

Politicising blasphemy in Indonesia: How Islamic alliances are established

Edition 4, 2020

Rafiqa Qurrata A'yun

DOI: 10.37839/MAR2652-550X4.19

Conservative Muslim groups have been very successful in Indonesia, the world's most populous Muslim nation, in efforts to construct blasphemy as a serious threat to the Islamic community.

These groups attempt to formalise Islam in state institutions in a way that rejects liberalism and pluralism; and the engagement of conservative Muslims in the enforcement of blasphemy law is on the rise.

The actions of conservative Muslim groups in relation to blasphemy law should be understood as a reflection of how an increasingly Islamic Indonesian society is attempting to establish alliances with opportunist politicians.

Conservative Muslim groups are fragmented and as such have no viable political vehicle that can represent and channel their interests. Conservative Muslims therefore seek to establish apparently informal and loose alliances with politicians that could help them to achieve their goal of formalising Islam in state institutions. Meanwhile, opportunist politicians regard articulating conservative Islamic narratives as a way of garnering greater support among voters. Blasphemy law has become politicised through these alliances.

The alliances between politicians and religious groups manifest in two ways in relation to blasphemy law:

- The politicisation of blasphemy cases. Many blasphemy accusations in Indonesia are made during electoral contests and create opportunities to merge the goals of religious groups and political elites.
- Through efforts to maintain the blasphemy law. The narrative of protecting religion, public order and national unity have often been articulated by both conservative Muslim groups and politicians to legitimise the continued existence of the law.

Blasphemy law in Indonesia

Indonesia's blasphemy law is mainly articulated in Article 156a of the Criminal Code. This provision originated from Presidential Determination Number 1 of 1965 on the Prevention of Abuse and/or Defamation of Religion (UU No. 1/PNPS/1965), a law that was issued by Indonesia's first President Sukarno in the context of tensions between Islamists and Communists.

Article 156a defines the offence of blasphemy vaguely, which has meant it is interpreted loosely. The offence relates to public expressions or committed acts of 'hostility, abuse or desecration'. Many blasphemy cases in Indonesia are related to mockery statements; the unorthodox or unconventional interpretation of religion; and participating in rituals that are considered deviant, mostly in relation to Islam. Article 156a has also been applied to satire in literature and neighbourhood disputes such as complaints about the volume of a mosque's loudspeaker.

Over the past few decades, some European nations have attempted to abolish blasphemy law, while others retain it despite the fact that it's rarely applied. In Indonesia, where blasphemy law tends to serve Islamic majority interests, it continues to be in active operation despite several petitions to revoke it submitted by civil society groups to the Constitutional Court (which have so far been rejected).

The conservative Muslim groups involved in blasphemy allegations

Many of those who report claimed instances of blasphemy are affiliated with conservative Muslim groups, although they may act as individuals. The groups are various, from mainstream Muslim groups to hard-liners like the Islamic Defenders Front (*Front Pembela Islam*, FPI) and the Islamic Community Forum (*Forum Umat Islam*, FUI). In many cases, these groups establish new coalitions which aim to respond to a specific case.

The most influential organisation in reporting blasphemy and issuing a non-binding legal opinion (*fatwa*) is the quasi-state organisation Indonesian Ulama Council (*Majelis Ulama Indonesia*, MUI), which is dominated by *ulama* affiliated to the two largest Islamic mass organisations, Nahdlatul Ulama (NU) and Muhammadiyah. These groups have often been portrayed monolithically as representing moderate Muslims.

In fact, members of NU and Muhammadiyah hold varied views and religious expressions—liberal, moderate and conservative. A recent study shows that many NU members express conservative views. Other scholars such as Martin van Bruinessen have observed that in 2004 both NU and Muhammadiyah purged leaders who were considered ‘liberals’.

Together with hardliners like FPI and FUI, MUI and other mainstream Muslim groups have often been involved in putting pressure on blasphemy investigations by staging mass protests in support of particular blasphemy allegations. But the significant role of conservative Muslim groups in blasphemy cases is evident at all stages of the legal process: reporting suspected cases; issuing a *fatwa* that become the basis for police investigations and prosecutors’ indictments; and providing expert testimonies in evidentiary hearings.

