

Religious Minorities, Islam and the Law

This book examines the legal conundrum of reconciling international human rights law in a Muslim majority country and identifies a trajectory for negotiating the protection of religious minorities within Islam.

The work explores the history of religious minorities within Islam in Indonesia, which contains the world's largest Muslim population, as well as the present-day ways by which the government may address issues through reconciling international human rights law and Islamic law. Given the context of multiple sets of religious norms in Indonesia, this is a complicated endeavour. In addition to amending and enacting human rights norms, the government is also negotiating with the long history of Islamisation in Indonesia. Particularly relevant is the practice of customary law, which puts the rights of community over individualism. This practice directly affects the rights of religious minorities within Islam. Readers, especially those conducting research, will also be provided with information and references which are relevant to the field of human rights, especially in relation to religious minorities and international law.

The book will be a valuable resource for academics and researchers in the fields of International Human Rights Law, Law and Religion, and Islamic Studies.

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International Human Rights and
Islamic Law in Indonesia

Al Khanif



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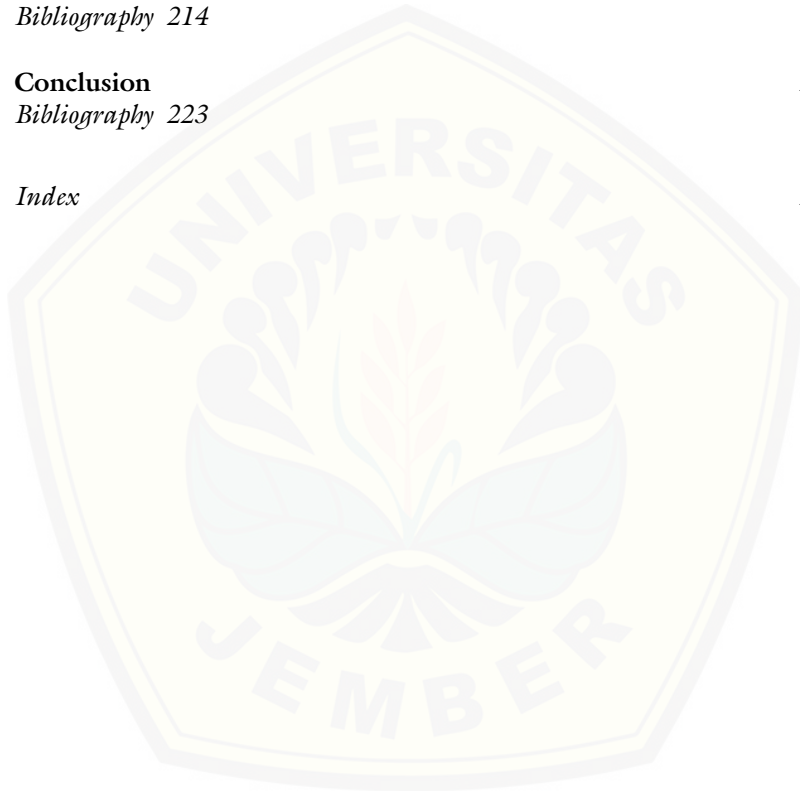
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Contents

<i>Glossary</i>	viii
1 Introduction	1
1 <i>The significance of the book</i>	12
2 <i>The book's structure</i>	15
<i>Bibliography</i>	16
2 Religious minorities under international human rights law and Islamic law	19
1 <i>The scope of human rights law</i>	19
1.1 The status of minorities in international human rights law	21
1.2 The rights of religious minorities in international human rights law	23
1.3 The significance of protecting religious minorities	30
1.4 The liberal character of international human rights law	32
2 <i>Islam and human rights discourse</i>	36
2.1 Towards an egalitarian Islamic law on religious freedom	41
2.2 The contested concepts of apostasy and heresy in Islamic law	46
2.3 Communitarian Islamic law and religious minorities within Islam	50
<i>Bibliography</i>	55
3 The discourse of religion and religious minorities within Islam in a “quasi-theistic secular” Indonesia	61
1 <i>The legal acknowledgement of pluralistic character</i>	61
2 <i>The discourse of Indonesian Islam</i>	66
3 <i>Religious minorities within Islam in the religion and state relationship</i>	72
3.1 The Ministry of Religious Affairs (MORA)	75
3.2 The Indonesian Ulama Council (MUI)	76
3.3 The joint-judiciary committee of religious life (Bakorpakem)	78

