**Vigilante Justice Persists Amid the Enforcement of Indonesian Anti-Blasphemy Law's Failure 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) or [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, how does vigilante justice persist despite the enforcement of blasphemy law? To what extent vigilantism actions shaped the court decisions? Why has the continued enforcement of the Anti-Blasphemy Law not led to ensuring justice? This study examines various data, namely interviews, cases study, statues 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.

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

**ABOUT THE SPEAKER**

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

**INTRODUCTION**

**Di tengah penegakan hukum terhadap tertuduh blasphemy berlangsung, vigilante justice melawan mereka atau para pengikutnya tetap terjadi. Vigilante justice yang umumnya dilakukan oleh masyarakat karena ketidakpuasan atas putusan pengadilan, dalam kasus blasphemy studi ini menemukan bahwa vigilante justice justru terjadi sebelum pengadilan menjatuhkan putusan terhadap tertuduh. Selain faktor-faktor idiologi, social-budaya, dan politik, vigilante justice mendapatkan legitimasi karena adanya fatwa sesat yang dikeluarkan oleh Majelis Ulama Indonesia mengenai ajaran “sesat” atau “penghinaan atau penodaan terhadap Islam” yang dilakukan oleh tertuduh dan diperkuat oleh berbagai kebijakan publik yang dikeluarkan oleh pemerintah kota/ kabupaten dan propinsi. Lalu, pada saat tersangka blasphemy dibawa ke meja hijua, pengadilan gagal menghadirkan keadilan, karena independensi pengadilan terganggu oleh tuntutan kelompok vigilante, fatwa MUI dan berbagai kebijakan publik yang telah memberikan petunjuk bahwa tertuduh telah menganut ajaran sesat atau menghina atau menodai agama (Islam). Pengadilan yang seharusnya mampu menilai dan mengadili sendiri kasus blasphemy untuk membuktikan unsur kesengajaan dan kesalahan tertuduh, tidak secara maksimal dilakukan.**

**Dengan menelaah alur yang terjadi di kasus-kasus blasphemy dalam studi ini, para tertuduh kasus ini bisa dikatakan menderita dua kali, Pertama, mereka tidak hanya menderita karena tindakan kekerasan yang dilakukan oleh kelompok vigilante menyakiti badan, merusak property dan mengganggu tertuduh atau kelompok minoritas agama menjalankan hak kebebasan beragamanya. Kedua, mereka para tertuduh ini meskipun sudah kehilangan jaminan atas hak asasi manusianya tetap harus menerima keputusan hukuman berat akibat pengadilan yang tidak adil kepada mereka yang memutuskan dibawah tekanan kelompok vigilante dan juga keputusan para pembuat kebijakan diluar pengadilan yang sudah melabeli para tertuduh sebagai kelompok sesat dan anti islam.**

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 (Hassner, 2011). 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. A short conclusion and recommendation 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 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.

**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.

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 generally considered illegal and occurs spontaneously as a result of public anger over criminal offenses or immoral behaviour that is caught red-handed. *Main Hakim Sendiri* 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. Alternatively, *Main Hakim Sendiri* can also be seen as arbitrary acts of power or vigilante justice 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). 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.

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**

**Vigilante Justice on Blasphemy Cases triggered by Islamic Populism**

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 (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 (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 (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 from the four cases study, the vigilante justice were repeatedly happened as described in Table 2. As seen by the incidents above, society might misread legal standards' ambiguity. Critics of Islam, religious activities, and non-Muslims risk being accused of "defiling Islam." Ministerial circulars, governor regulations, and local rules support this interpretation. Social media continues to fabricate blasphemy and "true" Islamic teaching accusations to attract support and indignation.

Hardline Islamic groups organize 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 Ahmadiyya and Gafatar instances were also seen as straying from "true" Islam and violating Islamic rules. This animosity fueled propaganda and vigilante action against these communities.

Indonesians 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 legal principles. Interfaith discourse and respect for other religions may also promote tolerance and inclusion.

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.

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 Aksi 414. Belajar 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 religious minorities. Buddhist 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 (athan). However, as the information spread through social media, it was distorted to portray Meiliana, a Chinese-Indonesian Buddhist woman, as rejecting the athan. 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, Gafatar was liquidated in 2015. Human Rights Watch reported that 2,422 families (7,916 people) were forcibly expelled from Kalimantan within two months, and over 6,000 Gafatar members were detained in illegal detention centers across Indonesia. The former Gafatar chairman, Mahful M Tumanurung, expressed regret over the forced evictions, property damage, and asset looting against Gafatar members. | 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. |
| ***Ahmadiyya Case*** | Since 1980, Indonesia's Ahmadiyya community has faced vigilante justice. 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 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 Ahmadiyya adherents to renounce Islam has not resolved the issue, as they continue to follow Islamic precepts. |

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. Promoting transparency and accountability in governance can also help reduce the potential for political exploitation of religious differences.

**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. 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 Ahmadiyya and Shi’a minority communities. The connection has allowed vigilante groups to commit violent acts against minority congregations with a degree of impunity (Hewson, 2017).
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 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.

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.

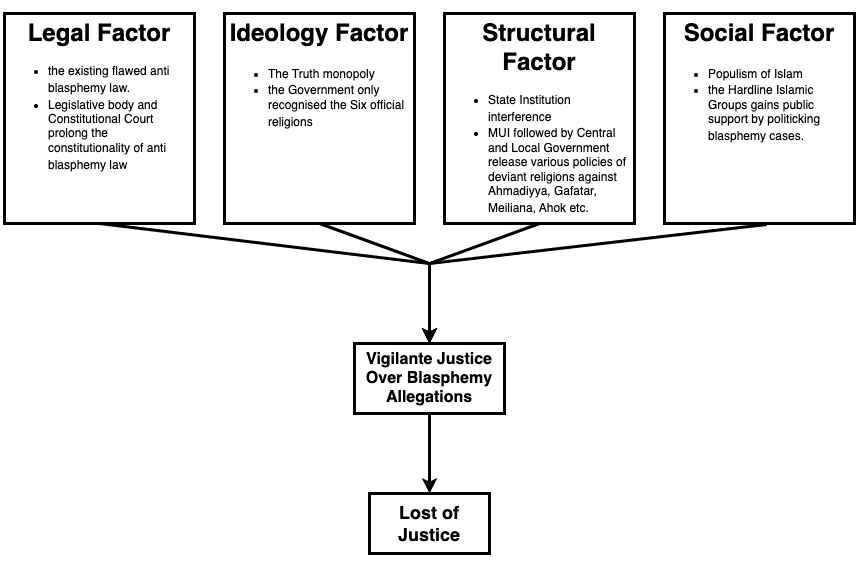


Figure . Factors and actors influence the act of Vigilante Justice

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.

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**

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.

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. The same pattern occurred in the Ahmadiyya and Gafatar cases, where vigilantism was used as a reference for the court's decision and the MUI's one-sided truth claims were supported. The court's decision in the case of Mahful Muis and Ahmad Musaddeq was also criticized, lacking evidence to support the prosecutor's charge. Upholding legal rights and the rule of law is crucial to prevent vigilantism and safeguard the safety of religious minority groups.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

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.

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. 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.

**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

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.

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

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.

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/

Suryana, A. (2019). *The State and Religious Violence in Indonesia: Minority Faiths and Vigilantism* (1st ed.). Routledge. https://doi.org/10.4324/9780429284724

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.

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)