**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 who target common criminals, the corruption of law enforcement officials has frequently been cited as a factor that allows offenders to avoid punishment based on their feelings rather than facts supported by evidence. 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**

Amidst the legal prosecution of blasphemy charges, vigilantism continues to occur against defendants or their followers. Vigilante justice is often perpetrated by the public in dissatisfaction with the legal process applied to the suspect. This study's analysis of blasphemy cases found that vigilante justice generally occurs before the court reaches a verdict on the accused, or because the report of the blasphemy act was delayed or postponed in the legal process. Aside from ideological, socio-cultural, and political factors, vigilante justice gains legitimacy due to fatwas labeled on suspects as perpetrators of deviant acts, desecrating or insulting Islam, issued by the Indonesian Ulama Council or religious figures from the majority group, and the fatwas are reinforced by the statements or actions of public policymakers at the city/regency and province levels who generally agree or support the MUI/Ulama statements about the suspect.

After the pressure from the majority group to expedite the punishment for the suspect arises, further vigilante actions often occur against the accused. Then, when the blasphemy suspect is brought to the court, justice is not served because the court fails to be independent in deciding the case. The vigilante group's demand for severe punishment for the accused dominates the court process, and the MUI/Ulama fatwa stating that the accused has insulted Islam, as well as various local policies that are made to dampen vigilante acts, also dominate the information in the public space. Therefore, the defendant's position in the trial becomes very weak and unfair. The court, which is no longer independent, cannot properly assess and fairly judge blasphemy cases to prove the defendant's intentionality and guilt, and finally, the court passes a sentence on the defendant under the pressure of vigilantism group.

By examining the course of events in blasphemy cases discussed in this study, the defendants in these cases can be said to suffer twice. First, they suffer not only from the violent acts committed by vigilante groups that injure their bodies, damage their property and disrupt their exercise of religious freedom. Second, these defendants, despite losing their human rights, must still accept the decision of the unjust court sentence, decided under the pressure of the vigilante group, and the decision of policymakers outside the court, who have already labeled the defendants as deviant and anti-Islamic.

**INTRODUCTION**

Indonesia is among the few countries that still uphold anti-blasphemy laws, despite commonly recognized allegations of infringement upon freedom of religion and expression in modern democratic nations leading to their repeal. Scholars argue that the Indonesia’s Anti- Blasphemy is flawed due to ambiguity in content (....). In addition, recent research (Pratiwi, 2021) contends that the Constitutional Court of the Republic of Indonesia disregarded the principle of non-discrimination in the right to freedom of religion, thereby rejecting a request for a judicial review to annul the law out of concern for the potential for conflict between different religious communities in the event of a legal vacuum. However, the legal philosophy of Constitutional Court does not reflect actuality. Despite efforts to enforce the Law Against Blasphemy of Religion, vigilante attacks on religious minorities accused of heresy persisted.

Numerous blasphemy cases in Indonesia show that not only were the accused all subjected to violent or physical attacks at their places of worship, but the courts also handed down some very harsh sentences. The Setara Institute found that between 1965 and 2017, 42 of the 97 blasphemy cases involved vigilante groups. Out of the total cases, 76 were resolved through "pro-justicia," with 47 cases receiving jail sentences ranging from one to 4.5 years, five receiving over 4.5 years, and eight receiving less than a year in prison (Nalle, 2017).

Previous studies on vigilante justice against offenders of common offenses were frequently influenced by corruption among law enforcement officials, resulting in offenders escaping legal consequences. People who take the law into their own hands based on emotions rather than evidence-based facts (Scheuerman, 202). Hassner (2011) determined, in the case of blasphemy, that reactive religious violence results from inadequate protection of religious values against transgressive acts, irrespective of religious affiliation. However, in cases of blasphemy, vigilante justice has shifted from spontaneous action to more structured and even state-sponsored actions. Pratiwi & Sunaryo (2021) argues 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 anti-blasphemy laws.

This study has significant findings that complement previous study regarding the occurrence of vigilante justice over blasphemy allegations, its impact on judicial independence in deciding blasphemy cases, and why anti-blasphemy laws have failed to preserve justice. This study determined that vigilante justice existed before court decisions and recurred after court rulings were issued. Different vigilante organizations use hate-spinning strategies to portray themselves as victims of hatred. Existence of a vague blasphemy law encourages those in positions of authority to issue public policies to give more protection to majority religious groups, which the court cannot ignore when determining blasphemy cases, thereby undermining the court's independence to administer justice.

