probation |
| 3 | Makassar District Court | 2008 | Hikmat Faturiddin, Abdul Qadri, Fadli, Maulid Syawal and Asrul AB | Follower of Al-Qiyadah belief (2008) | 156a CC | 4 months sentence with 6 months’ probation |
| 4 | Kupang District Court | 2009 | Nimrot Lasbaun and Friends | Christianity who believes Sion as the city of God (2009) | 156a CC | 6 months sentence |
| 5 | District Court Ambon | 2009 | Wilhelmina Holle /  Musohi - Maluku Public Unrest | Islam | 156a CC | 1-year sentence |
| 6 | Blitar District Court | 2011 | Miftakhur Rosyidin bin Winarko (RIP) | Muslim who imaged Cross in a mosque. | 156a CC | 4 months sentence |
| 7 | Garut District Court -2012 | 2012 | Sensen Komara | A follower of Indonesian Islamic Nation. | 156a CC | 1-year treatment in mental Institution |
| 8 | Sampang District Court | 2012 | Tajul Muluk | A Shia leader | 156a CC | 1-year sentence and 4 years sentence by High Court |
| 9 | Dompu District Court | 2012 | Charles Sitorus / | Christianity Teaching of Kindness Books distribution (2012) | 156a CC | 1 year and 2 months sentence |
| 10 | Pontianak District Court | 2012 | Sandi Hartono as son of Khu Khim Chiung (2012) | Islam | IET Law No.11/2008 | 6 months sentence and 500 million rupiah fine |
| 11 | Kalabahi District Court | 2013 | Alfred Waang | Islam who forced a kid to eat pork meat | 156a CC | 1-year sentence |
| 12 | District Court of Trenggalek | 2013 | Agus Santoso or Tesy bin Kijaelani | Islam | 156a CC, 335 (1) CC | 4 months sentence |
| 13 | District Court Denpasar | 2013 | Rusgiani | Hinduism | 156a CC | 1 year and 2 months sentence |
| 14 | Medan District Court | 2018 | Meiliana | Budhism who complain adzan/ call for prayer volume | 156a CC | 1 year and 6 months sentence |
| Sources: Cited from Court Decision Directory at Indonesia Supreme Court and Categorized by Author | | | | | | |

Table 13. The Criminalization of Blasphemy Cases Based on the IABL Junto Article 156a Indonesia Criminal Code with Punishment for 2 to 5 Year in Prison