4	<i>Perspectives of Islamic organisations on religious minorities within Islam</i>	79
4.1	Nahdlatul Ulama (NU)	80
4.2	Muhammadiyah	84
4.3	Hardline Islamic groups	88
5	<i>Islam within the concept of a quasi-theistic secular state</i>	92
	<i>Bibliography</i>	96
4	The complex reality of religious minorities within Islam in Indonesia	101
1	<i>The discourse of forum internum and forum externum in international human rights law</i>	101
2	<i>Freedom to embrace and practise religion in Islamic law</i>	105
3	<i>The complex reality of religious minorities within Islam in Indonesia</i>	111
3.1	Officially state-sanctioned enforcement actions	113
3.2	Extra-legal enforcement of blasphemy decrees	118
3.3	Mixed cases	123
4	<i>The complex reality of religious minorities within a theocratic society</i>	125
	<i>Bibliography</i>	128
5	Protecting forum internum for religious minorities within Islam in Indonesia	132
1	<i>Legal framework of forum internum in Indonesia</i>	132
2	<i>Protecting theistic religious freedom: problems and challenges</i>	135
3	<i>Examining theistic forum internum within Pancasila principles</i>	141
4	<i>The legal framework of forum internum in the 1945 Constitution</i>	145
4.1	Between individual religious freedom and socio-religious harmony	145
4.2	The legal guarantee and scope of <i>forum internum</i>	149
	<i>Bibliography</i>	153
6	Regulating forum externum to protect religious minorities within Islam	157
1	<i>Restricting hate speech to protect religious minorities</i>	157
2	<i>Restricting hate speech: the Rizieq Shihab case</i>	162
3	<i>Protecting the inclusive character of forum externum</i>	166
3.1	Exclusive religious rights as the root of deviant accusation	167
3.2	The regulation of place of worship: a critique	174
4	<i>The case of the Ahmadiyah in Indonesia</i>	176
4.1	Judicial recognition of the Ahmadiyah as Muslims	177
4.2	The joint ministerial decree on the Ahmadiyah	179
	<i>Bibliography</i>	185

7	Repealing blasphemy law to protect religious minorities within Islam in Indonesia	188
	<i>1 Religion, defamation and religious freedom under international human rights law</i>	<i>188</i>
	<i>2 The complex application of blasphemy law</i>	<i>190</i>
	<i>3 Blasphemy law within religious plurality: an Indonesian case</i>	<i>193</i>
	<i>4 Judicial review of the Indonesian blasphemy law</i>	<i>196</i>
	4.1 Examining law in the MK hearings	197
	4.2 Legal rationales of the judicial review	200
	4.3 Arguments of the Constitutional Court	205
	<i>5 Questioning blasphemy law in a quasi-theistic secular state</i>	<i>212</i>
	<i>Bibliography</i>	<i>214</i>
8	Conclusion	218
	<i>Bibliography</i>	<i>223</i>
	<i>Index</i>	<i>225</i>



Glossary

<i>Abangan</i>	A form of syncretistic religious belief
Abdurrahmah Wahid	Indonesian Muslim thinker and former president of the Republic of Indonesia
Adat	Indonesian customary law
<i>Adatrechtskringen</i>	Adat law region proposed by Cornelis Van Vollenhoven in the era of colonisation
<i>Agama</i>	An organised system of religious belief
<i>Abad</i>	Narration of a <i>hadith</i> by one narrator so that the <i>hadith</i> is classified as dubious
<i>Ahlul bait</i>	Members of the Prophet's family
<i>Ahlul kitab</i>	People of the book
Ahmadiyah	A religious minority within Islam founded by Mirza Ghulam Ahmad in India in 1889
AKKBB	<i>Aliansi Kebangsaan untuk Kebebasan Beragama dan Berkeyakinan</i> or National Alliance for Freedom of Religion and Belief
<i>Aliran</i>	Religious sect
<i>Aliran Kepercayaan</i>	A form of Indonesian traditional belief
<i>Al-ismah bi al-adamiyah</i>	The universal human rights concept in Islam founded by Imam Abu Hanifa
Al-Qiyadah Al-Islamiyah	A religious sect led by Ahmad Musaddeq, who claims himself as a prophet
<i>Amanah</i>	Instructions made by MUI
<i>Amicus Curiae</i>	Friends of the court
<i>Amir</i>	A concept of commander or leader in the LDII
<i>Aqidah</i>	Creed in Islamic theology
<i>Asas Tunggal</i>	The sole principle in Indonesian statehood
<i>Ashura</i>	The anniversary of the martyrdom of Imam al-Husein at Karbala
Bakorpakem	Badan Koordinasi Pengawasan Aliran dan Kepercayaan or the Joint-Judiciary Committee of Religious Life

