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

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**ABSTRACT**

In previous studies on vigilantes menunjukkan bahwa vigilante actions berawal dari ketidak puasan masyarakat terhadap proses penegakan hukum, karena banyak kasus kriminal yang tidak ditangani dengan baik, tindakan yang dianggap melanggar hukum ternyata dilindungi, atau pelakunya dibiarkan bebas tanpa harus mempertanggung jawabkan perbuatannya, maka masyarakat bertindak sendiri untuk menghukum pelaku bahkan tanpa mempertimbangkan aturan hukum karena tingkat kemarahan masyarakat sudah mencapai puncaknya. In instances of blasphemy in various nations, reactive religious violence results from inadequate protection of religious values against transgressions, regardless of religious affiliation. According to a separate study, in Indonesia, vigilante justice has shifted from spontaneous action to more structured and even state-sponsored action through the state's discriminatory anti-blasphemy law. 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 research, which determined that vigilante justice in blasphemy cases in Indonesia typically occurs before and after a court decision. Using strategies of hate-spinning, vigilante organizations portray themselves as victims of hatred and shaped by various factors, including the existence of a nebulous blasphemy law encourages authorities to legitimize vigilante justice against blasphemy offenders. These factors influence the court's decision-making in blasphemy cases, thereby undermining its independence.

**Keywords: vigilante justice, anti-blasphemy law enforcement, Indonesia, human rights, social justice.**

**ABOUT THE SPEAKER**

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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 Cherian, hate spin has become an instrument of political campaigning, planned as a sophisticated instrument designed to paralyse political opponents through identity concerns. Cherian 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 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). 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). However, justice guides the rule of law. Justice seeks to create a fair and just society where everyone has equal rights and opportunities. Thus, the rule of law must promote fairness and ensure equal access to justice (Baxi, 2013; Zaidi, 2021). Without the rule of law, justice is impossible since an unequal judicial system would violate people's right to justice (Boer, 2020). The rule of law must ensure that the legal system does not favor the wealthy. This might include giving legal help to people who cannot afford it (Boer, 2020) or writing rules and regulations in a way that does not oppress underprivileged groups (Zaidi, 2021).

For judges to accurately qualify someone's behavior as prohibited in a legal context, clear and unambiguous laws must be present (Beckett et al., 2018). Conversely, ambiguous laws can make it difficult for judges to determine if an action is prohibited, which can lead to subjective interpretation and increased susceptibility to external influences (Malle & Nelson, 2003). Pressure from vigilante demonstrations outside of a court during blasphemy cases can undermine judicial independence. Government regulations aimed at preventing vigilante justice may similarly impact judicial independence. As the final arbiter of justice, courts must treat all individuals equally and are responsible for enforcing the law in a professional manner. Defendants should be considered innocent until proven guilty and are entitled to present evidence in their defence. In criminal cases, the element of intent is critical, and if intent is absent, suspects must be acquitted. In practice, however, the qualification of blasphemy offenses is often determined based on subjective considerations by judges and factors outside of the court.

**RESULT, DISCUSSION AND ANALYSIS**

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

In the midst of enforcing the Anti-Blasphemy Law, vigilante justice against religious minorities accused of blasphemy persists in Indonesia. This phenomenon undermines the Constitutional Court's argument that defending the Law Against Blasphemy of Religion can prevent horizontal conflicts between religions. Referring to the hate spin theory proposed by Josh Cherian, the increase of vigilantism is influenced by the hate spin strategy carried out by hardcore Islamic groups, where perpetrators carry out their actions after being motivated by hateful speeches from influential figures within their group, while the victims come from minority groups (George, 2017). One prominent minority group that has experienced acts of vigilantism is Ahmadiyya, which is a legally recognized entity in Indonesia established by the Indonesian Islamic Community and approved by the Ministry of Law in 1953. In 2017, a new case emerged in which five members of the Fajar Nusantara Movement (the Gafatar) were accused of using their organization to promote the heretical teachings of the teachings of *Millah Abraham* and were subsequently criminalized.

