



Graduate School of Development Studies

**When Human Rights become So Political:
State-Islam Relations and Its Impact on the
Ahmadiyya Community in Indonesia**

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List of Acronyms

| | |
|------------|---|
| Bakorpakem | Badan Koordinasi Pengawas Aliran Kepercayaan Masyarakat |
| BAP | Barisan Anti Pemurtadan |
| BIN | Badan Intelijen Negara |
| FPI | Front Pembela Islam |
| FUI | Forum Umat Islam |
| FUII | Forum Ulama Umat Indonesia |
| GAI | Gerakan Ahmadiyah Indonesia |
| GUI | Gerakan Umat Islam |
| HTI | Hizbut Tahrir Indonesia |
| ICCPR | International Covenant on Civil and Political Rights |
| ICG | International Crisis Group |
| ICMI | Ikatan Cendekiawan Muslim Indonesia |
| JAI | Jamaah Ahmadiyah Indonesia |
| LDII | Lembaga Dakwah Islam Indonesia |
| LPI | Laskar Pembela Islam |
| LPPI | Lembaga Penelitian dan Pengkajian Islam |
| MORA | Ministry of Religious Affairs |
| MUI | Majelis Ulama Indonesia |
| NGO | Non Governmental Organization |
| NU | Nahdhatul Ulama |
| POLRI | Kepolisian Republik Indonesia |
| TIAS | Tim Investigasi Aliran Sesat |
| TNI | Tentara National Indonesia |

Abstract

This paper investigates the relationship between state and Islamic institutions in Indonesia and how the relationship affect the state's performance in conducting its obligation to respect, to protect and to fulfil freedom of religion of the Ahmadiyya community. It is shown that there is shifting in the state and Islamic institutions relationships that influenced by political motives. It is also evidenced in the research, that the performance of the state in respecting, protecting and fulfilling the right to religious liberty of the Ahmadiyya community is highly influenced by this relationships as well as political circumstances.

Relevance to Development Studies

While the developed countries do not consider religion issues as priority in their development, developing countries still recognize this issue as important and should be taken carefully. The Ahmadiyya case in Indonesia shows how religion is not only important as the source of people's values but also becomes the source of political contestation between state and Islamic institutions.

Keywords

Islam, politics, state obligation, freedom of religion, human rights

Chapter 1

Introduction

Indonesia, a home to the largest Muslim population in the world, has generally been associated to tolerant and peaceful Muslim community and even known as a country that develops in to the most pluralistic and democracy-friendly nation-state in the entire Muslim world (Ichwan and Hasan 2007: 1). The departure of Soeharto in 1998 and the current process of democracy have opened wider space for Islamic organizations and movements to participate and exercise their agency in the public sphere. Nevertheless, the progress of democratization is also followed by regression of freedom of the people, particularly the freedom of religion.

The case of Indonesian Ahmadiyya community is a current issue related to the freedom of religion and religious minority's rights in Indonesia. The religious group is intensively attacked by militant Muslim groups as it is recognized as deviant and therefore should be banned by the government. It is evidenced that in the middle of 2005, a group of militant Muslim group called Islamic Defenders Front (FPI) attacked the Ahmadis during their gathering in Parung, West Java (Anwar 2008). In 2006, the Ahmadis in Lombok Island were attacked; houses, mosques and shops of the Ahmadis were destroyed and burned down by the attackers. About 350 faction members fled their homes and until now, about 187 Ahmadis are living in the shelter (Pandaya 2008). In December 2007 an Ahmadiyya community in Kuningan, West Java was ransacked; eight mosques were closed by the local administration in favour of the mainstream Muslim. The latest attack was on 28th of April 2008 in Sukabumi, West Java. A mob of more than 100 people burned down ahmadiyya mosque and vandalized an Ahmadiyya school nearby (Suwarni 2008).

Responding the edict issued by Majelis Ulama Indonesia (MUI, Muslim Scholar Council) and pressure from many Islamic organizations, the government tasked Badan Koordinasi Pengawas Aliran Kepercayaan Masyarakat (Bakorpakem, Coordinating Board for Monitoring Mystical Beliefs in Society), a board set up in the dictatorship of Soeharto, to investigate Ahmadiyya. After investigating, the Board recommended the government to ban the religious group because of its heretical belief (Sufa 2008). Therefore, the Home and Religious Affairs ministries and the Attorney General issued a joint decree on Warning and Order to the Ahmadiyya community that restrict deviant interpretation of Islam.

The decree shows how far the government's commitment in realising religious liberty right of the Muslim minority. Thus, the commitment can be affected by the way government of Indonesia interpret the religious freedom in its own constitution, political challenges, and the way government maintain its relationship with Islamic institutions.

This research investigates the relationship between state and religion and how this relationship influences the state's duties to respect, to protect and to fulfil the freedom of religion, particularly of the Ahmadiyya community in

Indonesia. Many studies have been done in the field of state and Islam relationship in Indonesia; however an investigation to how this relationship affects the performance of the state in fulfilling its obligations related to freedom of religion is very crucial since freedom of religion is one of fundamental and inalienable human rights.

General Objective

The objective of this research paper is to investigate the current relationship between the state and the Islamic institutions, and how this relationship influences the implementation of the state's obligation to respect, protect and fulfil freedom of religion, particularly of the Ahmadiyya community, in Indonesia.

Research Questions

How does the relationship between the state and religion affect the state's obligation to respect, to protect and to fulfil freedom of religion, particularly of the Ahmadiyya community?

Sub-questions:

- What is state of the current relationship between the state and Islamic institutions in Indonesia?
- What are the roles of the state and Islamic institutions with respect to the freedom of religion?
- How does the state implement its responsibility to respect, protect and to fulfil freedom of religion of the Ahmadiyya community?
- What is the impact of the current relations on the implementation of the state's obligation with regards to religious freedom, particularly of that of the Ahmadiyya community in Indonesia?

Methodology

The Ahmadiyya community has been chosen as the case study for this research because of its long history in Indonesia and especially because it has become the most vulnerable Muslim minority group in recent times. Furthermore, the Ahmadis are a reasonably large religious group (about 200.000 adherents) in Indonesia. My belief is that if the state does not protect a large minority religious group that has a global network, then it might not want to protect smaller and local minority religious groups or other traditional religions. The other reason in choosing this particular group is because the Ahmadiyya is known to be a well organized religious group with a good ability to document its own cases which makes any research on this organization manageable.

The term Islam used in this paper refers to the Islamic institution that is structures and mechanisms that govern the individual behaviour. These institutions furthermore take shape as Islamic organizations where in Indonesian context can be divided into two categories: Islamic organizations inside the state's system and those that operate outside the state system. Although the Islamic institutions describe in this paper is identical with the Islamic organisations, I prefer to use the Islamic institution term as it shows more fluid structure rather than formally established organization.

This study is based on library research and scholarly publications dealing mainly with state-religion relations in Indonesia, the Ahmadiyya movement, as well as the Indonesian government's performance in conducting its responsibility. In this effort, the library of KITLV (Royal Netherlands Institute for Southeast Asian and Caribbean Studies) in Leiden has been very helpful in providing the data especially books and periodicals of Indonesia.

Historical approach and argument analysis are used in this research. It makes a critical evaluation of a particular social context, discourse and historical period. Historical approach is applied in understanding the shifting paradigm of State-Islam relations and the roles of Islamic institutions from time to time. Meanwhile, discourse analysis, particularly argument analysis, is used to understand the discourse produced by the government represented in the president's speech and report provided to international community.

There are several limitations of the study. Firstly, the literature on Ahmadiyya movement in Indonesia is very limited; most publications on Ahmadiyya in Indonesia are written by the opponent groups that lack of neutrality, meanwhile the books published by the Ahmadiyya community rarely distributed to the public. Secondly,

Structure of the paper

The rest of this paper is structured as follows: Chapter 2 conceptualizes several terms and builds analytical frameworks for chapter 4 and 5. It first discusses the existing studies on state religion relationships. After that, it presents the concept of freedom of religion mentioned in the national law as well as the international law. Furthermore, it addresses the concept of state obligation to respect, to protect and to fulfil the freedom of religion.

Chapter 3 provides information related to Ahmadiyya movement since its establishment to its current development in Indonesia. This chapter provides the hostile atmosphere around the Ahmadiyya community as the freedom of religion case that will be analyzed in the next chapters.

Based on the conceptual framework in the chapter 2, the fourth chapter describes the state Islam relationship in Indonesia from the

post-independence period to the post-reformasi period. Furthermore, it describes the role of varied Islamic institutions in the Ahmadiyya case. The next chapter describes the state roles in the Ahmadiyya case and how it implements the obligation to respect, to protect and to fulfil freedom of religion of the Ahmadiyya community. Finally, chapter 6 summarizes the main findings in relations to the research questions of this paper, and gives conclusions.

Chapter 2

The Theoretical Framework

Religion and Politics

The position of religion in a society is largely influenced by the relationship between the state and religion and its role in the state's life (Podoprigora 2004: 429). Podoprigora explains three types of state-religion relations; the first is when the spiritual power is inseparable from the state power and becomes the foundation of the state's structure as shown in the Islamic countries. The second is when the country does not recognize religion as an important part of its social life and sometimes has negative attitude upon it by strictly supervising religious associations and religious activities. The third is in the midst of these two extremes, when the religious institutions are granted special privileges and have a large impact on state affairs. In this relationship, even though the system favours one religion, all religious organizations are treated equally and both church and state do not intervene in each other's affairs (Podoprigora 2004: 429-430)

Abdurrahman Wahid, a prominent Islamic scholar and former president of Indonesia elucidated three main schools of thought in Islam that have analyzed the relations between religion and the state. The first argued that Islam can not be separated from the state, although they engage in different realms, Islam and the state are organically linked. The term "*Al Islam: al-din wa al dawlah*" (Islam represent not only religion but also a state) is often used to describe this relations. In this form of relationship, the religious and state leaders enjoy equal status although they have different functions. The second school of thought sustain that religion and the state are separated and cannot be mixed. It stresses that all public affairs should be secularly managed, while religion is maintained in the private domain. Consequently, religion should not intervene either legally or formally in any political process. The third school asserts that religion and state overlap and are difficult to distinguish from each other (Wahid 2001: 25).

