

Ahmadis' hopes dashed by Constitutional Court

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The Constitutional Court once again rejected a judicial review petition to strike down the 1965 Blasphemy Law as unconstitutional on Monday.

The law prohibits people from publicly spreading beliefs and teachings that can be considered heresy.

The law also serves as the basis for Article 156 (a) of the Criminal Code, which dictates that blasphemy is punishable with up to five years in prison and has been invoked in a number of high-profile cases in the past few years, including in the conviction of former Jakarta governor Basuki "Ahok" Tjahaja Purnama.

"The norm does not at all forbid or limit a person's right to practice and worship according to their religion," Justice Wahiduddin Adams said while reading out the ruling made unanimously by the nine-member bench.

Nine Ahmadis from West and Central Java filed the petition last August, claiming that the 1965 law violated their constitutional right to

freedom of religion.

Their petition was supported by a number of well-known figures including Catholic priest Franz Magnis-Suseno and Muslim scholar Ahmad Syafii Maarif.

The law was also challenged in 2009 by a group of pluralism activists including former president Abdurrahman "Gus Dur" Wahid and women's rights activist Siti Musdah Mulia, and in 2012 by a Shiite leader. Both petitions were rejected by the court.

In the latest challenge, the petitioners argued that their constitutional rights had been personally violated by the law and that they were thus better placed to file the petition.

The Ahmadiyah branch of Islam first entered Indonesia in the 1920's and the Ahmadiyah Indonesia Congregation (JAI) has been registered as an official mass organization with the Home Ministry since at least 1987.

Despite their long history in the country, persecution of the Ahmadiyah community across Indonesia remains widespread, as their beliefs are considered heretical by some Muslims. Most re-

cently, in May, dozens of Ahmadis in Lombok, West Nusa Tenggara (NTB), were forced to flee their homes after reportedly being attacked by a mob.

The petitioners argued that the 1965 law emboldened such actions.

The court, however, ruled that the petitioners' argument that the law did not differentiate between people that intentionally spread hatred and hostility and people who were merely exercising their constitutional rights was "a matter of implementation and not a matter of the constitutional-ity of the law's norms".

The Foundation of the Indonesian Legal Aid Institute (YLBHI), which nominated itself as a third party in the petition, decried the court's ruling, saying that the court was now "complicit in the violence that continues to happen to minority groups".

"The reasoning the court used to reject the petition was that religious interpretations needed to be limited to maintain public order," YLBHI said. "This reasoning accommodates the possibility of intolerant groups that use violence against individuals or groups

whose interpretations are considered outside of the mainstream."

YLBHI said the petition was submitted not just for the sake of Ahmadis but for the religious freedom of all Indonesian citizens.

The petition prompted other stakeholders to lodge third-party interventions, like the Indonesian Ulema Council (MUI), which demanded the court reject it.

JAI spokesperson Yendra Budiana found it hard to understand the ruling, saying "How can the state guarantee religious freedom while simultaneously putting religious interpretation in the hands of others?"

"Who can say which interpretation is right or wrong? Even [mainstream Islamic mass organizations] Nahdlatul Ulama and Muhammadiyah have differing interpretations on many matters."

He added, however, that there were some positives in the ruling, as the court acknowledged that the 1965 law "needed revision", while adding that such revision should be conducted through legislation instead of through a judicial review.