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Understanding Human Rights Culture in Indonesia

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Understanding Human Rights Culture in Indonesia:
A Case Study of the Ahmadiyya Minority Group

PROEFSCHRIFT

ter verkrijging van de graad van doctor aan

Tilburg University

op gezag van de rector magnificus,

prof. dr. E.H.L. Aarts,

in het openbaar te verdedigen ten overstaan van een

door het college voor promoties aangewezen commissie

in de Ruth First zaal van de Universiteit

op maandag 18 december 2017 om 10.00 uur

door

Maksimus Regus,

geboren op 23 september 1973 te Todo, Flores, Indonesië

Promotores:

Prof. dr. H.L. Beck

Prof. dr. M.E.H. van Reisen

Overige leden van de promotiecommissie:

Prof. dr. C. van Dijk

Dr. J.M.N.E. Jans

Prof. dr. K.A. Steenbrink

Prof. dr. T. Zwart

To my father and my mother

Acknowledgments

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Acronyms and Abbreviations

AI	Amnesty International
AKKBB	Aliansi Kebangsaan untuk Kebebasan Beragama dan Berkeyakinan
	(National Alliance for Freedom of Religion and Belief)
BAKORPAKEM	Badan Koordinasi Pengawasan Kepercayaan
	(Coordinating Board for the Assessment of Belief and Religion)
CSO	civil society organization
DDII	Dewan Dakwah Islam Indonesia
	(Indonesian Islamic Propagation Council)
FPI	Front Pembela Islam (Islamic Defenders Front)
HRW	Human Rights Watch
HRWG	Human Rights Working Group
HTI	Hizbut Tahrir Indonesia (Hizb UT-Tahrir)
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social, and Cultural Rights
IDEA	International Institute for Democracy and Electoral Assistance
IMC	International Magna Carta
INFID	International NGO Forum on Indonesian Development
JIAD	Jaringan Islam Anti-Diskriminasi
	(The Anti-Discrimination Islamic Networking)
JIL	Jaringan Islam Liberal (Liberal Islam Network)
KEJAGUNG	Kejaksaan Agung (Attorney General).
KEMENAG	Kementerian Agama (Ministry of Religious Affairs)
KEMENDAGRI	Kementerian dalam Negeri (Ministry of Home Affairs)
Komnas HAM	Komisi Nasional Hak Asasi Manusia
	(National Human Rights Commission of Indonesia)
KTP	Kartu Tanda Penduduk (National Identity Card)
LBH	Lembaga Bantuan Hukum (Jakarta Legal Aid Institute)
LPPI	Lembaga Penelitian dan Pengkajian Islam
	(Institute of Islamic Research and Studies)
LSI	Lembaga Survei Indonesia (Indonesian Survey Institute)
MMI	Moderate Muslim Indonesia

MPR	Majelis Permusyawaratan Rakyat (Indonesia People's Consultative Assembly)
MUI	Majelis Ulama Indonesia (Indonesian Ulema Council)
NGO	non-governmental organization
NU	Nahdlatul Ulama
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the High Commissioner of Human Rights
PCA	Partnership and Cooperation Agreement
PKS	Partai Keadilan Sejahtera (Prosperous Justice Party)
PPI	Perhimpunan Pemuda-Pelajar Indonesia
PRC	Pew Research Center
Setara Institute	Institute for Research and Advocacy in Human Rights
UDHR	Universal Declaration of Human Rights
UN	United Nations
Wahid Institute	Institute for Inter Religious Relations (Indonesian Students Association)

Chapter 1. Introduction

> A positive approach to human rights in the wider Islamic community has not developed without friction. Literature about the relationship between Islam and Human Rights testifies to the resistance towards human rights, both by Muslim scholars and Muslim states. Using the concept of cultural relativism, human rights are said to have limited applicability to Muslim countries. (Syamsul Arifin, 2010, pp. 47–48)

1.1 Background

The Ahmadiyya was founded in 1889 by Mirza Ghulam Ahmad (1835–1908) in the village of Qadian, Punjab, India. They established a mission in Indonesia in 1924, as a stream of official Islam, and currently have around 600,000 members (Badan Pusat Statistik, n.d.). However, they are now struggling to maintain this position in the face of violent resistance from so-called 'mainstream Islam' in Indonesia.[1]

This dissertation examines the extent to which the concept of a human rights culture can be used to explain the situation of the Ahmadiyya in contemporary Indonesia.[2] Using the Ahmadiyya as a case study, this study aims to understand and explain the issues facing religious minorities from a human rights perspective. Specifically, it looks at the intersection between human rights and the status of religious minorities, and the position of the state and civil society in relation to this in terms of providing a framework for the protection of human rights.

Before providing an outline of this introductory chapter, I would like to present my personal experience and interest in relation to this study. As a Catholic priest, I served as the chair of the Inter-Religious Commission of Ruteng Diocese, Eastern Indonesia, from 2001 to 2007. Through this commission I was involved in many 'inter-religious dialogues', mainly at the local level. I lived in Jakarta from 2007 to 2012 while conducting research for my master's degree in the field of sociology at the Faculty of Politics and Social Science, University of Indonesia. During those years—especially 2008 to 2011—there were many attacks against the Ahmadiyya (Setara Institute, 2012 & 2013-a, 2013-b; see also Chapter 5 of this dissertation) and I became deeply interested in researching their position and that of religious minorities in general.

In support of the Ahmadiyya, on June 1, 2008, Aliansi Kebangsaan untuk Kebebasan Beragama dan Berkeyakinan (AKKBB, the National Alliance for Freedom of Religion and Belief) held a general meeting (which was referred to as a protest in some reports) in Monas, the national monument, located across from the Indonesian Presidential Palace (BBC.co.uk/Indonesia, 2008). This protest, which was supported by many pro-democracy and religious-freedom groups, urged the government not to sign a proposed decree banning the Ahmadiyya.[3] The Front Pembela Islam (FPI, the Islamic Defender Front), the main actor for radical groups, responded violently to this (protest) meeting and attacked those gathered to support religious freedom. The incident coincided with the celebration of Pancasila Day (a celebrating day of the philosophical basis of the Indonesian state, see also Chapter 3, Section 3.4.1. on the Pancasila).

Kees Van Dijk (2013, p. 2) describes the situation as follows: *"...the vast majority of Indonesian Muslims are Sunni, and in the last couple of years Ahmadiyah members and Shi'ites have become the victims of some brutal attacks"*. My interest in analyzing this issue peaked when members of the Ahmadiyya were murdered in Cikeusik on February 6, 2011. With this tragedy, the contemporary situation of the Ahmadiyya became a matter of domestic and, increasingly, global concern (HRW, 2016-a). This tragic event stimulated my academic desire to go deeper into the hidden reality behind this tension.

With regard to the problems faced by religious minorities in Indonesia, it is important to consider the Pew Research Center (PRC) report of 2014. In this, its sixth, report the PRC expresses concern over what it calls social hostilities involving religious affairs. It attempts to trace certain attacks (which it notes are both physical and verbal in nature) to religious minorities in transitional regions (countries). The PRC has evaluated the experiences of numerous religious minorities in 198 countries around the world and has identified two main challenges faced by these groups. First, some government regulations and policies restrict the expression of religious beliefs and practices of these groups. Second, some religious minorities face hostility and violence from individuals, social groups, and organizations—especially those affiliated with majority or dominant groups in society (PRC, 2014).

In its report, the PRC concludes that, overall, religious hostilities have increased worldwide, with far more hostile events occurring in 2012 than in previous years. This conclusion is based on data that indicates that 33% of the 198 countries studied score highly for 'religious animosity'. This percentage was significantly higher in 2013 than in previous years (it was approximately 29% in 2011 and approximately 20% in 2007 when the PRC first

conducted research on this issue). Furthermore, the PRC identifies Indonesia as one of 25 countries—including Egypt, Russia, Pakistan and Burma (Myanmar)—with a high number of religious restrictions.

In 2013, restrictions on the activities of religious minorities in Indonesia increased. These restrictions were coupled with the escalation of discriminatory policies at the local level, which have tended to marginalize minority religious groups. With these restrictions, the intensity of attacks also increased. The PRC's report is one of the most important pieces of evidence of the escalating violence and discrimination against religious minorities in Indonesia (PRC, 2014).

To close this section, I would like to state that, through the case study of the Ahmadiyya, this dissertation deals with many substantive issues related to the status of religious minorities. It investigates the challenges facing the development of a human rights culture in Indonesia, with specific reference to the increasing violence against the Ahmadiyya as a religious minority group. This is considered pertinent as the protection of religious minorities is a crucial responsibility of both individual nations and the international community, both legally and morally.

1.2 Justification for the Case Study

Having introduced the background to this case study, I now wish to offer a justification for case selection. There are some important interconnected reasons why the Ahmadiyya have been chosen as the single case study of this research. It is widely agreed that the status of the Ahmadiyya is somewhat different than that of other minority groups in Indonesia since the democratic transition which started in 1998[4] (Mietzner, 2014-a, 2014-b). As mentioned previously, the Ahmadiyya have also been subjected to increasing violence and human rights violations since the political reformation began.[5] The Ahmadiyya are currently in a dangerous situation, as reported by Human Rights Watch:

> In February 2011 more than 1,500 Islamist militants attacked a house in Cikeusik, West Java, killing three and seriously wounding five Ahmadiyya men. The incident was caught on film. Public outrage generated around the case prompted the authorities to act quickly in investigating the attack. In July, the Serang district court sentenced 12 men to between three and six months of imprisonment for disturbing public order, incitement, and assault, but not for manslaughter. (HRW, 2012, p. 2)

According to the same report, problem is that the perpetrators of such violence are seldom sufficiently punished for their actions:

> Police and prosecutors failed to present a fully compelling case against the 12 defendants. Police did not conduct investigations, and prosecutors did not call key eyewitnesses to the attack. The prosecutors also sought reduced sentences, contending that the members of Ahmadiyya provoked the attack on themselves. (HRW, 2012, pp. 2–6)

It should be stated that the human rights problems of this group are not only related to religion, but are also connected to social, political, legal, cultural and economic issues. It is, therefore, important to understand how the group is viewed in Indonesia. It has been reported that the Ahmadiyya have faced many difficulties in claiming and enjoying basic rights and receiving the basic services to which they are entitled as Indonesian citizens. For example, they have difficulty obtaining national identity cards because they do not fit into one of the legally permitted religions, which must be stated on the national identity card.[6] As Pearson says:

> Some members of the Ahmadiyya have found it difficult to find jobs. Several men described bureaucratic hurdles when dealing with local officials or requesting new identification documents or building permits. Some Ahmadiyya's teachers have been pressured to convert to Sunni Islam or transferred to remote schools when they resisted. The Ahmadiyya children have also been bullied by classmates and teachers have pressured them to denounce their 'heretical' religious views. Even hospitals are unwilling to accept the Ahmadiyya's blood. (Pearson, the Guardian, 2014)

In relation to these issues, the concern of the domestic public and international community has grown in recent times, which is another compelling reason to study the Ahmadiyya in the context of the wider social and political (and economic) changes that are taking place in contemporary Indonesia (Fuller, 2011-a; Hamayotsu, 2013). Individuals and organizations, both at national and international levels, have argued that the violation of the rights of the Ahmadiyya, like certain religious minorities in other parts of the world, is an example of one of the 'risks' associated with human rights under the political (democratic) change and crisis in Indonesia, regional, and global levels (Benhabib et al., 2013; Shah, 2013). The situation of the group has, therefore, become a central topic in the study of a human rights culture, in general, and especially in relation to the protection of religious minorities during times of political reformation (Bagir, 2014; Pertiwi, 2014).

The position of the state in the post-Suharto era is central to the question of whether or not the Ahmadiyya can easily enjoy their basic rights. Moreover, with the current political decentralization in Indonesia (Carnegie, 2008), the position taken by local government is also increasingly important, both in relation to the violation of the rights of the Ahmadiyya at the

local level and the possibility of providing a significant framework of protection for the group. In relation to this issue, it is important to look at how the state (national and local) and civil society treat religious minorities, and how this influence the application of human rights principles in practice in Indonesia. In the context of democratic change, this question is also related to the various mechanisms available for prosecuting human rights violators and protecting human rights of vulnerable groups (minorities) (Aspinall, 2010).

Furthermore, the violation of the rights of the Ahmadiyya is one of the main concerns of human rights institutions (and non-governmental organizations [NGOs]) in Indonesia and worldwide. In fact, several national organizations (such as the Setara Institute, Wahid Institute, and Lembaga Bantuan Hukum Jakarta [Jakarta Legal Aid]) and international advocacy organizations (such as Human Rights Watch, Amnesty International, and Freedom House) have advocated strongly for the Ahmadiyya. Therefore, this study also considers the responses, roles and strategies used by NGOs and civil society in initiating, advocating for and supporting a protection framework for the Ahmadiyya and other religious minorities. It also looks at how NGOs and other civil-society elements contribute to the dynamic underlying the Ahmadiyya problem.

The study focuses on the post-authoritarian era that followed the end of the reign of President Suharto in 1998. More than a decade after Suharto—with the Second Decree of the Majelis Ulama Indonesia (MUI, the Indonesian Ulema Council)[7] in 2005, which asserts that the Ahmadiyya are not part of official Islam, and the 2008 Joint Ministerial Decree (issued by the Ministry of Religious Affairs, the Ministry of Home Affairs, and the Attorney General), which restricts the activities of the Ahmadiyya—controversy has arisen around the issue of how the human rights of the Ahmadiyya should be protected.[8] Based on the application of the decentralization policy, local governments have a broad obligation to implement the 2008 Joint Decree of the government. In this context, members of the Ahmadiyya community are facing many discriminatory regulations initiated and signed by local governments (Breidlid, 2013; Bottomley, 2014). In closing, it suffices to say that the Ahmadiyya provide one of the most challenging instances of human rights protection in contemporary Indonesia, making them worthy of selection for this case study.

1.3 Literature Review

This section draws attention to previous studies on the Ahmadiyya by some of the main scholars working in this field. This literature review is a crucial step in understanding the various perspectives and issues involved in the discourse on minority human rights, in general, and the Ahmadiyya, in particular. By reviewing what has been written already, this section justifies the attempt by this dissertation to contribute additional knowledge and new information to fill the gaps in this field of study.

An understanding of the history of the Ahmadiyya is important for determining the multidimensional trajectory of this group. The group's history (Beck, 2005) reveals important facts about the complexity of its relationship with the many mainstream Islamic groups in Indonesia. Ever since their arrival in Indonesia—with its Muslim majority and social diversity—the Ahmadiyya have had a long and peaceful relationship with other social-religious groups (including Islamic ones).

The Ahmadiyya have also played an important political role in the building of the Indonesian nation state. Despite this, the position of the Ahmadiyya in dealing with mainstream Islam in Indonesia has inevitably been based on an asymmetric relationship. This relationship is based on the fact that the Ahmadiyya are considered a 'deviant group' that has damaged the theological foundations of the Islamic mainstream.

Avonius (2008) argues that the problem of the Ahmadiyya has been influenced by the application of the blasphemy law, which has been in place for the last 50 years. In this context, the Ahmadiyya have not only faced tensions that are reasonable (considering the fact that they hold a different view of Islam than the mainstream), they have also experienced many problems that can be considered extreme at both social and political levels. It appears that the position of the Ahmadiyya as a religious minority directly affects the level of protection (and rights) they receive as Indonesian citizens.

Susanti (2008) introduces the political aspect of the Ahmadiyya case. She concludes that the position of the state (government) and its relationship with other Islamic groups is a core issue in the protection of the Ahmadiyya. In Indonesia, the position of the state is largely controlled by majority groups, which have prevented it from fulfilling its legal and political responsibility to protect the Ahmadiyya. Hence, the position of the state and its ability to play its key political roles are determined by the state's relationship with the many and diverse social forces in Indonesian society.

Budiwanti (2009) elaborates on the problem of the Ahmadiyya in relation to the discourse on pluralism in Indonesia. This discourse is associated with the presence of the decree (*fatwa*) declared in 2005 by MUI in which 'pluralism' is identified as an 'illicit way of thinking' (*haram*) for Indonesian Muslims. This rejection of pluralism restricts some Muslim elites from presenting their views on the case of the Ahmadiyya. Moreover, discrimination against the Ahmadiyya directly damages the pluralistic *feeling* of public life in Indonesia, which is recognized as a main aspect of Indonesian nation-state building. The failure of the state to protect the Ahmadiyya from discrimination undermines social and religious diversity in Indonesia and reflects its rejection of religious pluralism.

Platzdach (2011) identifies three main issues related to the position of the Ahmadiyya. First, the controversy surrounding the legal position of the Ahmadiyya is one of the most important issues, as it has ramifications for the very existence of this group. Second, the position of the Ahmadiyya is affected by how they are defined by mainstream Islam. Third, this definition of the Ahmadiyya by mainstream Islam seriously impacts on the group's freedom of expression and other rights.

Crouch (2011-b; 2012-b) has examined the position of the Ahmadiyya in the context of the important regulatory changes that have been made in Indonesia to strengthen local governments under decentralization. In the context of decentralization, the application of Sharia law has had serious implications for the Ahmadiyya (and other religious minorities). In some provinces and districts, the Ahmadiyya have faced direct threats and violence due to the lack of a regulatory process that takes their interests and existence into account. They are mostly living under the domination of mainstream groups, which have access to political representation in government and can ensure that their interests are reflected in the regulatory process at the local level.

Abel (2013) argues that the Ahmadiyya are the target of a 'framing process' that is being conducted by the Indonesian government. In this framing process, the Ahmadiyya are considered a 'deviant group' in comparison to mainstream Islam. In this process, it appears that the state is yielding to the pressure exerted by other Islamic groups. Labelling the Ahmadiyya as a deviant sect impacts on the presence of its members in the public sphere and restricts their ability to negotiate for state protection of their rights.

Burhani (2013, 2014-a, 2014-b) discusses the status of the Ahmadiyya in the context of their relationship with the rest of Indonesian Islam. Burhani notes that the position of the

Ahmadiyya was weakened when 'Muslim elites' with 'organizational authority' defined the group as a 'deviant group'.[9] The main cause of the increasing violence against the Ahmadiyya is this new label.

Menchik (2014) has recently conducted significant research into the position of the Ahmadiyya in dealing with what he calls the 'dialectical relationship' between religion and nationalism in Indonesia. Menchik concludes that the fate of the Indonesian Ahmadiyya can be explained through the concept of 'productive intolerance' as a part of the theory of 'godly nationalism'. By linking the issue of the Ahmadiyya with the discourse on nationalism, one can study the wider political landscape from many sides, especially from a political-science perspective.

From the literature, it can be concluded that there are three main perspectives on the status of the Ahmadiyya: first, a theological position that presents the status of the Ahmadiyya with reference to the majority of Islam; second, a legal perspective that defines the Ahmadiyya according to the legal discourse in Indonesia; and third, an historical perspective that is based on tension and conflict between the Ahmadiyya and various groups. While most studies focus on these three perspectives, there are several other possible perspectives on the issue. However, there are relatively few scholarly works on the position of the Ahmadiyya from a human rights perspective. In this study, the human rights perspective is chosen as the main analytical frame for understanding the case of the Ahmadiyya.

1.4 Research Gap
In general, relatively little academic research has been conducted on the position of minority groups such as the Ahmadiyya or on how to develop a framework of protection for them. Further study on this subject is needed to improve our scholarly understanding of the issues involved. Therefore, this study seeks to add to the existing research on the human rights of religious minorities in Indonesia (Sakai & Isbah, 2014; Sakai & Fauzia, 2014; Fealy, 2013).

The study has two parts: it explores and explains the increasing human rights violations against the Ahmadiyya in Indonesia and it examines the theory of human rights culture as an analytical framework for studying and understanding the issues involved in this case. These two parts are used to identify all of the crucial issues faced by religious minorities such as the Ahmadiyya related to human rights during the social and political

changes that Indonesia—as similarly with the experiences of other countries in transitional time—has gone through since the fall of President Suharto in 1998 (Stojanovic, et al., 2013).

Moreover, as referred to by some scholars, this study uses human rights as a dynamic perspective from which to map issues, taking a wide point of view and linking these issues to the political dimensions and the role of the state and other actors (Evans, 2005; Clapham, 2006). This study is also concerned with the political changes that have taken place in Indonesia since 1998, which have significantly influenced the development and implementation of a human rights framework (cf. Eldridge, 2002). This study also links with the problem of intersection between religion and politics in its all complexities (Fox, 2013) that directly affects the position of religious minorities. The relationship between the majority and minority in the context of the tension between the Ahmadiyya and other groups is considered one of main elements of the issue.

These points of views are employed in exploring and analyzing the violation of the rights of this religious minority. These points of view are also useful in analyzing the relationship between the changing position of religious minorities and wider social and political rights in society and the state (Mansfield & Snyder, 2007). In addition, an anthropological approach is taken to collect hidden experiences and data from many actors and informants (e.g., from the victims of human rights violations) (cf. Riles, 2006).

In building on previous studies and research, and contributing to the extensive discourse on human rights, this study considers post-colonial circumstance and the post-authoritarian setting in Indonesia when examining the current position of the Ahmadiyya and other minorities in Indonesia. This issue will be elaborated on in Chapter 6 on the challenges of human rights protection in Indonesia, but I will mention two main aspects here. First, in relation to the position of minority groups, one of the most influential theoretical innovations of post-colonial theory is Antonio Gramsci's concept of 'subaltern classes' (see more on this in Chapter 5, including how their subordination of the Ahmadiyya relates to their privileged position in state building):

> The subaltern classes refer fundamentally in Gramsci's words to any *"low rank"* person or group of people in a particular society suffering under hegemonic domination of a ruling elite class that denies them the basic rights of participation in the making of local history and culture as active individuals of the same nation. (Louai, 2012, p. 5)

Second, by considering the post-colonial (Spivak, & Harasym, 1990) and post-authoritarian setting, this study looks at how the Indonesian state—in the context of state

formation—has redefined international human rights and applied human rights principles in its constitution and its domestic system of law and regulations. In addition, consideration of the post-colonial and post-authoritarian setting facilitates an understanding of the problems faced by religious minorities during the ongoing decentralization taking place in Indonesia.

The post-colonial view is one of the scientific approaches that can be used to investigate the ongoing violence against a subaltern class such as the Ahmadiyya in the society. Spivak argues that, "*The clearest available example of such epistemic violence is the remotely orchestrated, far-flung, and heterogeneous project to constitute the colonial subject as 'other'*" (Spivak, 1994, p. 76). In light of the discussion of post-colonial and post-authoritarian state-formation, this study also critically explores and presents the situation of the Ahmadiyya in the context of Indonesia's decentralization (i.e., the shifting of power from the national to the local level). It also explores the insecurity faced by the Ahmadiyya, and other minorities—as a result of this political change.

Some studies have tried to blame decentralization for the violent treatment of religious minorities in the current the period of state formation in Indonesia. Accordingly, the role of political decentralization in creating and reinforcing the dominance of certain groups in Indonesian society is assessed throughout this study (cf. Duncan 2007; Kingsley, 2012). During this period, *Sharia law*[10] has been inserted as a foundation of state law, which is of great interest to many actors (Hefner, 2012).

1.5 Objectives

This study has two main objectives. *First*, it aims to make a scientific contribution to the body of knowledge produced by the wide range of previous studies on the Indonesian Ahmadiyya. It aims to understand the background and causes of human rights violations against the Ahmadiyya, including why the human rights of religious minorities have been threatened during the Indonesia's political transition. To support this goal, a human rights theory is applied as a framework for studying and understanding the violation of the rights of the Ahmadiyya. This study also presents a new framework (the concept of a human rights culture) for analyzing the politics of protection, based on the experiences of religious minorities that have faced intense violence.

The *second*, and more practical, goal of this study is to highlight the need to protect the human rights of religious minorities such as the Ahmadiyya by providing an alternative perspective and protection mechanism. In offering a solution(s) to the problem of the

Ahmadiyya, this study identifies and evaluates the legal and political steps taken by the Government of Indonesia, which have led (or contributed) to discrimination against the Ahmadiyya and other religious minorities.

1.6 Research Question

The main research question addressed by this study is:

> *To what extent does the concept of human rights culture help explain the violation of human rights of the Ahmadiyya as a minority group in contemporary Indonesia?*

The sub-questions are:

1. *How can the concept of a human rights culture be presented as an analytical framework for studying the violation of religious minorities' human rights?* (Chapter 2)

2. *a) To what extent has the Republic of Indonesia developed a foundation for domestic human rights?*

   b) To what extent have the political changes that have taken place since the fall of President Suharto in 1998 affected the protection of the human rights of religious minorities as one of the main aspects of a human rights culture? (Chapter 3)

3. *How can the Ahmadiyya, cognizant of the historical origins of this group and of its relationship with other groups in Indonesia and globally, be defined as a religious minority group in the human rights discourse?* (Chapter 4)

4. *To what extent does the situation of the Ahmadiyya reflect the status of human rights awareness and represent the problem of human rights protection in Indonesia?* Which is supported by three sub-questions:

   a) What are the triggers of violent attacks against the Ahmadiyya?

   b) What are the main forms of violation?

   c) To what extent do the attacks against the Indonesian Ahmadiyya constitute the violation of their substantive human rights? (Chapter 5)

5. *To what extent can the existing gaps, problems, and challenges relating to human rights in the domestic context in Indonesia be explained by the concept of a human rights culture?* Which is supported by the following sub-question: *What positions are taken by stakeholders—including state and non-state actors, community-based organizations, and national and international organizations—that influence human rights protection in Indonesia?* (Chapter 6)

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1.7 Conceptual Framework: The Theory of Human Rights

As an introduction to Chapter 2, which is on the concept of a human rights culture as a framework for this study, this section briefly discusses the theory of human rights. Human rights, as presented in the first section of this introductory chapter, provides the central perspective for this study. The 1948 Universal Declaration of Human Rights (UDHR) was a great boon to global efforts to raise human rights awareness among people, societies and states everywhere. Recent decades have witnessed an intensification of this global process and what can be termed new strategy of advocacy and the development of human rights (Nelson, & Dorsey, 2008; Steiner, Alston & Goodman, 2008).

Human rights have long been recognized as a fundamental basis for state policies, laws and regulations (Reif, 2000). However, many challenges—for example, the criticism of the universality principle—can be seen as an integral part of the strengthening of the human rights foundation (Bauer, & Bell, 1999; Renteln, 2013). Any contemporary discussion on human rights should seek to place some parts of the issue—including its problems and challenges—into a wider context. The protection of human rights is closely connected with the existence of a protection framework for certain individuals and groups considered at risk, such as religious minorities.

This section provides a short introduction to the human rights culture outlining its philosophical foundations and some of the concepts involved (drawing on Hannah Arendt and Amartya Sen), as well as elaborating on an interdisciplinary perspective in the human rights discourse.

1.7.1 Philosophical Foundations

This sub-section focuses on the philosophical foundations of human rights. The concept of human rights is based in Western philosophy and developed over time (Shestack, 1998; Donnelly, 2007). It has its origins in two positions: the communitarian position and the libertarian position. Both discourses are associated with the substantive question of whether human rights should be seen from a legal-positivist or natural law point of view (Etzioni, 2014; Mulderrig, 2015).

The communitarian position focuses on the communal aspects of human rights. By referring to the opinions expressed by Bell (1993) and Tuck (1994), Cowan, Dembour and Wilson explain the communitarian position:

> Communitarian approaches that have emerged within political philosophy attempt to address the limits of an alleged philosophical 'atomism' within liberalism, and to incorporate an acknowledgement of the community's role in relation to the subject at two quite different levels: ontological and normative [...] Communitarians insist that the community, as the social collectivity which makes possible the expression of that subject's selfhood, must also be taken into account in considerations of rights and justice (2001, p. 16).

The proponents of the communitarian perspective stress the social nature of human beings and, therefore, regard individualism as an inadequate basis for understanding basic needs, human desires and human capacities. This perspective takes into account the 'membership status' and 'involvement of every person' in society. In this view, the rights of minorities are regulated by the state based on their membership status. The state only recognizes the rights of people who have a certain identity that is acknowledged by the state (usually citizenship) (Howard, 1995; Ignatieff, 2003; Etzioni, 2014; O'Byrne, 2014).

In contrast to the communitarian position, the libertarian perspective focuses on freedoms and individual liberty, which they claim be recognized, acknowledged and protected by the state. Libertarian thinkers and theorists propose full freedom for every person, regardless of the categories made by political institutions such as nation states (governments) (Kinsella, 1996; Freeman & Phillips, 2002). As stated by Gledhill, *"The core idea of seventeenth-century liberalism, [...] was that full freedom could only be enjoyed by those who possessed full 'property of their persons' (were not servants or employees)"* (Gledhill, 2003, p. 210). Based on this principle, libertarian theorists criticize the communitarian position, which reduces human dignity to a matter of political membership status.

In relation to minority rights, from a libertarian perspective, the state is obliged to protect all minorities, not because of their membership of social and political groups, but because of their dignity as human beings. Libertarian theorists have accused communitarians of reducing dignity to a set of legally-recognized rights and, thereby, of providing a basis for the violation of human rights. The proponents of libertarianism argue that rights are an intrinsic aspect of the existence of every person (Block, 2015; Dow, 2015; Marwah, 2015).

The communitarian and libertarian perspectives have led to different paradigms in constructing the foundation of human rights. From a communitarian point of view, legal positivism is expressed in a state-centric paradigm that tends to highlight the government and its authorities as the main legal protectors of human rights. The positivistic approach

considers legal recognition to be the single precondition for obtaining rights. The role of the state is to define which minorities should be legally and politically recognized. In contrast, natural law is more human-centric and oriented towards human dignity. The natural-law paradigm identifies human dignity as the source of human rights, not the state (Finnis, 2011).

Despite their different perspectives, both positivism and natural law function as strong foundations for the rights of individuals and groups. On the one hand, positivism regards rights as the product of a state's recognition process (for example, under positivism the recognition of minority rights is based on a legal process), while on the other hand, natural law reinforces the idea that rights are intrinsic principles and that the state should respect all human beings, not only those who are recognized as citizens. Under natural law, the state has a duty to protect minorities not because of their membership in society, but because they are human beings.

1.7.2 Hannah Arendt and Amartya Sen

This section presents the views of Hannah Arendt and Amartya Sen on human rights. At first, it is necessary to state that Arendt does not agree that human rights should be dependent upon the state. She believes that human rights involve *"the right to have rights"* (See Ingram, 2008, p. 401). Arendt declares that, even if the state does not grant these rights, a person is still entitled to them. She disagrees with the view that the political foundation of human rights is based on a state's obligation to protect human rights. For her, this is not adequate. Her two major works, *The Human Condition* (1958) and *The Origin of Totalitarianism* (1973), provide valuable and challenging reflections on human rights.

Arendt—in *The Human Condition* (1958)—argues argues that the rights of human beings are closely connected with the complexities of the human condition and social circumstances. She writes:

> [...] of all the activities necessary and present in human communities, only two were deemed to be political and to constitute what Aristoteles called the bios politicos, namely actions (praxis) and speech (lexis), out of which rises the realm of human affairs from which everything merely necessary or useful is strictly excluded. (Arendt, 1958, p. 15)

To support this position, Arendt discusses the *"public and private realm"* (see Part II of The Human Condition, the Public and the Private Realm, in Arendt, 1958, pp. 22–73), in the context of 'the social' dimension of society:

> From the viewpoint of society, these were merely disturbing factors in the way of a full development of "social forces"; they no longer corresponded to reality and were therefore, in a

sense, much more "fictitious" than the scientific "fiction" of one interest. A complete victory of society will always produce some sort of "communistic fiction," whose outstanding political characteristic is that it is indeed ruled by an "invisible hand," namely, by nobody. (Ibid., pp. 44–45).

This view can be used to analyze the relationship between politics and freedom in human rights discourse and practice. To this discussion, Lawson states: *"people find the deepest expression of identity and dignity in their political relationship and membership, because it is an area in which human freedom finds its highest performance"* (2010, pp. 1-2). This corresponds with Arendt's view on political community, which is identified with her deeper concept of human rights. Arendt argues that the political community is a core element of the human rights discourse but that this cannot adequately or sufficiently provide a basis for human rights.

Along this line, Baxi (2007, p. 27) states that defining human rights invites careful attention to the forms of the normative and lived struggles and, to what Arendt calls, 'the right to have rights' (Birmingham, 2006). With this understanding, Arendt identifies the 'right to have rights' and the 'right to belong to a political community' as fundamental rights. These are linked to the relationship between people and the state, in which the protection of human rights is determined by membership status (i.e., citizenship). From this perspective, human rights are the 'property' of the state and membership a precondition for the right to have rights. Arendt strongly criticizes the intrinsic limitation in this perspective, stating that the right to have rights cannot be mandated to the state, but should be guaranteed on account of being human. She goes on to discuss people who lack citizenship status.

Arendt further criticizes the proposition that human rights are meaningless without the membership of individuals and minority groups in social spaces, political communities, and state policy. Mahmood cites Arendt's *The Decline of the Nation State* (1979, p. 297):

> The most tragic proof of this was the mass of stateless people, the 'modern pariahs' created in the aftermath of World War I, who could not even qualify as a national minority because they did not have a right to have rights. (Mahmood, 2016, p. 57)

Arendt points out the limitations of a human rights concept that only defines the state as obliged to protect human rights. In particular, she criticizes the argument that only people who belong to a state can have their rights effectively protected and that those who are stateless do not have such a protection and, thus, have no rights. According to her, if this argument were accepted, then human rights would turn into a paradoxical condition in which

the absence of state protection for stateless people means the absence of human rights. Rejection of this paradox is the main reason why she argues that individuals and minority groups that are not recognized as citizens by their government are also entitled to rights.

In *The Origin of Totalitarianism* (1973), Arendt asks what happens to those who do not have citizenship:

> Even the terminology applied to the stateless has deteriorated. The term "stateless" at least acknowledged the fact that these persons had lost the protection of their government and required international agreements for safeguarding their legal status. The postwar term "displaced persons" was invented during the war for the express purpose of liquidating statelessness always means repatriation, i.e. deportation to a country of origin, which either refuses to recognize the prospective repatriate as a citizen, or, on the contrary, urgently wants him back for punishment. (Arendt, 1973, p. 279)

Naturally, it follows that people who are socially and politically excluded from rights because of statelessness or otherwise still have the *right to have rights*, even if the legal framework for human rights does not grant them. It is a fundamental critique of the foundation of human rights as socially and politically constructed that they are in danger of failing those who are excluded from the system upon which the implementation of human rights depends.

Our understanding of human rights can be enriched by confronting Arendt's view on the 'paradox of human rights' with Sen's position on the concepts of freedom and the capability. Sen (2004-a, p. 319) proposes a general theory, according to which human rights are primarily defined as ethical demands. As ethical demands, human rights require a legal foundation and legal and other arrangements in order to recognize and protect every person. Sen explains as follows:

> The big moral appeal of human rights has been used for a variety of purposes, from resisting torture, arbitrary incarceration and racial discrimination to demanding an end to hunger and starvation, and to medical neglect across the globe. At the same time, the basic idea of human rights, which people are supposed to have simply because they are human, is seen by many critics as entirely without any kind of a reasoned foundation. (Sen, 2010, p. 355)

Sen sees freedom as a key concept in human rights, and argues that freedom and dignity are inseparable elements of people's existence (Ibid.).

In theory, although Sen gives greater priority to the ethical meaning of human rights, he also favors the implementation of human rights principles contained in international conventions and national commitments. However, human rights, as an ethical guide to the

protection of individuals, must exist in concrete experience. Sen reminds us of this when he states that:

> The issue of content is the subject of the ethical assertion that is being made through the declaration of a human right. To answer briefly (on the basis of what is theorized and what is practically invoked), the ethical assertion is about the critical importance of certain freedoms (like the freedom from torture, or the freedom to escape starvation) and correspondingly about the need to accept some social obligations to promote or safeguard these freedoms. […] The second question concerns the viability of the ethical claims that are involved in a declaration of human rights. Like other ethical claims that their proponents promote, there is an implicit presumption in making pronouncement on human rights that the underlying ethical claims will survive open and informed scrutiny. (Ibid., p. 358)

Furthermore, Sen argues that individual freedom exists in the form of 'individual capabilities', among the constituent elements of human freedom. The meaning of *capability freedoms* is focused on the set of valuable things that a person is able to do and be. This definition explicates the 'opportunity aspect' of freedom. The central idea of the 'capability of freedom' is then associated, in Sen's conceptual framework, with the classification of the capability rights and the 'obligations' that have as their object the protection and promotion of valuable ways of being and doing. In this way, the triangulated relationship between freedoms, rights and obligations, which characterizes many ethical and political theories, is consolidated in Sen's conceptual framework through the idea of capability (Sen, 2004-b).

Gledhill (2003) explores Sen's concept of 'entitlement', which is one of the central ideas of Sen in relation to defining the complexity involved in claiming human rights (Sen, 1981). This concept defines legal, political and social circumstances in which every person and social group can claim their basic rights. Gledhill defines entitlement as:

> […] the ability of persons to acquire access to food and other goods through the legal channels that are established in the society. These might include self-provisioning on the basis of direct control of the resource that is needed for livelihood and the exchange of money for goods in the market, but they also include claims on the state, acquired through the official recognition of public claims and rights. (Gledhill, 2003, p. 209).

Referring to Sen's concepts of capability and entitlement, Nussbaum expands an agentic, claim-making concept of human rights, stating that *"the common ground between the capabilities approach and human rights approaches lies in the idea that all people have some core entitlements just by virtue of their humanity"* (2011, p. 62).

1.7.3 Interdisciplinary Perspective

The human rights discourse has various elements: historical antecedents, self-critiques, problems with human rights in diverse contexts, the application of human rights standards, and various other aspects (Sen, 2004-a; Düwell, et al., 2014). The human rights discourse also cuts across many disciplines. Thus, it is important to explain human rights from an interdisciplinary perspective, which offers an opportunity to study and understand human rights from different angles, context, and background (Claude, & Weston, 2006).

There is no single core to the interdisciplinary perspective, which aims to combine and represent some important human rights issues, from different fields and perspectives, and consolidate them into a comprehensive approach. The most important goal of this perspective is to ensure that the investigation of human rights issues takes place across context and disciplinary boundaries to facilitate the development of holistic and creative solutions to entrenched problems (Staerklé, Clémence, & Doise, 1998; Ife, 2009). This approach is concerned with human rights not only as they relate to a single aspect of a human being's existence, but also as they are connected to relational patterns in the social and political arena (Freeman, 2011, pp. 1–14).

The interdisciplinary approach is useful for analyzing the intricacies involved in respecting human rights in society. It is particularly useful for preventing human rights violations caused by a lack of political support for minority groups. In this understanding, human rights violations are a product of ideological and political discourses and reflect tensions and conflict in society (Ife, 2007, pp. 160-163). In addition, the legal system provides for the recognition and protection of human rights. Even so, human rights are not synonymous with legal rights and, thus, are not automatically granted by the legal system (Dhall, 2010).

The interdisciplinary perspective can be approached from various points of view. First, it is possible to take a sociological view of this approach to highlight some of its key aspects, including the idea that rights reflect processes of tension, negotiation, and dialogue in society. The sociological view also illustrates the role of government policy in protecting human rights. This view focuses on the interest of political institutions in recognizing and protecting the rights of citizens (Hynes, Lamb, Short, & Waites, 2010). For example, the rights of minorities could be grounded in the negotiation process between the state apparatus and majority groups. Thus, as pointed out by Woodiwiss (2005), status, power relations, and the political process determines the human rights granted to various individuals and groups:

> The figure of the social contract obscures the fact of the entanglement of rights discourse with power relations since it leads one to see rights both as the spontaneous product of an unforced consensus and as equally beneficial for all rights bearers. (Ibid., p. 136)

Second, from an anthropological point of view, it has recently been proposed that we are now living in 'an age of rights' (Gündoğdu, 2015). This claim is accompanied by the idea of a global rights culture. Initiated by Rorty (1993), this increasing and strongly-articulated notion of a culture of rights can be found in recent effort and statements made by Mary Robinson, who served as the United Nations High Commissioner for Human Rights from 1997 to 2002 (see A Conversation with Mary Robinson in Bryan &White, 2010, pp. 68–72). From an anthropological perspective, the culture of rights is a peculiar culture in the sense that it is declared rather than lived and, thus, future-oriented rather than based in tradition and legal basis (Hastrup, 2001 & 2003)

To summarize, on the one hand, human rights reflect the level of political concern of the state in domestic and international community levels; however, on the other hand, they also represent social struggle, specifically in the case of resistance by civil society to authoritarian rule and the tyranny of the majority over the minority in society. Thus, in the context of international politics, besides reflecting the role of the state in protecting its citizens, human rights also represent civil society advocacy around the world (Turner, 1993; Keck & Sikkink, 1998, pp. 1–5; Hafner-Burton & Tsutsui, 2005; Donnelly, 2013, pp.112-115). Finally, the interdisciplinary perspective on human rights—which combines legal positivism and natural law positions—can provide a strong basis for protecting rights and is useful in facilitating the emergence of respect for human rights (O'Byrne, 2012-a, b).

1.8 Research Design

This study uses qualitative research methods to develop an in-depth understanding of the problems associated with human rights in relation to religious minority groups and the reasons for such problems. The use of qualitative methods can be justified, as a qualitative case study has the unique ability to shed light on important hidden issues related to religious minorities that are facing violence, the position of the state and political institutions and actors, the problem of citizenship, and the involvement of civil society in supporting protection for religious minorities (Yin, 1984; 2003).

There are several directions that scientific research can take: descriptive, exploratory, evaluative, predictive, and explanatory. The aforementioned research question and sub-questions are exploratory and descriptive. This study concentrates on the West Java province

of Indonesia, which has the largest number of reported incidences of human rights violations against the members of the Ahmadiyya in Indonesia. The study focuses on the period of political change that came after the fall of President Suharto in 1998.

Many challenges were faced while conducting this research. First, the research required the involvement of a 'gatekeeper' to simplify access to the field when conducting interviews and observations. The gatekeeper was a human rights activist who is trusted by the Ahmadiyya and who has contact with key informants and sources of data. Second, as an ethnographic study, I had to understand my role as a researcher in this study. The topic is highly sensitive because of the violence against the members of the Ahmadiyya and due to the religious minority-majority dynamics in Indonesia. This sensitivity affected the process used to gain access to key informants and to collect additional data.

1.8.1 Methods of Data Collection

Three sets of data were required for the study (cf. Heaton, 2004, p. 91). First, the study required data relating to the contemporary situation of the Ahmadiyya, especially concerning the violence experienced by members of this group. Second, the study required data on the position of the various actors and institutions (both social and state) in relation to the discrimination and violence against the Ahmadiyya. Third, the study required data relating to future expectations, especially with regard to the ability of NGOs and the international community to construct protection for the Ahmadiyya.

Moreover, several data-collection methods were used, including interviews, observation, the more conventional academic study of documents, journals and books, and a reflective journal. Research was conducted in both the Netherlands and Indonesia. Each method was used to combine and complement the findings of the fieldwork and to relate these to the existing literature and to the questions that the research seeks to address. The remainder of this sub-section outlines the different methods used for data collection.

Interviews

The purpose of the sampling process was to reach informants who could reflect (on their own and on others' behalf) on issues related to discrimination and violence against the Ahmadiyya, the response by the state or government on the national and local levels, and the position of civil society in relation to the attacks and restrictions experienced by the Ahmadiyya. Interviews were conducted with members of the Ahmadiyya, activists, intellectuals, human rights defenders, state-actors. A total of 26 informants were interviewed

in four phases (see Annex 1 for a list of informants). These informants can be categorized into three main groups: members of the Ahmadiyya (10 informants were selected from this group), Muslim activists and intellectuals who work in several religious (Islam) organizations and institutions (6 informants were chosen from this group), and informants who are representatives of NGOs, human rights defenders, activists, and intellectuals/academics (10 informants were selected from this group). To support these key informants, I received significant support from one of the former members of the National Human Rights Commission of Indonesia (2007–2012), who was a leader of the investigation into the Cikeusik murder of February 6, 2011. I also received support from resource persons associated with leading newspapers, such as *The Jakarta Post* and *Kompas Daily Newspaper*.

I chose to conduct primarily unstructured interviews and semi-structured interviews using open questions. I recorded 3 interviews with the Ahmadiyya members in 2014; but most were documented and supported by making notes. Interview with 4 informants from human rights and NGOs activists were conducted in 2012 to inform and discuss the research plan. Interview with 5 informants from human rights NGOs activists and one public intellectual were conducted in 2013 as part of the pre-fieldwork and as an additional source of information for the research design. Interview with 15 informants that mostly from the Ahmadiyy members conducted in 2014 constituted the final fieldwork for this research. As additional interview, in December 2016, I did in Mataram, West Nusa Tenggara Province with 1 member of Ahmadiyya who are living in trasit place and 1 activist.

During the fieldwork, I conducted interviews with the members of the Ahmadiyya. These interviews were conducted between June and September 2014 during an observation in locations in which the Ahmadiyya communities reside, including Kuningan (West Java), Bogor and Jakarta. The interviews were carried out to obtain information on the experiences of the Ahmadiyya related to the many forms of violence and discrimination they have faced in Indonesia. They were also designed to gain information about the responses of the Ahmadiyya to this violence and on the involvement of various actors in this situation. The interviews focus on the history of the Ahmadiyya as a minority group and their experiencies, including the violence experienced against its members (i.e., they mainly refer to Chapters 4 and 5).

Subsequently, Muslim intellectuals and activists who have significant insight into the status and position of the Ahmadiyya in relation to mainstream Islam were interviewed. These interviews were conducted in Jakarta in August of 2014. These informants were

mainly members of organizations and institutions. These interviews were conducted to answer the research question on the status of the Ahmadiyya according to mainstream Islam and the response of mainstream Islam to the increasing violence against this group (see mainly Chapters 4 and 5).

Finally, I interviewed representatives of national and international NGOs, human rights defenders, activists working to promote interfaith dialogue, and activists from international NGOs—some of whom belong to non-religious organizations in Jakarta. These interviews were conducted in June-July 2012, July 2013 and August 2014. The objective of these interviews was to obtain information about the processes undertaken by both state and non-state actors to deal with the current situation of the Ahmadiyya (see Chapters 5 and 6).

Participant observation

I took the position of 'participant observer', which afforded me opportunities to obtain information from members of the Ahmadiyya. Through direct interaction with members of the Ahmadiyya, I was able to better understand the situation of this group. I was also able to obtain special data regarding, for example, unreported events and gain access to places that belong to the Ahmadiyya (cf. McLeod, 2009).

During the observation stage, I had direct contact with members of the Ahmadiyya and other actors involved in the Ahmadiyya issue. As a participant, I visited four main Ahmadiyya communities. First, I visited the Ahmadiyya in Kuningan, Cirebon, West Java. Kuningan is home to one of the largest Ahmadiyya communities. In Kuningan, the Ahmadiyya live in one 'excluded' village, which was attacked in 2007. This is a special village for the Ahmadiyya, most of whom live in mainstream Muslim-majority communities. I visited this location in August 2014. At that time, I attended a marriage ceremony of some members of the Ahmadiyya. I also took a picture of the mosque that was burned by a mob in 2002.

The second important location I visited is the University of Ahmadiyya in Bogor. This institute is a central place of mission preparation and education for Ahmadiyya preachers and teachers. This location, both the university and the mosque, was attacked by radical groups in 2005. In July of 2014, one of my key informants, a lecturer at this university, helped me to reach this location and allowed me to conduct an interview with two victims of the Cikeusik tragedy who were hiding there.

In September 2014, I visited a third Ahmadiyya community and one of the Ahmadiyya's mosques in Central Jakarta. During this visit, I met with a spokesman for the Ahmadiyya youth. Some data from this observation is presented in Chapters 4 and 5 of this dissertation, including some pictures. Finally, as an additional observation, in December 2016, I made a short visit to the Ahmadiyya community living in 'transito place' at Mataram on Lombok Island.

Through participatory observation, I was mainly able to obtain information about the Ahmadiyya that is not known to many people. I also had direct interactions with members of the Ahmadiyya— and participate in interactions specifically regarding their daily lives. These observation visits helped me to understand the feelings and experiences of the Ahmadiyya in challenging the violent situations that they have faced, building connections with various actors, and maintaining internal cohesion.

All of this primary knowledge complements the information I received from the informants. During my observation visits, I made notes on the events associated with the Ahmadiyya and I took photographs. These notes pertain to the phenomena and events experienced by the Ahmadiyya as well as their feelings and knowledge, as a group and as individuals. These observations have been useful in answering the main research question on the issue of violence against the Ahmadiyya and their situation in relation to other Muslim majority groups in Indonesia.

Document Study

A document study supported this research by supplementing the data gathered in the interviews and observations. By studying relevant documents, I sought to find additional information on the positions and actions taken by radical groups that had initiated violence against the Ahmadiyya, on the position and response of the state/government (both national and local) in dealing with violence and discrimination against the Ahmadiyya, and on the involvement of civil society and NGOs in relation to the attacks and restrictions experienced by the Ahmadiyya. Documents were studied to answer the research question regarding human rights protection with respect to the Ahmadiyya as well as to other religious minorities in contemporary Indonesia. In chapters 3, 5, and 6 of this dissertation document study is presented.

The documents studied can be grouped into three categories (see Annex 2 on the sources of observation and document study). First, established and well-known newspapers

and weekly magazines in Indonesia, such as *Kompas*, *Tempo*, *Jakarta Post*, and several online media, international reports and news sources, were selected. The selection of these media sources was based on the intensity of their publication on the Ahmadiyya issue and their distribution: all of these sources routinely publish stories on various issues related to the Ahmadiyya and are distributed throughout Indonesia. Specifically, the *Jakarta Post* is an English daily newspaper that reports intensively on the Ahmadiyya. This newspaper can be accessed worldwide and is the main source of information on these issues for the international community. The *Jakarta Post* also has a special collection of reports and news about the problems of the Ahmadiyya. The Jakarta Post offered an access to their research and development department for reports related to the Ahmadiyya in Indonesia.

The second category of documents includes those from the National Human Rights Commission of Indonesia (Komisi Nasional Hak Asasi Manusia, Komnas HAM), which is the official government institution responsible for human rights in Indonesia. In this context, it deals with the states' efforts to uphold human rights of the Ahmadiyya as a minority group. The Commission is based in Jakarta. From the National Human Rights Commission, I received the unpublished final report of their special investigation of the Cikeusik murder of the Ahmadiyya on February 6, 2011. I have also had access to a number of special reports on violence against the Ahmadiyya produced and published by international institutions, such as the United Nations Commission on Human Rights and other agencies of the United Nations, as well as various regional institutions. Documents produced by Komnas HAM and Komnas Perempuan (National Commission on Violence against Women) were selected as primary sources for this study.

The third category of document consists of non-governmental reports by NGOs that have investigated the Ahmadiyya and religious civil-society organizations, such as the Wahid Institute (established to spread the teachings of Abdurahhman Wahid, the 4th president of Indonesia from 1999–2002, on tolerance), the Maarif Institute (established to support peace within contemporary Islam and among the wider Indonesian public, based on the inclusive Islamic leadership of Syafii Maarif), the Setara Institute (an advocacy group that supports religious minorities and other human rights movements in Indonesia), Jaringan Islam Liberal (JIL, a Network of Liberal Islam in Indonesia), the Moderate Muslim Society (MMS), the Lembaga Bantuan Hukum (LBH, Legal Aid Foundation), and Setara Institute. The works of these institutions were selected as sources for the document study because they consider the problems faced by religious minorities in Indonesia. The study also draws on some special

reports and documents on the Ahmadiyya published by international human rights organizations, such as International Crisis Group, Amnesty International and Human Rights Watch.

Reflective Journal

A reflective journal and field notes were also used as another form of data collection. The reflective journal and field notes describe my experiences while conducting the research. One of the more touching moments in the field research was my meeting with a key informant (one of the victims of the Cikeusik tragedy) who was hiding in one of the human rights organizations in Jakarta. I met this informant in 2014. I made notes of my observations during the meeting, which strengthened my interest in researching this area. From these notes, I was also able to understand the difficult situation facing the members of the Ahmadiyya in Indonesia on a deeper level.

1.8.2 Analysis and Interpretation

This subsection briefly explains how I analyzed and interpreted the primary and secondary data collected for this study. During the interpretation and analysis phase, I endeavored to explore every possibility, find patterns and make new connections between the data. The analysis of the data constitutes my effort to accurately summarize and understand the data and provides a narration and description of my research. To complete this stage, I had to determine which sources of data to use, e.g., field notes, my observations and interviews, questionnaires, maps, pictures, and some sound recordings I made in the field. I also looked at the secondary data from documents, reports and news.

I used 'conventional methods' of analyzing, interpreting and writing. First, I considered the general description provided by the data and made a list of the main data. Then I looked back at the literature review, research questions and conceptual framework for my study. I then made a code. Codification is a process that uses categorization or text reference units (such as words, sentences, paragraphs and quotes) to reveal patterns, meanings and relationships between the themes and information in a study.

Second, I took the research question (and sub-questions) for this study into account. According to Stringer (2014), working through a series of questions can enable qualitative researchers to broaden their understanding of the problems and circumstances being investigated. I looked at data that I had collected with reference to the research question and sub-questions.

Third, I referred to and paid attention to personal stories of individuals as informants with their cooperation to the problem and also in broader circumstances such as social and political spaces. In specific to the members of Ahmadiyya, I also considered and focused on the interests, motivations, problems and issues that they face.

Fourth, I mapped the themes and concepts presented in this dissertation to follow the organizing of information and the relationships and interconnections between the information based on the data collected, research questions and conceptual framework.

Fifth, I shared my findings. To do this, I summarized the information collected in a format that could be easily shared with colleagues and interested audiences. At this stage, I tried to link this information with as many other studies on this issue as possible. I tried to bring out those parts of the puzzle that are still missing and identified the questions that are still unanswered at the end of this dissertation.

1.9 Structure of Dissertation

This dissertation is divided into seven chapters.

Chapter 1 introduces the background to the topic being studied and presents the justification for the case study, the literature review, the research question (and sub-questions), the conceptual framework and the methods used.

Chapter 2 elucidates the human rights culture as a framework for studying the violation of the rights of the Ahmadiyya and other minorities.

Chapter 3 presents a comprehensive review of the human rights situation in Indonesia, including the legal foundation, types of human rights problems experienced and the situation of religious minorities. This chapter outlines the significant social and political changes that have affected the situation of religious minorities, such as the Ahmadiyya.

Chapter 4 describes the historical evolution of the Ahmadiyya, including their origins, the development of the Ahmadiyya as a minority group, and the history of the Ahmadiyya globally and in Indonesia.

Chapter 5 explores the human rights violations against the Ahmadiyya in Indonesia, including persecution, discrimination and violence. It describes the many forms of violence against religious minorities, the triggers for human rights violations (including the various decrees against them) and the actors involved, both state and non-state. It also examines the violation of the substantive rights of the Ahmadiyya.

Chapter 6 explains the challenge on of human rights protection in Indonesia. One of the main issues dealt with in this chapter is the shifting of power and responsibility from the national to the local level as part of Indonesia's decentralization and how this affects the protection afforded to minority groups, including religious groups.

