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Indonesia, Militant Islam
and Ahmadiyah:
Origins and Implications
Melissa Crouch

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Indonesia, Militant Islam and Ahmadiyah: Origins and Implications

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Over the last few years in Indonesia Ahmadiyah, a minority religious community that identifies with Islam has experienced increasing tension and hostility from conservative, orthodox Islamic groups. On 1 June 2008, this conflict culminated in a violent attack on supporters of Ahmadiyah by militant Islamic groups at the National Monument (Monumen Nasional, commonly referred to as Monas) in Jakarta. This date (1 June) is significant because it is the official anniversary of the national ideology, the Pancasila, which upholds belief in an almighty God. Shortly after this incident, the Indonesian government issued Joint Decree 3/2008 as a 'warning' to followers of Ahmadiyah, though stopping short of an outright ban.² This Decree has since been heavily criticised by advocates of religious pluralism, because it is perceived as a concession to the demands of radical Islamic groups.

The future in Indonesia of Ahmadis, the followers of Ahmadiyah, is of importance. It goes to the heart of a current debate in that country about the limits of religious freedom for religious minorities within the majority-Muslim population of Indonesia. It also raises the difficult question of where the boundaries of state interference in matters of religion should be drawn in a democratic state. It is also significant because other religious minorities in Indonesia face similar hostility and opposition from radical Islamic groups, and are closely watching how the government handles Ahmadiyah.

This issue is also important to Indonesia's neighbours for two reasons. First, it has the potential to affect diplomatic relationships, for example, Australia's relationship with Indonesia. On 13 June 2008, just two weeks after the Monas incident occurred, the Prime Minister of Australia, Kevin Rudd, visited the President of Indonesia, Susilo Bambang Yudhoyono (SBY). During this visit, Indonesian journalists were given the opportunity to ask just one question of Mr Rudd. The question was essentially: 'What is your view on Ahmadiyah?' Mr Rudd's short answer was, 'I am not familiar with this matter' (*The Age*, 2008). His inability to respond to this question suggests that the Australian government may not have been fully aware of this key issue in the affairs of its near neighbour at that time.

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2 For an English version of the Joint Decree on Ahmadiyah see Department of Religion, 2008a: 3-35.

The second reason this issue should resonate for Australians is because of potential direct consequences for their country in terms of illegal immigration or requests for asylum in Australia. For example, after a particularly intense period of violence targeting Ahmadiyah in Lombok in 2006, some Ahmadi followers attempted to seek refuge abroad in countries such as Australia by lodging grievances with the Australian Consulate General in Denpasar (Taufiqurrahman, 2006; Nugraha, 2006). Requests for asylum have since also been lodged with the United Nations (Nugraha, 2008). If the conditions worsen for Ahmadis in Indonesia, there is the potential that they may attempt to illegally enter neighbouring countries, including Australia. This could create tensions in the bilateral relationship. One previous example is Australia's acceptance of 42 asylum seekers from West Papua, who arrived illegally in Australia in January 2006. Despite the Australian government's express reiteration of its support for Indonesia's sovereignty over West Papua at that time, Australia's acceptance of the Papuan asylum seekers was perceived by the Indonesian government as undermining Indonesia's authority over the contested province. For these reasons, the situation for Ahmadis in Indonesia should be of immediate concern to the Australian government.

In this paper, I begin by outlining the origins and teachings of Ahmadiyah in general, and the formation of Ahmadiyah in Indonesia in particular. I will then examine three key actors pushing for a total ban on Ahmadiyah in Indonesia. The first of these is the Indonesian Ulama Council (Majelis Ulama Indonesia, MUI), which has issued a number of *fatawa*³ on Ahmadiyah, and against what it perceives to be 'deviant' groups. The second is the Coordinating Board for Monitoring Mystical Beliefs in Society (Badan Koordinasi Pengawas Aliran Kepercayaan Masyarakat, commonly known as Bakor Pakem), which conducted investigations into, and negotiations with, Ahmadiyah. The third group of actors includes radical Islamic groups that sanction the use of violence as part of a struggle to formally implement Islamic teachings. These have wielded significant influence through attacks on Ahmadiyah and its supporters, as well as those who simply advocate tolerance of this sect, the most notable of these being the Monas tragedy (discussed below). I will argue that although the Indonesian government compromised by issuing a 'warning' (not a total ban), and by prosecuting two of the leading perpetrators of the Monas incident, this has been ineffective, in that neither action stopped the Ahmadis from practising their religious beliefs, nor have they prevented further attacks against them.

Ahmadiyah in Indonesia

In order to understand the history and controversy surrounding Ahmadiyah in Indonesia, it is necessary to begin with the origins and teachings of Ahmadiyah more generally. Ahmadiyah originated from India as a religious movement in the mid-1800s. In response to two Hindu religious reform movements in India, Mirza Ghulam Ahmad initiated a revival of Islam and of Islamic missionary efforts. He began disseminating his ideas through a publication, 'Proofs of Ahmadiyah', in 1880. This led to the formation of the Ahmadiyah movement in 1889 (see generally Lavan, 1976; Zulkarnain, 2005).