| No. | The Court | Year | Defendant’s Name | Defendant’s Religion | Indictment | Punishment |
| --- | --- | --- | --- | --- | --- | --- |
| 1 | District Court Central Jakarta | 1990 | Aswendo Atmowiloto | Muslim who published a survey the favorite leader in Indonesia and put Muhammad as the second rank | 156a CC | 5 years sentence |
| 2 | District Court Situbondo | 1996 | Muhammad Saleh | Islam | 156a CC | 5 years sentence |
| 3 | Kalabahi District Court | 2004 | Ir. Charisal Matsen, Agustinus Manu M.Sc. | Muslim who made a Book cover design of "Alor in numbers" | 156a CC | 2 years sentence |
| 4 | District Court Bale Endah | 2004 | Mangapin Sibuea | Christian who Apostle and Prophet of the world cottage | 156a CC | 2 years sentence |
| 5 | Probolinggo District Court | 2005 | Ardi Husain and 6 managements of YKNCA | Muslim who wrote and published a book "Penetrating the dark towards light 2" | 156a CC | 4 years and 6 months sentence |
| 6 | District Court Jakarta | 2006 | Lia Aminuddin | Lia Eden Community | 156a CC 157 paragraph (1), and 335 CC | 2 years sentence |
| 7 | District court Central Jakarta | 2006 | Abdul Rachman | A Salamullah follower | 156a CC | 3 years sentence |
| 8 | District Court Central Jakarta | 2007 | Ahmad Musadeq | A follower of Alqiyadah Al Islamiyah and the leader of Gafatar | 156a CC | 4 years sentence |
| 9 | Malang District Court | 2007 | Djoko Widodo SH and Nur imam Daniel or Daniel as part of 41 members of LPMI (2007) | Islam | 156a CC | 3 years and 6 months sentence |
| 10 | District Court Padang | 2007 | Dedi Priadi and Garry Lutfi Yudistira | Al-Qiyadah Al-Islamiyah | 156a CC | 3 years sentence |
| 11 | Jambi District Court | 2008 | Edi Ridwan, Amir, Sudibyo and Warsito | A leader of Islamic New Model | 156a CC | 5 years sentence |
| 12 | District Court of Tasikmalaya | 2008 | Ishak Suhendra | A writer of Religion and Reality Book | 156a CC | 5 years sentence |
| 13 | District Court Central Jakarta |  | Lia Aminudin / Salamullah (2009) | Habib Abdurrahman Assegaf / Islam | 156a CC | 2 years and 6 months sentence |
| 14 | District Court Central Jakarta |  | Wahyu Andito Putro Wibisono / Salamullah (2009) | Habib Abdurrahman Assegaf / Islam | 156a CC | 2 years sentence |
| 15 | District Court South Jakarta |  | Agus Imam Solihin / Satriyo Piningit (2009) | - / Islam | 156a CC | 2 years and 6 months sentence |
| 16 | Ciamis District Court |  | Ondon Juhana (2011) | Sri Asriyati and Victims / Islam | 156a CC and 378 CC | 4 years sentence |
| 17 | District Court of Tasikmalaya |  | Oben Sarbeni (2011) | MUI / Islam | 156a CC | 4 years sentence |
| 18 | Temanggung District Court |  | Antonius Richmond Bawengan / Distribution of 3 brochures and 2 books (2011) | Community members and administrators | 156a CC | 5 years sentence |
| 19 | District Court Sumber Cirebon |  | Ahmad Tantowi / Heaven of Eden (2011) | Victim / Islam | 156a CC and article 289 CC | 10 years sentence |
| 20 | Klaten District Court |  | Andreas Guntur Wisnu Sarsono, Mandate of Divine Greatness (2012) | FKAM / Islam | 156a CC | 4 years sentence |
| 21 | District Court Padang |  | Alexander Aan / Account Atheis (2012) | / Islam | 156a CC | 2 years and 6 months sentence |
| 22 | Ciamis District Court |  | Subastian Joe Bin Abdul Hadi / FB Allah Stingy and Arrogant (2012) | FPI, LPI and MUI / Islam | 156a CC | 4 years sentence |
| 23 | Ende District Court |  | Herison Yohanes Riwu / Host Case (2013) | Church leadership / Catholic | 156a CC | 4 years and 6 months sentence |
| 24 | District Court Lubuk Pakam |  | Khairuddin or Udin / Islam Kaffah sect (2013) | society / Islam | 156a CC | 4 years sentence |
| 25 | Pati District Court |  | Muhamad Rokhisun bin Ruslan (2013) | victim / Islam | 156a CC, Art. 45 & Art. 28 ITE Law. | 4 years sentence |
| 26 | District Court Bale Bandung |  | Rohmansyah / Qur'aniyah sect (2013) | Bandung / Islamic Organizational Society | 156a CC | 2 years and 6 months sentence |
| 27 | Sangatta District Court |  | Syeh Muhammad (Teacher of Bantil) (2014) | ex-student / Islam | 156a CC & 378 CC | 3 years sentence |
| 28 | District Court North Jakarta and Supreme Court |  | Ahok |  | 156a CC & 27 (3) & 45 (1) | 2 years sentence a |
| Sources: Cited from Court Decision Directory at Indonesia Supreme Court and Categorized by Author. | | | | | | |

This research includes 62 blasphemy cases from 1965 to 2018. Figure 15 shows examples by sentence length. 14 offenders (22.5%) out of 62 were sentenced to 1 year in jail. 14 or 23% were sentenced between 1 and 4 years, 28 or 45% were sentenced above 4 years, and 14 or 20% were not brought before the court, including 1 case where the defendant was not found guilty. Not all IBL cases should be brought to court, as they are commonly utilized against minority religions or sects. Alternative conflict resolution, such as communication or mediation out of court, should be continued as the best feasible option.Chart, pie chart

Description automatically generated

Figure 8. The Length of Sentence from 1965 to 2018

Source: The Supreme Court Directory analyzed by the writer based on the data on Table provides on Appendix.

Chart

Description automatically generated with low confidenceIn figure 16, the public prosecutor based 58 of 62 indictments on Article 156a of the Indonesian Criminal Code. The IET Law is used in 4 cases (6%). The IBLs have been utilized largely to impede religious freedom, not free speech.

Figure 9. The indictment used by the Public Prosecutor from 1965 to 2018

Source: Writer analyzed the Supreme Court Directory. The writer analyzed the Supreme Court Directory using the Appendix Table.

Meanwhile, Diagram 1.3 shows that most blasphemy victims are Muslim (84%), Christian (5%), Catholic (2%), and Hindu (2%). Muslim community gains more from blasphemy law. The legislation protects the most popular religions. 7% of victims are unidentified.

Chart, pie chart

Description automatically generated

Figure 10. The Victims of blasphemy cases from 1965 to 2018

Source: The Supreme Court Directory analyzed by the writer based on the data on Table provides on Appendix.