Finally, Chapter 7 presents the conclusions of this dissertation in relation to the main research question. This chapter reflects on the findings of the study and makes recommendations for future research. It also suggests some steps that can be taken to strengthen human rights in Indonesia and specifically to improve the human rights situation of the Ahmadiyya.

Endnotes

[1] Based on official religious status, the Indonesian population can be divided into followers of Islam: 207,176,162 (87.18%), Protestantism: 16,528,513 (6.96%), Catholicism: 6,907,873 (2.91%), Hinduism: 4,012,116 (1.69%), Buddhism: 1,703,254 (0.72%), Hu Khong Chu 117,091 (0.05%), not stated 139,582 (0.06%), not asked 757,118 (0.32%), total 237,641,326. See Badan Pusat Statistik. (n.d.). Population by Region and Religion. Retrieved May 17, 2015, from http://sp2010.bps.go.id/index.php/site/tabel?tid=321&wid=0/

[2] Indonesia is located in Southeast Asia and gained its independence from the Dutch on August 17, 1945. Retrieved September 25, 2014 from https://en.wikipedia.org/wiki/Indonesia.

[3] This decree, the Joint Ministerial Decree, will be described further in Chapter 5 on the violation of the rights of the Ahmadiyya.

[4] Indonesia has been undergoing a transition to democracy since 1998 when President Suharto's autocratic rule came to an end.

[5] For example, violence occurred at the Al-Furqan mosque belonging to the Ahmadiyya in Parakansalak, Sukabumi, West Java, on Monday, April 28, 2012. At that time, mobs burnt the Masjid Al-Furqan, damaged three school buildings and attacked members of the Ahmadiyya. Retrieved May 23, 2013, from http://en.tempo.co/read/news/2012/01/06/055375719/Sukabumi-Ahmadiyya Alert-on/

[6] The Indonesian Government recognizes six official religions: Islam, Protestantism, Catholicism, Hinduism, Buddhism, and Hu Kong Chu. The Indonesian state requires citizens to declare their religious affiliation on the National Identity Card (Kartu Tanda Penduduk).

[7] MUI, or Indonesian Council of Muslim Scholars, is the representative body of Indonesian Islam recognized by the government. The information about MUI is retrieved from https://en.wikipedia.org/wiki/Indonesian_Ulema_Council

[8] This will be explored more comprehensively in Chapter 5, which focuses on the violation of the rights of the Ahmadiyya.

[9] The Ahmadiyya were first labelled a deviant group by Nazir Hussain, who issued a decree (*fatwa*) in 1890 against the members of the Ahmadiyya describing them as a 'heretical sect' and declaring to be non-Islamic. In 1980, MUI also issued a fatwa declaring that the Ahmadiyya are non-Islamic.

[10] Sharia (also spelt Shariah or Shari'a) law is the law of Islam. Sharia law is derived from the actions and words of Muhammad, which are called '*Sunnah*', and from the Quran. Sharia law itself cannot be altered, but the interpretation of Sharia law, called '*fiqh*', by imams is given some legal consideration. As a legal system, Sharia law covers a wide range of topics. While other legal codes deal primarily with public behavior, Sharia law covers public behavior, private behavior and private beliefs. Of all the legal systems in the world today, Islam's Sharia law is the most intrusive and strict, especially regarding women. Retrieved October 30, 2015, from http://www.billionbibles.org/sharia/sharia-law.html/.

Chapter 2. Human rights Culture as a Framework for Studying the Violation of the Rights of Religious Minorities

> Human rights are claims about what ought to happen in the real world.
>
> (Woods, 2014, p. 1)

2.1 Overview of Chapter

This chapter provides the analytical framework for this study by answering the following research sub-question: *How can the concept of a human rights culture be presented as an analytical framework for studying the violation of religious minorities' human rights?* Even though human rights are closely connected to many important ideas—such as moral standards, political duties, historical antecedents—this chapter focuses on the concept of a *human rights culture* with a view to its applicability as a framework for studying the human rights situation of minority groups such as the Ahmadiyya.

This chapter is organized into six sections. Sections 1 and 2 provide a brief overview and introduction. Section 3 explains the concept of a human rights culture and the development of this culture in practice. Several main thinkers on the concept are briefly presented and discussed. This section will help the reader to understand the content of Section 4, which considers the concept of a human rights culture as a framework for studying human rights, in general, and the problems faced by minority groups, such as the Ahmadiyya, in having their rights respected, in particular. Section 5 specifically links the concept of a human rights culture with the issue of minority protection. Finally, Section 6 closes the chapter with some brief concluding remarks.

2.2 Introduction

Some scholars present the challenge in understanding human rights. Human rights is not a fixed concept, but a subject that has always been debated in different contexts and with different perspectives and problems. The concept of human rights encompasses elements such as universalism, particularism, and practical pathways (Greer, 2006; Gregg, 2011). Human rights principles have evolved over time and in various contexts to meet the challenges arising in the world. One of the main challenges in ensuring that people's human rights are protected is the gap between the obligation of a state to promote and protect the

human rights of (minority) citizens and the limited ability of some states to do so (Carment, Prest & Samy, 2009).

The purpose of this chapter is to move towards an analytical discussion of human rights. In this analytical discussion, the concept of a human rights culture is considered a central concept that provides a comprehensive, dynamic, and open perspective from which to understand the problem of human rights. It is argued in this chapter that the concept of a human rights culture provides a helpful conceptual framework for achieving a comprehensive understanding of a wide range of problems connected to human rights concepts and practices.

The development of human rights requires continuous and strong efforts to make sure that human rights are protected. For example, every person has the right to practice his or her own religion. This right, however, requires a guarantee from political institutions and social elements alike, which must support human rights as part of daily life. In fact, a human rights culture can only be understood in this context—as part of daily life. At this level, human rights culture is a helpful concept for studying human rights as moral imperatives, both politically and within social struggles. Hence, this chapter presents the concept of a human rights culture as a conceptual framework for studying and understanding human rights and the problems faced by religious minorities in having their rights respected.

2.3 Conceptual Foundation

2.3.1 The Concept of a Human Rights Culture

This section briefly explains the conceptual foundation of a human rights culture, using Richard Rorty's theory on the concept. In his articles *Human Rights, Rationality and Sentimentality* (1993), Rorty discusses the concept of a human rights culture, referring to the ideas of Argentinian philosopher and jurist Eduardo Rabossi *Human Rights Naturalized* (1990). Rorty elaborates on this idea in relation to an international report on the ethnic cleansing of Serbian Muslims in the 1990s. Through his innovative theory of human rights, Rorty tries to understand exclusion in its wide range of forms; he understands exclusion as a lack of sympathy and sentimentality, more than as a lack of emotion. In the political theory on the practice of human rights, this is similarly understood as a lack of authority (Hakimi, 2009). Rorty criticizes liberal human rights positions on human rights on account of their limited ability to understand the fact of exclusion. Based on this conclusion, Rorty begins to expand the core concept of a human rights culture (according to Staples, 2011).

Linking the human rights debate to his concept of a human rights culture, Rorty reminds us that human rights need to be practical and not merely abstract moral norms:

> […] we see our task as a matter of making our own culture—the human rights culture—more self-conscious and more powerful, rather than of demonstrating its superiority to other cultures by an appeal to something transcultural. (Rorty 1998, p. 171)

Rorty begins his discussion of a human rights culture by declaring human ontology and foundationalism to be outmoded and overtaken by our awareness of our *"extraordinary malleability"* (Rorty, 1993, pp. 115–116). From this conceptual position, Rorty defines 'sentimentality' as an active energy in the value judgment, preferring to concentrate on the main question of what we can make of ourselves and the world, rather than asking what we are.

To support this concept, Rorty criticizes the Western concept of morality, which is influenced by the Enlightenment period.[1] Rorty also criticizes the traditional origins of human rights. He then evaluates the concept of 'good', as provided by Western culture during the Enlightenment period, which he believes fails to include people and societies outside the Western context. Westerners, according to Rorty, regard only their own group members as 'good' human beings; outsiders include all 'bad' communities and cultures. Western humanists and theorists of human rights aim to make their own values and ideas more prominent, powerful, and widely-adopted—in line with the achievement of an enlightened Western utopia. Rorty also strongly argues that western morality, based on the idea of superiority over other cultures, fails as a basis for the transcultural movement of human rights (Ibid., p. 118).

Furthermore, defending his position on human rights culture, Rorty emphasizes that human rights are not only moral standards, but fundamental principles based on historical facts and social-political changes. He insists that philosophers and academics in the field of human rights need to move beyond what he calls a 'primitive parochialism'. He notes that crimes against humanity have been justified by the philosophical assumption that some groups are more human than others: *"in short, my doubts about the effectiveness of appeals to moral knowledge are doubts about causal efficacy, and not about epistemic status"* (1998, p. 172).

Rorty successfully fills gaps in human rights concepts, debates, and standpoints through his position on the human rights culture. By claiming the importance of the practical argument and approach to the human rights issue, Rorty is strongly interested in elaborating a

philosophical argument about 'pragmatism'. He defines pragmatism as the best way forward and supports 'sentimentality' as the only strategy in moral matters. Josephides supports and affirms Rorty's human rights culture concept, stating that:

> [...] He [Rorty] advocates instead the pragmatic view of efficiency: the task of the western humanist is to make their own culture more self-conscious, more powerful, and more widely adopted, in order to achieve the promise of an enlightened utopia. Though Rorty claims that he is pursuing a practical argument, simply 'taking care of the future', he is in reality presenting a philosophical argument about pragmatism as the best way forward and sentimentality as the only strategy in moral matters. (Josephides, 2003: pp. 231–232)

In this paradigm exists the concept of a human rights culture, in which rights are claimed, known, recognized, enjoyed and protected in every aspect of daily life. With this, Rorty presents a *pragmatic approach* to human rights.

Conceptual proponents of a human rights culture have defended and expanded their perspective by placing it in a wider discussion. The discussion of the concept of a human rights culture was elaborated by Galant and Parlevliet (2005; see also Ball & Gready, 2009). According to them, the concept of a human rights culture encompasses four important aspects: rights as rules (including legal rules, codes of conduct, and customary rights); rights as structures and institutions (including courts, human rights commissions, and government policy); rights as relationships (including vertical and horizontal relationships between individuals and also between social groups and states); and rights as processes (including those struggles to develop and achieve human rights values such as equality, justice, non-discrimination, and participation) (Ball & Gready, 2009, pp.108–128).

In its goal to re-structure and re-define human rights not only in ethical terms, but also in legal and technical terms, the concept of a human rights culture requires the involvement of individuals and institutions in upholding the concept, as stated by Cowan, Dembour and Wilson:

> With respect to practices, the pursuit of human rights requires people to become involved in specific political and legal processes. It often entails moving between the local site of a particular 'human rights violation', national courts, and supra-national or international fora such as the European Court of Human Rights or the UN Human Rights Commission. (2001, p. 12)

The concept of a human rights culture has significantly influenced the study of human rights, as well as worldwide rights movements, over the last two decades. The notion of a 'human rights culture' moves beyond a simply conceptual foundation: the concept is also an

important framework for measuring the challenges and achievements in the area of human rights. Many researchers, scientists, academics, human rights defenders, activists, and governments have extended the concept. One example that is pertinent to mentioned here is the human rights struggle in post-apartheid Africa. Sarkin considers the status of a human rights culture in the country as follows:

> A human rights culture could not develop in apartheid South Africa. The system bred intolerance, a culture of violence, and lack of respect for life and, indeed, rights in general. To determine whether a human rights culture is being developed in South Africa it is important to assess the impact of the various institutions and structures that play a role in the promotion and fostering of human rights. (1998, pp. 1–2)

In closing—and referring back to previous discussions—there is a need to reassert that a human rights culture can be linked to philosophical (moral) reflections, as part of a political movement in many institutions, and it is also a substantive element of everyday experiences. The concept of a human rights culture covers the involvement of political institutions, social groups (mainly minorities), and every individual person in building human rights awareness. The concept of a human rights culture presents a prospective foundation for constructing a strong framework of protection for all human beings.

2.3.2 The Development a Human rights Culture in Practice

This section takes a theoretical stance in looking at the development of a human rights culture in practice. The existence of a human rights culture requires more than just legislation protecting human rights. It refers to the attitude of the state and the society towards human rights—or the commitment towards human rights. Thus, it necessitates detailed domestic incorporation of human rights and strong protections in the laws, regulations and policies of the state, as well as in practice (Risse & Sikkink, 1999).

A human rights culture relates to how people share their values while also respecting others' values. In a human rights culture, people live within a shared, supportive values framework. Hence, a human rights culture creates space for competition between groups or individuals, but it does not allow a few strong people (or groups) based on many forms of social boundaries to monopolize resources in daily life or threaten the existence of other groups (cf. Lamont & Molnár, 2002).

Many scholars and scientists have contributed to the development of the concept of a human rights culture; among them, anthropologists, such as Preis (1996, p. 287). Preis links

anthropology and human rights. He proposes an anthropological criticism in understanding and expanding human rights discourse and practices.

> […] recent anthropological reflections on the notion of culture might contribute not only to pushing the universality-relativity debate out of its present stalemate, but also to assisting in the formulation of a more promising framework for comprehending the real and symbolic dimensions of the current flows of human rights values in what we used to call "foreign cultures." In several, formerly "remote" areas of the world, different human rights discourses have now become a vehicle for the articulation of a wide variety of concerns of different people at different levels of society. Human rights increasingly form part of a wider network of perspectives which are shared and exchanged between the North and South, centers and peripheries, in multiple, creative, and sometimes conflict-ridden ways. Human rights have become "universalized" as values subject to interpretation, negotiation, and accommodation. They have become "culture". (Ibid., pp. 289–290)

Preis describes 'five elements' of this anthropological approach. First, he recognizes 'collective rights' as an integral part of international human rights. Collective rights (which are rights practiced by people in groups or communities, e.g., freedom of association and freedom of religion) define the inter-relationship between society and the state, and between individuals and groups. Second, in line with many other anthropologists, Preis takes an 'action-oriented' approach to expanding and improving the understanding of the negotiation of rights for what he calls 'smaller-scale societies' (minorities). Third, the anthropological approach, as also mentioned by Rorty (1993), displays 'sensitivity' in doing fieldwork and is not concerned with the critical evaluation of the political legitimacy of state and governmental actions. Fourth, anthropologists have different targets than those of the United Nations. Anthropologists are concerned with cultural and indigenous rights, whereas the UN Commission on Human Rights focuses on legal concerns. Fifth, anthropologists criticize the gaps in, and limitations of, human rights documents and procedures, which lack the ability to acquire movement and adjustment from below (social acculturation) or to understand human rights notions, or indeed the actors, sources, and triggers of violations.

Another scholar, Nash (2005) explores the main meaning of a human rights culture in a connection with the incorporation of human rights principles and foundations into systems of law, policy, and government regulations for guaranteeing human dignity. The concept of a human rights culture is closely related to the emergence of a new discourse on human rights dealing with current issues—for example, in building representation for lesbian, gay,

bisexual, transgender, and other minority groups. In Nash's opinion, a human rights culture is an open framework and approach that can help us to explore many kinds of issues.

The concept of a human rights culture focuses on the relationship between individuals and groups in society, rather than purely on the assertion of an individual's liberty, and is concerned with political compromise rather than a literal implementation of universal human rights. Human rights culture provides what Nash calls 'a third way' between its opponents, on the one hand, and the advocates of incorporation, on the other. This suggests the possibility of reconciling liberalism and communitarianism—rights as law, ultimately determined by the judiciary, and rights as institutionalized democratic demands achieved through parliamentary sovereignty. In this regard, the concept of a human rights culture can be used as a conceptual bridge to connect the different perspectives, theories, and approaches to human rights protection.

Nash's position is important in that it applies the concept of a human rights culture to the study of solidarity, social diversity, and the fundamental right to be different, while also empowering solidarity within groups through the strengthening of respect for individuals and groups. The concept of a human rights culture is also used as a framework for measuring the level of incorporation of human rights principles into government regulations, policies, and laws. The success of the incorporation process should be measured in accordance with inclusivity in society. As Nash points out:

> The aim of establishing a human rights culture is, therefore, not solely directed at the political and judicial establishment [...] What is intended by advocates of human rights culture is rather a 'popular political culture', which draws citizens and elites together in terms of shared values. A human rights culture is one in which values of both solidarity and diversity are shared, in which individual freedom, and therefore minority rights, are respected, but in which democratic decisions arrived at by majority voting and taken with such considerations in mind are accepted as binding and legitimate. A human rights culture should bring elites and people together in a celebration of common values such that it is rarely necessary to subject democratic decisions to damaging judicial review, nor for citizens to take public authorities to court, because the basics of human rights are what guide public policy-making and legislation. (Nash, 2005, pp. 6–7)

Nash introduces the concept of a human rights culture as a tool for looking at political authority and the making of public policy, which he says should be linked to public awareness of human rights. Given this meaning, the existence of a human rights culture has always been central in connecting institutionalized rights with the necessary awareness of

human rights and supportive attitude among government and social actors. How well minorities are represented and their rights protected can be taken as an indication of the existence of a human rights culture.

Nash explores the development of a human rights culture through several main aspects of his conceptual position. First, he emphasizes that a human rights culture takes into an account the universality of human rights. In this meaning, human rights *exist* whether or not they are incorporated into legal systems and other government policies. A human rights culture makes space for understanding the universality of human rights, by reminding researchers and activists working in the field of human rights to guarantee representation of such principles in political agendas and social interactions as a whole process.

Second, a human rights culture also looks at the responsibility to present and practice human rights principles in political and social fields. For this, a human rights culture requires connections between fundamental human rights principles and the responsibility to implement those principles. This responsibility is related to the presence of institutions, actors, and strategies for ensuring human rights awareness as a long-term target, as well as strong partnerships between institutions, actors, and individuals. Such partnerships are also linked to private and domestic relationships between individuals and groups. This is the 'horizontal' model of human rights as the 'lived values' of people in society. Human rights culture reminds us of the importance of constructing and strengthening rights based on responsibilities.

Third, a human rights culture requires legal rights as one of the central pillars in upholding human rights. There are three main aspects of legal rights. First, legal rights define what are accepted as human rights based on the legitimacy of law. Second, legal rights also relate to established institutions—particularly state institutions. Third, legal rights include a set of values. These three aspects specify and determine legal rights.

A human rights culture recognizes 'dialogic rights', which contrast with 'principled rights' and with rights that are represented and implemented as moderate and reasonable principles in terms of their philosophical foundation. These kinds of rights are built through a variety of dynamics in political and social arenas, which involve discussions, debates, criticisms, and compromise between institutions, communities, and actors. Nash represents dialogic rights as significant for strengthening human rights from the perspective of lesbian, gay, bisexual and transgender (LGBT) activists, who deal with mainstream

institutions to initiate a concrete transformation in the law and to engender public respect for minorities. As he mentions, dialogic rights *"are, as a result, much more sensitive to, and oriented towards, achieving human rights for minorities through the democratic agreement of the majority"* (Nash, 2005, p. 23). This forms a unique starting point from which to gain a good understanding of human rights. Dialogic rights are a crucial element in making a human rights culture stronger and in providing a standpoint for negotiating, recognizing, respecting basic rights and humanity between people and social groups (cf. Schaffer & Smith, 2004, in Introduction Chapter, pp. 2–4).).

Fifth, the concept of a human rights culture encompasses the social struggle by minority people and minority groups for recognition from states and society in general. Such people and groups believe in their strategy for claiming basic rights (by social struggle) and see their preservation as the main objective of this strategy. Through this process, a human rights culture conceptually produces what Nash calls 'strategic rights', which constitute a new form of human rights. Some scholars have implicitly defined this kind of right in relation to new developments in human rights worldwide (Steiner, Alston & Goodman, 2008).

Furthermore, Galchinsky (2010), compares the concept of a human rights culture with human rights law. While human rights law involves a more 'vertical' model reaching down from the government to individuals, the human rights culture itself is a 'horizontal' model of connections. A human rights culture considers all of the problems in the public sphere, helping to build and produce what cultural sociologists call a 'structure of feelings'. According to Galchinsky, human rights culture performs its many tasks by addressing multiple audiences (individuals, group and institutions, at domestic, national, and international levels). However, Galchinsky mainly connects this discussion with the domestic audience, who are, he asserts, living under continuous violation. At the national level, he suggests that we split the audience into three main parts: the abused, the witnesses (allies), and the perpetrators.

Friedman (2011) expands on the concept of a human rights culture by referring to the theory, concepts, and practices of human rights as 'social facts'. As affirmed by reviewer Pinto (2013) in Friedman's book *The Human rights Culture: A Study in History and Context*, the concept of a human rights culture is closely linked to the 'sociological dimension'. From this perspective, human rights culture deals with dynamics and relationships between law and society. However, at this point it is important to note that it is not enough to consider human

rights law as a single approach to explaining and defining the complexity of human protection.

Moreover, in presenting human rights culture as a dynamic approach to human rights protection, Friedman moves beyond domestic constitutions, systems of law, and the International Bill of Human Rights,[2] to the implementation of standards into lower-level government policies. By introducing human rights as 'social facts', Friedman uses the concept of a human rights culture to close the gap between documented principles of human rights and the development of practices that support these principles. Friedman also criticizes major international documents on human rights for lacking real enforcement mechanisms. The concept of a human rights culture provides a dynamic approach to bridging the gap between international human rights instruments and the implementation of principles on the ground.

Triggs (2014) connects the concept of a human rights culture with the circumstances that influence the level of human rights protection. Each circumstance is determined by the involvement of main elements, such as citizens, political leaders, and ministerial executives. Citizens play a key role in strengthening human rights when they are informed about human rights principles. Political leaders also play a strategic role by supporting citizens who actively educate themselves through new information on basic human rights and citizenship rights. Finally, ministerial executives have a crucial responsibility to exercise good mechanisms for protecting basic human rights in all government policies.

In closing, the concept of a human rights culture can be used to help us understand the complex social dynamics and political struggles that determine the relationship between individuals and society, and between society and the state. It can also be used to bridge international human rights standards and national laws and mechanism for human rights. A human rights culture narrows the gap between policy commitments, on the one hand, and constructive human rights practices, on the other. Thus, an analysis of human rights culture considers institutions and actors integrating human rights principles into public policy (legal step) and practice in daily life. As will be seen in the next section, a human rights culture can also be used as an analytical framework for assessing the degree of human rights protection available.

2.4 Human rights Culture as an Analytical Framework for Assessing Human rights Protection

Having defined the conceptual foundation for a human rights culture and looked at theoretical aspects of the development of such a culture in practice, this section now presents this concept as a framework for assessing human rights protection. It is believed that this concept provides an important framework for looking at the development of human rights awareness in international, regional, and domestic settings, as well as in daily life. A core issue of this standpoint, therefore, is building human rights around the *lived experiences and awareness* of all people (Equality and Human Rights Commission, 2009).

> In brief, a human rights culture is a 'lived awareness' of human rights principles in one's mind and heart, dragged into one's everyday life. Principles of such documents, therefore, as the Universal Declaration of Human Rights must be known not only cognitively, that is, in the 'head' but also on the feeling level, the 'lived' level of the heart. (Wronka, n.d.).

This section, in relation to the human rights culture as a lived awareness and experience, focuses on 'embedding' human rights by examining three elements of this process. As a framework, a human rights culture depends on the *incorporation of human rights and human rights principles into the constitutions, laws, and policies of nation states* (including lower levels of government). Human rights are connected to the *construction of human rights awareness*, mainly amongst political and social institutions. A human rights culture deals with the *promotion of human rights in public spaces*, with individuals and social groups as users or recipients of human rights benefits. Hence, the embedding of human rights can be seen as an 'interlinked framework', based on all three of these elements, and the existence of these elements can be used to measure or assess the level of human rights protection in practice (cf. Weiler, 2009; Engstrom, 2010).

2.4.1 Incorporating Human Rights in National Laws

The first element, relating to the incorporation of human rights principles, focuses on the role of the state (government) as the main driver and actor for engaging people and society with human rights principles. This generally requires the 'integration' of human rights into state policies, legal frameworks, and legal procedures at all levels of government. Conceptually, as stated by Koo and Ramirez (2009), the state has the responsibility to integrate human rights into all the processes of domestic policy making:

> [...] we contend that the adoption of NHRIs [national human rights institutions] in nation states involves the national incorporation of the global human rights regime. Incorporation indicates enactment of global human rights into national law and organizational structure.

Human rights commissions/ombudsmen closely linked to global human rights utilize international standards as an explicit basis of their activities. (Ibid., p. 1326)

The goal of this process is the expression of human rights for the benefit of the people (including minority groups) in unique and different places and regions. With the increasing interest in linking human rights to development strategy, this concerns the improvement of the quality of public services, the protection of citizens (minorities), the reduction of injustice/inequality, and the construction of a better society in general (Vandenhole, 2002; Manea, 2009).

The state, as a main actor or 'duty bearer', has a critical role to play in building a positive human rights narrative. The state is required to use its authority to do more than just sign or ratify human rights conventions; it is also demanded to criticize, translate, and adjust international human rights into the domestic setting. For example, post-colonial states and governments should look at the colonial legacy in its the entirety, using all of its knowledge and legal foundations, including human rights principles in strengthening their own domestic human rights foundation in particular and international human rights standards in general. Two scholars can be presented in this issue.

Burke in his *Decolonization and the Evolution of International Human Rights* (2011, pp. 1-2)*,* introduces the concept of decolonization in the context of the history and trajectory of the international movement and struggle for human rights. He proposes the presence of the Asian, African and Asian states in building their position and movement through what so called 'self-consciousness' as the Third World. This consciousness and movement have brought such powerful new approaches, voices, and influences on the presence of the 1948 UDHR. The movement—in terms of decolonization process—has transformed and changed the profile of the United Nations (UN) and influenced the shape of human rights discourse. The high and main point of decolonization project reminds us about the strengthening domestic human rights on the one side and making a significant transformation of the international human rights project on the other.

Then, Klose in his *Human Rights in the Shadow of Colonial Power* (2013, p. 4)—by using and reflecting two case studies on the anti-colonial movement in Kenya against the British Kingdom and Algeria against the French—presents the fact that the two colonial states basically disregarded and violated the humanitarian standards of international law in the fight against anti-colonial resistance organizations in two colonized countries. It is reflected that these colonized states—Kenya and Algeria—do not only resist against their

colonial states politically but also struggle for challenging and shaping international human rights. Their resistance has been used as a significant comparison and model to criticize destructive impact of war on terrorism and Iraq War—including the practice of secret integration and detention camp—to human rights violation.

Basically, the human rights culture can be measured in relation to the commitment of states to strengthening human rights. In this point, we can say that the state and all government bodies also have a duty to enact human rights pinciples into their national agenda and policies. As explained previously, even though the integration of human rights into the legal framework is important, political commitment is also needed as one of the central drivers for embedding human rights into practical regulations and state policies. Thus, political commitment provides a strong basis for making human rights mechanism effective and for ensuring human rights. Political commitment can be translated by state institutions/actors into direct support for human rights protection. Political commitment also demands that government actors demonstrate responsibility by taking human rights into account in legal, political, and institutional matters (cf. Steiner, Alston, & Goodman, 2008; Carson & Lubensky, 2010).

More specifically, the state's role in creating a human rights culture is evident in the legislation process. The arrangement and application of laws, regulations, and policies need to be part of the state's main consideration. There is a critical issue around the availability of human rights instruments and mechanism (laws, regulations, policies) supporting the protection of individuals, as such instruments and mechanism are not always helpful in protecting citizens in practice. Therefore, when the state ensures that 'guiding documents' are available to provide more integrative and comprehensive information this supports legally-based human rights policy frameworks. More importantly, laws, regulations, and policies, are then applicable for all people to claim their human rights, and not just dominant groups (Meron, 1989, p. 82; Roht-Arriaza, 1990).

2.4.2 Building Human Rights Awareness

Having defined the state's position as an important driver in engaging people and society with human rights discourse, the second element of the human rights culture as a framework is the process of building and raising human rights awareness. Awareness raising has also been a crucial issue in the human rights discourse. Merry (2006) expands on this to include individual, social, and institutional experiences; she argues that:

> […] human rights ideas are not fully indigenized, even though this might make them more readily accepted. They are embedded in a distinctive vision of the good society that envisions the state as the provider of social justice and the individual as responsible for making rights claims on the state. This vision assumes that all people have equal rights, although all do not have equal needs. (Ibid., p. 29)

Human rights awareness readily connects with a 'respectful' attitude by all actors, including the state and society (NGOs). Thus, human rights awareness means the integration of human rights into the provision of public services and every-day processes carried out by people. To this end, the state, and people in general, need to move beyond simply having knowledge of human rights, to having the will to *practice* human rights and putting human rights into daily life story (Schaffer, & Smith, 2004, pp. 14-16; Merry, 2006). Various points are presented below regarding human rights awareness.

First, this awareness relates to a good understanding of the principles of human rights. This not only connects to the knowledge level, it primarily links to the capability of actors to identify the crucial challenges involved in promoting human rights—and, more importantly, it is needed to solve many problems that might arise. In concrete terms, we can say that human rights awareness is evinced when a government dares to implement protection for everyone, and not just for majority groups in society. In this respect, government is demanded to change and transform the 'blocks' of political, religious, and cultural sentiments that influence and encourage the participation of NGOs and/or control the way (and which) human rights are protected in society (Clark, 2010; O'Byrne, 2014, pp. 93-100).

Second, awareness of human rights leads to the reconsideration of the many misconceptions and misunderstandings about human rights in general. These misconceptions are common and create problems for governments and social spaces in protecting human rights. In many parts of the world, people do not believe that human rights can solve their problems (Fagan, 2009, pp. 6-8). In such cases, human rights awareness involves stepping in to educate people at all levels about their rights and duties in relation to human rights. The aim here is to encourage nation states and society to translate a broad set of human rights related values into politics and daily action. This can be achieved through formal training or by providing an informal process for state actors and people in general to develop human rights principles (cf. Kennedy, 2002).

Third, based on the assumption that NGOs and civil society actors have a central role in protecting human rights, a human rights culture also covers the development of awareness

within these organizations and actors. NGOs and civil-society actors need to offer quality training and other projects that can foster a strong interest in human rights, reshape the many misunderstandings, and develop the capability for supporting humane social and political changes. Such actors are required to have a solid capacity for integrating human rights into their organizational work and commitments. In this regard, informal education, training, and courses for NGOs and other civil-society actors need to be considered in developing human rights awareness.

Fourth, the development of human rights awareness aims to disseminate human rights principles and monitor the implementation and impact of public policies and government regulations for human rights. Awareness of human rights principles can be a strong motivation for manifesting human rights principles at a practical level. In this step, all actors, both state and society have a space to involve in the entire process of strengthening human rights awareness. Thus, awareness of how human rights protection can be enjoyed and experienced by all people—particularly vulnerable individuals and groups. This basically needs an active supportive movement of the domestic states and societies in all levels and scopes (cf. Sikkink, 1993).

2.4.3 Promoting Human Rights in Public Spaces (the Enjoyment of the Benefit of Rights)

The third element that demonstrates the relevance of a human rights culture draws on the idea of people (citizens/society) enjoying the benefits of the human rights framework. Hence, the existence of a human rights culture is determined by the intensity and the quality of the relationships between individuals. Thus, a human rights culture cannot be separated from the many social processes involved in realizing the benefits of its framework in public life. Kennedy (2002) reminds us of the interrelated benefits within society given the implementation of state responsibility and commitment:

> Here, I have used the term "emancipation" to capture the broad range of (often conflicting) benefits people of good heart might hope to make of human rights-humanitarian, progressive, internationalist, social welfare enhancing. There might be other benefits-human rights; some might have aesthetic uses, might stimulate the heart or the imagination, just as they might be psychologically or ethically useful. And, of course, human rights might not be useful only for us, but for all sorts of people pursuing various projects, not all of them good-hearted. I leave the list of benefits to others. (Ibid., 2002, p. 104)

The human rights culture is affected by the political will of the state and the commitment of NGOs to human rights, both of which determine the quality of the human

rights framework—and its application in practice. The state and NGOs can also have a direct effect on how human rights principles are incorporated into state laws, regulations and policies (Mutua, 2013, pp. 1-6). Some points in relation to the commitment to human rights are briefly discussed here.

First, the public (the users of policies and regulations; people) are not passive elements in the practice of human rights principles, but are active in ensuring human rights. Public participation that actualizes intiatives and accountability is one of the important elements in constructing strong human rights protection (Ackerman, 2005, p. 8). The state, and other institutions and actors, be necessary to have an effective mechanism for taking the public's needs, hopes, and concerns into account in the human rights discourse. Public interest and support for human rights can be a strong way of embedding human rights into state law, regulations and policies, as well as daily practices. The engagement of the public in this process can provide impetus for the implementation of a productive regulative framework for human rights (Butler, 2005).

Second, although it is still important to consider that public and state institutions in many cases and situation could be sources for human rights problem (International Institutions and Global Governance Program, 2012), the strong support for human rights among the general public is considered an important element to raise specific mechanisms and strategies be implemented to integrate human rights into public life. In this, state institutions—such as a national human rights commission—play a key role. State institutions need to focus on educating people by informing them about the principles of human rights. This process has two main goals: to discourage people from acting on violent attitudes toward others and to provide a starting point for creating pressure for change from the grassroots. From this perspective, it can be stated that a human rights culture cannot be imagined without taking the role of the public seriously (Andreopoulos & Claude, 1997, pp. xix-xxiii).

Third, the public, as rights holders, is encouraged to use formal/informal tools and networks to claim their rights. Thus, people can be both recipients of, and resources for, strengthening human rights values. It is important to state that it is easier to establish a pro-human rights culture and attitude in social and political spaces when it is based on a deep sense of responsibility among members of the public in advancing social protection, rather than by threatening people (enforcing human rights through the use of penalties) (cf. Peron, 2004).

As a closing thought, people can enjoy and claim fundamental rights if human rights principles can be fully incorporated and practised in policies and daily life. All actors and institutions both states and public organizations are required to involve in framing, constructing, supporting human rights to become a lived experience and strengthening the culture of human rights protection. Thus, a human rights culture can be used as an analytical framework for measuring and assessing the level of human rights protection, specifically, by assessing three elements: how far human rights have been incorporated into national laws, the level of human rights awareness at all levels of society, and the degree to which people are able to enjoy the benefits of human rights.

2.5 The Protection of Minorities

This section attempts to explore what elements would help constitute a positive protection for minority rights. It is argued that the positive prospect of minority rights will determine the strengthening of the culture of human rights protection.

There are some explanations about the rights of minorities (minority rights). Poulter (2001) argues that the essence of human rights is its ability to protect minority rights. In some cases, the recognition and implementation of minority rights can cause conflict between individual rights and group rights: the protection of individual rights might be restricted by the interests of the wider group. The Office of the High Commissioner of Human Rights defines a minority group as follows:[3]

> […] a group numerically inferior to the rest of the population of the state, in a non-dominant position, whose members—being nationals of the State—possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language. (OHCHR, 2010-a, p.2)

Minorities groups are characterized by their national, ethnic, religious or linguistic characteristics. National minorities are less able to maintain and protect their position than majority groups. In addition to a definition offered by Francesco Capotorti (Special Rapporteur of the United Nations Sub-Commission on the Prevention of Discrimination and Protection of Minorities), two other definitions of *minority* are considered here, the first by Deschênes:

> A group of citizens of a State, constituting a numerical minority and in a non-dominant position in that State, endowed with ethnic, religious or linguistic characteristics which differ from those of the majority of the population, having a sense of solidarity with one another,

motivated, if only implicitly, by a collective will to survive and whose aim is to achieve equality with the majority in fact and in law. (Deschênes, 1985)

And the second by the Council of Europe:

A group of persons in a State who: (a) reside in the territory of that State and are citizens thereof; (b) maintain longstanding, firm and lasting ties with that State; (c) display distinctive ethnic, cultural, religious or linguistic characteristics; (d) are sufficiently representative, although smaller in number than the rest of the population of that State or of a region of the state; (e) are motivated by a concern to preserve together that which constitutes their common identity, including their culture, their tradition, their religion or their language. (Council of Europe, Parliamentary Recommendation 1202, 1993,)

These definitions cover a wide range of groups and communities that are considered minorities in various contexts. With respect to the difficulty of reaching a universally accepted definition, various characteristics of minorities have been identified to cover most situations. The term 'minority' is a reflection of the status of a certain group as a 'non-dominant group' or community of individuals who share certain national, ethnic, religious or linguistic characteristics that are different from those of the majority group. As explained in the previous section, in one side, one of the most important requirement is the clear and decisive implementation of the state's duty to protect its minority citizens by preserving their basic rights, and in another side, the ability for minorities to claim their rights, the process that the state may protect, as essential for a positive culture in which human rights can be enjoyed.

In many cases, minorities deal with intergroup clashes/conflicts mainly under the hegemonic position of the majority group. As stated by Mahmood:

The concept of national minority is built, however, on a fundamental tension. On the one hand, it signifies the membership of a minority group in a national polity; on the other hand, the minority group also represents an incipient threat to national unity, by virtue of its differences from the majority. (Mahmood, 2016, pp. 52–53)

The state's political commitment and responsibility to protect minority groups can be implemented in two ways: through legal recognition and through political protection. First, legal recognition is a crucial step in making people citizens and provides a significant protection mechanism. Second, the state has an obligation to provide minorities with political protection from all forms of threat, repression, and oppression. A dialogue between people is needed when states may not be able to engage in recognition of certain rights. It is important to note the relevance of a people's culture of human rights to go beyond what states may be

able to do and negotiate, in order to progress the scope of human rights based on people's perceptions (cf. Mullerson, 2014).

Political commitment and responsibility require the state's goodwill, which needs to be expressed in government policies. Thus, policies need to reflect a constitutional awareness through the recognition of minorities mainly in the context of social diversity. It is also important to add that human rights awareness also covers the 'social intention' of the majority to respect their fellow minorities (minority rights). We can say that the state's responsibility and its political commitment in the one hand and the social consciousness in the other hand can be implemented into inclusive policies that accommodate, respect and protect minority citizens (Kymlicka, 2010).

Fundamentally, the state not only arranges the legal-normative basis for minority recognition, it also provides the judiciary and other mechanisms that ensure the implementation of the minorities' rights (Salomon & Sengupta, 2003). In this regard, the state insitutions and actors are obliged to provide strong legal mechanisms for prosecuting any human rights violator and protecting the rights of minorities (Orentlicher, 1991).

This can guarantee the freedom of minorities to participate in social and political spaces. Minorities have the opportunity to lobby for their interests in the social-political arena and should receive political encouragement from state actors, such as government bodies, the police, and the courts (cf. Birnir & Satana, 2013). By getting involved in the social and political arena, minorities can influence state actors to take actions to respect and protect minority rights. The participation of minorities (religious minorities) in social and political life can be supported with the help of state protection (cf. Ahdar & Leigh, 2013).

As discussed in Sarkin's study on the problem of human rights in post-apartheid South Africa (1998), a human rights culture provides a model for defining challenges to, and prospects for, citizens' protection. Importantly, minority rights protection is viewed as the main part of human rights discourse. As explained in a guiding document entitled *Minority Rights: Global Standard and Guidance for Implementation* (OHCHR, 2010-a), there are four main elements of minority protection: the protection of the physical existence of minorities; the promotion of the identity of minorities; the guarantee of equality and non-discrimination; and the effective and meaningful participation of persons belonging to minorities.

The first element of minority protection—the protection of the *physical existence* of minorities—refers to the protection of minorities from all kinds of violent action that might

harm their physical existence, including genocide and crimes against humanity (cf. Vernon, 2002). This can be seen as the primary goal of minority-rights protection, and can also be applied in conflict situations where minorities tend to be victims. This first element guarantees the safety of members of minority groups in risky situations, such as major attacks from other groups. A lack of this element of minority protection can lead to the displacement of minority groups (cf. Mooney, 2005).

The second element of minority protection is related to the *promotion of the identity* of minorities. This is one of the most important elements of minority protection. It includes freely displaying their identity and performing acts of disobedience against forced assimilation by the state or other groups in society (Brubaker, 2014). In this regard, the promotion and protection of identity from many forms of violation is defined not only as tolerance by other groups within society, it requires the minority to be protected by the state and respected by both society (majority groups) and the state (Mako, 2012). This element has both negative and positive aspects: First, the state needs to manisfest its responsibility for avoiding discriminatory policies and practices and, second, the state is responsible to respect cultural, religious, and linguistic diversities and acknowledge that minorities can also enrich society through this diversity (Eide, 2014).

The third element of protection is the *guarantee of equality and non-discrimination*. International human rights law enshrines non-discrimination and equality before the law as intrinsic principles of human rights (cf. Sadurski, 2014). The right to non-discrimination prohibits all forms of discrimination and exclusion, as well as restriction of the enjoyment of basic rights. It is important to clarify here what is meant by the right to non-discrimination. While state laws, regulations and policies may be neutral in their textual description, they can be discriminatory in their interpretation and application by actors and institutions, leading to discrimination against minorities. This is called indirect discrimination. International human rights law strongly prohibits both direct and indirect discrimination (Vierdag, 1973[2012]; Schiek & Lawson, (Eds.), 2013).

Advancing equality is also considered a main strategy for guaranteeing the rights of minorities (minority groups) (Eskridge Jr, 2013, pp. ix–xv). International human rights law, specifically the International Convention on the Elimination of All Forms of Racial Discrimination, provides special measures for eliminating many forms of discrimination and for obtaining full equality—not only textually, but also in practice (Henrard, 2000)—through what is called 'affirmative action'. Affirmative action is where the state (including actors,

policies, and strategies) primarily gives opportunities to individuals and members of minority groups to enjoy their basic rights, as majority groups do (cf. Herring & Henderson, 2012; Antonovics & Sander, 2013). Quotas for minority groups in government jobs, political appointments or university places are an example of affirmative action, which is based on the idea that, for minority groups to be equal, special measures must be taken. However, advancing equality does not mean ensuring the forced assimilation of minorities into the dominant culture (majority group). The guarantee of the rights of persons belonging to minorities determines the accommodation of differences and diversities (cf. Kantola & Nousiainen, 2012).

The fourth element of protection is *ensuring the effective and meaningful participation* of persons belonging to minorities in society and politics. Participation is an essential factor in preserving the identity of minorities and in creating resistance against the many forms of social and political exclusion (cf. Stamatopoulou, 2012). *Meaningful participation* requires the existence (needs, interests, and rights) of minorities to be incorporated into public policies arranged by the state and for the voices of minority groups to be represented in the government's political agenda (Jabareen, 2008) Woods clearly pinpoints this issue as it relates to the third element of protection:

> […] still, if it is true that minority citizens' interests are better understood and better served by elected representatives who share those interests—and there are certainly reasons for believing that might be true—and if a minority group is a permanent numerical minority, then there is an argument to be made for having guaranteed representation for minorities in parliaments. (2014, p.131)

Meaningful participation refers to the state not only making formal tools and mechanisms for political participation available, but also making sure that all representatives of minorities can engage in shared political decision making with the members of minority groups (cf. Vatter, Stadelmann-Steffen & Danaci, 2014).

To conclude, a human rights culture, as it applies to minority protection, is also determined by the level of the protection of the physical existence of minorities; the promotion of the identity of minorities; the guarantee of equality and non-discrimination; and the effective and meaningful participation of persons belonging to minorities.

2.6 Conclusion

In conclusion, a human rights culture offers a new conceptual standpoint for understanding human rights. In practice, the concept of a human rights culture emphasizes a condition in which anyone—of any cultural, political, religious, or historical background—can claim, enjoy, and experience basic rights. In short, it is associated with people's *lived experience* and *awareness* of basic human rights principles, expressed in everyday life. It can also be used as a framework to assess the level of human rights protection provided.

A human rights culture requires the involvement of state institutions and society in ensuring human rights awareness. Its existence is evidenced by how far human rights have been incorporated into national laws, the level of human rights awareness at all levels of society, and the degree to which people are able to enjoy the benefits of human rights A human rights culture is also an important tool for minority protection—the existence of which in turn evidences the existence of a human rights culture itself. Hence, the concept of a human rights culture be used as an analytical framework for studying the violation of religious minorities' human rights. The next chapter takes a closer look at human rights and religious minorities.

Endnotes

[1] The Enlightenment is the period from the mid-17th century through to the 18th century that signals the end of the medieval world and the beginning of the modern era (see https://plato.stanford.edu/entries/enlightenment/).

[2] Which consists of two instruments: Universal Declaration of Human Rights (adopted in 1948) and the International Covenant on Civil and Political Rights (1966) with its two Optional Protocols and the International Covenant on Economic, Social and Cultural Rights (1966).

[3] This mainly refers to the definition and description by Francesco Capotorti, Special Rapporteur of the United Nations Sub-Commission on the Prevention of Discrimination and Protection of Minorities, June 20, 1977.

Chapter 3. Human Rights and Religious Minorities in Indonesia

> The difficulty in arriving at a widely acceptable definition lies in the variety of situations in which minorities live. Some live together in well-defined areas, separated from the dominant part of the population. Others are scattered throughout the country. Some minorities have a strong sense of collective identity and recorded history; others retain only a fragmented notion of their common heritage. (OHCHR, 2010-b)

3.1 Overview of Chapter

This chapter answers the second sub-question, which has two parts:

a) To what extent has the Republic of Indonesia developed a foundation for domestic human rights?

b) To what extent have the political changes that have taken place since the fall of President Suharto in 1998 affected the protection of the human rights of religious minorities as one of the main aspects of a human rights culture?

To answer these questions, this chapter looks at the legal foundations of human rights in Indonesia, the types of human rights problems experienced, and the position of religious minorities in Indonesia, as well as the implications of the political changes that have taken place in Indonesia at the domestic level since the fall of Suharto in 1998.

This chapter contains several main sections, in addition to this overview (Section 1). Sections 2 provides a brief introduction to the chapter, followed by Section 3, which provides the background to the human rights situation in contemporary Indonesia, including the situation of the Ahmadiyya in Indonesia's newly-formed democracy. Section 4 presents the legal foundations for human rights in Indonesia, as contained in the 1945 Constitution, international human rights instruments, as well as national laws and regulations. Section 5 looks briefly at the types of human rights violations in Indonesia as background to Section 6, which delves into the situation of religious minorities in the post-authoritarian Indonesia in depth. Section 7 closes the chapter with short concluding remarks.

3.2 Introduction

A human rights culture, as explained in Chapter 2, covers and requires a pragmatic approach to understanding the actual practice of human rights. Therefore, it should be examined using concrete variables. One important factor evidencing a human rights culture as a framework is the degree of minority protection available in the daily life of society. Hence, this chapter explores the recent discourse on human rights and religious minorities at the domestic level in Indonesia and the challenges to human rights that have arisen during the social and political changes that took place after the fall of President Suharto in 1998. It also looks at some actors at the state level and in society who are involved in promoting and protecting the human rights of religious minorities in Indonesia (Avonius, 2008; HRW, 2013).

The fall of President Suharto—known as the New Order Regime—in 1998 had wide-ranging implications for social and political life in Indonesia. In general, Suharto's rule (which spanned three decades, from 1966 to 1998) is referred to as an authoritarian regime. During this regime's period, political power was concentrated in the 'one hand'—that of President Suharto. As a result, people (the public) did not have many political options to have their interests and aspirations heard. After the fall of Suharto, Indonesia became more receptive to the public sector. In fact, the management of the political change aimed to maximize public participation. Public participation is directly related to political representation. Since the fall of Suharto, there has been a significant shift in the pattern of political representation in Indonesia, from elitist political representation (parties) to public political representation (people).

Nevertheless, certain minority groups in Indonesia have faced (and are still facing) a frightening transition phase. For example, in 2015, Fund for Peace issued a warning that Indonesia's failure to protect minority groups, who are living under social and political pressure, threatens to render the country a 'failed state' (Fund for Peace, 2015). Thus, Indonesia today is no longer dealing primarily with the issue of political representation; it is now about the protection of its religious minorities. A series of violent episodes experienced by certain religious minorities in recent years has raised questions about how Indonesia should manage its political change (Sidel, 2007). But one thing is certain: the protection of minority groups is among the most challenging of problems thrown up by the social and political changes in Indonesia. With respect to this problem, Indonesia is required and encouraged to make a contextual, essential and strong adjustment to those basic principles of human rights standards that are required by the international community (cf. Thio, 1999). It is

necessary for Indonesia to strengthen human rights so that it becomes part of the culture of daily life.

However, before examining the situation of religious minorities in the post-authoritarian Indonesia—in terms of presenting human rights discourse in Indonesia—this chapter looks at the development of a human rights culture in Indonesia based on the availability of the legal foundation for human rights through the formulation of the national constitution and the adjustment of international human rights instruments into domestic laws and policies; and the types of human rights violations faced.

3.3 The History of Human Rights in Indonesia

Human rights in Indonesia provides an ideal case study for examining the complexity of the human rights discourse. The Constitution of Indonesia, which was written in 1945 at the end of World War II, explicitly considers human rights. In 1948, the country signed the Universal Declaration of Human Rights (UDHR) and ratified several international covenants on human rights. To support these steps, Indonesia subsequently incorporated basic universal human rights values into its national legal framework and political system (Hadiprayitno, 2010). Nevertheless, Indonesia is still struggling to protect its religious minorities. The limitation of the framework of human rights protection combined with the lack of comprehensive state-society agencies to manage religious diversity and develop advocacy on human rights, directly influences the level of human rights protection in the field (cf. Jetschke, 2011, pp. 1-7; Mietzner, 2012-a, b). Consequently, it cannot be denied that the violation of religious minorities reflects the sad state of human rights in Indonesia. This section briefly outlines the history of human rights in Indonesia, as background to Section 4, which sets out the legal foundation.

3.3.1 Independence and the Universal Declaration of Human Rights (1945–1948)

Indonesia's independence from colonial rule was declared in 1945, closely followed by the 1948 UDHR. After the massive destruction wrought by World Wars I and II, the global community decided to develop international standards to protect human beings everywhere. The UDHR can be seen as the main starting point for the protection of human rights worldwide, and particularly in Indonesia, due to its proximity to Indonesia's independence just three years earlier.

This declaration has been reinforced by many covenants, treaties, and protocols around the globe. However, the application of international human rights standards in

national and local settings has been one critical problem, which is the key to establishing a strong human rights framework (cf. Steiner, Alston and Goodman, 2008). Hence, how the country has incorporated the main international human rights instruments into its national legal system and state policies is an ongoing issue.

3.3.2 The Reign of Sukarno (1945–1966)

The rapid changes in political power in Indonesia since independence have strongly affected the Indonesian state in developing its human rights foundation (Eldridge, 2002). During the term of President Sukarno, the first president of Indonesia, from 1945 to 1966, in the context of the formation of the post-colonial state, human rights were not a central part of the government's political agenda. This was mainly due to Sukarno's strong rejection of 'western-style democracy'. This period was also significantly influenced by the connection of the regime to the communist movement. During those first years of independence, based on the 1945 Constitution of Indonesia (which was abrogated by the Federal Constitution of 1949 and the Provisional Constitution of 1950, but later reinstated in 1959), although Indonesia was a democratic state on paper, democratic rights were hardly implemented in social and political spaces.

In addition, although Sukarno was a major figure in initiating and supporting *The Asia Africa Conference* (1955), which presented the Third World's position against the post-world war blocs (the communist Soviet bloc and the NATO bloc), he did not have a political interest in developing a strong human rights foundation in Indonesia. Moreover, the application of what was called 'guided democracy'[1] as the main expression of Sukarno's political power brought a defective political culture into the domestication of international human rights standards and the national law system (Bunnell, 1966; Lev, 2009).

3.3.3 Suharto's New Order (1966–1998)

While Sukarno had his guided democracy, Suharto brought forth a 'New Order regime', which further eroded human rights. When President Suharto came to political power after the fall of Sukarno in 1966, his regime did not show concern for human rights. It can be safely stated that the regime of Suharto was not involved in strengthening the domestic human rights framework in Indonesia. In fact, during the first two decades of his political power, Suharto demonstrated military oppression throughout the country. Moreover, according to many scholars and researchers, Suharto was associated with human rights violations and

tragedies in Indonesia. In his time, human rights were overshadowed by his political domination (Kingsbury, 2002).

However, even during Suharto's New Order regime, Indonesia—with continuous support from the international community—struggled to find an opportunity to create a human rights foundation. In this endeavor, Indonesia has been supported by its civil society—including NGOs, Indonesian students, academia, activists, human rights defenders, intellectuals, journalists, and villagers', farmers', and laborers' groups—which started to offer resistances to Suharto's regime. This resistance began in the late 1980s, after Suharto had been in power for more than a decade (Hadiwinata, 2003). In the context of Southeast Asia region, this participation by civil society at that time managed to fill many of the gaps in the development of human rights in Indonesia (cf. Mohamad, 2002).

3.3.4 The Post-Authoritarian Era (post-1998)

After the fall of Suharto in 1998, Indonesia gained the political momentum necessary to break the deadlock on human rights development. The political system and political culture were reformed from a totalitarian system to a democratic one. In this phase, the development of a human rights foundation became higher on the government agenda. From 1998 to 2004, the government initiated some political steps to strengthen the human rights framework. For examples, Bacharuddin Jusuf Habibie, Indonesia's third president, started to open up freedom of the press. Abdurahman Wahid, the fourth president, supported religious tolerance in society. However, the post-colonial and post-authoritarian politico-socio legacies—which constitute the main part of the Indonesian political experience—still create a difficult atmosphere in which to construct and strengthen a human rights foundation. Indonesia—like many parts (countries) in the Asia-Pacific region—still faces many obstacles in developing an effective human rights framework (cf. Durbach, Renshaw, & Byrnes, 2009).

Ratification of International Human Rights Instruments

Several important facts can be mentioned in explaining the status of human rights in post-authoritarian Indonesia. The first among these is the ratification of the International Bill of Human Rights (United for Human Rights, n.d.), which consists of: the Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (1966) with its two Optional Protocols and the International Covenant on Economic, Social and Cultural Rights (1966). However, the implementation of these treaties as state policies is not sufficient to protect human rights; the political will of the government is needed to properly

incorporate international human rights standards into its national framework. However, the signing of the International Bill of Human Rights is considered a positive step by the Indonesian state in initiating a new path towards strengthening the foundation for human rights protection in Indonesia. As will be seen in the following section (especially in Table 1) most international-human rights instruments were ratified between 1990 and 2000, near the end of the Suharto regime and during the first phase of the reformation era (University of Minnesota, Human Rights Library, n.d.).

Nevertheless, Indonesia's achievement in the development of a human rights foundation still faces strong criticism as some main international treaties and protocols have not yet been signed and ratified by the Indonesian government. These include the: *Nationality, Statelessness, and the Rights of Aliens: Convention on the Reduction of the Statelessness, Convention relating to the Status of Stateless Persons*; and *War Crimes and Crimes Against Humanity, Genocide, and Terrorism: Convention on the Non-Applicability of Statutory to War Crimes and Crimes Against Humanity, and Convention on the Prevention and Punishment of the Crime of Genocide*. It should also be noted that the *Rome Statute of the International Criminal Court* has not yet been ratified by the Indonesian government. Hence, there is no sufficient basis for prosecuting cases of impunity in relation to human rights violation in Indonesia. In addition, Indonesia has neither signed nor ratified the Optional Protocol to the *Convention against Torture* or the Second Optional Protocol to the *International Covenant on Civil and Political Rights*, which is aimed at the abolition of the death penalty. Although, it has signed the *Convention for the Protection of All Persons from Enforced Disappearance*, it has not yet ratified it (University of Minnesota, Human Rights Library, n.d-1).

