**Vigilante Justice Over Blasphemy Allegations in Indonesia:**

**A Failure of Anti-Blasphemy Law Enforcement to Preserve Justice**

**Cekli Setya Pratiwi**

Institute of Human Rights and Peace Studies at Mahidol University,   
Faculty of Law, University of Muhammadiyah Malang

[ceklisetya.pra@student.mahidol.edu](mailto:ceklisetya.pra@student.mahidol.edu); [cekli@umm.ac.id](mailto:cekli@umm.ac.id)

**ABSTRACT**

In recent years, scholars have conducted extensive research to investigate how Indonesia's Anti-Blasphemy Law has hindered individuals' freedom of religion and expression, specifically as it pertains to International Human Rights Laws. Despite the law's enforcement, public disorder has continued to escalate, manifesting in acts of vigilante justice. The purpose of this socio-legal study is to answer three critical questions regarding blasphemy in Indonesia. These include: (1) How does vigilante justice persist despite the enforcement of blasphemy law? (2) To what extent vigilantism actions shaped the court decisions? (3) Why has the continued enforcement of the Anti-Blasphemy Law not led to ensuring justice? The research examines interview data, case studies, and court rulings. The study's results demonstrate that the claim of enforcing the Anti-Blasphemy Law with the aim of maintaining public order is not substantiated by evidence. Instead, the neglectful and ambiguous enforcement of the law has depleted trust in Indonesia's legal system, resulting in social injustice. Additionally, instances of blasphemy in Indonesia have often led to acts of vigilante justice, which are legitimized by the law. Among many factors, the study points to the rising Islamic populism in Indonesia as a major contributor to such behavior. Continuing to enforce the Anti-Blasphemy Law disregards the democratic foundations and the rule of law, making social justice unattainable. This study stresses the need to rethink the role of the Anti-Blasphemy Law in Indonesia to ensure due protection of human rights and promote social justice. By exposing the multiple factors that perpetuate vigilante justice, the study advocates for reassessing the limitations and challenges of law enforcement in the context of religious intolerance. Ultimately, the study's findings may be valuable for policymakers and legislators seeking to promote a fair and just society in Indonesia.

**ABOUT THE SPEAKER**

Cekli Setya Pratiwi is an associate professor of law at Law Faculty Universitas Muhammadiyah Malang (UMM). She is a PhD candidate in Human Rights and Peace Studies and a tutor of Human Rights Standard and Mechanism of the Master Program on Human Rights and Democratisation at the IHRP Mahidol University. She hold the master degree in Comparative Law from the J.R. Reuben Clark Law School, Brigham Young University and the LLM degree in International and European Protection of Human Rights from School of Law Utrecht University. Pratiwi has done various research and published peer reviewed articles on the subject of law, religious law and human rights law, including Blasphemy Law as Structural Violence (Muslim World Journal of Human Rights 2020), Rethinking the Constitutionality of Anti-Blasphemy Law (Constitutional Review 2021), and Indonesia's Legal Policies Amidst Covid-19: Balancing Public Health and Religious Freedom (Journal of Southeast Asian Human Rights Journal, 2022). From 2011 to 2021 she has become one of the resource person of the Master Course on Shariah and Human Rights organised by UMM, the ICLRS and the Norwegian Center for Human Rights and an editor-in-chief and one of authors of two languages book with the title Shari'a and Human Rights: A Coursebook (Mizan Publisher 2022) and the main author A Study of the second amendment of the Bill of Informatic and Electronic Transaction in Indonesia concerning the threat of violation the right to Freedom of Expression (KOMNAS-HAM 2022).

**INTRODUCTION**

In contemporary times, as many modern democratic nations repeal their anti-blasphemy laws due to allegations of infringement upon freedom of religion and expression, Indonesia stands out as one of the few countries that has retained such laws. Various scholars have stated that Indonesia's Anti-Blasphemy Law is substantially flawed for two reasons. Firstly, the language of the law provides no clear definition of what constitutes religious blasphemy, leading to interpretations that are highly dependent on the interpreter's personal background and sentiments. Secondly, the law only threatens minority religious groups since it aims to protect only the religions practiced in Indonesia, which include Islam, Christianity, Catholicism, Hinduism, Buddhism, and Kong Hu Chu. Furthermore, recent developments suggest that the legal status of anti-blasphemy laws in Indonesia has become even stronger, as the Constitutional Court has refused to overturn them. The Court believes that upholding the Anti-Blasphemy Law is crucial for maintaining religious tolerance and avoiding potential conflicts between different religious communities.