## Anti-Blasphemy Law justify religious intolerance

The *Gafatar* group, which purports to be non-religious, has become a target of the Anti-Defamation of Religion Law and has been designated a "twisted" religious doctrine so it doesn't escape the crowd. AD, a *Gafatar* adherent, said

“Gafatar is not a religious organization, more precisely a social organization that focuses on social problems and helps prepare the nation to face various crises in the future, one of which is in the realm of unity (solidarity, tolerance, egalitarian) and Food Security and Independence (KKP) in the realm of unity, Gafatar held a blood donation campaign (symbolizing human values that do not see SARA differences), in addition to carrying out "Re-interpretation, re-internalization and re-actualization of Pancasila values", We had established 1021 Pancasila villages throughout Indonesia (37 provinces). At the time of its establishment, Gafatar chose to become a legal mass organization, so it has a founding body (20 people) and a notarial deed of establishment, initially in 2011 there were 4 regional representative councils (DPD), DKI Jakarta, West Java, East Java, and Jogjakarta, each of which has its own SKT (Registered Certificate) Kesbangpol Province.”[[19]](#footnote-19)

The similar thing occurred in the case of Ahok. The court concluded in its legal analysis that Ahok's actions might disrupt interreligious peace. The court deemed Ahok less attentive to issues that may spark rage and disrupt unity. Ahok's defense stated that he did not want to offend Muslims, but trial evidence demonstrated that Ahok was aware that Al-Maidah was a section of the Qur'an that Muslims regarded to be authentic. The Muslim holy book has been denigrated and humiliated by Ahok's statement, *"Don't just trust what others say... (you) might be duped using Al-Maidah verse 51."* However, according to the UN Special Rapporteur on Freedom of Religion and Belief for 2006, [[20]](#footnote-20) Ahok's criticism of verse 51 of Al-Maidah is grounded on common knowledge. Therefore, he should not be penalized, even though his comments may offend and harm the sentiments of Muslims, because his opinion did not directly violate their right to religious freedom. In addition, as required by General Comment No. 34 of the ICCPR, Ahok's speech did not provoke enmity or violence in society. If the protest of one hundred thousand Muslims is a significant indicator of impending violence, the Court should investigate this factor, and its conclusions should be substantiated by substantial evidence.

Table 14. The Blasphemy Cases using an alternative dispute resolution outside of the court or other methods or the defendant were found not guilty

|  | Courts Area | Defendant / Case | Plaintiff / victim | Indictment | Sentence |
| --- | --- | --- | --- | --- | --- |
| 1 | District Court Batam | Mas’ud Simanungkalit, Islam Hanif (2003) | MUI Batam / Islam | 156a CC | the case is mediated |
| 2 | District Court Palu | Rus’an / Islam is failed religion (2005) | FKUI Palu / Islam | 156a CC | the case is mediated |
| 3 | District Court Malang | Yusman Roy / Bilingual Prayer (2005) | Public / Islam | 156a CC 157 (1) CC | not guilty for pasal 156a huruf a KUHP but guilty for pasal 157 and received 2 years sentence |
| 4 | District Court South Jakarta | Teguh Santosa / Prophet Cartoon (2006) | Public / Islam | 156a CC | not guilty because of the wrong indictment |
| 5 | District Court Bekasi | Imam Trikarsohadi and Abdul Wahab / Prophet Cartoon (2006) | - / Islam | 156a CC | the case is mediated |
| 6 | District Court Surabaya | Gloria Publisher Surabaya (2006) | - / Islam | 156a CC | the case is mediated |
| 7 | District Court Semarang | Raji / Intoxicated Prayer (2008) | - / Islam | 156a CC | the case is mediated |
| 8 | District Court Klaten | FX Marjana (2009) | - / Islam | 156a CC | the case is mediated |
| 9 | District Court Medan | Moses Alegesen / Manuscript Translation (2009) | PDHI / Hinduism | 156a CC | not guilty |
| 10 | District Court Surabaya | Ahmad Naf’an / Ilmu Kalam Santriloka (2009) | - / Islam | 156a CC | the case is mediated |
| 11 | District Court Bandung | Hadasanah J Werner / Bethel Tabernakel Chruch (2012) | Indrawati Tirtosoedimoro / Christian | 156a CC | not guilty |
| 12 | District Court South Jakarta | Eyang Subur (2013) | HAMI Adi Bing Slamet / Islam | 156a CC | investigated by metro jaya police |
| 13 | District Court Tolitoli | 5 students from Tolitoli Highschool / Dance like the praying movement (2014) | School / Islam | 156a CC | Police investigation & mediation |
| 14 | District Court Ciamis | Dedi / Astray Sekt (2014) | Community / Islam | 156a CC | Police investigation & mediation |
| 15 | District Court Cibinong | Jonas Aviano and Asmirandah / Inter religion marriage (2014) | FPI / Islam | 156a CC | Police investigation & mediation |
| 16 | District Court Medan | Ahmad Arifin / tarekat sammaniyah | FUI Sumut / Islam | 156a CC | Police investigation & mediation |
| 17 | District Court Bandung | Cecep Solihin / New Prophet (2014) | - / Islam |  | released after signing a a declaration |
| 18 | District Court Central Jakarta | Caricature in Jakarta Post (2014) |  | 156a CC | Chief editor become suspect |
| 19 | District Court Surabaya | OSPEK “Tuhan Membusuk” (2014) | GUIB | 156a CC and governor regulation no 55 / 2012 on Supervision of religion manifestation and astray groups | mediation |
| 20 | District Court Palu | I Wayan Heri / Social media status (2014) |  | Information and Electronic Transaction Law No. 11 / 2008 | mediation |