<i>Bermasyarakat</i>	An Indonesian concept of the spirit of being with people
<i>Bhinneka Tunggal Ika</i>	A principle of unity in diversity in Indonesian polity
<i>Bid'ah</i>	Innovations or any rituals which were not done by the Prophet
CDHRI	Cairo Declaration of Human Rights in Islam adopted by member states of the OIC in 1990
CERD	Committee on the Elimination of Racial Discrimination
CRCS	Center for Religious and Cross Cultural Studies at Gadjah Mada University
DarulArqam	A Sunni-Messianic Islamic Sect also known as Islam Jamaah or LDII
<i>Dhimmis</i>	Adherents of religions revealed before Islam
<i>Fatwa</i>	Islamic religious ruling, a scholarly opinion on a matter of Islamic law
<i>Fiqh</i>	Islamic jurisprudence
FKKI	Forum Komunikasi Kristen Indonesia or Forum for Christian Communication in Indonesia (FKKI)
FKUB	Forum Kerukunan antar Umat Beragama or the Forum of Religious Harmony
<i>Forum Externum</i>	External dimension of religious freedom
<i>Forum Internum</i>	Freedom of thought or conscience itself
FPI	Front Pembela Islam or Islamic Defender Front
<i>furu'iyah</i>	Branches of the law or jurisprudence in Islam
<i>Gotong Royong</i>	Mutual cooperation or volunteerism in Indonesian society
<i>Grundnorm</i>	A basic legal norm in Kelsenian theory
GUI	Gerakan Umat Islam or Muslim People Movement
<i>Habl min al-nas</i>	A concept of humanitarian noble spirit in Islam
<i>Habl min-Allah</i>	Relationship between human beings and God in Islam
<i>Haram</i>	Any act forbidden by God in Islam
<i>Himbauan</i>	Appeals made by MUI
HRC	Human Rights Committee
HTI	Hizbut Tahrir Indonesia or Indonesian Party Liberation
ICCPR	International Covenant on Civil and Political Rights
<i>Ijma</i>	Independent agreement among Muslim scholars
<i>Ijtihad</i>	Independent legal reasoning
<i>Ikhtilaf</i>	Differences of opinion among Muslim scholars on religious matters
ILRC	The Indonesian Legal Resource Center
<i>Imamiyah</i>	The concept of leadership in Shi'ah

<i>Inter alia</i>	A term which means “among other things”
<i>Islah</i>	The concept of improvement in Islam
Islam Jamaah	A Messianic Islamic group which renamed itself as Lembaga Dakwah Islam Indonesia (LDII)
<i>Ius non scriptum</i>	Unwritten law
<i>Ius scriptum</i>	Written law
Jaksa Agung	Attorney General
<i>Jalan Tengah</i>	Margin of appreciation in the Indonesian socio-legal system to bridge the interest between the parties in order to achieve the right balance
Jam’iyyatul Islamiyah	A religious minority group in Islam in Indonesia accused by the MUI as deviant
Jl	Jamaah Islamiyah or Islamic Congregation
JIL	Jaringan Islam Liberal or Liberal Islamic Network
Joint Ministerial Decree	A decree made by two or more ministers to administer a particular matter
<i>Jural Community</i>	Informal tribunal which is run by consensus and consists of community leaders such as the head of a village, the local police officer, religious leaders and community elders
Kades	Kepala Desa or head of a village
<i>Kafir</i>	An Islamic doctrine which refers to disbelievers or infidels
<i>Kafir Londo</i>	Nickname which refers to the Dutch in the era of colonisation
<i>Kebatinan</i>	Javanese religious tradition
Kecamatan	District
<i>Kepercayaan</i>	Non-organised religious belief
Kharijites	The first groups of Muslims who split away from Mainstream Islamic groups in the Caliphate Era
<i>Khurafat</i>	Non-Islamic beliefs
KLI	Komando Laskar Islam or Commando of the Islamic Army
Komnas HAM	Komisi Nasional Hak Asasi Manusia or National Human Rights Commission
KUHP	Kitab Undang-Undang Hukum Pidana or Indonesian Criminal Code
<i>Kyai</i>	A traditional Islamic scholar and this term is particularly used within the NU community
LDII	Lembaga Dakwah Islam Indonesia or Indonesian Islamic Propagation Board, an Indonesian-Sunni dominant minority
<i>Lex specialis</i>	A legal doctrine which states that if there are two laws governing the same factual situation, a law