From the beginning, Ahmad declared Ahmadiyah to be an Islamic movement. His teachings differ, however, from traditional Islamic doctrine, in several important ways.

3 Plural of *fatwa*, legal opinion of an Islamic scholar.

The greatest offence to orthodox Islam was Ahmad's claim that revelation did not cease with the Prophet Muhammad, but that Ahmad himself was the spirit of the Prophet incarnate⁴ or the *mahdi*, the Messiah expected by many Muslims to come before the end of the world to lead the faithful.

The primary issue within Ahmadiyah since Ahmad's death in 1908 has been the leadership of the group, and the status and authority of the founder, Ahmad. As a consequence of differences over these issues, Ahmadiyah split into two factions, Lahore and Qadiani. Ahmadiyah Lahore, named after the birthplace of its first leader, Muhammad Ali of Lahor, is generally considered to be the more moderate group because it accepts Ahmad as a reformer, but not as a prophet. On the other hand, Ahmadiyah Qadiani, named after the birthplace of Ahmad, is considered to be the more radical faction because it accepts Ahmad's claims to prophethood, and has adopted more aggressive proselytising tactics.

From Ahmad's initial proclamations in the late 1880s to the factional split in the early 1900s, the Ahmadiyah movement has always met with resistance from orthodox Islam. Even in its formative stages, a *fatwa* was issued against Ahmad by Islamic religious leaders in India (Lavan, 1976: 20). Since then, *fatawa* have been issued against Ahmadiyah by *ulama*, Islamic religious scholars, in countries such as Pakistan (Hooker, 2003: 71), Malaysia (1975),⁵ Saudi Arabia, Brunei, and Singapore (Lindsey, forthcoming). Although *fatwa* are traditionally not legally binding, they have often served to legitimate the actions of radical Islamic groups, and have led to an intensification of attacks on Ahmadiyah. This has certainly been the case in Indonesia.

The Ahmadiyah movement has been present in Indonesia since 1925. The two factions in Indonesia are known as Gerakan Ahmadiyah Indonesia (GAI), the Lahore branch; and Jemaah Ahmadiyah Indonesia (JAI), the Qadiani branch. Today, Ahmadiyah claims to have established over 300 branches with 300,000 to 400,000 followers across Indonesia. The Department of Religion, however, has estimated that Ahmadiyah has approximately 50,000 to 80,000 followers in Indonesia (Department of Religion, 2008b). However, even if Ahmadiyah has up to 400,000 members, this is a relatively small number in the context of the 240-million, majority Muslim population of Indonesia.

When Ahmadiyah first came to Indonesia in the early twenties, it enjoyed a very brief period of cooperation with mainstream Islamic groups that were already established in Indonesia, such as Muhammadiyah.⁶ At that time, Ahmadiyah was perceived as an ideal partner in the development of Islamic education and in supporting Islamic efforts to resist the missionary activities of Christians. This cooperation, however, was short-lived, and by the late 1920s relations had broken down between Muhammadiyah and

4 Ahmad's teachings were also offensive to Christianity, because he taught that Jesus Christ was not crucified, but taken down from the cross and resuscitated, and later died in Kashmir at the age of 120 (Lavan, 1976: 18).

5 More recently, in April 2009, the Selangor Council of Islamic Religion, the highest Islamic authority in Selangor state, Malaysia, issued a notice ordering Ahmadiyah to stop using the Bait-us-Salam Mosque for Friday prayers. See *Persecution of Ahmadiyah*, 2009.

6 Muhammadiyah is the largest modernist Muslim organisation in Indonesia and claims 30 million followers (www.muhammadiyah.or.id). It is the second largest only to Nadhatul Ulama, a traditionalist Muslim organisation, which claims 40 million members in Indonesia (www.nu.or.id).

Ahmadiyah (Beck, 2005: 241).

Despite these differences with existing Islamic groups, Ahmadiyah gained formal recognition from the Indonesian government as a religious group in 1953 by a Decree of the Minister for Justice. Nevertheless, unless Ahmadiyah falls within the bounds of 'Islam', a claim which is hotly contested, it is not one of the six official religions specifically recognised by the Indonesian government, namely, Islam, Hinduism, Buddhism, Confucianism, Protestantism and Catholicism.⁷ Instead, Ahmadiyah is considered by many mainstream Islamic groups to be *aliran sesat*, or a deviant sect,⁸ and the merits of its teachings have been attacked from all sides.⁹ Ahmadiyah is not alone in this; many other minority religious groups in Indonesia are also considered to be aliran sesat by mainstream Islam. These include groups such as Darul Arqam, al-Qiyaddah al-Islamiyah, and Madi. These groups are the victims of violence from radical Islamic groups and attacks are often carried out at places of worship (Crouch, 2007). Ahmadiyah, along with these other groups, has been the subject of fatwa by MUI. They are also closely monitored by 'Bakor Pakem' and have been the victims of violent attacks from militant radical Islamic groups, as discussed below.