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 Indonesia[[1]](#footnote-1)

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

Source:(SETARA Institute, 2022)

This study indicates that vigilante justice was perpetuated and occurred repeatedly in the four cases examined, as shown in Table 2. As seen by the incidents above, society might misread legal standards' ambiguity. Criticism of Islamic teachings (the Ahok case), criticism of Muslim religious practices (the Meiliana case), or belief in and propagation of teachings that are different from orthodox Islamic teachings (the Ahmadiyya and the Gafatar cases) runs the risk of being accused of "tarnishing Islam". Ministerial circulars, governor's regulations, and regional regulations support this interpretation. Social media continues to fabricate slander and accusations of the "true" teachings of Islam to elicit support and outrage.

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). Indonesia's politics of religion exacerbates this issue because the majority, generally the Islamic community, may decide elections. Ahok's words were edited to incite hatred and denigrate Islam. To protect individuals' rights and well-being, laws must be upheld and not used for political purposes. 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 and Hate Spin

|  |  |  |
| --- | --- | --- |
| ***Cases*** | ***Vigilante Justice*** | ***Hate Spin Strategy Against Victims*** |
| ***Ahok Case*** | Ahok's statement that referenced QS. Al-Maida verse 51 regarding non-Muslim leaders to his constituents in the Thousand Islands triggered vigilante justice as Islamic groups staged mob protests, including *the Aksi 212* and *the Aksi 414.* *The Aksi Bela Islam 55* also marched to persuade the Constitutional Court to reject Ahok's judicial review of the anti-blasphemy bill. | The hate spin strategy was employed to frame the Ahok protest movement as defending Islam, implying that Ahok had attacked Islam and justifying the protests as retaliation for his supposed hatred of the religion. Ahok's critique of using QS. Al-Maida verse 51 to oppose non-Muslim candidates was seen as a disgrace to Islam. Budi Yani incited hate by editing a video of Ahok and adding a narrative that falsely accused him of disrespecting Islam. |
| ***Meiliana Case*** | The Meiliana case exposes Indonesian vigilantism against Buddhist religious minorities. Meiliana was sentenced to one year and eight months in jail for insulting Islam after complaining to her neighbour about the excessively loud call of pray (*adzan).* During the trial, vigilantes burnt many Buddhist temples, damaged Meiliana's home, and forced her to leave. | The case of Meiliana began with her complaint to a neighbor about the unusually loud volume of the mosque's call to prayer. However, as the information spread through social media, it was distorted to portray Meiliana, a Chinese-Indonesian Buddhist woman, as rejecting the call of pray in Islam. This shift in information represents a form of hate spin, with unclear origins, that quickly spread due to the presence of anti-Islamic sentiment |
| ***Gafatar Case*** | Moton Panjang and Tanjung Pasir villages in Kalimantan opposed Gafatar, a legal body founded in 2012 with 55,000 members, leading to serious repercussions for its supporters. Despite initial clearance from the Ministry of Home Affairs, the Gafatar was liquidated in 2015. The Human Rights Watch reported that 2,422 families (7,916 people) were forcibly expelled from Kalimantan within two months, and over 6,000 the Gafatar members were detained in illegal detention centers across Indonesia. The former of Gafatar chairman, Mahful M Tumanurung, expressed regret over the forced evictions, property damage, and asset looting against the Gafatar members. | The hate spin strategy against the Gafatar has had adverse effects on its followers, who have suffered from acts of vigilantism resulting in displacement, property damage, and severe injuries. The declaration of the Gafatar as a heretical movement has placed undue burden and harm to its members. |
| ***Ahmadiyya Case*** | Since 1980, the Indonesia's Ahmadiyya community has faced vigilante justice. The Ahmadiyya followers in Lombok, West Nusa Tenggara, Tangerang, Bogor, and East Java have been violently attacked, resulting in damage to their houses of worship and buildings, minor and severe injuries, deaths, and displacement. The Indonesian government must avoid such violence and promote religious tolerance and understanding. | The hate spin strategy has been used against the Ahmadiyya community, which is considered heretical by the MUI due to their belief in Mirza Gulam Ahmad as the last prophet and having a sacred book other than the Qur'an. This fundamental difference has led to tensions and vigilante justice against the Ahmadiyya followers. Despite their religious practices being similar to mainstream Islam, they are rejected by Pakistan, Malaysia, and OIC countries. The MUI's advice for the Ahmadiyya adherents to renounce Islam has not resolved the issue, as they continue to follow Islamic precepts. |

