

UN RESOLUTION 16/18: AN ATTEMPT TO RECONSTRUCT THE INDISTINCTNESS OF THE BLASPHEMY LAW IN RELIGIOUS LIFE IN INDONESIA

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Abstract: *This article aims to elucidate the ambiguity and adverse consequences of Indonesia's Blasphemy Law, as it is available in the law No. 1/PNPS/1965. Since its inception, this law has been wielded by various intolerant factions to marginalize minority groups, including indigenous peoples, aliran kepercayaan (aliran kebatinan or Kejawen), and other non-conformist groups, and putting them as deviants. By delegitimizing these groups' religious practices, in which case diverging from the majority's beliefs, the Blasphemy Law perpetuates discrimination and undermines the interfaith harmony. This article argues that the maintenance of the Blasphemy Law in Indonesia is not only detrimental to the interfaith relations and harmony among the country's diverse religious communities, but also it contributes to the high number of violations of religious freedom and beliefs. Moreover, this article proposes to delve into the UN Resolution 16/18, "Combating Intolerance, Negative Stereotyping and Stigmatization, and Discrimination, Incitement to Violence against Persons Based on Religion or Belief," submitted by member states of the Organization of Islamic Cooperation (OIC) to the United Nations Human Rights Council in 2011, as a stepping stone to revise the controversial Blasphemy Law.*

Keywords: *Blasphemy Law; Religious Freedom; UN Resolution 16/18; Civic Pluralism.*

Abstrak: Artikel ini bertujuan untuk menjelaskan ketidakjelasan dan konsekuensi negatif dari Undang-Undang Penodaan Agama di Indonesia, yang diatur dalam Undang-Undang No. 1/PNPS/1965. Sejak awal diberlakukannya, undang-undang ini telah digunakan oleh pelbagai faksi intoleran untuk memarginalisasi kelompok minoritas, termasuk masyarakat adat, aliran kepercayaan (terkadang disebut dengan aliran kebatinan atau Kejawen), dan kelompok-kelompok non-konformis lainnya, menandai mereka sebagai sesat. Dengan menolak praktik keagamaan kelompok-kelompok ini, yang berbeda dari keyakinan mayoritas, Undang-Undang Penodaan Agama memperkuat diskriminasi dan merusak harmoni antarumat beragama. Artikel ini berargumen bahwa dipertahankannya Undang-Undang Penodaan Agama di Indonesia tidak hanya merugikan hubungan antaragama dan harmoni di antara komunitas agama yang beragam, tetapi juga berkontribusi pada tingginya jumlah pelanggaran kebebasan beragama dan berkeyakinan. Sebagai gantinya, artikel ini mengusulkan untuk mengkaji Resolusi PBB 16/18, “Memerangi Intoleransi, Stereotip Negatif dan Stigmatisasi, dan Diskriminasi, dan Mendorong Kekerasan terhadap Orang Berdasarkan Agama atau Kepercayaan,” yang diajukan oleh negara-negara anggota Organisasi Kerjasama Islam (OKI) kepada Dewan Hak Asasi Manusia PBB pada tahun 2011, sebagai langkah untuk merevisi Undang-Undang Penodaan Agama yang kontroversial tersebut.

Kata Kunci: UU Penodaan Agama; Kebebasan Beragama; Resolusi PBB 16/18; Pluralisme Sipil.

Introduction

Heiner Bielefeldt, the UN Special Rapporteur on freedom of religion or belief, stated in 2016 that blasphemy laws are flawed legislative provisions. Blasphemy laws, combined with proselytism and apostasy, are causes of high levels of the violation of religious freedom against various non-conformist groups.¹ However, Bielefeldt’s statement does not attract proper attention in the context of Indonesia. Consequently, many individuals have been suffered by this law. According to a report by Donald L. Horowitz, the number of blasphemy cases in Indonesia has been significantly increasing since the 1998 Reformation. Horowitz estimated that at least 120 people have been subjects to blasphemy trials.² The convictions of former DKI Jakarta Governor Basuki Tjahaja Purnama (Ahok) in 2017 and the money laundering case involving Panji Gumilang, the leader of al-Zaytun Islamic Boarding School, serve as illustrative examples.

One of the law’s main provisions does restrict the interpretations of religious teachings or doctrines that being contradictory to the dominant group.³ Having said that, the debate surrounding which forms of interpretation and religious doctrine are consistent with the mainstream group remains unresolved. Each religious group must be possessing distinctive regulations, truth declarations, and some interpretive mechanisms for incorporating appropriate teachings and doctrines into their

daily life. The Indonesian Blasphemy Law No. 1/PNPS/1965 emphasizes that the government guarantees protection only to religions or beliefs of the majority group, which in this case encompasses the six religions widely practiced by Indonesian citizens, to wit, Islam, Protestant Christianity, Catholic Christianity, Hinduism, Buddhism, and Confucianism. Actually, this model of protection contradicts the assurance of safeguarding freedom of religion or belief that is upheld by some international documents such as the Universal Declaration of Human Rights (UNDHR), the International Covenant on Civil and Political Rights (ICCPR), General Comment No. 22 (1993) of the Human Rights Committee, and the ASEAN Human Rights Declaration (AHRD). In these documents, the government should protect individuals who practice religion, regardless of the specific religion or belief they practise, instead of only protecting the most established and widely followed religion in a particular region.

Hence, this research emphasizes several points. First, it presents as an alternative solution to reconstruct the problematic blasphemy law Resolution 16/18, also known as “Combating Intolerance, Negative Stereotyping and Stigmatization of, and Discrimination, Incitement to Violence against Persons Based on Religion or Belief,” proposed by the Organization of Islamic Cooperation (OIC) countries to the UN Human Rights Council in 2011. Second, the orientation of Resolution 16/18 is not only limited by the issues and ideological dominance of specific groups, but it also corresponds to some efforts to recognize and accommodate the rights of non-orthodox groups, by which those rights have often been neglected. Third, while the government and some legal advocates claim that protection of public order and religious sanctity are needed, this study refuses that claim by showing that blasphemy laws can actually ravage public order and restrict the religious freedom of minority groups.

There are three categories of literatures being relevant to this research. First, literatures which discuss the problem of enforcing blasphemy laws in some countries. Second, it relates to the adverse impact of blasphemy laws on the religious freedom of minority groups. Third, literatures which discusses some efforts to improve blasphemy laws.

Paul Roller (2019) examines the application of blasphemy laws in Pakistan in his article entitled “We’re all Blasphemers: The Life of Religious Offenses in Pakistan.” According to Roller, the significance of the blasphemy law in Pakistan arises from the growing intra-Muslim rivalry between Sunnis who compete for existence.⁴ Like other blasphemy laws, Roller notes that they tend to target minority and unorthodox groups for scapegoating. To support his argument, Roller discusses Sections 298-B

and 298-C of the Pakistan Penal Code, which prohibit Ahmadis from identifying as members of the Muslim community, employing Islamic terminology, or spreading their religion. Roller reveals the ambiguity of the law's boundaries and the absence of a clear definition of blasphemy. Frequently, the law functions as a replacement for Islam's prohibition on apostasy, which is illegal in Pakistan. Therefore, individuals who convert from Islam to Christianity might be arrested for apostasy and be confined on the ground of blasphemy.