## Pseudo-secularity harvest an illusion of religious freedom

In comparison to the relationship between the state and religion before and after Indonesian independence, the Anti-Blasphemy Law has altered the relationship between the state and religion. This thesis finds that in the colonial and pre-independence eras, there was a divide between Islamic groups that desired the establishment of an Islamic state and nationalist groups that desired a separation of religion and the state. However, since the Anti-Defamation Law was enacted and implemented, there has been a shift, in which Islamic groups have the support of nationalists. Using the Anti-Defamation Law to prosecute groups deemed as straying from Islam demonstrates this point. The Anti-Defamation Law, which was upheld by both the Reformation Era Government and the Joko Widodo Administration, demonstrates the cohesion of nation-alists and Muslims on the link between religion and the state they wish to construct.

The Constitution of 1945 does not classify Indonesia as a religious state, but it does require Indonesia to be founded on the one and only Godhead, as stated in the First Principle of Pancasila. Yudi Latif (2011) analyses and discusses each of the Pancasila principles from a philosophical standpoint, debating the viewpoints of the nation's founding fathers and comparing them to the constitutions of other nations. [[21]](#footnote-21) However, Latif (2011) does not explore the post-reformation relationship between religion and the state, Pancasila's perspective on the relationship, or how they deal with discontent or satisfaction resulting from the state-religious interaction. While As'ad Said Ali (2009) examines the idea of the Pancasila State, he does not address the link between religion and the state throughout the reform era.[[22]](#footnote-22) According to Din Syamsudin, former Central Executive of the Moderate Islamic Organization Muhammadiyah, as cited by Moh Dahlan (2014), the first group to assert that religion and the state are inextricably linked is the Muslim Brotherhood. Thus, everything that pertains to religion also pertains to the state, and vice versa. So that there is no separation between religion and the state and they become a single one. Al-Maududi is the figure backing this movement. Second, those who say that the connection between religion and the state is symbiotic and dynamic-dialectical, rather than direct, so that the two regions retain distance and respective control, so that religion and the state coexist. Religion requires state institutions to expedite its growth, and state institutions require religion to construct a just state in conformity with the spirit of divinity. Abdullahi Ahmed An-Na'im, Muhammad Syahrur, Nasr Hamid Abu Zaid, Abdurrahman Wahid, and Nurcholish Madjid are included in this group. Third, the group that believes religion and the state are separate spheres with no connection whatsoever. This organization distinguishes between religion and politics/state. Therefore, this group opposes the foundation of the state on religion and the incorporation of religious standards into public law. Ali Abd Raziq is one of the world's Muslim leaders who belongs to this group. R.R. Alford thinks that religion has no significant effect in the political views of its adherents; religious adherents typically have secular political views.

In Indonesia, the pseudo-secularity of state-religion relations creates an illusion of religious liberty. Using the Durham and Scharffs model, the figure below depicts the relationship between the state and religion in Indonesia under the Anti-Defamation Law system. In his work titled "Islam and the State in Indonesia from a Legal Perspective," M. Ali Safa'at claims that the concept to replace the state's basis of Pancasila, which is the ideology of the Nationalist faction, with Islamic Law emerged in 2002. This reasoning at least supports this conclusion. The pseudo-secularity of state-religion relations produces dishonest religious freedom. The diagram below illustrates the connection between the state and religion in Indonesia under the Anti-Defamation Law regime, with reference to the Durham and Scharffs model. M.'s contribution at least bolsters this result. Ali Safa'at says in his work titled "Islam and the State in Indonesia from a Legal Perspective" that the concept to replace the Nationalist group's Pancasila with Islamic Law as the state's foundation emerged in 2002.

In the Reformation Era, the meaning of Pancasila, and especially the first principle of the “Belief in One Almighty God” has again been the subject of debate, resulting in debate on the relationship between state and religion. In 2002, the debate regarding the amendment of article 29 paragraph (1) and paragraph (2) of the 1945 Constitution without any fundamental change to Pancasila reflects a shift in the direction of Islamic politics away from efforts to make Islam the state's foundation towards efforts to implement Islamic law in the Constitution. The proposals were rejected by both houses of the Indonesian Parliament (MPR) (Safa’at, 2020: p.31)