	governing a special subject (<i>lex specialis</i>) overrides laws which only govern general matters (<i>lex generalis</i>)
MA	Mahkamah Agung or Supreme Court
Mahesa Kurung	A Sufi-Sunni Islam in Bogor West Java
<i>Maslaha umma</i>	A principle of public interest in Islamic law
<i>Maslahah Mursalah</i>	An Islamic concept of greater public interest for the Islamic community
<i>Membumikan Islam</i>	Indigenising Islam based on the Indonesian context
Menteri Dalam Negeri	Ministry of the Interior
MK	Mahkamah Konstitusi or Constitutional Court of the Republic of Indonesia
MMI	<i>Majelis Mujahidin Indonesia</i> or the Holy Warriors Council
MORA	Ministry of Religious Affairs
MPR	Majelis Permusyawaratan Rakyat or People's Consultative Assembly
Mu'amalat	Islamic concept of inter-human relations
<i>Mufti</i>	fatwa giver
Muhammadiyah	An Indonesian Islamic organisation founded by Ahmad Dahlan in 1912
MUI	Majelis Ulama Indonesia or Indonesian Ulema Council
<i>Mujtabid</i>	Islamic jurist
<i>Munafiqun</i>	A group of hypocrites in Islamic doctrine
Munas	<i>Musyawaharah Nasional</i> or National Summit
<i>Musyawaharah</i>	Consensus or informal litigation process held to overcome a particular dispute among people
Mutazilite	A school of thought in Islamic theology which is based on reason and rationalism
Nasakom	<i>Nasionalisme, Agama dan Komunisme</i> or Nationalism, Religionism and Communism
NKRI	Negara Kesatuan Republik Indonesia or the Unitary State of the Republic of Indonesia
NTB	West Nusa Tenggara
NU	An Islamic organisation in Indonesia founded by Hasyim Asyarie in 1926
OHCHR	Office of the High Commissioner of Human Rights
OIC	Organisation of the Islamic Conference is an international organisation founded in 1969
Pancasila	Ideology of the state and the supreme source of law in the Indonesian legal system
<i>Perda</i>	<i>Peraturan Daerah</i> or bylaw
<i>Peremptory norm</i>	A fundamental principle of international law that is accepted by the international community of states