The involvement of conservative Muslim groups in the Ahok case

The most notorious blasphemy case in Indonesia is that of Basuki Tjahaja Purnama (Ahok), a Chinese- descent Christian incumbent candidate of the 2017 Jakarta gubernatorial election. Ahok was charged with blasphemy, after he gave a speech which mentioned a verse in Al Quran, Al Maidah 51, which had been commonly used by his political opponents to reject a non-Muslim leader.

Conservative Muslim groups staged serial mass rallies against Ahok called Defending Islam Action (*Aksi Bela Islam*). The rallies were mobilised by the National Movement to Safeguard Fatwa of the Indonesia Ulama Council (*Gerakan Nasional Pendukung Fatwa Majelis Ulama Indonesia*, GNPFI MUI), an alliance that consists of dozens of conservative Muslim groups, led by hardliners like the FPI.

Ahok's political rivals were initially inclined to not participate in the demonstrations due to concern about being associated with the FPI, a violent organisation. However, the FPI gained a great deal of support from various political leaders after it successfully staged a peaceful protest on November 4, 2016 in which hundreds of thousands of Muslims participated. After this rally, Indonesia's President Joko Widodo (Jokowi) stated that he would not protect Ahok, despite the fact that Ahok was his political ally.

The rally was aimed at hastening the legal investigation of the blasphemy case against Ahok. Less than two weeks after it was held, the police invited the leader of FPI, Rizieq Shihab, to be an expert in the case screening (*gelar perkara*). Shortly after that, Ahok was named a suspect.

On December 2, 2016 (from which the name 212 Movement came), conservative Muslims successfully held another demonstration, larger than before, aiming to hastening the trial process and mobilise mass support from conservative Muslims.

This was also successful and Ahok's political rivals started to communicate directly with conservative Muslim groups.

Although the prosecutors denied any influence on the legal process, they fairly quickly prepared the indictment and the trial began on December 13, 2016. This is illustrative of how law enforcers have become highly responsive to blasphemy cases which involve pressure from conservative Muslim groups who dominate public discourse.

Conservative groups also had an influence in the courtroom through testimonies from Muslim clerics. Prosecutors and judges in many trials tend to rely on MUI's *fatwa* and opinions to prove the element of insulting religion as stipulated in the blasphemy provision. The *fatwa* can be classified as evidence because it provides opinions from Islamic scholars as to what extent someone has insulted Islam and can define religious practice considered deviant. The accused can propose expert testimony and judges can decide which are more convincing, but the Ahok case illustrates how the court tends to favour opinion presented by conservative Muslim groups.

On October 11, 2016, MUI issued a Religious Opinion and Stance (*Pendapat dan Sikap Keagamaan*) declaring that Ahok had insulted Islam. Although there was a challenge from Ahok's defence team problematising the background of MUI's opinion, the judges considered the Religious Opinion and Stance as a legal fact.

Mass anti-Ahok rallies were held during the trial and may have influenced the outcome of the case and of the gubernatorial election in which Ahok was a candidate. A legal expert, Bivitri Susanti, argues that 'the street protests influenced the judges' ruling' in this case. Concerns about security, resulted in the trial location being moved. Several demonstrations aimed at undermining Ahok's popularity were held by GNPf MUI a few days before the first and the second rounds of the Jakarta gubernatorial election in February and April 2017 respectively. Ahok was defeated.

On May 9, 2017, he was found guilty of blasphemy and sentenced to two years in

prison. The judges stated that there were aggravating factors contributing to the sentence, such as that he did not express guilt, and that his comments had triggered societal unrest which could lead to inter-religious disunity. The judges also stated that the Ahok case was a criminal one of insulting religion, based on expert testimonies from the prosecution, including Rizieq Shihab as well as MUI clerics Hamdan Rasyid and Muhammad Amin Suma. Ahok submitted a reconsideration/final appeal (*peninjauan kembali*) to the Supreme Court, but it was rejected by the Court.

The influence of politics in other blasphemy cases

There are other examples of blasphemy cases being politicised. An example is the case of Meliana, a Chinese Buddhist woman from Tanjungbalai, North Sumatera, who in 2016 complained about the volume of the call to prayer at a local mosque. The matter didn't reach trial until 2018, when it coincided with local elections. She was found guilty and sentenced to 18 months imprisonment.