Human rights defenders, such as the YLBHI, worry about social media disinformation and fact-bending. Thus, citizens must be taught to respect religious pluralism and the law. To avoid misinterpretation, the government must also clarify what constitutes blasphemy. Interfaith discourse and respect for other religions may also promote tolerance and inclusion. The distortion of facts and the spread of misinformation through social media and other channels are serious concerns in Indonesia. The fact is that there is no education for citizens about the importance of respecting religious diversity and the rule of law. The government has also taken a position defending the anti-blasphemy law, which contains ambiguous legal norms, and then strengthening it by issuing various policies declaring various cases of blasphemy a form of insulting Islam or a deviant sect. Instead of opening up interreligious dialogue to mutually respect different religious beliefs, various policies actually provide legitimacy that encourages people to be intolerant of differences and exclusive.

**Factors and Actors Influence the Act of *Vigilante Justice over Blasphemy Allegations***

The issue of vigilante justice against religious minority groups in Indonesia is a concerning problem that has been influenced by various factors and actors as describe in figure 1.

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Figure 1. Factors and actors influence the act of Vigilante Justice

Firs of all, the legal factor shaped vigilante justice through the prolong existence of the flawed Indonesia’s Anti-Blasphemy Law has been manipulated by the Hardliner Islamic groups to promote war against blasphemy. The close connections between state officials and vigilante groups have significantly influenced the Indonesian state's response to violence against the Ahmadiyya and the Gafatar minority communities. As study done by Hewson, the connection has allowed vigilante groups to commit violent acts against minority congregations with a degree of impunity (Hewson, 2017). Ahok's case was initiated by a report from the Indonesian Ulema Council (MUI) of South Sumatra by Habib Novel Chaidir Hasan to the Criminal Investigation Agency (Bareskrim) LP/1010/x/2016, under charges of violating Article 156a of the Criminal Code in conjunction with Article 28 paragraph (2) of Law Number 11 2008 concerning Electronic Transaction Information. This was followed by a report from the Muhammadiyah Youth[[2]](#footnote-2) under report number TBL/4846/X/2016/PMJ/Dit Reskrimum.2016/PMJ/Directorate of Crime. In the Ahmadiyya’s case, the Ahmadiyya is a legal entity founded by the Indonesian Islamic Community approved by the Ministry of Law in 1953. However, since 1980 Ahmadiyya has been declared heretical by the Indonesian Council of Ulema, following several fatwas. the Indonesian government's pressure against Gafatar continued. On January 14, the Minister of Home Affairs instructed the local government to close all Gafatar offices. On March 24, Attorney General Muhammad Prasetyo announced a Joint Decree (SKB) warning that "former members and administrators of Gafatar" involved in "dissemination, interpretation, and activities that deviate from the main teachings of Islam" may face up to five years in prison, based on the 1965 blasphemy crime article.

Second, the ideology factor indicate that The ideology of Godly Nationalism in Indonesia contributes to prolonged enforcement of the Anti-Blasphemy Law by creating a law enforcement system that glorifies vigilante acts. Scholars suggest that Godly Nationalism results in religious intolerance and upholds religious values that are seen as contrary to blasphemy (Menchik, 2014; Telle, 2017). Indonesia's political climate further reinforces the rising trend of law enforcement against blasphemy, aiming to protect orthodox religions from deviant teachings and intolerant actions. The Constitutional Court reaffirms Godly Nationalism as embodied in Article 29 of the 1945 Constitution. However, this ideology also leads to the justification of vigilante acts against those accused of deviating from orthodox teachings, causing religious intolerance and promoting mob violence.