Both western and Islamic notions on relations between religion and state suggest at least three types which are unification, separation and the middle of those two extremes. However, even if it is argued that a country can have a strict separation between state and religion, religion can never be separated from the values of everyday life of the people; religion is the foundation for values and values is the foundation of politics (Martens 2007: 1). Therefore, beyond the structure of the state-religion relationship, religion and politics play dominant role in shaping the relationship itself.

Haynes argued that in the global context, cultural Islamization, both religio-political movements and secularized governments often use religious doctrine as a means of challenge and legitimization (Haynes 1999: 4) Furthermore, Ellis and Ter Haar elucidate based on the African case that secular leaders regularly tried to co-opt religious power in order to maximize electoral support (Ellis and Ter Haar 2004: 101).

Cole Durham, professor of law at Brigham Young University, argues that the manner in which this kind of relationship can affect freedom of religion depends on how much tolerance is provided by the state and how flexible can the religious interpretation be done (Durham 1996). Furthermore Durham suggests that in order to understand how state-church separation will affect the freedom of religion in a certain society, there are two measures that should be conducted. The first is to investigate the degree to which the state is responsible towards the freedom of religion and the second is the degree to which the state identifies itself with the religious institutions (Durham 1996: 15).

Freedom of Religion

National Law

As the state is the main actor in providing human rights protection, and Indonesia is adopting dualistic approach towards international law¹, it is important to take the national laws in to account. Indonesia, since its independence in 1945, has recognized freedom of religion as part of its constitution that has been later also prescribed by the Law number 39/1999 concerning Human rights and the second amendment of 1945 constitution.

The Indonesian constitution mentions in article 29 that “The State guarantees all persons the freedom of worship, each according to his/her own religion or belief”. Moreover, the Article 28I prescribes that freedom of thought and conscience and freedom of religion are human rights which cannot be limited under any circumstances. The Article 22 of the Law number 39/1999 concerning Human Rights states that, ” Everyone has the right to freedom to choose his religion and to worship according to the teachings of his religion and beliefs and The state guarantees everyone the freedom to choose and practice his religion and to worship according to his religion and beliefs”.

Furthermore, the constitution mentions the possibility to limit this freedom by stating:

“In exercising his/her rights and freedoms, every person shall have the duty to accept the restrictions established by law for the sole purposes of guaranteeing the recognition and respect of the rights and freedoms of others and of satisfying just demands based upon considerations of morality, religious values, security and public order in a democratic society”.

Nevertheless, neither the constitution nor the law describe explicitly what they mean by religion or belief. This ambiguous notion sometimes becomes the source of dispute where certain beliefs claim to be a religion while the other refuse to accept it as one.

International Human Rights Law

International human rights laws prescribe the freedom of religion or belief on many occasions. The Universal Declaration of Human Rights mentions the freedom of religion or belief in Article 18 as: “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance”(Universal Declaration of Human Rights 1948)

International Covenant on Civil and Political Rights (ICCPR) recognize the freedom of religion or belief as a non-derogable right and elaborate the provision in article 18 as follows:

“Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others” (International Covenant on Civil and Political Rights 1966)

The notion of “freedom of thought, conscience and religion” includes protection of the theistic, non-theistic and atheistic beliefs, as well as the right to profess no religion or belief (General Comment 22 1993).

The minimum international standards required for an effective constitutional guarantee of the right to freedom of religion may be extracted from the UDHR and the ICCPR. The minimum standards include:

- Universal applicability to everyone as individuals, whatever belief he/she has embraced;
- The Freedom to manifest a religion or belief, either individually or in community with others, in public or private;
- Freedom to manifest all aspects of all religion or belief, including worship, teaching, practice and observance;
- No coercion that would impair the freedom to have or to adopt a religion or belief of one's choice;
- Limitations on the right to freedom of thought, conscience, and religion or belief only in certain circumstances provided for under international law (International Covenant on Civil and Political Rights 1966, Universal Declaration of Human Rights 1948).

Under international standards, no limitations whatsoever are permitted on the freedom of religion to have or to adopt a religion or belief. However, the freedom to manifest a religion may be limited in certain circumstances according to Article 18 of ICCPR. Human Rights Committee explained in its General Comment:

- Article 18.3 permits restriction on the freedom to manifest religion or belief only if limitations are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.
- In interpreting the scope of permissible limitation clauses, States parties should proceed from the need to protect the rights guaranteed under the Covenant, including the right to equality and non-discrimination on all grounds specified in articles 2, 3 and 26
- Limitations imposed must be established by law and must not be applied in a manner that would violate the rights guaranteed in article 18
- The Committee observes that paragraph 3 of article 18 is to be strictly interpreted: restrictions are not allowed on grounds not specified there, even if they would be allowed as restrictions to other rights protected in the Covenant, such as national security
- Limitations may be applied only for those purposes for which they were prescribed and must be directly related and proportionate to the specific need on which they are predicated. Restrictions may not be imposed for discriminatory purposes or applied in a discriminatory manner.
- The Committee observes that the concept of morals derives from many social, philosophical and religious traditions; consequently, limitations on the freedom to manifest a religion or belief for the purpose of protecting morals must be based on principles not deriving exclusively from a single tradition. Persons already subject to certain legitimate constraints, such as prisoners, continue to enjoy their rights to manifest their religion or belief to the fullest extent compatible with the specific nature of the constraint (General Comment 22 1993)

The Three Kinds of Duties: Respect, Protect, Fulfil

The State is known as the primary subject of international law (Cassese 2005: 71), therefore the state is burdened by certain obligations after it signed or ratified international treaties including human rights norms. After accepting international conventions without relevant reservation, the state must take any necessary steps to change its national law in order to implement the situations required by the Convention (Byrnes et al. 2007: 14) Furthermore, all the organs of the state should involve in the implementation of the treaty ratified, they are the executive government, the legislature and the judiciary. The local, provincial and national organs should also participate in the implementation of international obligation (Byrnes et al. 2007: 14).

Developed from Henry Shue's proposal on 'tripartite typology', state's responsibilities are known as obligations to respect, to protect and to fulfil. Sepulveda et al. explain obligation to respect as obligation of the state to "refrain from any measure that may deprive individuals of the enjoyment of their rights or of the ability to satisfy those rights by their own efforts" while obligation to protect is explained as obligation to "prevent violation of human rights by third parties" and obligation to fulfil is obligation to take measures to ensure that persons can get the basic needs which can not be provided by personal efforts (Sepulveda et al. 2004: 16).

Article 8 of Indonesian Human Rights Law No 39/1999 states that, "the principal responsibility for protecting, promoting, upholding, and fulfilling human rights lies with the Government." Furthermore, the article 71 mentions that "the government shall respect, protect, uphold and promote human rights as laid down in this Act, other legislation, and international law concerning human rights ratified by the Republic of Indonesia" and the next article prescribes that the responsibility including measurement towards effective implementation of law, politics, economics, social and cultural aspects, state security and other areas.

Conclusion

The state performance in conducting its obligation on human rights, particularly freedom of religion, is affected by the state and religion relationship as elucidated by Durham. Moreover, state-religion relations should be seen in the light of relationship between religion and politics where power is contested in order to gain legitimacy and furthermore, authority.

Indonesian constitution and human rights law has mentioned that freedom of religion is an inalienable human right which can be limited in certain conditions. The country ratified the International Covenant on Civil and Political Rights in 2005 through Law no 11/2005 and did not have any reservations related to freedom of religion; it means that the state is imposed with obligations to respect, to protect and to fulfil freedom of religion.

Chapter 3

History of Ahmadiyya Movement

The Ahmadiyya movement was established in India by an Indian Islamic scholar Mirza Ghulam Ahmad in 1888. Different from the mainstream Muslim beliefs, the group believes that the founder, Mirza Ghulam Ahmad, is a prophet and messiah who received revelations from God. Abdul Hasan Ali Nadwi et al. argues that the Ahmadiyya sect was created in a situation where India fuelled by intellectual anxiety and high tensions between the western and eastern cultures, the old and new education systems, and between Islam and Christianity (Nadwi et al. 2005). Another argument proposed by Zulkarnain shows that Ahmadiyya was established in the decline of the Muslim society in India in the fields of religion, social politics, and economy, particularly after the Indian revolution in 1857 that led to the win of the East India Company (Zulkarnain 2005: 58). Wilfred Cantwell Smith claims that the Ahmadiyya movement was born in the late 19th century due to the degradation of Islamic society influenced by cultural changes, the success of Christian missionaries in getting new adherents, and the establishment of the Aligarh University that promoted rationalism and westernization (Smith 1985: 368)

The religious organization grew as a movement that sought to reform the old Islamic thought. Claiming himself to be a messiah, Ghulam Ahmad felt that he had a moral obligation to develop Islam by giving a new interpretation to the Quran so that it suited the period of that time (Fathoni 1994: 53). It was intended to give new nuances of liberal and peaceful Islam to attract the attention of people who had lost trust in the old interpretation of Islam.