Indonesia is among the few countries that still uphold anti-blasphemy laws, despite commonly recognized allegations of infringement upon freedom of religion and expression in modern democratic nations leading to their repeal. While many scholars argue that Indonesia's Anti-Blasphemy Law is flawed due to language issues and a lack of interfaith balance, the Constitutional Court has refused to overturn them, fearing potential conflict between different religious communities (Pratiwi, 2021). However, reality differs from law, as the enforcement of the Anti-Blasphemy Law often triggers vigilante justice against minority religious groups accused of deviancy. Islamic hardliners mostly form vigilante groups who label minority religious groups as blasphemy offenders and use hate spin tactics, portraying themselves as victims of hate.

Blasphemy suspects, often belonging to minority religious groups, not only endure legal trials but also face violent attacks on their places of worship. The Setara Institute found that between 1965 and 2017, 42 of the 97 blasphemy cases involved vigilante groups. Out of the total cases, 76 were resolved through "pro-justicia," with 47 cases receiving jail sentences ranging from one to 4.5 years, five receiving over 4.5 years, and eight receiving less than a year in prison (Nalle, 2017).

Public outrage towards criminal acts, ranging from serious cases like murder to minor ones like stealing loudspeakers in mosques, is often due to law enforcement officials' corruption resulting in perpetrators escaping legal consequences. Citizens then punish the accused based on emotions and not evidence-based facts (Scheuerman, 2022). Hassner's (2011) research found that reactive religious violence can occur globally, wherever fundamentalist movements confront threatening transgressive acts in political environments that permit protests but fail to protect religious principles. The shared implication is that reactive religious violence results from inadequate protection of religious values against transgressive acts, regardless of religious affiliation.

This study has significant findings that complement Hassner's views with more finding and different conclusions regarding the occurrence of vigilante justice over blasphemy allegations, its impact on judicial independence in deciding blasphemy cases, and why anti-blasphemy laws have failed to preserve justice. The study found that the perpetuation of vigilante justice over blasphemy allegations is influenced by various factors, particularly the legitimacy it receives from public policies that stigmatize the accused and the local court often follows the policies that aim to dampen public unrest, leading to an unjust and unfair trial process.

**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 four cases, with the first being the case of Ahok, a Cristian Chinese Governor of Jakarta who were found guilty of blasphemy after criticized the politization of QS. Al-Maida verse 51 to gain Muslims supports on election. The second is Meiliana case, 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 third and fourth 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. By evaluating the gap between the theoretical and practical implementation of the law, the anticipated outcomes of this research are expected to answer the research questions mentioned earlier and may provide recommendations that promote the preservation of human rights and social justice in Indonesia.

**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). 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).

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). This study will therefore provide substantial insight into the role of the rule of law and justice in elucidating the phenomenon of vigilante justice against those accused of blasphemy and the extent to which this impacts law enforcement on blasphemy cases in court in order to achieve justice.

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.

**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). The politicization of religion in Indonesia's political climate exacerbates this issue since the majority's voice, often the Islamic community, can determine election results. The manipulation of information and editing of Ahok's statements has successfully sparked hatred and accusations against him and disrespected Islam. Upholding legal norms and preventing the misuse of laws to assert political agendas is crucial to safeguard the rights and well-being of all citizens. While the Ahmadiyya and the Gafatar cases were also seen as straying from "true" Islam and violating Islamic rules. This animosity fueled propaganda and vigilante action against these communities.

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.

Secondly, 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.

Fourthly, a social factor shows that when populism of Islam rise, the hardlines Islamic groups gains public support by politicking blasphemy cases. 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 Ahmadiyya followers and other Muslim minority groups (Suryana, 2019). Hence, in this context, populism of Islam refers to the Islam practiced by the majority of Indonesia's population. 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.

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.

**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**

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.

This injustice gains legitimacy due to fatwas labelling suspects as perpetrators of deviant acts, desecrating or insulting Islam, resulting from the Indonesian Ulama Council or religious figures from the majority group's actions. With public policymakers at the city, regency, and province levels' support, the vigilante actions manipulate social situations by resorting to hate speech and spreading fake news, successfully mobilizing pressure on law enforcement agencies and courts to hasten the legal process and override the rights of minority religious groups.

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. 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.

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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)