Opposition to Ahmadiyah

On 9 June 2008, the Minister of Religion, the Attorney General and the Minister of Home Affairs issued a Joint Decree as a 'warning' to Ahmadiyah. The regulation makes four key points. First, it warns citizens not to support or conduct activities that deviate from the teachings of official religions. Second, it specifically warns followers of Ahmadiyah not to promote deviant teachings, namely belief in a further prophet after Muhammad. Third, it informs followers of Ahmadiyah who do not comply with this warning that they will be liable to penalties under existing laws. Fourth, it prohibits vigilantism, presumably in response to the Monas incident, by warning the public not to take the law into their own hands in relation to Ahmadiyah.

This regulation can be seen as the direct result of three main influences that have consistently opposed Ahmadiyah and continue to call for a complete ban on the group in Indonesia: first, the *fatwa* of MUI; second, Bakor Pakem, whose recommendations on Ahmadiyah are explicitly referred to in the Joint Decree; and, third, radical Islamic groups, who use tactics of violence and intimidation. I will discuss each of these in turn.

Fatwa of the Indonesian Ulama Council

Islamic religious leaders from the Council of Indonesian Religious Scholars (*Majelis*

7 According to the Explanation of Presidential Decision 1/1965 on the Prevention of Abuse and/or Disrespect of Religion, there are only six official religions in Indonesia. This does not mean that other religions or beliefs, such as Judaism, are banned. As long as they do not disturb the community, their adherents are also free to practise their religion (Department of Religion, 2007b: 101). According to article 1 of the Instruction of the Minister of Religion 4/1978 on the Policy concerning 'aliran-aliran kepercayaan', '*kepercayaan*' (beliefs) are not religions (Department of Religion 2007b: 162).

8 For a discussion of *aliran sesat* more generally in Indonesia, see Yogaswara and Jalidu, 2008; and Jamil, 2008.

9 Some examples include Hasbiyallah and Syarifudin, 2008; Hariadi, 2008; Purwanto, 2008; Al-Habsyi, 2008; Yogaswara, 2008; and Islamiyah, 2003.

Ulama Indonesia, MUI)¹⁰ have been extremely assertive and influential in the debate concerning Ahmadiyah by issuing *fatawa* at the national, provincial and local level.

MUI was first established in West Java in 1958. It was created as a national institution under the Department of Religion in 1975 as part of Soeharto’s plan to control *ulama* (Islamic religious scholars) and the public expression of Islam (Hooker, 2003: 60). During the New Order (1966-1998), MUI was a crucial bridge by which the government disseminated its policies using a medium the Islamic community understands, namely *fatwa* (Mudzhar, 2002: 317). Since 1998, however, MUI has sought to become more independent of government and closer to the Muslim *umat*, the Islamic community (*The Jakarta Post*, 1 August 2005). MUI’s position and influence has been strengthened more recently because of its involvement in drafting ‘Islamic’ laws, such as Law 21/2008 on Shariah Banking (The Wahid Institute, 2007).

Table 1 (below) contains a list of *fatwa* issued against Ahmadiyah in Indonesia up until 2008, with the first appearing in 1980 (Hooker, 2003: 70-1). This *fatwa* only applied to Ahmadiyah Qadiyani, not Ahmadiyah Lahore. It cited a Letter of Authority (*Surat Keputusan*) dated 1953 issued by the Minister of Religion, which stated that Ahmadiyah has been the cause of serious differences and tension within the Muslim community. The 1980 *fatwa* recommended that this letter be reviewed and that the Minister of Religion declare Ahmadiyah to be outside Islam. In 1984, the Ministry of Religion took a step in this direction by issuing a circular recommending its regional offices to consider Ahmadiyah teachings as heresy (Hasrul, 2006). Although the outcome MUI desired was not achieved at this time, the *fatwa* did have other serious consequences for followers of Ahmadiyah, mainly in the form of an increase in attacks on Ahmadiyah congregations by hardline (*garis keras*) Muslims.

Table 1: Fatawa against Ahmadiyah in Indonesia¹¹

Date	Fatwa
Nov 2007	Fatwa of the MUI on guidelines to determine whether a teaching is deviant.
Jul 2005	Fatwa of the MUI 11/MUNAS VII/MUI/15/2005 on Ahmadiyah.
1995	Fatwa of the Syuriah Pengurus Pusat Nadhatul Ulama 1995 on Ahmadiyah.
20 Oct 1994	Fatwa of the Forum Ukhuwah Islamiyah Indonesia (FUUI) 1994 on Ahmadiyah Qadiani.
1994	Fatwa of the MUI of Riau 1994 on Ahmadiyah Qadiani.
1984	Fatwa of the Ulama Council of Aceh 1984 against Ahmadiyah Qadiani.
1980	Fatwa of the MUI of North Sumatra 1980 on Ahmadiyah.