In 1914 after the death of Maulana Hakim Nuruddin, the first successor (caliph), the Ahmadiyya community began to split into two major branches due to internal disputes in interpreting Mirza Ghulam Ahmad's teachings and prophecy claims. The majority, known as *Jamaat-i Ahmadiyyah* or the Qadianis stayed in Qadian while the other one moved to Lahore, Pakistan and established another organization called *Ahmadiyyah Anjuman Isbaat-I Islam* or the Lahore. Due to hostile religious and strong political pressure (particularly after the Pakistan Parliament declared the Qadiani to be non-Muslim minority), the Qadiani moved their headquarters to London in 1984.

Ahmadiyya in Indonesia

Ahmadiyya thoughts were brought to Indonesia in 1925 by some Indonesian students who had pursued their study in Ahmadiyya School Qadian, India (Zulkarnain 2005: 170). Attracted by the low living cost and some scholarships offered, in 1926 many more students went to Qadian to study, most of them came from Sumatra Island. After finishing their study, they established Indonesian Ahmadi Association in their hometown. While studying in Ahmadiyya School, the first batch Indonesian students proposed the second Ahmadiyya Caliph, Mirza Basyiruddin Mahmud Ahmad, to visit Indonesia. In responding the proposal, the Caliph chose Maulana Rahmat Ali

as the first preacher to teach Ahmadiyya in Indonesia especially in Sumatra and Java (Zulkarnain 2005: 175).

In October 1925, Maulana Rahmat Ali arrived in Tapaktuan, Aceh. He was formerly accepted by the Muslims of Tapaktuan but after he preached his beliefs, many people rejected the tenets of the Ahmadiyya belief as it was declared as deviant from the mainstream Islamic belief. Although his teachings were largely rejected, there were some people who were attracted to the Ahmadiyya belief. It was evident in Desember 1925 when about 13 people declared themselves as Ahmadis (Zulkarnain 2005: 212). After 5 years of preaching in Sumatra, Maulana Rahmat Ali successfully established branches of Ahmadiyya community across many cities.

The entering of Muhammadiyah, a modernist Muslim organization that focused in education and public services in Sumatra and the high tension between the Ahmadis and the Islamic scholars in Sumatra at that time, forced Maulana Rahmat Ali to move his mission to Java (Hamka 1982: 82). He started the preaching in Batavia² as an Arabic teacher and latter on organized the Ahmadis to open some branches and published a monthly magazine *Sinar Islam* (Zulkarnain 2005: 223). The Ahmadiyya belief was propagated through lecturers, courses, publication and debates.

The Lahore Ahmadiyya tenets were brought by Mirza Wali Ahmad Baig and first preached in Yogyakarta. Different from the Qadiyan Ahmadiyya, the Lahoris only concentrated their mission in Java in an effort to counter Christianity. The organization translated the Quranic interpretation made by Maulana Muhammad Ali into several languages such as Indonesian, Javanese and Dutch. It also published some books and periodicals and after 1947 it established some schools.

In the Wave of Sympathy and Hostility

In a further development, Qadiyan Ahmadiyya community established an organisation called Jamaat Ahmadiyya Indonesia (JAI, Indonesian Ahmadiyya Community) that works mostly in Sumatra, West Java and Lombok Island, while its counterpart, the Lahore Ahmadis set up Gerakan Ahmadiyya Indonesia (GAI, Indonesian Ahmadiyya Movement) that operates mostly in Central java.

Protests and disagreements were directed at both Ahmadiyyas in Indonesia; however the organizations got more and more adherents. In the 1970ies a prediction said that there were about 20.000 Qadiyan Ahmadis and about 1000 Lahore Ahmadis nationwide (Ahmadiyah Sebuah Titik Yang Dilupa 1974). Nowadays, JAI claims to have more than 200.000 adherents around the country which shows that many people are getting interested in the JAI teachings during these 30 years. This fact can be better understood if one were to observe the massive and well organized proselytizing methods conducted by the group besides the attractive notions offered to the public such as rational and modern approach to Islam, new interpretations on jihad, and the peaceful movement.

Historically, the hostility towards Ahmadiyya community derived from reasons which were theological, political and social. The theological reason was the doctrinal differences between Ahmadiyya and other Muslim groups on concepts of prophecy and the interpretation of jihad in the modern time. The political reason is the allegation that the group is part of colonial tools to destroy Islam from within; and the social reason is the “exclusive-sectarian attitude” towards the other Muslims for instance in praying and marriage (Ropi 2008). Therefore, the hostility towards Ahmadiyya community is mainly directed at the JAI since the religious group is accused for deviating from the main tenets of Islam by recognizing another prophet after Muhammad.

In 1974 a conference of The World Muslim League called *Rabithah ‘Alam Islami* was held in Mecca, Saudi Arabia. The conference recognized that there were three main errors in Ahmadiyya teachings. They were: belief that the founder, Mirza Ghulam Ahmad, was a prophet; twisting the interpretation of the Quran; and stating that *jihad* had been withdrawn. Therefore, the conference made certain recommendations such as being aware of Qadiyani’s activities and limiting their schools and orphanages, recognizing them as non-Muslim and prohibiting them from entering the holy land of Mecca, breaking all social, economics and cultural relationships with the Qadiyani, and that the Muslim countries should ban the deviant group.

Four years after the recommendation, on the 1st of June 1980, Indonesian *Ulama* Council (MUI) issued a *fatwa* (Islamic legal opinion) that Jemaat Ahmadiyya Indonesia (JAI), that followed the Qadiani school of thought, was deviant and outside Islam. However the state seemed reluctant to act on the case, consequently, some *ulamas* sent a petition to the League in order to exert more pressure on the regime. A year after the petition was filed, the Foreign Minister of Saudi Arabia sent a letter to the Ministry of Religious Affairs (MORA) requesting a legal prohibition of the sect from the archipelago. In the same year, many publications organized by the Orthodox Muslim groups were published which furthermore forced the regime to take a clear stance on the controversy.

The fatwa, however, did not cause the Ahmadiyya activities to cease. It was noted that in 1981 the vice caliph of Ahmadiyya, Mirza Mubarak Ahmad, visited Indonesia and went to some Ahmadiyya locations in Java, Bali and Sumatra (Mustafa et al. 2005). In the 1980’s, the Ahmadis displayed their resistance to the assailants that attacked the Ahmadis through the media.

The decade after 2000 seems to be a colorful decade in the history of the Ahmadiyya in Indonesia. In the middle of 2000, during Abdurrahman Wahid administration, an Ahmadiyya Caliph visited Indonesia for the first time in history. The pluralist character of Abdurrahman Wahid’s administration gave many minority groups a chance to actualize and manifest their belief. The IV Caliphate who came at that time was accepted by the head of the parliament, Amien Rais, and President Abdurrahman Wahid as well.

On August 11, 2002 a Seminar “The Danger of The Ahmadiyya Community” organized by Islamic Research and Study Institute (LPPi), an Islamic organization recognized as radical. A similar seminar was held on August 19 in Ampenan, Lombok, arranged by a traditional Islamic boarding

school, sponsored by the Embassy of Saudi Arabia and attended by the Religious Attache of Saudi Arabia. The seminars made calls to disband the Ahmadiyya community. Aired on the local TV and published in local newspapers, the seminar provoked many people to assemble on 10th of September to attack an Ahmadiyya mosque and demolish the houses of about 30 Ahmadis (The Persecution.Org 2002).

In 2003, it is noted about 73 households were attacked in East Lombok where 23 houses and one mosque were destroyed by the mob. After the attack, some schools in Selong, East Lombok refused to allow some Ahmadi students back into their schools (Mustafa et al. 2005).

Another attack was carried out on July 15, 2005 in Parung West Java by a radical Muslim group called Indonesian Muslim Solidarity Group. About 10.000 attackers ransacked the annual gathering of JAI at their headquarters, thereby removing about 500 Ahmadis from the compound. The attack was the second within a week after the militant group failed to remove the Ahmadis from their head quarter four days earlier (Sufa 2005).

Four days after the attack to Ahmadiyya annual gathering, MUI held a National Meeting VII which produced a fatwa that Ahmadiyya (without mentioning which school of Ahmadiyya) was a deviant sect and misguided.. Different from the 1980 fatwa, MUI put some verses of the Quran in consideration and adopted the fatwa given by World Muslim League made in 1979 (Mukri et al. 2006: 69). The fatwa declared

“Ahmadiyya belief is outside Islam, It is deviant and misguided and everyone who follows this belief is outside of Islam. Whoever follows this sect is urged to return to the true Islam and the Government is obliged to prohibit the spread of Ahmadiyya teaching nationwide, freeze the organizations and close all the places of activity”

In July and September 2007 there were at least two attacks on the Ahmadiyya community in West Java which destroyed more than 70 buildings including houses, mosques and dormitory. The attack in Kuningan West Java was attended by 265 police officers from Kuningan district and 70 members of the civil security unit; however they did not prevent the attack on the Ahmadiyya community's assets and protect them.

Conclusion

These events lead us to the conclusion that Indonesia, although claiming to be a multicultural country with “unity in diversity” slogan, is not a sweet home for a religious minority group like the Ahmadiyya. The hostility towards the Ahmadiyya community is conducted by some radical Muslim groups that claim to represent the voice of the majority Muslims who want to ban the minority group considering it as heretical. However, it is also evident that politics at the international level also influences the local politics of the Muslim community.

The influence of Saudi Arabia's Wahabi school of thought, on the local policy making and local Islamic discourse is evident. This demonstrates how transnational politics in the Islamic world have crossed the cultural and

political milieus as argued by Ichwan and Hasan (Ichwan and Hasan 2007: 3). Indeed, the case of the Ahmadiyya is one of many evidences of how wahabbiism penetrates the Islamic discourse in Indonesia.