Establishment of the National Human Rights Commission of Indonesia
The second fact that influenced the human rights situation in Indonesia (besides the ratification of many international treaties) was the establishment of the National Human Rights Commission of Indonesia (Komisi Nasional Hak Asasi Manusia, Komnas HAM). The Commission was formed in 1992 when Suharto was in power as part of efforts by the Indonesian government to establish a political framework for protecting human rights. However, in light of the human rights culture (or lack thereof) in Indonesia, the establishment of the Commission cannot be fully seen as a reflection of the growth of human rights awareness. Instead, the formation of the Commission was a response to strong pressure exerted by the international community over the genocide in East Timor, where, before the

referendum of 2000, the Indonesian military killed hundreds of people (HRW, 1999). National and international human rights organizations and activists contributed significantly to the establishment of the National Human Rights Commission, whose mandate is described as follows:

> The Commission's mandate is guided by *Pancasila*, the Indonesian constitution, and the United Nations human rights conventions. Accordingly, the Commission has four primary areas of concern: 1) spreading awareness of human rights both nationally and internationally; 2) considering United Nations human rights instruments in order to make suggestions on accession and ratification; 3) monitoring and investigating human rights practices and providing opinions and suggestions to the Government, and 4) encouraging regional and international cooperation in the promotion and protection of human rights. (Talwar 1997, p.18)

Inevitably, there have been criticisms of the Commission, including pessimistic views by NGOs and human rights defenders based on the strong control exerted by the government over the activities of the Commission. The decree establishing the Commission does not empower it to undertake investigations of human rights violations, request technical assistance of any kind for investigations, hear or consider complaints, subpoena witnesses or documents, visit prisons, or file current information with the courts. On the paper, theoretically and officially, it appears that the Commission has very little power to effect change in human rights awareness in Indonesia (Hadiprayitno, 2010).

EU-Indonesia Partnership and Cooperation Agreement

The Indonesian state is currently strengthening its human rights foundation, framework, and practices by constructing international connections. It has made efforts to raise human rights awareness in partnership with the international community. For example, in 2009, the Indonesian government signed the EU-Indonesia Partnership and Cooperation Agreement (PCA). This agreement, which came into force on May 1, 2014, is the first agreement made by the European Union with a country in Southeast Asia. The agreement has an important and strategic goal: to more strongly support human rights in the country. The PCA enriches human rights culture by manifesting a shared commitment and responsibility by the European Union and Indonesia to support the promotion and protection of human rights in the country (Lecarte, 2014).

In this agreement, the two parties agree to engage in dialogue to strengthen human rights awareness as part of a culture of human rights protection. Some goals of this agreement are: to support the implementation of the Indonesian National Plan of Action on Human

Rights; to promote human rights and education; and to strengthen human rights-related institutions in preparation for the ratification and implementation of international human rights instruments (especially including the *Convention on the Prevention and Punishment of the Crime of Genocide* and *the Rome Statute on the International Criminal Court*). In addition, in relation to the PCA, the European Parliament has adopted two resolutions on the human rights situation in Indonesia: first, condemning attacks on religious minorities in July 2011 and, second, on the Commission communication entitled 'Towards the elimination of "female genital mutilation" (FMG)' in July 2011.[2]

In sum, it can be argued that the development of human rights in Indonesia is closely connected to the social-political development of the country. The following section looks at the legal foundation for human rights in Indonesia.

3.4 The Legal Foundation

As a young democracy, Indonesia is still struggling to achieve a strong human rights framework, while also dealing with a lack of application of human rights in practices. Nevertheless, Indonesia like other Asian countries clearly has the raw philosophical foundation and cultural values required for constructing a human rights foundation (cf. Bruun & Jacobsen, 2000). However, these domestic sources are not enough to translate and incorporate international human rights standards, in all their complexity, into of a strong human rights framework and culture. This section looks at the sources or foundations of human rights in Indonesia to answer the first part of the second research question: *To what extent has the Republic of Indonesia developed a foundation for domestic human rights?*

3.4.1 The Pancasila

In relation to the development of its domestic human rights culture, some scholars introduce the fact that Indonesia has several important foundations (cf. Stockmann, 2004; Hosen, 2007; Feener, 2014). The first of these is the *Pancasila*—or the philosophical basis of the Indonesian state—which sets out five basic principles, which are: 1) belief in one God, 2) just and civilized humanity, 3) the unity of Indonesia (through the diversity of its people), 4) the sovereignty of the people, and 5) social justice. The government constructs its ruling philosophy on these five principles which is a political reflection of the founding fathers and provides both philosophical meaning and a basis for managing diversity within Indonesian society. These five principles uphold respect between individuals and groups as the main value in the Indonesian society (Irawanto, 2009). This means that majority groups can find

their place as Indonesian people when they display a respectful attitude towards their fellow minority members. It is also holds that minority groups involved in the process of nation building should also be able to claim their rights. The respect should come from both sides: from majority groups and minorities.

FIGURE 1. PICTURE OF PANCASILA AS THE INDONESIAN STATE FOUNDATION[3]

The Pancasila (Figure 1) declares that human beings should be recognized with dignity as creatures of God Almighty and that human beings are equal and have the same rights, regardless of ethnicity, religion, creed, gender, social position, race, tribe or nation. Every person must bring a mutual love and tolerant attitude into daily social and political life.

> What I may restate is that Pancasila is not only the final foundation of our country, Indonesia, but in the foundation also entitles so many main values and principles which are providing chance and capital for all people in the country to express their beliefs and interest and then to know that those fundamental values are guaranteed and protected by all political institutions. (Source: Interview with I-13, Jakarta, July 2014)

To fulfil the promise of the Pancasila, the Indonesian people shall work together peacefully to build a respectful social and inter-group relationship (cf. Sezgin & Künkler, 2014; Hoon, 2013).

3.4.2 Open Statement in the 1945 Constitution

The second foundation is the open statement of the 1945 Indonesian Constitution, which states that "*real freedom is the right of every nation and therefore, the occupation over the world should be abolished because it does not correspond fairly to humanity and justice*" (Translated from Bahasa, Document from Gajah Mada University, n.d.). This is a universal statement, because all nations in the world have the same desire for independence—and every

nation has people who need to be independent (i.e., who wish to be free from oppression at the hands of the authorities or other social groups). Iskandar (2015) explains the connection between Pancasila as the foundation of the Indonesian state and the 1945 Indonesian Constitution, namely, that the Pancasila is elaborated on in the preamble of the 1945 constitution. Iskandar also asserts that the articulation of these two sources of human rights is a way to ideologically manage the tension and competition between different ideologies, such as nationalism, Islamism and communism.

3.4.3 Body of the 1945 Constitution

The third foundation of a human rights culture in Indonesia is contained in the body of the 1945 Constitution, which declares: (a) the equal status of citizens in law and government (Article 27 paragraph 1), (b) the right to employment and decent living (Article 27, paragraph 2), (c) freedom of association and assembly (Article 28), (d) the right of expression (Article 28), (e) the freedom to worship according to one's religion and beliefs (Article 29, paragraph 2), and (f) the right to education (Article 31, paragraph 1), (Elson, 2013; Hosen, 2013; Kahin, 2013; Shah, 2014; Effendy & Pertiwi, 2014; Government of Indonesia, 2002). Conceptually, these articles, and the amendments to the constitution in 2000 and 2001, are considered a milestone in the protection of the human rights of vulnerable people.

3.4.4 International Human Rights Conventions

The fourth foundation is the international human rights conventions and instruments that Indonesia has signed and ratified (see Table 1). The international human rights conventions include two major parts: *civil rights and political rights* (CP), and *economic, social and cultural rights* (ESC). These two parts can be distinguished but not separated. These categories are thus to be understood as *"inseparable, interdependent, interrelated and equally important for the dignity of all human beings"*.[4]

There is a logical and historical reason for connecting the UDHR with the Indonesian legal system. Since the beginning of the state, Mohammad Hatta, the first Indonesian vice president, urged the national government to limit the power of the state. In his opinion, people must be largely free from state domination and interference. Hatta's idea was incorporated into Article 28 of the 1945 Constitution, which legally guarantees freedom of expression, freedom of assembly and freedom to build an organization (Van der Kroef, 1957).

Although there is no provision in international law that requires domestic states to ratify international conventions, the United Nations General Assembly urges member states to ratify international treaties. However, every state or government retains fully sovereignty over the decision to ratify or not. The main point is that national interests remain the main consideration in the decision to ratify a treaty. Indonesia has ratified and adopted the 1948 UDHR and other international covenants.[5] Indonesia, the biggest Muslim country in the world by population, has also ratified the Cairo Declaration on Human Rights in Islam.[6]

In 2005, the Indonesian government ratified the two main covenants on human rights: the UN International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR)[7] (Indonesia was one of the last remaining countries to ratify these agreements). In addition, the government's human rights office adopted a National Plan of Action on Human Rights, which aims to invigorate Indonesian efforts to promote and protect the rights of Indonesian people, including segments of the community that are most vulnerable to human rights violation. This plan also seeks to improve the quality of life and reduce poverty[8] (cf. Democracy Web, n.d.).

In addition to ratifying the ICCPR, Indonesia has also ratified the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). It is, therefore, obliged to prohibit and eliminate all forms of racial discrimination and to guarantee the right of every person, regardless of race, color, or national or ethnic origin, to freedom of thought, conscience and religion. In a connection with the ratification of the ICERD, Indonesia passed Law No. 40/2008 concerning the Elimination of Racial and Ethnic Discrimination. Although religion is not a basis for discrimination under law in Indonesia, the right to equal treatment in regard to the enjoyment of civil, political, and cultural rights sometimes excludes freedom of religion or belief. Belief (*kepercayaan*), on the other hand, is considered a basis of discrimination, and the right to culture is protected (Arifin, 2010, p. 28).

3.4.5 Indonesian Laws and Regulations

The fifth foundation for human rights in Indonesia is its domestic laws and regulations. As explained previously, the fall of Suharto gave the new regime a significant momentum. This was reflected in the strong concern shown by President Habibie, who was former vice president of Suharto, when, before the Majelis Permusyawaratan Rakyat (MPR, the Highest Body of People Representative), in the general meeting session of August 15, 1998, he addressed human rights as a core issue in his 'political journey' as a new president during this

time of transition. He invited the forum to look seriously at the promotion and protection of human rights in the new democratic country. He was only in the 87th day of his presidency at the time. His statement was followed concretely by *the Presidential Decree Number 129/1998 concerning the National Human Rights Plan*. This plan, as mentioned earlier, consists of four main elements: preparation for the ratification of international human rights instruments, dissemination of information and education on human rights, implementation of priority issues on human rights, and implementation of international human rights instruments that have been ratified by Indonesia.

TABLE 1. INTERNATIONAL COVENANTS RATIFIED BY THE INDONESIAN GOVERNMENT[9]

No	Name of International Instrument	Date of Ratification/Applied	Date of Ratification by Indonesian Government	Additional Information
1	International Convention on the Elimination of All Forms of Racial Discrimination/ ICERD	December 21, 1965/ January 4, 1969	June 25, 1999	Ratification by Law 29/1999
2	International Covenant on Civil and Political Rights/ ICCPR	December 6, 1966/March 23, 1976	September 30, 2005	Ratification by Law No.12/2005
3	International Covenant on Economic, Social and Cultural/ ICESCR	December 16, 1966/January 3, 1976	September 30, 2005	Ratification by Law No.11/2005.
4	Convention on the Elimination of All Forms of Discrimination Against Women/ CEDA	December 18, 1979/ September 3, 1981	September 13, 1984	Ratification by Law 7/1984
5	Convention against Torture and Degrading Treatment or Punishment Other Cruel, Inhuman, and Degrading Human/CAT	December 10, 1984/June 26, 1987	October 28, 1998	Ratification by Law 5/1998
6	The Convention on the Rights of the Child/CRC	November 20, 1989/ September 2, 1999	September 5, 1990	Ratification by Presidential Decree No. 36/1990

Indonesia made further progress in human rights when the government—still under Habibie's presidency—signed *Law Number 39/1999 on Human Rights*. This law has a strong position based on the primary support of the MPR, which adopted *Decree Number XVIII/MPR/1998 on Human Rights* in 1998. This is the political foundation of the Law on Human Rights initiated and signed by Habibie. Law No. 39/1999 sets out a long list of internationally-recognized human rights that Indonesia is obliged to protect. The law contains provisions on human rights and fundamental freedoms, lists the responsibilities and obligations of the government in the promotion and protection of human rights, and exhibits a plan to set up a human rights court. Law No. 39/1999 also strengthens the powers of the National Human Rights Commission of Indonesia (Komisi Nasional Hak Asasi Manusia, Komnas HAM), which was established in 1993 to monitor and report on human rights (Hosen, 2007) (more on Indonesia's domestic laws can be found in Sub-Section 3.6.2 on the legal foundation for the protection of religious minorities).

By willingly incorporating international human rights standards in its national law (mainly based on the UDHR and other international covenants), Indonesia acknowledges the two aspects of human rights: the responsibility of 'duty bearers' and the position of 'rights holders'. In relation to the responsibility of duty bearers, this means that Indonesia should make a commitment to its governmental duties with respect to three elements: the duty to *respect*, duty to *protect* and duty to *fulfil* (cf. Rona & Aarons, 2016). More specifically, the government has a duty to protect the most vulnerable of minorities. Hence, theoretically, the state is demanded to recognize and respect minority groups, as it has an obligation to protect them.[10]

As well as imposing a responsibility on duty bearers, human rights also entails the recognition and protection of rights holders. However, the protection of religious minorities depends on social, political and cultural situations, and different situations require different mechanisms from the government (state). On this issue, I find both hope and problems in practice:

> We can agree that this country is facing a serious problem in term of power and political shifting and changes which define the position and role of the state and government now, in this reformation era. For example, local governments are showing their position also as main source of problem in case of attacks to religious minorities. However, we have to consistently and continuously ask and demand them to revise their thinking and political consciousness to protect those minority citizens. Lastly, the international human rights just define 'the government' as a single body in protecting human rights, no more classification at central

and/or local government. They have the same responsibility to protect citizens (Interview with I-23, the Human Rights Working Group [HRWG] Office, Jakarta, July, 2013).

Despite the strong framework for the protection of freedom of religion and belief in Indonesia, numerous reports and personal accounts suggest that the state does not practically and convincingly uphold freedom of religion and belief. In fact, according to a report released by the Bureau of Democracy, Human Rights, and Labor, US Department State (2007), the state is often involved in human rights violations. The report describes two forms of such involvement. First, the state commits indirect violations by failing to respond to various events that lead to violence. Second, it enacts and enforces policies that limit and confine freedom of religion and belief (See also Arifin, 2010, p. 29). Hence, it seems that the development of human rights protection (specifically for religious minorities) in Indonesia faces many challenges (Interviews with I-23 and I-24, Jakarta, July, 2013; Document Study of Setara Annual Report, 2011 to 2013).

3.4.6 The Article 28 Amendment

In 2000 and 2001, the 1945 Constitution was amended to include Article 28. This article specifically states that some forms of citizens' rights need to be explained (Hosen, 2007; Suhaeb, 2013; Shah, 2014; Government of Indonesia, 2002). It provides that, *"Freedom of association and assembly, freedom of thoughts with oral and written, and so on are all set by law"* (Source: ILO Document, n.d.).

In the context of this amendment, there are some important aspects to this article (cf. Draper, 2001; Lindsey, 2002; Source: ILO Document, Ibid. n.d.).

- Article 28B states that *"every child has the right to live, grow, and develop and is entitled to protection from violence and discrimination"*. Article 28C declares that *"everyone has the right to develop themselves through the fulfilment of basic needs. The right is entitled to education and to benefit from science and technology, art and culture, to enhance the quality of life and for the welfare of mankind"*.

- Article 28D provides that *"each person has the right to work and receive benefits and fair and decent treatment in the employment relationship"*.

- Article 28E states that *"everyone is free to have religion and to worship according to their religion, to choose education and teaching, employment,*

citizenship, chooses residence in the territory of the country, living the place and the right to return back to their place".

- Article 28H declares that "*every person has the right to live in physical and spiritual prosperity, residence, obtain a good and healthy environment and the right to health care.*

- Article 28I asserts that several rights — "*the right to life, the right to freedom from torture, the right to freedom of thought and conscience, the right to freedom of religion, the right not to be enslaved, the right to recognition as a person before the law, and the right not to be prosecuted under a retroactive law"*—cannot be derogated under any circumstance (cf. also Samantho, 2012).

There is a great hope for the future of human rights protection for religious minorities in Indonesia based on these constitutional provisions. The amendment of the 1945 Constitution is considered part of the process of building a human rights culture in Indonesia. The amended Constitution provides fundamental, 'pragmatic' principles and gives the state broad scope, as the main duty bearer, to build human rights as *a lived experience* in society. Furthermore, Susanti (2001) argues that the process of the amendment of 1945 Constitution could be a strategic and prospective way in strengthening the human rights framework and culture in Indonesia.

However, even though there has been important progress, problems still exist. There is still *a gap* between these provisions and their implementation in practice, based on different interpretations of this amendment by lower levels of government. In Article 28J, the constitution reminds the Indonesian public of the limitations on their enjoyment of the basic rights:

> Article 28J (2): in exercising his rights and liberties, each person has the duty to accept the limitations determined by law for the sole purposes of guaranteeing the recognition and respect of the rights and liberties of other people and of satisfying a democratic society's just demands based on considerations of morality, religious values, security, and public order. (Government of Indonesia, 2002; my translation).

In relation Article 28J (2), it is pertinent to look at a critical question raised by Al'Afghani (2009) about how religious values should be determined. He asks who (what official body or bodies) should be able to interpret religious values and whose interpretation should be considered true? The Constitution itself is silent with respect to the definition of

'religion'. This criticism and many other objections to Article 28J (2) are explored in Chapter 6, which is on the challenge posed to human rights protection by Indonesia's blasphemy law.

Although Indonesia has made progress toward strengthening its human rights framework based on the amendment of the constitution, to close the gap and overcome the limitations of the amended constitution, political initiative is required. The government needs to centralize its strategy based on the set of core concerns expressed in Article 28, after giving significant attention to the status of religious minorities. In this sense, the government has to eliminate unjust spaces for religious minorities. The government needs to look back at *the constitutional message* when it starts to regulate and arrange religious life in society. The government should also make sure that regulations can never be used to threaten the human rights of religious minorities (cf. Colbran, 2010; Bagir, 2013; Tømte, 2012).

Because minorities, in studies made by some scholars, are not simply passive actors in political and social dynamics, they also have a right to negotiate their positions, interests and rights (cf. Naylor & Ryan, 2002; Jamil, 2004). Nevertheless, in the Indonesian context and field, the facts speak differently, in contrast to the fundamental rights provided in the constitution. Indonesia faces a serious problem, as the violation of the human rights of minority citizens is becoming part of the cultural consciousness. This is the result of the accumulation of violence and attacks against certain minority groups (religious minorities). In this situation, the constitution seems to be silent and does not speak to protect the victims of religious violence. The cycle of discrimination remains as the abusers maintain power over their victims by justifying their violent actions (Interview with I-4, I-6, Jakarta & Bogor, July–August, 2014).

Chapter 5, on the violation of the rights of the Ahmadiyya, shows how the state and some parts of Indonesian society sponsor discrimination and violence against this minority group. It is important to understand violent actions against minorities and how they relate to state regulation, as violent actions are clearly influenced by political and social factors. Tensions and violence between social groups can emerge at social and political levels. The political and social contexts are also filled with rhetorical justifications for such discrimination and violence, which supports and reinforces the process of discrimination and violence against various minority groups in the community. At the political level, there are organized efforts in society to maintain the status quo of the majority groups on the one side and cause disparity between groups on the other side which brings us back to the political will to build and strengthen a human rights culture.

3.4.7 Closing

In closing, the Indonesian government still has a duty to improve its legal and political record by formulating an integrative human rights framework for protecting its minority citizens (religious minorities). The state must combine the national constitution and international human rights instruments to promote the human rights of religious minorities. Indonesia has made significant progress in implementing human rights principles and is creating a strong foundation of human rights. To take this further, the state and government bodies are required to actualize their ability for demonstrating a constitutional commitment to raising awareness on the protection of religious minorities.

3.5 Types and Origins of Human Rights Violations in Indonesia

Before we look at the second part of sub-question two—which is on the extent to which the political changes since the fall of President Suharto in 1998 have affected the protection of the human rights of religious minorities—it is relevant to look at the types of human rights problems in Indonesia and their origins.

3.5.1 Types

There are many types of violence and discrimination against religious minorities in Indonesia (see Figure 2). This violence originates in several ways, as this section seeks to illustrate. Conceptually, Blair explains:

> The challenge is that much greater where human dignity is not respected and freedom of religion is denied—all have suffered, in some measure, from different discrimination—from glass ceiling harassment, persecution and systematic repression. (2012, p. 6)
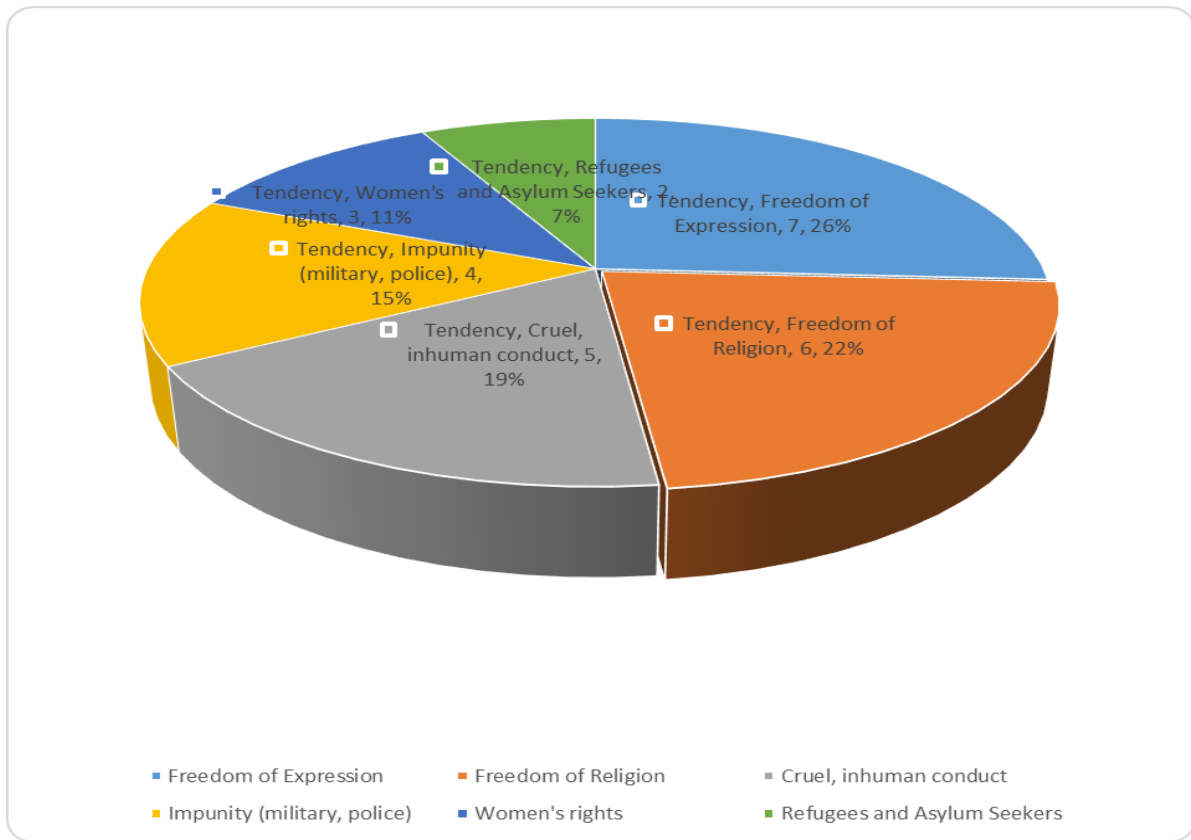
If violence limits access to the political process, then the state and many political institutions and actors will tend to neglect the protection of religious minorities.

3.5.2 Origins

Furthermore, as can be seen in Figure 3, the problem of human rights protection in Indonesia is closely linked to the narrow commitment by the state or government to protecting the basic rights of minority citizens. Political institutions, even though they are built up from democratic processes, seem only to accommodate the interests of majority citizens. State institutions—also in the era of decentralization—and actors demonstrate political inability when they fail to provide direct protection for religious minorities (Duncan, 2007; Bertrand, 2004). Consequently, when the government listens only to the majority group, hostility and resentment become an integral part of social life.

FIGURE 3. THE BIGGEST CHALLENGES TO HUMAN RIGHTS PROTECTION IN INDONESIA

(SOURCE: REPRODUCED FROM SETARA INSTITUTE, 2011; BERGER, 2015)
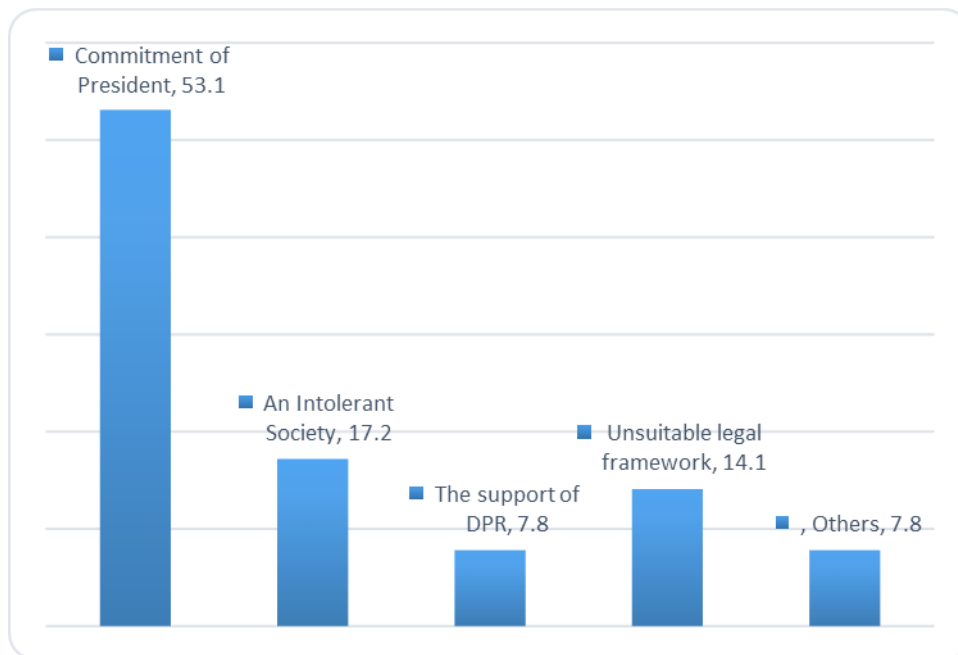
It is clear that the limited commitment of the government, unsuitable legal framework, and the anti-minority sentiments of radical groups are serious contributors to the destruction of human rights in Indonesia. One of the critical problems is the Indonesian government's political stance on building a protection mechanism for vulnerable religious minorities, such as the Ahmadiyya (Hefner, 2013; Bush, 2015). As yet, the Indonesian government has not taken a large political step towards protection as a basic need of religious minorities.

Furthermore, in a conceptual insight, this trend of violence and discrimination against minority groups seems to be a medium for expressing social and political revenge in a society that is punishing the members of disadvantaged religious minorities as victims in national level (cf. Dieckmann, Wulf & Wimmer, 1997). In addition, this violent movement against religious minorities in Indonesia may well fall into the category of crimes against humanity (cf. Bassiouni, 2011), although examination of this goes beyond the scope of this thesis.

3.6 Religious Minorities in Post-Authoritarian Indonesia

This section looks at the second part of the second sub-research question:

To what extent have the political changes that have taken place since the fall of President Suharto in 1998 affected the protection of the human rights of religious minorities as one of the main aspects of a human rights culture?

Over the last two decades, minority rights have received domestic attention in Indonesia. However, particularly in Indonesia, the enjoyment of human rights by minorities, including certain religious minorities, cannot be taken for granted. These groups continue to struggle to gain the benefits of the social and political changes that have taken place in Indonesia. The complexity of these political change has had complicated consequences specifically related to the weakness of the state in fulfilling its fundamental obligation to construct a humane atmosphere in public daily life.

One of the main responsibilities of states is to design a human rights framework in which citizens, including minorities, can enjoy state protection. As presented in Chapter 2 on the human rights culture as a framework, the national government (state) should make a significant adjustment to the human rights foundation based on its understanding of the international standards, context and issues in order to bridge the gap between human rights theory and practice (cf. Guilhot, 2005). However, it is not just about adopting human rights principles, it is also about a strong process as a way to ensure human rights awareness and the implementation of the protection of (religious) minorities in practice. At this point, human rights principles are not merely neutral concepts, they provide a basic framework for the identification, recognition and protection of minority groups (cf. Rodley, 1995).

In some cases, religious minorities lack power, privilege, and prestige in social, political and economic spaces. They are under pressure in relation to others, which impacts on their ability to enjoy their basic rights. As inspired from other countries (regions), minority groups are often singled out for unequal treatment (cf. Sinha, 2005) and have to continuously preserve their position against centralizing and dominant majority groups. Having experienced discrimination and violence, some groups develop 'minority syndrome': an inferiority complex of heightened sensitivity and repressed awareness (cf. Hinnells & King, 2007). The accumulation of violence against minorities can transform an intergroup relationship into one of social and political hostility (cf. Hewstone, et al., 2014)

In Indonesia, religious minorities can find themselves involved in a variety of conflicts and tensions while struggling to obtain justice in public spaces. They often face difficulties in negotiating their interests in social and political arenas. They are openly treated as sub-dominant groups and are generally powerless to preserve and protect their cultural, religious, and ethnic differences (cf. Kanas, Scheepers, & Sterkens, 2015).

> It is a quite obvious that our government is always applying a double standard in the context of violence against the minority Ahmadiyya in particular and other minorities in general. Yes, strangely, they (government) are in an intolerant position to those tolerant groups. And, on the contrary, the government is in tolerant position before the intolerant groups in the society. This is a serious challenge for all of us today in making our human rights protection stronger. (Interview with I-19, Jakarta, August, 2014)

3.6.1 The Post-Authoritarian Setting

This section considers the current social and political setting in Indonesia, which creates the critical conditions for human rights protection. The political changes that have taken place in Indonesia have produced a large number of promises for the public, such as decentralized political power, civil liberties, and freedom of the press. This section concentrates on the meaning of the political change and reformation in terms of its ability to deal with the status of religious minorities and their human rights situation (cf. Arthur, 2009; Finucane & Feener, 2014).

This study, like that of other scholars, takes a critical look at Indonesia's uncertain political transition (Boudreau, 2012; Slater & Simmons, 2013). The human rights problem can be identified as a main part of the contemporary Indonesian experience in the post-authoritarian context:

> Some of the most troubling instances of religious violence involve the harassment of religious minorities and the forcible closure of their places of worship. For the past several years, Islamist militia groups have waged a systematic campaign against minority Muslim groups whose interpretation of Islam differs from the Sunni orthodoxy favoured by militant ideologues. A few of the raids targeted Indonesia's tiny Shia community. The bulk of the attacks, however, were directed at members of the Ahmadiyah movement, who differ from the majority of Muslims in their belief that the prophet Mohammed was not the last to speak the word of God on Earth. (Kraince, 2009)

An important phenomenon related to the complexity of the political change has to do with justice for religious minorities. This issue—which is related to decentralization and civil liberties in Indonesia—is explored and presented in this section.[11] In contemporary Indonesia,

the most serious challenge to the state is the fact that essential values such as religious freedom are being neglected. The important question with regard to the human rights protection of religious minorities is whether social-political and constitutional changes are sufficient to challenge these tendencies or, instead, tend to increase human rights violations (cf. Durham Jr, 2012; Horowitz, 2013).

3.6.2 Legal Foundation for the Protection of Minority Rights

Since independence, Indonesia has been trying to provide a foundation of laws and regulations to promote and protect the human rights of its religious minorities. First, the 1945 Indonesian Constitution, Article 29, 2 *"guarantees each and every citizen the freedom of religion and of worship in accordance with his religion and belief"*. This article is supported by Article 28 E, which recognizes the freedom of every person to have religion and to express beliefs, the right to education, the right to be free in convictions, and the right to assert thoughts and tenets in accordance with the dictates of one's conscience.

The Indonesian Constitution defines rights that cannot be derogated under any circumstances. The right to belief has been classified as a non-derogable right. Such rights cannot be taken away or compromised by nation states under any circumstances. In human rights conventions, certain rights are considered so important that they are non-derogable, such as: the right to life, the right to be free from torture and other inhumane or degrading treatment or punishment, the right to be free from slavery or servitude, and the right to be free from the retroactive application of penal laws (University of Minnesota, n.d-2).

Second, freedom of religion/belief is included in Indonesia's Human Rights Law, (Law No. 39/1999). Article 4 of this law states that freedom of religion is a human right and cannot be derogated. Meanwhile, Article 22 point 1 of the Human Rights Law also guarantees freedom of religion: *"everyone has the right to choose a religion and to worship according to the teachings and beliefs of that religion"* (Refworld.org, n.d.). This is followed by Article 55, which further guarantees a child's right to have a religion: *"Every child has the right to practice his religion, and to think and express himself as befits his intellectual capacity and age under the guidance of a parent or guardian"* (Human Rights Working Group, 2011).

Third, Law Number 23/2003 on Child Protection also guarantees the rights of religion and belief for each child. Article 6 of this Law states that *"every child has the right to practice a religion according to religious values under the guidance of their parents"*. In

this case, the Indonesian government is obliged to respect and guarantee these rights without any form of discrimination (Article 21). The law also guarantees children the right to practice their religion and beliefs, including children who have not chosen a religion.[12]

Fourth, the Law No. 20/2003 concerns the national education system. In Article 12 it states that the state guarantees every child an education in accordance with his/her religion. This article stipulates that, "*every child/student has the right to obtain religious education in accordance with the religion he professes and to be taught by teachers of the same religion as his*". In addition, some articles in the Indonesian Penal Code (KUHP) bear upon the protection of freedom of religion or belief. Articles 156 and 157 address the spread of hatred against a portion of the population (based on race, native country, religion, place of origin, descent, nationality or position according to state administration). Article 176 addresses the prevention of religious meetings (Crouch, 2010; Sihombing, & Roziqin, 2013).

In Indonesia, one of the crucial problems is the need for a strong foundation for human rights, as raised in one of the interviews conducted for this study:

> The actions of local government are clearly contrary to human rights. In the constitution and the laws, we are clearly stipulated that every person has the right to religion and belief freely ... sometimes or even more often … we regret to the lack of responsiveness of the central government to prevent discrimination happening and said autonomy is not a reason for local governments to take discriminatory action, given the problems of religion is excluded in autonomy. (Interview with I-23, Human Rights Working Group Office, Jakarta, July, 2013)

As addition, it is up to the government to determine how the constitution reformulates their responsibility to guarantee the human rights of religious minorities (Additional interview with I-13 and I-14, Jakarta, July 2014).

3.6.3 The Majority-Minority Relationship

This section looks at the consequences of the majority-minority relationship in Indonesia with respect to tension, violence and human rights. In discussing this relationship, we can also see that human rights intersect with other issues. Actually, the intersection between human rights and religion can be viewed from the standpoint of the majority-minority relationship. In Indonesia, the tension between these two elements is a religious dynamic: Islamic majority (mainstream) and the rest of society.

Currently, the relationship between the majority and minority is one of the core aspects of the human rights discourse in Indonesia, as stated by Arifin (2010) in his report, which is supported by the Norwegian Centre for Human Rights at the University of Oslo and others:

> While the majority of Indonesians acknowledge themselves to be Muslim, the country is in reality religiously diverse, and has a substantial number of religious minorities. The relationship between the majority and minority raises many questions and issues concerning the application of religious rights. Currently, three prominent and controversial issues that often raise concern are the building of houses of worship, interfaith marriages and conversion/apostasy. (Ibid., p.78)

The above statement highlights some of many the issues causing tension between majority and minority groups in contemporary Indonesia, namely, the building of house of worship, interfaith marriages and conversion (Hutagalung, 2016). As we can see, the tensions involve issues of religious freedom.

Majority and minority groups in Indonesia generally live side-by-side and, rather than co-existing harmoniously, are experiencing 'intermingled'[13] tension and conflict. This problem is justified by some scholars with their studies by concluding that the diversity of social groups is not static, but continuously reconstructed and rebuilt as minorities and majorities adapt to new social and political contexts (cf. Zhou, 2005; Kiguwa, 2006). While political participation presupposes a balance of resources between the majority and minorities, in practice an imbalance of resources exists. Minority groups tend to face difficulties when dealing with the majority position and domination (cf. Gallant & Kathleen, 2014).

In theory, politically, for example, majority rule is part of the expression of the political mechanism and based on the majority-minority relationship. Beetham—in Chapter 5 about 'Democracy and Human Rights: A Multi-Faceted Relationship' of his book with the title—

Democracy and Human Rights (1999, p. 93)—argues that *"the guarantee of the enjoyment of basic freedoms is a necessary condition for the people's voice to be effective in public affairs and for popular control over government to be secured"*. Politically, minority groups, including religious minorities, can find themselves in a critical situation in the winner-takes-all, zero-sum game of democracy. As Chapter 2 explained, this trend can endanger people who belong to minority groups. The principle of one person, one vote tends to threaten the existence of religious minorities, as, unless there are protections in place, the majority takes all the benefits of democracy. This is referred to as the tyranny of majority over the minority (cf. Radhakrisna, 2006).

In all inter-group relationships, periods of relative tolerance alternate with periods of discrimination, violence and persecution. Some studies and scholars conclude that in all majority-minority relations, there is an element of prejudice, stereotyping and hostility that is passed down from generation to generation. The majority group continuously justifies its control over the minorities based on this fact (cf. Fiske, 2000; Hogg, 2013; Sapountzis & Condor, 2013; Milojev, Sengupta & Sibley, 2014; Miller, 2014). Dominant control handled by the majority will invariably produce a tyrannical model of relationships in the society.

Theoretically, the majority group has more political representation in the state than minorities and can, thus, dominate the political process and the making of public policy. The authorization of the political process by the majority creates a culture of discrimination against minorities. Moreover, tensions between minorities and the majority can lead to conflict and violence, with minorities as the victims. These tensions and violence unfortunately do not disappear, but continue to exist in society (cf. Stewart, 2016).

Mann (2005) has an interesting opinion on the inter-ethnic model of tension. He argues that relationships between variables in society are not static, but consist of processes of power relations and escalating inter-group tensions. In the majority-minority relationship discourse, it is important to consider the institutionalization of democracy and how formal moments and mechanisms of democracy can become triggers for ethnic violence. According to Mann, democracy can encourage ethnic tensions and violence, if political parties are organized based on ethnicity. Mann views that democracies are more likely to produce ethnic violence in the first phase of their development (pp.1-5). He argues that violence is sometimes even organized by modern political parties. In Indonesia, political parties are often mobilized in response to the Indonesian government's creation of local institutions so that the majority group can capture such institutions (Ibid, p. 495). One group can perceive another group as a

threat to its control of the state. Violence occurs when the political process in democratic pattern has been fictionalized and radicalized by some groups in society (Feldman, 1991).

A legacy of majority domination can become a source of discrimination against religious minorities, particularly when the state faces difficulties in accommodating their invisible voices. In Indonesia, violence is perpetrated by organizations that represent the majority group. An unequivocal example of such majority domination in the public sphere can be seen in the Front Pembela Islam (FPI, the Islamic Defender Front). The FPI is one of the key organizations associated with violence against religious minorities in Indonesia.[14] The FPI aims to implement Islamic Sharia law as the single basis of Indonesian national life. This organization adheres to the Muslim principle, '*Amar ma'ruf nahi munkar*', which means 'advocate good things and prevent bad things' (Woodward, Et al., 2014; Wilson, 2010).

This organization often instigates collective action 'against sinful activities' in society. According to them, sinful activities are inconsistent with Islamic morality (Henderson, 2013). The group is a dominant power in the public sphere and able to pressure national and local governments, especially in the process of public-policy making in relation to religious minorities (Wilson, 2012). A dominant majority such as this does not engage minorities in the process of public-policy making. In the face of majority domination, minorities often find themselves eliminated from the political process (Hadiz & Robison, 2005).

The dominant position of the majority influences the state position. The state cannot implement its political responsibilities under the shadow of majority domination. Consequently, religious minorities, are defined as groups that lack social and political capacity. These groups generally have with limited access to social and political resources and experience exclusion from political processes; they are also often subjected to discrimination and violence (Porat & Fany, 2012).

The concepts of 'discrimination' and 'violence' are useful for analyzing the dynamics of violence experienced by the Ahmadiyya in Indonesia. Conceptually, discrimination is a behavior (an action) that involves the unequal treatment of people who belong to a particular group, whether it be racial, ethnic, religious, or gender-oriented. As Robertson (1989, p. 204) explains, "*discrimination occurs when the dominant group regards itself as entitled to social advantages and uses its power to secure them at the expense of minority groups*". There are three types of discrimination: first, *personal discrimination* occurs when one member of society treats another member (or group) in society differently based on some criteria (like

race or ethnicity); second, *legal discrimination* refers to unequal treatment on the grounds of group membership that is upheld by law; third, *institutional discrimination* refers to unequal treatment that is entrenched by official actors within governmental spaces.

Theoretically, some scholars introduce violence (collective violence) as a mechanism whereby one or more groups construct social stereotypes of victims to justify discrimination (cf. Gabbidon & Greene, 2005, pp.1–2; DeLisi & Regoli, 2005). Moreover, Tilly (2003, pp. 1-25) argues that the pattern of collective violence run through various forms. He argues that the activation of latent political identities within society separates people into two sides of the relationship— 'us' and 'them'—which can trigger collective violence and discrimination. Tilly supports this argumentation with the useful finding that the character and intensity of collective violence depends on the type of government and its capacities. Hence, it is important to state that—in terms of the majority and minority relationship—the government must uphold its political obligation, and have the capacity, to reduce the pattern of the majority controlling minorities.

3.6.4 The Position of the State

In social and political studies, there are many vastly different views on the position of the state in relation to citizens and civil society in the whole social and political processes (cf. Coggins, 2014). Therefore, any definition of the state and its role must recognize the complexity of the dynamics involved. A state's boundaries with civil society and the population as a whole are not clearly defined and are constantly changing. A state may have internal conflicts and tensions may exist, not only between its different parts and institutions, but also within specific state institutions and actors (organs) (cf. Jackson, 2001; Goodfellow, Rodgers & Beall, 2013). Thus, there is not a single state interest or an official position; instead, various interests compete. These interests are neither solely state-centered, nor wholly society-centered; instead, they develop through a bargaining process between various elements of civil society and different state actors (cf. Amenta, 2005).

The Indonesian government has been criticized in relation to the position that it has taken in responding to the human rights violations experienced by the Ahmadiyya and other religious minorities. The problems are this: local and central (state) government institutions have to either accommodate or discriminate against minority groups in public policy, and the members of minority groups need to define and negotiate their interests in dealing with the state-formation process. However, the country's position on the post-colonial project and

human rights is not clear. Unfortunately, in the first five decades of independence, Indonesia failed to sufficiently strengthen its domestic human rights foundation. From the perspective of human rights acculturation, the domestic actors, both state (government) and civil society, need to sharpen their commitment to formulating a human rights framework. Part of the solution to this problem is recognition of the status of religious minorities such as the Ahmadiyya, which could provide a fundamental basis for strengthening the state's responsibility to protect their human rights (Resumed from Interview with I-1, Jakarta, August, 2014).

The position of the state in dealing with violence and discrimination against religious minorities is reflected in its political and legal framework. The state must institutionally construct a policy framework as the main approach to preventing the violation of human rights including the rights of individuals and religious minorities. In this context Fredman opines: *"...the state may need to take positive steps to protect individuals against other individuals' interference with rights"* (2008, p. 40). The political framework should also provide a practical framework for respecting the human rights of those belonging to minority groups. To support political position in advancing the responsibility to protect based on international standard, the state must build and defend *a minority rights-based legal framework* (cf. Bellamy & Reike, 2010).

The implementation of an effective human rights framework for protecting minorities depends on various social and political factors. Each different situation requires a different mechanism for the protection of religious minorities. And, the implementation of such protection faces many difficulties at both national and local levels. These difficulties are connected with both the state and the majority group(s). In the Indonesian context, the position of the state is affected by the shifting of certain legislative and executive functions from the center to the local level through decentralization. The shifting of political power to the local level through decentralization has been an important factor in the state's response to discrimination and violence against religious minorities (Buehler in Aspinall and Mietzner, 2010; Interview with I-10, South Jakarta, June, 2012; Interview with I-3, Kuningan, August, 2014).

In relation to the violation of the rights of the Ahmadiyya, there is doubt concerning the Indonesian government's political will to obtain justice for the victims:

> As we can see, until now, the government can not provide justice and protection to the victims. There are no more words for this situation. The ahmadis [Ahmadiyya members] were always unable to return to their homes. They always fail to come back home because of the absence of government in fulfilling justice. The expulsion and intimidation are continuously and frequently faced by those members of Ahmadiyya. (Interview with I-10, at the 6211 Foundation Office, the South Jakarta, 2012)

In relation to social sources of power, Mann (2006) outlines the position of the state with respect to its power. To develop the means of intervention, state actors depend on allies in society; but the state-centered model is too simplistic to explore the wide-range of political responses in cases of violence and discrimination against religious minorities. The state establishes power in a dynamic setting by considering the presence of multiple groups in society. However, state power is more likely to be expressed in an intra-societal setting based on security (insecurity) issue (cf. Saleh, 2010). From this point of view, the state—for example in Indonesia—demonstrates its power by negotiating relationships with different groups in society to develop its political capacity to intervene in particular public policies. State actors do have interests; but these interests develop in relation to various groups in society (Van Klinken & Baker, 2009).

State actors and other government bodies—such as the police, courts and national human rights commissions—must take extraordinary efforts such as supportive legal action to protect minorities (cf. Richardson, 1999). Moreover, in relation to the state's position, another issue is the effectiveness of state and government actors in providing a political response to the members of minority groups.

> […] government practices in dealing with religious conflict also need to be considered. Our research on policing religious conflict in Indonesia found that while some police and local governments failed to prevent violence against minorities, others managed to tackle similar conflicts. (Rafsadi, November 21, 2014)

In Indonesia, the court seems to be willing to act to protect minorities. In the Cikeusik case, the court found the perpetrators of a deadly attack against the Ahmadiyya community in 2011 guilty and sentenced them to six months in prison.

> Human Rights groups have been critical of the apparent reluctance of law enforcement officials to punish members of mob. Prosecutors did not pursue murder charges, instead

charging the 12 [perpetrators] with crimes like incitement, assault, torture (Belford, in New York Times, 2011).

Although many people believed that the sentence was too lenient, nevertheless, this decision is an important step forward in the protection of religious minorities in Indonesia, as it evidences the courts willingness to uphold their rights (HRW, 2012; Interview with I-6, Mubaraq Campus, Bogor, August, 2014; I-12, Jakarta, June, 2012).

Furthermore, the Indonesian government has established the National Human Rights Commission of Indonesia (which also covers women and children) to promote the protection of human rights. Although the Commission has been criticized as to its independence to investigate and act on human rights violations, the fact that it exists is certainly a step forward. Ideally, the Commission should prosecute crimes against human rights and ensure the protection of vulnerable groups such as religious minorities (Interview with I-15, June, 2013).

However, state actors in Indonesia are heavily influenced by communal (group) sentiments in society (US-Government Report, 2012). This may be why the response of state actors and administrators to violence has been wanting and has even been prejudiced against minorities (OHCHR, 2007). A serious problem at the state level in Indonesia is that state actors have a deep-rooted communal bias that prevents them from controlling communal violence. Sometimes, the problem involves state officials actively collaborating with members of mobs and radical groups; at other times, it may result from state officials being indifferent to securing justice for minority groups and individuals when a violent crime or other human rights violation has occurred.

For example, a number of Ahmadiyya mosques have been closed due to communal violence. In 2008, the Bekasi municipality in West Java ordered the closure of the Al-Misbah mosque, following which the Bekasi Police locked and sealed the mosque. Then, on June 26, 2008, local authorities in Ciamis in West Java closed another Ahmadiyya mosque to 'maintain religious harmony' and 'stop the spread of a distorted interpretation of Islam'. The previous day, hundreds of hard-line Islamic supporters had protested outside the offices of the local district chief demanding that the government close the mosque. In October 2008, the local government of Depok district, West Java, closed the Al-Hidayah Ahmadiyya mosque. Members of the Ahmadiyya have also even evicted from their homes due to communal violence. In 2006, Ahmadiyya communities were forcibly evicted from their homes in Lombok, West Nusa Tenggara, by a radical mob. The government of Indonesia was unable to

protect the Ahmadiyya in any of these cases (Document Study of the Ahmadiyya provided by I-4, Jakarta, July–August, 2014; Amnesty International, 2014-a, b & 2015-a, b).

This situation highlights an important point about the state position with respect to discrimination, violence, exclusion and other forms of social and political oppression against minorities, namely, that any mechanisms in place for the protection of minority rights mainly in multicultural setting require the good will of the state. A constitutional commitment describes the political will of the state to respect and protect minorities. This is also part of the political awareness of the constitutional statement and the social consciousness of the majority. In summary, the position taken by the state should proceed from the good will of the state; the state needs to maintain this good will through a framework of political will; and this political will depends on the willingness of the state to recognize the constitutional and political protection of minorities (cf. Ratulea, 2009).

3.6.5 The Role of Civil Society

A discussion on the civic movement in Indonesia provides evidence of the existence of a human rights culture—specifically in terms of the awareness of human rights in public life. However, several parts of civil society have undermined social and political changes in more straightforward and violent ways (cf. Nyman, 2008). For instance, a few radical Islamic political groups have used their newly available civil liberties to promote their political interests, sectarian positions and violent views. Since the beginning of the 2000s, some militant groups have fought for a more 'Islamic' society and state by calling for the human rights of religious minorities to be reduced and restricted (Ahmad, 2007). State authorities have often been unwilling to openly act against these groups and their violent actions and methods (which include smashing up bars and gambling dens), fearing their political influence.

Wilson (2009) analyzes the development of organized groups of *preman* (petty gangsters) in contemporary Indonesia and their involvement in elite politics, political processes, and elections at both national and local levels. Other researchers have also noted the increased political role of *premen*, many of which have formed militias and security forces for political parties, mobilizing their followers in the public space and fighting against rivals for political and economic benefits. Some *preman* leaders have even been elected to political office. The political process (including election results) might have even been unduly influence by *preman* (Hadiz, 2003; Kristiansen, 2003).

One of the most important features underpinning the integrity of the protection of the human rights of minorities is the involvement of civil-society organizations. However, in Indonesia, civil society has not been able to make a significant contribution to the development of human rights or the protection of minorities. Heryanto's view about the anarchic and destructive energy of the masses provides a critical analysis of the violence that civil society is capable of (2008, pp.7-9). From this perspective, civil society in Indonesia has created networks of violent power domination in society. The mobilization of violent networks decreases public awareness at the grassroots level and weakens the political stance on human rights at the state level (Hefner, 2002; Lim, 2006)

The actions of civil society also relate to the good will of the state and the social awareness of the majority of the need to develop a fair space for the protection of minorities. Civil society actors and NGOs through movement can negotiate effectively the issue with the state and the majority on behalf of minorities (cf. Tilly, 2004, pp.140-141). In supporting the presence of religious minorities and other minorities, these actors can play an important role in building Nash's 'strategic rights' and 'dialogic rights' (cf. Nash, 2005; see Chapter 2, Section 4). They are recognized as potential part of the struggle to claim and enjoy human rights. Civil society is one of the three most important sectors of society, along with the government and private sector. As one of the most important elements in the democratization process in Indonesia, its strengths and weaknesses determine both the speed and depth of Indonesia's democratic transition, and, in time, will help to sustain the democratic system itself. The absence of civil society in most stages of the political process for the development of human rights stands out as a serious failure.

Concerning human rights promotion, civil society combines actors and institutions at both national and international levels. The international community strongly encourages civil society at the national level to support religious minorities (Hamayotsu, 2013). The International Institute for Democracy and Electoral Assistance (IDEA) presents its view of the case:

> The term "civil society" is used a great deal in Indonesia at present but surprisingly, there is no consensus about how it should be translated in Bahasa Indonesia and its elements are understood differently by many people. Civil society is an arena, a forum in which citizens associate to achieve a range of different purposes, some positive and peaceful, some perceived as negative and violent. Civil society as it is usually referred to in Indonesia means those organizations in which citizens associate in order to push for greater democracy in the country. (IDEA, Democratization in Indonesia, 2000, p. 111)

From 2008 to 2012, Indonesia saw increasing violence and discrimination against religious minorities. In a light of this experience, it has been pointed out that civil society needs external assistance from the international community to perform its functions.

The role of the state and the involvement of civil society in supporting religious minorities also relates to citizenship including citizenship as a status that connect to the membership in a community, as a right that refers to capacity for expressing individual interest, and as an identity that links to attitude of social acting of individuals (cf. Joppke, 2007). However, citizenship status is not enjoyed by all individuals and groups in Indonesian society. Furthermore, social and political aspects affect how citizens enjoy the rights of citizenship. Changes in social and political arenas can affect the construction of citizenship. It is important to analyze the gaps in citizenship in relation to discrimination and violence against minorities:

> Current conditions in Indonesia are much more conducive to the development of civil society. Indonesians are welcoming the opportunities brought about by a newly democratic political life and the chance to improve the functioning of civil society institutions, which often existed only in name previously. (IDEA, 2000, p. 114)

The citizenship gap does not reflect the inherent inability of law to address social problems; rather it reflects an insufficient application of equality within social and political arenas that distorts the juridical equality of citizenship (cf. Isin & Wood, 1999). At the ground level, the gap poses a significant problem in dealing with equal laws in unequal societal settings. Active citizenship is not something that can be achieved easily by minority citizens. Minority citizens who live under social and political pressure are generally excluded from social and political spheres and experience other restrictions (cf. Coombs & Potts, 2013).

This situation encompasses many factors of daily life: e.g., religious, economic, social, political and educational factors. Based on the increasing discrimination exhibited by many social and political actors, the members of minority groups in Indonesia can be considered 'unprotected citizens'. For example, Muslim leaders and intellectuals in Indonesia have an important perspective on the citizenship discourse when it comes to violence and discrimination against the Ahmadiyya. For example, Said Aqil Siradj, a Muslim leader, said that, *"even though the teachings of the Ahmadi sect are not in line with the mainstream Islamic doctrine [...] this in no ways justified violent action against them"* (Asianews, 2011). Similarly, Azyumardi Azra, a Muslim intellectual, argues as follows: *"If the state does not*

protect its citizens without distinction, anarchy will prevail; it has the duty to assure that all are free to practice their faith as stipulated by the Constitution" (Asianews, 2011). Based on this fact, the involvement of civil society in the human rights movement also deals with the recognition of certain minorities as protected citizens.