Thirdly, structural factor means that various state institutions interference religious life of the people through releasing various policies of deviant religions against Ahok, Meliana, the Ahmadiyya and the Gafatar. The Indonesian state's reluctance to assist or permit minority groups to practice their faith freely but instead strongly accommodate Majority groups' demand for religious issues has contributed to the prevalence of vigilante violence against religious minorities.

Fourth, blasphemy lawsuits are used by radical Islamic groups to win public support as Islamism rises. Although Ahmadiyya followers and other Muslim minority groups destroy most mosques that violate interfaith cooperation, Islamist populism has a role (Suryana, 2019). Thus, populism of Islam refers to Indonesia's majority Islam. Barton et al. (2021) found that the Front Defender of Islam (FPI), led by Rizieq Shihab (RS), is a vigilante Islamic group. Hate narratives are used to alienate outsiders, particularly politicians and the government, and push followers to vigilantly oppose all actions that violate Islamic ideals. RS has exploited his prominence to influence FPI in several anti-Ahok rallies, accused of degrading Islam, under the guise of protecting Islam, and FPI regularly joins Main Hakim Sendiri in blasphemy cases.

Ultimately, self-declared "justice" undermines Indonesia's rule of law and democracy. To promote tolerance and individual rights, strong legislative frameworks and their execution are necessary. Allowing extreme Islamic organizations to break the law in the name of religion will destroy Indonesia's national character and democracy.

**Vigilante Justice Upsetting Independency of the Court to preserve justice**

This incident illustrates that vigilante actions against religious minority groups cannot be justified and have grave consequences for the targeted individuals and communities. Upholding the principle of the rule of law is critical in combating such vigilantism and protecting the rights and well-being of citizens of different religious affiliations. Defending the Anti-Blasphemy Law does not guarantee an increase in interfaith tolerance, but rather provides an opportunity for the majority religious groups to utilize the flawed law in order to gain more protection than other minority religious groups.

Before the trial, many government entities through public policy had proclaimed all the defendants guilty of insulting Islam or heresy, threatening the court's independence. Courts violate due process, undercut the evidence process, and follow public policies to convict prisoners.

The court's independence was undermined in Meiliana's case due to the lack of thorough investigation and reliance on biased testimony. Meiliana's categorization as a suspect was a result of MUI's demands, influencing the court's decision making. Meiliana, Ahmadiyya, and Gafatar leaders were condemned to criminal punishment without due process, hence the court's ruling failed to give justice. The court's failure to prove the defendants' "intention" to blaspheme Islam shows that it overlooked the Anti-Blasphemy Law's significant flaws and compelled judgment based on social justice. The court failed to give justice by convicting the defendants using a defective legislation. In Meiliana, the court failed to give procedural justice since the defendants' guilt was not proven. The Panel of Judges exclusively followed the Fatwa of the MUI (Council of Muslim Scholars) of North Sumatra Province No. 001/KF/MUI-SU/I/2017, ignoring several expert testimony. MUI Fatwas are not legal in Indonesia. The MUI Fatwa was based on "Request for MUI Fatwa relating to blasphemy committed by Chinese ethnicity named Meliana." The Medan District Court ruled based on this MUI Fatwa. Some called Meliana a "woman who incited the riot."

The Ahmadiyya and Gafatar prosecutions also relied on vigilantism and reinforced the MUI's one-sided truth assertions. Mahful Muis and Ahmad Musaddeq's court ruling was also questioned for lacking evidence to support the prosecutor's claim. Legal rights and the rule of law prohibit vigilantism and protect religious minorities. Both the court of first instance and the high court ruled in the Ahmadiyya case that blasphemy against a religion other than Indonesia's is illegal. The court targeted Ahmadiyya members who "intentionally commit an act publicly that is basically blasphemy against a religion adhered to in Indonesia." If their faith violates mainstream Islam, Ahmadiyya adherents cannot preach in Indonesia.