Syafiq Hasyim's article "Politics of Fatwa, 'Deviant Groups' and Takfir in the Context of Indonesian Pluralism: A Study of the Council of Indonesian Ulama," provides a basis for researching the adverse impact of applying blasphemy against minority groups. According to Syafiq, the fatwa enacted by the Indonesian Ulama Council/Majelis Ulama Indonesia (MUI) is a political move to exclude certain dissenting Muslim groups from being a part of the Islamic mainstream.⁵ In particular, Hasyim suggests that the institution not only issues fatwas that emphasize the dominance of the majority group (orthodoxy), but they also contribute to limiting the existence of minority groups being accused of deviating and heresy. Syafiq highlights the negative effects of MUI fatwas on the rising number of blasphemy cases in Indonesia, using the examples of heretical fatwas against Ahmadiyah and Shia.

Meanwhile, Zainal Abidin Bagir's report, *Kerukunan dan Penodaan Agama: Alternatif Penanganan Masalah*, enlightens this study to identify the negative aspects of the blasphemy law and the specific measures taken by opponents who wish to change it. Bagir indicates that the definition of blasphemy, particularly as it is available from within the Law No.1/PNPS/1965, still lacks stability.⁶ The instability is primarily a result of the conflict of the blasphemy concept with the harmony concept, both of which are inconsistent. This law has not generated harmony but, in contrast, diminishing it, as its adherents employ it to marginalize different minority groups. Among the groups recently targeted by blasphemy laws are Ahmadiyah and Shia. There have been three attempts to replace and update the regulation through some judicial reviews at the Constitutional Court (2009-2010, 2013, and 2017). However, these attempts have recently yielded no results. Proponents argue in favor that the blasphemy law must remain intact to safeguard religious harmony and sanctity. Thereby, preserving the blasphemy law is not solely tied to upholding the religious purity.

The claim that 'religion should not be desecrated' cannot be considered as a specific religious teaching. For instance, Abdullah Saeed and Hassan

Saeed point out that the widely implemented blasphemy laws in Islamic countries are not religious teachings that be in alignment with the Qur'an and Sunnah of the Prophet. According to both experts, the blasphemy law is a concept created by *fuqahā'* (Islamic jurists) to limit or restrict the beliefs of groups or political opponents who do not share their *madhab* (religious denominations). For instance, Saeed states that Sunni Islamic groups use the term blasphemy to restrict the dissemination of religious knowledge from Shia and Khawarij groups. In other words, jurists categorize blasphemy as a punishable offense and a sin to distinguish and restrict groups or schools of Islam with different interpretations.⁷ It should be noted that there does not exist any explicit text in the al-Qur'an or *hadith ṣaḥīḥ* that permit or regulate the legal consequences of the offense, particularly the death penalty. Mashood Baderin contends that blasphemy is in opposition to the principle of freedom of religion, which is upheld by the Qur'an, *hadith* (prophetic traditions), and other practices.⁸ On the other hand, Cherian George (2016) argues that blasphemy laws enacted in countries such as Indonesia are frequently used by their advocates as a tool to propagate hate against marginalized groups. In practical terms, supporters of these laws employ strategies of resentment and hatred to impose some limitations on others who are different, including hate speeches that trigger violent acts, persecutions, or other forms of discrimination against minority groups. The rally against Ahok, who was accused of blasphemy in 2017, exemplifies the implementation of the hate spin strategy. Cherian George explains that this formula reveals the agitation stirred by supporters of the blasphemy law does not solely target religious purity or peacekeeping, but it instead serves as a political strategy utilized by intolerant factions to achieve their own strategic objectives.⁹

However, David Nash (2007) contends that efforts to formalize blasphemy as a legal concept in any state are at odds with the Universal Declaration of Human Rights (UNDHR), which underlines the need for justice for all individuals. Nash highlights the Criminal Libel Act 1819 (the first-ever blasphemy law worldwide) as an illustration implemented in the United Kingdom. The regulation is deemed cruel and provides limited protection and accommodation solely to the Anglican Church without extending the same provisions to all Christian groups, let alone other religions. Blasphemy is a problem that affects not only public order, but also the functioning of the state, which divides society by identifying certain groups as "others," creating and separating them as separate entities, and suggesting that these groups are potentially disruptive.¹⁰ This is a form of partial recognition by the state for certain religious groups. It is deemed

important to standardize the act of blasphemy in the formal sphere. The transition of blasphemy from a sacred religious space to the legal realm, witnessed in the United Kingdom (UK) and Indonesia, ultimately perplexes the essence of blasphemy. When blasphemy is officially recognized as a legal term, it implies that the state is seen as a source of problems rather than a problem solver.

This study collects information from various sources, such as books, journals, reports, and legal rules related to the topics discussed in this study, especially the discussion of subjects and objects, in order to gather the necessary data. It employs a qualitative research approach that is classified as a library research method. This literary method of presenting data is in line with John W. Creswell's outline of qualitative research, which aims to report data obtained from observing people in the field through oral, written, or behavioral sources, and the research report format provides detailed descriptions of the data.¹¹ Descriptive research is the category this study falls into. In the context of the current debate, it is important to describe how the blasphemy laws are defined, how they are implemented, and what their effects are, in order to make concerted efforts to identify solutions for the reform of the laws.¹²

Blasphemy laws are primarily understood as a legal concept. However, this study does not aim to explain how a particular law should be applied to issues related to religions. Rather, this study focuses on some of the negative impacts of implementing blasphemy laws on the freedom of religion and beliefs of minority groups. Therefore, to examine and evaluate the negative impact caused by the blasphemy law, a relevant approach to address this issue is by employing some historical and sociological approaches. Historical approach can decipher the historical motives behind the formation of the blasphemy law and its orientations. A sociological approach can assist this research to examine what are the consequences that are brought about by the blasphemy law on the recognition or acknowledgement of the minority groups.

Blasphemy Law in Religious Life in Contemporary Indonesia

The categorization of acts as blasphemy in Indonesia, regulated by the Indonesian Law No. 1/PNPS/1965, remains ambivalent. While in the context of Christian traditions, particularly those that emerged in the Middle Ages, blasphemy refers exclusively to an act or a speech that implicitly or explicitly insults God or question His authority, but this is not the case in Indonesia.¹³ Indonesia's blasphemy law is broad and lacks coherency, and allowing some cases that seem to be general in nature. For

instance, in 2010, a man from the United States named Gregory Luke was found guilty of allegedly committing blasphemy towards Islam in Lombok. Luke apparently requested the mosque to turn off its loudspeaker because the sound was disrupting guests at his guesthouse. He did not visit the mosque to remove the horn. Rather, his intention was to decrease the volume of the loudspeaker. Nevertheless, Luke's limited proficiency in Bahasa Indonesia led him to say "lower" instead of "turn down".¹⁴

In this case, the blasphemy law seems to be too broad and some groups are using it as an excuse to entrap those who do not share a similar view. This was evident in the case of a non-Muslim being trapped in Lombok. When there is no legal grounding to classify the accused party as being involved in defamation, the Blasphemy Law serves as an alternate recourse employed by the plaintiff to transform disagreement into an offense, despite the fact that individuals such as Luke have not committed any crime. The legal dispute concerning the former DKI Jakarta Governor, Basuki Tjahaya Purnama (Ahok), who was accused of blasphemy against Islam, is another example of the use of the blasphemy article to prosecute a crime.¹⁵