3.6.6 The Impact of Decentralization

After Suharto's 'New Order' dictatorship collapsed in 1998, Indonesia embarked upon one of the world's most ambitious political-decentralization projects. Decentralization has been regarded as one of the most important ways of solving social and political problems in Indonesia since the end of the Suharto regime (Buehler, 2010). However, decentralization has also produced serious problems with the enjoyment of social justice by people belonging to minority groups in Indonesia (Baker, 2015).

Furthermore, based on conceptual insights from some experts, a discussion of the status and position of religious minorities in Indonesia's radical multicultural society is inseparable from a discussion of decentralization, because concern for minorities is not only related to social diversity, but also to political respect among the various groups mainly minorities in society (cf. Kymlicka, 1995& 2014; Kymlicka, Lernestedt & Matravers, 2014). As a consequence, in Indonesia, the management of social diversity based on ethno-religious identity is one of the most important challenges of political decentralization. The success or failure of decentralization will be critical in shaping the human rights situation of minority groups on the ground at the local level (cf. Ramstedt & Thufail, 2012).

At present, democratization and decentralization are impacting heavily on the diverse inter-ethnic social relations between and within social groups. Thus, decentralization is affecting human rights in daily life and public discourse, as explained in a report by Human Rights Watch:

> In 2004, the Indonesian parliament passed the Autonomy Law which decentralizes many aspects in the administration of the country. It empowers new groups locally, Islamist and otherwise, as well as empowering local officials to act with less regard for what's said in the capital by officials or judges. But on paper, religion is not decentralized. It is one of the six areas where local governments are not given the mandate to regulate: foreign affairs, defence, security, justice, monetary plus fiscal, and religion (HRW, 2013-c, p. 26).

In this context, decentralization has created social and political circumstances in which religious majorities can express their political interests and religious beliefs. The main result has been that religious minorities face political and legal uncertainties, including

difficulty enjoying the right to be actively involved in the political process (International Crisis Group, 2010; Norwegian Center for Human Rights, 2011). The other issue is that the decentralization process is largely controlled by majority groups, which are inclined to deny religious minorities full participation in local politics (Tadjoeddin, 2013).

In fact, at the local level, legal recognition conflicts with the protection of religious minorities, as these two democratic principles have been implemented in different ways (Salter, 2012). Indonesian localities provide a great opportunity to study *sharia policy making* in the context of decentralized politics and democracy (Bush, 2008). In some cases, religious minorities are recognized as citizens, despite having lost many kinds of civil rights, such as the right to freely and fully participate in political process. Some local governments in Indonesia have even restricted the participation of religious minorities in the local democratic process. In this situation, minorities are directly excluded from contributing to the creation of local regulatory systems (Duncan, 2007).

Many local governments apply specific regulations that allow the majority to dominate and dictate political process (Document study from Setara Institute, 2013-a; Setara Institute, 2013-b; Interview with I-4, 2014). Although, local governments have an obligation to manage social diversities, they tend to defer to the interests of the majority. In this atmosphere, religious minorities are prone to experience political exclusion. Religious minorities find themselves in a situation where they shall first struggle for their share of the benefits of the democratic transition and then fight for political access to the benefits of development (Telle, 2014). The dangerous consequences of decentralization for religious minorities poses a serious challenge to the democratic transition in Indonesia (Rahman, 2012).

3.6.7 Civil Liberties and the Crisis of Religious Freedom

Civil liberties are among Indonesia's most important achievements in the post-1998 era.[15] They offer people many political channels for pursuing their aspirations and political interests. The Indonesian public has a political network for getting involved in the process of public-policy making and controlling their political representatives. The increase in civil liberties in Indonesia has influenced people's participation in the political process and, thus, increased the democratic benefits of the transition era (Peou, 2015).

In Indonesia, at least, civil liberties are understood from two different perspectives. On one side, civil liberties are the positive result of the political changes that occurred after the

fall of the totalitarian Suharto regime. Since then, civil liberties have become an important part of the democratic process in Indonesia. Through civil liberties, people have become 'political resources' in building a civilized democracy. People can directly support the process of democratization by asserting their political interests. It can be said that civil liberties are a democratic gift in contemporary Indonesia (Bhakti, 2004).

However, on the other side, civil liberties have been associated with the violation of the human rights of religious minorities in Indonesia. Many groups have implemented civil liberties violently, which has caused insecurity for others. Some have used civil liberties as an excuse to act violently against other (minority) groups (Interview with I-11, July, 2013; Tyson, 2013; Freedom House, 2014-a-b).

It is widely agreed that the reformation era has offered Indonesians a huge opportunity to claim their social and political rights. Freedom House is a leading organization dedicated to evaluating democratic quality worldwide. For the past few years, Freedom House has reported positively on the increasing civil liberties in Indonesia. According to a Freedom House report (2012), civil liberties in Indonesia are moving forward. The public now has an inclusive space in which to pursue their political aspirations. It is imperative that both politics and democratization patterns provide a significant reason for people to achieve their political rights and civil liberties. The emergence of civil liberties is also defined by the presence of civil society organizations. People in Indonesia have full rights to build political assemblies, organizations and social groups.

FIGURE 4. SCORES ON FREEDOM, CIVIL LIBERTIES, AND POLITICAL RIGHTS IN INDONESIA

(SOURCE: FREEDOM HOUSE, 2015)
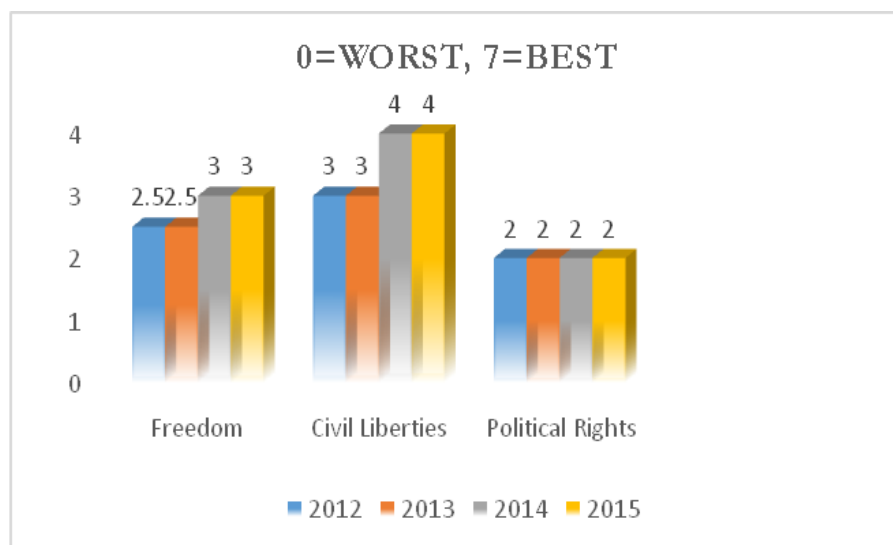
In the measurement of freedom, civil liberties, and political rights, Freedom House gives a score from 0 (worst) to 7 (best) (see Figure 4). Based on their score on these three aspects, every country is categorized into three levels of achievement, including free, partly free, and not free. Indonesia dropped from 'free' to 'partly free' in 2014 (Freedom House, 2015). Although it does not explain the overall relationship between democracy and human rights, the Freedom House report can be cited as and used for an important reference on the institutionalization of human rights in a liberal democratic system.

Nevertheless, in contemporary Indonesia, tension and conflict in public spaces have long been associated with the action of civil organizations (cf. Ramakrishna, 2015). Some civil organizations have attacked other groups so as to threaten the freedom of others. Several civil organizations have strong social and political positions, from which they dominate and determine the political process. These organizations have a significant position in managing policy, which has been a source of violent behavior in society (Vickers, 2013; Aspinall, 2013).

Violent civil society groups have a long history in Indonesia. The groups are formed from paramilitary organizations, which benefited from political fragmentation in the post-authoritarian regime in 1998. Since the fall of the Suharto regime, these civil society organizations have sought influence in the political process and have changed their status from paramilitary groups to civil society organizations formed on the basis of religion and ethnicity. They seek to exert influence in many ways and see themselves as guardians of the social norms of the majority. Indeed, violence is one way by which they continually maintain social and political influence (Wilson, 2009; 2012).

Furthermore, these organizations blatantly use violence in winning social-political positions. They have created an atmosphere in which the state is averse and unwillingly to provide security for minorities, including religious minorities. The accumulated violence carried out by radical civil organizations, combined with the state's reluctance to provide social safety nets, threatens members of religious minorities. It is important to realize that the absence of a strong political stance by the state against the perpetrators of human rights violations could destroy the civil liberties that religious minorities have to be benefiting from (Loyle, Lindekilde et al., 2012; Mietzner, 2013).

These civil society groups are occupying increasingly broader social and political spaces because of their strong bargaining position in the state and society. They have the

ability to dictate to national and local governments, especially in relation to public-policy making on minority groups. The strong position and political pressure exerted by civil society organizations is a weakness in the government's ability to protect religious minorities (cf. Puddington, 2014; Stabile, 2014).

3.7 Concluding Remarks

In this chapter, the concept of a human rights culture is used to help identify the achievements and challenges facing contemporary Indonesia in relation to human rights. Drawing on the concept of a human rights culture, some main points can be mentioned in this closing section. First, the development of human rights protection depends not only on how many international human rights conventions and treaties are signed and ratified, but also on the political will of state bodies and the level of social awareness among the public. Only when these two things are in place can human rights become *a lived experience* in daily life.

Building and realizing a human rights culture need to be undertaken by all parts of the state (national and local government) and civil society. Indonesia is at a critical juncture in strengthening its human rights foundation. On the one hand, Indonesia has made much progresses in the form of the constitutional amendment (Article 28), which provides a strong foundation for human rights protection, specifically for religious minorities. However, on the other hand, the country is also dealing with a complex political and social situation in which decentralization and the dominant influence of majority groups in political processes are marginalizing minority groups and impacting on the protection of their rights and their participation in society and politics. Hence, there is much work to be done for effective human rights protection in Indonesia's newly-decentralized structure.

Second, the Indonesian government is the highest body in executing human rights protection at the domestic level. As a duty bearer, the government is obliged, mainly by the constitution, but also by international human rights instruments, to implement human rights principles. The Indonesian government has already taken basic steps to strengthen human rights. However, the most important issue is that the government still has to demonstrate political and legal commitment to protecting religious minorities. In relation to violent actions against members of religious minorities, the government has to improve its capacity to fulfil its basic obligations under the constitution.

Third, in this chapter, the status of religious minorities has been highlighted as a core issue in the human rights culture in Indonesia. It can be said that the violation of human rights is happening not only because of the lack of a foundation and legal framework for human rights, but also because of the shifting power within the state (due to decentralization) and the power relations between groups in society. In this sense, the status of religious minorities is a mirror for understanding the problem of human rights in Indonesia.

Fourth, this chapter reminds us that the process of strengthening human rights protection is never a finished project. The development of human rights in terms of the post-colonial (decolonization) project can be considered an unfinished road towards strengthening human rights. From the field, new experiences can provide the basis for new reflections on, and formulations of, a human rights framework. The Indonesian government has to evaluate its track record in formulating an integrative framework for human rights protection. It must *double check* its achievements in human rights protection. The state does not not only combine international covenants and its own national constitution for the protection of religious minorities, it should implement the fundamental principles of all these formulations at a practical level. The government—at both the national and local levels—is necessitated to uphold its political responsibility to implement guidelines and mechanism that guarantee vulnerable minority groups justice and basic rights.

Indonesia's human rights track record can be criticized based on the violation of the rights of the Ahmadiyya. Using the Ahmadiyya as a case study, the next two chapters (4 and 5) explain how human rights are guaranteed by the government, on the one hand, and experienced by religious minorities, on the other. Chapter 4 defines the status of the Ahmadiyya as a minority group in both global and Indonesian contexts. This chapter describes their clash with other groups and the increasing attacks against them. Chapter 5 looks specifically at how the violation of the rights of the Ahmadiyya can be seen as a complete story of human rights violation and exposes the weaknesses of the current protection framework in Indonesia.

Endnotes

[1] This guided democracy was a political system that ostensibly aimed to improve the weak points of an overly free democracy, but was really intended to secure Sukarno's grip on state power. In effect, it created a dictatorship by abolishing the basic democratic rights that were formerly guaranteed in Indonesia (Lang, 2014).

[2] A complete description of the EU-Indonesia PCA can be found in Jacques Lecarte (2014). Indonesia: Human Rights Situation. At a Glance, October 29. European Parliamentary Research Service Blog. Retrieved July, 14, 2016, from https://epthinktank.eu/2014/10/29/indonesia-human rights-situation/

[3] As stated in Figure 1. The Picture of Pancasila, *'Bhineka Tunggal Ika'* means *'diversity in unity and unity in diversity'.* It is the ideological and philosophical foundation of Indonesia as 'nation-state'. Picture retrieved from: http://degambar.blogspot.nl/2014/05/gambar-garuda-pancasila.html

[4] United Nation Human Rights-Office of the High Commission of Human Rights (OHCHR), What is Human Rights, Retrieved September 7, 2015 from http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx.

[5] This information is drawn from a discussion between Professor Jimly Asshiddique and Political Sciences expert James Feldmayer in the Cultural Center of the USA Embassy in Jakarta on April 27, 2003, as reported in Pikiran Rakyat Newspaper. Retrieved December 02, 2014, from http://www.pikiran-rakyat.com/node/232762/.

[6] The Muslim position on many issues can be seen in Majelis Ulama Indonesia (MUI). (2011). *Himpunan Fatwa MUI Sejak 1975* (The Collection of MUI's Fatwa/Decree since 1975). Surabaya, Indonesia: Penerbit Erlangga, 96-100

[7] Which was adopted and opened for signature, ratification and accession by the General Assembly resolution 2200A (XXI) of 16 December 1966 entry into force 3 January 1976.

[8] This information is retrieved from http://www.dhnet.org.br/dados/pp/a_pdfmundo/pndh_indonesia.pdf

[9] This table is elaborated based on the report of Komisi untuk Orang Hilang dan Korban Tindak Kekerasan (KONTRAS; The Commission for 'the Disappeared' and Victims of Violence). Title: Evaluasi Penegakan HAM: Catatan Peringatan 60 Tahun Deklarasi Universal Hak Asasi Manusia (Human Rights) (the Evaluation of Human Rights Enforcement: Notes for the Commemoration of 60 Years of the Universal Declaration of Human Rights), Jakarta, December, 2008. Retrieved December 02, 2014, from http://www.kontras.org/index.php?hal=siaran_pers&id=809/

[10] The Full text of the Universal Declaration of Human Rights was retrieved December 12, 2014, from http://www.un.org/en/documents/udhr/index.shtml/

[11] This issue is related to the fall of President Suharto, who was in power from 1966 until 1998. This political period was known as Suharto's authoritarian regime. The absolute power of Suharto was manifested in many forms of political practices, restrictions on the press, a political monopoly through the political party system, the presidential family business, and the violation of the rigths of pro-democracy activists. This power regime had social, political, and cultural implications. The economic crisis that hit Southeast Asia and Indonesia in 1997 created discontent among the public, which grew rapidly into massive protests and demonstrations by students throughout 1997 to 1998. Suharto handed over power to Vice President BJ Habibie on March 21, 1998. James S. Davidson (2009). Dilemmas of Democratic Consolidation in Indonesia. *The Pacific Review, Vol. 22 No. 3, July 2009: 293-310.*

[12] The full text and information was retrieved August 30, 2016, from http://www.internationalresourcecentre.org/en_X2/Indonesia_Law_on_Child_Protection.pdf/

[13] This term refers to the opinion expressed by Lewis A. Coser in his classic book, *The Functions of Social Conflict* (1956, 1964). New York: The Free Press, p. 59.

[14] The position and involvement of this group and other groups will be described also in chapters 5 and 6.

[15] One important reference is the annual report of Freedom House. (2010). *Civil Liberties are Evaluated by FH as One of the Main Measurements of the Degree of Democracy in the World.* Retrieved May 13, 2014, from http://www.freedomhouse.org/report/freedom-world/2010/indonesia?page=22&country=7841&year=2010/

Chapter 4. The Ahmadiyya: Origins and History, Globally and in Indonesia

> The Ahmadi movement has been since its inception in 1889 one of the most active and controversial movements in modern Islam. It has been persistent and unrelenting in propagating its version of the faith among Muslims and non-Muslims alike. Ahmadi mosques and missionary centers have been established not only in the Indian subcontinent, but also in numerous cities of the Western world, Africa and Asia.
>
> (Friedmann, 1989, p. 1)

4.1 Overview of Chapter

As a case study, this chapter introduces the Ahmadiyya as a minority group in the context of its global and national (Indonesia) historical background and in its dynamic in relation to other groups. This chapter attempts to answer the third sub-question:

How can the Ahmadiyya, cognizant of the historical origins of this group and its relationship with other groups in Indonesia and globally, be defined as a religious minority group in the human rights discourse?

This chapter aims to provide readers with comprehensive information on the Ahmadiyya as a basis for reflecting on and understanding human rights issues and the human rights culture in Indonesia.

Three main sections are presented in this chapter. Section 2 contains some introductory remarks. This is followed by Section 3 on the origins of the Ahmadiyya, which looks at the role of Mirza Ghulam Ahmad as the founder of the group. The teachings of the Ahmadiyya, responses of Indian society to this group, and development of the Caliphate of the Ahmadiyya will also be outlined. This section describes how the Ahmadiyya have experienced the dynamics and complexity within a particular context and emerged as a global religious movement.

Section 4 sets out the contemporary situation of the Ahmadiyya globally. It briefly describes the development of the Ahmadiyya, especially on the continents of Europe, America, Africa and Australia. The continuing violence against the group is highlighted, including, for example, the violence experienced by members of the Ahmadiyya in Asia (e.g., Pakistan and Bangladesh).

Section 5, looks at the situation of the Ahmadiyya in Indonesia. Here, the presence of the Ahmadiyya and the complexity of its relationship with other Islamic groups, as well as the turning point in the mistreatment against them, are discussed. This is followed by some concluding remarks in Section 6.

4.2 Introduction

This chapter aims to link the Ahmadiyya in global and Indonesian contexts with the human rights issue of minorities as the single case study of this thesis. Religious minorities connect to many kinds of basic rights. As interdependence and inalienability are basic principles underpinning human rights, minority rights also relate to, and deal with, interlinked and interconnected rights. In short, minority rights can be linked to many categories of rights. In 1976, a few years after its declaration, the UDHR was reinforced with two main international covenants: The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICECRS) (OHCHR, 2013).

Here, it is important to recognize the ideological divisions of the Cold War, which divided thinking on human rights into two distinct schools: *'bread before freedom'* and *'freedom before bread'*. This relates to the focus of human rights on either economic interests/rights (bread) or political rights/civil liberties (freedom) (Muasher, 2013). After the Cold War, these views were reconciled and the United Nations Conference on Human Rights in Vienna adopted doctrines on the indivisibility and interdependency of human rights. It was realized that the two schools of thought on rights are equally important and that, in fact, one depends on the other. In terms of human rights culture, in the sense that both international and national frameworks for human rights are vital, nation states need to incorporate international human rights standards into their domestic legal systems (see also Chapter 2).

Although the protection and development of individual rights is a main focus of human rights, some of these rights are practiced by people in groups and communities. These rights include freedom of association and assembly, freedom of religion, and, specifically, freedom to form or join a trade union. These rights fall into the category of 'collective rights'. The collective element of these rights is more evident when human rights are linked to the status of individuals as members of certain groups. This is true, for example, in relation to the right of ethnic and cultural minorities to preserve their own languages and cultures. The explanation of the relationship between these two types of rights is that individual rights are enjoyed in association with others or as the rights of a collective group. In this case,

individual rights cannot be claimed without taking collective rights into account (Van Boven, 2014, p. 145).

The most fundamental basis of collective rights is the right to self-determination, which is regarded as being vested in people or groups/communities, rather than in individuals (see Article 1 of the ICCPR and ICESCR). The recognition of the right to self-determination as a human right is grounded in the fact that it is seen as a necessary precondition for the development of individual rights. It is generally accepted that collective rights may not infringe on universally-accepted individual rights, such as the right to life and the right to freedom from torture—these rights enjoyed in relation to others (Sepúlveda et al., 2004, pp. 12–13).

Third-generation rights, another category of rights, are also linked to collective rights. These include the right to development, the right to peace, and the right to a healthy environment. Third-generation rights are also known as solidarity rights. These rights constitute a broad class of rights that have gained acknowledgment in international agreements and treaties, but which are more contested than the other types. Third-generation human rights are more than civil and social rights; they are aspirational rights. They are also sometimes called 'green rights' (Donnermeyer, 2016, pp. 1–10).

Some examples of third-generation rights are the right to economic and social development, the right to natural resources, the right to communicate, the right to participate in a cultural heritage, and the right to intergenerational equity and sustainability. These rights have been expressed in documents advancing aspirational 'soft laws', such as the 1992 Rio Declaration on Environment and Development and the 1994 Draft Declaration of Indigenous Peoples' Rights. In 1986, third-generation rights were given official human rights status as part of the right to development.[1]

While referring to and reconsidering the emergence of third-generation rights, which are closely related to minorities rights, it is important to remember that human rights are established and expanded to guarantee the rights of all people (individuals) *vis-à-vis* the state and even certain majority groups in society (Morgan-Foster, 2005). Frequently, and specifically, this statement focuses on the fact that the most vulnerable minority people in need of recognition and protection belong to groups/minorities that in one way or another distinguish themselves from the rest of society: i.e., by way of language, religion, ethnicity, and culture (Geldenhuys & Rossouw, 2001).

Although there are many situations in which minorities have been able to claim, enjoy and experience human rights protection in their daily life, throughout history the members of minority groups have also suffered human rights violations due to oppressive majorities, political discrimination, expulsion, forced assimilation, genocide and active repression by their government. These multiple forms of persecution are also caused by the failure of the government to provide specific mechanisms for the protection of human rights. The provision of such mechanism can determine the level of the human rights culture in relation to the presence of minorities, particularly religious minorities. It is needed to note that the emergence of democratic politics and increasing of human rights provide new chance and challenge in making a strong protection framework of minorities in dealing with a dominant position of the majority (Sepúlveda et al., 2004, p. 357).

This chapter holds that the case of the Ahmadiyya can provide insights into the complexity of the problems faced by minority groups in claiming, enjoying, and experiencing human rights. This group has experienced tension and conflict with other groups, and has dealt with political problems in many different contexts. The problems they have faced have affected and influenced their position as a (religious) minority group. Their situation in Indonesia (and the world) can be used as a tool for assessing the human rights culture. This closely links with the idea of human rights culture as a useful concept for studying issues of solidarity, diversity and the rights (Nash, 2005; see Chapter 2, Section 4). Hence, this chapter examines the Ahmadiyya and their struggle, in both global and Indonesian contexts, to determine how they can be defined as a religious minority group in the human rights discourse.

4.3 The Origins of the Ahmadiyya

This section reviews three important aspects of the Ahmadiyya: the role of *Mirza Ghulam Ahmad* in the origins of the Ahmadiyya; the theological beliefs underpinning the Ahmadiyya; and the important role of the Caliphate in developing this group worldwide. The reactions that the Ahmadiyya have received are also described to show the group's relationship with the context in which the group first developed.

4.3.1 Mirza Ghulam Ahmad

The Ahmadiyya is an international Islamic movement that was founded by Mirza Ghulam Ahmad in Ludhiana, India in 1889. Mirza Ghulam Ahmad was born in the 1830s in the Panjabi village of Qadiyan, India (Friedmann, 1989, p. 3). Ghulam was his family name,

while Mirza was a title commonly used by nobles and the descendants of the Muslim Moghul dynasty. He came from the noble tribe of Barlas of the Moghul Dynasty, Persia. This tribe had migrated to India in 1530 AD.

When he was seven-years old, Fazal Ilahi, a teacher from Qadian, taught Ghulam Ahmad to read the Qur'an and several books in the Parsi language. Then, when he was 10-years old, a teacher from Ferozewala in the Gujranwala region, Fazal Ahmad, taught Ghulam Ahmad Arabic grammar. When he was 16-years old, in addition to studying the Qur'an, Ghulam Ahmad also studied the Gospels and the Weda. When he was 17 to 18-years old, Gul Ali Shah taught him Arabic grammar and logic (Muhammad, 1982; Ali, 2008). With the lessons he received at a very young age, Mirza Ghulam Ahmad could speak fluent Arabic and Parsi. He developed himself with the knowledge of the Qur'an and religious books. In addition, he spent much time in his father's library reading scientific books. When he was 16-years old, Ghulam Ahmad married his cousin, the daughter of Mirza Beg Jamian—Bibi Hurmat. After having two children, Mirza Sultan Ahmad and Mirza Ahmad Fadhal, he no longer lived with his wife (Friedmann, 1989; Sofianto, 2016).

During his career, Mirza Ghulam Ahmad worked as a commissioner in the court office in the city of Sialkot. However, he returned to Qadian when his mother died in 1868. This was a very difficult time in his life. This experience was also his entry point into the 'essential spiritual transition', as he was compelled to not love worldly things, but instead to deepen his spiritual life. At the age of 40, he embarked on a spiritual journey. He claimed to have dreamt of the coming of an angel, who advised him to fast based on the Sunnah of the Apostles of Allah so that he could receive divine revelation and grace. He fasted for eight to nine months. During that time, he had many dreams and visions. In his dreams, he met the previous prophets. In 1876, when his father died, Mirza Ghulam Ahmad decided to leave behind all 'worldly affairs' (Friedmann, 1989, p. 3).

FIGURE 5. PICTURE OF THE MIRZA GHULAM AHMAD

(SOURCE: HTTP://WWW.MUSLIM.ORG/HMGA.HTM)

He was determined to defend the position on Islam, which was under spiritual and political attack, and he was alone in this struggle. He spread its ideology by publishing many books and writing many articles in journals and newspapers. Mirza Ghulam Ahmad became increasingly popular in the public space and a prominent figure in society. His popularity as a defender of Islam became stronger after he wrote the book *Barahin-i Ahmadiyya* in 1880 (Friedmann, 1989, p. 4).

At the very beginning of this book, Mirza Ghulam Ahmad wrote a defense of Islam and the Prophet Muhammad. He fought openly against the attacks by various parties against Islam. The appearance of this book not only boosted the position of Ghulam Ahmad as a defender of Islam; it also evoked a spirit and passion for defending Muslims. After that, Ghulam Ahmad became a reformer of Islam in Qadian. He wrote several books to support the dissemination of his ideology (Noori, 1984) and was intrigued by the condition of Muslims at that time.

As mentioned previously, during the time when he lived apart from his wife, in 1881, Mirza Ghulam Ahmad claimed to have had a revelation that he would marry again and have children who would spread the Ahmadiyya. In accordance with this revelation, Mirza Ghulam Ahmad married 18-year old Sayyidah Nusrat Jahan Begum in 1884, daughter of Hazrat Mir Nasir Nawab. Despite an age difference of 32 years, they had 10 children together.

In 1888, Ghulam declared that he had received a revelation from God asking him to build a community supporting the renewal of ideas throughout the Islamic world. On January 1, 1889, Ghulam Ahmad spread pamphlets that stated that there is a holy promise in his hands. On January 12, 1889, he again spread leaflets containing 10 terms of allegiance, which required those who made the pledge of allegiance to surrender fully to God's every command (Friedmann, 1989, p. 5).

At that time, the Islamic congregations in Qadian directly supported Mirza Ghulam Ahmad by making a holy vow (*bay'at*) to be the first member of his community. Friedmann provided an important description of *bay'at:*

> […] Ghulam Ahmad published an announcement (*istihar*) in which he invited 'people who are seekers of truth to pledge allegiance (*bay'at*) to him in order to learn true belief, real purity of faith, the way to love God' and in order to abandon their indolent and treacherous ways of life. (Ibid., 1989, p. 5)

> The ceremony of initiation (*bay'at*) took place in March 23, 1889 in the city of Ludhyana. Of those who attended, special mention should be made of Nur al-Din, who was to succeed Ghulam Ahmad as leader of the movement. The Ahmadiyya as an organization was thus established. (Ibid., 1989, p. 5)

This first event was attended by 40 followers. Afterwards, a new stream of Islam, called the Ahmadiyya movement, was officially born. According to the first members of the group (the Ahmadiyya Qadian), the moment was known as the awakening of the Ahmadiyya (Aziz, 2014).

In 1890, Mirza Ghulam Ahmad claimed to be the Mahdi and the Messiah promised by Allah to revive Islam and enforce Islamic law at the end of the Age. This claim was based on the revelation that he received from the Lord (Allah). The revelation proclaims Mirza Ghulam Ahmad's status as a prophet and the spiritual shadow of the Ahmadiyya (Valentine, 2008). Several key factors prompted Mirza Ghulam Ahmad to found the Ahmadiyya, such as British colonialism in South Asia, the degradation of Muslim culture in many regions, and the Christianization process being undertaken by European missionaries. Therefore, the formation of the Ahmadiyya was the result of self-criticism concerning Muslim attitudes and resistance against the interference of other religions (Platzdasch, 2011).

After Mirza Gulam Ahmad claimed to receive instructions from the Lord, he was more stable in propagating beliefs and ideology. He was very active in spreading his Islamic ideology, because, at that time, the majority of Muslims were immersed in ignorance and

poverty and held various beliefs about mysticism and syncretism positioned somewhere between Islam and Hinduism. In addition, the Christian missionaries, who were supported by the British Government, were keen to spread ideologies and refused to acknowledge the existence of Islam. Similarly, Hindu Arya Samaj was also trying to suppress Islamic religious life, which he believed threaten Indians (Adamson, 1989; Haddad & Smith, 2014).

In 1891, when Ghulam Ahmad was in Qadian, he was told by God that Jesus, who was waiting for his second coming, was dying and would not come again to this world. Ghulam Ahmad had described himself as Jesus who was coming again. This was relating to the Christian teaching of the second coming of Jesus. He then announced himself as *Masih Mau'ud* (Jesus) to his family members and spoke about what he would face due to these spiritual and ideological declarations (Friedmann, 1989, p. 6; Ahmad, 2008).

In 1900, a census was held in India, in which each group needed to have its own name, which was to be selected by its adherents. To meet this need, on November 4, 1901, Mirza Ghulam Ahmad spread pamphlets and started to establish a congregation named *Firkah Ahmadiyya Islam*. Since then, the name 'Ahmadiyya' has been commonly used by the followers of Ghulam Ahmad. His followers were individually called Ahmadis. The name was used to distinguish Ahmadiyya Muslims from other Muslims. According to Ghulam Ahmad, the Ahmadiyya name was taken from another name of Muhammad, who was known as Ahmad. Mirza Ghulam Ahmad died in Lahore, Pakistan, May 26, 1908 (Friedmann, 1989, p. 13).

4.3.2 Controversial Theological Position

The Ahmadiyya hold to the same theological fundaments as mainstream (Sunni) Islam, including *the Five Pillars of Islam*[2] and the six articles of faith (El-Affendi, 2003). However, there are some main differences between the Ahmadiyya and mainstream Islam (Jonker, 2014), including how they elaborate their teaching framework as a unique approach to the whole theological foundation (Ahmad, 1988, 1995). For example, the main teachings of the Ahmadiyya include: *the death of Isa Al-Masih*, *the holy revelation* and *the prophethood*.

On the Ahmadiyya Islam doctrine of prophethood, Friedmann writes:

> None of Ghulam Ahmad's ideas caused greater controversy than his claim to have been entrusted with a crucial role in the spiritual history of mankind. He claimed, among other things, to be *mujaddid,* renewer (of religion) at the beginning of the fourteenth century of Islam; *muhaddath,* a person frequently spoken to by Allah or one of His angels; and *mahdi,* "the rightly guided one, the messiah," expected by the Islamic tradition to appear at the end of days. These are, in the Islamic context, bold religious claims, but even they fade into moderation when compared with the manner in which Ghulam Ahmad interpreted the Islamic idea of the prophethood and its finality. (Friedmann, 1989, p. 49)

The Ahmadiyya hold that God's revelation is always open and was never interrupted after the Prophet died. Mirza Ghulam Ahmad mentions three ways in which God sends revelations: first, by speaking directly to someone; second, through *kashaf* or divine guidance received by a person in a conscious state, with spiritual eyes; third, by sending a messenger or angel to deliver the message. The first and second types of revelation are lower levels. The third type is the highest form of revelation given only to the Prophet Muhammad by the hand of the Angel Jibriil (Valentine, 2014).

The Ahmadiyya believe that the Qur'an is the final message from God to the world and mankind. In this, they recognize the Qur'an as the first foundation of all doctrine and the theological framework for their religious beliefs. Even though God gave the Qur'an as a final message to mankind, they also believe that God is constantly communicating with human beings through individuals of His own choosing. They believe that this has happened throughout the history of mankind. They confirm that all of God's attributes are eternal, although He has to repeatedly communicate with humans. The Ahmadiyya also believe that Muhammad was a perfect prophethood. They also believe that he was central to the spiritual development of mankind (Fitzpatrick & Walker, 2014).

The Ahmadiyya believe that prophets can come into the world, but that they are at a lower level than Muhammad. New prophets cannot proclaim a new law or a new religion (Valentine, 2008). Mirza Ghulam Ahmad did not claim to be a full prophet, but declared himself to be the 'shadow prophet' about 11 years after his claim to be Al-Mahdi and the promised Messiah. However, this position caused debate among his followers. In November 5, 1901, Mirza Ghulam Ahmad asserted through a pamphlet that God had called him a prophet. As explained by Friedmann, this is one of the main points of contention between the Ahmadiyya and Sunni Islam:

> Ghulam Ahmad's views on the finality of prophethood are, in the eyes of his Sunni adversaries, the most serious deviation from orthodox belief. We have seen that these views have been the chief reason for the stormy relationship between the Ahmadi movement and the mainstream of Sunni Islam. (Friedmann, 1989, p. 165)

The Ahmadiyya claim that the prophetic or apostolic prophethood of Mirza Ghulam Ahmad is that of full unconditional prophet, and that he was involved in the prophethood of Muhammad (Khan, 2004).

Relating to the Christian teaching of the second coming of Jesus Christ, the Ahmadiyya believe that Jesus was crucified and survived four hours on the cross. The followers of the Ahmadiyya understand that when Jesus was crucified he was not dead, but only in an unconscious state. Jesus was later revived in the tomb. The Ahmadiyya later reveal their belief that Jesus died in Kashmir. They maintain that Jesus was buried in Kashmir under the name Yuz-Asaph (see https://www.alislam.org/topics/jesus/index.php/).

As a core teaching, the Ahmadiyya say that what is said in the Bible and Islamic prophecies about the second coming of Jesus Christ has been fulfilled in the person and presence of Mirza Ghulam Ahmad. The Ahmadiyya also believe that *the promised Messiah* and *the Imam Mahdi* are the same person. In fact, they believe that their prayers will defeat the anti-Christ ushering in a new period of growth and a new age for the Christian community. Islam, at this point, would be victoriously prophetic in affecting the history of mankind (Chaudhry, 1996).

In relation to the doctrine of *jihad*, the Ahmadiyya have divided it into three main aspects (Ahmad in Muslim.org, n.d.). First, *jihad* is connected to a personal spiritual movement associated with the fight against lower desires such as anger, lust, and hatred. For the Ahmadiyya, the biggest crisis in human life concerns the problems of human beings themselves. Everyone should be able to fight the evil and bad tendencies within themselves (Lathan, 2008). Second, *jihad* refers to the peaceful propagation of Islam. It refers to the main mission of Islam as a peaceful religion in the world. Third, *jihad* can be used for 'self-defense' under extreme religious persecution against the members of Islam. Friedmann describes this defensive mechanism as follows:

> By providing this interpretation of the Qur'anic material, Ahmadi theology attempts to demonstrate the totally defensive nature of Islamic *jihad*. With the same purpose in mind, the Ahmadis repeatedly refer to the "peaceful" version of the *mahdi* tradition mentioned above. As we have seen, the *mahdi* is expected, according to that version, to break the cross, to kill the swine, and to abolish war *(yada' al-harb)*. (Friedmann, 1989, p. 175)

In the teachings of the Ahmadiyya, *jihad* can be used to resist the discriminatory methods threatening their belief (as self-defense). However, *jihad* can only be conducted after obtaining an approval statement from the Ahmadiyya caliph (Del Re, 2014).

Moreover, the Ahmadiyya generally believe that Mirza Ghulam Ahmad was given the mission of *jihad* to spread the values of Islam in the world. But his mission does not take the form of military power, which they believe is no longer relevant in modern times, but the form of literature and the media. The Ahmadiyya also teach that love has the power to combat hate. The Ahmadiyya disagree with all forms of violence, whether committed by individuals, social or religious groups, or the government (Rasheed, 2010). In addition, in relation to religions, according to the Ahmadiyya, the history of religion is cyclical and renewed in a cycle of seven thousand years. The cycle began in the time of Adam and is divided into seven new ages, parallel to the seven days of the week, with two parts that are important periods of light and darkness. They believe that Mirza Ghulam Ahmad appeared as the promised Messiah at the time of the sixth cycle to start the seventh and final religious cycle (Hanif, 2003).

4.3.3 Three-Pronged Resistance in India

At the beginning of the Ahmadiyya's spiritual movement, Mirza Ghulam Ahmad and his followers faced reactions from three different Indian groups: mainstream Muslims, Christians and the Hindu Arya Samaj, who had opposed Ghulam Ahmad from the beginning (Ahmad, 1996; Sofianto, 2016). The first reaction came from Muslims. The majority of the Islamic community resisted the movement and teachings of Mirza Ghulam Ahmad. This encouraged Nazir Hussain to issue a decree (*fatwa*) in 1890 against the members of the Ahmadiyya as a 'heretical sect'. The decree declared Mirza Ghulam Ahmad and his followers to be non-Islamic. This was the starting point of the minoritization of the Ahmadiyya based on their theological position with respect to the mainstream Islam community. This decree has had multifaceted impacts on the whole Ahmadiyya community worldwide.

The decree was also supported by Muhammad Hussain Baltavi. As the main student of Nazir Hussain, Baltavi was known as a colleague of Mirza Ghulam Ahmad, who supported him to defend Islam from challenges by Christians and the Arja Samaj (Walteb, 1916; Lavan, 1972). After the Ahmadiyya was declared a deviant group, tension and conflict arose between Ahmadiyya and non-Ahmadiyya families (Jones, 1986). In response to the reaction, Mirza Ghulam Ahmad tried to open a dialogue with several Muslim leaders. Mirza Ghulan Ahmad

came to New Delhi, India, and met Nazir Hussain. At that time, Hussain had many loyal students, and he was considered the main figure of Islam in India. Mirza Ghulam Ahmad tried to defend himself against the decree (*fatwa*) (Ahmad, 2010).

Christian and Hindu groups also opposed Mirza Ghulam Ahmad and his followers. First, Christians considered Mirza Ghulam Ahmad to be a demon and opposed his recognition as the second coming of Jesus. In 1893, there was a debate between Mirza Ghulam Ahmad and Abdullah Atham, who represented the Christian group, about the recognition of the promised Messiah and the doctrine of the death of Isa. Second, tension and conflict from the Arya Samaj (the Hindu group) can be understood by considering India as the birth place of Hinduism. Although, the Ahmadiyya faced strong resistance from other groups, they still maintained their ideological and theological basis (Friedmann, 1989, pp. 5–8; Sofianto, 2016).

However, none of these oppositions threatened the efforts of Mirza Ghulam Ahmad in spreading the faith and distributing his ideological and theological message to the public. In fact, the opposition that he faced became a new source of strength and encouraged him to preach his teachings more openly to others. He specifically requested the support of the Muslims who had fought on his side over the previous ten years in spreading his theological beliefs and attitudes.

4.3.4 The Role of the Caliph and Global Movement of the Ahmadiyya

The caliphate of the Ahmadiyya is different from the caliphate of Muhammad. On the one hand, Muhammad introduced and taught his caliphate certain spiritual and political perspectives. It is widely believed in Islam that the successor of Muhammad (the caliph) should represent Islam as a political and spiritual leader. On the other hand, just in a spiritual meaning, Mirza Ghulam Ahmad and his followers described their caliphate a system that is struggling to fight ignorance, disease, hunger and unscrupulous dealings (Sofianto, 2016).

The caliph has played an important role in the movement of the Ahmadiyya worldwide (Ahmad, 1994). In 1905, Ghulam Ahmad wrote *Al-Wasiyat* (Se: http://aaiil.org/index.shtml) In this book, he claimed that God would provide a revelation when he died. He also asserted that the Ahmadiyya would be collected in the leadership of *the caliph*, who would continue the mission of Ghulam Ahmad. After his death, the Ahmadiyya caliphate was formed (Ali, 2011).

After the death of Mirza Ghulam Ahmad, Hakeem Noor-ud-Din was unanimously elected as the first caliph. In his six-year period, he managed to oversee an English translation of the Qur'an, the introduction of various newspapers and magazines of the Ahmadiyya, and the formation of the first Ahmadiyya mission in England. As a result of the growing financial needs of the community, he also successfully founded the official treasury. However, in this period, as the first caliph, he dealt with internal conflicts and tension. This tension was particularly associated with the response of the boards of the Ahmadiyya's officials who did not agree with the concepts of administration and the authority of the caliph.

After the death of the first caliph, Mirza Basheer-ud-Din Mahmood Ahmad was elected as the second caliph, in accordance with the will of his predecessor. However, a faction within the Ahmadiyya, led by Maulana Muhammad Ali and Khwaja Kamal-ud-Din, was strongly opposed to the succession and they refused to accept and recognize him as the next caliph (Ali, 1918). This caused them to form the Lahore Ahmadiyya Movement[3] (Aziz, 2008). This was due to differences with the specific doctrines held by the caliph, such as the nature of Mirza Ghulam Ahmad's prophethood and his succession (Valentine, 2008, p. 68).

Friedmann describes the split of this new stream of the Ahmadiyya as follows:

> While accepting Ghulam Ahmad's prophetic claim, Muhammad Ali considerably dilutes the relevant concept of partial prophethood by stressing that Ghulam Ahmad was not unique in achieving it: partial prophethood can be attained by all Muslim mystics and by all *mujaddidun*. The concept is further watered down by the introduction of a distinction between the usage of 'prophet' as a legal term […] and its meaning in general parlance […]. (Friedmann, 1989, p. 149)

However, the Lahore Ahmadiyya movement had relatively little success and failed to attract a sizeable following (Immigration and Refugee Board of Canada, 2006).

Mahmood Ahmad led the Ahmadiyya for a period of almost 52 years. During this period, he founded the organizational structure of the Ahmadiyya. He also started his missionary activities, sending missionaries throughout India. Twenty years into his tenure, Mahmood Ahmad launched two major schemes for strengthening a moral education mission and the Ahmadi Muslims. First, the Tehrik-e-Jedid (New Scheme) and second, Waqf-e-Jedid (New Dedication) (Al-Islam (The Official Website of the Ahmadiyya Muslim Community), Hazrat Mirza Bashiruddin Mahmud Ahmad, (n.d.); Hayat, 2009). These were seen as part of the spiritual battle against the oppressors of the Ahmadiyya. Both of these schemes were considered a call to every member of the Ahmadiyya to sacrifice their time and donate money

for their faith and other group members, who struggled against violence and discrimination worldwide (Al-Islam, Ibid.).

During the term of Mahmood Ahmad, the Ahmadiyya also successfully established a center for their mission in 46 countries, built mosques in many foreign countries, and translated the Qur'an into several major languages (Loimeier, 2005). The Ahmadiyya believe that God's word and His work have a relationship and, thus, there is no contradiction between religion and science (Guidere, 2012). With specific reference to this relationship, the second caliph of the Ahmadiyya stated that, to understand the revelations of God, Islam needs to learn responsibility. Consequently, to realize the importance of his work, Muslims and humanity need to study His word (see, The Review of Religion, 2011). Mahmood Ahmad himself wrote many papers and a ten-volume commentary on the Qur'an (see Moulvi Bashir Ahmad Dehlavi in www.Al-Islam.org).

TABLE 2. THE HISTORY OF THE AHMADIYYA CALIPHATE[4]

1882	Mirza Ghulam Ahmad claims (without publicity) to be the Mujaddid of the fourteenth Islamic century
1889	Mirza Ghulam Ahmad establishes the Ahmadiyya Muslim movement
1890	Mirza Ghulam Ahmad announces his claim to be the 'Promised Messiah' and the 'Imam Mahdi'
1908	Mirza Ghulam Ahmad dies in Lahore. Hakeem Noor-ud-Din is elected as the first caliph
1914	Mirza Basheer-ud-Din Mahmood Ahmad is elected as the second caliph
1947	Mirza Basheer-ud-Din Mahmood Ahmad migrates to Lahore, Pakistan
1948	Mirza Basheer-ud-Din Mahmood Ahmad establishes the city of Rabwah as the new center of the community
1965	Mirza Nasir Ahmad is elected as the third caliph
1982	Mirza Tahir Ahmad is elected as the fourth caliph
1984	Mirza Tahir Ahmad moves to London, United Kingdom
2003	Mirza Masroor Ahmad is elected as the fifth caliph

Mirza Nasir Ahmad succeeded as the third caliph of the Ahmadiyya after being elected on November 8, 1965. He was required to expand the work of the missionaries of the Ahmadiyya in Africa (Waseem, 2008). He showed strong leadership—especially in the face of strong pressure from the National Assembly of Pakistan, which declared the Ahmadiyya non-Muslim (www.Al-Islam.org). On April 4, 1970, he visited Africa and started to build a new Ahmadiyya mission called *Nusrat Jahan*. The mission opened a medical clinic and several schools. During a missionary trip in Europe, when building the Basharat Mosque, the first mosque in Spain, Mirza Nasir Ahmad wrote the very popular motto of the Ahmadiyya: '*Love for All, Hatred for None*' (The Review of Religions, March, 2008). Mirza Nasir Ahmad also formed the *Fazl-e-Umar* foundation in honor of his predecessor and oversaw the compilation of the dreams, visions, and verbal revelations claimed to have been received by Mirza Ghulam Ahmad.

FIGURE 6. THE AHMADIYYA'S MOTTO AT THE ENTRANCE OF THE AHMADIYYA MOSQUE
(SOURCE: FIELD OBSERVATION, CENTRAL JAKARTA, AUGUST, 15, 2014)

The day after the death of his predecessor, Mirza Tahir Ahmad was elected as a fourth caliph on June 10, 1982. When the Pakistani government officially announced the Anti Qadiani Ordinance Number XX of 1984 (Syed Rashid Ali, 2010)—which aimed to stop the activities of the caliph, thereby placing the Ahmadiyya in a dangerous situation (see more on this in Sections 4 and 5)—Mirza Tahir Ahmad left Pakistan and immigrated to London. He

moved the center of the Ahmadiyya to the Fazl Mosque, the first mosque in London. This began a new era in the history of this community (Martin, 2004).

During this period, Mirza Tahir Ahmad launched the group's first satellite television network: named Muslim Television Ahmadiyya. He also formed the fourth caliph *Waqfe Nau Scheme*: a special program for children of the Ahmadiyya to serve the community. He also inaugurated humanitarian-aid agencies like the Maryum Shaadi Fund and the Syedna Bilal Fund for victims of abuse and disaster relief. Tahir Ahmad personally set aside a specific time to engage in dialogue with many people from various religions, professions, and cultural backgrounds. This dialogue was held in several languages. He also wrote several books, including, *Murder in the Name of Allah*, which was published in 1989 by *Lutterworth Press* and *Revelation, Rationality, Knowledge and Truth*, which was published in 1998 by Islam International Publications (Buckley, 2008).

After his death, for the first time in the history of the Ahmadiyya, the election of the caliph was organized in a western city—London. Mirza Masroor Ahmad was elected as the fifth caliph and is still the current caliph. After his election, Mizra Masroor Ahmad, in his efforts to promote the key message of *peaceful Islam* and to support the service of humanity, made a mission journey around the world. In regard to terrorism, he explicitly rejected and condemned all forms of terrorism (Hanson, 2007; The Review of Religion, 2012). On this international trip, he met several heads of state, held an international conference in support of peace and justice, and actively offered Islam as a solution to the world and for all humanity (Audi, 2013). Mirza Masroor Ahmad, in response to social and political conflicts in the contemporary world, sent a letter to world leaders, travelled around the world to teach his beliefs, maintained correspondence with the global community, and outlined the principles of the Islamic religion (The Review of Religion, 2012).

4.3.5 Closing

Since its birth, the Ahmadiyya movement has faced both accommodative responses and resistance from other religious groups in India. The theological positions proclaimed by Mirza Ghulam Ahmad attracted the attention not only of Muslims, but also of Christians and Hindus. As a result of this attention the Ahmadiyya have come to be regarded as a deviant group that has destroyed the unity of Islam. The opposition shown by the majority of Muslims at that time came in the form of a *decree* by Islamic leaders and the emergence of violence against them.

The existence of the caliphate has been important in the development of the Ahmadiyya worldwide. After the Pakistani government issued an ordinance to stop the activities of the caliph in 1984, it moved to London. The Ahmadiyya found itself in a different social, cultural and political environment. In fact, it has received diverse reactions from all of the communities in which it has developed Islamic missions. The Ahmadiyya have faced different situations from one location to another, which has meant that there is no uniformed experience of the Ahmadiyya. The following sections in this chapter describe the global situation of the Ahmadiyya and the case of the Ahmadiyya Indonesia, in particular.

4.4 The Ahmadiyya in the Contemporary Global Context

This section describes the current situation of the Ahmadiyya, who are living under pressure, discrimination, and violence (Eltayeb, 2004), a situation that is directly related to the definition of the Ahmadiyya in some Islamic countries as a heretical sect that is not part of official Islam. In relation to the number of Ahmadiyya worldwide, some reports put the total population at between 10 to 20 million people, with the largest population in the South Asia region, at around 9 million people, and the second largest population in Pakistan, at 5 million. In addition, hundreds of thousands of Ahmadiyya live in Indonesia and Bangladesh (HRW, 2005). The official Ahmadiyya community website lists some important data related to the global population (Figure 7).

FIGURE 7. THE GLOBAL POPULATION OF AHMADIYYA
(SOURCE: HTTPS://EN.WIKIPEDIA.ORG/WIKI/AHMADIYYA_BY_COUNTRY)
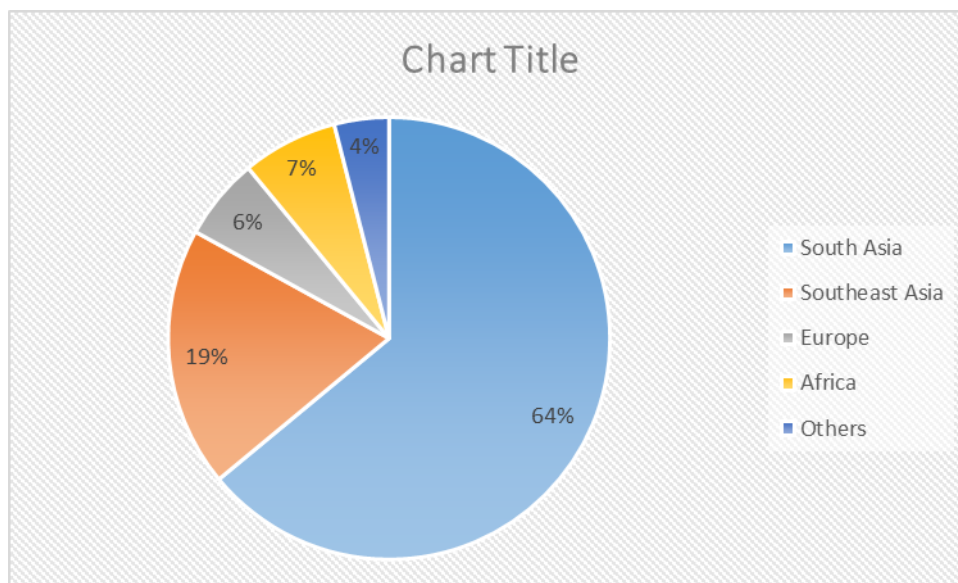
The population of Ahmadiyya is also growing in Europe, the Americas, Africa and Australia. There are approximately 30,000 Ahmadiyya living in the UK, 30,000 in Germany, 25,000 in Canada and 15,000 in the United States. There are also a significant number of Ahmadis in sub-Saharan Africa; in 1957, there were 100,000 Ahmadis in the African Republic of Ghana. In 1994, there were 150,000 Ahmadiyya members in French-speaking Muslim countries (Turner, 1988). The Pew Research Center reports that the states with the largest proportion of Ahmadiyya among their Muslim population are Ghana (16%) followed by Tanzania (15%), Cameroon (12%), and Liberia (10%). Ahmadiyya Muslim communities have been established in more than 200 countries (Refugee Review Tribunal, Australia, 2005). The Pew Research Center also says that the Ahmadiyya community is the most active translator of the Qur'an. It is important to note that the Ahmadiyya have been able to establish a good relationship with the people in these countries. The Ahmadiyya congregation is involved in many humanitarian projects and supports the development of a civilized and fair society. The Ahmadiyya actively foster peace in these communities. In some countries in Africa[5], for example, the members of the Ahmadiyya live in peaceful situations (Kilonzo, 2011), in contrast to the situations they face in Asia. They have also been successful in regions like Australia and New Zealand (Beyeler, 2012).

The Ahmadiyya have a significant population in India, its country of origin. In India, most Ahmadiyya live in Kerala, Rajasthan, Odisha, Haryana, Bihar, Delhi, and Uttar Pradesh, with a few in Punjab (in Qadian). India considers the Ahmadiyya to be part of Islam. On December 8, 1970, the Kerala High Court confirmed the status of the Ahmadiyya as Muslims (Immigration and Refugee Board of Canada, 1991). Thus, they cannot be declared a heretical sect by other Muslims. As members of Islam, the Ahmadiyya have the same beliefs about the foundation of Islam, which is that there is no god but Allah and Muhammad is the prophet of God. Based on this legal status, the Ahmadiyya are free to practice their religion and call themselves Muslim.[6]

However, in recent decades, in some regions of the world, the Ahmadiyya have experienced substantial discrimination and violence (HRW, 2012). In India, the Ahmadiyya have experienced discrimination from other Islamic groups. For example, the Islamic University of India and Darul Uloom Deoband both declared that the Ahmadiyya are not Muslim (see www.darulifta-deoband.org). The Ahmadiyya are not allowed by leaders of other Muslim groups to be members of official Islamic institutions recognized by the government (Nazqi, 2008). In February of 2012, the Council of Andhra Pradesh made an

unprecedented decision when it advised Islamic people in the district not to marry members of the Ahmadiyya (Khan, 2012).