It appears that the reality is far different from what the law suggests. In many cases, the enforcement of the Anti-Blasphemy Law is followed by vigilante justice against minority religious groups, who are accused of deviancy. According to Setara Institute's research, between 1965 and 2017, there were 97 cases of blasphemy; 42 of these cases involved vigilante groups. Of the total cases, 76 were resolved through "pro justicia," with 47 cases receiving sentences ranging from one to 4.5 years in prison, 5 cases resulting in sentences of over 4.5 years, and 8 cases leading to less than a year in prison (Nalle, 2021). The vigilante groups are mostly comprised of Islamic hardliners who employ hate spin strategies, portraying themselves as victims of hate from minority religious groups, with the underlying claim that these groups have blasphemed against Islam. These hate spin tactics have been successful in mobilizing protesters to pressure the MUI into issuing a fatwa, and the courts into punishing the accused. Minority religious groups not only have to undergo a legal trial, but also suffer from attacks by vigilante groups that damage their places of worship and carry out various discriminatory acts.

It is important to note that many individuals and organizations have criticized the enforcement of anti-blasphemy laws in Indonesia, as they are prone to misuse and abuse. Such laws have been used to persecute individuals based on their religion or beliefs, without any actual offense. They have also contributed to the suppression of free speech and expression. With a focus on post-constitutional court decisions, this study aims to gain a deeper understanding of the occurrence of vigilantism despite the enforcement of the anti-blasphemy law, investigate how far vigilantism affects judiciary independence in deciding blasphemy cases, and explore why the continued use of the anti-blasphemy law has failed to preserve justice.

The findings of this study will contribute important insights into the challenges and limitations of law enforcement against religious intolerance in Indonesia. It emphasizes the need to balance the preservation of religious values with the values of democracy, the rule of law, and human rights. Such an approach is critical for promoting social harmony and justice in Indonesia.

**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 has 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 research has looked into at least three cases, with the first being the case of Meiliana, a Buddhist woman from Medan who criticized the loudness of the adhan call to prayer, exemplifying how the enforcement of blasphemy laws has often resulted in intolerance and discrimination against religious minorities. She was subjected to hateful incitement, accused of blasphemy against Islam, leading to the burning and damaging of several Buddhist temples in her area, despite undergoing trial, which resulted in a sentence of 1 year and 8 months.

The second and third cases are the experiences of the Ahmadiyya and Gafatar groups, highlighting the dangers of vigilantism in response to blasphemy law enforcement. Thus, it is crucial to re-evaluate the role of the law, ensuring that its enforcement upholds human rights principles and promotes religious tolerance, while sternly condemning acts of vigilantism aimed at harming minorities in Indonesia.

Subsequently, the collected data is assessed, selected, and inventoried to address the research questions. A critical legal study approach is utilized to derive conclusions from the analysed data. The anticipated outcomes of this research are expected to provide valuable insights into the practical applications of the Anti-Blasphemy Law in Indonesia and its impact on the rights of religious minorities.

By evaluating the gap between the theoretical and practical implementation of the law, the study may provide recommendations and possible solutions that promote the preservation of human rights and social harmony in Indonesia.

**THEORETICAL FRAMEWORK AND LITERATURE REVIEW**

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). The enforcement of the law is a manifestation of the Rule of Law, where the community is expected to use legal channels to address problems, rather than resorting to vigilantism or other illegal means to mete out justice (Scheuerman, 2022). The court system exists to ensure that the enforcement of the law is carried out correctly, based on clear and specific laws, convincing evidence, and respect for proper legal procedures, where every individual is treated equally. Ultimately, upholding the Rule of Law in law enforcement will guarantee the creation of a fair judicial decision for all parties and society.