Those cases have ignited prolonged debates rooted in various controversies and ambiguities embedded in the law, ranging from its politically charged historical background to conflicts with the constitutional right to freedom of religion guaranteed by the Indonesian Constitution, namely Articles 28E (1) and (2), 28I (1) and 29 (2) of the 1945 Constitution. The law is also considered to be in contradiction with the UN General Assembly Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief (1981, 36/55) and UU No. 12 of 2005 ratifying the Article 18 of the Universal Declaration of Human Rights (UNDHR).¹⁶

The blasphemy law has its roots in a context steeped in political agendas. This is apparent in the historical background surrounding the enactment of the Blasphemy Law, which is characterized by the intense political turmoil during the ruling Old Order. Prior to enacting the Blasphemy Law, a conflict between Islamic factions and the government and their opposition to the Indonesian Communist Party/*Partai Komunis Indonesia* (PKI) was at its peak, implying the slaughter of *kiai* and *santri* in Madiun in 1965. According to Saifudin Zuhri, the Minister of Religious Affairs at the time and one of the initiators of the Blasphemy Law, the intensive campaign of atheism carried out by the PKI, as well as the Muslim massacre in Madiun, are cited as the primary reasons for the Minister of Religion urging President Soekarno to issue the blasphemy law.¹⁷

Although politically motivated, it was also designed to maintain public order and promote the “*politik perukunan*/the politicking of harmonization” and to restrict the growth of *aliran kepercayaan or kebatinan*, a religious belief that mainstream Islamic groups denounced as closely linked to PKI. Following the Madiun massacre of *ulama’* and *santri* in 1948, the Coordinating Body for the Supervision of Cults in Society (BAKORPAKEM) targeted the cults and *kebatinan* groups which used to be perceived as being similar to the PKI. These groups are accused of various offences including religion desecration, misuse, division of national unity, and endangering some existing religions.¹⁸ However, it is clear that the Blasphemy Law originated during an intense political conflict and under Sukarno’s “guided democracy.” The first article of the Blasphemy Law, which contradicts the freedom of religion and belief, is provided below:

Setiap orang dilarang dengan sengaja di muka umum menceritakan, menganjurkan dan mengusahakan dukungan umum, untuk melakukan penafsiran tentang sesuatu agama yang dianut di Indonesia atau melakukan kegiatan-kegiatan keagamaan yang menyerupai kegiatan-kegiatan keagamaan dari pokok-pokok agama itu.

[Every individual is prohibited from intentionally publicly stating, promoting, or soliciting support for an interpretation of a religion practiced in Indonesia or performing religious activities that closely approximate the main practices of that religion].¹⁹

Based on its content, the Blasphemy Law No. 1/PNPS/1965 primarily regulates two aspects: firstly, the prohibition of interpreting or reinterpretation a religion; and secondly, the prohibition of any form of religious activity resembling the main doctrines of a religion. Consequently, groups that are found to have violated the aforementioned prohibition would receive some administrative penalties based upon the criminal law if they are deemed to have engaged in acts that misuse fundamental religious teachings. Such actions would then be considered as criminal sanctions. Several organizations, such as LBH Jakarta (*Lembaga Bantuan Hukum Jakarta*/the Jakarta Legal Aid Institute), Setara Institute and CRCS UGM (Center for Religious and Cross-Cultural Studies Graduate School, Universitas Gadjah Mada), argue in their annual reports that, due to the lack of clarity, these provisions are having a considerable impact on social and religious life in Indonesia:

LBH Jakarta perceives the Blasphemy Law’s content as discriminatory towards minority groups, especially the *aliran or penghayat kepercayaan*. The law frequently justifies and safeguards violence against these groups. In 1978, the Minister of Religious Affairs mandated that the *aliran or penghayat kepercayaan* groups follow one of the “recognized religions” regulated by

the Blasphemy Law for marriage registration, and implying potential allegations of adultery if they refused to comply with this administrative requirement.²⁰ Unfortunately, children born to these couples cannot have their biological father's name listed on their birth certificates because of the presumption that their parents' marriage is illegal.²¹

Table 1: The Problems of Indonesia Blasphemy Law No. 1/PNPS/1965 Based on the Reports from Various Institutions

Institution	The Problem of the Blasphemy Law in Indonesia
LBH Jakarta (2009)	Used to discriminate against indigenous beliefs and other minorities Used as a reason for the prohibition of minority groups Used to criminalize the right to freedom of religion, belief and expression
Setara Institute (2013)	The tool is utilized for discriminatory purposes against minority groups. The government is excessively involved in religious matters. The state does not ensure legal security.
CRCS UGM (2017)	Blasphemy, as defined in Law No.1/PNPS/1965, lacks clarity and coherency on definitions. It is frequently employed by the majority group as a tool for vigilantism to discriminate against minority groups. Furthermore, it is often utilized to generate some hate propaganda, justifying intolerant actions, and destabilizing harmony.

Sources: Adapted from Isnur (2012); Halili & Naipospos (2013); and Bagir (2017).

Despite the widespread belief that the law can protect religions and the interests of religious communities from the misuse of teachings, thus the law is predominantly discriminatory. The resulting discrimination is manifested in the deterioration of social and religious conditions, as well as in the increasing restrictions on the freedom of religion for minority groups. The significant number of victims of violence against defenders of *penghayat* or *aliran kepercayaan* is an example of the limited social and religious sphere in Indonesia, as it is discussed by Bagir in the previous section.²²

Setara Institute's assessment reveals serious flaws in the formulation of Article 1 of the Blasphemy Law, particularly in three key areas. First of all, the government is in favor of the religious interpretation of the majority group, and it leads to discrimination against others. The expulsion and mistreatment of Shia Muslim residents in Sampang, who hold differing

comprehension from the Sunni Muslim in which case dominating the area. This case highlights the government's failure to protect minority groups among Indonesian Muslims. Additionally, the government excessively meddles with religious interpretation, by which case, according to the religious freedom nomenclature, it cannot be restricted (*internum*). The blasphemy law indirectly suggests that the Indonesian government struggles with enforcing regulations for all religious groups. Article 1 of the Law seems to focus solely on minority groups, such as the *aliran* or *penghayat kepercayaan*, Ahmadiyah, and Syi'ah.²³

In the 2017 CRCS annual report, Zainal Abidin Bagir praised and endorsed two previous reports published by LBH Jakarta (2010) and Setara Institute (2014). In the report published by CRCS UGM, Bagir highlights the difficult task of finding a stable definition and interpretation of what is considered as a deviant act or blasphemy under the law. The uncertainty of blasphemy laws is reinforced by the lack of concrete evidence to prove that a case pertains to blasphemy.²⁴ In contrast to theft, where tangible evidence can be presented before the court, there is no evidence that specifically indicates whether an act falls under the category of blasphemy or not. The presented evidence and recordings solely depict individuals' speech, which cannot be automatically labeled as "blasphemous". Therefore, if an act is contrary to the beliefs of the majority, it can be considered as being deviant and blasphemous. The government's justification for the continued legalization of the Blasphemy Law for the resolution of blasphemy cases is not always sound and can be overly simplistic. Religious conflicts that frequently arise in society tend to frame the Law as an apologetic excuse for vigilantism.