Despite the fact that this proposal was shot down in writing by the Indonesian Parliament, the growth of legal politics both in the center and in the regions gave support to the notion. In his normative approach, Syafat also indicates that the strengthening of the application of Islamic Law can be found from the proliferation of Islamic Law adopted as Positive Law by both the Central Government and Regional Governments. Syafat says this can be found by looking at the proliferation of Islamic Law adopted as Positive Law by both the Central Government and Regional Governments. Sa'faat argue that many Islamic rules have been incorporated into positive law, beginning with the old system and continuing through the reform order. The Marriage Law, the Marriage Registration Law, the Compilation of Islamic Law, the Zakat Management Law, the Hajj Law, the Waqf Law, the Sharia Banking Law, and the Sharia State Securities Law are among examples. On the other hand, the state is the entity that chooses the objectives to be pursued through the creation of these numerous laws. Where, in addition to the Law, it seeks to (1) combine the laws that apply to Muslims; (2) maximize the economic potential of Muslims; and (3) safeguard and facilitate religious life in people's lives through the Law, where it is expected to be able to do so. Therefore, this legislation, which is founded on Islamic law, must nonetheless fulfill the aims set by the state as an entity that is considered to be secular.

In terms of concepts, it would appear that the concept of making Islam the cornerstone of the state is still being opposed by members of the Indonesian Parliament. In spite of this, the reality of life in society is that when community groups challenged the Anti-Defamation Law through a judicial review at the Constitutional Court, the Nationalist group represented by the government received support from Islamic groups represented by moderate and non-moderate Islamic organizations in Indonesia. This occurred when the Anti-Defamation Law was being reviewed by the Constitutional Court. The following is a list of the perspectives held by various Islamic organisations about the Blasphemy Law:

“Undang-undang a quo masih diperlukan di Indonesia sehingga kalau dicabut daapat 1) menimbulkan instabilitas Indonesia; 2) mengganggu kerukunan umat beragama; 3) merugikan terutama untuk minoritas dan dapat terjadi anarkisme. Logikanya ketika tida kada aturan bukan menjadi beres tetapi masyarakat akan membuat aturan sendiri.” “The aquo law is still needed in Indonesia so that if it is repealed it can 1) cause instability in Indonesia; 2) disturbing religious harmony; 3) disadvantage especially for minorities and anarchism can occur. The logic is that when there are no rules, it doesn't turn out right, but people will make their own rules”[[23]](#footnote-23)

Other moderate Muslim personalities, such as Prof. Dr. Amin Suma, Rahmat Syafi'i, Prof. Nur Syam, and MUI figures such as Dr. Adian Husaini, Amien Djamaladdin, and Yamin Rahman, [[24]](#footnote-24) endorse Hasyim Muzadi's viewpoint. Dr. Adian Husaini, a member of the Indonesian Ulama's General Assembly, stated, "The status quo statute [the Blasphemy Law] should not be challenged initially. If required, a new legislation that provides faiths with greater protection will be drafted." [[25]](#footnote-25)

In the meanwhile, Muhammadiyah, a moderate Islamic group, provides its perspective on the Blasphemy Law, which in principle cites QS Al-Baqoroh verse 256 and QS AL-Kafi verse 29 that "there is no coercion in religion since it is evident which method is correct and which is incorrect. In QS Al Kafi, it is said, "The truth comes from God; whomever desires to believe, let him believe; whoever desires to doubt, let him disbelieve in God's commandments." [[26]](#footnote-26) Muhammadiyah also highlighted that Islam protects religious liberty, religious diversity, and religious views or convictions. According to our view of Surah Al-Baqoroh verse 147 and AL-Maidah verse 48, this is the case. [[27]](#footnote-27) Muhammadiyah further highlighted that "in practicing religion and belief, individuals do not combine religious teachings and do not disregard the religious views of others."[[28]](#footnote-28) The actualization, expression, and practice of religion in the public domain are an integral component of social life, hence Muhammadiyah members adhere to the Islamic life principles established on February 5, 2001 by the Central Executive Muhammadiyah in Yogyakarta. There are four fundamental Islamic lives:

“[…]build brotherhood and guidance with others such as neighbors and other members of the community, both Muslim and non-Muslim; good for neighbors, neighbors with different religions, good and fair, showing positive attitudes. based on the principles of respecting human honor, fostering brotherhood and unity of humanity, [..] fostering a spirit of tolerance, respecting the freedom of others...[...]”[[29]](#footnote-29)

Meanwhile, other religions, such as the Indonesian Church Association (PGI) are of the view that

“for Law 1/PNPS/1965 to be criticized in terms of its function and content because it has multiple interpretations and tends to have multiple interpretations, it is feared that there will be too much state intervention in religious life. If things happen that violate or are considered blasphemous or deviant, it will not be done without an attitude or resolved with internal violence, without games and physical actions. And it has long been done among Christians so that those who are different or who also insult the teaching can return to the good of the group or people or church that will be left behind.”[[30]](#footnote-30)