The 1964 Supreme Court Circular Letter Number 11 directed courts within its authority to harshly punish blasphemers. Judges maintain the Anti-Blasphemy Law notwithstanding its flaws. The Supreme Court's Circular Letter must be followed, according to Gafatar Trial Panel Chair Mohammad Said. The Supreme Court spokeswoman also said the letter was never cancelled.

In comparable blasphemy instances, law enforcement will certainly fail to provide procedural and substantive justice.

**CONCLUSION**

Vigilantism in cases of blasphemy is not solely motivated by crime in society, but by the monopoly of religious truth by established religions, which views different religious teachings as crimes. The Indonesian Constitution guarantees freedom of religion and belief, but "Godly Nationalism" is too restricted.

The Indonesian Ulama Council or religious authorities from the majority group's fatwas labeling suspected as deviant, desecrating, or insulting Islam legitimize this injustice. The vigilantes use hate speech and fake news to manipulate social situations and put pressure on law enforcement and courts to speed up the legal process and violate minority religious groups' rights with the support of city, regency, and province policymakers.

The analysis disproves the Constitutional Court's claim that eliminating the Anti-Blasphemy Law will threaten society in the case of horizontal religious disputes. However, Ahok, Meiliana, Gafatar, and Ahmadiyya all lead to vigilante retribution. Maintaining a faulty Anti-Blasphemy Law allows hard-line Islamic groups to engage in hate mongering and prevents the courts from rendering fair and reasonable judgments.

The hate spin tactic can be used to interpret the defective anti-blasphemy laws to make criticism of religious manipulation, intolerance, or preaching of various religions blasphemous against Indonesia's main religions. This tactic has gained acceptance, legitimizing vigilante justice before trial. Second, structural forces, such as the MUI and national and regional governments that favor heterodox faiths, legitimize vigilante groups to keep up pressure. Thirdly, the monopolization of truth by orthodox religions denies minority religions the right to freely practice their religion under Article 29 of the Indonesian Constitution. Hardliner Muslim populism Islam is popular.

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. Social justice and a legislation that upholds the rule of law and human rights are essential. This research urges Indonesia to reconsider its Anti-Blasphemy Law to defend human rights and achieve social fairness. The report 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 lawmakers enhance fairness and justice.

**BIBLIOGRAPHY**

Banakar, R. (2019). *On Socio-Legal Design*. https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=3463028

Beckett, K., Beach, L., Knaphus, E., & Reosti, A. (2018). US criminal justice policy and practice in the twenty-first century: Toward the end of mass incarceration? *Law & Policy*, *40*(4), 321–345.

Bedner, A., & Vel, J. A. C. (2010). An Analytical Framework for Empirical Research on Access to Justice. *Law, Social Justice & Global Development Journal (LGD)*.

Bellamy, R. (2017). *The rule of law and the separation of powers*. Routledge.

Bielefeldt, H. (2012). Freedom of Religion or Belief–A Human Right under Pressure. *Oxford Journal of Law and Religion*, *1*(1), 15–35. https://doi.org/10.1093/ojlr/rwr018

Bush, R. (2015). 13 Religious politics and minority rights during the Yudhoyono presidency. *The Yudhoyono Presidency: Indonesia’s Decade of Stability and Stagnation*, 239.

Fischer, M. (2021). Hate Speech Laws and Blasphemy Laws: Parallels Show Problems with the UN Strategy and Plan of Action on Hate Speech. *Emory Int’l L. Rev.*, *35*, 177.

George, C. (2017). Hate spin: The twin political strategies of religious incitement and offense-taking. *Communication Theory*, *27*(2), 156–175.