In addition to vigilantism, the Blasphemy Law uses the masses as a political tactic to spread feelings of hate in order to destabilize the social order. The mechanism of hate speech encompasses two individuals: (1) the offender who harbors the intent to offend, and (2) the recipient who feels offended. The Blasphemy Law often targets those with alternative religious interpretations from the mainstream group, without any intention of causing malice. Groups that feel offended often implement political strategies by distorting the minority group's various interpretations as acts of blasphemy. Ultimately, the offended group manipulates such offenses and mobilizes the masses. The 212 action exemplifies the success of mass mobilization initiated by Rizieq Shihab to investigate the alleged "blasphemy engineering" by Ahok. If the intention of the Blasphemy Law is to preserve social cohesion, then its application towards Ahok's case should be questionable.²⁵ According to Cherian George, the Act is being

used as a tool to achieve political ends and is ultimately used to justify discrimination rather than to maintain harmony. In regards to George's conceptualization of the hatred social engineering, there is an inaccuracy in articulating legal enforcement against blasphemy cases. Such cases are often simplistically associated with any behavior that is deemed as disturbing the public order. However, the Siracusa Principle defines public order as a compilation of rules and the setting of fundamental principles that serve as the foundation for society. This can be better understood as the "social order" or "community order".²⁶

Unfortunately, this narrow interpretation is widely employed to prosecute a pseudo-case of blasphemy. Indeed, BAKORPAKEM (*Badan Koordinasi Pengawasan Aliran Kepercayaan di Masyarakat/The Coordinating Body for the Supervision of the Local Beliefs in the Society*) the authorized party which monitors and examines potential "deviant sects", as well as identifying blasphemy cases—has solely reacted to cases which have become popular on social media. Consequently, BAKORPAKEM's assessment of blasphemy cases seems to depend solely on how massive the media coverage over is. On the one hand, if the case is relatively quiet and lacks of mass mobilization, thus BAKORPAKEM would not forward it to the green table for further action. On the other hand, they would act promptly like a 'jubilant hero' if the case gains massive attention and it turns out a national trending topic.

The prosecution of blasphemy case against Ahok in 2017 exemplifies this phenomenon. The case was heavily mobilized by *Gerakan Nasional Pengawal Fatwa Majelis Ulama Indonesia/The National Movement for Upholding the Fatwa of the Indonesian Ulama' Council* (GNPF MUI), despite Ahok's lack of intention to blaspheme against Islam. The government's misinterpretation of "public order" and the significant spread of hate ostensibly directed at those accused of blasphemy; are both components of what George identifies as "the manufacture of offense".²⁷ The government's normative justifications for using the blasphemy law as an alternative method to maintain the inter-religious harmony and the public order cannot be justified. In fact, rather than maintaining harmony, the law appears to stimulate intolerant groups to disrupt peace and order. The government and intolerant groups often position the law as a tool to disrupt harmony, despite its purported ability to maintain it. Instead of bringing religious communities to be closer, the law has actually created more division. Therefore, the law actually disrupts it instead of maintaining the public order.

Trisno S. Sutanto argues that this law grants an excessive authority

for defining the correctness of religion. Therefore, it is more appropriate to view the harmony promoted by this law as a “*politik perukunan* [the politicking of harmonization]” implemented by the government. At the same time, the blasphemy law seems to be a driving force behind the proliferation of labels such as heresy, apostasy, invalidity, and other negative terms towards groups in which case to be viewed as deviating from the mainstream religious understanding. The Blasphemy Law, for instance, singles out Ahmadiyah and Shia as legitimate targets.²⁸ Furthermore, the use of negative terms like “deviant” in blasphemy laws poses a challenge to achieving an objective interpretation since every religious group has a distinctive criterion for determining whether a religious viewpoint is deviant or not. Essentially, different doctrines exist within every religion, and there are varying authorities and standards for determining the suitability of teachings within its community. When the government designates a single authority as the party being responsible for determining what is considered as deviant, rather than remaining neutral, it demonstrates that the government is involved in regulating and intervening indirectly which religious interpretations and comprehension are correct.

Additionally, the law’s assertive explanation eliminates the citizenship status of indigenous groups and believers implicitly. This is achieved by the government’s hands-off approach regarding these issues. According to the fourth amendment of 1945 Constitution, the state is not responsible, does not provide guarantees or protection, as mandated. Indigenous groups and faiths are often viewed as being inferior and in need of conversion to a monotheistic belief, as it is dictated by the first principle of Pancasila.²⁹ This biased perspective must be eliminated in order to promote cultural diversity and religious tolerance. This study proves that the state’s restrictions are excessive, and causing them to neglect their responsibility for securing the freedom of religion to minority groups such as devotees of indigenous religions. Instead, these religions have been existing in Indonesia long before the establishment of mainstream religions such as Islam.³⁰ In its basic form, this situation indicates that the freedom of religion does not support Pancasila, particularly in its initial principle, as a stable factor in the formation of Indonesia as a state called by Yudi Latif as a “*negara paripurna*”.³¹

However, it is important to distinguish between what is called as blasphemy and defamation. On the one hand, blasphemy refers specifically to disrespectful acts towards something sacred, namely God. On the other hand, defamation involves false statements made about one or more individuals who hold significant importance and influence within

a particular religion or the broader religious community.³² The concept of blasphemy differs from defamation, according to The Pew Forum on Religion and Public Life. Blasphemy involves allegedly insulting God through comments or writings. In contrast, defamation entails some acts of disparagement or attempts to criticize a particular religion or religion in general. Apostasy refers to the act of leaving or converting to a particular faith or religion.³³

Nevertheless, it is also essential to understand and distinguish that the concept of apostasy as commonly used in the Christian tradition is not necessarily understood to be equivalent to the concept of *riddah* or apostasy in Islam. Within the Christian tradition, the act of leaving or changing one's beliefs does not automatically cause the perpetrator to be categorized out of the Christian group; they are still considered as a part of Christianity as long as the person does not engage in confrontational acts of political opposition or resistance to the church that they previously followed. Therefore, some scholars consider acts of theological apostasy committed by Gnosticism, Nestorianism, Arianism, and Asceticism, for instance, to be an inherent component of the Holy See as long as they do not commit any political opposition against the Catholic Church itself.³⁴

Reconstructing the Blasphemy Law

The application for judicial review seeking to annul or reinterpret the content of the controversial blasphemy law has been submitted to *Mahkamah Konstitusi*/The Constitutional Court (MK) as many as three times (2009-2010, 2013 and 2017), but it has always been unsuccessful.³⁵ The Constitutional Court rejected the lawsuit based on three primary arguments. First, the MK deems the blasphemy law to be relevant to this day, despite being formulated under the backdrop of an intense political conflict. If the blasphemy law is repealed, then the Constitutional Court contends that it would create a legal void. Therefore, it remains crucial to uphold this law to reduce conflicts among religious groups that lack legal protection. Moreover, the plaintiffs' claim that the blasphemy law threatens the religious freedom; is unsound, given that it only addresses the issue of religious blasphemy.³⁶

Although the blasphemy law has been judicially reviewed several times without any positive result regarding the protection of the right of religious freedom towards minority religious groups, this is not a proper justification to leave the law intact. The law must be amended to render an equal consideration and a fair treatment to they who have been subjected to the discriminatory blasphemy law. The need to revise the blasphemy law

is not solely due to the vagueness of the law — whether it is inherent or it arises during the legal enforcement. Equally important is the perception of being neglected and indeed a sort of government’s encouragement that: if the law is not enforced, then it potentially enables some intolerant groups to carry out many coercive actions against minority groups.³⁷ Another important factor to be considered in reconstructing the law with better provisions is the overly broad identification of cases and the biased definition of “blasphemy”.