10 MUI is one of four main sources of *fatawa* in Indonesia, the others being Persatuan Islam (Persis), Muhammadiyah, and Nadhatul Ulama. See Hooker, 2003: 1; Hosen, 2003.

11 This table was compiled from Department of Religion, (2007: 8), Majelis Ulama Indonesia (2005), and the author’s own collection of *fatwa*.

1 Jun 1980	Fatwa of the MUI 5/1980 on Ahmadiyah.
1965	Fatwa of the Ulama of East Sumatera 1965 against Ahmadiyah Qadian.
1929	Fatwa of Muhammadiyah stating that there is no prophet after Muhammad and if someone claims there is, they are <i>kafir</i> . (unbelievers).

The 1980 *fatwa* against Ahmadiyah was heightened and renewed by the MUI at its National Congress in July 2005. It was issued together with ten other *fatawa* which, among other matters, make strong statements against liberalism, secularism and pluralism because, in the opinion of the *ulama*, these principles contradict the teachings of Islam (MUI, 2005). The 2005 *fatwa* cites from the two primary sources of Islamic teaching, the Qur'an and *hadith* (sayings of the Prophet), to justify MUI's position on Ahmadiyah, as follows.

Muhammad is not the father of any man among you, but he is the Messenger of Allah and the final Prophet, and Allah knows all of this. (Al-Ahzab 33: 40)

And truly (what Allah commands) is my straight path, so follow it and do not follow other paths, for they will separate you from His path. This He has ordained for you that you may become pious. (Al- An'am 6: 153)

O you who believe! Take care of yourselves...If you follow the right guidance and do what is right and forbid what is wrong, no hurt can come to you from those who are in error... (Al-Ma'idah 5: 105)

There is no Prophet after me (Muhammad). (Al-Bukhari)

Apostleship and prophethood have already finished; because of this, there is no Apostle or Prophet after me (Muhammad). (Tirmidzi)

These sources affirm the traditional Islamic belief that Muhammad is the last prophet. MUI therefore determined that Ahmadiyah is *sesat* (deviant) and that its followers are *murtad* (apostates), or outside Islam. Apostasy, the abandonment of Islam or the conversion from Islam to another religion, is a very sensitive issue, and is generally considered a grave offence in the Muslim world (see generally Saeed and Saeed, 2004). The traditional Islamic penalty for apostasy is death, although some scholars have argued that there is no Qur'anic authority for this penalty (Saeed and Saeed, 2004: 69-87). Although MUI has stopped short of demanding death for followers of Ahmadiyah, it has used *fatawa* to issue a strong warning to apostates to return to what MUI believe to be the true teachings of the Qur'an and *hadith*. Although the 2005 *fatwa* reiterated the opinion of the MUI that Ahmadiyah must be banned, no action was taken by the government at this time.

Two years later, in November 2007, the MUI issued a further *fatwa* on how to determine whether religious teachings are deviant. It set out ten guidelines that, in its opinion, determine whether an Islamic group is deviant or not. The 2007 *fatwa* states that a group is considered deviant if it:

1. Disagrees with the six principles of the Islamic faith;
2. Believes and acts outside the teaching of the Qur'an and *hadith*;
3. Believes in a decree that comes after the Qur'an;
4. Disputes the authenticity of the Qur'an;
5. Interprets the Qur'an differently from Qur'an principles;
6. Disagrees with *hadith* as a source of Islamic teaching;
7. Humiliates, despises or looks down on the Prophets and the Messengers;
8. Disagrees that the Prophet Muhammad is the last Prophet and Messenger;
9. Changes, adds, or reduces principles concerning religious rituals that have been set down by shariah, such as 'The *hajj* (pilgrimage) is not to Mecca', and prayers do not have to be performed five times a day; or
10. Claims other Muslims are infidels without justification by shariah, for instance, they are infidels because they do not come from the same Islamic group.¹²

According to these guidelines, Ahmadiyah, along with many of the other religious minorities that are of concern to mainstream Islam, would be classified by the MUI as a 'deviant' group. The 1980, 2005 and 2007 *fatwa* issued by the national MUI, like *fatwa* issued by local MUI branches, were taken into consideration by Bakor Pakem in their investigations into Ahmadiyah. They also provided fuel for the actions of radical Islamic groups, as described below.¹³

Bakor Pakem: State Supervision of 'Deviant' Groups

Although the Office of the Attorney General has had the responsibility of supervising mystical beliefs since the 1960s, Bakor Pakem was not established by a Decision of the Attorney General until 1984.¹⁴ In theory, Bakor Pakem exists at the provincial and city/regency level (Art.1). It consists of members from the Department of Religion; the Police; the Department of Home Affairs; the National Intelligence Agency (Badan Inteligen Nasional, BIN); the National Armed Forces (Tentara Nasional Indonesia, TNI); the Department of Education; the Department of Law and Human Rights; and the Attorney General's Office (Art.2). Its goal is to supervise and monitor the affairs of religious minorities that it considers to have deviated from the accepted teachings of an established religion or that promote heresy.¹⁵ It was intended to meet both periodically and on a 'needs basis', whenever an issue concerning *aliran sesat* (deviant groups) and

¹² This translation was adapted from The Wahid Institute, November 2007.

