REPEAL OR AMEND ANTI-BLASPHEMY LAW? A SOCIO-LEGAL STUDY OF THE ENFORCEMENT OF INDONESIA’S ANTI-BLASPHEMY LAW

CEKLI SETYA PRATIWI

A THESIS SUBMITTED IN PARTIAL FULFILLMENT

OF THE REQUIREMENTS FOR THE DEGREE OF

DOCTOR OF PHILOSOPHY

(HUMAN RIGHTS AND PEACE STUDIES)

FACULTY OF GRADUATE STUDIES

MAHIDOL UNIVERSITY

2022

Thesis

entitled

REPEAL OR AMEND ANTI-BLASPHEMY LAW? A SOCIO-LEGAL STUDY OF THE ENFORCEMENT OF INDONESIA’S ANTI-BLASPHEMY LAW

.....................................................

Mrs. Cekli Setya Pratiwi

Candidate

.....................................................

Prof. Patcharee Lertrit,

M.D., Ph.D. (Biochemistry)

Dean

Faculty of Graduate Studies

Mahidol University .....................................................

Vachararutai Boontinand,

Ph.D. (Human Rights and Peace Studies)

Program Director

Doctor of Philosophy Program in Human Rights and Peace Studies (International Program)

Project For the Establishment of the Institute of Human Rights and Peace Studies

Mahidol University

Thesis

entitled

REPEAL OR AMEND ANTI-BLASPHEMY LAW? A SOCIO-LEGAL STUDY OF THE ENFORCEMENT OF INDONESIA’S ANTI-BLASPHEMY LAW

was submitted to the Faculty of Graduate Studies, Mahidol University

for the degree of Doctor of Philosophy (Human Rights and Peace Studies)

on

.....................................................

Mrs. Cekli Setya Pratiwi

Candidate

.....................................................

Prof. Patcharee Lertrit,

M.D., Ph.D. (Biochemistry)

Dean

Faculty of Graduate Studies

Mahidol University .....................................................

Vachararutai Boontinand,

Ph.D. (Human Rights and Peace Studies)

Director

Project For the Establishment of the Institute of Human Rights and Peace Studies

Mahidol University

ACKNOWLEDGEMENTS

Cekli Setya Pratiwi

Table of Content

List of Abbreviations

Abstract

# CHAPTER I

# AN INTRODUCTION TO A STUDY OF INDONESIA’S

# ANTI BLASPHEMY LAW

## Background of the problem

## Objectives of the study

## Research questions

## Originality of the Study

## Outline of the Thesis

# CHAPTER II

# THEORETICAL AND CONCEPTUAL FRAMEWORK

## 2.1 Theoretical Framework

### 2.1.1 Theory of the rule of law

### 2.1.2 Theory of social justice

### 2.1.3 The rule of law and social justice

### 2.1.4 The rule of law and law enforcement

### 2.1.5 Law Enforcement to uphold the rule of law and maintaining social justice

### 2.1.6 Law Reform and Human Rights

## 2.2 Conceptual Framework

### 2.2.1 History and Development of ABL in the World

### 2.2.2 Factors and Actors Influence the Enforcement of ABL

### 2.2.3 Relation between Political Manipulation of Religion and the enforcement of ABL

### 2.2.4 Relation between Populism of Religion and the Enforcement of ABL

### 2.2.5 The Impacts of ABL's enforcement towards society

### 2.2.6 The existence of ABL create the type of State and Religion Relationship?

### 2.2.7 Law reform of Anti Blasphemy Law, between amendment and repeal a law

CHAPTER III

RESEARCH DESIGN: A SOCIO-LEGAL STUDY APPROACH WHILST REFORMING INDONESIA’S ANTI BLASPHEMY LAW

CHAPTER III

DEVELOPMENT OF ANTI-BLASPHEMY LAW IN INDONESIA

CHAPTER IV

THE ENFORCEMENT OF INDONESIA'S ANTI-BLASPHEMY LAW AND ITS IMPACTS

CHAPTER V

EXAMINATION OF STATE-RELIGION RELATIONS AS CONSEQUENCE OF THE ENFORCEMENT OF THE ANTI BLASPHEMY LAW

CHAPTER VI

CONCLUSIONS:

REFORM OR REPEAL THE ANTI BLASPHEMY LAW, WHAT IS POSSIBLE IN INDONESIA AND WHY?

Bibliography