In Pakistan, the situation of the Ahmadiyya is an important issue in the relationship between religion and the state (politics) (Qasmi, 2014). With approximately 5 million members, Pakistan has a significant position in the development of the contemporary condition of the Ahmadiyya in the world (Immigration and Refugee Board of Canada, 2008). In 1974, the Pakistani parliament adopted a law declaring the Ahmadiyya non-Muslim based on their theological position (Gualtieri, 1989; Zaman, 1998). After the expression of this 'hateful' political and legal decision in Pakistan, the Ahmadiyya have been restricted in the expression of their religious freedom by a series of ordinances, acts, and constitutional amendments.[7]

The amendment of Pakistan's constitution defines a Muslim as "a person who believes in the finality of the Prophet Muhammad".[8] The amendment of Article 106 of the Constitution provides that:

> In the Constitution of the Islamic Republic of Pakistan, hereinafter referred to as the Constitution, in Article 106, in clause (3), after the words "communities" the words and brackets "and persons of the Quadiani group or the Lahori group (who call themselves 'Ahmadis') shall be inserted. (The Constitution of Pakistan, available at: http://www.pakistani.org/pakistan/constitution/amendments/2amendment.html/)

And the amendment of Article 260 of the Constitution states that:

> In the Constitution, in Article 260, after clause (2) the following new clause shall be added, namely, "A person who does not believe in the absolute and unqualified finality of The Prophethood of Muhammad (peace be upon him), the last of the Prophets or claims to be a Prophet, in any sense of the word or of any description whatsoever, after Muhammad (peace be upon him), or recognizes such a claimant as a Prophet or religious reformer, is not a Muslim for the purpose of the Constitution or Law. (The Constitution of Pakistan, available at: http://www.pakistani.org/pakistan/constitution/amendments/2amendment.html/).

In fact, in 1984, Zia-uL-Haq, Pakistan's military leader and ruler, the sixth president of Pakistan from 1978 to 1988, issued Regulation No. 20, which resulted in the procedure to prevent 'anti-Islamic activity' by banning the activities of the Ahmadiyya (Hussain, 1994; Grare, 2007). Based on this regulation, the members of the Ahmadiyya are prohibited from using Islamic attributes (Khan, 2003).

The religious status of the Ahmadiyya broadly affects their situation as citizens and in daily affairs in Pakistan. For example, in applying for a passport or national ID card, all

Pakistanis are required to officially state that Mirza Ghulam Ahmad is a deceiver and declare that the Ahmadiyya is a non-Muslim group (Raina, 2014; Farrokh, 2015). As a well-known example of this case, the word *Muslim* was removed from the gravestone of the Nobel laureate Abdus Salam because of his affiliation with the Ahmadiyya (Hanif, 2010).

In 2005, a survey was conducted to determine the views and opinions of private-school students in Pakistan on the Ahmadiyya. The survey concluded that the Ahmadiyya are considered a religious minority group that is most restricted in the enjoyment of human rights compared to other citizens (Rashid, 2011). At the same time, the survey found that teachers at elite schools have a low tolerance towards members of the Ahmadiyya in comparison to other students (Rahman, T., 2005). The main finding of this research is that the members of the Ahmadiyya are harassed at certain schools and universities in Punjab province due to their religious beliefs, which also influences their educational circumstances (Ebrahim, 2011).

On May 28, 2010, a deadly attack took place against the Ahmadiyya in the form of an attack on the Ahmadiyya Mosque in Lahore. On that day, some members of extremist groups destroyed two Ahmadiyya mosques and shot members of the Ahmadiyya who were attending the Friday worship. In the attack 86 people were killed and more than 100 were injured. In response to the attack, the Minister for Minority Affairs, Shahbaz Bhatti, merely visited the Ahmadiyya victims (International Ahmadiyya Muslim Jemaat, 2010).

Following this horrible situation, to remember the 39th anniversary of the official regulation banning the Ahmadiyya in Pakistan in 2013, some anti-Ahmadiyya organizations held a conference in which speakers called for new efforts to insulate the members of the Ahmadiyya from public life by forbidding them from working in government or military jobs. In response to this discriminatory call, some of the major Ahmadiyya organizations, such as the Ahmadiyya Jamaat-I-Ahmadiyya, asked their members to stay away from all public places in Pakistan (Bohlander, 2012).

In a survey conducted by Pew Research Center, Pakistan received the highest score on the social-hostilities index with respect to inter-religious life. The survey discovered that two out of three Muslims in Pakistan say that the members of Ahmadiyya are not Muslims. The survey also said only 7% of respondents in Pakistan accept the Ahmadiyya as Muslims; 67% declared them non-Muslims, while 26% did not give an answer to the question (Sahgal, 2013).

The survey also found that most Muslims in Pakistan support the blasphemy law (Ahmed, 2011). This law, which is imposed on blasphemers against Islam, can potentially be used against the members of Ahmadiyya and other religious minorities.[9] The survey found that 75% of Muslims thought the blasphemy laws are necessary to protect Islam in Pakistan; 6% claimed that the blasphemy law is unfair, and 19% did not give an opinion. As a result of the cultural implications of the legal and constitutional amendments regarding the Ahmadiyya, the group has been the target of many attacks led by various religious groups (Rahman, W.R., 2014).

The Ahmadiyya in Bangladesh are in a similar situation to those in Pakistan. Bangladeshi fundamentalist Islamic groups, like those in Pakistan, have demanded that the government openly and officially declare the Ahmadiyya to be a deviant community (Khan & Samadder, 2013). Several international human rights organizations, such as Amnesty International, have noted that many members of the Ahmadiyya are under house arrest. Some of the members of the Ahmadiyya have even been killed in Bangladesh (Amnesty International, 2004).

Amnesty International reports that:

> The largest of the anti-Ahmadiyya agitations in the past six months took place on 21 November 2003. Moulana Moahmud Mumtazi Hossain, the leader of an Islamist group called Khatme Nabuwat, reportedly led thousands of young men on a march attempting to occupy an Ahmadi mosque in Tejgaon area of Dhaka. This event was followed by another big march on 5 December on the same mosque. During these events, the marchers were armed with sticks and bricks and were shouting hate slogans against Ahmadis. The group carried out similar anti-Ahmadiyya agitations every Friday of the week for several months, persisting in their demands for the Ahmadis to be declared non-Muslim. (Amnesty International, 2004, p. 2)

In 2004, all publications produced by the Ahmadiyya were prohibited in Bangladesh (Hasan, A.D., 2005). The Bangladeshi Ahmadiyya are continuously persecuted and are becoming a main target of violence and intimidation by other groups (Saeed, 2012).

4.5. The History of the Ahmadiyya in Indonesia

Since their arrival in Indonesia, there has been debate over the status and position of the Ahmadiyya as an Islamic group. Over the past 80 years or so, this group has had to struggle for the most basic of freedoms, such as freedom of religious belief and the right to express their opinions in public life (As'ad, 2013; Breidlid, 2013; Maula, 2012). The history of the Indonesian Ahmadiyya has been marked by their power relationship with other groups, the

changing practices in human rights protection, and the political contestation with various degrees of civil society support (Zulkarnain, 2005; Nugroho, et al., 2012).

However, until 1998 the debate about the status of the Ahmadiyya as Muslims did not involve violent attacks against this group (Mustafa, 2005; Arakaki, 2011). Now, in the current political transition in Indonesia, the Ahmadiyya are recognized by some as a source of conflict (Crouch, 2009). But, this view has been criticized and many Indonesians do not see them as a source of conflict (Noor., Et. Al., 2013). Furthermore, the Ahmadiyya are broadly seen as victims in Indonesian society (Noor., Et., Al., Ibid.).

4.5.1 Post-Colonial Indonesia

The Ahmadiyya were officially established in Indonesia with the arrival of Rahmat Ali in October of 1925. He came to Indonesia at the invitation of three Indonesian students who had been studying at the Islamic Ta'limul High School in Qadian, Punjab, India. The sea journey from the land of Hindustan to Tapak Tuan, Aceh, took approximately three months. From Tapak Tuan, Rahmat moved to Padang in Sumatera. After five years in Padang, he took time out to go back to Qadian. When he was not in Padang, the Ahmadiyya faced oppression from others, but the group continued to grow. In 1931, the Ahmadiyya moved to Batavia (the old Jakarta, the capital city of Indonesia now), which already was considered the centre of Indonesia at that time (Sabandi, 2012):

> The three students were the true pioneers who paved the way for the entry of the Ahmadiyya into Indonesia. They were widely corresponded to his family about the coming of Imam Mahdi, and expected that later the people would be welcomed with warm envoy of Imam Mahdi. And really, when Maulana Rahmat Ali came to Tapak Tuan, Aceh, he was warmly welcomed by the public. He began preaching in Aceh, and then expanded his message to Padang, Bukittinggi, Padang Panjang and the surrounding area. And in 1931 he went to Batavia (Jakarta). (Interview with I-2, Mubarak Campus, Bogor, August, 2014; Documentary Film provided by I-2, August, 2014; my translation)

The members of the Ahmadiyya started to form a center by connecting with the board of the Ahmadiyya, the Qadian Indonesian Ministry. Even though the group had formed many representative offices, the structure of their organization had not yet been built until their conference in December 1935 (Burhani, 2014-c). In 1937, the name used for the Ahmadiyya changed from *Ahmadiyya Indonesia Qadiyan Department* to *Anjuman Ahmadiyya Indonesian Ministry.* It was changed again in 1952 to *Indonesia Ahmadiyya Jemaat* (Burhani, 2014-c).

The response to the Ahmadiyya at that time was positive. Many new members joined the group. The Ahmadiyya from Batavia spread to Bogor, Cianjur, Garut, Tasikmalaya, Bandung and other regions in West Java. They built hundreds of mosques and set up schools, orphanages, and medical clinics. More than 80 years later, the Ahmadiyya have approximately 300 branches throughout Indonesia (Iskandar, 2011).

From the beginning, in dealing with the political struggle and Indonesian revolution against the Dutch colony, the international Ahmadiyya Caliphate strongly supported Indonesian independence. In fact, the supreme leader of the Ahmadiyya called for all Ahmadiyya around the world to pray for Indonesia to achieve independence. WR Supratman, the creator of Indonesia's national anthem, was also a member of the Ahmadiyya. The Ahmadiyya urged a number of European and American countries to recognize Indonesia as an independent state.

The active role taken by the Ahmadiyya in supporting the Indonesian political struggle was not without risk. For example, R. Muhyiddin, the first Chairman of the Indonesian Ahmadiyya and a high official working at one of the government offices in Jakarta, who also served as the secretary of the committee for the celebration of the first year of the Indonesian independence, was abducted on August 9, 1946, taken to Depok in West Java, and killed. His body was never found (Farhat, 2013).

By supporting Indonesia's independence, the Ahmadiyya formed a political friendship with social and religious groups and politicians in Indonesia. Some members of the Ahmadiyya became important figures in preparation for Indonesian independence in 1945. At that time, they were viewed positively by a number of major figures in Indonesia. This constructive relationship with members of the Indonesian government continued after independence. In fact, some Indonesian ministers even attended events organized by the Indonesian Ahmadiyya. For example, in 1963, Dr. Ruslam Abdul Ghani attended the Ahmadiyya congress in Bandung (Sabandi, 2012).

In 1952 the statutes of the Indonesian Ahmadiyya were handed over to the Ministry of Justice for legal status approval. With the support of Syamsurial, the Mayor of Jakarta, and KH Wahid Hasyim, the Minister of Religious Affairs, the Indonesian Government ratified the Indonesian Ahmadiyya as a legal organization by Decree of the Minister of Justice Number JA/5/23/13, dated March 13, 1953. The decree was also published in the Official Letter of the Republic of Indonesia Number 26, May 31, 1953 (see Figure 8). Hence, the Ahmadiyya

received legal recognition not only from the colonial government (in 1930), but also from the Indonesian government (Sidik, 2007). This legal recognition obliges the state to provide the Ahmadiyya with political protection.

FIGURE 8. NOTICE OF THE LEGAL STATUS OF THE AHMADIYYA POSTED ON A BULLETIN BOARD[10]

(SOURCE: FIELD OBSERVATION, THE AHMADIYYA COMMUNITY IN KUNINGAN, WEST JAVA PROVINCE, AUGUST, 2014)
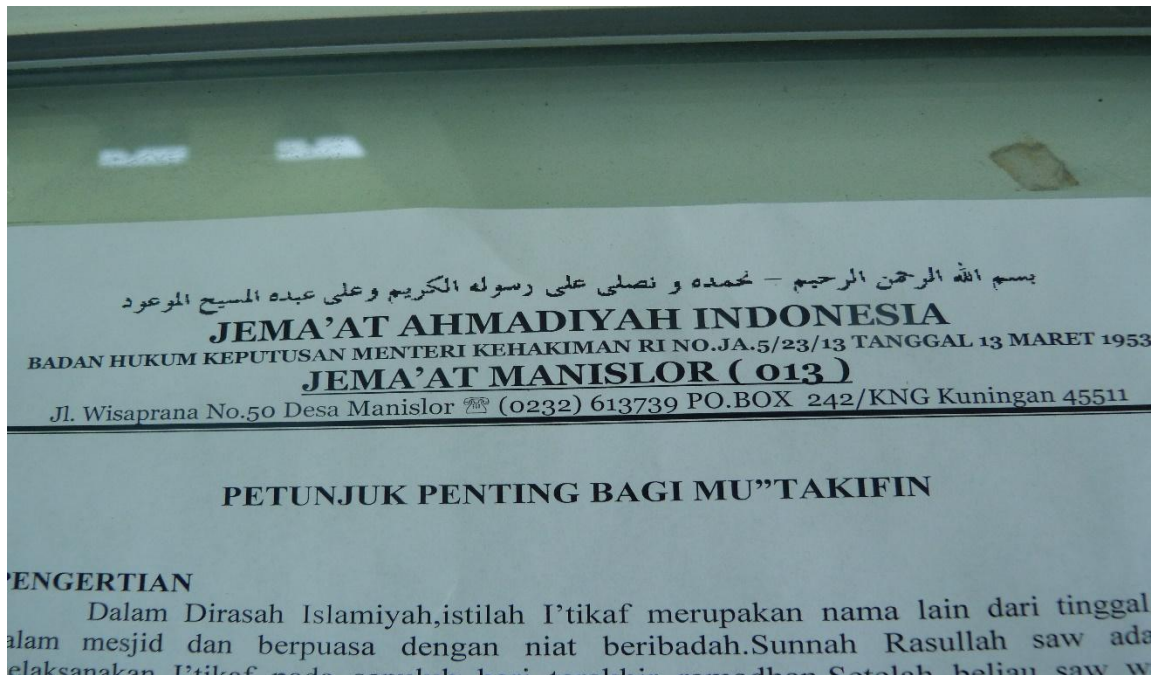
4.5.2 Two Streams of the Ahmadiyya

Since the beginning, the Indonesian Ahmadiyya developed into two streams, which are located in different parts of the country (Harun, Avicenna, Mushoffa, & Atqa, 2011). Despite their differences, together these two groups are known as the Indonesia Ahmadiyya Movement (Atqa, 2010; Fuller, 2011-a; Burhani, 2014-a, b, c). The arrival of the first sub-group reportedly took place in either 1925 or 1928 (Djamaludin, 2016, p. 2). This group became known as Gerakan Ahmadiyya Indonesia (GAI, the Indonesian Ahmadiyya Movement, Lahore). This sub-group is based in Yogyakarta, in the middle of the island of Java. This sub-group does not consider Mirza Ghulam Ahmad as a prophet, only as a reformer of Islam. The teachings of the Ahmadiyya Lahore are closer to those of Muslims in general than the teachings of the other sub-group. Their main theological position is related to the confirmation that Muhammad was Khataman-al-Nabiyyin, which means he is the greatest and the last prophet. They believe that there is no prophet who will appear after the Prophet Muhammad. One of the most important supporters of this stream was Raden Soedewo Parto

Kertodinegoro, translator of the first edition of the English translation of the Holy Qur'an into Dutch.[11]

The second sub-group is the Ahmadiyya Qadian based in Bogor, West Java. This group is also known as the Jemaat Ahmadiyya Indonesia (JIA, the Ahmadiyya Indonesia Jamaat). They first arrived in Indonesia in 1924. This sub-group believes that the founder of the Ahmadiyya, Mirza Ghulam Ahmad, was a reformer *and* a prophet in Islam.[12] Although they believe that Muhammad is the greatest prophet, they say that he was not the last prophet and that a prophet without new law would arise after Muhammad. This new prophet refers to Mirza Ghulam Ahmad, who they say was a prophet and al Masih. The group also believe that revelations from God continued after the Prophet Muhammad. There are three important figures who openly defended the position of the Ahmadiyya: Bahrum Rangkuti (1919-1977), the founder of the Muslim Chaplaincy in the Indonesian Army,[13] Djohan Effendi, a former high-level official in the office of the Minister of Religious Affairs and an official member of the group, and Dawam Rahardjo, a Muslim intellectual, who invited the Ahmadiyya caliph in London to come to Indonesia in 2000 (Jafar, 2005).[14]

The Ahmadiyya, especially the Lahore branch, initially had a good relationship with the Muhammadiyah (Beck, 2005), an Islamic organization founded in Indonesia in 1912 in the city of Yogyakarta by Ahmad Dahlan. Ahmad Dahlan was known as a reformer of a socio-religious movement who advocated for an individual interpretation of the Qur'an and Sunnah, as opposed to acceptance of the traditional interpretations propounded by the *ulama*. The Muhammadiyah is one of the largest Islamic organizations in Indonesia.[15] Although Muhammadiyah leaders and members are often actively involved in shaping politics in Indonesia, the Muhammadiyah is not a political party. It has devoted itself to social and educational activities.

The harmonious relationship between the Muhammadiyah and the Ahmadiyya manifested out of the willingness of one of the largest Muslim organizations to provide space for the Ahmadiyya to present their fundamental ideas as a new Islam in Indonesia. After their arrival in Indonesia, before they officially formed the organization, two prominent members of the Ahmadiyya, Mirza Wali Ahmad Baig and Maulana Ahmad, received the opportunity to speak at the 13th Muhammadiyah Congress in March of 1924. One of the main teachings of the Ahmadiyya on the second coming of the Messiah Jesus Christ attracted the attention of the Muhammadiyah Congress. A year later, following the congress in Semarang, a scholar of the West Sumatra Ahmadiyya and a sympathizer of the Muhammadiyah visited Yogyakarta

and Solo in Central Java and established relationships with the leaders of Muhammadiyah. Despite a harmonious relationship between the Ahmadiyya and other Islamic groups in Indonesia, some top leaders of the Islamic mainstream—for example, Hadji Rasul—started to proclaim that the Ahmadiyya were outside the main teachings of Islam (Beck, 2005).

Furthermore, tensions arose during the 1929 Muhammadiyah congress in Central Java when the organization leaders declared that anyone who believes in a prophet other than Muhammad should be regarded as a person or group who disbelieves (and is therefore, outside Islam). Although the Ahmadiyya was not the explicit target of that statement, it was understood and interpreted by many members of Muhammadiyah as against the Ahmadiyya.

Since this decree was announced by the Muhammadiyah at their 1929 congress, the relationship between the group and the Ahmadiyya has become increasingly tenuous. However, the Ahmadiyya continued their religious activities in Indonesia. In fact, the Dutch colonial government recognized the existence of the Ahmadiyya in Indonesia in 1930.[16] At that time, two important persons made up the formal organization of the Ahmadiyya: Djojosoegito, as chairman, and Erfan Dahlan, the son of H. Ahmad Dahlan, the founder of the Muhammadiyah, as secretary of the board.

The Ahmadiyya and the Syarikat Islam Party (led by HOS Tjokroaminoto) had a strong relationship and mutual understanding, and when Syarikat Islam published an interpretation of the Qur'an in 1930, the leader of the Ahmadiyya in Lahore wrote the foreword for the book. Furthermore, the leader of the Ahmadiyya provided support to HOS Tjokroaminoto when the Muhammadiyah criticized the contents of the book. However, owing to differences in political positions concerning the colonial government in Indonesia, this close relationship ended at the end of 1930. Whilst Syarikat Islam focused on political opposition to colonialism, the Ahmadiyya showed 'loyalty' to the Dutch government (however, later it supported the Indonesian political struggle for independence in 1945).

4.5.3 The Tension: The Decrees against the Ahmadiyya

Many religious and political processes have been carried out by various countries to destroy the Ahmadiyya. In the 1970s, the situation of the Ahmadiyya in Indonesia was similar to that of the Ahmadiyya in Pakistan, with the tendency toward discrimination against the Ahmadiyya increasing rapidly. Indonesian Council of Muslim Scholars (MUI) had done what the Muslim elite in Pakistan did—to declare them to be non-Muslim. At that time, the Indonesian Ahmadiyya faced many difficulties related to their development. However, the

members of the Ahmadiyya believed that these challenges were the most important part of the test they had to face to become a strong Muslim group (HRW, 2011).

From 1966–1998, during the New Order era, when Suharto was President of Indonesia, there was opposition to the Ahmadiyya from several areas. Nevertheless, unlike the previous period, the Ahmadiyya experienced rapid development in the 1990s. This development was also influenced by advocates of the Ahmadiyya center in London and the international Ahmadiyya network, especially when the fourth caliph, Mirza Tahir Ahmad, proclaimed allegiance to the International Missionary Project and established Ahmadiyya Muslim Television (Farhat, 2013; Moon, 2015).

An example of the opposition to the Ahmadiyya in Indonesia is shown in the research conducted by Lembaga Pusat Penelitian dan Pengkajian Islam (LPPI, Institute of Islamic Research and Studies):

> [The] Ahmadiyya is already a great stain in the body of Islam. In Indonesia, over the years, the Muslims have demanded the government to firmly disband Ahmadiyya [...] however, the government (Indonesia) seems to close their eyes and ears and do not want to hear the aspiration of the Muslims who are the majority group (population) in Indonesia. (Djamaludin, 2016, p. xi)

However, the rejection of the Ahmadiyya was mainly triggered by MUI, the Indonesian Council of Muslim Scholars, which is the representative body of Indonesian Islam recognized by the government. In the Second National Conference in 1980, MUI formulated a decree (*fatwa*) declaring the Ahmadiyya to be non-Muslim (outside official Islam). The decree was based on the data found in nine books about the Ahmadiyya. The Ahmadiyya defended themselves against this decree and concluded that the basis of the decree was not clear given the titles and authorship of these books.

Despite the emerging opposition, the leaders of the Republic of Indonesia during the New Order sought to implement the 1945 Constitution protecting minority citizens and their freedom of religion. Djamaludin writes about this position:

> As a result, the National Conference (National Conference) II in 1980, the MUI issued a fatwa with No. 05/Kep/MUNAS II/MUI/1980 that the Ahmadiyya Jama'at (people/members) are outside Islam, 'misguided and misleading'. And, ask the Government of the Republic of Indonesia to forbid them. In fact, the Chairman of the MUI, KH. Hasan Basri, and several other MUI leaders met the Attorney General and asked the Attorney General of the Republic of Indonesia to immediately prohibit the Ahmadiyya; and at that time, the Ahmadiyya just has 45 branches throughout Indonesia. (2011, pp. 3-4)

After the MUI Decree of 1980, there was national and local rejection of the Ahmadiyya. For example, on 21 November of 1983, the West Lombok district issued a Decree No.Kep.11/IPK.32.2/L-2.III.3/11/83 prohibiting Ahmadiyya activities (OHCHR, 2012). Then, on February 12, 1984, the North Sumatra High Prosecutor issued a Decree No.KEP-07/0.2/Dsb.1/02/1984 Prohibiting the Spreading of the Ahmadiyya Qadian Doctrine in North Sumatra (Djamaludin, 2008, pp. 94–97). In the same year, on September 20, 1984, the Directorate General of the Community Guidance and Haj Affairs of the Republic of Indonesia issued a Circular Letter stating: *"necessary to prevent activities of Jamaah Ahmadiyah Indonesia (Ahmadiyah Qadiyan) and not to spread its teaching foundation outside its adherents in order not to cause unrest in society"* (Translated from Bahasa, Ar-Risalah Institute, 2012).

Furthermore, the Institute for Islamic Research and Studies (LPPI), the institution specifically devoted to addressing heretical sects in Indonesia since 1988, continuously strives to disband the Ahmadiyya in Indonesia. In June of 1994, the LPPI sent an official letter to the Supreme Court by Number 035/LPPI/6/1994, dated June 10, 1994, requesting the banning of the Ahmadiyya nationwide (Djamaludin, 2016, pp. 4–5).

FIGURE 9. THE INDONESIAN FLAG NEAR THE AHMADIYYA MOSQUE
(SOURCE: FIELD OBSERVATION, THE AHMADIYYA COMMUNITY IN JAKARTA, AUGUST, 15, 2014)

The Ahmadiyya have continued to face difficulties in the 2000s during the ongoing political reform. Serious threats against them occurred after the coming of the fourth caliph, Mirza Tahir Ahmad, to Indonesia in June 19, 2000. Even though warmly welcomed by some Muslim leaders, the visit of the fourth caliph caused strong protests from members of the Muslim mainstream in Indonesia. This led to the emergence of violent threats against the Ahmadiyya (Source: Interview with I-2, August 2014; Budiwanti, 2009, p. 7).

In 2005, the MUI issued a second decree (*fatwa*) against the Ahmadiyya. Since then, the Ahmadiyya have experience increased violence from some Islamic groups. Many Ahmadiyya mosques have been attacked and demolished by mobs and radical groups that identified their action as being in direct support of the MUI second decree (OHCHR, 2012). The MUI has recommended that the government declare the Ahmadiyya a 'non-Muslim people'.[17] Meanwhile, the Indonesian government has tended to follow a policy of suppression of some of the Ahmadiyya Muslim organizations.

In 2005, an attack occurred against the center of the Ahmadiyya movement in Parung, Bogor, West Java.[18] The attack included the destruction and burning of mosques belonging to the Ahmadiyya, the sealing of the Ahmadiyya mosque by the government in response to mass pressure, the conversion of members of the Ahmadiyya to mainstream Islam, the prohibition of Ahmadiyya members from marrying in the *Kantor Urusan Agama Islam* (the office of Islamic affairs), and a series of terrorist and violent movements (Schirrmacher, 2013; Nastiti, 2014). The MUI's *fatwa* even prohibited the Ahmadiyya from attending the 2005 MUI National Conference (Gillespie, 2007; Burhani, 2013; Nasir, 2014).

4.5.4 The Legalization of the Anti-Ahmadiyya Movement

The Ahmadiyya now find themselves in different situation to the one they were in prior to 1998. The government has tried to solve the problems faced by the Ahmadiyya through three institutions within the national government: The Ministry of Religious Affairs, the Ministry of Home Affairs, and the Attorney General. In 2008, these three institutions produced a Joint Decree, after intensive dialogue with the Ahmadiyya. This Joint Ministerial Decree sets out various conditions that must be adopted by the Ahmadiyya, otherwise the Indonesian government can freeze their activities (Kemenag.co.id., 2008).

Before the decree was issued, on April 16, 2008, Badan Koordinasi Pengawas Aliran Kepercayaan Masyarakat (Bakor Pakem, the Coordinating Board for Monitoring Mystical Beliefs in Society)[19], which has its main office under the Attorney General, proposed banning

the Ahmadiyya. In response to this political proposal, moderate Muslim leaders and human rights activists in Jakarta took open action to support the Ahmadiyya, based on the principle of freedom of belief. Adnan Buyung Nasution, human rights activist and a member of the Presidential Advisory Council, tried to prevent the publishing of the Joint Ministerial Decree. He has asked President Susilo Bambang Yudhoyono to call off the decree (Reuters News, 2008). More than 200 human rights defenders and activists, including inter-religious leaders such as Muslim scholars, Catholic priests, Protestant pastors, Confucius adherents, Buddhists, Hindus, poets, writers, journalists, and Indonesian students, signed a *collective petition* on May 10, 2008, on behalf of civil society, demanding that the Indonesian government protect the Ahmadiyya from attacks by other groups (International Crisis Group, 2008).

In support of this petition, moderates held a rally in Jakarta on June 1, 2008, hoping to press the Indonesian government not to ban the Ahmadiyya. However, Muslim militants attacked the peaceful protest and left more than 60 people injured, some seriously. The police identified the Islamic Defenders Front (with Munarman and Habib Rizieq Shibah as the two important commanders) as responsible for this attack (HRW, 2013-c). On October 2008, the Central Jakarta court convicted these individuals and sentenced them to 18 months in prison (The Indosiar Television Channel, 2008).

Despite these efforts, on June 9, 2008, the Minister of Religious Affairs, Maftuh Basyuni, the Home Minister, Mardiyanto, and Attorney Supreme Supanji signed a Joint Ministerial Decree called *'A Warning and Order to the followers, members, and/or leading members of the Indonesia Ahmadiyya Jamaát (JAI) and to the general public'* (Decree Translation in English, The Persecution.org, 2008). It ordered the Ahmadiyya to *"stop spreading interpretations and activities that deviate from the main points of Islam,"* including spreading the ideology that recognizes another prophet after the Prophet Muhammad. They also said that violations of the decree could result in five years in prison. The 2008 Joint Decree represents a turning point as it in effect authorizes the making of anti-Ahmadiyya laws and regulations. Following the decree, 22 mayors and regents in five provinces (Banten, East Java, West Java, West Sumatra, and South Sulawesi) issued anti-Ahmadiyya regulations (HRW, 2008-a).

On February 28, 2011, the provincial government of West Java, which has a population of 35 million, banned the activities of Ahmadiyya, revoked nameplate mosques and *madrassas* (schools). The government also prohibited the Ahmadiyya from using electronic media to spread their teachings. On March 3, Ahmad Heryawan, a governor of the West Java

Province officially banned the Ahmadiyya (HRW, 2008-b). Several groups and local states have concluded that the Ahmadiyya have violated the Joint Decree that was signed and declared by the national government.[20] Several other local governments have also used this decree to ban Ahmadiyyan religious activities. There has been little objection to the violence that has arisen against members of the Ahmadiyya since 2008.[21]

4.5.5 Closing

The development of the Ahmadiyya in Indonesia has been marked by its complex relationships with other groups. The Ahmadiyya have been embroiled in controversy on account of their religious beliefs, resulting in violence and discrimination against them. The 2008 Joint Ministerial Decree issued by the Government of Indonesia against the Ahmadiyya, prohibiting them from spreading interpretations and engaging in activities that deviate from the main points of Islam, has affected their status as a minority group and their position in political and social spaces.

4.6 Concluding Remarks

This chapter attempts to answer the third sub-question as to *how the Ahmadiyya are defined as a minority group in the human rights discourse (cognizant of its origins, history and relationships with other groups)*. In doing so, the Chapter looked at the Ahmadiyya as a case study of a minority religious group. It explored the history of the Ahmadiyya as a religious minority, including the group's origins and controversial theological position, as well as its history globally and in Indonesia. In relation to this, some main points can be made.

First, since the time when Mirza Ghulam Ahmad proclaimed his teaching and formed the Ahmadiyya, the group has faced tension, conflict and resistance from other groups. They are a small group compared to mainstream Islam and, due to this fact, they have experienced discrimination and prohibition against expressing their belief in the context of official Islamic teaching.

Second, this chapter describes the status of the Ahmadiyya in global and Indonesian contexts. It also looked at their relationship with other (mainly Islamic) groups and in the various social-cultural settings around the world in which they have tried to spread their theological position and further their mission. In the global context, as a minority group, the Ahmadiyya have experienced two main kinds of treatment from other parties (at social and state levels): in some contexts, they enjoy a peaceful atmosphere and in others they face discrimination and violence.

Third, this chapter also looked at the history of the Ahmadiyya in Indonesia. After enjoying a good relationship with other groups in the country, mainly in beginning of their establishment, they have faced increasing resistance and even violent attacks, culminating in a Joint Decree against them in 2008. This decree can be considered as a new starting point in placing the situation of the Ahmadiyya as a minority group in the human rights discourse. Chapter 5 specifically looks at the violation of the rights of the Ahmadiyya and the role of other groups, institutions, and state regulations in the discrimination and violence against the Ahmadiyya.

Endnotes

[1] This official status was adopted in the Vienna Declaration and Programme of Action (Paragraph I, 10) at the World Conference on Human Rights in Vienna on June 25, 1993.

[2] The complete explanation was retrieved November 17, 2015, from http://www.saylor.org/site/wp-content/uploads/2011/08/HIST351-2.2-Five-Pillars-of-Islam.pdf /

[3] See another information; Retrieved from https://en.wikipedia.org/wiki/Lahore_Ahmadiyya_Movement_for_the_Propagation_of_Islam

[4] The history of the Ahmadiyya Caliphate describes both the role and and the responsibility that should be handled by the caliph as the only one leader of the Ahmadiyya Islam community worldwide in building this group into a global level with the whole religious mission. This information is resumed from Shaikh Khurshid Ahmad, A Brief History of Ahmadiyya Muslim Community (Translated by Zakaria Virk) in Al-Islam, The Official ebsite of Ahmadiyya Islam Community. Retrieved February 10, 2015, from Source: Link. https://www.alislam.org/library/history/ahmadiyya/

[5] Ahmadiyya Muslim Mission & Ghana. National Convention. (2000). National intergrity [ie integrity]: a key component in moving Ghana forward: a collection of speeches delivered at the 70th Annual National Convention of the Ahmadiyya Muslim Mission, Ghana, 17th-19th December, 1999, at Bustan-e-Ahmad, Accra. Ahmadiyya Muslim Mission. Retrieved February 20, 2015, from http://books.google.nl/books/about/National_intergrity_i_e_integrity.html?id=SSQQAQAAIAAJ&redir_esc=y/

[6] The complete document/statement can be found in Kerala High Court Shihabuddin Imbichi Koya Thangal vs K.P. Ahammed Koya on 8 December, 1970 Equivalent citations: AIR 1971 Ker 206. Bench: V K Iyer. Retrieved December 08, 2014, from http://www.indiankanoon.org/doc/1400223/

[7] See, the Constitution of Pakistan, Constitution (Second Amendment), Act, 1974 President's Assent Received: 17th September 1974 Gazette of Pakistan, Extraordinary, Part I, 21st September 1974. Retrieved December 12, 2014, from http://www.pakistani.org/pakistan/constitution/amendments/2amendment.html/

[8] This information can be found in the Constitution of Pakistan (Second Amendment, 1974). Retrieved February 22, 2015, from http://www.pakistani.org/pakistan/constitution/amendments/2amendment.html/

[9] The blasphemy law creates a similar situation for religious minorities to that in Indonesia, as explained in the Chapter 6 about the politics of protection in Indonesia.

[10] Jemaat Ahmadiyya Indonesia, Badan Hukum Keputusan Menteri Kehakiman RI (The Indonesian Ahmadiyya as Legal Institution based on Official Decree of the Indonesian Ministry of Justice, March, 13, 1953).

[11] I thank Professor Karel Steenbrink from Utrecht University, Netherlands who suggested via email on April, 27, 2015 that I find this information. The complete information about Raden Sudewo was retrieved November 19, 2015 from http://www.muslim.org/activities/indonesia/soedewo.htm/

[12] Retrieved from Asvi Warman Adam (2008). Belajar dari Sejarah Ahmadiyya (Learning from the history of the Ahmadiyya. *Indopos, April, 24*. Retrieved April 08, 2016, from https://ahmadiyahlahore.wordpress.com/2008/05/19/sejarah-gerakan-ahmadiyah-di-indonesia/

[13] I owe this information to Professor Karel Steenbrink.

[14] I thank Professor Karel Steenbrink from Utrecht University, Netherlands who has suggested via email on April 27, 2015 that I find this information. The position of those two main figures was retrieved November 19, 2015, from http://www.antiahmadiyya.org/main/articles.aspx?article_no=570/

[15] One of the important sources of this information was retrieved October 28, 2014, from http://www.muhammadiyah.or.id/

[16] Legal recognition of the Ahmadiyya by the Dutch Government became one of the essential foundations for their presence in Indonesian history. This also became a social opportunity for the group to maintain its missionary activities in the country.

[17] There are still differences of opinion and controversy within Indonesian Islam as to whether the Ahmadiyya are part of official Islam or not, especially considering their teachings and movement. The debate is still in progress. One opinion was given by I-17, a Muslim moderate activist from Jaringan Islam Liberal (The Liberal Islam Network) and Komunitas Salihara (the Salihara Comunity). Interview in Komunitas Salihara, Pasar Minggu, Jakarta, August, 2014.

[18] After the 2005 MUI Decree, the Islamist groups invaded the Ahmadiyya Institute in Parung, Bogor regency, West Java, and the Ahmadiyya community in East Lombok (Lombok Island, West Nusa Tenggara province). Retrieved June, 20, 2014, from http://www.p2d.org/index.php/kon/32-15-mei-2008/161-sejarah-ahmadiyah-dan konfliknya.htm-l/

[19] The role of this institution will be explained further in Chapter 5 on the violation of the rights of the Ahmadiyya and Chapter 6 on the politics of protection in Indonesia.

[20] Decentralization is an important factor relating to the increasing violence against religious minorities in Indonesia. This issue will be explored and analysed in chapters 5 and 6.

[21] In some cases, the followers of the Ahmadiyya have lost their status as citizens. This problem will be elaborated on in chapters 5 and 6.

Chapter 5. The Violation of the Indonesian Ahmadiyya

> Persecution against minorities, particularly the Ahmadiyya, is reaching its peak in 2011. The intensity of the violence is significantly increased in the beginning of the 2011 year in several regions in Indonesia, and culminated in the Cikeusik tragedy. (Isnur & Hidayat, 2013)

5.1 Overview of Chapter

Chapter 5 looks at the violation of the rights of the Ahmadiyya. This chapter—which follows Chapter 2 on the human rights framework, Chapter 3 on human rights discourse in Indonesia, and Chapter 4 on the status of the Ahmadiyya as a religious minority from the perspective of a human rights culture—addresses the fourth research sub-question: *To what extent does the situation of the Ahmadiyya reflect the status of human rights awareness and represent the problem of human rights protection in Indonesia?* This research question is supported by some sub-questions, including the following: *a) What are the triggers of violent attacks against the Ahmadiyya? b) What are the main forms of violation? c) To what extent do the attacks against the Indonesian Ahmadiyya constitute the violation of their substantive human rights?*

The answers to these questions are elaborated in five interlinked sections. This introduction (in Section 1) is followed by a brief introduction to the chapter in Section 2. Section 3 outlines the various actors and institutions related to the problem of the Ahmadiyya. The '*dual decrees*', which has become a main trigger of attacks against the Ahmadiyya, is explained in Section 4. Some major forms of the violation of the rights of the Ahmadiyya are presented in Section 5. This section also discusses some of the responses from the different actors and institutions involved. Section 6 also reflects on the violation of the rights of the Ahmadiyya as involving damage to the substantive human rights of the Ahmadiyya. Concluding remarks are presented in Sections 7.

5.2 Introduction

As reported in Chapter 3, some scholars conclude that Indonesia has made much progress on human rights during its transitional phase (Kingsbury, 2002; Aspinall, 2010; Mietzner, 2013). However, criticism of this progress is still growing. The situation of the Ahmadiyya can be used to understand the progress that has been made in the development of human rights in

Indonesia. It is clear that human rights violations against the Ahmadiyya are undoubtedly connected to culture, circumstances, institutions, actors and perceptions (Fuller, 2014; Ibrahim, 2014; Sakai & Isbah, 2014).

In Chapter 2, Section 6, on the human rights culture in relation to minority protection, it was argued that the current situation of the Ahmadiyya is affected by its minority status. From the perspective of a human rights culture, this should be supported by stating that the level of human rights awareness in social and political spheres is also determined by the human rights protection enjoyed by the Ahmadiyya (and other religious minorities). In short, the general problem of the Ahmadiyya has to do with the level of tolerance and/or intolerance of society.

Theoretically, as introduced by some scholars, tolerance means patience, generosity, impartiality and open-mindedness. It also means recognition and respecting the different views and actions of others based on their different religious, racial and ethnic backgrounds (cf. Jans, 2010; Beck, 2013). Intolerance, on the other hand, is based on discriminatory relationships between people and groups in society, which are not only manifested as verbal disagreements over different beliefs among social groups, but are also expressed through violence against non-dominant groups (religious minorities) (Nussbaum, 2012). Intolerance describes some interconnected realities. First, it derives from the majority-minority relationship and holds destructive implications for religious minorities. In Indonesia, the tyranny of the majority over the minority is one significant basis for the violation of the human rights of certain religious minorities. This has become a source of social fear. It operates at a social and political level and dominates legal processes that relate to the status of religious minorities. Accordingly, the tyranny of the majority over the minority tends to erode human rights principles and the ability of certain minorities to claim, experience and enjoy their human rights as part of daily life (Maula, 2012).

However, in Indonesia, intolerance is not only part of the problem between the majority and minorities; power and politics also play a crucial role in minority protection (or lack thereof). This refers to the level of political empowerment of minority groups by the government in terms of enforcing the social and political rights of religious minorities. The Indonesian government tends to allow human rights violations against religious minorities. This typifies its lack of political capability to strengthen human rights (Kine, 2015). Intolerance is linked to power and politics as it relates to the government's inability to take a political stance for protecting religious minorities. The state does not show political concern

for guiding the protection of religious minorities on a practical level; on the contrary, there appears to be a double standard in responding to human rights violations against religious minorities. Consequently, there is no political awareness of the need to protect the human rights of religious minorities and no political will to prosecuting violations (Alatas, 2013; Menchik, 2014).

Intolerance is also mainly connected with violence against and the repression of religious minorities. Religious minorities in Indonesia are not able to resist the domination of the majority (Khisbiyah, 2009). In many cases, the perpetrators consider their actions as justified by the need to defend majority values. It can be concluded that violence against religious minorities is perpetrated for the purpose of maintaining and protecting majority values. Accordingly, it is widely agreed that Indonesia will continue to face difficulties in reaching a civilized political horizon if the violation of religious minorities remains a part of its social constellation (Fealy, 2013). The following sections provide comprehensive information about the situation of the Ahmadiyya. It is hoped that they will constitute a good foundation for expositing the culture of human rights principles and practices in Indonesia.

5.3 Actors and Institutions Involved

The perceptions of external actors influence the status of the Ahmadiyya, whether these actors are in government, Indonesian society or the international community. These perceptions determine how the actors approach the problem of the Ahmadiyya.[1] The Ahmadiyya have been considered a source of tension and conflict in Indonesia. This idea can easily be found in the decrees (by the Government and by the MUI, for example). The deviation from the official teachings of Islam exhibited by the Ahmadiyya is a source of tension with Islamic groups.

There is evidence for this view. According to one of the leading the daily newspapers in Indonesia, *Kompas.com*, Patrialis Akbar, the Previous Minister of Law and Human Rights, told the journalists at the Presidential Office on Tuesday, March 1, 2011 that "the conflict arises because of the deployment of the Ahmadiyya everywhere. That's what triggered the conflict" (Translated from Kompas.com, 2011). The Minister indicated that unpredictable attacks against the Ahmadiyya will happen if the group continues to spread their version of Islamic teaching. This perception party encourages the central government to prohibit the Ahmadiyya. Given this position, the Ahmadiyya continue to be regarded as a cause of tension and conflict within Indonesian Islam.

In contrast to the first perception, however, many organizations and human rights defenders believe that the Ahmadiyya have been violated by a number of groups. Bonar Tigor, a human rights activist and researcher at Setara Institute, for example, argues that the Ahmadiyya is the most victimized religious minority group in modern times. He states that the Ahmadiyya are subject to the most violent attacks because the community believes they unlawful deviate from the official Islamic teaching. According to these NGOs and civil-society groups, the Ahmadiyya have been killed for religious reasons. For this, the Ahmadiyya suffer and live under an atmosphere of fear (Report in Kompas.com, by Ihsanuddin, 2014).

These perceptions strongly influence how various actors and institutions react to the Ahmadiyya problem. It can be said that the response to the problem is also driven by many types and levels of perception. Even though this looks like a very simple phenomenon, it is a source of motivation for the actors who are responding to the problem. We can also assume that their different views and perceptions strongly shape the dynamics of the relationship between institutions and actors.

This section traces the various actors and institutions that are linked to the violation of the rights of the Ahmadiyya. Some scholars provide information that some of them (actors and institutions) support the Ahmadiyya, and others other restrict them (Crouch, 2009; Kimura, 2011; Scherpen, 2013, p. 322; Hicks, 2014; Nasir, 2014). Only with a comprehensive knowledge of the actors and institutions involved can we hope to understand the issues surrounding the violation of the human rights of the Ahmadiyya and the institutional changes and power shifting that have affected the group. For the purpose of analysis, the position of actors and institutions is divided into two categories: state actors and institutions and civil-society actors and institution (see also HRW, 2013-c).

5.3.1 State Actors and Institutions

There is clear evidence that the human rights problems faced by religious minorities in Indonesia have to do with the position (role) of state actors/institutions (Azhar, 2014). The position of state bodies relates closely to the management of religious life, which officially happens at the ministry level. This defines the central government as responsible for creating a set of specific regulations and policies on the issue. As presented in Chapter 4 (Section 3) about the Ahmadiyya in Indonesian history, the three main central-government institutions that are responsible for this are: The Ministry of Religious Affairs, the Ministry of Internal

Affairs and the Attorney General. Together, these institutions are responsible for coming up with a state-based solution for how the state should respond politically and legally to religious issues, such as inter-religious tension and the human rights violation of the rights of the Ahmadiyya.

Ministry of Religious Affairs

First, the Indonesian Ministry of Religious Affairs is the main government body responsible for proposing and managing policies on religious life. This ministry, which was established in 1946[2], typically imposes a hard-line view on what are called '*heretical organizations*'.[3] In accordance with this position, in some districts, the head of the department of religion is actively involved in attempts to exclude minority religious groups. In the case of the Ahmadiyya, besides taking the official decision, the minister of religious affairs personally is also moving in a biased way by presenting a discriminatory stance with reference to the Ahmadiyya. The previous religious-affairs minister (2009–2014), Suryadharma Ali, consistently opposed religious minorities. On March 2011, he said that the Ahmadiyya should be disbanded by the government because of their heretical position (Stefanus Alliance International & Christian Solidarity Worldwide, 2014).

Home Affairs Ministry

The second state institution is the Indonesian Ministry of Internal Affairs, which was formed during the first presidential cabinet of the Republic of Indonesia in 1945. This ministry was first called a 'department' in a letter from the first minister (No. 1/MP/RI /1959) dated August 26, 1959. Then, in the development cabinet, it was called the 'Department of the Interior' (established by Indonesian Presidential Decree Number 183/1968). In 2010, the name of the Department of Interior Affairs was changed to the Indonesian Interior Ministry, in accordance with the Regulation of the Home Minister Affairs Number 3/2010. Based on Presidential Decree Number 11/2015, articles 2 and 3, the Home Ministry has the task of conducting the affairs of government to assist the Indonesian president in carrying out the state government.[4] Specifically, since the status of districts and provinces are officially under control of the Home Ministry, the ministry has to be involved with the problem of the Ahmadiyya. The Home Ministry also signed officially the Joint Ministerial Decree in 2008 that also influences massive violence and discrimination against the Ahmadiyya.

Attorney General

Third, the Indonesian Attorney General has played a significant role in the government response to the case of the Ahmadiyya. However, the position of the prosecutor has also

changed with the enactment of Law Number 16/2004 (to replace Law Number 5/1991). This law has been welcomed widely by many parties because it is regarded as an affirmation of the attorney general's independence from interference by other government bodies, parties and/or political forces.[5] The Attorney General has the authority to investigate and evaluate religious movements that deviate from the official teachings of religions recognized by the Indonesia state.[6]

BAKORPAKEM

The interconnected tasks and responsibilities of these three institutions are officially supported by the Badan Koordinasi Pengawasan Kepercayaan (BAKORPAKEM, the Coordinating Body for the Assessment of Belief and Religion) (TribunNews.com, 2014). BAKORPAKEM has a solid legal basis. Chapter III of the Republic Act 2004 on the Indonesian Attorney states that the Attorney General has the authority and responsibility to oversee beliefs that may potentially harm society, people and the state itself. The body is comprised of representatives from these three central government institutions. BAKORPAKEM usually works under the intelligence unit of the Attorney General's Office at all levels of government. This institution has several units located in the local Attorney General's office in Indonesia. BAKORPAKEM also has a duty to investigate the movement of the Ahmadiyya in Indonesia.

Indonesian Police

Besides these main ministerial bodies, the Indonesian police are also considered an important state institution in relation to the Ahmadiyya. As stipulated in Law No. 2/2002 on the Indonesian National Police, the Indonesian National Police are known legally as a public protector. The function of the police is to protect vulnerable citizens, including religious minorities, and maintain public order. For example, the police were involved in the Cikeusik tragedy in 2011. At that time, the police were involved in the dialogue with district-level officials (Muspika). However, at least since November of 2010, the police officer in Cikeusik did nothing to stop the violence or to protect the victims (Document Study of Unpublished Report of Komnas HAM Investigation on Cikeusik Tragedy, 2011).

Local Government

As explained in the second part of Chapter 3, the political changes in Indonesia have involved political decentralization. Thus, the local government is another significant actor in the discrimination and violence against the Ahmadiyya. The following sections of this chapter

present some examples of the public policies and legal actions taken by local governments in Indonesia concerning the status of the Ahmadiyya (Azhar, 2014; Freedom House, 2014).

National Human Rights Commission

The National Human Rights Commission of Indonesia (the Komnas HAM) also has an important role to play in breaking the deadlock on the protection of religious minorities. In fact, the Komnas HAM has a strategic position in the whole discourse on human rights. Law Number 39/1999 establishes the existence, purpose, functions, membership, principles, completeness, duties, and power of the Komnas HAM. Law Number 26/2000 officially justifies the formation of a human rights court. This Law legally provides for the Komnas HAM to form a special-investigation team on the Cikeusik tragedy.[7]

The complexity of the human rights problem of the Ahmadiyya requires a combined approach from government institutions and actors to provide a protection framework of religious minorities. None of these actors can solve the problem separately. This case can be seen as requiring a new model of government participation. In accordance with the perspective of a human rights culture, the presence of state institutions and actors defines the position of the state as 'duty bearers' in guaranteeing or restricting the human rights enjoyment of religious minorities. This model is also evinced in the following sections of this chapter.

5.3.2 Non-State Actors

We saw in Chapter 2 that the level of human rights awareness also depends on the position and role of civil society (non-state actors). Here, it can be pointed out that the involvement of non-state actors and institutions is evident in the Ahmadiyya case. From the field, I observed that the involvement of non-state actors and institutions is presented in two main ways: some actors/institutions take a violent approach to the Ahmadiyya, while others directly advocate for and support the group. These responses strongly affect the dynamics of the case. Non-state actors tell the same story about the human rights violation of the rights of the Ahmadiyya differently. This sub-section focuses on the position of religious/inter-religious actors/institutions and civil society/NGOs.

Religious and Inter-Religious Actors

In Indonesia, religious institutions that are recognized by the government occupy a prominent place in the management of religious life. For a long time, the state has transferred political power to religious institutions to handle some tasks related to inter-faith problems. This is

evident in the Ahmadiyya case. This sub-section briefly describes the position of Islamic institutions that are officially recognized by the government.

The Majelis Ulama Indonesia[8] (MUI, the Indonesian Council of Muslim Scholars) is the representative body for Indonesian Islam recognized by the government. The MUI was established in 1975 when President Suharto was in power. As president, Suharto treated the MUI as a political bridge between Islamic leaders and state officials. Since that time, even though this organization is not a government institution, the MUI has had a strong influence—or power—in relation to Indonesian religious affairs. The main activities of this institution include producing decrees, (or *fatwas*), strengthening friendships among Muslim people, and representing Indonesian Islam in many activities with other religious organizations.

The Indonesian public are generally aware that the MUI plays an important role in guarding government policies concerning religious issues in the country. The MUI often works 'hand-in-hand' with the government to establish such public policies related to religious affairs. Based on this relationship, in 2005, just to mention one example, Indonesian president Susilo Bambang Yudhoyono (2004–2014) openly supported the MUI conference and the whole status of the institution (Scott, 2016). At that time, the Yudhoyono's government established a close cooperation with the organization (Lindsey, & Pausacker, Eds., 2016). Ironically, in that year, the MUI declared two *fatwas* threatening the status of religious freedom in Indonesia. In July 2005, relying on the strong political support of the Indonesian president, the MUI reiterated and strengthened its 1980 *fatwa* against the Ahmadiyya. The decree proclaimed that *"the Ahmadiyya is just a sect, not a part of official Islam"*. The MUI then asked the government to ban the Ahmadiyya, to freeze this religious organization, and to close all Ahmadiyya mosques, schools and other property (Fuller, 2014).

The MUI has been continuously supported by the Lembaga Penelitian dan Pengkajian Islam (LPPI, the Institute for Islamic Research and Studies). This institution includes the main tagline on their website: *"menjaga kemurnian Al-Quran dan Sunnah" (maintaining the purity of the Quran and Sunnah)*.[9] This institution has enormous influence in guiding groups in relation to the position of official Islam. According to the Chairman of the LPPI, M Amin Djamaluddin, *"the Ahmadiyya is a cult, because they have forgotten the contents of the Qur'an and make their own Holy Scriptures"*. He asked the Indonesian government, through the Minister of Religious Affairs, to issue a firm decision, because, in his opinion, the Ahmadiyya could harm official Islam. He purported that it would be better if the Ahmadiyya

were banned, as in Malaysia and Brunei, or that the group form a new religion. He also said that they should be prohibited from wearing the symbols of Islam.[10] In one of the articles he published on the official website of LPPI, Amin Djamaluddin writes as follows:

> [...] so thankful [...] the message [...] regarding the danger of the Ahmadiyya has been welcomed by all Muslims today, both the scholars, Habaib, Islamic politicians, leaders of Islamic organizations, Head of Boarding Schools, informal gatherings, etc. [...] And, the further question: "whether the government still cover their ears, hearts and minds to grant the request of the Islamic people to ban Ahmadiyah Indonesia or demand them to proclaim and form a new religion (the Ahmadiyya or whatever their name).[11]

The LPPI also states that the Ahmadiyya is a deviant group. The results of the study and the advice given by LPPI have been used as a basis for the fatwa that was issued by the MUI.