In recent decades, for example, the presence of the Ahmadiyah and Shi’a as controversial groups, with their religious teachings being challenged by mainstream groups; have raised the question of the way it is used or misused by their proponents to oppose more powerful groups. Varieties of interpretation among groups are acceptable as long as there is no incitement to violence, but the situation is problematic when there is an incitement to violence between groups. However, the situation turns out problematic when the state intervenes and prosecutes two groups in the name of the blasphemy law. It is worth noting that the formation history of the law reveals that Ahmadiyah and Shia are not the primary targets of the blasphemy law.

Furthermore, Heiner Bielefeldt, the UN Special Rapporteur on Freedom of Religion or Belief in the period 2010-2016, identified the biased definition of “blasphemy” as the main cause of the controversy and the fierce political opposition to the “blasphemy” resolution introduced by *Organisasi Kerja Sama Islam* / The Organization of Islamic Cooperation (OKI/OIC) countries from 1999 to 2009. However, the OIC blasphemy resolution was repealed after 2010 and replaced by a subsequent resolution, the details are available below. The need to revise Indonesia’s blasphemy law, which has been used by the government to prosecute religious cases, is mainly due to the uncertainty regarding the content and the overly broad scope, and this revision can be achieved by adopting the Resolution aimed at “Combating Intolerance, Negative Stereotyping and Stigmatization of, and Discrimination, Incitement to Violence against Persons Based on Religion or Belief.”³⁸ The decision to introduce the new OIC resolution as an option to revise the blasphemy law is based on the fact that an intolerance resolution can address the issues related to “blasphemy” regulation with some degree of effectiveness and minimal impacts, although it cannot provide an absolute guarantee. The indistinctness associated with the blasphemy law has led to its regular employment as a political tactic by intolerant groups to marginalize and discriminate against minorities who have differing views. Minority groups, including Ahmadiyah, Shia,

aliran kepercayaan groups and new religious movements, and adherents of indigenous religions, are frequently targeted and victimized by the law. It is important to address the systemic discrimination and unfair treatment these marginalized communities face.

There are optimistic outcomes for interfaith relations in Indonesia from the transformation of “the blasphemy law” into “the combating intolerance” resolution. The resolution of “combating intolerance” evidently aims at minority or non-mainstream religious organizations that have frequently encountered violence, harassment, bias, and intolerant actions resulting from the “blasphemy” regulation.³⁹

UN Resolution 16/18 should receive attention and be adopted in Indonesia to amend the blasphemy law. Thereby, amending the law would shift the focus away from those who commit vague “blasphemy” and toward those who engage in hate speeches, stigmatizations, discriminations, and intolerances. While resolution 16/18 has the potential for any rubbery interpretation, its points align with Article 20, Paragraph 2 of the International Covenant on Civil and Political Rights (ICCPR), which prohibits the incitement of discrimination, hostility, or violence. Resolution 16/18 is a step toward the minimization of intolerant practices. The resolution asserts a zero-tolerance policy toward those who exercise intolerances. However, all acts of coercion that occur within a democratic society, whether initiated by the government or civil society, are unacceptable (zero-tolerance). Zainal Abidin Bagir contends that allowing intolerant actions may undermine and harm the democratic order. Nonetheless, if a violent incident takes place, particularly the religious one, then only the government retains the right to litigate.⁴⁰ For instance, violence that typically targets minority groups like Ahmadiyah and Shia is a symptom of the government’s abandonment.

The government takes a risk when disbanding violent community organizations. However, dissolving mass organizations like FPI and HTI does not constitute an effective solution for ending the discriminatory practices in which case these groups often perpetrated in the past. Opponents of the dissolution of the FPI believe that it was a government’s ploy to distract the public from the real problem — its ineffectiveness in maintaining a public space being free from the dominance, discrimination and intimidation of minority groups. Instead of dissolving them, the government should have taken strict measures against all mass organizations that breaking the law. The dissolution of a religious group’s mode of expression or comprehension, regardless of its nature, be it exclusive, inclusive, radical, conservative, fundamentalist, progressive, moderate,

and so on; does constitute both an arbitrary measure and a non-coercive violation of the right to freedom of religion or belief. The dissolution proponents contend that the government has some legal foundations to impose restrictions on the FPI's association due to its acts of intolerance, persecution, and discrimination against minorities.⁴¹ In addition to issues related to acts of intolerance, the resolution shows that the maintenance and implementation of blasphemy laws, particularly in Indonesia and other Muslim nations, is one of two major problems. The other problem is proselytizing and conversion, resulting in ongoing violations of religious freedom that escalate daily.⁴²

In contrast to blasphemy regulations, the primary objective of the resolution of "against intolerance" is not to directly protect a religion from defamation, but rather to protecting human beings. It is consistent with the arguments of Asma Jahangir, the UN Special Rapporteur on freedom of religion from 2004 to 2010, and Doudou Diène, the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and intolerance. Here are some excerpts from the report by Jahangir and Diène: "As such, the right to freedom of religion or belief, as enshrined in relevant international legal standards, does not include the right to have a religion or belief that is free from criticism or ridicule."⁴³

Jahangir claims that efforts to combat blasphemy are not related to guarantees of freedom of religion, and it might actually worsen and be counterproductive to religious freedoms. Jahangir believes that there is no guarantee or right for a religion to be exempt from criticism or even being ridiculed. According to Jahangir, granting such guarantees or rights could endanger the preconditions of an open and pluralistic society. Jahangir's argument was succeeded by Heiner Bielefeldt (the previous UN Special Rapporteur on Freedom of Religion from 2010-2016) and Ahmed Shaheed (the current UN Special Rapporteur on Freedom of Religion). Both Bielefeldt and Shaheed oppose the use of blasphemy laws as they excessively infringe upon freedom of religion and expression.⁴⁴ In addition, the resolution advocates for a non-legal approach to addressing any potential violence. The resolution also emphasizes the importance of utilizing legal means to prevent all violent acts. Furthermore, the resolution incorporates a progressive strategy that advocates for both legal and non-legal means in overcoming some potential acts or incitements to violence. While legal approaches are not excluded, the emphasis is minimizing the legal enforcements and prioritizing non-legal options instead. This approach is recorded in the following excerpt, in which rendering details of the inclusion of non-legal measures in the resolution:

Encouraging the creation of collaborative networks to build mutual understanding, promoting dialogue, and inspiring constructive action towards shared policy goals and the pursuit of tangible outcomes, such as servicing projects in the fields of education, health, conflict prevention, employment, integration, and media education; [...] Recognizing that the open, constructive and respectful debate of ideas, as well as interfaith and intercultural dialogue at the local, national and international levels, can play a positive role in combating religious hatred, incitement and violence.⁴⁵

The resolution outlines some practical steps to counter intolerance, with a focus on objectivity. These actions involve establishing collaborative networks to cultivate a sense of mutual support, facilitating dialogue, and stimulating some productive measures aimed at accomplishing joint policy objectives and concrete outcomes. Some possible examples of such outcomes are offering services in diverse fields such as education, healthcare, conflict resolution, employment, integration, and media education to foster a regional climate characterized by respect, peace, and tolerance towards different faiths.⁴⁶ Additionally, they promote inclusive dialogues as well as various interfaith and intercultural exchanges at all levels, including regional, national, and global; as an alternative approach to eliminating intolerance in society. The measures proposed in the latest resolution are scarcely reflected in the blasphemy laws of Indonesia.