Hassner, R. E. (2011). Blasphemy and Violence1: Blasphemy and Violence. *International Studies Quarterly*, *55*(1), 23–45. https://doi.org/10.1111/j.1468-2478.2010.00634.x

Hewson, J. (2017). *Focus—Mob justice on the rise in Indonesia*. https://www.france24.com/en/20170928-focus-indonesia-mob-justice-rise-vigilante-violence-ethnic-religious-minorities

Malle, B. F., & Nelson, S. E. (2003). Judging mens rea: The tension between folk concepts and legal concepts of intentionality. *Behavioral Sciences & the Law*, *21*(5), 563–580.

Manan, A. (2013). Penemuan Hukum Oleh Hakim Dalam Praktek Hukum Acara Di Peradilan Agama. *Jurnal Hukum Dan Peradilan*, *2*(2), 189–202.

Marshall, P. (2018). The Ambiguities of Religious Freedom in Indonesia. *The Review of Faith & International Affairs*, *16*(1), 85–96. https://doi.org/10.1080/15570274.2018.1433588

Menchik, J. (2014). Productive intolerance: Godly nationalism in Indonesia. *Comparative Studies in Society and History*, *56*(3), 591–621. https://doi.org/10.1017/S0010417514000267

Merkel, W. (2012). Measuring the Quality of Rule of Law. *Rule of Law Dynamics: In an Era of International and Transnational Governance*, 21–47.

Mulyartono, S., RAFSADIE, IRSYAD, & NUR SAHID, Ali. (2021). *How did a complaint about a mosque loudspeaker end up in a blasphemy conviction?* University of Melbourne. https://indonesiaatmelbourne.unimelb.edu.au/how-did-a-complaint-about-a-mosque-loudspeaker-end-up-in-a-blasphemy-conviction/

Nalle, V. I. W. (2021). The politics of intolerant laws against adherents of indigenous beliefs or aliran kepercayaan in Indonesia. *Asian Journal of Law and Society*, *8*(3), 558–576.

Pratiwi, C. S. (2021). Rethinking the Constitutionality of Indonesia’s Flawed Anti Blasphemy Law. *Constitutional Review*, *7*(2), 273–299. https://doi.org/10.31078/consrev724

Scheuerman, W. E. (2022). Why not uncivil disobedience? *Critical Review of International Social and Political Philosophy*, *25*(7), 980–999.

Sebastian, L. C., & Arifianto, A. R. (2020). TRaNS special section on “Growing Religious Intolerance in Indonesia.” *TRaNS: Trans -Regional and -National Studies of Southeast Asia*, *8*(1), 1–5. https://doi.org/10.1017/trn.2020.1

SETARA Institute. (2022, November). *Mengatasi intoleransi dalam tata kebinekaan indonesia: Update dan rekomendasi terkait peribadatan*. https://setara-institute.org/mengatasi-intoleransi-dalam-tata-kebinekaan-indonesia-update-dan-rekomendasi-terkait-peribadatan/

Telle, K. (2017). Faith on Trial: Blasphemy and ‘Lawfare’ in Indonesia. *Ethnos*, *83*(2), 371–391. https://doi.org/10.1080/00141844.2017.1282973

Temperman, J., & Koltay, A. (2017). *Blasphemy and Freedom of Expression: Comparative, Theoretical and Historical Reflections after the Charlie Hebdo Massacre*. Cambridge University Press.

Villa, V. (2022). *40% of world’s countries and territories had blasphemy laws in 2019 | Pew Research Center*. Pew Research Center. https://www.pewresearch.org/short-reads/2022/01/25/four-in-ten-countries-and-territories-worldwide-had-blasphemy-laws-in-2019-2/

1. 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. [↑](#footnote-ref-1)
2. See Kompas.com. Ahok Dilaporkan Dua Organisasi ke Polda Metro Jaya. October 7th, 2016. 19:20 WIB. [↑](#footnote-ref-2)