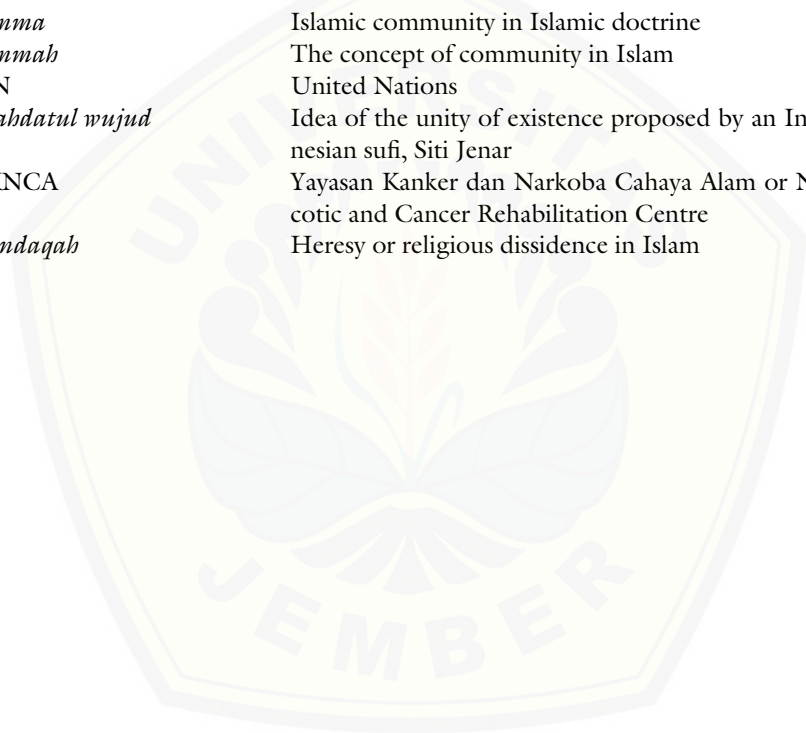


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<i>Talaq</i>	A term which refers to divorce in Islam
<i>Taqlid</i>	A follower of an Islamic jurist
Tarekat At-Tijani	A religious sect which believed that there would be a tsunami in Jakarta and that the Day of Judgement would occur on 17 August 2012
<i>Tauhid</i>	The concept of monotheism in Islam
<i>Tausiyahs</i>	Recommendation made by MUI
UDHR	Universal Declaration of Human Rights adopted by the UN General Assembly on 10 December 1948
UIDHR	Universal Islamic Declaration of Human Rights adopted by Islamic Councils in Paris and London
<i>Ulama</i>	Islamic scholars
Ulil Absar Abdalla	A founder of the Liberal Islamic Network
<i>Umma</i>	Islamic community in Islamic doctrine
<i>Ummah</i>	The concept of community in Islam
UN	United Nations
<i>Wahdatul wujud</i>	Idea of the unity of existence proposed by an Indonesian sufi, Siti Jenar
YKNCA	Yayasan Kanker dan Narkoba Cahaya Alam or Narcotic and Cancer Rehabilitation Centre
<i>Zandaqah</i>	Heresy or religious dissidence in Islam



1 Introduction

Indonesia is well known as a country with diverse ethnicities, cultures and religions. Despite being the largest Muslim populated country in the world – over 80% from an estimated 250 million are Muslims – Indonesia is not an “Islamic state”¹, but a Republic-Pancasila state.² Besides being the ideology of the state, Pancasila has also become a supreme source of law in the Indonesian legal system, as well as the philosophical foundation of the state polity.³ The acknowledgement of Pancasila as a state ideology was designed by Indonesia’s founders to build a collective awareness of the Indonesian socio-religious pluralistic character. Thus, apart from some criticisms of its vagueness and meaninglessness, Pancasila undoubtedly plays a significant role in Indonesia’s legal discourse, a development seen most prominently after the establishment of the Indonesian Constitutional Court (Mahkamah Konstitusi, MK) in 2003.

Religious pluralism is also acknowledged in article 29 (1) of the 1945 Indonesian Constitution, by which the country believes in One Supreme God without referring to a specific name of God, leaving an open interpretation of this concept to all Indonesians. Thus, the 1945 Constitution makes provisions for all monotheistic religions and asserts that this supreme theistic canopy in the Indonesian legal system respects all believers equally, no matter which religious denomination they follow. This constitutional provision can be interpreted as

- 1 According to Nasim Hasan Shah, a state which is inhabited entirely by Muslims or predominantly Muslims is not synonymous with an Islamic state. What I mean by “Islamic state” in this book is a state which applies Islamic law as a supreme source of law in the constitution and national legislation. On the concept of Islamic state, see Nasim Hasan Shah, ‘Islamic Concept of State’ (1987) 26 *Islamic Studies* 97, 97–155.
- 2 “Pancasila”, derived from Javanese philosophy, means five principles (*Panca* – five and *Sila* – principle); (1) belief in One Supreme God or monotheism, (2) just and civilised humanitarianism, (3) Indonesian unity, (4) democracy, and (5) social justice. See Howard M Federspiel, *A Dictionary of Indonesian Islam* (Ohio University, Center for International Studies 1995) 97. For further discussion on Pancasila, see Chapter 5 of this book.
- 3 See e.g. *Blasphemy Law* (2010) Mahkamah Konstitusi 140/PUU-VII/2009 305. and *Decree of the Indonesian Consultative Assembly on Legal Sources and Hierarchy of Indonesian Legal System 2000* (NO III/MPR/2000).