Chapter 4

State-Islam in Indonesia: An Uneasy Relationship

Although known as the most populous Muslim country in the world, Indonesia does not base its ideology on any religion. However, the relationship between the state and religion, particularly Islam, is very close. The history of the country shows that there was a compromise between the nationalists who wanted to establish a secular state and the Islamists who endeavoured to establish an Islamic state. The compromise came to the acceptance by both factions on five principles of the state called Pancasila which are the belief in the Oneness of God, humanity that is just and civilised, national unity, democracy guided by the wisdom of representative deliberation, and social justice for all (Boyle and Sheen 1997: 202).

The big picture of relationship between state and religion will be elaborated in the first part of this chapter and turn to the explanation on Islamic institutions and actors in that involved in the Ahmadiyya case.

The Post Independence Period (1945-1966)

Indonesia has a long history on the matter of state and Islam relationship. It is known that the country was established from the compromise between the nationalists and the Islamists; and the discourse of this relationship is keep flowing, along with the history of the country. The polemics were also influenced by the international context in which the nationalists' awareness started to emerge in many colonial lands and because of the collapse of the Ottoman Caliphate that led to the establishment of the secular Turkey (Ichwan 2006: 23). The high tension between the nationalist group that proposed a religiously neutral state and the Islamist group which tend to establish an Islam based state, led to the highly negotiated compromises that created to the state's five principle 'Pancasila'.

Though it was not without conflicts, after the proclamation of the state's independence, both nationalist and Islamists groups were able to develop a relatively harmonious relationship. In the first election held in 1955, Masyumi, the first Islamic political party which emerged gradually as a significant political force, was able to get 49 out of 236 seats. Moreover, in several occasions, Masyumi was asked to form and led the cabinet which led to the relatively easy political relationship between the two factions.

As a new state, the decade of the 1950s was very tough, where so many insurgencies occurred as a result of the weakness of the state in penetrating the society, regulating its relationship with other socio-political groups and in extracting and appropriating both human and natural resources (Effendy 2003: 35). However there was no evidence that the insurgencies were caused of religious issues, although the actors used Islamic symbols such as the use of "Islam" in the movement's names.

In 1965, president Soekarno issued a decree that later in the New Order era was changed into law No.1/PNPS/1965 concerning Avoidance of

Misusing and/or Disgracing Religion. The presidential decree was not supposed to be part of the law according to the Indonesian constitution. The decree was intended to force a legal reform especially in the Indonesian penal law in order to give protection to the official religions in Indonesia.

The Soekarno period can be seen as a highly compromising regime. While trying to maintain the unity of the newborn nation-state, Soekarno tried to keep the harmonious relationship among different ideologies good. It is evident by new concepts introduced by Soekarno in his administration that is “Nasakom” or Nasionalis Agama Komunis (Nationalist, Religion and Communist). The rapid growing of Islamic political parties during the regime, showed that Islam as an ideology could participate in the public sphere, particularly in the political arena. The formulation of law No 1/PNPS/1965 that was later used by the Soeharto regime to control the religious interpretation in the country, used to be a way of Soekarno’s administration to protect the interest of the religious groups. Therefore, one can conclude that during this period, the secular government looked for legitimacy by embracing the sources of spiritual power, that is, religion or religious institutions.

The New Order period (1966-1998)

The New Order period started from 1966 when Soekarno departed from power and was replaced by Soeharto. The new government brought a new hope of democracy and social justice for Indonesia; therefore it was supported by many elements of social movements such as students and religious groups. The antagonistic character of the new regime to communism, more or less attracted the sympathy of Islamic organizations at that time. It is noted that the Muslim groups were mobilised to attack they who were considered as communists during 1965-1966, that led to the most massive killings in the Indonesian history.

Later on, the new regime did not take any side for any Islamic ideology or movement, it was decreed that Pancasila should be the sole ideological principle of any mass organization in Indonesia. The former strong Islamic political party, Masyumi, was banned by the regime while the other political parties based on Islamic tenets were merged into one tame political party called PPP (United Development Party). According to Bruinessen, the strategy was intended to weaken political Islam by exploiting the conflict and rivalries within the party (Bruinessen 1996).

This development led to some major opposition to the New Order regime that shaped in a peaceful or violent manner. It is noted that there were some incidents during the ruling regime which describe the uneasy relationship between the state and Islam such as the bombing of Bank Centra Asia, a Chinese-owned bank, the bombing of Borobudur temple and the most shocking bloody incident in Tanjung Priok in 1984 when more than 63 were killed and 100 severely wounded by the military’s automatic weapons, and about 171 people went missing. This case was a response to disrespectful acts of two Military District officers, that is, entering a prayer house without taking off their shoes and smearing gutter water to the mosque wall and arbitrary detainment of the local Muslim activist. Following the incident, some Muslim

activists were detained and charged directly or indirectly, with inciting the affairs.

However, although the regime closed the doors on political Islam, it realized that Islam is a huge political power in Indonesia that should be controlled. Therefore, since 1970s the government changed its approach to the Indonesian Muslim community by establishing MUI, creating marriage law and Islamic court, establishing Islamic State University, and supporting the emergence of Ikatan Cendekiawan Muslim Indonesia (ICMI, the Association of Indonesian Muslim Intellectuals). Those were manoeuvres to please the Muslims in Indonesia meanwhile the government controlled the political Islam to grow and spread their ideology to the public sphere.

The Reformasi Period (1998-Current): Democracy versus Muslim Radicalism

After the departure of Soeharto, Islamic organizations were able to actualize their ideology since the regulation on the Pancasila as the sole ideological basis of any organization was withdrawn. Many Muslim political parties grew and quickly proclaimed, without hesitation, their party on the basis of Islam and Islamic organizations increased significantly as well. Some of them that used to work underground during the New Order regime soon became prominent actors in many huge demonstrations on the streets. This situation expressed the dynamic aspiration through the Islamic movements in Indonesia as well as the varied discourse brought by each organization or Islamic political party.

The 1999 election gave a new hope to the country as well as to the Islamic groups who were eager to develop Islam as the basis of the state; nevertheless, the major Indonesian Muslims remained moderate in their political orientation and uninterested in the establishment of an Islamic state. Only 16% voters gave their voices to the party advocating Islamization of the government. Moreover, two prominent Islamic organizations known as moderates, Muhammadiyah with modernist characteristic and Nahdhatul Ulama (NU) with traditional approach, successfully put their leaders in to the presidency chair and the parliament chairmanship. Hefner elucidated that the Islamic resurgence did not imply a trend toward conservatism among the population as a whole (Hefner 2002: 13).

One of the controversial phenomena in the rise of religious activism in Indonesia is the establishment of paramilitary organizations that served the political interests of certain groups mostly the pro-status quo. Hefner stated that the hard line Muslim groups changed their strategy after being unsuccessful in imposing their political orientation through the general election. The hardliners then spread the discourse of anti-Western and anti-reform. Any NGO's manoeuvre and support to the newborn democracy in Indonesia was identified as Western support in order to weaken Islam in the country. They began to collaborate with the army, especially the Muslim army leaders to gain support and to support their interests as well.

However, as Hefner argued, the paramilitary organizations are not merely the puppet of the interests behind them, but also serve as the ideological basis of the paramilitaries themselves (Hefner 2002: 16). Hefner estimated there are hundreds of hardliner groups in Indonesia nowadays, with different ideology and different ties with the state organs such as the police and army. Some of them have a close relationship and others refuse to have collaboration. Hefner concluded that after the Suharto era, the lack of state capacity and intra-state rivalries led to the strength of radicalism in Indonesia (Hefner 2002).

One can conclude that in the reformasi era, the characteristic of democracy such as openness and participation gave more space to both moderate and militant Muslims to compete in the political arena. The weakness of the state due to political instability gave more chance to the militant groups in dominating the discourse even though Indonesian Muslims as a whole seems to prefer moderate Islam.

Role of Islamic Institutions

Three different types of Islamic institutions below are described and analysed related to their role in the Ahmadiyya case in Indonesia. The first type of Islamic institution is Ministry of Religious Affairs (MORA) as state's apparatus; the second is Majelis Ulama Indonesia (MUI) a semi-governmental organisation that holds authority in making legal opinion; and the last is Islamic organisations outside the state system.

Ministry of Religious Affairs (MORA)

As Pancasila is the ideology of the state, it could be argued that Pancasila is the expression of a 'religiously engaged state' (Ichwan 2006: 12). The main tenet of Islam which is the oneness of God explicitly stated in the first principle of the state philosophy. Article 29 of the 1945 Constitution mention: '1) The state is based on the belief in One Supreme God; 2) The state guarantees the freedom of each citizen to adhere to his/her own religion and to worship according to his/her religion and belief'. Thus, to support and implement the state's philosophy and constitution, Ministry of Religious Affairs was established.

Because of its political characteristics, MORA mainly engaged with Islamic religious affairs such as education, law and the courts, charity, and pilgrimage. It is justified by the fact that the majority population of the archipelago is Muslims. Ichwan argues that the establishment of MORA was part of the political strategies in order to tame the voice of the Muslim opposition in one hand, and as the symbol of the protection of the Muslim's interest under the non-Islamic state, hence it is also plausible that the leadership of the ministry was always handled by the Muslims personalities (Ichwan 2006: 12).