Another example is the blasphemy case of Saleh in 1996. Saleh was a janitor at a town mosque in Situbondo, East Java, who challenged several aspects of Islam and was convicted and jailed for the maximum five-year term. The decision resulted in riots by those who wanted Saleh to receive the death penalty. Some observers noted that the riot was engineered to discredit and undermine Abdurrahman Wahid, the then NU leader who actively criticised President Soeharto's alliance with conservative Muslims, especially those represented in the Association of Indonesian Muslim Intellectuals (ICMI, *Ikatan Cendekiawan Muslim Indonesia*). The establishment of ICMI was sponsored by Soeharto in 1990 and aimed to gain support from conservative Muslims after Soeharto had a conflict with key military figures.

Many blasphemy accusations in Indonesia that appear during electoral contests show that such accusations create opportunities to merge the similar goals of religious groups and political elites as can be observed in the Ahok and Meliana

cases. Such accusations can also be attempts to silence the opposition, as seen in the Saleh case.

Maintaining the blasphemy law

Since 2009, there have been at least five petitions challenging the constitutionality of UU No. 1/PNPS/1965 and Article 156a submitted by civil society groups and individuals convicted of blasphemy. All have been rejected by the Constitutional Court.

However, debate continues about the validity of blasphemy law in relation to two of these petitions. One was submitted in 2009 by a group of human rights activists, some of whom were moderate Islamic scholars such as Abdurrahman Wahid and Dawam Rahardjo. The other was submitted in 2012 by individuals who have been convicted of blasphemy, including Shiite cleric Tajul Muluk.

One of the main reasons given by Constitutional Court judges for rejecting both petitions is that blasphemy law is necessary to prevent conflict. For the 2009 petition, the judges referred to expert testimonies from the government's side, including the NU chairman Hasyim Muzadi, who argued the law does not contradict human rights principles and its abolition could result in riots and the persecution of those whose religion was insulted. Similar arguments were used to reject the 2012 petition, declaring that even though the formulation of blasphemy law is not perfect, revoking the law may create more risk to society.

The narrative of protecting religion, public order and national unity has often been articulated by both conservative Muslim groups and politicians to legitimise the continued existence of the law. In fact, many cases show the opposite.

The Court has an independent position from the state and it is possible for judges to have dissenting opinions, as happened in the 2009 petition. However, it is worth examining the relationship between Islam and political elites in these cases. An

obvious example is how judges have favoured expert testimonies from the government's side, which are predominantly from MUI clerics.

The rejection of these petitions has happened in the context of the mainstreaming of Islamic conservatism in politics. Former President Susilo Bambang Yudhoyono (2004-2014) consolidated his power by favouring the interests of conservative Muslims, for example, by producing policies that discriminate against religious minorities. In 2005, MUI issued a *fatwa* that opposed secularism, pluralism and liberalism (popularly known as the *Sipilis fatwa*). According to scholar Martin van Bruinessen, this fatwa is not only an attack on liberal Muslims, but also an attempt to delegitimise 'a much broader category of Muslim intellectuals and NGO activists.'

Yudhoyono's administration also produced the Joint Ministerial Decision (SKB) on the Establishment of Places of Worship in 2006 and the SKB on Ahmadiyah in 2008. These problematic regulations also refer to the Law No 1/PNPS/1965.

In responding to the anti-Ahok movement, political elites, including Ahok's political allies have replicated the blasphemy provisions to further their own interests. For instance, Jokowi issued the 2017 Government Regulation in Lieu of the 2013 Law on Societal Organisations (popularly known as *Perppu Ormas*) which introduced more severe penalties that could be applied not only to individuals but also social organisations and their members.

Efforts to maintain and to replicate blasphemy law might represent the dominance of conservative Muslims in the political arena. But it's better understood in the context of power struggles as a manifestation of how alliances are established between conservative Muslims and political elites. This point is crucial to explain the origin of the alliances and to contextualise the expanding influence of religious authorities in public sphere.

Image: Islamist anti-Ahok protestors in Jakarta, March 2017. Credit: Cahaya Maulidian (Winluxhuman)/WikiCommons