¹³ Similarities can be seen here with a *fatwa* issued by Muhammadiyah that was said to be significant during violence associated with the 1965 coup attempt in Indonesia and its aftermath, because it stated that destruction of the Communist Party was a religious duty for followers of Islam (Boland, 1982: 145).

¹⁴ The power to supervise mystical beliefs was contained in Law 15/1961 on the Office of the Attorney General (art.2(3)). This was replaced by Law 5/1991 (art.27(3)(d)). In 2004, this was replaced by Law 16/2004 (art.30(3)(d)). Bakor Pakem was established by the Decision of the Attorney General No Kep-108/J.A/5/1984 on the Creation of the Coordinating Board for the Supervision of Mystical Beliefs in Society. This was later revised by the Decision of the Attorney General No 004/JA/01/1994. For more information on Bakor Pakem, see Sihombing (2008).

¹⁵ For a more detailed explanation of the aims and outcomes of Bakor Pakem, see generally Kejaksaan Agung 1995; Kejaksaan Agung 2005.

aliran kepercayaan (mystical beliefs) arise (Art.3).

In May 2005, the Bakor Pakem of Jakarta made a recommendation to the government that the organisation, activities, teachings and books of both Ahmadiyah Qadiani *and* Ahmadiyah Lahore should be banned by a Presidential Regulation (Setara Institute, 2007: 22). There is no evidence of a response from the government at that time. After further investigations in 2007, Bakor Pakem made another report to the government on 15 January 2008. This report detailed a 12-point declaration with which Bakor Pakem requested Ahmadiyah comply within three months. This declaration included that Ahmadiyah must 'recognise that the Prophet Muhammad is the last prophet'. Three months later, on 16 April 2008, after the deadline for compliance had passed, Bakor Pakem concluded that Ahmadiyah had not complied with all the points because, for example, its followers still professed that there was another prophet after the Prophet Muhammad. On this basis, it issued a recommendation that the government dissolve Ahmadiyah, both GAI and JAI, because the group was heretical and deviant.

Although Bakor Pakem called for a national prohibition on Ahmadiyah, it is important to note that, in fact, such prohibitions already existed in some provinces or cities/regencies by reason of decisions of the Attorney General, the government, and/or local religious leaders. Table 2 below includes a list of 26 government decisions against Ahmadiyah.

Table 2: Government Decisions Against Ahmadiyah¹⁶

Date	Decision
1 Sept 2008	Decision of the Governor of the Province of South Sumatra No 563/KPTS/BAN.KESBANGPOL & LINMAS/2008 banning Ahmadiyah and the activities of its followers, members and leaders of Ahmadiyah Qadiani (JAI) in the province of South Sumatra.
9 Jun 2008	Joint Decision of the Minister of Religion, the Minister of Home Affairs and the Attorney General 8 & 9/2008, a warning and order to the followers, members, and/or leaders of Ahmadiyah Qadiani (JAI) and to the general public.
6 May 2008	The Mayor of Cimahi (West Java) issued an order to ban Ahmadiyah.
16 Apr 2008	Recommendation of the national Bakor Pakem on banning the activities of Ahmadiyah in Indonesia 2008.
2007	Decision of the Regent of Tasikmalaya (West Java) No 450/174/KBL/2007 on Containing Ahmadiyah.
2005	Joint Decision of the Regional Leadership Consultative Counsel (Musyarawah Pimpinan Daerah, Muspida), District Military Command (Komando Distrik Militer, Kodim) 0608 of Cianjur (West Java) on the Prohibition on the teachings and beliefs of Ahmadiyah.

¹⁶ This table were compiled from Billah and Setiawan, 2006a: 37-8, 44-48; Department of Religion, 2007: 8; and the author's own collection of government decisions.