From its establishment in 1946, MORA unmistakably has had a very prominent role in shaping State Islam particularly during the New Order and post-New Order era. The New Order regime used MORA to mobilized religious communities to accept and participate in development while the post-New Order centralized the religious affairs which made the role of the ministry even more significant. However, in the post-New Order era, MORA has had to face some challenges coming from internal factors such as the New Order legacy, the new policies of the pos-New Order regime and the reformasi spirit that made the control of the civil society over MORA even higher, as well as those from external for instance the expectations of the international community. (Ichwan 2006: 13)

Bruinessen elucidated that the ministry's program, education, is one of the strategies to control the religious school, particularly Islamic thoughts, as it dictates the Islamic education from the primary to the university level (Bruinessen 1996). This assumption supported by Ichwan who believes that the officialisation of Islamic affairs shows that state has its own agenda when engaging in religious matters (Ichwan 2006: 10). The case of Ahmadiyyah and the other Muslim minority groups persecuted recently, indicates that the state tends to have an interpretation of Islamic tenets which can support its own interests.

In the case of Ahmadiyya, MORA has played a vital role as a state apparatus engaged with religious issue. Reacting to the letter sent by the Embassy of Saudi Arabia regarding the Qadian Ahmadiyya belief, on September 1984, the MORA issued a circular to its branches nationwide, stating that:

“After a close examination of the Ahmadiyya, it comes to a conclusion that the Qadiyan Ahmadiyya is regarded as deviant from mainstream Islam since they have the belief that Mirza Ghulam Ahmad is a prophet, so then the Prophet Muhammad is not the last prophet for them.....A vigilant eye should be kept on the activities of the Indonesian Ahmadiyya Community in order to avoid unrest within the society or to disharmonize religious life” (Ministry of Religious Affairs of Republic Indonesia 1984)

Following this circular, some district Attorney's offices (*Kejaksaan Negeri or Kejari*) issued prohibition on the sect in their regions. It is evidenced that Kejari of Sidenreng South Sulawesi in 1986, of Kerinci Jambi in 1989, of Terakan East Kalimantan in 1989 and Meulaboh in West Aceh in 1990, respectively prohibited the activities of the group.

Along with the Coordinating Body of Monitoring and Supervision of Religious Sects (Bakor Pakem/ Badan Koordinasi Pengawasan dan Perkembangn Aliran Kepercayaan) under the office of Attorney General, the MORA initiated seven dialogues with the Jamaat Ahmadiyah Indonesia in order to get some solution related to the controversy. There were some options given to the JAI in the dialogues: the dissolution of JAI by the government or by the court, the expulsion of JAI from the Muslim community and then considered as non-Muslims like that of in Pakistan, and the acceptance of JAI into the Muslim community under some conditions.

Thus, it is not a surprise that the last option was chosen by the JAI in order to gain recognition and acceptance by the Muslim community. On January 14, 2008, the JAI then released Twelve Points of Statement from JAI (12 Butir Penjelasan JAI) to the public, stated:

“(1) We, *Jemaat Ahmadiyya* members, since the beginning, have believed and said Islamic state confession shahadat as taught by Prophet Muhammad: I witness that there is no God besides Allah and I witness that surely Muhammad is messenger. (2) Since the beginning, we, *Jemaat Ahmadiyya* members, have believed that Muhammad is end of prophet. (3) Among our beliefs, Mirza Ghulam Ahmad was a teacher, a religious adviser, bearer of good news and warnings, and bearer of good promises, founder and leader of *jamaat Ahmadiyya*, whose mission was to strengthen Islamic mission which was brought by Prophet Muhammad. (4) To clarify that the word *Rasulullah* in the 10 points of *bai'at* that have to read by candidates of *jamaat Ahmadiyya* is Muhammad (PBUH) the Prophet (5) We, *Ahmadiyya* members, believe that there is no revelation with *sharia* after the Quran brought to Muhammad the Prophet. Al Quran and prophetic tradition is the source of Islamic teaching that we follow. (6) Book of *Tadzkiarah* is not Ahmadiyya's holy book, but it is a record of spiritual experiences of Mirza Ghulam Ahmad that were collected into a book that is called *Tadzkiarah* by his followers in 1935, that was 27 after his demise. (7) We, *Jemaat Ahmadiyya* members, have never and will never consider other Muslims outside Ahmadiyya as infidels, neither by words nor by acts. (8) We, *Jemaat Ahmadiyya* members, have never and will never call the mosques that we built with a name called Ahmadiyya's mosque. (9) We declare that every mosque that was built and administered by *Jemaat Ahmadiyya* is always open for all Muslims from all groups. (10) We, *Jemaat Ahmadiyya* members, as muslims register (our) marriages at the Religious Affairs Offices and register (our) divorces and other matters related to it to Religious Court Offices in accordance to the law. (11) We, *Jemaat Ahmadiyya* members, will keep increasing the social participation and cooperate with all Muslim groups (12) With this explanation, we, the executive of *Jemaat Ahmadiyah* Indonesia, expect that *Jemaat Ahmadiyya* members specifically, and Muslim community in general, can understand this matters with the spirit of Islamic brotherhood and national unity”.

Zafrullah Ahmad Pontoh, member of JAI, stated in the television debate that Ahmadiyya was forced to take the last option while the text of the Twelve Points Statement was already prepared by the government (The Islamic Media 2008)

MUI (Indonesian Ulama Council)

Established on the 27th of July 1975 by the government, MUI is an organization of Islamic scholars whose main duty is to offer legal opinions in the field of Islamic law. It was intended to unite the Muslim scholars into one organization in order to support the government's policies under the New Order regime. Mudzhar argues that there were three political phenomena that influence the establishment of the organization. They are, the establishment of Golongan Karya (Functional Group) that brought secular characteristics and the decreasing of the Islamic political parties' roles, the merger of Islamic

political parties into one political party without using Islamic symbols, and the proposal on marriage law which violated the Islamic law (Mudzhar 1993: 62).

MUI was created as an advisory board on Islamic matters as well as on national issues for giving advices and *fatwa*. It was also intended to encourage the unity of Indonesian Muslims and to be the mediator between the government and the Islamic scholars. According to the third chair of MUI, Hasan Basri, “MUI was established to prevent the creation of national laws that might violate the Islamic law” (Mudzhar 1993: 63). However, it was often felt that the government exerted a lot of pressure on the MUI so that its decisions would be in the interest of the government, for instance, the case of Christmas celebration in 1981 and the Porkas lottery in 1986 (Mudzhar 1993).

As a government sponsored body, the MUI had little legitimacy in the eyes of the Muslims; therefore, by the end of the New Order regime the organization faced a crisis relating to its role as the representative of the ‘*ummah*’ (Muslim people) while the major Islamic organizations such as NU and Muhammadiyah could present their own organizations to the public and the government without MUI’s help.

It has been observed from previous studies that there is a shifting paradigm on the role of the MUI from merely serving the interest of the government into a more distinct position in negotiating with other parties (Hosen 2004, Ichwan 2005). The reason behind this change is probably that after the collapse of the authoritarian regime, the Muslim community, as the majority group, was eager to reinforce its role in the process of decision making. Furthermore, the MUI as the only representative body of all Muslim organizations reclaimed its role in serving the interest of the Indonesian majority Muslim population.

Regarding the Ahmadiyya issue in Indonesia, MUI issued two *fatwas* proclaiming the Ahmadiyya as being outside Islam and urged the government to ban the sect. The first *fatwa* was made in 1980 as a response to the fatwa of the World Muslim League in 1976 regarding Qadian Ahmadiyya. It was a very simple and clear cutting *fatwa*. Quoting its main role as a provider of Islamic legal opinion, this *fatwa* neither referred to any single verse of the Quran nor to any *Hadith* (narration taken from the prophetic tradition). It stated that after considering the report of the second Commission of the National Meeting and some suggestions from the participants as well, the meeting came to the conclusion that:

“In accordance with data found in nine books about the Ahmadi Qadian, the Council of the Indonesian Ulama has decided that the Qadiani is henceforth excommunicated from the Islamic community; it is deviant and mislead”³

The fatwa issued in 2005 regarding the Ahmadiyya belief is significantly different from the previous one. It mentioned some verses of the Quran as consideration as well as the other fatwa about the Ahmadiyya issued by some international organizations, such as *Majma al-Fiqh al-Islami* (Islamic Jurisprudence Council), of the *Munadhamah al Mu’tamar al-Islami* (Organization

of the Islamic Conference), of the *Majma al-Fiqh al-Islami of the Rabithah A'lam Islami* (the World Muslim League) and of the *Majma al-Bubuts* (Expert Research Council).⁴

The 1980 fatwa has been used as a consideration for attacks on the Ahmadiyya community in East Lombok in 1983, West Lombok in 2000 and 2001, and Kuningan, West Java in 2002 (Olle 2006). The fatwa issued in 2005 was used by the militant groups to conduct persecution of the Ahmadiyya community in many part of Indonesia as well. In every statement given by the Ahmadiyya opponents and every local attorney's decision in local bans always used the fatwa as their basis. Hence, it would be hard not to conclude that the MUI, despite its proclamations against violence, has been effectively encouraging Muslim groups to commit violence.

Islamic Institutions Out side the State's System

The International Crisis Group (ICG) in its Update Briefing on the Implication of the Ahmadiyya decree confirmed strong pressure of the so called hardline groups behind the issuance of the decree. ICG's report listed five organizations as being primarily involved in the protests and movement against the Ahmadiyya and consequently against the freedom of religion in Indonesia; they are Forum Umat Islam (FUI), Hizbut Tahrir Indonesia (HTI), Front Pembela Islam (FPI), Lembaga Penelitian dan Pengkajian Islam (LPPI) and Forum Ulama Umat Indonesia (FUUI).