FIGURE 10. VIOLENCE AGAINST RELIGIOUS MINORITIES BY NON-STATE ACTORS

(SOURCE: REPRODUCED FROM SETARA INSTITUTE, 2013)
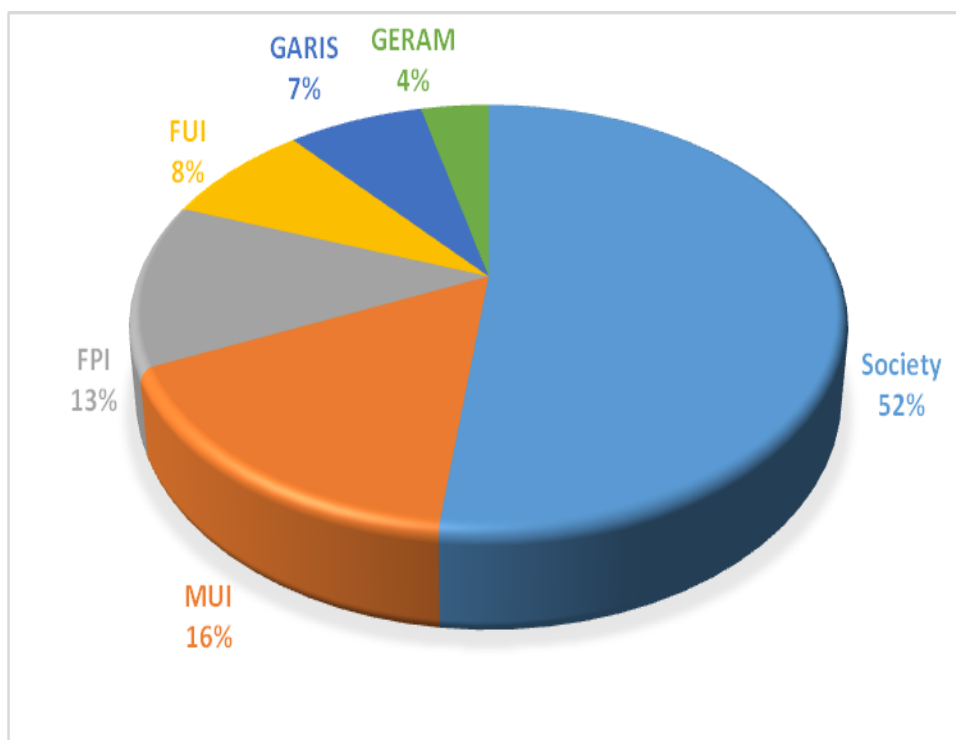
Figure 10 informs us of the current violence by non-state actors against religious minorities. These actors can be either perpetrators of the violence or just supporters of the violator. It needs to be mentioned at this point that it is beyond the scope of the study to perform an extensive study of the perpetrators of violence against the Ahmadiyya. Information about this issue can be found in many useful reports and other resources and is not necessary to repeat here. However, it is still pertinent to consider who the perpetrators are. As is shown in Figure 10, various civil (religious) organizations have been identified as

perpetrators of violence against members of the Ahmadiyya, based on research conducted by a number of scholars and Human Rights NGOs (Crouch, 2009; Breidlid, 2013; Burhani, 2014-b; as cited by Setara Institute, 2013).

These include the Front Pembela Islam (FPI, the Islamic Defender Front). As reported in Chapters 1 and 3, the FPI is recognized as one of the main perpetrators and attackers of the Ahmadiyya in Indonesia, according to many reports made by various human rights organizations and the media:

> Much of the violence against the Ahmadis has been blamed on the Islamic Defenders Front, a militant group widely known by its Indonesian acronym FPI, whose members stabbed a protestant priest last year and raided clubs and bars serving alcohol during the Muslim holy month of Ramadan. (Deutsch, 2011)

Several other organizations have also been referred to as perpetrators (posted by Almarkaz in https://www.youtube.com/watch?v=c-FVSxJhn1M, 2011), including the Gerakan Reformis Islam (GARIS, Islamic Reform Movement) in Cianjur, Forum Umat Islam (FUI, the Muslim Forum), the MUI, and Gerakan Masyarakat Anti Ahmadiyya (GERAM, Society Movement on Anti-Ahmadiyya) (see setara-institute.org/wp-content/uploads/2014/11/Laporan-KBB-2010_Negara-Menyangkal_Setara-Institute.pdf). In addition, the Indonesian Hizb-ut-Tahrir and Dewan Dakwah Islam Indonesia (DDII, the Indonesian Council for Islamic Propagation), although not mentioned in Figure 10, has also been responsible for perpetrating violence against the Ahmadiyya (International Crisis Group, 2008; Ropi, 2010). In addition to these organizations, there are many other organizations in every district that are involved in violence and discrimination against the Ahmadiyya (The Express Tribune & The International New York Times, 2011).

According to these groups, the Ahmadiyya have destroyed the official teachings of Islam. Consequently, Indonesian Islam must be purified from the destructive teachings developed by the group. In this context, these groups seem not to care about how their violence impacts on the members of the Ahmadiyya (men, women and children) or how they restrict the development of the Ahmadiyya (McCoy, 2013; Suwarno, 2013; Telle, 2014, p. 40).

National and International Civil Society
NGOs and civil society organizations (CSOs) have made a significant effort to resolve the problems of the Ahmadiyya and other religious minorities in Indonesia. These organizations come from all around the world, as well as Indonesia itself. The presence of NGOs/CSOs as

duty bearers is evident in supporting the Ahmadiyya to voice their situation. These organizations directly advocate for the members of the Ahmadiyya, and by taking this approach, they also demand that the government guarantee the social, political and cultural rights of the Ahmadiyya and other minority groups (Petok, 2011; HRW, 2013).

Some of the NGOs that are actively involved in the contemporary situation with the Ahmadiyya are: Aliansi Kebangsaan Untuk Kebebasan Beragama dan Berkeyakinan (AKKBB, National Alliance for Freedom of Religion and Belief), which held a peaceful protest in response to the proposed Joint Decree by the Indonesian government against the Ahmadiyya; the Human Rights Working Group (HRWG); ELSAM (Institute for Policy Research and Advocacy); Lembaga Bantuan Hukum (LBH, Jakarta Legal Aid Institute); and the Setara Institute. In addition to these organizations, there are some organizations affiliated with moderate Indonesian Islam that can be incorporated into this category: The Ma'arif Institute, Jaringan Islam Liberal (JIL, the Liberal Islam Network), the Wahid Institute and Moderate Muslim Indonesia (MMI).

The international community has also played a key role in supporting the Ahmadiyya in dealing with the violence and discrimination they experience. The international community has regularly expressed a significant interest in helping the Ahmadiyya claim their basic rights as Indonesian citizens. They have strongly urged the Indonesian government to ensure the safety of the Ahmadiyya.[12] Two international organizations can be mentioned here: Amnesty International and Human Rights Watch. These organizations have explicitly asked the Indonesian government to take legal and political steps to protect religious minorities.

5.3.4 Closing

In closing, it can be said that the involvement of actors and institutions in the problem of the Ahmadiyya influence the complexity and dynamic of this case. The status of human rights awareness, the realization of human rights protection and the incidence of violations against the Ahmadiyya reflect the position taken by various state and non-state actors and institutions in Indonesia. The presence of various actors supporting human rights determines the quality of human rights awareness and the availability of the will to support human rights protection. The presence of different state and non-state actors also frames the perception of the Ahmadiyya and influences the approach taken by the government to solve the problem of the group, including their willingness to provide protection. In the light of some scholars' studies, hence, it can be said that the violation of the Ahmadiyya is a society-based problem. The case

involves many issues, especially theological and social-political issues in the context of democratic change (Van Klinken, 2008; Preston, 2012; Sutiyono, 2015).

5.4 Decrees as a Starting Point for Human rights Violations

Chapter 2, explained the position of nation states in the development of a human rights foundation. From the point of view of a human rights culture, one of the main responsibilities of nation states is to incorporate human rights principles into the domestic legal system. Nation states have an obligation to develop strategies for strengthening their human rights framework. These strategies can be developed by the government itself, by society, or by both together. This section looks at whether Indonesia's strategies have produced a human rights framework capable of protecting minority citizens.

As a specific strategy for solving the problem of the Ahmadiyya, the presence of *decree*s needs to be explored. Some previous studies have concluded that the presence of decrees against the Ahmadiyya cannot be separated from the increasing attacks against this group (International Crisis Group, 2008; Kraince, 2009; Ropi, 2010; Platzdasch, 2011). Some sub-questions this section needs to answer include the following: *first*, how do the 208 Joint Ministerial Decree signed by the Indonesian government and the 2005 decree issued by the MUI position the Ahmadiyya as a vulnerable minority group? *Second*, to what extent are the Ahmadiyya affected by the position these decrees place them in? The decrees also reflect the contestation between various actors and institutions. Moreover, other crucial issues, such as the hardening of religious radicalism, hate crimes, and various social, political, and economic issues, are also linked to the decrees (Noor, 2012, Breidlid, 2013, Rahman, 2014).

5.4.1 Anti-Ahmadiyya Decrees: Religious-Based and State-Based Decrees

As explained in Chapter 4, even though the Indonesian Ahmadiyya were legally recognized by the Indonesian government in the 1950s, their status has been questioned since the 1980s (Nasution, 2008; Burhani, 2014-a, 2014-b). At that time, the MUI issued a decree that identified the Ahmadiyya Qadian as a 'deviant sect'. Based on that decree, the Ahmadiyya were recognized as outside official Islamic teachings. According to that decree, the Ahmadiyya Lahore stream was not yet considered a deviant group.[13] However, these two streams of the Ahmadiyya experienced the same threat from the MUI after the fall of the Suharto regime in 1998.

The 2000s were a time of rapid changes in public views on the status of the Ahmadiyya, and a time of growth in membership of the movement. An Indonesian scholar concluded that,

> In Indonesia, it is almost as if all the pressure has helped to promote Ahmadiyah. Many people have been attracted by Ahmadiyah's peaceful resistance, and by the message of love that is at the heart of its vision. Data from 2004 suggests that over the preceding 12 years, there had been about 150,000 new converts in 298 branches around the country. This remarkable growth itself refutes the view that Ahmadiyah has no place in Indonesian society, as the movement's detractors suggest. Indeed, it might just be that the cause of the violent reaction against Ahmadiyah is not just theological, but also derived from resentment at the movement's success. (Ahmad, 2007)

Judging from my fieldwork, the positive development of the Indonesian Ahmadiyya and the strong support of the International Ahmadiyya have encouraged Indonesian Islam to react violently against them. One important trigger of the discrimination and violence against them was the missionary trip of Hazrat Khalifatul Masih IV—the leader of the International Ahmadiyya—to Indonesia in 2000.[14] At that time, Indonesian President Abdurrahman Wahid—also known as the main figure of moderate Indonesian Islam—met Hazrat Khalifatul Masih IV. This was part of the missionary plan of Hazrat Khalifatul Masih IV in relation to the status of the Indonesian Ahmadiyya. After his return to London, he stated that Indonesia will have the largest number of Ahmadiyya members in the future.

Since then, there have been hard responses from mainstream Indonesian Islam. For example, Atho Mudzar, an official at the Indonesian Ministry of Religious Affairs, concluded that the development of the Ahmadiyya and the reaction of the Indonesian Islam were triggered by the statement of Khalifatul Masih IV.[15] Thus, since that time, the views and actions of the Islamic mainstream against the Ahmadiyya have become more extreme.

In July of 2005, at the VII National Conference, the MUI reinforced its first decree of 1980 against the Ahmadiyya (MUI, 2011). At that time, 11 new decrees were issued. One of them was the *fatwa* (decree) to prohibit—in addition to *pluralism, liberalism and secularism*—the Ahmadiyya.[16] The decree against the Ahmadiyya has some main points.

> First, it reaffirms the 1980 Decree of the MUI Second General Assembly, which stipulated that Ahmadiyya Qadian is outside of Islam, misguided and misleading, and those who follow the group depart from an official Islamic teaching.

> Second, those who are already following the teaching of the Ahmadiyya must immediately return to the official Islamic teachings, which are in line with the Al-Quran and Al-Hadith.

> Third, the Indonesian Government is obliged to prohibit the dissemination of the Ahmadiyya school throughout Indonesia and must stop its activities.[17]

The MUI also considers Indonesian Presidential Decree Number 1/PNPS/1965 on the Prevention of Abuse and/or Defamation of Religion, which contains a specific article on *blasphemy*[18] as 'justification' for this second anti-Ahmadiyya decree. They believe that, according to this presidential decree, the Ahmadiyya have defamed the official teachings of Islam (Bayuni, 2011). Based on this conclusion, the MUI urged the Indonesian government to ban the Ahmadiyya. This second decree of the MUI clearly mentions the consequences and invites Muslim people to explicitly address these issues (Schäfer; 2015).

Regarding the decree, the MUI's Chairman of Consultative Council, Amir Syarifuddin, stated that the MUI issued the decree after comprehensively studying the Ahmadiyya movement based on several main sources, including nine books published by the group and statements from Ahmadiyya leaders themselves. Since the decree was issued, violence against the group has occurred in many regions. From 2005 to 2008, mosques belonging to the Ahmadiyya were destroyed in Manislor, Cianjur, Sukabumi Parakan, and Lombok (Source: Collection of unpublished documents provided by the Ahmadiyya member, Jakarta, 2014; The Jakarta Post, 2007). One serious assault happened in 2005 when radical mobs burnt and attacked the Ahmadiyya missionary institute (university) in Bogor Regency, West Java province and attacked the Ahmadiyya in East Lombok (Lombok, West Nusa Tenggara province) (Interview with I-3; I-7; I-8, Kuningan, West Java, August, 2014; Viva.co.id., 2011).

On January 3, 2008, the Indonesian Ahmadiyya sent a letter to Azyumardi Azra and the office of the Secretariat of the Indonesian Vice President. The letter was entitled, 'The Summary Explanation of the Indonesian Ahmadiyya'. It contains 12 points explaining why the Ahmadiyya is a part of Islam (Ropi, 2017). In this letter—in relation to the presumption of mainstream Islam that the Ahmadiyya have their own holy book (not the Qur'an)—the Ahmadiyya explain in point 6 that 'Tadzkirah' is not a bible for them, but a record of the experiences of Mirza Ghulam Ahmad. This means that the Ahmadiyya still recognize the Qur'an as their single holy book. Here are 3 of the 12 points stated by the Ahmadiyya in that letter:[20]

> 1. We members of Ahmadiyya are taught from the beginning to believe and affirm two creeds taught by the Prophet Muhammed: I testify that there is no true God but Allah and I testify that Muhammad is the Messenger of Allah.
>
> 2. From the beginning of our membership, the Ahmadiyya community believes that Muhammad is the Messenger of Khatamun Nabiyyin (The prophet cover).
>
> 3. Among our belief is that Hazrat Mirza Ghulam Ahmad was a teacher, founder and leader of the Ahmadiyya that was in charge of strengthening the propaganda and symbols of Islam brought by the Prophet Muhammad. (Hukumonline.com, 2008)

After being presented with the 12 points, on January 15, 2008, BAKORPAKEM (the Coordinating Body for the Assessment of Belief and Religion) gave the Ahmadiyya three months to provide strong evidence to prove their statement (12 points). A few months later,

the BAKORPAKEM concluded that the Ahmadiyya had failed to give evidence proving their position. BAKORPAKEM then informed mainstream Islam that *the 12 points* offered by the Ahmadiyya was merely a rhetorical statement and that they were, therefore heretical. It also concluded that even if the Ahmadiyya believe that Muhammad SAW is the final Prophet, there is still no clear recognition of the Ahmadiyya on the position of Mirza Ghulam Ahmad. It went on to state that the theological teachings of Ahmadiyya are not true. This conclusion was also supported by the MUI. Ma'ruf Amin, the former leader of the MUI, wrote as follows:

> MUI declared a deviated position of the Ahmadiyya; and MUI had proposed to the Government that the Ahmadiyya should be dissolved under the blasphemy laws. If it is outside the area of difference, then it is a distortion, and it should not be tolerated, and the Ahmadiyya is an example. (Voa Islam, 2011)

This perception affects a number of figures who have the authority to evaluate the 12 points of the Ahmadiyya's explanation of its theological position. According to their conclusion, the Ahmadiyya could not provide evidence that their overall theological position remains a part of the official teachings of Islam.

In reference to BAKORPAKEM's position, the Indonesian government promised the public a response to the issue through what they called the *'Joint Ministerial Decree'*, which would solve the problem. This Joint Decree would be signed and declared by the Minister of Religious Affairs, the Home Minister Affairs, and the Attorney General. To confront the issue, the AKKBB[21] held a peaceful demonstration at Monas, Jakarta on June 1, 2008. Through this action, the members of the AKKBB hoped to pressure the government not to ban the Ahmadiyya. Tragically, Muslim militants represented by the FPI attacked the demonstrator by chasing, punching, kicking, and beating them. Nong Darol, one of the leaders of AKKBB was quoted in the *Jakarta Post* (2008): **"**we were shocked when FPI members chased and beat us with bamboo sticks, mostly those who were already inside Monas. We ran away, but they had already hurt many people".

After the demonstration by the AKKBB, discussion about the Joint Decree took a quite long time. Then, on Monday, June 9, 2008, the central government signed the Joint Decree (Kompas.com, 2008). This Joint Decree ordered the Ahmadiyya "*to stop the spread of interpretations and activities that deviate from the principal teachings of Islam, including the spread of ideology which recognizes the existence of the prophet with all his teachings after*

Prophet Muhammad" (The Persecution.org, 2008). Some main points of the 2008 Joint Decree are as follows (ibid.; the translation is mine):

> 1. To warn and order the residents to not tell, recommend or seek public support for an interpretation of a religion followed in Indonesia or to conduct religious activities that resemble the activities of such a religion which deviate from the principal teachings of the religion.

> 2. To warn and order followers, members and/or board members of the Ahmadiyya who consider themselves Muslims, to stop spreading the interpretation and activities that are deviating from the official teachings of Islam, including and namely the spreading of an ideology which recognizes another prophet with all his teachings after the Prophet Muhammad SAW as the final prophet.

> 3. Followers or members and the board of the Indonesian Ahmadiyya that do not respect the warnings and orders referred to in the first and second dictum can be sanctioned in accord with the provisions of the legislation, including the organizational and legal entities.

> 4. To warn and order the citizens to keep and maintain harmony and peaceful religious life and order in community life by not acting against the followers and members or board members of the Indonesian Ahmadiyya.

> 5. Citizens who do not regard the warnings or instructions referred to in the first and fourth dicta can be sanctioned in accordance with the legislation.

> 6. Order the government and local governments to take steps to secure the development and supervise the implementation of this joint decision.

> 7. The joint decree is effective on the date specified.

The Joint Decree also stated that violations of the decree can be punished with five years in jail.

The current situation of the Ahmadiyya is closely associated with the presence of these two decrees (the Joint Decree of 2008 and the MUI Decree of 2005) and the decrees represent a trigger for the attacks against the Ahmadiyya. The Joint Decree has also been used as political and legal justification by many governors, regents, mayors and other state and government leaders to produce anti-Ahmadiyya regulations (Sirry, 2013; Burhani, 2014-a; Fuller, 2014). Some examples can be mentioned. On February 28, 2011, the East Java provincial government, with a population of 35 million, banned Ahmadiyya activities, revoked the Ahmadiyya nameplate mosques and school (madrassa), and stated that they should not use electronic media to convey their teachings. On March 3, 2011, Ahmad Heryawan, the governor of West Java, prohibited the activities of the Ahmadiyya. These facts

also were widely supported by several civil society groups and other local governments who concluded that the Ahmadiyya had broken the Joint Decree. Several local governments also used this decree to ban the Ahmadiyya from all of their religious activities. It is proven and no wonder that many forms of violence against the Ahmadiyya have occurred since 2008 (Source: Unpublished documents and reports provided by I-5, Jakarta, July 2013 & August, 2014; Rahman, 2012; Pertiwi, 2014).

5.4.2 Reactions to the 2008 Joint Decree

The two decrees make it difficult, if not impossible, to implement protection for the Ahmadiyya. Because the decrees implemented through wide-ranging policies, the Ahmadiyya move into a scary situation. They became a major target for attacks and exclusion. As the Joint Decree became a source of local regulations restricting the Ahmadiyya, NGOs and human rights defenders from the national and international community started to raise concerns, asking the Indonesian government to withdraw the Joint Decree. They argued that the Joint Decree has been used, misused and abused by government institutions and other actors to prohibit the Ahmadiyya.

At least four reactions came from four different elements. First, the Indonesian Ahmadiyya itself has taken legal steps to defend their status and position. They have chosen this strategy based on their faith in the Indonesian government as the main duty bearer in guaranteeing their basic rights. In our meeting, my main informant (I-1) stated the following:

> In presenting our reaction to the decrees by the MUI and government, and then following attack that we have faced, as part of this country we always keep a big hope that government will not leave us alone as victims. We also believe that the government has a good will to solve the problem. We will see what happens next. (Source: Interview with I-1, Ahmadiyya Community, Central Jakarta, August, 15, 2014; my translation)

It seems that, in comparison to the MUI's decree in 2005, the Joint Decree has seriously endangered the presence of the group. In response to this, the Ahmadiyya, with the full support of the Yayasan Lembaga Bantuan Hukum (YLBH, the Legal Aid Foundation), has planned to conduct a judicial review in the Indonesian constitutional court on the status of the Joint Decree. As reported by Liputan6.com:

> […] accompanied by a spokesman of the Ahmadiyya, Zafrulloh Pontoh and Erna Ratnaningsih, representative of YLBH, at the YLBH Office in the Jalan Diponegoro, Jakarta, explained that they have prepared a draft of a judicial review on the case of prohibition against

the Ahmadiyya that was issued by a number of local governments. (Translated from Liputan6.com, 2011).

With this step, the Ahmadiyya and its supporters have evinced their intention to use legal channels to stop the violence against them and to persuade the government to evaluate the negative implications of the Joint Decree against the Ahmadiyya and other minority groups.

Second, a number of human rights organizations, leaders of the civil-rights movement, and Indonesian intellectuals immediately responded to the decree raising two aspects of the decree: first, the implication that the decree seems to provide justification for certain groups in society to attack the Ahmadiyya; second, the vagueness of the decree concerning how the Ahmadiyya are to be protected by the state after the signing of the decree. This reaction was presented on June 12, 2008, by Harkristuti Harkrisnowo (Director General of Human Rights Ministry of Justice and Human Rights), Hendardi (Chairman of the Management Board Setara Institute), Arbi Sanit (the University of Indonesia), Yuddy Latif (the Paramadina University), and Usman Hamid (Komisi untuk Orang Hilang dan Korban Tindak Kekerasan, KONTRAS, The Commission for Missing Persons and Victims of Violence). In a joint press conference, they argued that *'Surat Kesepakatan Bersama'* (SKB, the Joint Decree) is built on the basis of hatred of a group of people (Kontras & PSHK, 2016).

Third, the following responses come from a number of Islamic cultural and political groups. The main leaders of the two largest organizations, NU and Muhammadiyah, expressed positive responses to the Joint Decree. They believe that this decree is one of the best ways to deal with the problem of the Ahmadiyya. Following the responses given by some of the major Islamic leaders, the Islamic political groups also offered similar responses. For example, Hidayat Nur Wahid, known as the main leader of the Prosperous Justice Party (Partai Keadilan Sejahtera), said that this decree is an expression of the responsibility of the government to regulate religious life in Indonesia. Other Muslim organizations, e.g. HTI, that do not have relationships with the modernists and traditionalists also support the decree. According to them, the decree is an important way to resolve the problems related to the presence of the Ahmadiyya. The main proponent of this third group is the MUI, which is the official representation of Islam recognized by the Indonesian government (Stefanus Alliance International & Christian Solidarity Worldwide, 2014).

Fourth, several international organizations have expressed serious concern about the decree, including Amnesty International, Human Rights Watch, the International Crisis Group, and Freedom House. These groups have seriously criticized the legal approach adopted and implemented by the Indonesian government to end the problem of the Ahmadiyya. Two samples of the criticism offered by these international organizations follow. First, Amnesty International stated that:

> In March 2008, a Joint Ministerial Decree was issued to restrict activities by members of the Ahmadiyya. The Decree prescribes that among other things Ahmadiyya members should cease the propagation of their beliefs. While there had been sporadic attacks and harassment against the Ahmadiyya prior to the issuing of the Decree, the levels of harassment, intimidation and attacks have increased since then. (Kumar, 2013)

Second, the International Crisis Group in Brussel also conducted a comprehensive study and offered a report on the 2008 Joint Decree. Here is a small exert from their report:

> It is all the more perplexing why the government would issue a decree which so clearly violates a fundamental civil right and which gives it the right to intervene in matters of interpretation of religious doctrine. The explanation is threefold: 1). Skillful use of civil society tools by radical Islamic groups, which have more carefully thought through strategies, better networking abilities and stronger lobbying skills than most other advocacy groups in Indonesia. The Ahmadiyah issue resonates far beyond the radical fringe, but it is that fringe which has stoked it until the president thought he had no choice but to act; 2). A president who has systematically ceded power and influence to the MUI and who is too fearful of public reaction to stand up and articulate a clear set of principles; and 3). pre-election manoeuvring in which narrow political interests of individuals and parties trump any interest in broader national goals. (International Crisis Group, 2008, p. 16)

These international organizations clearly put the status of the Joint Decree into a wider context and perspective. They conclude that the decree is eroding Indonesian constitutional imperatives and many international human rights standards by failing to protect the members of minority groups (religious minorities). It is clear that the decree has resulted in a set of negative consequences for the Ahmadiyya, which affects the development and situation of a human rights culture in Indonesia.

5.4.3 Closing Remarks

Both the Joint Decree of 2008 and the 2005 MUI Decree have had a significant role in the violation of the rights of the Ahmadiyya. The Joint Decree, which was motivated by many reasons, supported by various actors, and implemented by institutions at different levels, clearly reflects the fact that the 'human rights problem' in Indonesia is multifaceted. It has

many motivations and is linked to many different actors, institutions and cultural circumstances at both social and political levels.

The Joint Decree has directly influenced the human rights culture in Indonesia and the ability of people, including minorities, to claim their rights. It has been used as the basis for discriminatory political and legal policies implemented by local governments against the Ahmadiyya, which have incited violent attacks against the group. In 2011, the Indonesian Ahmadiyya reported that anti-Ahmadiyya regulations had been issued in the provinces of Banten, East Java, West Java, West Sumatra and South Sulawesi and by 22 mayors and regents as a follow-up to the 2008 decree (Source: Study of a collection of unpublished documents of the Ahmadiyya, provided by I-5, Jakarta, August–September 2014; an additional source also given by I-22 as staff at Wahid Institute). The following section describes some examples of the human rights violations against the Ahmadiyya.

5.5 Major Forms of Human rights Violation

This section presents the major forms of the violation of the rights of the Ahmadiyya. As described in the previous section, attacks and violence against the Ahmadiyya increased in the 2000s, especially after the 2005 MUI Decree and the 2008 Joint Decree. This section focuses on these events. Some evidence will be presented from the field based on some interviews, a field observation and a document study. Fortunately, the violations have been documented by several human rights organizations at both national and international levels (Setara Institute, 2011, 2012, 2013-a, 2013-b; Unpublished Report by Komnas HAM, 2011 Wahid Institute, 2012; HRW, 2012-a, 2012-b; Amnesty International, 2012; CRCS, 2012-b).

FIGURE 12. THE SPREAD OF THE NUMBER ATTACKS AGAINST THE AHMADIYYA AND OTHER GROUPS

(SOURCE: REPRODUCED FROM SETARA INSTITUTE, 2012)
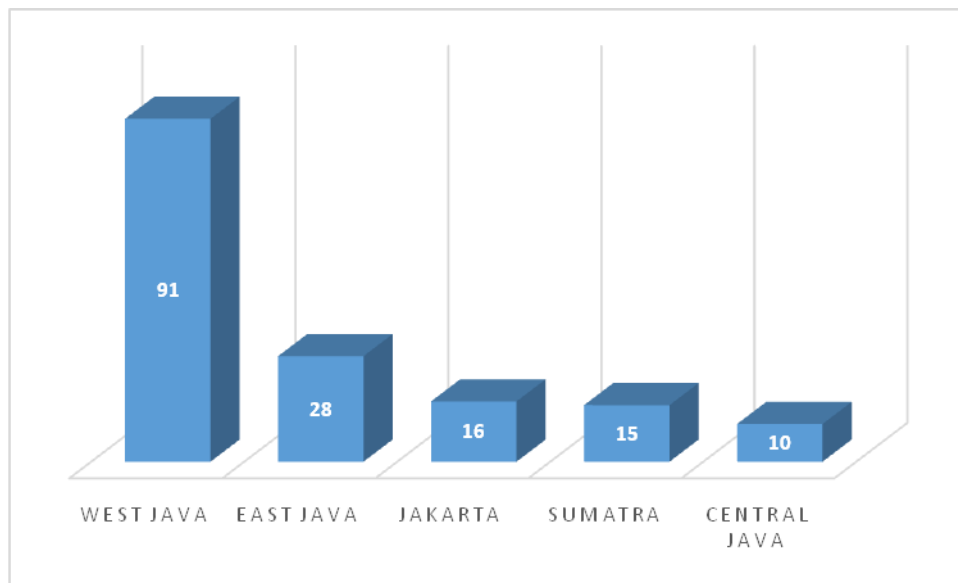
It is important to note that this section cannot cover all of the violations the Ahmadiyya have suffered. There is so much information, news, and reports on this case. Some of the information for this section was provided by my main informant, one of the victims of the Cikeusik tragedy. I was also able to review an unpublished report of Komnas HAM on their investigation of the Cikeusik tragedy. Other main sources of information for this section were well-established newspapers in Indonesia.

5.5.1 Prohibition

One of the major forms of violence against the Ahmadiyya is its prohibition. The government's Joint Decree has provided local governments with a legal justification to prohibit the Ahmadiyya. In my field observations, the literature review and interviews, I found much evidence that the prohibition against the Ahmadiyya sharing and spreading their faith and theological teachings is taking place mainly at the local level. The argumentation behind the prohibition is that the theological teachings of the Ahmadiyya 'damage' the official teachings of Islam.[22]

Several governors and regency leaders have officially condemned the Ahmadiyya. For example, the governor of East Java Province officially banned the activities of the Ahmadiyya in Decree Number 188/94/KPTS/013/2011, dated February 28, 2011, on the prohibition of the activities of the Ahmadiyya in the province.[23] *The Jakarta Post* reported on the case:

> East Java governor Soekarwo issued a decree that prohibited all Ahmadis in the province from conducting activities related to the Ahmadiyya. Soekarwo's decree prohibits Ahmadis from distributing pamphlets and placing signs at their offices and mosques. They are also not allowed to wear anything to indicate that they are Ahmadiyya members. (The Jakarta Post, 2011)

This prohibition of the Ahmadiyya at the local level is connected to general regulations and specific commands issued at the local level. In general, the prohibition is declared by the local governments who order the group to stop their activities.[24] As a result, the Ahmadiyya do not have public spaces to express their religious feelings; nor do they have the chance to spread their teachings.

Government actors and institutions at both central and local levels support each other to enforce many types of policies and regulations against the Ahmadiyya. Local government actors include the head of the area, the district attorney, the prosecutor's office, and other important government officials who take a central role in producing policies. In justifying the emergence of local regulations, Nasaruddin Umar[25]—former Deputy Minister of the Indonesian Ministry of Religious Affairs—said that many local governments have banned the Ahmadiyya:

> The important thing is that restrictions on the local level should be in accordance with "the 2008 Joint Decree". Local governments have an authority to determine that. In essence, prohibition has purposed to maintain security in every region. Every prohibition of all kinds has a diverse newsroom. There is a ban on a circulation of the book of the Ahmadiyya, prohibition to build mosques, banning religious activities in public, as well as prohibition of all forms of religious mission that aims to increase the members of the Ahmadiyya. (Kliping Kemenang.go.id, n.d.)

Some more examples of local regulations issued against the Ahmadiyya include: the South Sulawesi Governor's Decree Number 563/KPTS/BAN.KESBANGPOL, issued on March 4, 2011; West Java Governor's Regulation No. 12 of 2011 dated March 4, 2011, on prohibition of Ahmadiyya activities; West Java Governor's regulation Number 188.3/15-Kesbangpol, dated March 14, 2011, to all Mayors/Regents in Province of West Java, on Follow Up of West Java Governors Regulation No. 12 of 2011; West Sumatra Governor's Regulation Number 17 of 2011, dated March 25, 2011, on Prohibition of Ahmadiyya Congregation; the letter from the Mayor number 450/BKBPPM/636 dated October 12, 2010, to Mr. Agus Sumarsono (a leader of the Ahmadiyya Congregation of Pekanbaru) on the subject of terminating the Ahmadiyya's activity; the Samarinda Mayor's Decree number

200/160/BKPPM.1/11/2011 dated February 25, 2011, on the Prohibition of the Ahmadiyya in Samarinda City. These local regulations have justified a series of restrictions and attacks against the Ahmadiyya.[26]

The prohibition of the Ahmadiyya not only concerns the issue of religious freedom/religious status, it covers property and other basic rights of the Ahmadiyya. Some local governments have issued regulations and policies to ban or close Ahmadiyya schools. This is a serious problem for the Ahmadiyya, as they have a large interest in educating people. These policies have a negative impact on their education mission, especially given the many schools and the university they have in West Java.[27]

This is clearly a state-sponsored prohibition of a minority group, which has been followed by social attacks against group members. Majority groups have rigorously defended the status of government decrees and regulations, despite their negative impacts on the Ahmadiyya. It seems that the government has given in to the pressure from many groups in society. We can assume that the government is not taking the future of the Ahmadiyya seriously (Avonius, 2008; Unpublished Report by Moslem Moderate Society, 2009; Crouch, 2011-b).

By making policies like the 2008 Joint Ministerial Decree, the government has failed to use its political power to prevent the violence against the Ahmadiyya. Even, as the main actor behind the decree, the government has tended to defend its position by blaming the Ahmadiyya for any violence that has occurred. Drawing on the several reports, the views of the central government can be determined. *First*, the Indonesian Attorney General, Basrief Arief, said that the regulations issued by local governments are still in line with the Joint Decree. According to him, local governments know about the local conditions and situations in their region. Consider Basrief's opinion: "…*why we do support it [anti-Ahmadiyya regulations]? … If they are considered as a group that cause unrest and disturb the public order, why not?*" (translated from report published in Tempo.co, by Savitri, 2011). *Second*, similarly, the Minister of Justice and Human Rights during the period from 2004–2009, Patrialis Akbar, has also stressed that the prohibition of the Ahmadiyya by district and provincial regulations is contrary neither to law nor to the 2008 Joint Decree. He reminds the public that: "We respect the decision of some local governments to issue dissolution regulations and to ban the Ahmadiyya's activities. They know better whether the Ahmadiyya's activities impacts the situation in their district or not" (Report in Republika.co.id, by Maradona, 2011). *Third*, Suryadharma Ali, the previous Minister of

Religious Affairs, also supported legal initiatives by local state heads to prohibit the Ahmadiyya. He confirmed that the ban should be in accordance with the Joint Decree, saying: *"I think this is the appropriate local regulation, if there are people who feel discredited sometimes by the rules, it could be happening"* (BeritaSatu.com, 2011; my translation).

Although the 2008 Joint Decree led to the prohibition of the Ahmadiyya by many local governments, this prohibition started happening before the 2008 Joint Decree. As an example, one of my informants on the Mubarok Campus of Ahmadiyya University in Bogor said that attacks on the university have happened since 2004, although 2005 was the climax. Furthermore, my informant stated that "this place […] this school […] they consider as the main capital for us to maintain and spread our influence and teaching [...] so they want to close it down" (rewritten and translated from Interview with I-2). In closing, the Ahmadiyya are suffering because of state-sponsored prohibition, which seems to be broadly supported by society, and particularly by radical groups in society.

5.5.2 Displacement

This sub-section looks at the status of the Ahmadiyya who are living as 'displaced people' in the West Nusa Tenggara Province. It draws heavily on a document study and newspapers reports (Field Observation, 2016; Hamdi, 2011; Gaffar, 2013).

Violent attacks against the Ahmadiyya in West Lombok since the early 2000s have forced them to flee their villages. Since that time, they have been referred to as displaced people. Specifically, the Ahmadiyya in West Lombok can be categorized as 'direct displacements'—the displacement was the result of conflict and violence that threaten their existence and has led to loss of livelihood. The description of the Ahmadiyya as a displaced people refers to the definition of 'refugee' provided by the Office of United Nations High Commissioner for Refugees (UNHCR):

> A person or group of people who were forced to flee, or leave, home or their habitual residence as a result of armed conflict, internal strife, and customs violations of human rights, as well as natural or man-made disasters that involve one or more of these elements (UNESCO, n.d.).

The first decree against the Ahmadiyya in Lombok was issued in 1983 by the East Lombok regent (decree Number 11/IPK.32.2/L-2.III.3/11/83). However, but attacks and violence against the Ahmadiyya intensified in the 2000s. One attack was sponsored in 2001 by local people from Pemongkong Keruak village in the East Lombok District, West Nusa

Tenggara.[28] On September 13, 2002, the local government of East Lombok, West Nusa Tenggara, issued Decree Number 045.2/134/KUM/2002 banning the activities of the Ahmadiyya. Later that month, the Ahmadiyya in Pancor, East Lombok were attacked again. Approximately 300 members of the group left this village. In June of 2003, around 35 families were expelled from Sambi Elen village. In February of 2006, another attack occurred in Ketapang Gegerung Lingsar village of West Lombok.

At least 30 families comprising 118 Ahmadiyya members are currently living in *Wisma Transito*, Mataram, West Nusa Tenggara. Wisma Transito is the name for the residential place provided by the local government for the Ahmadiyya, who were displaced from their villages in Ketapang, West Lombok, after intimidation and violence (Purnomo, 2013). The Social Affairs Department of the local district said that the West Nusa Tenggara Province was prevented in 2008 from providing assistance for basic needs (such as food, medicine and clothing) to the Ahmadiyya refugees. In our meeting, in December 2016, my informant, an Ahmadiyya member in Wisma Transito, Mataram, says that, since 2006, 22 babies have been born and 6 of them have died in Wisma Transito (Source: Observation/fieldwork, December 2016 in Mataram; Interview I-26, Amnesty International Report, 2010).

FIGURE 13. PICTURE OF THE AHMADIYYA'S 'TRANSITO PLACE' IN MATARAM

(SOURCE: OBSERVATION-FIELD TRIP, DECEMBER, 2016, MATARAM, INDONESIA)

For this reason, most of the Ahmadiyya, who were previously farmers, have taken other jobs, such as motorcycle-taxi drivers (*ojek*), street vendors, construction workers, etc. They are struggling to make a living and fulfil their basic needs. After the Indonesian elections of 2014, the Ahmadiyya in Wisma Transito maintained hope that the new Indonesian political regime—under President Joko Widodo (2014–present)—would seriously look at the fate of the Ahmadiyya in Wisma Transito. Syahidin said that *"the Ahmadis want to return to their homes and enjoy a normal life like making a decent living and send their children to school, like other citizens"* (The Jakarta Post, 2014).

At the current time, in Lombok, *the displaced Ahmadiyya* members continue to face many crucial problems. Even the Deputy Mayor of Lombok District reminded the local government to take responsibility for protecting the Ahmadiyya, however, the Ahmadiyya still cannot enjoy their status as Indonesian citizens. Although the local government provides an electronic National Identity Card (Kartu Tanda Penduduk, KTP), the Ahmadiyya refugees cannot obtain one from the government because they are not recognized as part of Islam as one of religion that should be stated in KTP. Amnesty International reports:

> Indonesia provides various subsidies for the very poor but an identity card is needed to access them. Adults in the shelter [Wisma Transito] face many obstacles and some have been unable to obtain an identity card. For example, the local authorities have told them they must return to their village of origin to apply. Consequently, they cannot access basic service such as free health care. (Amnesty International, 2010, p. 3)

This national identity card is required to enroll in the general election and to gain access to state services. The Ahmadiyya are considered non-citizens because they do not have identity cards. Without the card, the Ahmadiyya face difficulties in accessing public services as they are not recognized as citizens (NTB Terkini, 2012) To obtain the KTP, the Ahmadiyya have to have official residency (domicile status) from their previous local officials. It is very difficult for them to fulfil this requirement as they do not have administrative access to their previous official residences.

In closing, for more than a decade, members of the Ahmadiyya have been living in *a transit place*, with many limitations. Being *displaced persons* clearly defines the lived experience of the Ahmadiyya in Mataram, West Lombok. Although some local government actors have tried to take political steps to solve the problem, the members of the Ahmadiyya are still from having the political sympathy of the local government.[29] Tragically, the Ahmadiyya have been restricted from claiming and enjoying their basic rights as citizens.

Mohan Roliskana, the Deputy Mayor of Mataram, asked the provincial leader of West Nusa Tenggara province to deal decisively with the current status of the Ahmadiyya in the transitional shelter, but the government still does not recognize the members of Ahmadiyya as *citizens*. Because of this uncertain status, the Ahmadiyya live in a precarious situation. While the local government talks about the importance of political will to solve their problem, the political solution of the government has never been realized and implemented at the policy level (published report in Republika.co.id., by Ruslan 2013). One crucial issue is about the lack of local NGOs involvement in supporting the Ahmadiyya members in Wisma Transito (Interview with I-25, Mataram, December 2016).

5.5.3 Murder

Some studies have concluded that the violation of the rights of the Ahmadiyya and other religious groups is not only related to the frequency of the attacks and discrimination, but also to the forms of violence (McCoy, 2013; Freedom House, 2014; Fionna &Yew-Foong, 2014). In the case of the Ahmadiyya, murder is one of the major forms of attack against the group. Actually, murder was not common before 2011, according to many reports, but started in 2011, three years after the 2008 Joint Decree. The deadly incident that happened in Cikeusik on February 6, 2011 attracted the attention of many actors and institutions, nationwide and globally. This sub-section briefly considers the killing of the Ahmadiyya in Cikeusik. The main source of this information is from the unpublished report of investigation by Komnas HAM on the Cikeusik tragedy[30] and from interviews with one of the survivors of the attack in Cikeusik.

As reported by Komnas HAM, various NGOs and human rights organizations, the attack on the Ahmadiyya at Cikeusik started on Friday, February 4, 2011. At that time, a crowd came to the Village Umbulan, District Cikeusik, Pandeglang, Banten. People came with the intention to attack Ismail Suparman's house. Suparman was known as the leader of the Ahmadiyya in Cikeusik. According to the report, this plan was anticipated by the members of the Ahmadiyya and the police were informed. To prevent violence against the Ahmadiyya, the police evacuated Suparman and his family to the local police station. On Sunday, February 6, 2011, 8:00 am, one group that was affiliated with the Ahmadiyya travelled from Jakarta to Cikeusik in two cars. This group supposedly intended to safeguard the assets and property of the Suparman family. The police ordered them to leave immediately, but they refused. On Sunday, February 6, 2011, at 10:00 am, thousands of people attacked the house, which was guarded by 17 members of the Ahmadiyya. In the

incident, they tried to defend themselves and the property, but three members of the Ahmadiyya were killed (Unpublished Report of Komnas HAM, 2011; Interview with I-4 in Jakarta, August, 2014).

The three members killed were Roni Pasaroni (35 years), from Luar Batang Rt/Rw 014/003 Pejaringan North Jakarta; Tubagus Candra Mubarok Syafai (34 years old), who lived in Gg Satria Babakan Village cottage Udik Rt/Rw 01/04 Kemang Bogor, West Java; and Warsono (31 years old), who lived in the alley Sampa Rt /Rw 16/17 Muara Baru, North Jakarta. Komnas HAM explains the injuries of the three victims.

> First, Roni Pasaroni; with a number of injuries from blunt and sharp objects around his body as much as 50 wounded; sliding abrasions on the chest and back; wound objects shallow depth at the waist to the left; sharps injuries in the leg side right, deep enough to touch the bone; wounds caused by a blunt object in head back of the head; wounds caused by a blunt object in advance; bone talkative upper jaw and teeth; broken ribs; and sharps injuries in the neck.

> Second, Tubagus Candra Mubarok Syafai; number of injuries as a result of blunt and sharp objects around his body as much as 48 wounded; tattoo in lower back and in the left arm; wounds caused by sharp objects in the neck and around the chest with the X shape of wound form known done after the death of the victim; drag wounds chest and on the back; wound due to blunt back of the head that results in broken skull and bleeding in the brain; no broken ribs.

> Third victim namely Warsono with numbers of injuries from blunt and sharp objects all over his body as much as 31 wounds; drag wounds in the chest and back; wound in the thigh caused by the sharp objects; wound due to blunt back of the head that results in broken skull and bleeding in the brain. (Unpublished report of Komnas HAM, 2011, pp. 72–73; See also Isnur & Hidayat, 2013, pp. 63–75, and supported by interview with I-6 in Mubarok Campus, Bogor, August, 2014)

FIGURE 14. PICTURE OF A SURVIVOR OF THE DEADLY ATTACK IN CIKEUSIK

(SOURCE: INTERVIEW WITH I-4, JAKARTA, AUGUST, 2014; FIELD OBSERVATION, AUGUST, 2014)[31]

My informant talked about one of the main reasons for the attack in Cikeusik. According to him, *hate speeches* to the Ahmadiyya and misconceptions about the position of the Ahmadiyya in the context of official Islamic teaching can be considered as the main reasons for the attack. It seems—according to my informant—that hate speech are based on misconceptions about the position of Ahmadiyya in official Islamic teaching. The attackers seem to misunderstand the theological position of the Ahmadiyya. He provided the following explanation:

> The violator asked my friend to say *'a creed of Islam'* according to 'the official teachings of Islam'. They were surprised and let my friend live (they did not kill him) because my friend could correctly say the creed. I then remembered and concluded suddenly in my head that they already have the wrong perspective about the members of the Ahmadiyya. (Interview with I-4, Jakarta, Indonesia, August-September 2014)[32]

From another point of view, mainly of the supporters of the attack, the murder in Cikeusik was provoked by the Ahmadiyya. According to them, the fact that some members of the Ahmadiyya came from Jakarta to Cikeusik a few days before the attack was provocation and justifyed the attack. This view differs from that of the Ahmadiyya members. My informant stated that a few members of the Ahmadiyya who came from Jakarta wanted to protect the property of the Ahmadiyya members in Cikeusik (house and other properties)

(Interview with I-4; Unpublished Report of Komnas HAM, 2011). Another report also provides information about the perception of the Ahmadiyya in Cikeusik murder:

> In all of the verdicts—read in separate hearings—the panel of judges maintained the same notion that it was the Ahmadiyah group the instigated the attack by ignoring calls by police to leave the scene and instead challenging the mob to a fight. (Andriyanto & Haryanto, 2011)

Basically, the Ahmadiyya were considered to have caused the conflict violence when they did not follow the suggestion by the Police to leave.

In their report, the Komnas HAM investigation team reminded the government and the Indonesian public that the killing of the Ahmadiyya in Cikeusik is one the most serious attacks against humanity in contemporary Indonesia. The report also stated that the murder of three persons can be described as criminal homicide and a violation of human rights, especially the right to life (Unpublished report of Komnas HAM, 2011, p. 72). As referred to in Chapter 2 on human rights culture in relation to the scope of protection, this deadly attack destroys the basic rights to *physical survival* of the Ahmadiyya.

5.5.4 Crimes against Humanity

The Cikeusik incident triggered the provincial governments and districts/cities to issue special regulations and policies on the Ahmadiyya.[33] The regulations prohibit the Ahmadiyya from spreading their theological teachings orally or in writing, either directly or through printed or electronic media; from placing signs or other forms of identification that are generally known; and from putting signs in front of their mosques and educational institutions. In addition, all regulations state that the guidance and supervision of the Ahmadiyya will be conducted by the local government and other state apparatus.[34]

As Figure 15 indicates, the majority of the attacks on the Ahmadiyya have occurred in the West Java Province. This does not imply that attacks have not occurred in other areas in Indonesia. The attacks can be described as a circuit of violence that happened widely throughout Indonesia with one or two centers of violence in West Java and the District of Mataram. The following map depicts the frequency of violent attacks against the Ahmadiyya. The red color indicates the highest intensity of attacks. This map also provides a fairly comprehensive picture of the spread of violence against the Ahmadiyya in Indonesia.
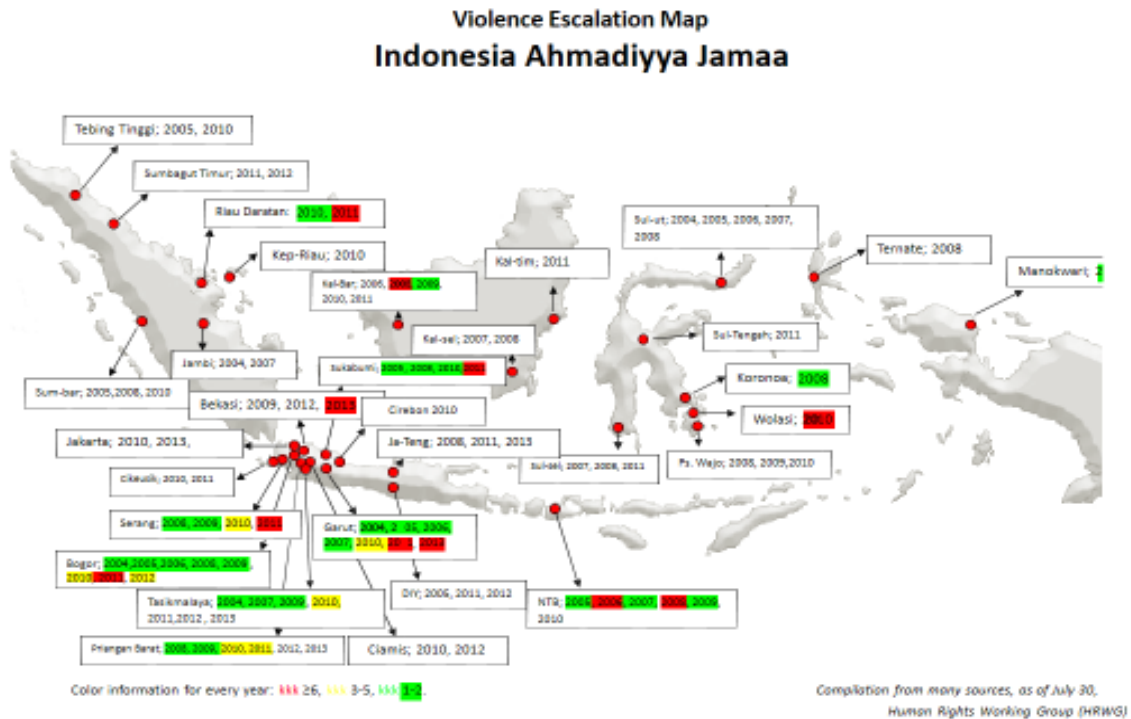
These attacks have been initiated by several groups. Because they specifically target the members of the Ahmadiyya, these attacks can no longer be categorized as sporadic or episodic violence,[36] but may constitute systematic crimes against humanity (Bassiouni, 2011). Article 9 of the Indonesian Law Number 26/2000 on Human rights defines a *crime against humanity* as a series of acts committed in the form of a widespread or systematic attack. Crimes against humanity include crimes such as:

> […] murder; extermination; expulsion or forcible transfer of population; physical violations that are contrary to international law; torture; the persecution of a particular group based on political, racial, national, ethnic, cultural, religious, gender or other grounds that are recognized as impermissible under international law. (Rome Statute of the International Criminal Court, 1999)

According to this definition, the continued and widespread violence faced by the Indonesian Ahmadiyya since the reform constitutes crimes against humanity. My main informant describes this horrific situation:

I do not know exactly what was happening on that day. I realized when I was in the hospital (hidden) in fear of the next attack. I am sorry [...] I cannot continue my story about the tragic events at Cikeusik. I can only hand over some of the data you may need for your research. I can describe the area; I can mention some rules forbidding the Ahmadiyya and I can give you one or two photos that were taken when I was hospitalized. (Source: Series Interview with I-4, Jakarta, September-August, 2014; my translation)

Similarly, Article 8 of this Law defines *genocide* as an act of violence with a systematic intention to destroy all or part of a group (e.g., nation, race, ethnic group, religious group) by, a) killing members of the group, b) causing disability or mental harm to members of the group, c) creating living conditions that will lead to the group's destruction in whole or in part, d) imposing measures to prevent births within the group, and/or e) forcibly transferring children of the group to another group. From this perspective, violence against the Ahmadiyya meets the criteria of genocide. Examples of all of these types of violence are explored and explained further in the following section on the substantive-rights framework.

5.5.5 Closing

The discrimination and violence against the Ahmadiyya has been documented by the Ahmadiyya itself and by many NGOs and human rights organizations. Their situation often makes headlines in national and international newspapers. The major forms of violation in this section can be seen as examples of the violation of the group's human rights. This study does not claim to cover all types of violations against the Ahmadiyya. Moreover, the extent of the violations suffered by this group is still emerging. Thus, the forms of violation that have already been presented here can be used as a tool for looking deeply into the destruction of the Ahmadiyya, as well as other religious minorities and human rights in general. I move now to a reflection on the violation of the substantive rights of the Ahmadiyya.

5.6 Violation of the Substantive Rights of the Ahmadiyya

This section answers the question: *To what extent do the attacks against the Indonesian Ahmadiyya constitute the violation of their substantive human rights?*

This section explores several main aspects of the substantive human rights of the Ahmadiyya based on their current situation. Many scholars, as well as national human rights commissions, have adopted substantive rights that can be considered as a specific framework, approach, and indicator for looking at the practice of human rights protection (cf. Green, 2001; Pettit & Wheeler, 2005). Substantive human rights can be used as a model for analyzing the present status of the Ahmadiyya. Each category of substantive human rights

can be defined with respect to two important aspects: *standard* and *provisional*.[37] *Standard* describes the content of the rights that can be applied at international and regional levels. *Provisional* refers to aspects of the protection mechanism. In this discussion, as explained in Chapter 2, Section 4 about human rights culture as a framework, the Ahmadiyya can be seen as users of the human rights foundation and framework.[38]

5.6.1 The Right to Due Process

The first element of substantive human rights is the right to due process. Article 8 of UDHR states that everyone has the right to an effective remedy by competent national tribunals for acts violating the fundamental rights granted by the constitution or by law (United Nations, n.d.). This principle is interpreted as *the right to a fair, efficient, and effective trial by the judiciary.* Thus, the judicial process should ensure a fundamental fairness. The process can be understood as a mechanism that is governed by the guidelines of the law through the courts for achieving justice; this is mainly in accordance with principles of law. The judicial process must be conducted with respect to some key conditions, including the presence of witnesses and procedures that ensure safety and the protection of individual rights. The process should be based on many key principles, such as the principle of presumption of innocence and the independence and impartiality of the court (Olbourne, 2003; Meron, 2005).

It is commonly agreed that the right to a fair trial deals with: a) the quality of the administration of justice, b) quality in terms of the protection of the rights of the parties involved, (c) efficiency, and (d) effectiveness. Fair process focuses on a fair trial and the right to an effective remedy (United Nations, General Assembly resolution 60/147 of 16 December 2005). Furthermore, the right to a fair trial does not focus on a single issue, but rather consists of a complex set of rules and practices. The right to a fair trial is interpreted as the right to be protected by rules given by the court in accordance with established legal principles, procedures and sanctions, with safeguards in place to protect the rights of individuals. The rules should be applied to ensure a fair and open trial, keeping the presumption of innocence and guaranteeing the independence and impartiality of the judiciary (Préfontaine, & Lee, 1998).