What measures can be taken to eliminate religious blasphemy laws in Indonesia that often result in increased intolerance towards minority groups? According to Zainal Abidin Bagir, it is unlikely that UU No.1/PNPS/1965, the current religious blasphemy law in Indonesia, would be repealed anytime soon. Bagir's reasoning is primarily based on the political interest embedded in the blasphemy law, in which it has various underlying reasons. The political accusations are supported by the history of the Blasphemy Law, strongly influenced by the political upheavals during the rule of the old regime, and it is seen as an important achievement of certain Islamists who have been pursuing their political goals. Any attempt to rescind or revoke the law would be seen as a move to undermine the symbolic inclusion of those Islamist groups.⁴⁷ According to the historical context, it is evident that the initiator was Minister of Religious Affairs, Saifudin Zuhri, who represented one of the mainstream Islamic organizations with an *Ahl al-Sunnah wa al-Jamā'ah* background, specifically Nahdlatul Ulama (NU).⁴⁸ Without any intention of disparagement or exaggeration, the law is influenced by the content and political interests of certain groups, leading to numerous problems and restrictions of religious freedom for minorities. Even from a political standpoint, the *aliran kepercayaan* that

was approached by the PKI at that time to gain votes and sympathy; was accused of being a spy for the PKI, despite the fact that such group of *aliran kepercayaan* did not possess any structural affiliation with the PKI. Beside targeting the group of *aliran kepercayaan*, the law was also used to suppress the PKI group, which was regarded as advocating atheism during that time.⁴⁹ It was for these reasons that Saifudin Zuhri made a lobby to President Sukarno for the implementation of the law as a means of repression towards the PKI group.

Based on the circumstances surrounding the creation of the blasphemy law, it is reasonable to consider Saifudin Zuhri's negotiated law as a vital accomplishment for the Islamic group such as NU. However, it is also heartbreaking and harmful for individuals associated with the religious group. This law requires objective evaluation to fully understand its consequences. After the fall of President Soeharto's administration, Bagir identified non-orthodox and non-conformist religious groups such as Ahmadiyah and Shia as new targets and regular victims of blasphemy laws due to changes in political dynamics at that time. It is worth noting that when the Law was initially declared in 1965, Ahmadiyah and Shia were not included as targets. These struggles and dynamics hinder the expeditious elimination of the blasphemy regulation due to its direct conflict with the efforts and "resistance" of dominant conformist groups, implying complexity, difficulty, and impossibility. Despite the impossibility of abolishing or repealing the blasphemy regulation, the revision of the blasphemy regulation is the only temporary measure for its improvement insofar as such revision is consistent with the recommendations and mechanisms of the Constitutional Court in 2009.

One possible revision to the law would be to follow the UN Resolution 16/18 and it focuses on two primary steps. The first step is to reorient the discourse away from blasphemy and toward intolerance and provocation of hatred or violence. In contrast to the approach which incites hatred, the blasphemy case focuses more on conformist or orthodox groups. The main aim is to address acts of intolerance against non-conformists. However, this resolution might also have some unintended consequences. If it is implemented, then individuals who do not conform to societal norms could be subject to the charge of hate speech especially when their actions contribute to various intolerant actions against conformist or orthodox groups. Hence, it is vital to consider all potential impacts prior to enacting this resolution. Secondly, the notion of intolerance or incitement to violence is more tangible and specific in contrast to the concept of blasphemy. Although the concept of blasphemy is existing, the

assessment process appears biased and vague because the requirement of affirming orthodoxy as a tool to determine and judge whether the main teachings of a religion are true or false. The protection provided in the concept of fighting intolerance applies to individuals who are religious, rather than the religion or its religious faction. At this point, it is important to consider heterogeneity and the individual's right to freely choose their religion or belief (*forum internum*).

Furthermore, the existing inadequate definition of "religion" emphasized in the blasphemy law; actually needs reconstruction. To enhance the definition of religion that is laden with political contents and biases; it is crucial to acknowledge the approach of "everyday religion" introduced by Nancy T. Ammerman. Everyday religion, according to Ammerman's conceptualization, is a means of interpreting, recognizing and defining religion as it is practiced by religious individuals in their daily lives. This definition is not contingent upon the constructs of religion as it is shaped by political power (governed religion) or academic boundaries (expert religion).⁵⁰ The concept of "everyday religion" has the potential to reduce the overreaching restrictions caused by limited understandings of religion, which could help to break the impasse over the definition of religion and the accommodation of different interpretations based on individual or communal perspectives—challenges evident in political and academic definitions of religion.⁵¹ At this stage, the eradication of the definition of religion created by political and academic power is not implied. Instead, the importance of the religion as it is experienced by its followers; is equally significant, despite it tends to shun the efforts of "definition" during the semantic phase. The significance of contemplating the religious practices of indigenous religions is evident in the Indonesian context.

The enforcement of blasphemy laws in Indonesia has been untenable. In addition to being conceptually problematic, there are some pressing concerns, specifically the negative impact on the citizens' right to freedom of religion, particularly to minority groups. The blasphemy law does not only diminish the sanctity of religion but it also harms religions. It is harmful because negative acts such as discrimination, persecution, and similar conduct, are often perpetrated in the name of religious teachings. President Sukarno's decree was also the subject of condemnation by Robert W. Hefner, a professor of anthropology at Boston University. He contends that the blasphemy decree effectively recognized six mainstream faiths: (1) Islam; (2) Protestant Christianity; (3) Catholic Christianity; (4) Buddhism; (5) Hinduism; and (6) Confucianism, as the "legal faiths" recognized by the government, thereby denying the legal protection to ethnic religious

groups and minority beliefs that were not considered as part of the “legal faiths” as it is constructed by the government. The outcome, emphasized by Hefner, is instead of committing to maintaining religious harmony within the law, the government unconsciously denies its dedication to a more pluralistic religious freedom.⁵²

The government should recognize that a variety of religions and religious beliefs do exist in Indonesian society and they should be accommodated in a just and non-discriminatory manner, rather than being restricted, labeled as heretical or problematic, or subjected to other negative narratives as it is defined in the blasphemy law. Thereby, revising the blasphemy law is essential to acquire some theoretical insights on negotiating and accommodating what Diana L. Eck calls as “civic pluralism”.⁵³ Eck conceptualizes her idea of pluralism in terms of the balance between unity and diversity. Eck formalizes civic pluralism in terms of:

Pluralism is the dynamic process through which we engage with one another in and through our very deepest differences. For some that engagement will be in the religious or theological register. For many if not most of us, it will be both. Pluralism is not just another word for diversity, but is engagement with that diversity. It does not displace or eliminate deep religious commitments. It is, rather, the encounter of commitments, in both the religious and the civic sphere. Pluralism does not mean abandoning differences, but holding our deepest differences, even our differences, not in isolation, but in relationship to one another. The language of pluralism is that of dialogue and encounter, give and take, criticism and self-criticism. In the world as it is today, it is a language we all will need to learn.⁵⁴

Eck emphasizes that “civic pluralism” is neither an ideology, a new universal theology, nor a freewheeling theological relativism. Civic pluralism begins with mutual engagement, the acceptance of diversity, a medium for engaging various religious commitments, and creating unity from differences. Eck puts these concepts within a religious and civic frame, and they coalesce seamlessly. Civic pluralism takes shape within Indonesia’s democratic framework and it aims to recognize diverse citizens while striving for common goals in accordance with the principles and culture of citizenship, which enables communal efforts to address problems and resolve tensions or conflicts among citizens or religious groups in a civilized manner.⁵⁵ It is an alternative approach that can be utilized to address the diverse sociological conditions of the Indonesian societies, encompassing religion, ethnicity, race and other factors.

