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Fallout from Jakarta's Monas Incident: What is to be done with fringe groups?

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11 June 2008

The recent clash between a hardline Muslim group and an alliance of organisations supporting the freedom of faith has led the government to consider using an old law to freeze the Islamic Defenders Front (FPI). This resort to a relic from Indonesia's undemocratic past might be counter productive for Indonesian democracy in the future.

THE MONAS Incident of 1 June 2008 has raised the question of what the Indonesian government is to do with mass organizations that use physical force in the name of Islam whilst tapping into public unhappiness with heretical sects and deviant practices. Parliament met two days after the clash between the Komando Laskar Islam (Islamic Brigade Command) and a national alliance of organisations in support of freedom of religion and faith, better known by its local acronym AKKBB. During the parliamentary meeting, there were a number of interruptions by members who wanted to know how the government would handle the issue.

The Komando Laskar Islam is said to be an arm of the Islamic Defenders Front (FPI) whose members have been attacking, with seeming impunity, places they deem to be vice-dens, for a number of years. The Komando/FPI members allegedly attacked a march from National Monument Square (Monas) organized by the AKKBB to commemorate the 63rd year of Pancasila, the state ideology.

AKKBB, whose members include Indonesia's leading Islamic figures, hope to reclaim political space for groups adhering to the secular state ideology Pancasila, from being squeezed out by the increasingly vocal faith-based groupings. But the FPI and Komando Laskar Islam groups that later claimed responsibility for the clash accused AAKBB of supporting Ahmadiyah, a heretical sect that has been designated in the mainstream Muslim world as falling outside the pale of Islam. It claims its leader, Mirza Gulam Ahmad, to be a prophet. At least 29 people from the 57 member-Alliance were injured in the skirmish.

Pluralism vs Intolerance

The Jemaah Ahmadiyah Indonesia (JAI), the root cause of the Monas Incident, has divided Indonesian civil society and exposed deep divisions over Indonesia's future direction. The pro-Ahmadiyah groups urge respect for diversity and the emerging democratic system. The alliance believes that all views should be tolerated, including Ahmadiyah's. Those opposed see it as 'deviant Islam' that should be proscribed by the state to protect the religion. They argue that there is a limit to diversity and pluralism when they undermine religion. Each side wants the government to settle the dispute.

The government wants to avoid any decision on this issue, and has thus exacerbated the tensions. This position seems to be backed by the Constitutional Court recommendation that the government not get involved in determining the validity of religious beliefs and to leave it to the religious authorities. However, the Coordinating Body for Monitoring Sects and Beliefs in Society, Bakor Pakem, the body that oversees religious activity in Indonesia, has recommended that all activities of the Ahmadiyah sect be stopped and the JAI dissolved.

Adding to the controversy, Wisnu Subroto of the Attorney General's office has said that the decision was final. Subroto believes that Ahmadiyah is genuinely beyond the pale; it is a deviant and heretical sect because its recognition of its leader as a prophet after Muhammad is contrary to mainstream Islamic doctrine. And, as Ahmadiyah violated a previous agreement to "correct" their beliefs and practices within 3 months, there will be no further negotiations.

Further complicating the situation, Bakor Pakem has been waiting for a joint government edict (SKB) -- from the Religious Affairs Ministry, Attorney General, and Home Ministry -- to be issued banning the sect. This is based on Article 156 of the criminal code, the law against blasphemy, which carries penalties of up to five years in jail. However, Attorney General Hendarman Supandji said the decree, when issued, would not outlaw Ahmadiyah. The SKB was to have been finalised by 1 June 2008 but due to the Monas Incident, the decision has been delayed.

Resort to Suharto-era legislation

The irony of the situation is that in an effort to have Ahmadiyah banned, FPI may end up the one being banned. One of the remaining laws from the New Order period is Law No. 8/1985 on Civil Society Organizations (read with Government Regulation No. 18/1986) that authorizes the government to freeze any civil society organization. This Law was designed to proscribe any activity affiliated to Islamic politics.

The "New Order" government viewed discussions on the role of Islam and the state, or challenging the Pancasila ideology, as subversive. The law required all social and political organizations, including religious organizations, in Indonesia to recognise the Pancasila as their sole foundation (*asas tunggal*) if they did not wish to be banned. This was anathema to Islamic organizations.

Two critical elements of these laws are Article 13 of Law No. 8/1985 and Article 19 of Government Regulation No. 18/1986. Article 13 states that the government can freeze an organization if it conducts activities that agitate against public safety and security. Article 19 further explains the meaning of agitating public safety and security as actions that include spreading hatred based on ethnicity, religion, race and groups. The Monas Incident would appear to fall under the rubric of this Article.

However, the Article also defines agitating public safety and security as an act that could discredit government credibility, without explaining further what the term means. Legitimate democratic expressions such as demonstrating against government policy, for instance, could be an offence under this Article. Thus, using this law to ban FPI could also be interpreted as stifling the freedom of speech, an act that could boomerang in the form of mass agitation against the present Indonesian government.

Some would argue that the existence of these laws is undemocratic and should be replaced. Indeed the government does have plans to revise the Law on Civil Society Organizations. But the new law was scheduled to be revised after the passing of the Law on Political Parties in early 2008.

Thus once again, the Monas Incident, which is a relatively small case, reveals the larger difficulties facing Indonesia's transition to democracy. Banning Ahmadiyah may be undemocratic and undermines the plural, secular democratic basis of the new Indonesia. But freezing FPI, and possibly banning other violent mass organizations as threats to the new system, rest on a law from Indonesia's undemocratic past.

What Should be Done

The temptation to use these laws to freeze the FPI is understandable given the group's history of intimidation and coercive activities. These laws also provide the legal base to protect every citizen from being discriminated against based on religion, ethnicity, race and groups. However, in the broader democratic picture, these laws are ripe for abuse, as they are so broad in scope that they give government unlimited power to suppress legitimate political activity, simply because the government does not like such activity.

The best way to respond to the Monas Incident is to penalise the perpetrators through the existing criminal code. The current Law No. 8/1985 and Government Regulation No. 18/1986 are important tools for protecting Indonesian citizens. But the regulations need to be more tightly defined to focus on targeting radical and violent activities conducted by mass organizations. At the same time, the state must be firm in dealing with heretical and deviant groups that generate unease within the majority. But the purpose of securing public safety and security must be to create a better environment for all to flourish, including the Indonesian democratic system.

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