2 Religious minorities under international human rights law and Islamic law

1. The scope of human rights law

It is necessary to discuss the rights of religious minorities as a human right within Islam in a wider context. This is to show that the fundamental reason for the protection of the rights of religious minorities is not based on their religious status but is related to their status as dignified human beings. International human rights instruments comprehensively honour human beings by asserting that all humans are born free with equal rights and dignity. Therefore, everyone should be entitled to human rights without any kind of distinction such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.¹ The instruments further assert: “each state party must ensure that all individuals are granted their rights equally without distinction based on, *inter alia*, religion.”² The instruments also require that all persons should be entitled to their rights equally and the state should prohibit any discrimination which impairs the equal enjoyment of rights and provide effective protection against discrimination on any ground such as, *inter alia*, religion.³

The principles of equality and non-discrimination have become fundamental to the peremptory nature of international human rights law.⁴ The two principles affirm the character of human rights as universal because the entitlement of these rights is not according to membership of a particular group but according

- 1 See *e.g.* the preamble and article 1 and 2 of the UDHR, the preamble of the CEDAW, the CERD and the Convention on the Rights of Persons with Disabilities and article 55 of the UN Charter.
- 2 See *e.g.* article 2 (1) of the ICCPR. The regulation of “equal treatment” is also stipulated in the preambles of the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT) and the Convention on the Rights of the Child (CRC), which say that equal and inalienable rights are the foundation of freedom and justice in the world.
- 3 See article 26 of the ICCPR and Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies 2006 167.
- 4 See Olivier De Schutter, *International Human Rights Law: Cases, Materials, Commentary* (Cambridge University Press 2014) 123.

3 The discourse of religion and religious minorities within Islam in a “quasi-theistic secular” Indonesia¹

1. The legal acknowledgement of pluralistic character

Indonesia is a republic politically and ideologically, but it is also not an Islamic state per se.² With a predominantly Muslim majority population, Indonesia does not deny a role for religion in relation to law and perceives itself as a religious-democratic state which does not hold onto a particular religion. Indonesia is built on the foundation that the nation is and will always be a religious-pluralistic country, as asserted in Pancasila as the ideology of the state.³ As the supreme source of law in the Indonesian legal system, Pancasila also becomes the sole foundation of the polity which represents the supreme source of law of Indonesia. This basic framework is further emphasised by the preamble of the Indonesian Constitution (hereafter the 1945 Constitution), which declares that the independence of the nation was bestowed by God and therefore the structural form of the Republic of Indonesia is based upon the sovereignty of the people and shall be based upon belief in the One Supreme God.⁴

These two fundamental laws, Pancasila and the 1945 Constitution, assert that Indonesia is based on the rule of law, forming a state based on laws⁵ which believes in monotheistic religions. This principle stipulates that Indonesians should respect their fellow citizens even if they have different religious beliefs, as a consequence of the observable fact that Indonesia is a religiously plural state

1 The term “quasi-theistic secular” state has been coined by the author to define Indonesia as a state that upholds secularism in its legislations but at the same time also considers the significant role of theistic religion in the public sphere.

2 Abdullah Saeed, ‘Interpreting the Quranic Principle of Religious Pluralism’, in Abdullah Saeed, *Approaches to the Qur’an in Contemporary Indonesia* (Oxford University Press 2005) 221.

3 Luthfi Assyaukanie, *Islam and the Secular State in Indonesia* (Institute of Southeast Asian Studies 2009) 16.

4 See Michael Barry Hooker, *Indonesian Islam: Social Change through Contemporary Fataawâa* (University of Hawaii Press 2003) 17.

5 A state based on laws in Indonesian terms is known as “*negara hukum*”. See Daniel S Lev, *Legal Evolution and Political Authority in Indonesia: Selected Essays* (Martinus Nijhoff Publishers 2000) 221.