The presence of clear and unambiguous laws is essential for judges to qualify someone's behaviour as wrong (Beckett et al., 2018). On the other hand, ambiguous laws can make it difficult for the court to qualify whether someone's behaviour is prohibited. Ambiguous laws can cause the court to subjectively interpret criminal behaviour. In such a context, judges can easily be influenced by external factors. (Malle & Nelson, 2003).

Therefore, this study will provide substantial insights into the critical role that the Rule of Law plays in ensuring justice for all in the Indonesian context. In particular, the study will examine how the Rule of Law affects the enforcement of Anti-Blasphemy Law and the role of the court system in upholding justice, especially for minority religious groups.

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 generally considered illegal and occurs spontaneously as a result of public anger over criminal offenses or immoral behaviour that is caught red-handed. However, in cases of blasphemy, *Main Hakim Sendiri* has shifted from spontaneous action to more structured and even state-sponsored actions. Pratiwi & Sunaryo, (2021) contend that vigilante violence surrounding accusations of blasphemy in countries like Pakistan, Malaysia, and Indonesia cannot be separated from structural violence created by the states through discriminatory laws such as anti-blasphemy laws.

*Main Hakim Sendiri* is generally defined as attempting to convict someone who is accused of guilt without a proper judicial process or taking the law into one's own hands. According to Manan (2013), *Main Hakim Sendiri* can also be interpreted as vigilante acts or arbitrary exercise of power based on one's own will without the consent of the concerned party. In other words, *Main Hakim Sendiri* refers to the implementation of sanctions by individuals.

The court serves as the final option for those seeking justice. Therefore, it is crucial that the court acts professionally in enforcing the law and treats every individual equally. A person suspected of a crime must be considered innocent until proven guilty by the judge. Therefore, every defendant has the right to defend themselves and present evidence that could prove their innocence. In cases of criminal offenses, the element of intention is vital; a person must be acquitted of any suspicion in the absence of intent. Having said that, in practice, the determination of blasphemy actions is ultimately based on various considerations by judges and factors outside of the court.

Research conducted by George Cherian (2016) 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.

The Anti-Blasphemy Law is a remnant of the old order that has been maintained until today. 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. 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.

**RESULT, DISCUSSION AND ANALYSIS**

**VIGILANTE JUSTICE ON BLASPHEMY CASES**

The practice of vigilante justice, or "Main Hakim Sendiri," against religious minorities is widespread, especially during the enforcement of the Anti-Blasphemy Law. 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. 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 (Gafatar) were accused of using their organization to promote the heretical teachings of Ajaran 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. 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)

Ahok case

In the case of Ahok, vigilante justice was also evident, as Islamic groups carried out the Aksi 212 protest, demanding Ahok's imprisonment for his alleged blasphemy against religion. The 414 demonstration on November 16, 2016, was held to protest Ahok's statement that referenced Al-Maidah verse 51 regarding non-Muslim leaders to his constituents in the Thousand Islands. Additionally, Belajar Islam 55 organized a long march from the Istiqlal Mosque to the Constitutional Court building.

Furthermore, the Hate Spin Strategy was employed by giving the Ahok protest movement the title of defending Islam, creating the condition that Ahok had attacked Islam, thereby making the protest movement and mass pressure an act of retaliation against Islam's interests, which had been attacked by Ahok's supposed hatred. Although Ahok's actions did not disrupt Muslim communities from practicing their religious rights, his criticism of using Surat al-Maidah verse 51 as a campaign tool to oppose non-Muslim candidates was viewed as a stain on Islam. Budi Yani's hate spin strategy was successful, as he edited a video of Ahok and added a narration that falsely accused him of insulting Islam, thereby inciting hate and furthering the strategy of hate spin.

*Meiliana case*

The Meiliana case highlights the issue of vigilantism against religious minority groups in Indonesia. Meiliana, a Buddhist, was sentenced to one year and eight months in prison for allegedly insulting Islam when she expressed her annoyance to her neighbor about the unusually loud volume of the adzan. However, the information was twisted and went viral on social media that Meiliana had hatred towards the adzan. During the legal proceedings, vigilante groups burned several Buddhist places of worship, destroyed Meiliana's home, and forced her to leave her house.