Forum Umat Islam (FUI, The Muslims' Forum)

The forum set up in August 2005, intended to support the MUI *fatwas* against pluralism and Ahmadiyya. About 30 Islamic organizations allied under the FUI flag, including Islamic political parties and solid Islamic movement Hizbut Tahrir. ICG recorded some of the FUI's actions related to Ahmadiyya issue: On February 2008 it issued a statement along with Islamic organizations in Bogor in support of banning the Ahmadiyya and rejecting the construction of churches; on April 2008 it held a "rally of a million faithful to support dissolution of the Ahmadiyya" in Jakarta in supporting the Bakorpakem recommendation; on 14 and 17 June 2008 anti-Ahmadiyya actions held by FUI branches in North Sumatra and West Kalimantan (International Crisis Group 2008: 11)

Hizbut Tahrir Indonesia (HTI, Indonesia's Party of Liberation)

Hizbut Tahrir is an international organization established in Jerusalem in 1953. Claiming itself to be a political organization based on Islam, the organization is aiming for the re-emergence of the Islamic caliphate that will rule the world with *sharia*. The organization seeks to transform the political situation through systematic indoctrination in three phases: cultivation of Muslims who can disseminate the organization's ideas; interaction with the community in order to make Islam as the centre of all aspect of political life; and finally, taking power (Fealy 2007, Hizbut Tahrir Indonesia 2008).

Hizbut Tahrir entered Indonesia in the early 1980s and started disseminating its ideas to the middle class of Indonesia that are normally students of universities around the archipelago. In 1990s, the movement turned towards a broader target such as mosque communities, companies, and households (Hizbut Tahrir Indonesia 2008). However, because of the unfriendly politics of New Order regime towards the Muslim groups, during the 1980s until the late 1990s, HTI mostly worked underground; it started using Hizbut Tahrir as the organization's name after the departure of Soeharto in 1998. Although claiming itself to be a political party, in Indonesian context, HTI never involved itself in either local or national elections; but as the group mentioned, it promotes the implementation of Islamic values and laws in everyday life of Muslims

With regards to the Ahmadiyya case, it is obvious that the HTI is one of the main protesters and in some contexts plays a dominant role in bringing the Ahmadiyya issue into the public sphere. Many protests and demonstrations have been held by the HTI at local and national levels. The militancy of the group was shown by the presence of thousand people in each demonstration. However, HTI not only brought the Ahmadiyya issue to the boiling point, during its campaign against Ahmadiyya, HTI kept holding socio-economic issue such as fuel price hikes, though, Ahmadiyya issue seemed to get more attention. Indeed, the Ahmadiyya issue was simpler than the fuel price hikes, it influences the people emotionally, and there were simpler solutions: ban the Ahmadiyya.

Front Pembela Islam (FPI, Islamic Defenders Front)

FPI is a group of radical Muslims that came to the fore in late 1998 supported by some leaders in the Army, the so called "green" officers to promote their political interests. Led by Arab Indonesians, the group is well known as a paramilitary organization whose stated goal is the implementation of Islamic law in Indonesia. In the beginning of the reformasi era, the group used to organize demonstrations against democracy and reformation defenders. They brought negative discourse against democracy and human rights as being western ideas imposed upon a Muslim country like Indonesia and judged those concepts as part of a secularization agenda. At that time, the Islamic symbols brought by the group were used by some Army leaders allied with Soeharto to preserve the status quo. The influence of the founders who were prominent people in the Army and police is evident by the weak law enforcement for the group although it is largely associated with violence such as organized raids on nightclubs, karaoke bars, as well as religious institution like "unauthorized" churches and the Ahmadiyya community (International Crisis Group 2008: 14).

The organization is well known for playing a violent role in the Ahmadiyya case. It conducted violent actions against religious groups in many regions either under its own name or allied with another violent group and under a different name such as Gerakan Umat Islam (GUI, the Muslim People Movement) and Laskar Pembela Islam (LPI, Islam Defenders Troop).

Lembaga Penelitian dan Pengkajian Islam (LPPI, Islamic Research and Study Institute)

LPPI is a known Saudi-funded organization that plays the role of a think-tank in spreading anti-minority discourse whose main concern is to expose and dismantle what they call as deviant sects (International Crisis Group 2008). Ahmadiyya was not the only religious group investigated by the organization; other groups such as Lembaga Dakwah Islam Indonesia (LDII) and the Shiite were some of the LPPI's targets as well. Claiming to have researched those religious minority groups, LPPI then distributed many publications and held seminars in order to expose how deviant these groups were. It is noted that in 1997, LPPI held a seminar in Istiqlal Mosque concerning the deviation of the Shiite and recommended that the government ban the religious group. Similar seminars were also held in Lombok in 2002 termed as "the Danger of the Ahmadiyya community", which later triggered violence against the Ahmadiyya community in Lombok at that time.

This organization is the only one that has systematically targeted the bureaucracy, by lobbying governmental organizations such as the attorney's general office, the Ministry of Religious Affairs and MUI. The head, M Amin Djamaluddin was appointed by MUI to represent the organization in the meeting of Bakorpakem that was attended by officers from the attorney general's office, National Intelligence Bureau (BIN), National Army (TNI), National Police (POLRI), Ministry of House Affairs, Ministry of Foreign Affairs, MORA, and Culture and Tourism Office. Djamaluddin at that time presented some data he found related to the Ahmadiyya and he seemed to be the only one who brought discourse on how deviant the Ahmadiyya were (Djamaluddin 2007: 109). Djamaluddin later on also represented MUI in a hearing with commission VIII of the Indonesian parliament and presented his research on the Ahmadiyya in support of the decision made by Bakorpakem on Ahmadiyya.

Forum Ulama Umat Indonesia (FUUI, Indonesian Muslim Scholar Forum)

The forum started its activity in 1980s as an informal network of some Islamic scholars in Bandung to discuss actual issues in the Muslim community. In 2001, about 60 scholars gathered and formally established the organization that has been recently active in promoting the imposition of Islamic law in Indonesia (Forum Ulama Umat Indonesia 2008). Furthermore, the organization set up Tim Investigasi Aliran Sesat (TIAS, Team for Investigating Deviant Beliefs) whose one target was the Ahmadiyya, and it is also set up Barisan Anti Pemurtadan (BAP, Anti-Apostasy Front) that targeted the so called "unauthorized churches" (International Crisis Group 2008: 15).

Claiming to be a forum of Islamic scholars, the organization holds considerable authority in deciding Islamic interpretation in specific cases. The organization's name, in Indonesian language, has specific meaning, in that it implies the organization's claim to be the scholar of Indonesian Muslims. In

the movement against Ahmadiyya, this organisation is the symbol of authority in term of Islamic knowledge.

Conclusion

The history of Indonesia shows that political Islam has always played a dominant role in the society together with its counterpart, the nationalist group. The country was established under some agreements between the Islamists and the Nationalists factions, and through later developments, the relationship between Islam and the secular ruling government has shaped the political landscape of Indonesia.

There are different approaches adopted by each regime in order to get political legitimacy from the Muslims in Indonesia. The Soekarno era nurtured political Islam and tried to maintain a harmonious relationship with the Islamist groups as part of its strategy in preserving power. There are at least two benefits of this strategy, they are: acceptance of the secular regime by the Muslim society and the second is political stability. The Soeharto regime also desired political legitimacy and stability, but it perceived political Islam as a threat instead of an opportunity, therefore the need to oppress, marginalise and tame it. The reformasi era seems to be the era of openness for political Islam and the other Islamic movements. However, the political instability caused by the changing regimes and the transition process into democracy opened wider space for both moderate as well as militant Muslim movements to rise. Unfortunately, the militant Muslims seemed to win the competition and successfully gained more attention from the current government, especially as is evident in the case of the Ahmadiyya.

As a state apparatus, MORA is not free from political co-optation; it is evident that MORA's policies are often influenced by the politics of the current regime as well as by International politics. In the New Order regime, MORA did not pay attention to the Ahmadiyya issue until the Embassy of Saudi Arabia pushed the government. Yet the New Order politics did not pay much attention to minority groups like the Ahmadiyya who were never involved in political matters. On the contrary, under the Susilo Bambang Yudhoyono administration recently, MORA has played a more significant role as the government has been under more pressure, either to ban or to protect the Ahmadiyya, from both local and international communities.

MUI as a partner of the government has also been influenced by the international discourse regarding the Ahmadiyya which shows how the organization is not free from political interests. Recently, the MUI, also influenced by the Islamic movements, have brought their own agenda through high level lobbying; it is evident by the MUI's dependency on the data gathered by Amin Djamaluddin, head of the LPPI regarding the Ahmadiyya issue.

The Islamic organizations played dominant roles in pressuring the government as they were united to raise the Ahmadiyya issue to the public sphere. As identified by ICG, those organisations conducted classical civil society movement as their strategy, which is always accepted in the democratic society.

Chapter 5

State's Roles and Practices

A lot of criticism has been directed at the government's role in dealing with the Ahmadiyya case. The state has been accused for acting in its own political interests instead of focussing on justice (Olle 2006: 13). Olle argues that the state's response to each persecution of the Ahmadiyya community has been inconsistent and supports his argument through Mayer's so called political law where the decision to ban some heretical groups was dependant on the political circumstances rather than the law prescribed (Olle 2006:14). This argument is evident from the state and its apparatus' responses to the attacks that occurred on the Ahmadiyya community in the last ten years. In each case of destruction of the Ahmadiyya's assets, such as houses and mosques, the attackers were rarely arrested; If so then they were the participants instead of the leaders. The punishments given were very light, for example the Cianjur attackers were given 4 month sentences and attackers in another city, Bogor, were given 5 months. Each attack was also followed by the prohibition or limitation of the Ahmadiyya's activities in the name of public order.

The recent discourse in the executive, judicative and legislative levels draw the bigger picture of the state's attitude towards freedom of religion in Indonesia.