2005	Joint Decision of the Regent, the Regional People's Representative Council (Dewan Rakyat Perwakilan Daerah, DPRD), the Attorney General, the Police, the Kodim, and the Department of Religion of Sintang (West Kalimantan) banning the activities of Ahmadiyah (18 February).
2005	Joint Decision of the Muspida, the DPRD, the MUI, the Police and Islamic community organisations of Bogor (West Java) against Ahmadiyah.
Oct 2005	The Ministry of Religious Affairs in West Nusa Tenggara banned 13 religious groups, including Ahmadiyah.
Jan 2005	Joint Decision of the Regent of Kuningan (West Java) on Ahmadiyah.
2004	Joint Decision of the Regent, the Attorney General and the Provincial Office of the Department of Religion of Kuningan (West Java) No 451/7/Kep.58-Pen.Um/2004 on the Prohibition on the Activities and Teaching of Ahmadiyah.
2003	Decision of the Muspida, DPRD, the Majelis Ulama Indonesia and Islamic community organisations in Kuningan (West Java) on Ahmadiyah.
2002	Declaration of the Mayor of Mataram (Lombok) No.008/283/X/Inkom/02 on the Prohibition on the Teachings and Beliefs of Ahmadiyah.
2002	Joint Decision of the Local Government of Kuningan (West Java) on the Prohibition on the Activities of Ahmadiyah (3 November 2002).
2002	Circular of the Regent of East Lombok No 045.2/134/KUM/2002 prohibiting the activities of Ahmadiyah.
2001	Decision of the Regent of West Lombok No 35/2001 on the Prohibition and Ban on the Spread of the Teachings/Beliefs of Ahmadiyah to the Community.
12 Feb 1994	Decision of Bakor Pakem and the Attorney General of Sumut (North Sumatra) No 07/02/DSP.1/02/1994 on the Prohibition on the Activities of Ahmadiyah Qadiani.
29 Oct 1990	Decision of the Attorney General of Meulaboh (West Aceh) No 002/J-1.13/Dks.3/10/1990 on Ahmadiyah.
1989	Decision of Bakor Pakem and the Attorney General of Sungaipenuh (West Sumatra) No a/J.612.3/4/1989 on the Prohibition on Spreading the Teachings of Ahmadiyah Qadiani.
11 Dec 1989	Decision of Bakor Pakem and the Attorney General of Tarakan (East Kalimantan) No 11/M.4.12.3/DKS/3/12/ on the Prohibition on Spreading the Teachings of Ahmadiyah Qadiani.
1 Apr 1989	Decision of the Attorney General of Kerinci (Jambi) No 01/ J.5.12.3 /Dks.4/4/1989 on Ahmadiyah.

25 Feb 1986	Decision of Bakor Pakem and the Attorney General of Sidenreng Rappang (South Sulawesi) No 172/N.3.16.3/2/1986 on the Prohibition on all the Activities of Ahmadiyah in the Regency.
20 Sept 1984	Letter of the Director General Bimas Islam, the Department of Religion, banning Ahmadiyah.
21 Nov 1985	Decision of Bakor Pakem and the Attorney General of Selong (East Lombok) No 11/IPK.32.2/1-2-III.3/11/1985 on the Prohibition on the Spread of the Teachings of Ahmadiyah Qadiani in the Regency of East Lombok.
21 Mar 1977	Decision of the Attorney General of South Sulawesi No 02/K.1.1/3/1977 on Ahmadiyah.
8 Mar 1976	Decision of Bakor Pakem and the Attorney General of Subang (West Java) No Kep.01/1.2 JPKE 312/PAKEM/3/1976 on the Prohibition against Spreading the Teachings of Ahmadiyah Qadiani in the Regency of Subang.

Despite the existence of the extensive range of decisions, provincial or local governments do not have the power to make regulations on matters of religion because this power has been legislatively reserved for the national government by the action of article 10(3) (f) of Law 32/2004 on Regional Autonomy. Provincial or local-level regulations are therefore arguably invalid to the extent that they are inconsistent with higher laws, such as national laws or regulations, according to the hierarchy of laws in article 7(1) of Law 10/2004 on Law-making. Despite their invalidity, these regulations, along with the non-binding *fatwa* of MUI, were taken into consideration in Bakor Pakem's investigation of Ahmadiyah. In doing so, Bakor Pakem effectively legitimised the agenda of MUI and has become an avenue for the government to interfere with the freedoms of religious minorities, particularly those of concern to mainstream Islam. Nevertheless, the government almost certainly would not have responded to the demands of the MUI and Bakor Pakem without the additional influence of the intimidating and violent actions by radical Islamist groups.

Radical Islam and the Monas Tragedy

Attacks by radical Islamist groups against Ahmadiyah have been well-documented by numerous non-government organisations in Indonesia.¹⁷ The most notable and symbolic attack was the Monas tragedy, on which I now focus.