*Ahmadiyya case*

Vigilante justice has been a severe issue for Ahmadiyya followers in Indonesia since the Indonesian Council of Ulama (MUI) declared them heretical through a series of fatwas in 1980. Ahmadiyya followers in various regions of Indonesia, such as Lombok, West Nusa Tenggara, Tangerang, Bogor, and East Java, have been frequently subject to violent attacks, which have caused damage to their houses of worship and buildings, as well as minor and severe injuries, deaths, and displacement. The Indonesian government must take necessary steps to address and prevent such forms of violence while actively promoting tolerance and understanding among different religious groups.

The hate spin strategy has been employed regarding Ahmadiyya, as the MUI has deemed the group heretical due to its beliefs that Mirza Gulam Ahmad was the last prophet, and they possess a holy book other than the Qur'an. However, Ahmadiyya followers refute mainstream Islamic beliefs and argue that the differences originate from misunderstandings among Muslims. This fundamental division has resulted in escalating tensions, and various acts of vigilante justice against them. The MUI's suggestion that Ahmadiyya followers should abandon Islam has not resolved the issue and is challenging to implement given their practice of Islamic teachings. Despite Ahmadiyya's religious practices being similar to mainstream Islamic practices, they continue to be rejected in various nations such as Pakistan, Malaysia, and among members of the Organization of Islamic Cooperation (OIC).

*Gafatar case*

The West and East Kalimantan villagers of Moton Panjang and Tanjung Pasir carried out acts of vigilantism against Gafatar, leading to severe consequences for its followers. Gafatar, a legal entity established in January 2012 in Jakarta with a membership of 55,000 and branches in 34 provinces across Indonesia, received permission from the Ministry of Home Affairs but was disbanded in 2015 after its permit extension was rejected. According to Human Rights Watch, 2,422 families, totaling 7,916 individuals, including children, were forcibly expelled from Kalimantan within two months, and over 6,000 Gafatar members were detained after the Indonesian government evacuated them to six illegal detention centers in Jakarta, Yogyakarta, Bekasi, Boyolali, and Surabaya. The Tanjungpura Military Command XII in Pontianak, West Kalimantan, subsequently evacuated them. The former chairman of Gafatar, Mahful M Tumanurung, condemned the forced evictions, destruction of property, and asset looting against Gafatar members, deeply regretting their actions.

The hate spin strategy against 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 Gafatar as a heretical movement has placed undue burden and harm to its members.

**FACTORS AND ACTORS INFLUENCE THE ACT OF *MAIN HAKIM SENDIRI***

The issue of vigilante justice against religious minority groups in Indonesia is a concerning problem that has been influenced by various factors and actors. Some of these influential factors and actors can be explained as follows:

1. The close connections between state officials and vigilante groups have significantly influenced the Indonesian state's response to violence against Ahmadiyah and Shi'a minority communities. The connection has allowed vigilante groups to commit violent acts against minority congregations with a degree of impunity.

2. 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.

3. Populism of Islam plays a role in this issue, considering that although the majority of disturbances that disrupt interfaith harmony involve mosque destruction, these mosques come from Ahmadiyah followers and other Muslim minority groups. Hence, in this context, populism of Islam refers to the Islam practiced by the majority of Indonesia's population.