On 26th July 2005, the President of Indonesia, Susilo Bambang Yudhoyono gave an opening speech at the 7th National Congress of Indonesian Ulama Council (in which the fatwa against Ahmadiyya community was one of its recommendations), he told the participants:

“...Islamic teaching prohibits its adherents to conduct violence; propagation of Islam should be conducted in a peaceful manner....therefore, we will be disappointed if the outsiders associate the Muslim community with violence and terrorism” (Yudhoyono 2005)

The speech was given few days after a Muslim hardliner group attacked the JAI compound in Bogor, West Java. On the same occasion he also mentioned:

“We open our heart and minds to receiving the thoughts, recommendations and *fatwas* from the MUI and *ulama* at any time, either directly to me or the minister of religious affairs or to the other branches of government. We want to place MUI in a central role in matters regarding the Islamic faith, so that it becomes clear what the difference is between the areas that are the preserve of the state and areas where the government or state should heed the fatwa from the MUI and *ulama*”(Yudhoyono 2005).

This statement was given few months after Yudhoyono became president, so it can be understood that he was looking for acceptance and support from the Islamic leaders. However, the statement gave the MUI more

confidence since its role in the past always been seen as the government's puppet; therefore, the annual meeting without any hesitation declared the deviance of the Ahmadiyya and confidently asked the government to prohibit the Ahmadiyya in Indonesia.

In November 2007, President Yudhoyono reemphasized his notion in the MUI's annual meeting, where the context at that time was about the many new sects that were discovered. He told the group:

“In accordance with its regulation, the MUI issues fatwas. The president cannot issue a fatwa. But after fatwa is issued, the tools of the state can do their duty. Hopefully our cooperation will deepen in the future... We must all take strict measures against deviant beliefs”

Again, instead of promoting pluralism and freedom of religion, the president encouraged the MUI to issue fatwas against deviant sects.

However, there was opposition in the executive discourses, particularly from the President's Advisory Council, in which almost all of the members disagreed with the notion of disbanding the JAI (Nurhayati 2008). Adnan Buyung Nasution, member of the Advisory Council, said to the media, "We will immediately advise the President to prevent the issuance of the decree for the sake of upholding democracy, tolerance and freedom of religion," and regarding the recommendation of the Bakorpakem on banning JAI, he added, "We think the establishment of the board itself has no firm legal basis even though they acted based on the 1965 law on the prevention of the misuse and disgrace of religion" (Nurhayati 2008). Adnan Buyung Nasution is also known as the JAI's legal adviser.

The National Commission of Human Rights, as a body established by the president's initiative, did not play a vital role in the Ahmadiyya case; Indeed the Commission established a special sub-commission to investigate the attacks on the Ahmadiyya Community, but its action were not beyond the discourse level. Through its press release in 2003 regarding the attack on the Ahmadiyya Community at the end of 2002, the commission stated that there were strong indications of violation of freedom of religion, and some other human rights, however, there was no evidence that gross violation of human rights had occurred, therefore the case would not go to trial according to human rights law (Komisi Nasional Hak Asasi Manusia 2003).

On another occasion, the Commission promised the Muslim Alliance, an organization consisting of 48 Muslim organizations in West Java, to investigate the human rights violations of the JAI. The Alliance reported that JAI violates the rights of its members who want to get out of the congregation (Komnas Janji Kaji Pelanggaran Ham Ahmadiyah 2008). In order to be neutral as a national human rights commission, the body should take care of any case reported to it, but the circumstances under which the campaign against Ahmadiyya was being conducted, which means campaign against freedom of religion, the Commission should have been more aware and taken precautionary action so that it was not used as a tool in fulfilling the interests of certain groups.

After the issuance of the joint ministerial decree warning the Ahmadiyya Qadiani, the Commission made an official statement; after mentioning that freedom of religion is a non-derogable right, and that the state has responsibility to respect, protect and fulfill human rights, the Commission stated that the issuance of the decree “could seriously decrease the commitment of the state to fulfil its obligation prescribed in the constitution and international conventions” (Komisi Nasional Hak Asasi Manusia 2008). The language used in the statement “could seriously decrease” is very soft and diplomatic that shows the dependency of the body on the government, yet the Commission is supported financially and was established by the government.

Having a main role to preserve justice in the society, the judicial organs have played concrete roles in the Ahmadiyya case; especially the local and state attorneys, and the police. Some local attorneys decided on local bans on the Ahmadiyya community after the issuance of the MUI *fatwa*, and used the *fatwa* as one of their bases.

In each decree of the local ban, at least two considerations were involved, they are the fatwa of MUI (either the one made in 1980 or 2005) that the Ahmadiyya was deviant, and the article 1 of Law No. 1/PNPS/1965 which prohibit intentional proselytising of any belief if their doctrines propounded and practiced are inconsistent with the fundamental tenets of the respective religions.

Two criticisms can be levelled at the issuance of local bans. The first, regarding the context of the ban, where the state seemed least concerned at the rise in violence against the Ahmadiyya community by localizing the issue and leaving the solution to the local Muslim community itself. One could find that the local bans were produced by collaboration between the local government, which is not immune from political interests, the local MUI, and the local judicial organs. The decree, therefore, did not provide far reaching solution to the conflict. The second, regarding the content of the decrees that took the Law No. 1/PNPS/1965 into consideration, while the law was highly debated because of its inconsistency with the constitution and International covenants signed by the country, and its authoritarian characteristic that hurts democracy.

In June 2008 the Government of Indonesia issued a joint ministerial decree in matter of “A Warning and Order to the followers, members, and/or leading members of the Indonesian Ahmadiyya Congregation (JAI) and to the general Public”. After considering that freedom of religion is a fundamental human right that cannot be ignored under any circumstances, that state guarantees the freedom and that everyone should respect the limitation prescribed by law, the government resolved:⁵ (1) members of the public are warned not to speak about, suggest, seek public support or to do certain activities that differ from the interpretation of the central tenets of religions held in Indonesia⁶ (2) the followers, members, and/or leading members of the Indonesian Ahmadiyya Congregation (JAI) are warned and ordered, as long as they claim to be Muslims, to stop disseminating deviant interpretation of the principal teachings of Islam, that is, proclaiming that there was a prophet after Muhammad (3) Any follower, member and/or leading member of JAI who does not comply the warnings and orders above may face legal sanctions as

prescribed under the laws and regulations (4) all the citizens are warned and ordered to protect and maintain religious harmony as well as public order and not undertake activities and/or behavior that violate the law against followers, members and/or leaders of JAI (5) any member of the public who does not comply with the warnings and orders in the first and fourth points above can face legal sanction

The Indonesian Constitution mentions that the basis of the state is the Oneness of God and the state protects the freedom of each believer to embrace any religion. The statements were strengthened by the amendment of the constitution in 2000, adding some human rights notions into the law. Related to the status of freedom of religion, the constitution articulates that it is “a human right that cannot be limited under any circumstances.” However, the state took the article 28J as a justification to restrict the freedom as it allows some limitation in purposes of guaranteeing the rights and freedom of others, and satisfying the demand of morality, religious values, public order and public security. In addition, the article mentions the necessity of establishing the limitations to the law.

Regarding these limitations, one can argue: what is the meaning of “law” in this article? And what kind of morality, religious values, security and public order should be satisfied? Unfortunately, the constitution does not provide any explanation to such questions; therefore, these terms can be widely interpreted by anyone to justify his/her interests.

It was not a surprise when both the proponents and the opponents of the notion to disband Ahmadiyya, used the constitution’s provision to justify their arguments. The supporters of JAI claim that freedom of religion is a human right that cannot be limited whatsoever; meanwhile the hardline groups claim that the Ahmadiyya disrespect their freedom, religious values and cause public disorder. It is mentioned in consideration part of the ministerial joint decree in the matter of warning and order to the Ahmadiyya community:” in order to neither create unrest in religious life nor disturb the peace and order of community life”. Furthermore, the decree claims that there are some points of the twelve points declared by JAI which if not adhered to could harm the public order. Ministry of Religious Affairs, Maftuh Basyuni, said that “The issuance of joint decree is not a form of state’s intervention in someone’s belief, but an effort by the government to maintain public order.”

The term “public order” is very ambiguous in the Indonesian context. The term was always used by the New Order regime to maintain national stability, particularly in the political context. Meanwhile, the term public order according to the Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights, is defined as “the sum of rules which ensure the functioning of society or the set of fundamental principles on which society is founded. Respect for human rights is part of public order (*ordre public*).” Recently, in the Ahmadiyya issue, public disorder was caused by either civilized or uncivilized movements conducted by some Muslim groups in order to disband the sect. In this case, motivation of the movements can be varied; ranging from theological reasons

to political ones, therefore the state should be careful in handling the problems and should not base their decisions merely on the “public order” issues.

Another issue related to the protection of freedom of religion of the Ahmadiyya community, is whether the freedom for private (*forum internum*) and/or for manifestation (*forum externum*), and whether the freedom is for individual and/or for the community? The provision in article 28E 1945 Constitution guarantee the freedom for “every person”, “to believe”, “to choose and to practice”, “to express” and “to associate” which means that the freedom prescribed by the law should protect everyone to believe, to manifest his/her believe and to gather with other adherents that have the same belief.

However, in the context of Indonesia, freedom to believe is defined as the freedom to believe in the “religion that is recognised in Indonesia” (Islam, Christianity -Protestant and Catholics, Hinduism, Buddhism, and Confucianism) without violating the principal tenets of the above mentioned religions⁷, which is a confusing notion, because one religion can have many different interpretations, hence which interpretation should be followed and who or what kind of institution has the authority to make interpretations? In the Ahmadiyya case, one can easily recognize according to the discourse growing recently that MUI, considered to be the representative of Muslim clerics, holds the authority to decide which interpretation should become the principal interpretation of Islam in Indonesia. Therefore, other interpretations which are different from the MUI’s interpretation will be considered as deviant.