From this perspective, there are still two divergent directions: NU and MUI want the Anti-Defamation Legislation to be maintained, while Muhammadiyah neither rejects nor accepts the offer of reform, preferring instead a state of religious freedom in which expression may be restricted by law. This indicates that Muhammadiyah viewed the Blasphemy Rule as a law that merely restricts the communication of ideas and not for those who select their faith. In the meanwhile, PGI desires a reform of the Blasphemy Law, which tends to be open to multiple interpretations and allows the state to meddle in an individual's religious matters. See also the views of the Bishops' Conference, which examines in depth the multiple interpretations of the articles in the Blasphemy Law and reaches the same conclusion as the PGI, namely that the Blasphemy Law violates the right to freedom of religion guaranteed by the 1945 Constitution, Indonesia is not a religious state, and the Blasphemy Law. irrelevant to the current era.[[31]](#footnote-31)

However, this time the ruling of the Constitutional Court differs from earlier decisions in that the Court no longer considers non-discrimination principles as key principles that should govern responses to the Blasphemy Law. In lieu of the freedom of articles in the Blasphemy Law that have multiple interpretations and are contrary to the 1945 Constitution, particularly regarding the right to religion, the Constitutional Court renders an ambiguous decision, on the one hand stating that the formulation of the Blasphemy Law has multiple interpretations and can lead to discriminatory actions against groups. On the other side, several faiths claim in their decisions that the Blasphemy Law is valid or does not violate the 1945 Constitution. The Court asserts, "whether or not the Blasphemy Law is abolished, there will be no disorder in society." In the sake of societal safety and the anticipating of horizontal and vertical conflicts, blasphemy is extremely essential.”[[32]](#footnote-32)

The purpose of this Court's ruling is to demonstrate that the assertion that Indonesia is not a religious state that promotes secularism is, in reality, intended to demonstrate pseudo-secularism. The Constitutional Court still retains the Law on Blasphemy of Religion, which seeks to make the state the vehicle for punishing people based on their choice of religion, despite the fact that the consequences of this decision run counter to the central tenets of other religions. However, the choice of religion is an internal matter and an inviolable right, thus the state cannot restrict it in times of emergency or conflict. The Constitutional Court does not portray itself as a defender of human rights. The Court thinks that the Blasphemy Law, which obviously restricts freedom, is significant and must be justified for grounds that cannot be substantiated by factual evidence. Several clauses guaranteeing religious freedom in the 1945 Constitution were deemed unconstitutional by the Constitutional Court, which preferred to preserve the Blasphemy Law. Thus, the pseudo-secularity portrayed by the Blasphemy Law, which has been upheld by the Constitutional Court to far, produces a false sense of religious liberty.

In a democratic period in which the state is continually needed to guarantee and preserve the rights of every person to freely select and believe in their respective religions or beliefs, the state's secularity over religion is a must. The neutrality relationship between the state and religion must be expressly stated in the Constitution so that the ruling government cannot interpret the Constitution and all laws and regulations arbitrarily to support its own power interests, either by gaining the support of the majority by pretending to support religion or by targeting it. If the presence of religious opportunities is in opposition to the government or a danger to its authority, the government may prohibit their existence. A constitution that stresses the link between the state and religion will serve as a guide for lawmakers to assess the applicability of current laws to the degree that this might impede and threaten the preservation of the right to religious freedom. In addition to being able to act objectively, law enforcers are not readily able to use the law to prosecute adherents of certain religions or sects.

## Conclusion

Previous studies on the state religion relationship concluded that separation between state and religion or secularity is an indication of a modern democratic country, where the state does not interfere religions and the society have a freedom to embrace, follow and practice their religion or faith according to their personal preference and believe (Durham & Scarffs, 2010). This research finds out that the content of constitution in Indonesia does not set definition about relation between state and religion, therefore from the date of Independence declaration until today there is a dynamic type of relation between state and religion following the prominent political ideology controlling the regime at the time. Since 1965, Indonesia’s government issued the IABL as measure to protect Islam from communism ideology, however recently the number of blasphemy cases decided using the IABL is keep increasing and this is dangerous for human right and democracy.

This research also finds out that law enforcement and government officials are formally accept that Indonesia’s constitution adopted secularism principle in its article, Indonesia is a ruled by law state and not a ruled by religion state. The constitution acknowledges and guarantees the right for every person to accept, follow and practice religion according to individual preference and belief. However, the government is utilizing the IABL to repress followers of minority group of religion from enjoying their freedom of religion, behind a fake assumption that Indonesia is a secular state that acknowledged any kind of religion. With the notion of a pseudo-secular state, the government has a leeway to manipulate the type of relation between state and religion and translate it into government policy following their political agenda. This condition is degrading democracy and reducing human rights protection.