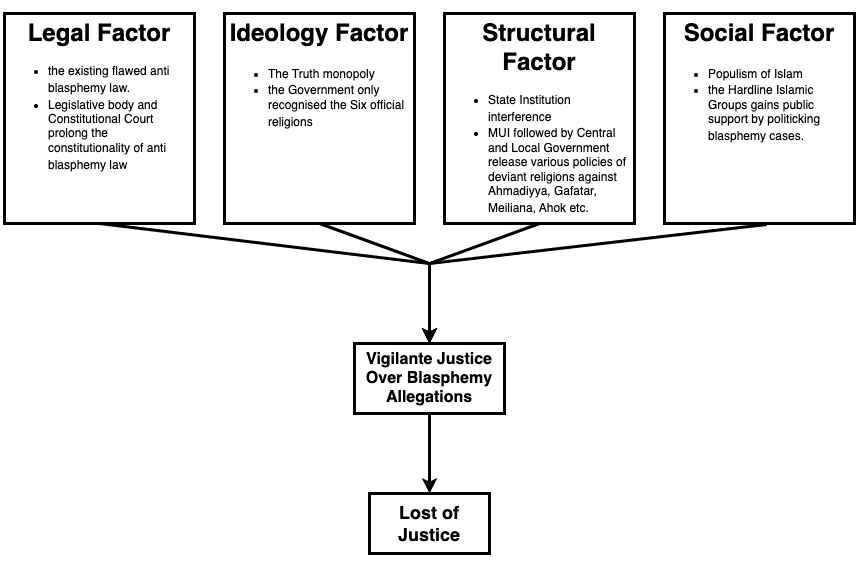


Figure 1. Factors and actors influence the act of Vigilante Justice

The Constitutional Court's decision regarding the multiple interpretations of the Anti-Blasphemy Law, which is a product of the past using terminology from the time it was created, has led to ambiguity in various judicial reviews of it. However, the judge believes that the law is still constitutional, and it is essential to urge lawmakers to modify it in line with current needs.

Unfortunately, the vagueness of the Constitutional Court's decision has led the legislative body, the House of Representatives of the Republic of Indonesia, to underestimate the necessity of amending the Anti-Defamation Law. As a result, despite the Constitutional Court's decision Number 140/PUU-VII/2009 for more than a decade and a half, there have been no attempts by the DPR to make immediate changes to the Anti-Defamation Law. The consequence of this inaction is that both the Ahok case in 2016 and the Meiliana case in 2017, which occurred after the Constitutional Court's decision, resulted in criminalization, despite the lack of clarity in the Anti-Blasphemy Law.

The ideology factor is another influential factor that prolongs the enforcement of the Anti-Blasphemy Law in Indonesia. The underpinning of Godly Nationalism creates a law enforcement system that praises mob violence and public protest. Menchik's study (2014) argues that Godly nationalism produces religious intolerance in Indonesia. The value of God Almighty is the core of the first Sila of Pancasila, "Believe in One God the Almighty," and every citizen has an inherent moral obligation to protect religion that is part of protecting the country itself. Any act of insulting, blaspheming, or inviting individuals to have no religion is deemed contrary to Godly Nationalism, according to this view.

Telle (2017) argues that Indonesia's current political dynamics have resulted in the increasing trend of law enforcement against blasphemy. Indonesia upholds Godly Nationalism to prevent atheism, protect 'orthodox' religions from 'deviant' religious teachings, and safeguard established religions from intolerant actions or statements that insult their sacredness. The 1965 Anti-Defamation Law prohibits individuals from deliberately making public statements or inviting public support for deviant religious interpretations or activities that oppose the principal teachings of religious adherents in Indonesia.

According to the Constitutional Court, Godly Nationalism is a reflection of Pancasila Sila I, "Belief in One God," which is embodied in the 1945 Constitution in Article 29. The Constitutional Court also reaffirmed this in its ratio decidendi decision when reviewing the constitutionality of the 1965 Anti-blasphemy Law. Professor Haedar Nasir, the General Chairperson of the Muhammadiyah Leadership of Moderate Islamic Organizations, believes that Indonesia is a country that believes in God Almighty and not a secular country. Therefore, as a country that adheres to religion, it has values that cannot be equated with a secular state.

People's understanding of Godly Nationalism has contributed to the actions of hardline Islamic groups due to their belief that other religious teachings are false since they differ from orthodox Islam's doctrines, as stated in the Anti-Blasphemy Law's articles one and four. This has led to the legitimization of vigilante justice against those accused of deviant beliefs and a simplistic view that non-orthodox teachings are "heretical."

A study conducted by Barton et al. (2021) highlights that the Front Defender of Islam (FPI) is a hard-line Islamic organization, and its activities, led by Rizieq Shihab (RS), have been characterized by vigilantism. Hate narratives are utilized to antagonize those outside its group, including politicians and the government, and encourage its followers to take vigilant action against all forms of action that are contrary to Islamic values. RS has used his popularity to influence FPI in various anti-Ahok protests, accused of tarnishing Islam, under the pretext of defending Islam, and when there are accusations of blasphemy against a person or group of people, FPI is often involved in the action of Main Hakim Sendiri.