In the state report to the Committee on the Elimination of Racial Discrimination on April 2006, the Government of Indonesia stated:

“In order to prohibit organizational practices that support racial discrimination, the Government issued Law No.8 of 1985 on Organizations. This law was applied in the case of Ahmadiyah, a faction of Islam, whose practices and beliefs have been regarded as contrary to the Law. Ahmadiyah who publicly claim that their version of Islam is more righteous and superior compared with other factions, violated the provision of the said Law. Using the Law as basis and guidance, the Government then banned this faction. The Government had no choice but to take such an action if it were to keep public order and avoid the spread of further conflict. The Government, however, did not restrict members of Ahmadiyah from conducting their personal religious activities.”

This statement was made in defending the local ban created in some regions against JAI. The Government stated that although it banned the Organization, it was still respecting the freedom to believe and to conduct personal practices of the Ahmadiyya. It shows how the Government disrespected the freedom to manifest one’s religion and the freedom to associate.

Furthermore, The Government does not mention anything about the MUI fatwa issued in 2005 or the Law No. 1/PNPS/1965, because doing so would give a bad impression of the government by highlighting the lack of protection of minority groups. Instead, the Government blamed the

Ahmadiyya community for violating the national law on organization by declaring themselves “righteous and superior”; meanwhile the radical Muslim groups were not discussed at all.

From the discourse presented by the Government to the International community, one can notice the negative discrimination towards the Ahmadiyya community and positive discrimination against the hardliner groups that caused public disorder by attacking Ahmadiyya’s assets, and to the local administration that banned the sect.

As the state party of ICCPR, the Government of Indonesia has some obligation imposed by the human rights treaty; i.e. responsibility to respect, to protect and to fulfil human rights.

Responsibility to respect requires the state to refrain from any action that violates the freedom of religion (Sepulveda et al. 2004: 16). In the Ahmadiyya case, the state has neglected this responsibility. It is evident by the issuance of local bans and the joint decree that restrict the Ahmadiyyas from believing in another interpretation of Islam. The Twelve Points Statement of JAI and the intervention of the state, show how the state is hampering the freedom of the JAI through coercion.

Responsibility to protect requires the state to prevent human rights violation by third parties (Sepulveda et al. 2004: 16). It is evident that in many attacks on the Ahmadiyya community, the police as the state’s apparatus did not make any significant effort to protect the Ahmadis. Even more, the police assembled the attackers in the attack on JAI’s compound in Bogor; while the local security officers helped the mob to destroy the billboard and close down the mosques. Some attackers were detained but they were given only 4 or 5 month sentences, while the leaders of the mob were not arrested at all.

The responsibility to fulfil requires the state to take direct and active measures to ensure that every person is allowed to enjoy his/her freedom of religion (Sepulveda et al. 2004:16). It is the responsibility of the state to take appropriate legislative, administrative, judicial measures towards the full realization of the freedom of religion. The issuance of Law No 1/PNPS/1965 violates the spirit of human rights provided in the constitution and international law signed by the state, and presents the lack of political will for legal reform to ensure the fulfilment of freedom of religion.

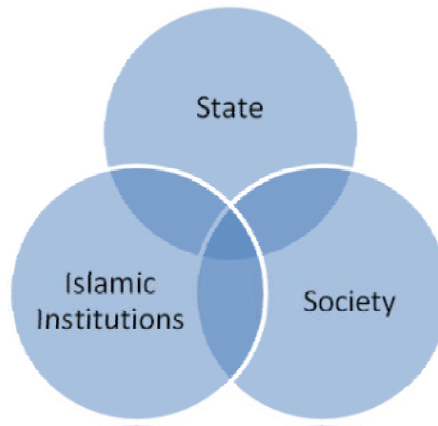
Chapter 6

Conclusion

This study has investigated the relationship between the state and Islam in Indonesia and how this relation influences the state's performance in conducting its obligation to respect, to protect and to fulfil freedom of religion of the Ahmadiyya community. Below are some conclusions that can be drawn from the investigation.

Firstly, the state is not based on any religion, including Islam, but the history of the country shows that Islam has always been a prominent power that should be considered by the government, whether it is outside or inside the state's system. The politics and power contestations in the past produced constitution and religious bodies in the state's system, while the current development of Islamic organizations shows that the non-state actors are involved in the decision making process. It is evident that the relationship is also influenced by transnational politics where Saudi Arabia, a prominent actor in Islamic world politics always tries to dominate the Muslim world with its Islamic discourse.

Current relations among the state, Islamic institutions and society in Indonesia can be drawn into this diagram:



The diagram shows the interrelation between the state, Islamic institutions and society where politics plays an important role in shaping the degree of relationships. The secular government tries to co-opt religious institutions in order to maintain its political legitimacy in the society and preserve power. The Islamic institutions try to influence the government in order to receive protection and to impose their agenda on the state. The society as a fluid entity, finds it relatively easy to exercise its interests in a democratic environment; the links to the state and Islamic institutions nowadays give it chance to do so. One can also argue that the increased space for the society given by the democratic system makes the state weak in the

sense of the bargaining power it has with other actors such as Islamic institutions and the society.

Secondly, the role of the state are mentioned in the Indonesian constitution and the International covenant ratified by the state i.e. ICCPR. The role is mainly to conduct its obligation to respect, to protect and to fulfil the freedom of religion. However, in the Ahmadiyya case, such a role was not conducted soundly; it is proved by the lack of protection to the Ahmadiyya community while they were attacked, coercive measures by the issuance of joint ministerial decree and indisposition to fulfil the freedom of religion through implementation of the rule of law. Furthermore, it is also noted that the role of the state in the Ahmadiyya case is highly political which is influenced by the interest of the state or state apparatus in order to preserve power and to get political legitimacy. The fact that the next general election will be held in the middle of 2009 makes the state's actions more reasonable.

The Islamic institutions' roles related to freedom of religion particularly of the Ahmadiyya community are varied; it depends on the characteristics of the institutions. State's institution such as MORA mostly serve the interest of the state while government-supported organisations like MUI are eager to please the government while they also represent the Muslims' voice on the other hand. In the Ahmadiyya case, both MORA and MUI were influenced by international politics in the Muslim worlds by adopting some of the World Muslim League's policy on Ahmadiyya.

Thirdly, while implementing its obligations, the state seems to be reluctant and full of caution. On one hand the state does not want to violate the freedom of religion of the Ahmadiyya community but on the other hand, pressure from militant Muslim groups is massive. The obligations to respect, to protect and to fulfil the freedom of religion are conducted with political motives. There have been no systematic efforts by the state to fulfil its duties rather there have been instant solutions *a la* a fireman: who goes only to where the fire spreads.

The Last, as a prominent power in Indonesian politics, Muslims and Islamic institutions significantly influence the state's decision in the field of human rights. The varied interpretation of Islamic tenets gives different shades to the decision; in the Ahmadiyya case, the conservative thoughts that recently dominate the discourse of Islamic or religious institution such as MUI and MORA as well as the hardline groups' put pressure on the government thereby causing public disorder. These are challenges faced by the government in fulfilling its obligation.

Furthermore, the international influence of national politics regarding protection of human rights is another issue that arise from this case. The Ahmadiyya, being a global movement, are persecuted in many Muslim countries around the world. They gain special attention from the global community in this case. The issue comes up in the international media and the reports of international organisations. This is one of the reasons why the

government of Indonesia's attitude towards JAI is so soft. It did not accuse the JAI leaders of blasphemy and the joint decree issued was not intended to freeze nor ban the sect but merely to restrict a different interpretation of Islam. The fact that Indonesia is one of the members of the Human Rights Council is another reason for this soft attitude.

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Notes

¹ International rules are considered internally binding only if the state accepts them through the national legislation mechanism (Cassese 2005: 214)

² A previous name of Jakarta, Indonesia's capital city

³ See "Keputusan Musyawarah Nasional II Majelis Ulama se-Indonesia No. 05/Kep/Munas II/MUI/1980 Fatwa tentang Ahmadiyah." Available also http://www.khilafah1924.org/index.php?option=com_content&task=view&id=468&Itemid=47 Accessed on August 12, 2008

⁴ See "Keputusan Fatwa Majelis Ulama Indonesia No. 11/Munas VII/15/2005 tentang Aliran Ahmadiyah," Available at www.mui.or.id Accessed on August 12, 2008

⁵ Keputusan Bersama Menteri Agama, Jaksa Agung dan Menteri Dalam Negeri Republik Indonesia NO. 3.2008, KEP-033/A/JA/6/2008, 199 Tahun 2008 (the numbers are for each ministry respectively) tentang Peringatan dan perintah Kepada Penganut, Anggota dan/atau Anggota Pengurus jemaat Ahmadiyah Indonesia (JAI) dan Warga Masyarakat (on Warning and Instruction to the Followers, Members, and/or Leaders of the Indonesian Ahmadiyya Congregation and the General Public)

⁶ Indonesia considers 6 public religions: Islam, Christianity both Protestant and Catholic, Hindu, Buddha and Confucianism

⁷ See the provision in The Law No. 1/PNPS/1965 on The Prevention of Misuse and/or Tainting of Religion and Law No. 5/1969 on the Confirmation of Various Presidential decisions and Regulations as Law and the Joint Decree of the Minister of Religious Affairs, the Attorney General and the Minister of the Interior of The Republic of Indonesia No 3/2008, No KEP033/A/JA/6/2008, No 199/2008 concerning Warning and Order to the followers, members, and/or leading members of the Indonesian Ahmadiyya Jama'at (JAI) and to the General Public