In Indonesia, the relationship between the state and religion has never been specified in the Constitution. In legal practice, it is often understood that Indonesia is not a religious state, but rather a state founded on the One Godhead. Indonesia is a state of law, not a religious state, indicating that Indonesia is a secular state in which the government is founded on positive law and not religious law. Nonetheless, it is also understood that Indonesia is a country built on the One Godhead, suggesting that Indonesia adheres to Godly nationalism, which was subsequently utilized by law enforcement to justify the anti-blasphemy statute. This pseudo-secularity of the state-religious relationship is not conducive to promoting and ensuring the freedom of religion and worship in Indonesia. The ambiguous relationship between the two places the state in an ambiguous position; on the one hand, the Constitution provides confirmation and guarantees for the right to freedom of religion for everyone to embrace their own religion and belief, but on the other hand, the Constitution cannot cancel the existence of law. laws, such as the Blasphemy Law, which uses 'legitimate' religion as a means to punish 'perverted' religions. In this regard, the Blasphemy Law is defended deliberately to serve as a tool of power and will be utilized if it benefits that power, either to attack the religion he adheres to or to attract sympathy from the religious group he adheres to by punishing adherents of a religion who are viewed as threatening the interests of the adhered religion.

The absence of explicit regulation of the connection between state and religion in the Indonesian Constitution leaves wide room for any administration in power to interpret and establish the nature of the relationship between state and religion in line with power-serving political processes. This is evidenced by the constantly fluctuating pattern of relationships between the state and religion in Indonesia. The blasphemy legislation, which was applied to many regimes, including the old order, the new order, and the reform order, continued to be used to prosecute religious minorities after the reform order came into existence. The reform order, which is equipped with human rights legal instruments and a complete guarantee of the right to freedom of religion, is unable to curb the repressive nature of the government, which interprets the Blasphemy Law as justification for limiting the right to freedom of religion by punishing adherents of religions.

Under the Anti-Defamation Law, the government has established a state that both supports particular faiths and punishes its members. These factors endanger not just the existence of religion but also religious concord. The Blasphemy Law has become a political instrument of power that is purposefully defended in order to consistently bribe and win the support of the majority Islamic population by demonstrating that the government cares about and supports Islam. On the other hand, the Blasphemy Law is also utilized to intimidate oppositional majority groups.

The execution of blasphemy laws reveals official support for religion (Islam) motivated solely by political and economic considerations. As a result of the fact that the Anti-Religious Blasphemy Law simultaneously threatens or targets adherents of Islam as the majority faith. Cases in which religious individuals are claimed to have degraded religion through their religious lectures illustrate this point. In Indonesia, the pseudo-secularity of the state towards religion simply produces pseudo-governmental support for religion (Islam). In conclusion, the pseudo-secularity of the relationship between the state and religion currently adopted by Indonesia is not conducive to attempts to enhance democracy, but rather undermines the fully protection of the right to religious freedom for its citizens and threatening human rights.