When Meiliana protested against the loudness of the Adhan and was accused of tarnishing the religion, it illustrated the truth monopoly mentality that claims to have an exclusive understanding of Islam without the use of reason, ethics, and science. This mentality is also evident in the case of Ahmadiyah and Gafatar. The Indonesian Ulema Council's (MUI) heretical decree against these groups was based on a single-sided claim to truth, failed to grant Ahmadiyah believers the freedom to choose their beliefs, and neglected to provide a platform for Ahmadiyah members to articulate and justify their faith. Similarly, Gafatar, which is not a religious organization and had not committed blasphemy as alleged by the MUI, was disbanded. Such truth claims, which are made without taking into account factual evidence, but are followed by false proclamations, bans, and the dissolution of an organization, have stirred the public's wrath, manifesting in acts of vigilantism.

Despite having existed for a long time and having had a history of coexisting alongside other Muslims, Ahmadiyah was labeled deviant by public policies and became the target of vigilantism. Similarly, prior to the decree, Gafatar, an organization that has been licensed to operate, had cooperated with state institutions and undertook various working programs that were seen as legitimate by the public. However, when the heretical decree was issued, the organization was accused of deviancy. The oppression of Ahmadiyah followers dates back to 1980 when the MUI issued its first heretical decree. Since then, there have been two more decrees, issued in 2005 and 1984, respectively, that declared Ahmadiyah beliefs as deviant and not in line with Islamic teachings. It is not only Ahmadiyah that has been under oppression, but also Gafatar and Meiliana as well. Meiliana's call to prayer protest was also declared blasphemy by the MUI. All acts of oppression against Ahmadiyah, Gafatar, and Meiliana followers have occurred after the MUI issued the heretical decree.

Ultimately, taking the law into one's own hands to deliver 'justice' undermines the rule of law and democratic principles that Indonesia upholds. Robust legal frameworks and their implementation are essential to protect individual rights while promoting a tolerant and inclusive society. Allowing hardline Islamic groups to take actions that contravene the law in the name of religion will only lead Indonesia down a dangerous path that undermines its national identity and democratic foundations.

**THE RISING HATE SPIN STRATEGY FOLLOWING ISLAMIC POPULISM**

As evidenced by the cases described above, the ambiguity of legal norms can be easily misinterpreted by society. Those who criticize Islamic teachings, criticize religious practices, or hold different religious beliefs are all at risk of being accused of "defiling Islam." This interpretation is often strengthened by public policies, such as ministerial circulars, governor regulations, and city regulations. Accusations of blasphemy or deviating from "true" Islamic teachings continue to be manufactured through social media to garner support and stoke public outrage.

In such cases, hardline Islamic groups mobilize mass demonstrations to demand justice, which often results in the enactment of vigilante justice. In the cases of Ahok and Meiliana, hatred was orchestrated effectively, leading to their convictions for perceived offenses towards Islam. Similarly, with the Ahmadiyya and Gafatar cases, the public viewed their religious teachings as deviating from "true" Islam and not respecting Islamic norms. This sentiment fueled propaganda to spread hatred towards these groups and contribute to the public's vigilante actions against them.

The twisting of facts and the spread of misinformation through social media and other channels is a serious concern in Indonesia. Therefore, it is necessary to educate citizens about the importance of respecting religious diversity and the rule of law. The government must also take measures to ensure that legal norms are clear and unambiguous to prevent them from being misinterpreted. Promoting interfaith dialogue and mutual respect for different religious beliefs can also help foster a more tolerant and inclusive society.

The politicization of religion through the enforcement of anti-blasphemy laws has become increasingly prevalent in the cases of Ahok and Meiliana. The court system has been used as a tool to prosecute political opponents in the pursuit of political victory. The dynamics of politics in Indonesia function within the context of the nation's religious majority, which further exacerbates the tendency for religion to be politicized. Ahok, in particular, was targeted with accusations of blasphemy during his run for re-election as governor of Jakarta. His political opponent, Anies Baswedan, benefited from an environment where the law against blasphemy was being used to assert political power.