4 The complex reality of religious minorities within Islam in Indonesia

1. The discourse of *forum internum* and *forum externum* in international human rights law

As discussed in Chapter 2, the existence of rights for religious minorities, for both intra and inter religious minorities, are basically covered by different international human rights instruments. Based on the factual phenomena of minorities as vulnerable groups of people, religious minorities may receive special rights because this kind of group not only deserves equal rights but also positive measures such as effective protection from the state.¹ Based on Asma Jahangir's report submitted to the HRC in 2003, "one of the main reasons is that minority groups, and particularly religious minorities, are often directly targeted for extra-judicial execution in many countries".² Such persecutions are often a consequence of the external manifestation of their religion or beliefs. This means that there should be a synergic relation between international human rights law and domestic law on the regulation of *forum internum* and *forum externum* to protect vulnerable religious groups globally.

International human rights instruments define *forum internum* as freedom of thought or conscience.³ The HRC similarly points out that *forum internum* encompasses freedom of thought and conscience, or the freedom to have or to adopt a religion or belief of one's choice that is not susceptible to any limitation.⁴ The HRC further asserts that freedom to have or to adopt a religion or belief necessarily entails the freedom to choose a religion or belief including, inter alia, the right to replace one's current religion or belief with another, or to adopt atheistic views, as well as the right to retain one's religion or belief.⁵ Paul M. Taylor similarly argues that:

1 Nazila Ghanea, 'Are Religious Minorities Really Minorities?' (2012) 1 *Oxford Journal of Law and Religion* 57, 60.

2 E/CN.4/2004/7.2.

3 E/CN.4/2005/61.15.

4 General Comment No. 22, Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies 2006 22.

5 *ibid* 345.

5 Protecting *forum internum* for religious minorities within Islam in Indonesia

1. Legal framework of *forum internum* in Indonesia

Discussing the *forum internum* of religious minorities within Islam in the Indonesian context is unequivocally complex. The concept of *forum internum* as asserted in the 1945 Constitution and international human rights instruments ratified by Indonesia is understood differently by the government and the general Muslim populace. The state frequently challenges the rights of religious minorities within Islam due to the influence of traditional Islamic orthodoxy and the practices of Indonesian customary law. The mixture of traditional Islamic orthodoxy and customary norms with Indonesian legal positivism has created serious complexity for human rights enforcement in the country, including the freedom to hold a certain version of the Islamic creed that is not in line with the majority. Based on this interwoven legal system, it is necessary to examine the legal spectrum of *forum internum* in relation to the concept of Pancasila. Pancasila is fundamental to understanding Indonesian human rights because as a national ideology and the supreme source of law, Pancasila is subject to interpretation. It can be interpreted in a relatively open and liberal way or in a monolithic and restrictive way, depending mostly on the regime and society in a particular era.

Pancasila consists of five, unamendable principles and has also become the highest source of law in the Indonesian legal system.¹ This means that Pancasila becomes the supreme source of law in the Indonesian hierarchical order of legislative rules.² The five principles of Pancasila are also mentioned in the preamble of the 1945 Constitution, which emphasises that these principles are established as the supreme source of the constitution. Even though there have been progressive legal and many human rights developments in Indonesia, particularly after the *Reformasi* era in 1998, such as the amendment of constitutional

1 See article 1 (3) of the Peoples' Consultative Assembly (Majelis Permusyawaratan Rakyat, MPR) Decree No. III/MPR/2000.

2 According to article 2 of the MPR Decree, the hierarchy of Indonesian law is as follows: The 1945 Constitution, MPR's Decree (TAP MPR), Act (UU), Substitute Act (Perpu), Government Regulation (PP), Presidential Decree (Kepres) and Bylaw (Perda).

6 Regulating *forum externum* to protect religious minorities within Islam

1. Restricting hate speech to protect religious minorities

Similar to international human rights instruments, the 1945 Constitution also recognises certain limitations of human rights. The distinctive character of human rights limitation is regulated by article 28J (2) of the 1945 Constitution. It says:

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.

The recognition of religious values without referring to any particular religions in the second amendment asserts that the constitution advocates the “religionisation” of Indonesian society rather than the Islamisation of the country. It can be argued that the religious clause may not be used by a certain religious doctrine to restrict a particular manifestation of religious right. The constitutional clause of limitation should be interpreted as saying that all limitations on the manifestation must be applied necessarily to protect public safety, order, health or morals and the fundamental rights and freedoms of others.