On 1 June 2008, a peaceful rally was held by activists of the National Alliance for Freedom of Religion and Faith (Aliansi Kebangsaan untuk Kebebasan Beragama dan Berkeyakinan, AKKBB) at the National Monument (Monas) in Central Jakarta. The AKKBB consists of representatives from over 70 organisations in Indonesia, such as the Liberal Islamic Network (Jaringan Islam Liberal, JIL), the Indonesian Communion of Churches (Persekutuan Gereja-gereja Indonesia, PGI), the Bishops Council of Indonesia (Kantor Wali Gereja, KWI) and many other religious and interfaith groups. The rally

¹⁷ For examples, see the Setara Institute (2007), Komnas HAM (Billah and Setiawan, 2006) and the Wahid Institute (2008).

was attended by some family groups, and it was significant because, as mentioned, it marked the 63rd anniversary of the Pancasila, the national state ideology that, as also mentioned, espouses belief in an almighty God. It was therefore a demonstration in support of the Pancasila, religious pluralism and religious minorities such as Ahmadiyah.

During this protest, around 400 members of radical Islamic groups, including the Islamic Defenders Front (*Fron Pembela Islam*, FPI), Hizb ut-Tahrir Indonesia (HT), and the Islamic Community Forum (*Forum Ukhuwah Islamiyah*, FUI), armed with clubs or sticks, violently attacked the AKKBB demonstrators, many of whom were women. This is despite the fact that, according to the Chief Police of Jakarta, 1,200 police were present at the time of the attack. Around 70 of the AKKBB demonstrators were injured, some seriously. Many of the AKKBB demonstrators were hospitalised, some had to undergo surgery, and others suffered trauma as a result of the attack. The two largest Islamic organisations in Indonesia, Nadhatul Ulama and Muhammadiyah, were quick to condemn the violent nature of this attack (*The Jakarta Post*, 2 June 2008).

The two instigators or leaders of the attack on AKKBB demonstrators were duly prosecuted in the Central Jakarta District Court (*Pengadilan Negeri*).¹⁸ This is significant, given that the perpetrators of violence against followers of Ahmadiyah and their places of worship in Indonesia had otherwise largely escaped investigation, prosecution or conviction (*The Jakarta Post*, 23 June 2006).

The first to be arrested on 5 June 2008, four days after the incident, was Muhammad Rizieq Syihab, the notorious leader of FPI. The second arrest was of Munarman, the leader of the Islam Militia Command (*Komando Laskar Islam*, KLI), who was arrested on 10 June 2008. Rizieq and Munarman were charged with separate crimes under the Indonesian Criminal Code.

On the facts of the case, the court found that radical Islamic groups had gathered at Istiqlal Mosque, Central Jakarta, at 8:00am on 1 June 2008. This included members from the following groups: FPI; *Majelis Mujahidin Indonesia* (Indonesian Mujahidin Council, MMI); *Brigade Hisbulah* (Hisbulah Brigade); *Gerakan Pemuda Islam Indonesia* (Indonesian Muslim Youth Movement, GPII); *Gerakan Persaudaraan Muslim Indonesia* (Muslim Brotherhood Movement of Indonesia, GPMI); and *Taruna Islam* (Islam Youth). At 10:00am, this coalition rallied in front of Istiqlal Mosque to protest the rising price of refined fuel oil (*Bahan Bakar Minyak*, BBM), and with the intention of stopping the peaceful demonstration by AKKBB in support of the Pancasila and Ahmadiyah. They then proceeded to the nearby Monas.

Munarman was charged under four provisions of the Criminal Code. First, he was charged with a crime against public order under article 170(1):

A person who intentionally commits violence against a person or towards property shall be punished by a maximum term of 5 years and 6 months imprisonment.

18 The analysis of the trials of Munarman and Syihab that follows is primarily based on the court documents in these cases.

This charge was based on accusations that he directly injured an AKKBB member at the protest. Second, he was charged with the destruction of property under article 406(1).

A person who intentionally and unlawfully destroys, damages, renders useless or mislays property that wholly or partially belongs to another person, shall be punished by a maximum of two years and eight months imprisonment or a maximum fine of four thousand five hundred rupiah.

This charge was based on allegations that he had given orders for those under his command to damage the car being used by AKKBB to project their sound system at the rally. Third, he was charged under article 351(1), which provides that:

Oppressive mistreatment (*penganiayaan*) shall be punished by a maximum term of two years and eight months imprisonment or a maximum fine of four thousand five hundred rupiah.

Fourth, he was charged with a crime against public order under article 160:

Any person who publicly incites, orally or in writing, others to commit a criminal act, a violent action against a public authority or any other unlawful behaviour, either in a statutory provision or in an official order issued under a statutory provision, shall be punished by a maximum imprisonment of six years or a maximum fine of four thousand five hundred rupiah.

By contrast, Rizieq was only charged under two provisions of the Criminal Code that reflected the fact that he was not actually present at the attack on 1 June. First, he was charged with a crime against the public order under article 170 (as above). Second, he was charged with inciting hostility under article 156:

A person who publicly gives expression to feelings of hostility, hatred or contempt against one or more groups of Indonesian citizens, shall be punished by a maximum imprisonment of four years or a maximum fine of four thousand five hundred rupiah. In this and the following article, 'group' shall be understood as a section of the population of Indonesia that distinguishes itself from one or more other parts of the population by race, country of origin, religion, origin, descent, nationality or position under the constitution.