Indonesia's direct voting system requires candidates to garner as many public votes as possible, which means that the majority's voice, often the Islamic community, can determine election results. The public, which initially supported Ahok as a clean leader during his tenure as mayor, turned against him after the politicization of his statements, which have been edited and misconstrued by various groups. The manipulation of information has successfully sparked hatred towards Ahok, and the ubiquitous accusation that he disrespected Islam.

The intersection between politics and religion is a complicated issue, especially in a context where religion is the foundation of the majority's identity. However, the rule of law must take precedence over any political agenda or divisive ideology in order to safeguard the rights and well-being of all citizens. Therefore, it is crucial to uphold legal norms and to prevent the misuse of laws to assert political agendas. Promoting transparency and accountability in governance can also help reduce the potential for political exploitation of religious differences.

**MAIN HAKIM SENDIRI DISTURBING INDEPENDENCY OF THE COURT**

In 1964, the Supreme Court issued Circular Letter Number 11 of 1964, which essentially ordered courts under its jurisdiction to punish severely those who commit blasphemy. Despite criticism of the Anti-Blasphemy Law's weaknesses, judges continue to uphold the law. The Chairperson of the Gafatar Trial Panel, Mohammad Said, stated that the court is obliged to comply with the Supreme Court's Circular Letter. Additionally, the Supreme Court spokesperson confirmed that the letter has never formally been revoked.

In the case of Meiliana, there were three main reasons why the court's independence was undermined. First, the court did not thoroughly examine the statements of witnesses, and instead reinforced the testimony of witnesses that was contradicted by the defendant. Second, the court was unable to prove the element of intention that Meiliana had an intention to commit blasphemy against the religion adhered to in Indonesia. The viral news about the case was interpreted by the court as a hostile action, which is inconsistent with the meaning of "hostility" in international human rights law. Third, Meiliana’s designation as a suspect was based on MUI Tanjung Balai’s demands, and the efforts of the MUI to have the Head of the Tanjung Balai Police increase Meiliana's status to a suspect was an act of pressure on law enforcement. Fourth, the court only followed MUI Tanjung Balai’s considerations in formulating the MUI Propinsi Sumatra Utara No. 001/KF/MUI-SUI/I/2017 Fatwa, which stated that Meiliana had committed blasphemy against Islam, but ignored the testimony of the expert witnesses presented in court. This indicates a lack of independence in the court's decision-making.

It is essential to recognize and respect the legal entities' rights and uphold the rule of law to prevent vigilantism and safeguard the safety and well-being of religious minority groups.

In the Ahmadiyya case, the same pattern as in the Gafatar and Meiliana cases occurred, where vigilante justice was used as a reference for judges in their decision-making rather than following proper court proceedings. The one-sided truth claims made by the MUI were also supported by the court's decision. This was evident in the sentencing decision of Mahful Muis and Ahmad Musaddeq handed down by the South Jakarta District Court, which was affirmed by the High Court decision in Jakarta. They were sentenced for violating Article 165a of the Criminal Code as perpetrators of blasphemy. Asfinawati, who is the legal adviser to the two defendants, strongly objected to the decision, stating that there was not a single witness or piece of evidence that could corroborate or prove the public prosecutor's first charge.

In the Ahmadiyya case, both the court of first instance and the high court believed that a person who has religious teachings different from the religion adhered to in Indonesia is prohibited from being the perpetrator of religious blasphemy. The court focused on Ahmadiyya adherents who "intentionally commit an act publicly that is basically blasphemy against a religion adhered to in Indonesia." This means that Ahmadiyya followers are not permitted to preach their religion in Indonesia if it contradicts mainstream Islam, which is the main

In some court rulings, it was found that Meiliana did not intend to insult Islam. She acknowledged that she had conveyed to the mosque caretaker that the adzan sounds were too loud, and she was unable to rest. However, this statement was twisted, leading the officials to tell the mosque management that Meiliana was angry and disturbed by the adzan sounds. The manipulation of facts fueled hatred and resulted in a miscarriage of 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.

**The failure of anti-blasphemy law enforcement to preserve justice**

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. Cases such as Meiliana, Ahmadiyya, and Gafatar provide evidence that the punishment of Meiliana and the leaders of Ahmadiyya and Gafatar did not prevent hardline Islamic groups from engaging in vigilantism.