1. See Ota Atsushi, Okamoto Masaaki, and Ahmad Suaedy (2010). Islam in Contention: Rethinking Islam and State in Indonesia (Jakarta: The Wahid Institute-CSEAS-CAPAS). This book is the result of research conducted in 2008-2009 in collaboration with the Wahid Institute, the Center for Asia Studies Kyoto University, and the Center for Asia Pacific Area Studies RCHSS, and Academia Sinica. There are five main topics in this book. The first section deals with a theoretical discussion of the role of Islam and the state in achieving social justice. The second part discusses three contemporary issues, namely the enactment of Sharia Regional Regulations (Perda) in several regions in Indonesia, the Counter Legal Draft of the Compilation of Islamic Law (KHI), and the debate among Muslims regarding polygamy and contract marriage. The third section focuses on the strategy of three political institutions to seek mass support. The fourth section focuses on several important aspects of the social Islamization process, among which are two of the groups most vulnerable to Islamization in Indonesia, namely women and the Chinese. [↑](#footnote-ref-1)
2. See Abdul Karim (2005). Religion and State Relations in Post Reformation Era. Al-Mawarid Edition XI11 Year 2005 [↑](#footnote-ref-2)
3. The President Stipulation No. 1/PNPS/ 1965 was enacted under the “Guided Democracy” of Soekarno. He was maintaining the state by took over the legislative power and tried to ensure that state was functioning. The characteristic of Soekarno’s regime was close to an absolute power which according to the President Decree, the President had the power to released Presidential Stipulation (Penetapan Presiden/ PNPS) or Presidential Directive (Peraturan President). Therefore, the Law No.1/PNPS/1965 was enacted through President instead of Act (Undang-Undang). It was later in 1969, the government elevated it to the status of national legislation through the enactment of Law No. 5/1969. [↑](#footnote-ref-3)
4. Uli Parulian Sihombing, Menggugat Bakor Pakem; Kajian Hukum terhadap Pengawasan Agama dan Kepercayaan di Indonesia [Challenging Bakor Pakem; Legal Study on the Oversight of Religion and Belief in Indonesia], 2008, ILRC [the Indonesian Legal Resource Center], p25 and 40. [↑](#footnote-ref-4)
5. The Indonesian expert Edward Omar Sharif Hiariej explained in the Ahok’s case that PNPS was issued by President Soekarno on January 20, 1965. Exactly two weeks after the massacre of Muslims in Madiun. here was a sadistic murder when the kiai and santri were praying at dawn, the Koran was trampled upon, torn apart as a form of blasphemy. Retrieved at https://www.jawapos.com/nasional/hukum-kriminal/14/03/2017/begini-awal-mulanya-pasal-penodaan-agama. See also Michael S. Densmoor, 2013. The Control and Management of Religion In Post-Independence, Pancasila Indonesia. A Thesis. Georgetown University Washington, DC April 13, 2013. [↑](#footnote-ref-5)
6. Barda Nawawi Arief, Delik Agama dan Penghinaan Tuhan (Blasphemy) Di Indonesia dan Perbandingan Berbagai Negara, Badan Penerbit Univesitas Diponegoro, Semarang, 2008, p. 7-8 [↑](#footnote-ref-6)
7. Provisional People's Consultative Assembly of the Republic of Indonesia No. XXV/ MPRS / 1966 concerning the dissolution of the Indonesian communist party. Statement as a Prohibited organization throughout the territory of the Republic of Indonesia for the Indonesian Communist Party and prohibiting any activities to spread or develop communist / Marxist ideals or teachings. [↑](#footnote-ref-7)
8. On 11 March 1966 President Sukarno was forced by the Army generals to sign a letter transferring power to General Suharto. In Indonesia, Sukarno’s letter was known as ‘Super Semar’, an abbreviation of ‘Surat Perintah Sebelas Maret’ (Letter of Order of the 11 March). However, from a Javanese Shadow puppet (wayang) story, Semar is a royal servant known for a powerful spirit and strength. [↑](#footnote-ref-8)
9. During the Old Order, President had the power to release President Stipulation as one of the legal sources that must be obeyed by the people. But, in the New Order, the strong power of President was reduced by the Temporarily People Consultative Assembly (Majelis Permusyawaratan Rakyat Sementara/MPRS) as stated on the Resolution No. XX/MPRS/1966. According to the Resolution, President could not release the President Stipulation anymore. However, President still could release Presidential Decree which both had the same character, though. Therefore, the President Stipulation No. 1/PNPS/ 1965 has been changed into the Law No. 1/PNPS/1965, but the title and the content of the law were remaining the same. [↑](#footnote-ref-9)
10. Fenton, A. J. (2016). FAITH, INTOLERANCE, VIOLENCE AND BIGOTRY: Legal and Constitutional Issues of Freedom of Religion in Indonesia. Journal of Indonesian Islam, 10(2), 181-212. [↑](#footnote-ref-10)
11. The IBL, ibid. Article 1. [↑](#footnote-ref-11)
12. Victor Imanuel W. Nalle. Blasphemy Law and Public Neutrality in Indonesia. Faculty of Law, Darma Cendika Catholic University, Indonesia. [↑](#footnote-ref-12)
13. Ibid. P.7 [↑](#footnote-ref-13)
14. Sezgin, Y., & Künkler, M. (2014). Regulation of “religion” and the “religious”: The politics of judicialization and bureaucratization in India and Indonesia. Comparative Studies in Society and History, 56(2), 448-478. [↑](#footnote-ref-14)
15. Ibid, P. 10 [↑](#footnote-ref-15)
16. *See* Indonesia 2016 Human Rights Report. Retrieved at https://www.state.gov/documents/organization/265550pdf [↑](#footnote-ref-16)
17. *See* Tabel 1.1. on Appendix. [↑](#footnote-ref-17)
18. See Article 1 of the IBL. [↑](#footnote-ref-18)
19. Interview with AD, the Gafatar follower at 2:38 PM, on 4/18/2020]. [↑](#footnote-ref-19)
20. the UN Special Rapporteur on Freedom of Religion and Belief 2006 [↑](#footnote-ref-20)
21. Yudi Latif (2011). “Negara Paripurna: Historisitas, Rasionalitas, dun Aktualitas Pancasila” (Jakarta: Gramedia Pustaka Utama) [↑](#footnote-ref-21)
22. As’ad Said Ali (2009). “Negara Pancasila: Jalan Kemaslahatan Berbangsa” (Jakarta: LP3ES, 2009). [↑](#footnote-ref-22)
23. KH Hasyim Muzadi, a Nahdatul Ulama figure, when giving a statement as an expert in the judicial review of the Anti-Defamation Law at the Constitutional Court. Quoted from the Constitutional Court Decision Number 14/PUU-/2009. Page 121. [↑](#footnote-ref-23)
24. See the Constitutional Court Decision Number Page 121-152. [↑](#footnote-ref-24)
25. Ibid. Page 151. [↑](#footnote-ref-25)
26. Ibid. Page 156. [↑](#footnote-ref-26)
27. Page. 157. [↑](#footnote-ref-27)
28. Ibid. Page 156. [↑](#footnote-ref-28)
29. Page 158-159. [↑](#footnote-ref-29)
30. Page 162. [↑](#footnote-ref-30)
31. Page 167-168 [↑](#footnote-ref-31)
32. Page 304. [↑](#footnote-ref-32)