In terms of this principle, it is important to discuss the right to the court process by the Ahmadiyya (Kimura, 2011; Hicks, 2014). Actually, both the victimized Ahmadiyya members and the perpetrators are equally entitled to obtain the results

(justice) of due process from the judicial procedures and mechanisms. The court is demanded to conduct the process not only in compliance with legal procedures, but also to present justice to both. The fairness of the judiciary mechanism needs to be questioned when the perpetrators of the deadly attacks against the Ahmadiyya in Cikeusik were only sentenced to jail for a number of months. In 2012, Freedom House reported as follows on their website:

> Religious violence continued in 2011 with a deadly February attack on an Ahmadi community in Cikeusik, West Java. Twelve men were sentenced to between three and six months in jail for a collection of minor offenses, but none were charged for the killing of three Ahmadis during the assault. In a widely decried ruling, one Ahmadi victim was sentenced to six months in jail for defying a police order to leave the area during the incident. Three police officers were named as suspects for allegedly failing to protect civilians; their cases had not advanced by year's end. (Freedom House, 2012)

In placing the case within the wider discourse, the judiciary process relating to violent action against minorities is an important issue. Rathgeber (2015)—in his new scholarly work on human rights standards in the Association of Southeast Asia Nations (ASEAN) region—mentions the problem of law enforcement in Indonesia mainly in the context of prosecuting perpetrators of torture against minority groups:

> The Committee against Torture (CAT)[39] expressed its concern about the absence of appropriate penalties applicable to acts of torture in Articles 351 to 358 of the Penal Code. Furthermore, the CAT recommended that Indonesia include a definition of torture in its penal legislation and draw attention to torture in detention. The CAT also addressed local regulations insofar as they breached the Convention, sometimes relating to the introduction of sharia law. Subnational authorities had established more than 1,000 local laws and policies that were not in accordance with the agreed-upon international standards. (Ibid., pp. 141–142)

5.6.2 The Right to Freedom of Thought, Expression, Conscience and Religion
Human rights guarantee that every person can think freely and have faith and declare belief in teaching, practice and worship. These rights also include the freedom to change religions or to not follow any religion. The UDHR Article 18 proclaims that:

> […] every person has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest religion or belief in teaching, practice, worship and observance. (United Nations, n.d; Claiming Human Rights.org., n.d.)

Article 18 of the International Covenant on Civil and Political Rights also asserts the freedom of thought, conscience and religion (OHCHR, International Covenant on Civil

and Political Rights, n.d.). These rights also guarantee the freedom of the individual to leave or terminate membership of a religion. This convention states that this is also a fundamental part of religious freedom.

Furthermore, freedom of expression is one of the most fundamental rights, and a precondition to the enjoyment of other rights. Other human rights can hardly be fulfilled and maintained if this fundamental right is not enjoyed by each individual and social group. Legislators in Europe have been fighting since the 17th century for freedom of expression, as it is one of the most important parts of the framework of human rights. Thus, the guarantee of freedom of conscience and religion is closely related to other substantive rights, such as the right of assembly and association and freedom of religious belief (cf. Mahmood & Danchin, 2014-a & 2014-b; Cassidy, 2015).

Human rights guarantee the expression of everyone's views. Personal freedom of thought and religion is an absolute right that does not allow any form of restriction. The guarantee of freedom of thought and religious values implies that a person cannot be subjected to treatment that is intended to change his or her thinking process, or to be forced to reveal his/her mind, or to change opinion, or to divulge religious beliefs. Thus, the right to freedom of thought, conscience, religion, belief and opinion is closely associated with the right to privacy.[40] Individuals should be protected from state indoctrination for the purpose of having or changing their views, opinions and religions/beliefs (Bielefeldt, 2013).

The right to freedom of expression, in addition to being the basis for the right to religion, is not only important for the Ahmadiyya in practical terms (Fuller, 2014), it also provides the fundamental basis for human rights defenders to champion their cause. For example, freedom of the press is essential to limit the power of government; similarly, freedom of expression can be regarded as an important aspect of the defense of individuals and social groups against government oppression and social majority tyranny (cf. Joseph & Castan, 2013; Lawson, 2014).

In the context of the problems faced by the Ahmadiyya, the disavowal of substantive rights is rationalized by the argument that the Ahmadiyya issue is not related to the freedom of thought and religion. From this perspective, the Ahmadiyya is a religious group that has damaged the official teachings of Islam.

> The belief of Ahmadiyah in the prophethood of Mirza Ghulam Ahmad is unacceptable to many Muslims in Indonesia—as it is to many Muslims elsewhere. Many contributors to polemics against Ahmadiyah have stated their displeasure that Ahmadis consider themselves to be Muslims. (Fuller, 2011-b)

Amnesty International also provides the following information on the issue:

> In the ten days after the Governor of West Java issued the Regulation, the *Babinsa*[41] officer and the Bojongpicung Sub-District Police approached elders of the Ahmadiyya community in the village of Cipeuyem, Haruwangi sub-district and asked them to allow a non-Ahmadiyya preacher to use their place of worship at prayer time. The elders denied their request. At around 2 pm on 13 March 2011, a group of around 50 people from Cipeuyem village reportedly arrived at the Ahmadiyya place of worship led by the Head of the Indonesian Ulema Council (Majelis Ulama Indonesia, MUI) in *the village*. They then collected all the books they could find in the place of worship and set them on fire on the pavement. Later the same day, members of the Bojongpicung Sub-District Police (Polsek), the Bojongpicung military (Koramil), the local village administration, and the same religious leader who had earlier led the book burning, reportedly called the Ahmadiyya elders to a meeting and pressured them to close the Ahmadiyya place of worship. On March 17, 2011 in a second meeting with the same people, under the pressure of intimidation, two members of the Ahmadiyya community were forced to sign a letter saying they agreed the place of worship should be closed. Following this incident, the local Ahmadiyya community has been too frightened to continue to use this place of worship. Further, threats by local government officials against the Ahmadiyya in an attempt to force them to denounce their beliefs are in violation of Article 18 (2) of the ICCPR which provides that "no one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice. (Amnesty International, 2011, p. 2)

The International Bill of Human Rights, which consists of the Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (1966) with its two Optional Protocols and the International Covenant on Economic, Social and Cultural Rights (1966) also assert the obligation of the state in relation to the absolute guarantee of freedom of expression and religion in particular and the improvement of human rights principles in general (cf. Neumayer, 2005). However, the freedom of expression has had a number of limitations and restrictions imposed on it, even more

widely than other rights. Historically, most restrictions have concerned the expression of sentiment as opposed to the prevailing institutions or religion, politics or beliefs. However, in accordance with conceptual insight from some scholar, freedom of expression—in the case of the Indonesian Ahmadiyya as example—can also be restricted by the government for reasons of national security (As'ad, 2013; Cooper, 2014; Horowitz (P), 2014; Jamal, 2015; Davies, 2015).

5.6.3 The Right to Integrity

The right to integrity is one of the main concerns of the International Bill of Human Rights. It is clearly stated in the documents that make up this instrument that every person has the fundamental right to life and that the state apparatus and other elements of society must recognize and protect this right. Article 3 of the UDHR states that, *"everyone has the right to life, liberty and security of person"* (United Nations, n.d.). To ensure this right, Article 6.1 of the International Convention on Civil and Political Rights states that every human being has the inherent right to life. This right should be protected by law. No one shall be deprived of his/her life (Human Rights Clinic, 2010).

The Ahmadiyya have repeatedly experienced violation of the right to integrity. My main informant, one of the victims of the Cikeusik incident, shared the following:

> I suffered terribly in the Cikeusik event. I may have a physical disability for the rest of my life as a result of the torture of the attackers on February 6, 2011 in Cikeusik. (I-4, Interview series, August—September, 2014, Jakarta)

Violent attacks against the members of the Ahmadiyya have threatened their survival in absolute terms. According to the definition of this right, these violent attacks have threatened the right to life of the members of the Ahmadiyya (Human Right Watch, 2016). As previously explained, the stories of violent attacks against the Ahmadiyya have also revealed that systemic torture is sponsored and supported either by the state or by certain groups or individuals in society (Answeringmuslim.com, 2011).

5.6.4 The Right to Property

The UDHR Article 17, Paragraph 1 states that: *"everyone has the right to own property alone as well as in association with others"*. Paragraph 2 states that, *"no one will be arbitrarily deprived of his property"* (United Nations, n.d.). However, this right is not clear. Firstly, the question arises as to whether this right is only associated with private property or includes the means of production. In the Indonesian context, the right to property is contained in the

constitution and other laws. The 1945 Indonesian Constitution, Article 28G, states the following:

> Everyone has the right of protection of themselves, family, honor, dignity, and property under his control, and has the right to feel secure and protected from the threat of fear to do or not to do something that is part of their human rights. (Government of Indonesia, 2002)

The following two paragraphs of the same article specifically state that citizens have the right to property. Article 28H lists *"the right to live, the right to health, the right to a good environment and health".* Article 28H states that, *"every person has the right to have private property and that property rights should not be taken over arbitrarily by anyone"*. To support these fundamental rights, the Indonesian government enacted Law Number 39/1999 on Human Rights. Paragraph 2 of Article 36 of this Law states that*, "no person should be deprived of his property arbitrarily and unlawfully"*.[42]

The destruction of property belonging to the Ahmadiyya has occurred as part of the attacks against them (Source: Interview with I-2, Mubarak Campus, Parung, August 2014). These acts of vandalism not only involve property owned communally by the Ahmadiyya, such as mosques, schools or campuses, they also include the personal property of its members, including homes and farmland.

> On 4 February 2006, a local religious leader incited people in Ketapang village, West Lombok to attack houses belonging to the Ahmadiyya. This was the second attack in a period of five months. The mob carried machetes, threw stones at the houses and set them on fire. At least 24 houses were completely or partially burned while most of their property was either destroyed or stolen. Dozens of police, including the public order police unit were present but did little to prevent the attacks. The Ahmadiyya families were evacuated in trucks and eventually transferred to a shelter in Mataram city. (Arrahmah.com. 2010)

The destruction of mosques and schools that occurred in West Java and the expulsion of the members of the Ahmadiyya from West Lombok are linked to the right to have property (Source: Field observation in Kuningan, West Java, August, 2014; Interview with I-3, I-7, I-8 in Kuningan, West Java, August, 2014).

5.6.5 The Right to an Adequate Standard of Living

The attacks against the Ahmadiyya have undermined their right to a decent standard of living. The UDHR Article 25, Paragraph 1 states the following:

> Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. (United Nations, n.d.)

The right states that everyone should enjoy necessary subsistence rights, such as adequate food and nutrition, clothing, housing and the necessary conditions of care. One should be guaranteed and able to enjoy these basic needs in dignity. The ICESCR Article 11 determines the right of everyone to an adequate standard of living. This includes, but is not limited to, the right to adequate food, clothing, housing, and the continuous improvement of living conditions. It also creates an obligation on parties to work together to eliminate world hunger. An adequate standard of living is defined as living above the poverty level. The World Bank includes a minimum standard of nutrition and other basic needs, and a further amount, which varies from country to country, that reflects the cost of participating in daily life.[43]

The National Human Rights Commission for Woman (Komnas HAM Perempuan) in their 2008 annual report clearly provides information about the status of Ahmadiyya as refuges after a series of attacks to them:

> The raid was carried out by the eight villages around. They destroyed and incinerated houses of the members of the Ahmadiyya. In fact, in the year (2005), their violent attacks to them have occurred four times. A similar incident has also happened to the members of the Ahmadiyya in the village Prapen, Praya, Lombok. As a result, 16 families, including 27 men and 31 women were forced to live in a former hospital building Praya. In the building, Ahmadiyya as refugees occupy space separated with a cloth and cardboard as a separator between the families. 146 refugees are living in refugee. A total of 22 children have been born, six people are married, and six died. Every family lives in one room measuring 3×5 square meters with a bathroom inside. It was further reported that women and children are the most vulnerable to psychological and physical pressure. They will face serious difficulties to be able to live a normal life because of the destruction of property and their jobs (Komnas HAM Perempuan, 2008, pp. 11–13).

In addition, the attacks that cause permanent damage to the source of livelihood for the members of the Ahmadiyya have definitely violated the Indonesian Law Number 39/1999 on Human Rights, Article 9 Paragraph (3), which states the right of every person to enjoy an environment that is good and healthy (Source: Hukum-online.com, 2014). The substantive principle of this law has not been implemented at the practical level in relation to the daily lives of the Ahmadiyya refugees. In the case of the Ahmadiyya in Mataram, it is important to look at the UDHR principle. Article 25, Point 1 of the UDHR states the following: "*Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control*". Point 2 claims as follows: "*Mothers and children are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection*" (United Nations.org., n.d.). The members of the Ahmadiyya who live in Wisma Transito (transit place) qualify for refugee status. But, as refugees, they are not able to enjoy a decent standard of living (report in the Jakarta Post, by Nugraha, 2011).

To give response to the situation of the Ahmadiyya in Maratam, Human rights organizations—including the Indonesian Ombudsman, the National Human Rights Commission of Indonesia (Komnas HAM), the Indonesian Board for Witness and Victim Protection, the Indonesian Commission on Child Protection, and the National Commission on Violence against Women—formed a collective team for investigation on Ahmadiyya case and have all advocated for the Ahmadiyya in West Lombok. These organizations reported attacks against 33 families of the Ahmadiyya in Ketapang, Gegerung village, Lingsar, West Lombok, on October 19, 2005 (Tempo.co., 2014; Komnas HAM Perempuan, 2014).

5.6.6 The Right to Education and Culture

Another substantive right is the right to education and culture. It has already been widely reported that the attacks against the Ahmadiyya have created difficulties for them to enjoy such rights. The UDHR Article 26, Point 1, declares the following:

> Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit". Point 2 also states the following: "Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace. (United Nations, n.d.)

The ICESCR, in accordance with Article 27, Part III, Article 13, Point 1, states the following:

> States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace. (OHCHR, International Covenant on Economic, Social and Cultural Rights n.d.).

Similarly, the Indonesian Constitution, Article 31 Paragraph (1) states that, *"every citizen has the right to education"*. Discrimination against the Ahmadiyya is reflected in the harassment faced by Ahmadiyya children in public schools. Human Rights Watch reports as follows:

> In Sukadana, Cianjur, an Ahmadiyah teacher told Human Rights Watch that Ahmadiyah students and teachers faced repeated harassment for their faith. In July 2011, an inspector from the Ministry of Education visited her district and in a speech to around 200 teachers said that all schools and teachers must obey the 2008 anti-Ahmadiyah decree. In what the teacher described to Human Rights Watch as "veiled threats," the inspector told the teachers that the decree orders Ahmadis to "stop activities which deviate from the principal teachings of Islam" and noted that the crimes carry a maximum penalty of five years in prison. (HRW, 2013, p. 60)

Hence, it appears that the teachers and other students intimidated Ahmadiyya children, including through verbal violence and in other ways, thereby violating the rights of Ahmadiyya children (Source: Document Study of Komnas HAM, Perempuan Annual Report, 2008).

5.6.7 The Right to Equality and Non-Discrimination

Chapter 2, Section 6 specifically defines the rights to equality and non-discrimination as a main part of minority protection. The international human rights standards provide a framework for protecting minorities. Article 7 of the UDHR states that:

> …all are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination. (United Nations, n.d.)

The International Convention on the Elimination of All Forms of Racial Discrimination adopted resolution 2106 (xx) and opened it for signature and ratification by the General Assembly on December 21, 1965. It was brought into force on January 4, 1969, in accordance with Article 19, Part I, Article 1, which defines 'racial discrimination' as 'any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin that has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life' (Article 19 [XIX], 2007, p. 12). Article 2 reminds us that this convention not applies to distinctions, exclusions, restrictions or preferences made by a state party to this convention between citizens and non-citizens (Supreme Court, n.d.; OHCHR, n.d.).

For the members of the Ahmadiyya, it is not easy to enjoy and claim these fundamental rights—not even the rights that have been incorporated into the national legal foundation. Elaine Pearson, representing the Asia director at Human Rights Watch, said that Indonesian (government) officials react to the state discrimination and vigilante violence against Ahmadis by limiting the right of the Ahmadiyya to their beliefs. The government should show seriousness toward religious violence by bringing those responsible to justice (HRW, 2010).

Since July 26, 2010, the municipal police, the police, and hundreds of people mobilized by the militant group have made several attempts to forcibly close the Ahmadiyya's mosque in the village of Manis Lor, Kuningan regency, West Java Province. At

that time, municipal police closed the mosque under orders of the regent of the Kuningan area. On July 29, 2010, the Minister of Religious Affairs, Suryadharma Ali, stated openly that the Indonesian government will not tolerate violence in religious disputes. He also warned the Ahmadiyya to stop their activities.

5.6.8 Closing

The Indonesian state needs to consider these substantive human rights as the basis of minority protection in the setting of human rights culture. It is important for international communities and domestic states to think and act decisively in integrating these kinds of rights into written documents and legal frameworks. One of the questions that has gained attention in the debate over the protection of minorities such as refugees at the international level is whether or not the best instruments of protection are offered by the state (government) based on legal instruments and political commitments (cf. Hathaway, 2005). The failure to realize a specific requirement of protection is considered in line with the lack of the state commitment to respecting minorities' interest and rights at a political level.

The different kinds of substantive human rights related to minority status can be seen as an entry point for examining the gap between normative and conceptual stances, on the one hand, and their application in practice on the other hand. In this section, we see how the Ahmadiyya as users of the human rights framework experience difficulties in claiming and enjoying human rights as a lived experience in their daily life. In this discussion, violent attacks against the Ahmadiyya have been linked closely to human rights, including civil, political, economic, social and cultural aspects of life. Furthermore, a discussion in this section provides information about the gap between human rights foundations on the one hand, and the lack of protection of religious minorities on the other hand. These issues are discussed and expanded upon in Chapter 6.

5.7 Concluding Remarks

The concept of a human rights culture helps this chapter present a critical view of the violation of the rights of the Ahmadiyya. This chapter focuses on the position of the Ahmadiyya as users of the human rights foundation in Indonesia. It reflects on the protection of the Ahmadiyya as an ethical imperative of human rights. This chapter also highlights the challenges faced by the members, who have the rights to obtain justice in social and political spaces. This closing section briefly presents some of the main points as background for the discussion of the challenge of human rights protection in Chapter 6.

First, this chapter has contributed important information about a series of human rights violations against the Ahmadiyya. Furthermore, the violations against this group have been described from several critical perspectives, including the involvement of various and different actors, the response from actors and a reflection on the violation of substantive human rights. Thus, from a human rights culture point of view, the protection of the Ahmadiyya and other minorities should be based not only on the level of attention of state and government; it also relies on the support of civil-society elements.

Second, this chapter is not only useful for evaluating the human rights framework at a concrete level; it provides a helpful point of view for mapping and analyzing the involvement of actors and their views in the context of the Ahmadiyya (and other minority groups). In terms of the perspective of human rights culture, this is a useful starting point for measuring a degree of human rights awareness within state institutions and actors and also in society itself. This exploration brings significant elements and complexities into human rights discourse.

Third, from this perspective, the revolution of political action should not be limited to the overthrow of oppressive political regimes; it should also engage in building new political institutions that create spaces (political spaces) in which freedom can emerge. In some cases, for example, totalitarian power threatens freedom by reducing the public space individuals require for the expression of freedom. Thus, freedom can be discussed only when public space is available for free expression.

Fourth, in accordance with the perspective of human rights culture as a dynamic framework and point of view, the problem of human rights deals with interconnected elements that involve a variable degree of global, regional, national, or local settings, and it is rooted in a mixture of political, institutional, economic, social, cultural, and/or environmental concerns. It refers to structures and institutions that are weak or fail but also to the situations in which a social contract between groups and/or between people and the state is broken when the state cannot or will not fulfil its obligations to the public.

Endnotes

[1] A discussion about the perception of the Ahmadiyya group can be found in the report from the Center for Religious and Cross-Cultural Studies (CRCS) (2012-b). Database Bibliografi Kehidupan Beragama di Indonesia: Kontroversi Ahmadiyah di Indonesia (Bibliographic Database on Religious Life in Indonesia: Controversy Ahmadiyah in Indonesia. Retrieved November 20, 015, from http://crcs.ugm.ac.id/main/pluralism-researches/3078/database-bibliografi-kehidupan-beragama-di-indonesia-kontroversi-ahmadiyah-di-indonesia.html

[2] Although many programs are designed to take care of the interests of Islam, this ministry has been divided into seven general directorates. The three of them (general directorates) are connected to Muslim affairs (including 'public guidance' of Islam), hajj management, and Islamic education. Other directorates are linked to minority religions such as Protestantism, Roman Catholicism, Hinduism, and Buddhism.

[3] In 1952, the institution had established BAKORPAKEM to monitor and ban a number of congregations and religious movements based on indigenous beliefs. In 1969 and 2006, the ministry also signed a controversial regulation for managing the building of houses of worship.

[4] Retrieved March 24, 2015, from http://www.kemendagri.go.id/profil/sejarah

[5] Retrieved March 24, 2015, from http://www.kejaksaan.go.id/index.php

[6] Retrieved March 24, 2015, from http://datakesra.kemenkopmk.go.id/sites/default/files/agama_file/Data%20Ajaran%20Aliran%20Sesat.ppt/

[7] This information was given by my informant I-15 (Commissioner of National Human Rights, 2007– 2012) as a team leader of this investigation. For additional information also see Tribun Nasional. (2011). *Komnas HAM Bentuk Tim Investigasi Kasus Ahmadiyah* (Human Rights National Commission Form Investigation Team for Cikeusik Tragedy), February 8, 2011. Retrieved February 08, 2011, from http://www.tribunnews.com/nasional/2011/02/08/komnas-ham-bentuk-tim-khusus-investigasi

[8] Information about MUI. See: Indonesian Ulema Council. Website: www.mui.org

[9] Retrieved October 16, 2015, from http://www.lppijakarta.com/blog/category/lppi/kegiatan/

[10] M.A Djamaluddin (2011-a). Aliran-Aliran Sesat di Indonesi Deviant Sects in Indonesia). *Disampaikan oleh M. Amin Djamaludin sebagai Saksi Ahli Atas nama Majelis Ulama Indonesia pada sidang di Mahkamah Konstitusi RI Tanggal 3 Maret 2010* Presented by M. Amin Djamaludin as Expert Witness on behalf of the Indonesian Ulema Council at the hearing at the Constitutional Court of the Republic of Indonesia on March 3, 2010. LPPI Jakarta, March 15. Retrieved from http://infolppi.blogspot.nl/2011/03/aliran-aliran-sesat-di-indonesia.html

[11] This information can be found at Amin Jamaludin (2015). Sikap M. Natsir Terhadap Aliran Sesat Dan Sejarah Lahirnya LPPI (M. Natsir's opinion on the Cult and the Birth of LPPI). Published by LPPI, November, 19. Retrieved August 30, 2016, from.http://www.lppipusat.com/sikap-m-natsir-terhadap-aliran-sesat-dan-sejarah-lahirnya-lppi-2/

[12] For example, the international community has formulated recommendations to the United Nations urging the Indonesian government to prevent violence, harassment, and discrimination against religious minorities, to ensure that the perpetrators of violence against religious minorities are brought to justice, and to request that the UN special rapporteur on freedom of religion or belief visit Indonesia. Some countries asked the government to evaluate all legal policies and politics that have provided a basis for discrimination against religious minorities, including the Ahmadis in Indonesia. Retrieved October 25, 2015, from http://www.ohchr.org/EN/HRBodies/UPR/Pages/Highlights23may2012am.aspx

[13] MUI issued a Decree (fatwa) by signing Decree No. 05/Kep/II /MUI/1980. This decree was issued at the second MUI National Assembly (General Assembly). The decree was proclaimed when Buya Hamka served as the chairman of MUI.

[14] The highlights of the mission trip by Hazrat Mirza Tahir Ahmad, the caliph Ahmadiyya Muslim Community to Indonesia in 2000. Retrieved April 12, 2015, from http://www.dailymotion.com/video/x2k2fl8/

[15] This is cited from an interview of the International Crisis Group with officials from MUI, in Jakarta, 24 June 2008, on the case of the implications of the Decree signed by the Indonesian government. Retrieved April 12,

2015, from http://www.crisisgroup.org/~/media/Files/asia/south-eastasia/indonesia/ Indonesian%20translations/ b78_indonesia___implications_of_the_ahmadiyah_decree_indonesian.pdf

[16] Fatwa Majelis Ulama Indonesia Nomor: 7/MUNAS VII/MUI/11/2005 Tentang Pluralisme, Liberalisme, dan Sekularisme Agama (MUI Decrees Number 7/MUNAS VII/11/20005 on Pluralism, Liberalism and Religious Secularism. Retrieved march 19, 2015, from http://mui.or.id/wp-content/uploads/2014/05/12.-Pluralisme-Liberalisme-dan-Sekularisme-Agama.pdf

[17] The *fatwa* was declared and signed in Jakarta on 21 Jumada End 1426 H/July, 28, 2005, on the VII National Congress of MUI, the Plenary Session Leaders Chairman and Secretary, signed by Prof. Dr H. Umar Shihab and Prof. Dr. H.M. Din Syamsuddin. Retrieved March 19, 2015, from http://www.nahimunkar.com/salinan-fatwa-mui-ttg-kesesatan-ahmadiyah/

[18] The complete text of this decree is retrieved March 19, 2015, from http://kemenag.go.id/file/ dokumen/UU1PNPS65.pdf

[19] According to members of the Ahmadiyya in Kuningan in a series of interviews in Kuningan and Central Jakarta, this mosque was burnt out by a mob in 2007. The picture was taken by the author in August 2014 in field observation session.

[20] On January 14, 2008, the Ahmadiyya issued a 12-point declaration after a series of dialogues with the Ministry of Religious Affairs. The statement was associated with the preparation of Joint Decree. The meeting finally decided that the state does not prohibit Ahmadiyya.

[21] The Alliance was formed by several institutions that are concerned with freedom of religion and belief to conduct a campaign against violence in the name of religion, and to advocate for oppressed groups in the name of faith and religious differences. Retrieved March 19, 2015, from https://akkbb.wordpress.com/profil/

[22] On March 20, 2006, the Sukabumi District Government issued regulation (decree) Number 143, which ordered the temporary closure of Ahmadiyya places of worship including 5 mosques located in 4 sub-districts. The information was given by I-4 in Jakarta, September 2014.

[23] Retrieved March 19, 2015, from http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ ID/JS8_UPR_IDN_S13_2012_JointSubmission8_Annex1_E.pdf/

[24] The same decision was signed by the West Java Provincial government that officially banned the Ahmadiyya. In this province, on August 9, 2005, the Garut District issued decree Number 450/Kep.225-PEM/2005, which prohibits the Ahmadiyya's activities. The decree prohibits all activities of the Ahmadiyya Qodhiyan that are contrary to the teachings of Islam, and ordered the relevant state-agencies and social-actors to implement these decisions together.

[25] He was former advisor for the Indonesian vice president from 2005–2009 and is also one of the leading Islamic intellectuals. He is Professor at the Syarif Hidayatulah State Islamic University, Jakarta, Indonesia.

[26] This can be seen as the collection of local regulations that push restrictions against the Ahmadiyya group. Retrieved March 19, 2015, from http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ID/JS8_UPR_IDN_S13_2012_JointSubmission8_An nex1_E.pdf;This information also is provided by I-5, Jakarta, July – August, 2014).

[27] On October 17, 2005, the Cianjur District issued decree Number 21/2005 on the prohibition of the spread of activities/schools of the Ahmadiyya. Source: from the Ahmadiyya documentation given by Masihudin, Jakarta, August-September, 2014.

[28] One member of the Ahmadiyya, Hasan (60 years old), was murdered in the 2001 attack. Retrieved March 20, 2015, from http://nasional.news.viva.co.id/news/read/203370-warga-ahmadiyah-di-mataram-ketar-ketir.

[29] In this case, the Ahmadiyya could not enjoy and present their political rights because of their beliefs and religious stance. See information from Civil Society Report on the implementation of the ICCPR. Retrieved September 06, 2013, from http://www.ccprcentre.org/doc/2013/07/Indonesia_NGO-Replies-to-LOI-Final.pdf

[30] The National Human Rights Commission of Indonesia has conducted an investigation on the tragedy of Cikeusik. I would like to thank Pak Stanley Adi Prasetyo, a member of the Commission from 2007–2011, who became the head investigator of Cikeusik tragedy, for his willingness to give this report, which has not been published until now.

[31] I would like to thank I-4—one of my key informants in this study, who survived the horrific attack on February 6, 2011 in Cikeusik—for giving me permission to put this picture in this dissertation. I have met I-4 several times in Jakarta. Although he survived the brutal attack, he suffered serious injuries. He was trying to escape at that time. Unfortunately, the mobs caught and dragged back, stripped him of his clothes, and beat him with a hoe and machete, until a policeman tried to fool the attackers by saying that he was dead. The police put him in the back of a police car. He told his story in interview session, August 2014, Jakarta.

[32] I-6, who was also involved in the Cikeusik tragedy, reported a similar experience on the brutality of radical mobs. From an interview in the area of the Ahmadiyya University, Bogor, August, 2014.

[33] On February 10, 2011, the Government of South Sulawesi Governor issued Letter No. 223.2/ 803/Unity.

[34] On February 21, 2011, the Pandeglang government issued decree Number 5 of 2011, which prohibits Ahmadiyya activities. Furthermore, on March 1, 2011, the Banten Governor asserted regulation Number 5 of 2011 on Prohibition of Activities Adherents, Member and/or Members of the Indonesian Ahmadiyya Jamain the province of Banten. On March 9, 2011, Depok City Government issued RegulationNumber 09/2011 on prohibition of the activities of Ahmadiyah Indonesia in Depok. On March 3, 2011, the Bogor city government issued Decree No. Bogor Mayor. 300.45-122 / 2011 on the banning of Ahmadiyah in Bogor. This information was provided by I-5 one of my information who was working as a staff at the Human Rights Working Group, Jakarta, in September, 2014.

[35] This map and other related information was provided by the Human Rights Working Group (HRWG) in Jakarta, August, 2013 and September, 2014. I give thanks to the two leaders of this organisation—I-23 and I-24—for allowing me to interview both and to get some significant informations. I also thank to I-5 also from HRWG for her great support when I was dealing with many difficulties to gain access to some main informants.

[36] Widespread and continued violence are associated with the coverage area of the incident and the frequency of violent attacks against the Ahmadiyya. This description refers to the period of violent attacks that have occurred since the 2000s and until recent years, with varying forms of violence and the location of the attack in various regions, including mainly in East Lombok, West Lombok, Central Lombok, Sumbawa, Bogor, Cianjur, Brass, Tasikmalaya, Pandeglang, Makassar and Gowa. *Sporadic* refers to acts of violence that appear only randomly in certain areas, while *episodic*refers to conditions that appear at a certain time. The attacks against the members of the Ahmadiyya are not included in these categories.

[37] This description can be seen at the Icelandic Human Rights Center (n.d.). *Substantive Human Rights.* Retrieved February 09, 2017, from http://www.humanrights.is/en/human rights-education-project/human rights-concepts-ideas-and-fora/substantive-human rights/

[38] One of the best discussions about substantive rights can be found in Part III – Substantive Rights – from Daniel Moeckli, Sangeeta Shah & Sandesh Sivakumaran (2014), *International Human rights law.* Oxford: Oxford University Press,143-333. Another source of information on this issue also can be found and compared to the information from the Iceland Human Rights Center (IHRC). Retrieved from http://www.humanrights.is/en/home

[39] The Committee against Torture is composed of ten independent experts who are persons of high moral character and recognized competence in the field of human rights. The members are elected for a term of four years by the States Parties in accordance with Article 17 of the Convention Against Torture. The members serve in their personal capacity and may be re-elected if they are nominated. This definition and explanation is retrieved March 21, 2015, from http://www.ohchr.org/EN/HRBodies/CAT/Pages/CATIndex.aspx

[40] This means that one's personal information is protected from public scrutiny. Retrieved November 20, 2015, from http://www.livescience.com/37398-right-to-privacy.html

[41] Additional description from Author, Babinsa is an Indonesian military commander in village level.

[42] Full text of the Second Amendment of the 1945 Indonesian Constitution. Retrieved November 20, 2015, from http://confinder.richmond.edu/admin/docs/Indonesia2d.pdf

[43] Helpful information can be accessed from The Iceland Human Rights Centres, the Right to an Adequate Standard of Living. Retrieved March 25, 2015, from http://www.humanrights.is/en/human rights-education-project/human rights-concepts-ideas-and-fora/substantive-human rights/the-right-to-an-adequate-standard-of-living

Chapter 6. The Politics of Protection in Indonesia

> States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that. (United Nations, 1992, General Assembly Resolution 47/135 of 18 December 1992)

6.1 Overview of Chapter

This chapter continues the examination of the human rights situation in Indonesia. It looks at the position of Indonesia's constitutional changes (amendment process), the lack of institutional protection for human rights, and the volatile mixing of religion and politics. It also looks how Indonesia's decentralization project has eroded human rights at the local level and the important role played by NGOs and civil society as human rights advocates and defenders. It aims to answer the fifth research sub-question: *To what extent can the existing gaps, problems, and challenges relating to human rights in the domestic context in Indonesia be explained by the concept of a human rights culture?* The following sub-question supports this research question: *What positions are taken by stakeholders—including state and non-state actors, community-based organizations, and national and international organizations—that influence human rights protection in Indonesia?*

The chapter is organized into several sections. Sections 2 provides a short introduction. Section 3 looks at the responses of various actors (both state and non-state) to the violence against the Ahmadiyya as background to the chapter to help give the context for the rest the sections. This is followed by a look at the deadlock on human rights protection and the politics of protection in Indonesia in Section 4. Section 5 discusses the constitutional problems in relation to the protection of religious minorities in Indonesia, including the problem with the constitutional consensus, the gap between the constitution and state legal regimes, the official religions, and the Blasphemy law. Section 6 takes a more in-depth look at religious politics, which is considered one of the main causes of the problems with the protection of human rights of in Indonesia. It looks at Islamic politics and the anti-pluralism movement as well as the introduction of sharia law by some provincial governments. Section 7 examines the lack of institutional protection for human rights protection in Indonesia with a focus on the role of the government and of Komnas HAM, the National Human Rights

Commission. Section 8 looks at the role non-state actors, with a focus on human rights defenders and the advocacy movement. This is followed by brief concluding remarks in Section 8.

6.2 Introduction

As explained in Chapter 2, a human rights culture has three important elements. The first encompasses the incorporation of human rights principles into the domestic legal system, regulations and state policies. The second is the awareness of human rights in daily life. The third has to do with the ease or difficulty that people, especially minorities, experience in enjoying human rights. At a concrete level, the human rights culture relates closely to the problem of religious-minority protection (as discussed in Chapter 2).

In relation to the first element, while Indonesia has incorporated human rights protection into its constitution, there are a number of contradictory laws and regulations that weaken the legal framework for human rights protect. These include the many state laws that discriminate against the Ahmadiyya (see Chapter 4 and 5), but also national laws such as the declaration of 'official religions' and the Blasphemy Law. These will be elaborated on in Section 4 of this chapter.

In relation to the second element, the awareness of (and respect for) human rights in daily life in Indonesia is generally low (see also Chapter 5). Religious politics is taking increasing hold and eroding the rights of minority groups, particularly their right to religious freedom. This is compounded by a lack of institutional protection from the government, police and courts. This links directly to the third element, which is the ease with which people can enjoy their human rights.

All three of these elements need to be satisfied to ensure that human rights are part of people's lived daily experience. In other words, to establish a human rights culture.

6.3 The Response of Various Actors

Regarding the case of the Ahmadiyya, the response to the violation of their rights can be used as a yardstick to determine the degree of internalization of human rights practices in daily life in Indonesia. Therefore, in this section, I would like to briefly outline the various responses to the human rights violations experienced by the Ahmadiyya in the course of providing an interconnected contextual setting for understanding the challenges with human rights protection in contemporary Indonesia.

These responses come from various actors, including the Ahmadiyya themselves, Indonesian Islamic groups, government actors, and civil-society actors, and from both the national and international community. The different responses reflect the fact that human rights protection in Indonesia has been constructed based on the different interests and positions of various actors and institutions. In relating the Ahmadiyya's response, I concluded from my fieldwork, observations and interviews that they still believe that the Indonesian government will protect them and solve their problems. One of the leaders of the Indonesian Ahmadiyya told me that he hopes to see no more discrimination and violence in their daily life. In the interview, he informed me that:

> [...] our hope is that the government will consider several issues such as that Ahmadiyya mosques are still closed, that there are many members who are refugees in transitional places or who are living in a state of expulsion. We hope there is justice. (Source: Interview with I-1, Jakarta, August, 2014; my translation).

However, according to another informant, the Ahmadiyya have to work harder to bring their situation to the attention of the Indonesian government and appeal to a wider audience for support to ensure that their problems are put on the political agenda. According to this informant, the Ahmadiyya do not like to speak loudly about its current situation:

> [...] what I can say about the Ahmadiyya, mainly related to their situation under massive attack from other groups, they have to speak louder in presenting their experience, discrimination and other forms of violence that they face from time to time [...] it is important point in the way of making comprehensive solution mainly in preventing widespread attack to those members of the group. My opinion is based on my assumption that the Ahmadiyya members/group prefer to stay calm and not to tell their story. This is a hard challenge for human rights defenders. (Source: Interview with I-11, Central Jakarta, August 2013; my translation)

Indonesian Islam has an important role to play in any discussion of the problems of the Ahmadiyya. As we saw in Chapters 4 and 5, the MUI is very involved in the situation. The MUI has two responses to the situation. First, they claim that their *fatwa* was never intended to order or justify other groups (Islamic) to attack the Ahmadiyya. They even identify the Ahmadiyya themselves as a trigger of the violence. Second, they also argue that the leaders of the Ahmadiyya blame the MUI. As the MUI sees it, the Ahmadiyya regard other Muslims as 'heretical groups'. Supporting the MUI, about a hundred members of the FPI and other groups staged a demonstration in Jakarta on February 18, 2011. President Susilo Bambang Yudhoyono was demanded by the demonstrators to disband the Ahmadiyya. This was

followed by a second protest outside the Presidential Palace on March 1, 2011 (Ali, 2005; Hakim & Arif, 2011, reported in Republika.co.id).

In contrast, representatives of two of the largest Islamic organizations in Indonesia—Nahdlatul Ulama (NU) and Muhammadiyah—condemn the violence against the Ahmadiyya. Aqiel Siradj, a leader of the NU says that, *"even though the teachings of the Ahmadiyya are not in line with the mainstream Islamic doctrine, there is no way to justify violent action against them"* (cited in Haryadi, 2011). Similarly, Din Syamsuddin, former head of the Muhammadiyah and later chairman of the MUI[1], condemned the violence against religious minorities and said that the government must guarantee freedom of religion for all citizens (Efreds, 2010).

There are also many other Islamic organizations that support religious freedom in Indonesia. These groups are consistent in advocating for the Ahmadiyya and others who are vulnerable in Indonesia. First, the Jaringan Islam Liberal (JIL, the Network for Liberal Islam Movement) called 2011 'the Year of Intolerance' in a reference to the violence against the Ahmadiyya. They denounced the attacks on the Ahmadiyya as examples of *cruel intolerance* in contemporary Indonesia (Ulil, 2011). Second, the Moderate Muslim Society takes a similar position in supporting and protecting the Ahmadiyya (Interview with I-19, August, 2014).

It is also important to look at the responses by the government. According to the unpublished report of Komnas HAM on the Cikeusik tragedy, for example, the police tried to persuade members of the Ahmadiyya to leave the location (house and property) (unpublished Report by Komnas HAM, 2011). This means that they already knew that violent attacks against the Ahmadiyya might happen. Komnas HAM conclude that the police failed to prevent the attacks that subsequently eventuated. Instead, they focused on controlling the Ahmadiyya, without taking decisive actions to prevent the attack. To add to the information in Chapter 5 about the Cikeusik tragedy:

> After the departure of the police negotiators from the house, a mob of between 1000 and 1500 people attacked it, while the police and army helplessly looked on. In the ensuing violence, which was captured on video and later circulated via the internet, the mob murdered three Ahmadiyah members from Deden's group, Warsono, Chandra and Roni. In a particularly distressing image, mob members were seen striking and kicking victims' bodies, even after they appeared to be dead (Millie, 2012, reported in Inside Indonesia).

Besides the Indonesian police, the court is also another relevant institution in this case. After the attack, the court struggled to judge the perpetrators of the Cikeusik tragedy. Millie (2012) provides an analysis of this issue:

> Criminal prosecutions resulted. Twelve people, including students and leaders of local Islamic schools, were charged and tried in the Serang court on various counts including assault and incitement. Their light sentences caused further public concern… taking into account the time already served, they all walked free within 15 days of being sentenced (Inside Indonesia, Ibid.)

As previously mentioned in Chapter 5, the court imprisoned the attackers to only several months in jail, despite the fact that three members of the Ahmadiyya died in the attack.[2]

The response of NGOs and civil society is also relevant. The actors have generally responded in three ways (Becket Fund for Religious Liberty, 2009; Crouch, 2016). First, a number of NGOs engaged in human rights advocacy have provided direct support to the Ahmadiyya. This support takes many forms, including legal assistance. Second, NGOs in the field of human rights have raised this issue at the international level to gain wider support. They publicize the attacks against the Ahmadiyya to raise the issue in the international human rights discourse. Third, in the field of human rights advocacy, some NGOs have directly urged the government to protect the Ahmadiyya by prosecuting the perpetrators of violence and by withdrawing all regulations that restrict the Ahmadiyya (Human Rights Research Center, 2015).

In closing, it can be emphasized that not all responses are considered in this section. However, the variety of the responses by the different actors to the violent attacks against the Ahmadiyya reflects some important points. First, the wide range of different responses connects to the frequency and diversity of attacks against the Ahmadiyya, as well as the diversity of actors and institutions involved. Second, the many and widespread positive responses in support of the Ahmadiyya have put the issue on the agenda in both national and international forums and opened up the possibility of developing a comprehensive and systematic framework for human rights protection in Indonesia. Third, the variability of responses reflects the relationships between the various actors and institutions and has a strong influence on the development of a human rights foundation and the strengthening of the culture of human rights in contemporary Indonesia.

6.4 Human rights Protection in Indonesia

6.4.1 The Protection Deadlock in Indonesia

There is currently a human rights protection *deadlock* in Indonesia (Azhar, 2014). As discussed earlier, the protection of human rights relates not only written statements (international covenants/treaties, the constitution and domestic laws/regulations), but also to *how seriously and concretely the national government uses political and legal means to protect its vulnerable citizens.* This is where Indonesia faces challenges in the protection of human rights (cf. Lorenzo, 2011).

Protection is an important word with positive connotations. However, what does *protection* practically mean in legal and political contexts? Ferris (2011, p. 40) proposes one answer. She finds that the way in which *protection* is defined and applied should be linked to the basic rights of every person. She writes as follows:

> Today the issue of protecting people, at least among humanitarians, is framed largely in the language of human rights. In fact, many use the term 'protection' as shorthand for 'protecting a person's basic human rights'. (Ibid., p.40)

In fact, different religious minorities might experience similar discrimination, yet do not necessarily receive the same level of protection. Ferris (2011) concludes that the 'protection paradigm' is not enough to meet future challenges in national and local settings (ibid.).

Evans (2005) also determines the impact of globalization on the future of human rights protection. According to him, one consequence of globalization is that it is no longer possible to place development, security and human rights on the shoulders of national stakeholders alone. We, therefore, move to the view that, if human rights are not an exclusively a domestic issue, then national (domestic) governments cannot claim a monopoly on providing a protection framework for human rights.

Furthermore, in line with the incorporation of human rights principles as elements of strengthening a human rights culture, domestic governments seem increasingly unable to exercise the political power and responsibility needed to secure human rights principles and realize justice to all citizens (cf. Evans & Sahnoun, 2002; Snyder & Vinjamuri, 2006). In the Indonesian case, if we are thinking seriously about human rights from a contemporary study, we may not be satisfied with the story of the improvement of the institutionalization and the practice of liberal democracy, as it is marred by the emergence of marginalized religious

minorities, who cannot enjoy easily their citizenship or human rights (cf. Sarkissian, 2015; The Wall Street Journal, 2016).

From this point of view, the protection of human rights seems to be not merely a normative problem, but more of a political issue with a strong social dimension. There seems to be a deadlock on human rights connected to social and political discourses on protection. It can be agreed that the protection of human rights in Southeast Asia generally has never been taken for granted by certain individuals and minority groups. In fact, it is a practical struggle that is built on the dynamics of the relationship between government institutions (state), various other actors and groups at global, national and local levels:

> The politics of human rights in Southeast Asia entail a complex balance between diffuse domestic and external pressures. Post-colonial ASEAN governments, though historically resistant to universalist discourse based on international human rights law, have been increasingly obliged since the end of the Cold War to incorporate human rights into their objectives, policy frameworks and conceptions of national interest. (Eldridge, 2002, p. 1)

6.4.2 The Politics of Protection

Conceptually, the politics of protection in Indonesia has several main parts. The first element is associated with the position of nation state. This element concerns the practice of 'secular politics' in the context of religious society. However, many countries are not secular, despite the fact that secular politics is becoming an almost universally-accepted political ideology. With reference to the position of state institutions, there is an unspoken agreement within secular politics about the right of every citizen based on their ethnic and religious affiliation to fully participate in the political process and structure (cf. Cooke, 2007). There is also some agreement that the fulfilment of basic needs is necessary and thus domestic governments have a responsibility to provide those basic needs in accordance with global justice (cf. Miller, 2008).

However, we can also find discrimination based on differences in the religious affiliation of citizens. Thus, the government (state) needs to prioritize the creation of a structure to implement a constitutional commitment to protection the human rights of all citizens, including minorities. Some scholars conclude that the quality of the application of secular politics also determines the prospects for human rights protection. Unfortunately, facts speak louder than words, and many countries that claim to have a *'secular government'* have actually oppressed minorities in the name of upholding national security and domestic political stability. While it may be said that human rights are a universal ideology in theory,

they are not universal upheld in practice. This is also closely related to the role of the state in taking the acculturation of human rights through to the development of a human rights culture. Domestic states based on international requirement need to create a tight connection between the government's conceptual stance and practical pathways for protecting human rights (cf. Cardenas, 2003, 2007, pp. 1-5; Mutua, 2013).

The second element relates to the position of the global community, which can play an important role in the development of inclusive policies and the implementation of human rights protection. Some scholars and studies provide the fact that the role of the international community is also defined in the context of human rights acculturation and the strengthening of humanitarian aid and assistance to those who are victims of violence (cf. Van Reisen, 2010; Mekonnen & Van Reisen, 2013). Many academics believe that the strengthening of a democratic global community will ensure the protection of human rights worldwide. However, this argument is challenged by the fact that some global regimes monopolize economic and political resources, at the expense of those who are less powerful. Consequently, the prospect of human rights improvement is also dependent on the political construction of the dominant powers in international politics (cf. Neumayer, 2005).

One strategy that can be used to limit the influence of dominant powers on international human rights is to debate the human rights framework from various regional and national perspectives and cultural settings (cf. Skogly & Gibney, 2006; Buergenthal, Shelton & Stewart, 2009). This can bring human rights closer to a domestic reality. For example, as presented in Chapter 2, an alternative way to construe the liberal principle of human rights (as presented in the UDHR) has been proposed by the Islamic Republic of Iran. The Iranian representative to the United Nations Commission on Human Rights did not present a fully-developed alternative, but the point is that Islamic leaders and scholars can present their understanding of Islamic law, which is—according to them—different from the UDHR (Woods, 2014).[3] Indeed, for those who do not accept Islamic law as a revelation, it is difficult to see how Islam could provide a universal standard of human rights. However, we can learn from this process and attempts to control discussions about human rights should always be disputed; human rights are not a single truth that must be agreed upon and transmitted globally (cf. Littman, 1999).

The third element links to social and political shifts and changes that are due to the presence of the post-authoritarian stage (also post-colonial setting). In the Indonesian situation, many studies have been conducted to illuminate the relationship between the

political changes taking place and the future of human rights in Indonesia (Soesastro, Smith, & Han, (Eds.), 2002; Ghoshal, 2004; Hadiprayitno, 2010). In short, as we saw in Chapter 3 about the human rights discourse in Indonesia, these changes have brought both opportunities and challenges. The main concern is how the state in transitional phase can leverage these changes to strengthen the human rights protection framework (Eldridge 2002; Kingsbury, 2002).

To link all of these elements in the perspective of a human rights culture, it is necessary to state that human rights are not unchanging principles. They are expanding. They are growing. Thus, the global and national community, governed by the fundamental principles of the human rights conventions, are also challenged by the emergence of new issues, practices, and conditions impacting on human rights worldwide (cf. Donnelly, 2013).

Moreover, there is a new situation that was not thoroughly visible when the main UN human rights instruments were prepared. International human rights law is based on the assumption that the state has enough order—predictability and stability—to comply with international agreements, however, this is not always the case. The globalization brings a new opportunity for civil society actors to involve actively in developing human rights foundation (cf. Shelton, 2002). When state institutions are weak, they cannot respond to challenges and protect human rights (cf. Rotberg, 2003). Thus, the protection of human rights is still being developed. Within the UN system, there is increasing emphasis on implementation. The movement conducted and role played by NGOs and other civil-society actors was also not anticipated by the drafters of the UDHR and the whole process of human rights development under this universal declaration (cf. Tsutsui, Whitlinger, & Lim, 2012). And it is not inevitable that human rights will mirror the struggles and concerns of dominant groups in society, particularly when those groups attempt to reorganize the existing order to maintain their power positions (cf. Pratto, Stewart, & Zeineddine, 2013; Pratto, 2015).

However, the politics of human rights protection is crucially influenced by the national and local contexts (Source: Interview with I-14, Jakarta, July, 2014). The relative strengths and weaknesses of the national government influence the prospects for human rights protection. This means that the national constitution and the stance taken by government actors together have a significant impact on the development of human rights protection (Petersen, 2011). In building a constructive relationship between state and society, national and local governments require effective pro-human rights NGOs and greater participation from the media to help protect human rights (Kim, 2013). Thus, two closing points can be

mentioned. First, human rights provide a meeting point between ethics and power in designing the protection of dignities (cf. Habermas, 2010). And, second, human rights cannot be understood separately from power negotiations at in international level, which, in turn, depend on the functioning of political interests (cf. Clark, 2010).

6.5 The Constitutional Gap

Human rights can be called *the soul of the 1945 Indonesian Constitution* (cf. Chomsky, 2015; see also Chapter 3).[4] As a result of the political changes that have occurred in the past two decades, Indonesia has been trying to improve its human rights framework. The country has mainly focused on improving its constitutional amendment process. The Majelis Permusyawaratan Rakyat (MPR, the Indonesia People's Consultative Assembly)—the highest body in Indonesia's representative democracy—has strongly supported this effort since the beginning of the transition period. The MPR made one of its most important political decisions by declaring Decree Number XVII/MPR/1998 on Human Rights, which put the issue of human rights protection to a constitutional amendment in 2000[5] (Hosen, 2007).

However, numerous voices—civil society, national NGOs, the public, academia and leaders of moderate religious groups—have encouraged state bodies to more seriously include human rights issues and the status of religious minorities in their constitutional amendment agendas:

> The constitution and other laws and policies protect religious freedom and, in practice, the government generally respected the religious freedom of the six officially recognized religions. However, certain laws, policies, and official actions restricted religious freedom, and in some instances the government failed to protect persons from discrimination and abuse based on religion. The government placed restrictions on non-recognized religious groups and on some groups considered as 'deviant'. (European Centre for Law and Justice, 2012)

From the above quotation, it can be seen that the Indonesian government is showing a constitutional responsible for protecting religious minorities. However, Indonesia has faced many challenges in doing so. In understanding these challenges, this section looks at the problem with the constitutional consensus in Indonesia, the gap between the constitution and state laws and regulations, the problem with the listing of official religions, and the Blasphemy law.

6.5.1 The Problem with the Constitutional Consensus

The constitutional consensus has played an important role in the process of postcolonial state formation in Indonesia. The founding fathers of Indonesia—including Sukarno and Mohammad Hatta (the first Indonesian president and vice-president, respectively)—established the constitution as the product of collective reflection on what they called 'life together' as a social-political community (Davis & Rayner, 2000, p. 89). Since that time the Indonesian constitution has played an important role in the development of human rights in the country. The constitution is more than just a juridical framework and foundation, it represents the compromise forged between all of Indonesia's citizens (Feith, 2006; Adian, 2011).

However, somehow, along its historical trajectory, Indonesia found itself with a serious constitutional challenge. This is largely because of the country's position as a pluralistic nation based on religious and ethnic affiliations. Grzywacz points out that:

> Struggle for giving a social importance to 'Indonesia' by convincing the population of the archipelago to identify themselves as a collective group turned out to be a very difficult task. It was hard to create collective identification during the struggle for independence and after its gaining. (Grzywacz, 2013, p. 155)

Since the beginning, Indonesia has been dealing with a constitutional crisis that has influenced its entire existence. Indeed, it was not politically easy to choose the ideological foundation of the state. The founding fathers faced several crucial issues and almost failed to build a national constitutional consensus because of the many differences of opinion. The problem mainly relates to the question of which ideology should be accepted as the foundation of the Indonesian state and as the national ideology.

In fact, there were two main streams of thought in the debate. Some supported directly Islam as the foundation of the Indonesian state and the national ideology, whereas others proposed the Pancasila (see Chapter 3). The founding fathers openly and fairly considered whether Indonesia should accept Islam as the state foundation and national ideology or not. While Muslim people form the majority in Indonesia, in some parts of the country Muslims are a minority. The question was if Islam was accepted as the state foundation, then how could the state understand the position of the religious minorities in the country? (Salim, 2008; Effendy, 2010; De Rooij, 2015, p. 195).

In the end, the consensus—as stipulated in the 1945 Indonesian Constitution—offered an important solution to this tension. Islam has never been the state foundation of post-

colonial Indonesia (Seo, 2012). Instead, the Pancasila was accepted as Indonesia's national ideology (Beck, M.C 2013). The Pancasila can be seen as a 'middle way' of solving the political tensions that divided the founding fathers. Thus, every person in Indonesia shall enjoy the same position with respect to the constitutional guarantees, regardless of their religion or other characteristics or background (Laiq, 1998; Elson, 2008; Interview with I-13, Jakarta, July, 2013 & July, 2014).

Nevertheless, this consensus and the Indonesian constitution are currently facing some challenges. These challenges undermine the protection of religious minorities (including the Ahmadiyya). First, there is a political movement that wishes to see Islam as the state foundation that is still involved in political contestation. This movement has taken an active part in the constitutional amendment process (Hosen, 2005; Mietzner, 2009). Many reasons for this behavior are offered by the supporters of the movement. Hefner reminds us that:

> A second influence on the resurgence was that many Indonesians in these years were searching for a new ethical compass for their fast changing world. They were doing so, moreover, at a time when other arenas for public association and debate had been closed. Islam was 'seen as a safe alternative to the heavily circumscribed political structure'. (Hefner., 2000, p. 6.)