As previously mentioned, religious minority rights are generally concerned with protecting collective aspects of individual rights and therefore require positive measures from the government to preserve group identity.¹ One such positive measure is the restriction of religion-inspired hate speech which may breach public order and the fundamental rights of others. This restriction is justified under Article 19(3) of the ICCPR, which requires state parties to fulfil their respective obligations against certain expressions which reach the threshold of incitement to hatred.² Additionally, the restriction itself must fulfil the fundamental requirements of human rights restrictions.

1 Nazila Ghanea, ‘Minorities and Hatred: Protections and Implications’ (2010) 17 *International Journal on Minority and Group Rights* 423, 423.

2 See article 19 of the ICCPR.

7 Repealing blasphemy law to protect religious minorities within Islam in Indonesia

1. Religion, defamation and religious freedom under international human rights law

In the context of religious freedom and minority rights, international human rights law has attempted to strike a balance, not only between religious beliefs and freedom of expression as asserted in articles 18, 19 and 20 of the ICCPR¹ but also to establish equal relations between the respective majority and minority groups, as asserted by article 27 of the ICCPR. Against the historical background of persecutions of vulnerable minority groups, the international human rights movement has basically succeeded in establishing international human rights standards for minorities in general as well as religious minorities in particular.² State parties responsible for the implementation of relevant human rights instruments are required not only to guarantee freedom of religion as an individual human right but also to protect communal dimensions of religions, because most religions are practised communally.³ If the states only protect the individual as a believer of religion and not communal religious rites, the individual may consider this policy as a kind of insult against his/her religion. Based on this argument, the state parties are legally and morally also obliged to undertake proactive actions to protect the right of every person to embrace a religion of their choice and to respect the communal observance of religious rites as part of religious freedom.

To regulate the communal character of religion, the state parties must acknowledge that the recognition and protection of the rights of believers in a world characterised by inter and intra diversities and rivalry of beliefs becomes very significant because religious belief and religious identity are both significant personally and communally.⁴ Additionally, religion is like a double-edged

1 M Bassiouni, 'Speech, Religious Discrimination, and Blasphemy: Remarks' (1989) 83 *American Society of International Law Proceedings* 427, 3.

2 Geoff Gilbert, 'Religious Minorities and Their Rights: A Problem of Approach' (1997) 5 *International Journal on Minority and Group Rights* 97, 18.

3 Nazila Ghanea-Hercock, 'Introduction', in Nazila Ghanea-Hercock, *The Challenge of Religious Discrimination at the Dawn of the New Millennium* (Springer 2013) 1.

4 *ibid* 2-3.

8 Conclusion

This book has critically examined the complex issue of protecting religious minorities within Islam in Indonesia within the context of international human rights law and Islamic law. This concluding chapter provides a summary of the research findings and, on the basis of those findings, recommends at the end an integrated legal spectrum as a means of effectively protecting the religious rights of minorities within Islam in Indonesia. Firstly, the chapter summarises the general insights of the book on the problematic position of religious minorities within Islam generally and the role and responsibility of Muslim-majority states in that regard. This is followed by a summary of the specific challenges to the protection of religious minorities within Islam in Indonesia.

The preceding chapters of this book show that in relation to the protection of religious minorities within Islam, the position of Indonesia as a quasi-theistic state becomes crucial because the state has a duty to regulate the freedom of religion of all religious groups and individuals. This is achieved generally by, on the one hand, ensuring the protection of their religious rights and, on the other hand, preventing groups from violating the religious rights and freedoms of others. Such a crucial role of the state is necessitated by the fact that all religious groups and individuals often claim that freedom of religious expression and manifestation is part of their religious belief, while at the same time they also often argue that their religious belief cannot be interfered with. These two claims engender the overlapping of the private and public spheres of religious rights especially when the state provides regulations that can be used by the religious majorities to persecute religious minorities within Islam. In this situation, the state is often caught between the need to protect the right of religious minorities within Islam to embrace their own understanding of the religion, and the pressure of the Muslim majorities on the state to protect the religious orthodoxy of the majority from what they consider to be a violation by the minority. Striking a proper balance between these two positions continues to be problematic for most Muslim-majority states, including Indonesia.