The court's decision in the Meiliana, Ahmadiyya, and Gafatar cases failed to provide justice for Meiliana and the leaders of Gafatar and Ahmadiyya because they were sentenced to criminal punishment without due process. The court's failure to prove the "intention" element of the defendants in the blasphemy of Islam indicates that the court has ignored the substantial weakness of the Anti-Blasphemy Law and has forced conviction based on social justice decisions. The court's insistence on convicting the defendants with a flawed law demonstrates the court's failure to provide substantial justice. Additionally, the lack of evidence presented in court to prove the defendants' guilt shows that the court has failed to provide procedural justice. For instance, in the Meiliana case...and in the Ahmadiyya case..., and in the Gafatar case....

This pattern of law enforcement in blasphemy cases that fails to provide procedural and substantial justice is likely to be repeated in similar cases.

**CONCLUSION**

In contrast to vigilantism in ordinary crimes, which generally aims to punish perpetrators of crimes caught red-handed or for crimes that continue to occur where law enforcement fails to apprehend the perpetrators, vigilantism in cases of blasphemy is not solely motivated by the existence of crime in society, but by the monopoly of religious truth by established religions, viewing different religious teachings as crimes. The narrow definition of "Godly Nationalism" contradicts the right to freedom of religion and belief guaranteed in the Indonesian Constitution. Articles 29 and 28E expressly respect the right of everyone to choose and embrace their own religion or belief and worship according to that religion or belief.

The findings of the study negate the argument put forward by the Constitutional Court that abolishing the Anti-Blasphemy Law would pose a threat to society in the event of horizontal conflicts between religions. The reality is quite the opposite; from the cases of Ahok, Meiliana, Gafatar, and Ahmadiyya, all trigger the emergence of vigilante justice. Maintaining a flawed Anti-Blasphemy Law not only provides a justification for hard-line Islamic groups to pursue hate spin strategies but also significantly hinders the courts from delivering fair and just judgement.

Through the hate spin strategy, the flawed anti-blasphemy laws can easily be manipulated and interpreted such that criticism of religious manipulation or intolerance or preaching of different religions can be construed as blasphemy against the primary religions professed in Indonesia. This strategy has succeeded in garnering significant support, legitimizing vigilante justice even before the actual trial.

Secondly, structural factors, through the roles played by the MUI and the central and regional governments that support the declaration of heretical religions, provide the foundations for the legitimization of vigilante groups to continue exerting pressure. Thirdly, the monopolization of truth claimed by orthodox religions overtly denies space for other beliefs or minority religions to freely embrace and practice their religion as per Article 29 of the Indonesian Constitution. Fourth, Muslim populism via the advocacy of hardliner Islam obtains widespread support.

It is essential for lawmakers and law enforcers to reconsider the importance of rectifying the existing flaws in the Anti-Blasphemy Law and to refrain from enforcing this law, so that violations of the rights to freedom of religion and belief for minority groups do not continue. It is vital to ensure that social justice is upheld and that a law is created that is equal to the principles of the rule of law and human rights.

**The following is a preferred format, which you are able to use for your full paper (draft).**

* Between 4,000 – 5,000 words in length including bibliography.
* Submitted as an electronic file in MS Word (.doc /.docx) to Ms Tay Minghua at [minghua.tay@nus.edu.sg](mailto:minghua.tay@nus.edu.sg) by **31 May 2023**.

**BIBLIOGRAPHY**

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

Barton, G., Yilmaz, I., & Morieson, N. (2021). Religious and pro-violence populism in Indonesia: The rise and fall of a far-right Islamist civilisationist movement. *Religions*, *12*(6), 397.

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

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. (2016). *Hate Spin: The Manufacture of Religious Offence and its Threat to Democracy*. MIT Press.

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.

Menchik, J. (2014). Productive intolerance: Godly nationalism in Indonesia. *Comp. Stud. Soc. Hist.*, *56*, 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.

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

Pratiwi, C. S., & Sunaryo, S. (2021). Blasphemy law as a structural violence: A challenge for maintaining sustainable peace. *Muslim World Journal of Human Rights*, *18*(1), 133–165. https://doi.org/10.1515/mwjhr-2020-0019

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

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

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)