In contrast to emphasizing the Blasphemy Law, civic pluralism gives priority to shared values, regardless of a person’s background, whether

religion, understanding, or sectarian affiliation as a part of either majority or minority. All individuals are equally and equitably (with equity) included. Adequate treatments to citizens could confirm that diversity holds significant value in the democratic society model of Indonesia, just as diversity could become an effective force when it promotes a culture of inclusive participation for all citizens—as Hefner reminds us.⁵⁶

Conclusion

The current blasphemy laws in Indonesia could not be indefinitely defended. Besides conceptual problems, there are some crucial issues, especially the negative impact on citizens' right to religious freedom, especially for minorities groups. The blasphemy law diminishes the sacredness of religion and it adversely affects it. The law's entailments such as discrimination, persecution, and other similar behaviors, are typically conducted under the guise of religious teachings — a destructive outcome.

Reconstructing the “blasphemy” regulation with the resolution of “combating intolerance”; holds promising potential for improving Indonesia's interfaith relations. The resolution of “combating intolerance” currently focuses on actors of acts of intolerance instead of non-mainstream or minority religious groups who have frequently endured violence, intimidation, discrimination, and acts of intolerance attributed to the Blasphemy Law. An attempt to reconstruct the Blasphemy Law to Resolution 16/18 would shift the targets of this law; from non-mainstream, non-conformist and minority groups who are repetitively treat as scapegoats to the ones responsible for acts of intolerance. With the resolution of “Combating Intolerance”, cases of the politicization of the religious blasphemy, which often discriminate against non-mainstreams, non-conformists, or minorities groups, would be more or less eliminated.

Endnotes

1. The full text of the Heiner Bielefeldt's report can be found in the United States General Assembly at website: https://www.ohchr.org/sites/default/files/Documents/Issues/Religion/A-71-269_en.pdf
2. Donald L. Horowitz, *Constitutional Change and Democracy in Indonesia* (Cambridge: Cambridge University Press, 2013), 250.
3. Referring to the explanation of Law No. 1/PNPS/1965, this blasphemy law is directed to provide protection to religions protected by the state, namely Islam, Catholic Christianity, Protestant Christianity, Hinduism, Buddhism, and Confucianism, which in the Blasphemy Law explanation is referred to as “those religions most dominantly embraced by the Indonesian people.”
4. Paul Rollier, “We're All Blasphemers: The Life of Religious Offence in Pakistan,” in Paul Rollier et al. (ed.), *Outrage: The Rise of Religious Offence in Contemporary South Asia* (London:

- UCL Press, 2019), 48–76.
5. Syafiq Hasyim, “Politics of Fatwa, ‘Deviant Groups’ and *Takfir* in the Context of Indonesian Pluralism: A Study of the Council of Indonesian Ulama,” in Muhammad Khalid Masud et al. (ed.), *Freedom of Expression in Islam: Challenging Apostasy and Blasphemy Laws* (London, New York, Dublin: Bloomsbury Publishing, 2021), 157-174.
 6. Zainal Abidin Bagir, *Kerukunan dan Penodaan Agama: Alternatif Penanganan Masalah* (Yogyakarta: CRCS UGM, 2017), 3.
 7. Abdullah Saeed and Hassan Saeed, *Freedom of Religion, Apostasy and Islam* (Burlington, VT: Ashgate, 2005), 38.
 8. Mashood A. Baderin, *International Human Rights and Islamic Law* (Oxford: Oxford University Press, 2005), 127.
 9. Cherie George, *Hate Spin: The Manufacture of Religious Offense and Its Threat to Democracy* (Cambridge: MIT Press, 2016), 127.
 10. David Nash, *Blasphemy in the Christian World: A History* (Oxford: Oxford University Press, 2007), 182.
 11. John W. Creswell, *Research Design: Pendekatan Kualitatif, Kuantitatif dan Mixed* (Yogyakarta: Pustaka Pelajar, 2017), 34.
 12. V. Wiratna Sujarweni, *Metodologi Penelitian* (Yogyakarta: Pustaka Press, 2014), 19.
 13. Ismatu Ropi, “Heresiologi dan Keberagamaan di Persimpangan Jalan: Memahami Konteks Kontestasi Ortodoksi dan Heterodoksi Agama di Indonesia,” Paper presented at *Orasi Ilmiah Profesor Drs. Ismatu Ropi, M.A., Ph.D. Guru Besar Ilmu Perbandingan Agama Fakultas Ushuluddin UIN Syarif Hidayatullah Jakarta*, May 17, 2022, 12-14.
 14. Zainal Abidin Bagir et al., *Laporan Tahunan Kehidupan Beragama di Indonesia 2010* (Yogyakarta: Center for Religious & Cross-cultural Studies, 2011), 51.
 15. The controversy surrounding Ahok, who is accused of religious blasphemy, stems from a visit he made to the Seribu Islands on September 27, 2016, during his tenure as the governor of DKI Jakarta. In a speech given during this visit, Ahok proclaimed that he would not compel local residents to vote for him in the upcoming 2017 regional elections. Ahok was indicted for this statement. He cited the Surah of Al-Maidah, verse 51, in his speech, which is considered by some parties to be insulting to Islam. On this basis, Ahok was subsequently reported and two days later, on November 16, 2016, he was officially designated as a suspect. See the relevant documentation for a more complete chronology of events. <https://tirtoid.kronologi-kasus-dugaan-penistaan-agama-b457>.
 16. Yayan Sopyan, “Menyoal Kebebasan Beragama dan Penodaan Agama di Indonesia (Telaah Atas Putusan MK No.140/PUU-VII/2009),” *Jurnal Cita Hukum* III, no. 2 (December 2015): 200.
 17. AG Muhaimin, “KH. Saifudin Zuhri: Eksistensi Agama dalam Nation Building,” in Azyumardi Azra and Saiful Umam (ed.), *Menteri-Menteri Agama RI: Biografi Sosial Politik* (Jakarta: INIS, PPIM and Balitbang Depag RI, 1998), 233-235.
 18. Muhammad Isnur (ed.), *Agama, Negara, dan Hak Asasi Manusia* (Jakarta: LBH Jakarta, 2012), 7-8.
 19. The full text of the Indonesia Blasphemy Law No.1/PNPS/1965 is available on the website: <https://dki.kemenag.go.id/media/laws/3-191028075226-5db63bca573b6.pdf>
 20. For more details, see Explanation of Article 1 of the Law No. 1/PNPS/1965.
 21. Isnur (ed.), *Agama, Negara, dan Hak Asasi Manusia...*, 14.
 22. For complete and objective information on discrimination against religious groups in the country, visit the organizations which regularly report annual data on religious rights violations, for instance CRCS UGM (<https://crcs.ugm.ac.id/>), PUSAD Paramadina (<https://www.paramadina-pusad.or.id/>), Setara Institute (<https://setara-institute.org/en>),