This charge was in relation to a speech allegedly made by Rizieq at a meeting in a mosque on 28 May 2008. In this speech, Rizieq said: 'we (FPI) must oppose Ahmadiyah... because the MUI has already issued a *fatwa* that says that Ahmadiyah is a deviant sect'; the 'Umat Islam here tonight must be prepared to go to war'; 'We invite the Muslim community to oppose Ahmadiyah'; and 'Ahmadiyah is a deviant sect and must be opposed...Ahmadiyah is apostate'. He then instructed his audience to attend the demonstration on 1 June 'to demand that Ahmadiyah is banned'.

In October 2008, Munarman and Rizieq were found guilty as charged and both were sentenced to 18 months in prison. These trials demonstrate the government's decision to

compromise: issuing warning Ahmadiyah, while, at the same time, condemning vigilante acts of radical Islamic groups against Ahmadiyah and its supporters. Unfortunately, despite the government's attempt to also deter radical Islamic groups, attacks against Ahmadiyah continue to occur (Sabarini and Wisnu, 2009).

Conclusion

The legal status of Ahmadiyah in Indonesia, and its relationship with mainstream, orthodox Islam, as well as radical Islamic groups, has not been resolved. This dispute originates from the teachings of Ahmadiyah (in particular, whether Ahmad was the last prophet after the Prophet Muhammad) and from the resistance Ahmadiyah faced from conservative Islamic groups not long after its arrival in Indonesia in the late 1920s.

The recent escalation of conflict occurred because of a combination of three key actors that have actively supported a ban on Ahmadiyah. First, Islamic religious leaders through the MUI have played a central role in perpetuating the conflict through *fatwa*, relying on the two key sources of Islamic belief, the Qur'an and *hadith*, to lobby the government for nothing short of a ban on both Ahmadiyah Qadiani and Ahmadiyah Lahore. These *fatwa*, issued in 1980, 2005 and 2007, influenced the investigations into Ahmadiyah by Bakor Pakem, the second key player in this conflict. Second, the investigations and recommendations of Bakor Pakem in turn informed the government's final decision to 'warn' Ahmadiyah in June 2008. The third – and perhaps most important – factor in the government's decision to 'warn' Ahmadiyah has been the influence of radical Islamic groups, such as FPI. It was no coincidence that after years of inaction the government passed a Joint Decree 'warning' Ahmadiyah just eight days after the Monas tragedy.

If attacks on Ahmadiyah continue, and displaced Ahmadis remain unable to return home (Nugraha, 2009), they may make further attempts to seek refuge in neighbouring countries. Ahmadiyah and the position of religious minorities in Indonesia more broadly therefore creates significant policy challenges, for not just the Indonesian government, but also for Indonesia's neighbours.

Abbreviations

Abbreviation	Indonesian	English
AKKBB	Aliansi Kebangsaan untuk Kebebasan Beragama dan Berkeyakinan	National Alliance for Freedom of Religion and Faith
Bakor Pakem	Badan Koordinasi Pengawas Aliran Kepercayaan Masyarakat	Coordinating Board for Monitoring Mystical Beliefs in Society
BBM	Bahan Bakar Minyak	Refined fuel oil
DPRD	Dewan Rakyat Perwakilan Daerah	Regional People's Representative Council
FPI	Front, Pembela Islam, FPI	Islamic Defenders Front
FUI	Forum Ukhuwah Islamiyah	Islamic Community Forum
GAI	Gerakan Ahmadiyah Indonesia	Ahmadiyah (Lahore) Movement Indonesia
GPII	Gerakan Pemuda Islam Indonesia	Indonesian Muslim Youth Movement
GPMI	Gerakan Persaudaraan Muslim Indonesia	Muslim Brotherhood Movement of Indonesia
HTI	Hizb ut-Tahrir Indonesia	
JAI	Jemaah Ahmadiyah Indonesia	Ahmadiyah (Qadiani) Group in Indonesia
JIL	Jaringan Islam Liberal	Liberal Islamic Network
KLI	Komando Laskar Islam	Islamic Militia Command
Kodim	Komando Distrik Militer	District Military Command
KWI	Kantor Wali Gereja	Bishops Council of Indonesia
MMI	Majelis Mujahidin Indonesia	Indonesian Mujahidin Council
Monas	Monumen Nasional	National Monument
MUI	Majelis Ulama Indonesia	Indonesian Ulama Council
Muspida	Musyarawah Pimpinan Daerah	Regional Leadership Consultative Council
PGI	Persekutuan Gereja-gereja Indonesia	Indonesian Communion of Churches
SBY	Susilo Bambang Yudhoyono	The current president of Indonesia

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