- and The Wahid Institute/WI (<https://www.wahidinstitute.org/wi-id/>).
23. Halili dan Bonar Tigor Naipospos, *Stagnasi Kebebasan Beragama: Laporan Kondisi Kebebasan Beragama/Berkeyakinan di Indonesia Tahun 2013* (Jakarta: Pustaka Masyarakat Setara, 2014), 6.
 24. Bagir, *Kerukunan dan Penodaan Agama...*, 3.
 25. Cherian George, *Hate Spin: The Manufacture of Religious Offense and Its Threat to Democracy* (Cambridge: MIT Press, 2016), 164.
 26. The Siracusa Principles emerged in 1984 as the first principles following the UN General Assembly's ratification of the ICCPR covenant as international law on December 19, 1966. To obtain a comprehensive understanding of their contents, see American Association for the International Commission of Jurists, *Siracusa Principles: On the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights* (New York: American Association for the International Commission of Jurists, 1985), 7-8. The document is currently available for viewing at <https://www.icj.org/wp-content/uploads/1984/07/Siracusa-principles-ICCPR-legal-submission-1985-eng.pdf>.
 27. George, *Hate Spin...*, 47.
 28. Zainal Abidin Bagir, "Defamation of Religion Law in Post-*Reformasi* Indonesia: Is Revision Possible?," *Australian Journal of Asian Law* 13, no. 2 (2013): 153-168.
 29. Trisno S. Sutanto, "Diskriminasi Terhadap Penghayat: Sampai Kapan?," in Ahmad Najib Burhani et al., *Dilema Minoritas di Indonesia: Ragam, Dinamika, dan Kontroversi* (Jakarta: PT Gramedia Pustaka Utama, 2020), 26-27.
 30. In the context of Indonesia's evolving political landscape, Pancasila is often subject to unstable interpretation. It is viewed as a unifying symbol of national identity that promotes diversity, but also serves to legitimize regulations that limit the religious freedom of minority groups. For further information, see Aziz Anwar Fachrudin, *Polemik Tafsir Pancasila* (Yogyakarta: CRCS UGM, 2018), 20.
 31. Yudi Latif, *Negara Paripurna: Historisitas, Rasionalitas, dan Aktualitas Pancasila*, 5th Edition (Jakarta: PT Gramedia Pustaka Utama, 2015), 114-117.
 32. Bagir, "Defamation of Religion Law in Post-*Reformasi* Indonesia..." 153-168.
 33. Pew Research Center, *Rising Restriction on Religion: One-Third of the World's Populations Experiences an Increase* (Washington: Pew Research Center's Forum on Religion & Public Life, 2011), 67.
 34. Ropi, "Heresiologi dan Keberagamaan di Persimpangan Jalan..." 10-11.
 35. The lawsuit seeks to protect minority groups by stopping discriminatory practices and upholding equal rights for marginalized groups by challenging and reinterpreting the Blasphemy Law. For more detailed information see Isnur (ed.), *Agama, Negara, dan Hak Asasi Manusia...*, iii.
 36. Zaka Firma Aditya, "Judicial Consistency dalam Putusan Mahkamah Konstitusi tentang Pengujian Undang-Undang Penodaan Agama," *Jurnal Konstitusi* 17, no. 1 (March 2020): 80-103.
 37. Bagir, "Defamation of Religion Law in Post-*Reformasi* Indonesia..." 157.
 38. Resolution 16/18 was a proposal submitted to the UN Human Rights Council on March 24, 2011 by the OIC and was accepted without a voting process. UN General Assembly in December that year, and repeated in subsequent years (2012 and 2013). For further details, refer to UN Document A/HRC/RES/16/18. For more comprehensive document of the OIC Recommendation can be found on the website: <https://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/a.hrc.res.16.18>.
 39. Zainal Abidin Bagir, "Resolusi Melawan Intoleransi dan Prospek untuk Merevisi Peraturan tentang Penodaan Agama," in Lena Larsen dkk., *HAM dan Syariah: Sebuah Pengantar* (Bandung: Mizan, 2021), 361.
 40. Zainal Abidin Bagir, "Masyarakat Madani dan Kekerasan di Masa Demokrasi," in Husni

- Mubarok dan Irsyad Rafsadi (ed.), *Sisi Gelap Demokrasi: Kekerasan Masyarakat Madani di Indonesia* (Jakarta: PUSAD Paramadina, 2015), 45-46.
41. Ahsan Jamet Hamidi, *Risalah Pertemuan: Refleksi Advokasi Kebebasan Beragama atau Berkeyakinan (KBB) di Indonesia 2022* (Jakarta: PUSAD Paramadina, YLBHI, ICRS, and ICRS UGM, 2022), 7-9.
 42. Zainal Abidin Bagir, "Indonesia," in Human Rights Resource Centre, *Keeping the Faith: A Study of Freedom of Thought, Conscience, and Religion in ASEAN* (Jakarta: Human Rights Resource Centre, 2015), 139-194.
 43. UN Doc. A/HRC/2/3, paragraf 36. The full text of the document is available on the website <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G06/139/90/PDF/G0613990.pdf>.
 44. Heiner Bielefeldt report is available on UN Doc. A/67/357 and UN Doc. A/HRC/31/18. Meanwhile, Ahmad Shaheed's report is contained in the UN Doc. A/HRC/34/50, paragraph 18. A/72/365, paragraph 28 and 76; A/73/362, paragraph 46; A/HRC/40/58. For more detail information see Heiner Bielefeldt and Michael Wiener, *Menelisk Kebebasan Beragama Prinsip-Prinsip dan Kontroversinya*, translated by Trisno Sutanto (Bandung: Mizan, 2021), 100.
 45. UN A/HRC/RES/16/18. The complete document can be accessed on the following page: https://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/a.hrc.res.16.18_en.pdf.
 46. UN A/HRC/RES/16/18.
 47. Bagir, "Defamation of Religion Law in Post-Reformasi Indonesia..." 165.
 48. Muhaemin, "KH. Saifudin Zuhri..." 233-235.
 49. Isnur (ed.), *Agama, Negara, dan Hak Asasi Manusia...*, 7-8.
 50. Nancy T. Ammerman, "Introduction: Observing Religious Modern Lives," in Nancy T. Ammerman (ed.), *Everyday Religion: Observing Modern Religious Law* (Oxford: Oxford University Press, 2007), 3-18.
 51. Zainal Abidin Bagir, "Mengkaji Agama di Indonesia," in Samsul Maarif (ed.), *Studi Agama di Indonesia: Refleksi Pengalaman* (Yogyakarta: CRCS UGM, 2015), 13-16.
 52. Robert W. Hefner, "Negara Mengelola Keragaman di Indonesia: Kajian Mengenai Kebebasan Beragama sejak Masa Kemerdekaan," in Zainal Abidin Bagir dkk., *Mengelola Keragaman dan Kebebasan Beragama* (Yogyakarta: CRCS UGM, 2014), 32-33.
 53. "Civic Pluralism" is one of the theoretical insights of the "Project Pluralism" based at Harvard University and directly led by Diana L. Eck.
 54. Diana L. Eck, "American Religious Pluralism: Civic and Theological Discourse," in Thomas Banchoff (ed.), *Democracy and the New Religious Pluralism* (Oxford: Oxford University Press, 2007), 266-267.
 55. Zainal Abidin Bagir and AA GN Ari Dwipayana, "Keragaman, Kesetaraan dan Keadilan: Pluralisme Kewargaan dalam Masyarakat Demokratis," in Zainal Abidin Bagir et al., *Pluralisme Kewargaan: Arab Baru Politik Keragaman di Indonesia* (Bandung: CRCS UGM dan Mizan, 2011), 38-63.
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