Although some horizontal conflicts were inevitable (for religious, ethnic, economic, and political reasons), historically, ethnic and religious groups managed to live together in one way or another in Indonesia. The emergence of conflict and internal violence at the grass-roots level raises important questions about the ability of the constitutional consensus to ensure tolerance for religious minorities. Some studies conclude that horizontal and internal conflicts still exist in Indonesia:

> All these are evidence that horizontal conflicts are still a serious matter in a multicultural country like Indonesia. However, it is too narrow to conclude that all horizontal conflicts were triggered solely by cultural differences. In some cases, horizontal conflicts have been triggered by the competition of the resources, particularly dealing with the economy and political issues, among societies. Undoubtedly, such a competition has likely been to bring them into conflicts. In some cases, primordial and religious sentiments are exploited to cover such a motive. Indeed, primordial and religious sentiments are likely to be effective ways to mobilize the mass solidarity. (Manan, p. 2010)

Conflict and violence against religious minorities in Indonesia has led to important reflections on the application of the constitutional consensus in practice, in both political and social arenas (cf. Schulze, 2002; Croissant & Trinn, 2009, pp. 26-29). Such conflict and

violence against religious minorities is evidence of the paradox that exists in Indonesia, because it occurs despite the fact that freedom and equality are guaranteed to every citizen by the constitution. In light of this fact, Wanandi asks whether Indonesia is a 'failed state', because *"regional conflicts are the most visible sign of the breakdown of the central government's authority, and no clear strategy to overcome these problems seems to exist"* (Wanandi, 2002, p. 139).

The violation of the rights of religious minorities shows that the constitution has not been applied as a binding instrument to provide a strong framework for human rights protection. Furthermore, responding to both international and domestic challenges, the constitutional rights have been expanded and refined by the Indonesian state through the amendment of the constitution. By way of amendment, the government has included basic rights for its citizens, especially minorities. In particular, the Article 28 Amendment ensures the basic rights for minority citizens (see also Chapter 3), as the social dimension, which is colored by the position of the Muslim majority, determines the extent to which the constitutional guarantee of human rights protection for religious minorities is implemented.

6.5.2 The Gap between the Constitution and State Regulations[6]

The incorporation of human rights principles into domestic policies such as regulations and legal systems (see Chapter 2) has been framed as one of the main indicators of a human rights culture. In the Indonesian context, this strategy has been supported by the constitution, which provides a framework for the protection of the human rights religious minorities. Nevertheless, as explained in Chapter 3), this protection has been eroded by the many government policies and regulations that discriminate against religious minorities, which conflict with the Indonesian constitution.

From the perspective of a human rights culture, these state policies in terms of state management of religion have a negative impact on the status of many religious minorities. For example, although the Indonesia constitutional recognizes the right to religious freedom, this commitment is not implemented in the regulations and policies of the state. In contrast, it seems that there are many discriminatory policies in place with regard to religious minorities (Colbran, 2010; Seo, 2013). Hence, there is a gap between the protections provided in the constitution for religious minorities and their implementation at the grass-roots level through state policies and regulations (see more in Chapter 4 and 5on the discriminatory policies and regulations of the state).

6.5.3 The Official Religions

As discussed in Chapter 3, President Suharto and his New Order regime intervened in religious affairs by formulating a category called 'official religions'. The New Order government issued a Circular Letter through the Home Minister (Number 477/74054/1978) stating that Indonesia has six officially recognized religions: Islam, Protestantism, Catholicism, Buddhism, Hinduism. In 2006, Indonesia recognized Confucianism again. However, a wide range of other indigenous religions and beliefs exist outside of these groups (Crouch, 2012-a).

This policy raises difficulties for the members of some religious groups. For administrative purposes, the followers of the official religions can freely state their religious affiliation on Indonesia's National Identity Card (KTP, Kartu Tanda Penduduk), marriage certificate, birth certificate, and various other important documents. The question is how Indonesia considers citizens who are not members of official religions. As the column for religion in the card must be filled in by all Indonesian citizens, according to state regulation, the Ahmadiyya face a dilemma: Although they wish to choose Islam as their official religion (Bottomley, 2015), nevertheless, they are not allowed to because of the MUI Decree of 2005, which declared them to be non-Islamic (Asrianto, 2010). This creates various difficulties for this minority group. By formulating this category, the government has been able to control the activities of religious groups, such as the Ahmadiyya, that they perceive may threaten the regime's domination.

Because this policy threatens religious freedom—and the very presence of religious minorities such as the Ahmadiyya—it is clear that the stipulation of officially recognized religions is contrary to the 1945 Indonesian Constitution. However, it appears that the Indonesian constitution is moving in a critical direction with respect to the application of state authority to manage and govern religious affairs in society. Some argue that it is reasonable for state governments to exercise this authority to ensure domestic political stability and sustainable development, but this argument is hard to justify when the state policies narrow down the principles contained in the constitution (Uddin, 2010; Budiman, 2014).

The formalization of restrictions becomes more political when representative institutions of the official religions are formed, recognized and politically supported by the government. Such institutions have the implicit authority to control the activities of religious minorities, such as new interpretations of the teachings of official religions. Through this policy, the government provides these religious institutions with the power to evaluate,

control, and restrict religious practices based on the 'purity' of their religious interpretation (Anwar, 2005; Rahman, 2014). Hefner has an opinion on this issue, *"the more open political environment also allowed for militant Islamists—who won only a small share of the vote in national elections—to jockey for influence on regional, religious councils, not least the semi-governmental 'Council of Indonesian Ulama [MUI]"* (Hefner, 2013, p. 23).

As Chapter 3 reports, on a practical level, religious militant groups, such as the FPI (one of the main supporters of the MUI against the Ahmadiyya), have the power to commit all types of human rights violations against individuals and groups that are categorized as *deviant.* These militant groups are benefiting from this policy on official religions, as they can maintain their position as they move against religious minorities.

6.5.4 The Blasphemy Law

The other crucial problem that continues to challenge the Indonesian constitutional commitment in developing human rights protection for religious minorities is the Blasphemy Law. In 1965, the Indonesian government enacted Presidential Decree Number 1/PNPS on the prevention of the abuse or defamation of religion, which later became known as the Blasphemy Law. The decree was signed by President Sukarno on January 27, 1965, to accommodate requests from Muslim organizations to ban several mystical indigenous beliefs systems. Then, at the beginning of Suharto's presidency, this decree was confirmed in Law, Number 5/1969 (Isnur, 2012).

This law has been criticized since the beginning for its impact on religious minorities, particularly in violating the legally-binding constitutional guarantees of freedom of expression, thought, conscience/religion, and equality before the law and freedom from discrimination. This law covers two types of blasphemous acts. First, deviation from the six officially-recognized religions and, second, defamation (desecration) of these religions, as stipulated in Articles 1 and 4 of Presidential Decree Number 1/PNPS/ 1965. Blasphemous acts require a different legal procedure if they are to be prosecuted. Article 1 states that:

> […] every person is prohibited deliberately to deliver, support or try to get public support in the interpretation of a particular official religion or conduct religious activities or interpretations based on religions that are officially recognized where interpretations and the activities tend to destroy the recognised religions/official religions in Indonesia. (Full text of the Presidential Decree in Bahasa is available at http://e-dokumen.kemenag.go.id/files/3WsLxrag1286178904.pdf*;* Amnesty International, 2014, 11–12; Document Study-Jakarta Legal Aid Foundation, 2014).

Meanwhile, before anyone can be prosecuted for blasphemous acts under Article 1, they are entitled to receive an administrative warning under Article 2 (1), which states that, *"the Minister of Religious Affairs, the Attorney General and the Minister of the Internal Affairs can issue a joint decision to warn people who have violated Article 1"*. The Indonesian president has the power to ban religious groups that are considered blasphemous actors, based on the recommendation of three institutions (the Home Ministry, Attorney General and Religious Affairs Ministry). Article 3 states that individuals or religious groups can be prosecuted and imprisoned for a maximum of five years if they continue to violate Article 1 of the presidential decree (http://e-dokumen.kemenag.go.id/files/3WsLxrag1286178904.pdf).

In addition, Article 4 of this decree connects previous articles with the Indonesian Criminal Code. Article 4 adds a new article to the Criminal Code, Article 156a:

> Article 156a states: individual and groups shall be punished with imprisonment to five years whoever intentionally issued publicly feelings or acts, including; point a) which essentially hostile, misuse or desecration against a religion followed in Indonesia; point b) with the intention to influence people not adopt any religion which is based on God Almighty (Amnesty International, 2014, 1112).

Actually, we can start from the amendment of the Indonesian constitution. In the amendment process, the Indonesian government included international human rights standards, particularly the International Covenant on Civil and Political Rights and, more specifically, Article 18 of the Covenant. The second amendment of the Indonesian constitution, which was enacted in 2000, guarantees freedom of expression, thought, conscience and religion. These basic human rights are also protected under Law Number 39/1999 on human rights. However, Article 28J (2) of the second amendment to the 1945 Indonesian Constitution, and Article 23 (2) of Law Number 39/1999 stipulate that "*freedom of expression, thought, conscience and religion can be limited by other considerations set forth by the law, including morality, religious values, security and the public order in a democratic society*".

Furthermore, freedom of thought, conscience and religion are recognized as non-derogable under Article 28 (1) of the 1945 Constitution and Article 4 of Law Number 39/1999 (Amnesty International, 2014, pp. 9–10). Article 18 of the ICCPR and the amended Article 28 of the Indonesian Constitution do not clearly identify religious values as a valid reason to impose limitations, although they do allow for certain restrictions on the manifestation of religion or belief, provided those restrictions meet strict testing

requirements. However, many scholars agree that, at a national level, the Ahmadiyya and other religious minorities are struggling for protection due to the implications of the Blasphemy Law, which could devastate the protection provided by the Indonesian constitution. The Blasphemy Law is basically incompatible with the obligation of nation states to protect their citizens under international human rights law and their own constitutional commitment (Crouch, 2012-c, 2012; Bayuni, 2011; Breidlid, 2013).

In 2009, a coalition of NGOs, human rights defenders and Indonesian scholars sent a judicial review of the Blasphemy Law to the Constitutional Court (Source: Document Study–Jakarta Legal Aid Foundation, 2014; Isnur, 2012). Their fundamental concern was that the Blasphemy Law violates the right to religious freedom of minority groups, which is guaranteed under Articles 28E and 29 of the Indonesian Constitution (Jong, 2014). Amnesty International, together with NGOs in Indonesia, filed a legal brief with the Indonesian Constitution Court in a connection with this judicial review, arguing that the blasphemy law and Article 156 (a) of the Criminal Code contradict the international human rights law related to freedom of expression, freedom of religion, and the equality principle, which Indonesia is a party to (Crouch, 2012-a). In response to the judicial review, the court upheld the Blasphemy Law for reasons of 'public order' and 'religious values', as stated in Article 28J (2)[7] of the Indonesian Constitution (Isnur & Hidayat, 2013). The limitation associated with public order is defined broadly to include national stability, which reflects the concern that social chaos might erupt if the Blasphemy Law is repealed. The court also declared that the government has the right to intervene if religious beliefs threaten public order (Pasandaran, 2010). According to the Court, if there is no regulation of blasphemous acts and religious defamation, such acts can cause horizontal conflict, social unrest, tension and hostility in society (Amnesty International, 2014-b).

The court reaffirmed this position after a second judicial review of Article 4 of the Blasphemy Law and of Article 156(a) of the Criminal Code. In their decision, the court confirmed that it considers non-orthodox religions, different interpretations of certain beliefs, and even criticism of certain religious values to be threats to social and political stability. To reinforce the Blasphemy Law, the court also cited the destruction of religious values. The Indonesian Constitutional Court then stated that the restriction of religious rights is based on the consideration of religious values referred to in Article 28J (2) of the Indonesian 1945 Constitution (Pasandaran, 2010).

In reaction to this judicial review process, four international human rights organizations—The Global Campaign for Free Expression, Amnesty International, the Cairo Institute for Human Rights Studies, and the Egyptian Initiative for Personal Rights—shared their opinions at the United Nations Commission on Human Rights on March 10, 2011. Here is their statement:

> The Law Number 1/PNPS/1965 concerning the prevention of religious abuse and/or defamation ('the Presidential Decision') is in contravention of international human rights law on freedom of expression, freedom of religion and equality. Article 156(a) of the Criminal Code, created by the Presidential Decision (Article 4), and the Joint Decree by the Minister of Religious Affairs, Attorney General and Minister of Internal Affairs of the Republic of Indonesia on the Warning and Instruction to Followers, Members and/or Leaders of the Jemaat Ahmadiyah Indonesia (JAI) and Members of the Community ('the Joint Decree'), adopted pursuant to the Article 2 of the Presidential Decision, are also in conflict with these internationally recognized human rights. In our opinion, if the Presidential Decision is upheld by the Indonesian Constitutional Court, the irreconcilable conflict between Indonesia's international obligations in this regard, on the one hand, and the domestic law of the state, on the other, will remain. (Article 19-Global Campaign for Free Expression, Amnesty International, Cairo Institute for Human Rights Studies, and Egyptian Initiative for Personal Rights, 2011)

Unfortunately, the Blasphemy Law is still in force and it appears to have provided a justification for attacks against religious minorities, including the Ahmadiyya. The Indonesian Constitutional Court rejected the notion that mentioning only six religions, as stipulated in the explanation of Article 1 of the Blasphemy Law, prescribes discrimination against religious minorities and other belief groups. The court reasoned that, although only six religions are officially recognized by the state, this does not prohibit individuals and groups from practicing other religions or holding other beliefs and, therefore, does not constitute discrimination. In closing, I assert that the Blasphemy Law, as a domestic strategy and policy for arranging religious life, negatively affects the human rights protection of religious minorities. It also strongly influences the human rights culture in Indonesia.

6.6 Religious Politics

The relationship between religion and human rights also determines the implementation of human rights protection. When secularism in politics is upheld, and human rights are known and recognized as part of secularism, then the political application of religious views attracts criticism (cf. Juergensmeyer, 1993; Fox, 2006). However, unfortunately, due to the fact that Indonesia is a so-called Pancasila state with as its first article of the obligation to believe in

One God, religion always played a big part in politics. Thus the country cannot be called a secular state. It is useful at this point to look at how the human rights problem in Indonesia is analyzed. This section begins by considering whether secular politics is compatible with Indonesian pluralism or not.[8]

From the perspective of secular politics, theoretically, there are two explanations of the relationship between religion and politics. First, the concept and status of citizenship in a liberal democracy does not depend on the relationship of the person to an official religion. Second, in secular politics, the government does not condemn citizens who have a religious affiliation that is different from that of the majority of citizens (cf. Sullivan, 1992; Levey & Modood, 2009).

A liberal democracy provides political and legal guarantees for all citizens to enjoy the freedom to express their religious views and to establish institutions that are consistent with those views, without feeling threatened by social and political discrimination. It is universally accepted that in a liberal democracy no one can force individuals and groups to participate in certain religious activities, even if these are officially recognized by the state (cf. McGraw, 2010; Plattner, 2010). This section looks at religious politics in Indonesia and how this impacts on the rights of minority religious groups

6.6.1 Political Islam

The relationship between religion and the state is one of the most important themes in the discourse on human rights culture in Indonesia. In Indonesia, this has also been debated in the wider discourse on democracy and human rights (Hilmy, 2010; Harsono, 2012). In theory, we can refer to Woods' opinion:

> [...] critics from various perspectives advance the view that human rights are inherently secular, and that this undermines the claimed universality of human rights. On the other hand, a smaller number of scholars hold that human rights are inherently religious, and that they cannot be adequately understood and justified from within a secular world view. (2014, p. 86)

In religious politics, there is a tendency to resist liberal democracy and reinforce the role of religion in public affairs (cf. Harell & Stolle, 2010; Diamond, 2010). However, the more serious question is *whether secularism or religion is the main source of human rights*.

In contemporary Indonesian studies, some scholars propose what they call *political Islam* as a structure for organizing the state (Aspinall, 2010; Hefner, 2011; Pringle, 2014). Political Islam attempts to change the demarcation between religion and state that is at the

core of a liberal democracy. This movement powerfully challenges and attacks the position of liberalism and democracy (See some studies from Bader, 2003, 2007, 2011).

The discussion of the role of religion (Islam) in politics and the role of the state in religious affairs has a long history in Indonesia (Barton, 2010). The problem—as described in Chapter 5 of this dissertation—can be seen in the establishment of BAKORPAKEM for monitoring and evaluating religious phenomena that could destroy the social order and as an authority on the official teachings of recognized religions (Colbran, 2010). In BAKORPAKEM, religious politics is highly visible. Although this official institution has the authority to investigate and monitor religious activities that are considered *deviant*, the institution has less power than the MUI (NU Online, 2007; Reading, 2011). In fact, the MUI is a powerful institution regarding to blasphemy cases. Although the MUI cannot make binding legal decisions, it can force the government to make specific regulations beyond public life and, of course, these regulations are in accordance with their interests and position (Anwar, 2012-b).

As explained in Chapter 5, in relation to the violation of the rights of the Ahmadiyya, the MUI acquired strong political influence in 2005 after President Susilo Bambang Yudhoyono invited it to make recommendations toward formulating special government policies. At that time, the president gave the MUI a chance to author guidelines that might be implemented by the government to prevent the development of deviant religious teachings. Practically, from the perspective of a liberal democracy, President Yudhoyono claimed that there is no absolute boundary between politics and religion. Since that time, the MUI has started to challenge the position of the Ahmadiyya (cf. Girard, & Hindstrom in Minority Rights Group International [MRG], 2015).

According to some opinions, the emergence of the religious politics movement in Indonesia is also connected to the MUI's 2005 Decree (*fatwa*) against *liberalism, pluralism and secularism* (Hasyim, 2011; Howell, 2013; Woodward, et al., 2014). In the year that they imposed this Decree against the Ahmadiyya, the MUI also issued a *fatwa* on the *10 characteristics* of a deviant group (see NU Online, 2007). In 2007, President Susilo Bambang Yudhoyono appointed Ma'ruf Amin, one of the central leaders of the MUI Fatwa Committee, as Chairman of the Presidential Advisory Council (Sueady, 2014).

In sum, the intersection of politics and religion—or Islamic politics—presents a serious problem for religious minorities in Indonesia. As illustrated by the case of the Ahmadiyya,

one of the biggest difficulties in ensuring the rights of religious minorities in Indonesia is the presence of officially recognized institutions, which generally represent the interests of mainstream Islam. These institutions, particularly the MUI, play a dominant role in Indonesian politics, threatening the position (and even the existence) of religious minorities. The future development of human rights in Indonesia will be heavily influenced by the practice of religious politics.

6.6.2 From Anti-Pluralism to Religious Radicalism

Religious politics is also linked to the issue of religious radicalism, which threatens pluralism. *Pluralism* refers to the existence of a variety of groups in a society, which all have an intention to maintain their own identity. Pluralism serves as a model for liberal democracy, in which different groups can freely voice their opinions and ideas. Pluralism also recognizes a large number of social groups that are members of a political construction that is aimed to guarantee legal protection and political support from the government (cf. Banchoff, 2007; Bräuchler, 2010).

Indonesia has for many decades proclaimed itself to be a pluralistic country. As we saw in Chapter 3, the founding fathers of Indonesia openly discussed the formulation of the state foundation, ultimately rejecting Islam as the basis of the state and national ideology in favor of the more pluralistic Pancasila. This was a practical decision as the Indonesian people come from many different backgrounds (religions, castes, cultures, language groups), but have managed to co-exist socially (Azra, 2010; Elson, 2008; Hefner, 2014) and live together in a 'social harmony' between individuals and groups (Beck, 2002).

As described in the previous sub-section (and in Chapter 4), in 2005, the MUI arranged a special Decree, which, at its core, is against pluralism in Indonesia. This anti-pluralistic position was introduced by the MUI and its supporters to directly challenge the constitution, which affirms more than one religion. This movement creates a discriminatory attitude in society:

> MUI's Fatwas that prohibit interfaith prayer, interfaith marriage, interfaith inheritance, religious pluralism, liberalism, secularism, and Ahmadis, are largely counter-productive to the ideals of freedom of religion and religious tolerance when one strand of religious interpretation has to be introduced to public in order to attack other interpretations existing in the community. (Ali, in The Jakarta Post, 2005)

The MUI rejects pluralism based on its understanding that pluralism asserts that all religions are equal (Gillespie, 2007). The MUI—based on opposition to pluralism—therefore,

prohibits collective inter-religious prayer, for example. It believes that prayer is *halal* (permitted) only if a Muslim leads the prayer. If another religious leader leads the prayer, then Islamic members are forbidden to participate. The fear of pluralism proclaimed by the MUI has attracted religious radicalism to Indonesian society (Fealy, 2016). The MUI's anti-pluralism stance tends to incite violence attack against religious minorities including the Ahmadiyya (Qurtuby, 2014).

Although the MUI's decrees are not legally binding in Indonesia, they are nevertheless one of the most important sources of guidance for many Muslims. Their expression of anti-pluralism can also be seen in fundamental religious movements. Fundamentalist groups radically express their strong support for the MUI's position and for religious authority. The MUI's decrees have been implemented in radical ways by Islamic fundamentalists. At present, several Islamic organizations are working towards an Islamic state in Indonesia. These organizations include the Indonesian Hizb UT-Tahrir (HTI) (Muhtadi, 2009), the Indonesian Mujahidin Council (MMI), the Islamic Defenders Front (FPI), the Darul Islam/the Islamic Army of Indonesia (DI/TII), and the Indonesian Islamic Propagation Council (DDII) (Khalik, 2008). By promoting *sharia* (Islamic) law as a solution to many of the problems in contemporary Indonesia—what they refer to collectively as the 'degradation of morality in society'—they have been pushing the government at all levels to incorporate the values of *sharia* into public policies (Fuller, 2011-a; Woodward, 2015).

Among the most radical organizations is the FPI. It is fighting for full implementation of *sharia* law in Indonesia. The FPI has also been involved in many attacks. The FPI have justified their action by complaining that the police cannot enforce *sharia* law in the public space (society). As mentioned earlier in this dissertation, the FPI has also been involved in a number of attacks against the Ahmadiyya (see Chapter 5). They actively participated in closing several churches in West Java and attacked the office of the Liberal Islam Network (Hefner, 2003 & 2005; Douglas, 2006; Avonius, 2008; Crouch, 2009).

However, there are also several Indonesian Muslim intellectuals who have criticized anti-pluralism. For example, Shafi Anwar, the Director of the International Center for Islam and Pluralism (ICIP), has openly argued that religious pluralism offers a space for each religion to promote a beneficial relationship and interfaith tolerance. The criticism is that the MUI cannot forbid Muslims to adopt notions of pluralism, liberalism and secularism as a way of thinking (Witoelar, 2005). Moreover, outside scholars have also determined that the MUI's 2005 Decree totally opposes freedom of expression and human rights (Aglionby, 2005).

The future of human rights protection for religious minorities requires a positive attitude among society that identifies the existence of a human rights culture (see Chapter 2). However, enforcing the protection of religious minorities will always be a thorny challenge for Indonesia, because of the presence of radical groups. This is a very real challenge, as evidenced by a survey conducted by Lembaga Survei Indonesia (LSI, the Indonesian Survey Institute) in March 2006 (Karambelkar, 2012).

The LSI survey found that the number of those who support radical groups, such as the FPI, is increasing. It also found that the use of violence for religious purposes was supported by one in every ten Islamic people in Indonesia. One or two out of every ten Muslims said that they support the FPI and the Muslim Mujahidin Council (MMI). This reminds us that Indonesia should work seriously to find a way to deal with anti-pluralistic sentiments (Source: Online Interview/email with I-20, Netherlands-Jakarta, Indonesia, October, 2015).

6.6.3 Decentralization and the Introduction of Sharia Law

In the process of Indonesia's political decentralization, the shift in power from the Center to the local level could result in a breakdown in the secular state system (Kimura, 2010). Even though human rights need many forms of adjustment in political perspective, at a minimum, the power shift causes an imbalance in the quality of the human rights protection (Abouharb & Cingranelli, 2007). One explanation for the problems with secular politics in Indonesia is the decentralization process (Hadiwinata & Schuck, 2007).

In this post-authoritarian period, Indonesia is experiencing a political shock caused by the shift in power from the central to the provincial and district levels. Decentralization is no longer a political theory promoted as the way to improve citizens' access to government services, enhance the accountability of the government, and consolidate democratic governance. Political decentralization has now been accepted in Indonesia as one of the results of progressive democratic reforms. Minority groups have found themselves continuously threatened as a result of decentralization by political contestation at the local level. Apparently, decentralization cannot guarantee the protection of minority citizens. In practice, Indonesia's version of decentralization has never been a positive political pathway for respecting inter-ethnic and religious relations. In fact, the devolution of political authority and massive shifts of political power have given rise to a series of communal tensions and conflicts at the local level (Bowen, 2005; Wilson, 2009; Aspinall, 2010).

For example, a few years ago, the International Institute for Democracy and Electoral Assistance (IDEA), while analyzing the problem of decentralization in Indonesia, conducted a study exploring and explaining the relationship between decentralization and the position of minorities. IDEA found that the anti-religious-minority movement has increased in recent years (IDEA, 2000). Primarily, they were concerned with the introduction of *sharia* law local governments (Salter, 2012).

Moreover, in the Papua province in eastern Indonesia, there have been efforts to implement a local rule from a Biblical Christian perspective. In 2007, the local government declared the city of Manokwari, the provincial capital of West Papua, 'the City of the Bible', in which all citizens are subjected to *Christian rule and way of life*.[9]

Religious issues are often used by local politicians (candidates) to gain political support. The emergence of hostilities and tensions between groups in society, the political restriction of minorities, and repression faced by the members of religious minorities seem to be linked to local political trends (Wilson, 2009; Crouch, 2010). The difficulties faced by the Ahmadiyya and other religious minorities are largely caused by these trends to restrict minority groups.

> Anti-Ahmadiyya violence is often driven by local political dynamics, the government is 'trapped in this dilemma: winning the support of Islamists by not stopping the attacks, or stopping the violence to win the support of the larger public'. (Shiskhin, 2011)

Decentralization also has a significant impact on the ease of access by religious minorities to public policy and the protection framework. If we put the problem in terms of the power arrangement between the central and local governments, the real problem is connected to the weakening of the central state's ability to control the rapid political changes taking place at the local level. The central government has failed to oversee the political shift in local government (cf. Brinkerhoff & Johnson, 2008).

Yet, as theoretically proposed by Zwart (2012) in his study, it is important to look at and use local cultures, capacities, and institutions in implementing and international human rights obligation into domestic needs and improvement. In fact, to resolve the problem of religious minorities, the Indonesian central government has given unlimited space to local governments to pursue political and legal measures that are appropriate to local circumstances. As a consequence, for example, the Indonesian central government has done nothing to prosecute local governments and local perpetrators of human rights violations against the Ahmadiyya and other religious minorities (Spencer, 2014). The lack of political

capability on the part of the central government automatically invigorates civil organizations that hold political power to dominate at the local level (Duncan, 2007; Bush, 2008).

6.7 Lack of Institutional Protection

From the perspective of a human rights culture, the government plays a main role as a 'duty bearer' in the fulfilment of human rights principles. As explained in Chapter 3, under the UDHR and other international standards the government has an obligation and a duty to respect, protect and fulfil the basic rights of all citizens (OHCHR, 2015). When governments ratify international human rights standards and instruments, they are obliged to incorporate these human rights principles into their legal systems. The integration of human rights principles into a national policy system, as a way of strengthening the human rights culture, can be assessed based on the level of institutionalization of human rights protection.

However, even if a national government has successfully incorporated international human rights standards into its domestic legal system, existing laws are not enough to guarantee human rights protection. Domestic state institutions and actors have responsibilities to ensure a political mechanism for making the framework effective on the ground (cf. Skogly & Gibney, 2002; Skogly & Gibney, 2006; Simmons, 2009). Therefore, the most fundamental element of the practical task of human rights protection is the involvement of national state institutions. Each national government must offer a strong framework for human rights protection.

> At the national level, human rights can be protected through an adequate law, independent judiciary, the enactment and the enforcement of protection of persons, and the formation of democratic institutions. (OHCHR, n.d., Fact Sheet No. 19)

In this regard, the government, at all levels, should realize their main duty for providing strong legal protection for its citizens. This legal protection is the most important element of a framework for human rights protection and should underpin the position taken by the state in relation to acts of repression, discrimination, violence, exclusion and oppression against religious minorities. The Indonesian government has been trying to implement a framework to support people belonging to religious minorities. Indeed, the development of the constitutional foundation for human rights protection is an important achievement by the Indonesian state. However, the difficulties faced by members of religious minorities in Indonesia are increasing (Source: Document Study of Amnesty International, 2014).

This section focuses on two main issues. First, one of the most serious problems related to the role of the government is its political commitment to fully protect religious minorities. Protection must be institutionalized in all government institutions and bodies, including national and state governments, the police and the courts. Without government commitment to implementing the legal framework for human rights, these guarantees will remain on paper only. Second, one of the main institutions responsible for investigating human rights violations at the national level towards their prosecution is the national human rights commission. In Indonesia, this is the Komnas HAM. This section will also look at the status and functioning of these key institutions for human rights in Indonesia.

6.7.1 Government, Police, Courts

In relation to the role of the government, human rights protection has two important interconnected parts. First, it refers to the legal foundation that guarantees the members of religious minorities freedom from all forms of threat, violence and discrimination (under the constitution and key domestic legislation). Under this principle, government institutions have a main duty to ensure a comfortable situation for the members of religious minorities. Second, and more importantly, this legal foundation must be implemented using a practical mechanism to realize the political protection of religious minorities. Most importantly, the government should not be neutral in the face of the violation of the human rights of religious minorities (Thio, 1999; Crouch, 2007).

These two parts require two processes. First, the government needs to link its policies together. The government of Indonesia is still weak in its political stance with respect to the implementation of the Constitution. Criticism has been raised by NGOs and human rights defenders alike. According to them, although the government is taking steps to resolve many of the problems of religious minorities, their approach still makes it possible for other groups to violate the rights of religious minorities, such as the Ahmadiyya. The government has failed to construct an effective mechanism to protect the basic needs and rights of its minority citizens (cf. Rotberg, 2002; Weissbrodt, & Collins, 2006).

It can be argued that the problem is partly caused by the lack of a strong approach on the part of the state arising from the separation of central and local governments and the decentralization of power (see Section 7 for more on this). In terms of the presence of the 2008 Joint Decree, we can see how the central government lost its power as a duty bearer to give protection to rights holders, such as the Ahmadiyya. This situation has been manipulated

by several local governments and by many groups in society, resulting in restrictions against the members of religious minorities, which violate their human rights. A central government cannot retain productive control while local regulations are in place that threaten religious minorities and violate national legal instruments, like the Constitution. In many instances, the central government has been passive when local governments have formulated discriminatory regulations against religious minorities (Source: Interviews with I-16 in Central Jakarta and I-18 in University of Indonesia Campus in September 2014).

Second, the government should keep in mind that, although it is obliged to implement the Constitution concerning the rights of minority citizens, it still has to connect this main duty with NGOs and civil society. As we saw in Chapter 2, the role of NGOs and civil society is another main factor in human rights protection. Moreover, it can be said that NGOs and civil society are the main agents for resisting authoritarian rule and the tyranny of the majority over the minority. Civil society and NGOs can help the state realize its constitutional obligation to offer human rights protection and strengthen religious harmony (Anwar, 2012-a).

Moreover, to implement human rights principles, every state is responsible to create a foundation for the rule of law, which requires three state institutions to be in place: the legislature (law-making body), the executive (government) and the judiciary (courts and other judicial bodies). These three institutions are asked for taking actions together to uphold the legal system and international human rights standards. If the state wishes to ensure human rights protection by law enforcement and wants to achieve a good result, then none of these institutions may abuse their discretionary powers (Ali-Fauzi & Hillman, 2015).

This complex interplay of actors and institutions influences how the government implements its framework of human rights protection at a practical level. Legal protection requires a political scheme if it is to help members of religious minorities.

> A key factor in understanding why the government succumbed to pressure is President Yudhoyono's desire to maintain the coalition of Islamic parties that helped him to get elected in 2004, especially as 2009 elections draw closer. Recent polls have shown him losing ground to his only major rival, former president Megawati Sukarnoputri. But other factors are likely involved as well; Yudhoyono's style of governance and the desire of his political opponents to show him as weak and vacillating. (Document and report analysis of International Crisis Group, 2008, p. 15)

If the government cannot arrange for the constructive protection of human rights, its protection remains a mere legal statement. In this situation, protection is a mere textual claim without practical application to members of minorities. It is clear that although the Government of Indonesia has a legal framework to protect human rights, it lacks the political will to implement this framework.

At this point it should be stated that government bodies should pay attention to human rights violations. They are required to be the first to respond to help those whose rights are being violated. In this context, a discussion of human rights is not complete without also looking at the commitment of the government to protect human rights in practice.

In the Indonesian case, there are many doubts about the government's political commitment HRW, 2017). When we discuss political commitment, we are talking about the role of the people who are in charge of implementing the legal and political duties of the government. As we have seen in the explanation of a human rights culture as a framework for understanding the violation of the rights of the Ahmadiyya, the fulfilment of human rights deals with efforts to ensure that actors who have the authority do not abuse their power.

In this respect, several international human rights documents contain codes of conduct setting out accountability, responsibility, and the correct behavior for government bodies and other public authorities (such as the police and courts) in relation to the people they are meant to serve (Schedler, 1999), particularly in terms of investigating human rights violations. A code of conduct is written for a particular group of government officials and directly addresses people who are subject to demands, for example, to commit human rights violations: *"Codes of conduct are seen as providing a moral compass that can guide the day-to-day work of public servants and make sure it is characterised by integrity"* (Fagan, 2012).

From the perspective of a human rights culture, a code of conduct is designed to promote compliance with international standards and to create an 'ethos' in which individuals are encouraged to demand the fair treatment and processing of human rights violations. Most codes of conduct are relevant to human rights concerns, including those of the police, military and other law-enforcement officials. These actors, who are responsible for implementing human rights principles, have to link their attitudes to the cultural circumstance as a source of the values required by international human rights (OHCHR, 2002).

Some examples of ethical codes are: the 1979 UN Code of Conduct for Law Enforcement Officials, which sets the rules of conduct for police and prison staff (it is intended to prevent the torture of prisoners, among other things) (OHCHR, n.d.); the 1979 European Council Declaration on the Police, which aims to prevent abuse and clearly defines the powers and authority of the police (Council of Europe, Parliamentary Assembly, 1979); the 1985 UN Basic Principles on the Independence of the Judiciary, which sets out the conditions under which justice is guaranteed (UN-OHCHR, 1985); and the 1996 UN International Code of Conduct for Public Officials (United Nations, General Assembly, 1982).

From my field observations, it is apparent that the problem of the Ahmadiyya casts serious doubt upon the quality of the commitment of certain government actors in Indonesia. These actors (central and state governments, police and courts) have failed to take practical steps to secure human rights protection for minority groups. From the Komnas HAM investigation of the Cikeusik tragedy (see Chapter 5), we can see that the police and other government actors were not able to protect the Ahmadiyya and allowed themselves to be *pressured* by radical groups and civil militia forces.

The police, who have the official duty to guarantee the safety and survival of the Ahmadiyya, failed to fulfil this role (Unpublished Report of Komnas HAM on Cikeusik Tragedy Investigation, 2011). Ideally, the Indonesian courts must conduct strict proceedings against the perpetrators of violence against the Ahmadiyya and other religious minorities. However, as seen after the Cikeusik tragedy, the court also failed to deliver justice to the victims (Millie, 2012). Apparently, these authorities did not earnestly and emphatically carry out their duty on behalf of the Ahmadiyya. Although, the Indonesian court did find the perpetrators of violence at Cikeusik tragedy guilty, they were only sentenced to six months in jail, which is exceedingly lenient given the gravity of the crimes committed (HRW, 2013).

6.7.3 Human rights Commissions

In an effort to make the human rights framework more effective in dealing with the violation of the human rights of minorities, international human rights instruments also demand and encourage national governments to establish a human rights commission. This is an important step in strengthening the national human rights foundation and raising human rights awareness. Many human rights institutions have been established at the international level as well. The importance of the establishment of a national human rights commissions is based on the fact that the implementation of human rights principles cannot be achieved solely through legislation and administrative arrangements. Accordingly, a government institution or special commission should be established and supported by the state for this purpose.

As discussed in Chapter 3, Indonesia has established a national human rights commission—the Komnas HAM.[10] This commission is supported by a similar commission for woman and children and by the Indonesian Ombudsman. Conceptually and legally, Komnas HAM is considered an independent institution, even though it is a semi-state body and is required to report to the legislature on a regular basis. Komnas HAM is primarily concerned with the protection of citizens against discrimination. One of the important functions given to Komnas HAM is to receive and investigate complaints from individuals (and occasionally from groups) concerning human rights violations. The commission also has the right to investigate crimes against humanity.

Komnas HAM has the responsibility to spread human rights awareness in society and to encourage other government bodies to stand behind the victims of violence. Relating to the attacks against the Ahmadiyya, Komnas HAM has formed a special team to investigate such cases (Komnas HAM, 2011). The commission has written a highly respected and widely recommended report that not only presented the whole truth about the tragedy at Cikeusik, but also ensured that government bodies, such as the courts, prosecuted the perpetrators of the crimes against the Ahmadiyya[11]. However, the report of the Komnas HAM investigation on the Cikeusik tragedy has never been published (Lazuard, 2011).

The position of Komnas HAM is also determined by other state institutions and the whole political circumstances. For instance, despite the report produced by the commission on the Cikeusik tragedy, the government has never implemented any of Komnas HAM's recommendations for strengthening the human rights foundation in Indonesia to ensure that such an event does not happen again:

> The ability of Komnasham to conduct and produce high-quality investigations into the cases above meant that the commission performed well, which raises the question what factors contributed to that result. Komnasham's good performance was influenced by external factors and, surprisingly enough, the overall supportive attitude of state bodies towards the commission. (Setiawan, 2016, p. 9)

It appears that Komnas HAM (and the Ombudsman) are dealing with a political problem (Source: Document Study of the unpublished Komnas HAM report on the Cikeusik incident provided by I-15, Jakarta, 2013 & 2014). Since the appointment of Komnas HAM, its members must depend politically on parliamentary decisions, and the position of the commission in conducting its duty to protect citizens' rights is determined by political contestation.

The status of Komnas HAM is similar to that of the Indonesian Ombudsman.[12] The main function of this institution is to protect the rights of individuals who believe themselves to be victims of unfair practices on the part of the public administration. Thus, the Ombudsman acts as an impartial mediator between aggrieved individuals and the government. The Ombudsman (who may be a person or a group of people) is generally appointed by the parliament acting on constitutional authority or through special legislation. In addition, the status and function of the Ombudsman is not widely known in Indonesia. In the case of the Ahmadiyya, the Ombudsman has merely asked the Indonesian government to take more comprehensive steps to help the members of the Ahmadiyya who are living in transito places (refugee camps) (TribunNews.com, 2014). However, the problem remains political.

6.8 The Role of Non-State Actors

As explained in Chapter 2, the involvement of non-state actors (civil society) is crucial in raising human rights awareness as part of developing a strong human rights culture. First, international human rights standards strongly demand that national governments engage all productive non-state actors in supporting the framework for the protection of human rights. Second, the involvement of non-state actors is considered a main element of the discussion on domestic human rights. To support these two elements, the involvement of non-state actors in the development of human rights in Indonesia is clearly vital. My field study showed that human rights NGOs and civil society play an important role in this regard (Source: Interview with I-10, July, 2012; I-12, July, 2012, I-21, July, 2012, in Jakarta).

This section introduces NGOs, human rights defenders and multinational organizations as examples of non-state entities that are involved in human rights discourse and to indicate the complexity and variety of actors who participate in the problem of religious minorities, such as the Ahmadiyya, in Indonesia. In the context of strengthening a human rights culture, all people and organs of society are obliged to contribute to the construction of an atmosphere that is conducive to the enjoyment of human rights as a lived experience. These obligations are also universally related to the role of state and non-state actors (cf. Landman, 2005).

International covenants on human rights have traditionally focused on the position of the state and its actors. In a position that is consistent with this state-centric approach, international human rights law has been regarded as the main source of protection for individuals from the state's abuse of power. Again, this is related to two important aspects of human rights standards: the rights they grant to people as rights holder (users) and the obligations that they impose on the state (duty bearers).

In this regard, the state cannot relieve itself of its obligation by delegating responsibility to provide human rights protection to non-state actors and entities. However, the state and its actors often face social and political challenges in offering human rights protection. Furthermore, the lack of preventive mechanisms can open up space for suppressive actions in which civilians also become perpetrators of violence. This can also be the consequence of a lack of state power in governance (cf. Börzel & Risse, 2010; Clapham, 2006).

Before we examine the efforts of NGOs at international and regional levels, it is important to address the fact that NGOs are non-profit organizations that seek to be financially and politically independent of government bodies (cf. Ron, Ramos & Rodgers, 2005). Human rights organizations have worked hand-in-hand to develop and guarantee that the institutions and procedures for human rights protection are in place. Nader reminds us about the importance of the NGOs in ensuring human rights:

> The role of NGOs in the Council is considered important to bring to its attention the reality in places where human rights violations are occurring and to contribute their own particular expertise. Furthermore, it is vitally important for NGOs to keep track on the positions taken by HRC Member States and observers, with a view to influencing them whenever necessary (Nader, 2007, pp. 9–10).

NGOs are an important part of a pluralistic society, and the human rights system and foundation—for example in Human Rights Council (HRC)—could not function without their contributions.

In the Indonesian post-authoritarian context, NGOs are involved in preparing resolutions and international agreements on human rights. Their initiatives in developing human rights standards have been significant. For example, Amnesty International played a supportive role in preparing the Convention against Torture. Amnesty International and Human Rights Watch supported the formation of the International Criminal Court. NGOs have also come to play an important role in the United Nations treaty-based systems, particularly with regard to the strengthening of reporting mechanisms.

As it is impossible for the committee that oversees the implementation of the UN convention to be an expert on the human rights situation in every country, it relies on NGOs to counter-balance the information provided by the states. NGOs provide reliable information on the human rights situation and on the main area of concern in each country. Many NGOs prepare their own reports, parallel to the state report, which they pass on to a relevant committee before a meeting with the representatives of the countries on which they have reported. On a more grass-roots level, NGOs also play an important role in helping victims file complaints (Source: Interview with I-23, Jakarta, July, 2013; Human Rights Working Group, 2012).

6.8.1 Human rights Defenders and the Advocacy Revolutionary

The work of human rights defenders and activists has led to the emergence of what is called the 'advocacy revolution' (Lettinga, 2015). At a global level, some of the most famous human rights organizations, such as Amnesty International and Human Rights Watch, demand that countries adhere to the international human rights law instruments that they are party to, as well as the constitutional elements of their frameworks for the protection of human rights. Because of this advocacy, victims have gained the ability to make their cases known to the world, which is historically and politically unprecedented. At the national level, this revolution of advocacy—for example in Indonesia—has corrected the state monopoly and failure on the fulfilment of human rights principles (Saragih, 2010).

Moreover, a positive development in human rights is the unrelenting efforts of thousands of human rights activists, who, through their activism, personal concern, and active membership in NGOs, successfully defend human rights and bring violations to wider public attention. They include lawyers who try to ensure that human rights violations do not go unpunished, journalists who denounce crimes in public discussion, doctors who treat victims

of torture, and other figures who represent religious communities, mothers, students, victims and indigenous groups. Ball and Gready (2009) write:

> NGOs and activists need to work to increase awareness and lobby the government at home, as well as working on other countries—to avoid the impression that human rights problems are always elsewhere, and because the two strategies are fundamentally linked and complementary [...] Many NGOs now work at various levels, recognizing the importance of local intervention to people's immediate lives, but also that wider contexts and structures require action at the national and international levels. (Ibid., p. 47)

However, promoting human rights in countries where violations often occur can be dangerous for human rights defenders. Supporting human rights is a risky business. Sara García—a member of the Citizens´ Group for the Decriminalization of Abortion in El Salvador—shares her experience with us:

> People from the government and fundamentalist groups have slurred and stigmatized us with vicious lies in the press and in social media. People from fundamentalist groups put a picture of me and other colleagues online saying...these are the abortion leaders who use money from organ trafficking. (Shared in Amnesty International, 2015-c)

Despite this, thousands of people around the world voluntarily put their lives at stake every day to promote human rights principles. These people come from all parts of society.

Those who defend the rights of others often become victims of human rights violations. Human rights defenders and their families risk being slandered, threatened, evicted, arrested, convicted of subversive activities, tortured and even killed (Amnesty International, 2015-a, 2015-b). Nevertheless, many countries recognize the importance of the individual's role in the promotion of human rights principles. One of my informants—an Indonesian researcher and analyst for Human Rights Watch—told me *how risky and dangerous* the job of being a human rights defender is in a country like Indonesia, especially when parts of society and the state show only a partial interest in the human rights violations being committed against religious minorities (Source: Interview with I-12, Central Jakarta, July, 2012).

6.8.2 Human rights Advocacy by NGOs as a Political Movement

Many non-state actors and NGOs support the universal language of human rights, but actually use it to defend the cause of only a particular national group, minority and/or class of people. There is nothing wrong with partiality. Non-state actors, particularly at regional and national levels, are free to determine their own commitment to specific victim groups. Just as the global community often applies double standards to the human rights framework, so too

do non-actors at the national level. Thus, the most important thing is to connect to the commitment that inspires and leads human rights defenders and related NGO actors in all levels in taking responsibility as a shared value to protect the rights of citizens (people) (cf. Walker, 2012).

Yet, sometimes, human rights NGOs and their supporters are limited and restricted by local conditions (Mutua, 2013). Most importantly, political regimes may impose strong restrictions on organized human rights advocacy to the point of imposing arbitrary and cruel punishments on those who support human rights. There are political and economic barriers to human rights advocacy. Even when the will exists to protect human rights, more urgent problems and threats—such as poverty, economic instability, and civil—can strain the available audience and resources.

Another serious issue is that activists and non-state actors who defend human rights want to describe themselves as apolitical. They define universal moral claims that are designed to de-politicize their activities. However, in practice, such impartiality and neutrality is not possible. In fact, activism for human rights requires taking sides, mobilizing force against the offender to stop their actions, and forcing the state to enforce the law and guarantee protection (cf. Guilhot, 2005). Thus, for human rights activism to be effective, it must be partial and political. However, the development of human rights awareness and protection can be said to be determined (limited) by universal standards (cf. Sagita, 2011).

Human rights defenders often take it for granted that they represent universal values. But not all human rights organizations believe the same things. They also do not evaluate whether or not their alignment really represents the interests of the victims who they defend. This is closely related to the issue of the accountability of non-state actors (The United Kingdom-Foreign and Commonwealth Office, 2015). The question is whether non-state actors, although not elected by the victim to voice their concerns, can capture the overall condition of the victim and comprehensively defend their basic rights.[13] NGOs and human rights defenders should be able to build a strong accountability that determines the quality of the protection framework of human rights (International Federation for Human Rights, 2010).

Thus, even if we conclude that many NGOs are more partial and less accountable than they claim, they still perform an essential and significant function. By monitoring human rights violations and abuses and by bringing these facts to the public space, they can hold the state signatories of human rights conventions accountable for their political responsibilities—

or at least they can show the discrepancies between theory and practice, jargon and reality, in relation to human rights protection: *"It is possible that the issue of the Ahmadiyya in Indonesia can be sold by certain parties to the international arena"*.[14]

Without the advocacy revolution led by NGOs, it is likely that so many human rights instruments would have remained a revolution on paper only. The advocacy revolution has broken the state's monopoly on the conduct of international affairs, enfranchising what has become known as the global civil society. The group of human rights NGOs in Indonesia raise globalize awareness of the situation of religious minorities, including the Ahmadiyya.[15] It is hoped, then, that the involvement of non-state actors in the matters of religious minorities can further the development of a human rights culture in Indonesia.

6.9 Concluding Remarks

In this closing section, I would like to make some final remarks. First, it is commonly agreed that human rights are a set of ethical imperatives. As an ethical foundation, they are based on the understanding that human rights are inherent in every person. This understanding is stated in a wide range of international, regional and domestic human rights instruments. However, as we have seen in this chapter, from the perspective of a human rights culture, human rights principles, and the way in which those principles are incorporated into the framework for protection, are challenged in domestic settings by so many factors. Specifically, human rights and their protection are heavily politicized. From this point of view, we cannot blame the problem only on the position of the state, but should also link it to the many actors and institutions involved. These institutions and actors constitute a key element of the human rights culture in contemporary Indonesia.

Second, the politics of human rights protection, as discussed in this chapter, encompasses so many perspectives, actors and settings. The politics of protection is influenced by the willingness of the government to act to protect minority groups, social attitudes and interests; the stance taken by and involvement of non-state actors (particularly religious organizations such as the MUI); and the shift in power to the local level as part of Indonesia's decentralization. It is also influenced by the global support for human rights protection. Hence, it can be stated that the future of human rights protection in Indonesia is a political issue and part of the country's social dynamic (the social and political dimensions of the human rights culture). It can also be stated that the human rights culture is constructed through this political and social atmosphere.

Third, this chapter asserts that the development of human rights and a human rights culture is dependent on several strategic elements: the constitution and domestic legal framework for human rights, the willingness and capacity of state (government) actors to enforce these rights, and the role played by NGOs and human rights defenders to raise awareness and support the victims of human rights. In Indonesia, there is a gap between the constitutional guarantee of the rights of religious minorities (e.g., to religious freedom) and the local state regulations, which are undermining these constitutional guarantees in many places. This is compounded by the lack of government commitment to protect human rights. This is where non-state actors have a crucial role to play to advocate for, and defend, human rights. As this chapter points out, the problem of the violation of religious minorities and how the country protects them is a very complex issue in Indonesia, with many facets and factors at play. Against this background, the government is strongly encouraged to build an inclusive framework to give more space to minorities to claim and enjoy their human rights as part of their daily lived experience.

Fourth, what is happening in the field in Indonesia is tragically different from what is envisioned in the numerous human rights instruments that Indonesia has signed (which obliged the state is to protect the rights of its citizens), as well as what is enshrined in its own constitution. It appears that all of these documents combined are unable to protect the rights of religious minority groups in Indonesia. Differences in religious beliefs are driving human rights violation, which are undermining the rights of religious minorities. Because of the weakness of the state's commitment to the protection of human rights, the religious lives of minorities—for example, in expressing worship—have grown increasingly restricted in Indonesia. This is a crucial challenge to the development of human rights and a human rights culture in contemporary Indonesia.

Endnotes

[1] He was elected as chairman of MUI on February 18, 2014. Retrieved June 14, 2016, from https://www.nahimunkar.com/din-syamsuddin-jadi-ketua-umum-mui-syiah-mulai-mengaturnya/

[2] This information can be compared to the report of the International Humanist and Ethical Union (IHEU) (2014). *Freedom of Thought 2014: A Global Report on the Rights, Legal Status, and Discrimination Against Humanists, Atheists, and the Non-religious.* Retrieved August 30, 2016, from http://www.humanistischverbond.nl/freedom-of-thought/wp-content/uploads/2014/12/FOT2014.pdf/

[3] In *Human Rights* (2014), Chapter 5, Kerrie Woods makes a significant contribution by initiating a contemporary discourse on the relationship between religion and human rights, specifically in relation to the Islamic world and the UDHR.

[4] The phrase 'The soul of the Indonesian Constitution' refers to an idea of Noam Chomsky (2015) in his republished book: *Year 501: The Conquest Continues (2015)*, in Chapter 5, *Human Rights: The Pragmatic Criterion*, p. 165.

[5] The information about this issue can be seen in Chapter 3, Section 3.4.6. about the Amendment of Article 28 the Indonesian Constitution.

[6] Some parts of these sections are drawn from a series of interviews with I-13, August – September, 2014, Central Jakarta.

[7] Article 28J Point 2 states: "In carrying out its rights and freedoms, everyone shall be subject to restrictions established by law with the sole purpose to securing due recognition and respect for the rights and freedoms of others and for meet the fair demands in accordance with considerations of morality, religious values, security and public order in a democratic society." Retrieved April 5, 2016, from http://www.biomaterial.lipi.go.id/main/wp-content/uploads/2013/03/UUD-1945-amandemen-terbaru.pdf/

[8] The phenomenon of religious democracy (politics) in Indonesia is also explained by I-20 via 'online interview', September, 2015.

[9] The Jakarta Post published a special issue on the phenomena of Sharia Law in decentralised Indonesia. Under the title, 'Bible-based bylaw last resort for drunks', The Jakarta Post reported that *West Sumatra, Aceh and Papua are among provinces with religious-based bylaws.The Jakarta Post's Sofyardi Bachyul in Padang, Hotli Simanjuntak in Banda Aceh and Nethy Dharma Somba in Jayapura look at Sharia phenomenon and its implications in the respective provinces.* Published on August 21, 2010. Retrieved May 20, 2015, from http://www.thejakartapost.com/news/2010/08/21/biblebased-bylaw-last-resort-drunks.html/

[10] Law Number 39 of 1999 on Human rights law Number 26 of 2000 on a human rights court. Both of these laws were made by the Council of Representatives after the reform. The second law is part of the legal reforms in Indonesia.

[11] I give special thanks to I-15, one of my main informants, who was a leader of the investigation team on the Cikeusik tragedy.

[12] The Indonesia's Ombudsman; Lembaga Negara Pengawasan Pelayanan Publik (Ombudsman of Republic of Indonesia; the State Institution for Superversion of Public Service). The information on the Indonesian Ombudsman is retrieved June 26, 2015, from http://www.ombudsman.go.id/index.php/en/publikasi/rekomendasisaran.html

[13] Harits Abu Ulya, one of the leaders of HTI, reminded the Indonesian Muslims of the presence of liberal NGOs in the problem of the Ahmadiyya in Indonesia in his interview with Tabloid Media Umat, published in Media Umat.Com. (2011). *NGO Liberal Jadi Penunggang (The Liberal NGOs are drivers)*, published, April 5, 2011. Retrieved June 01, 2015, from http://mediaumat.com/wawancara/2616-53-lsm-liberal-jadi-penunggang.html/

[14] This opinion was expressed by Heru Susetyo, analyst and lecturer from the University of Indonesia during his interview with Hidayatullah.com on March 1, 2011, as cited by Hanin Mayaza (2011). *Kasus Ahmadiyya lebih "seksi" dari Lia Eden* (The case of Ahmadiyya more sexy than Lia Eden). Arahman.Com, March, 15, 2011. Retrieved June 01, 2015, from http://www.arrahmah.com/read/2011/03/15/11356-kasus-ahmadiyah-lebih-seksi-dari-lia-eden.html/

15 This information can be read in the Alternative Report of The 2008 UPR Recomendation Implementation for Indonesia as *A State Concerned Concerning on Freedom of Religion and Beliefs Issue in Indonesia*; Submitted in 1st Session of 2nd Cycle of the HRC's UPR Review in 2012, Prepared by Human Rights Woking Group, Indonesia's NGO Coalition for International Human Rights Advocacy Institute for Policy Research and Advocacy Jakarta Legal Aid Institute, Setara Insitute, the Indonesia Legal Resource Center, Wahid Institute, in collaboration with the Center for Marginalized Communities Studies (CMARs). November, 2011. Retrieved June 29, 2015, from http://lama.elsam.or.id/downloads/246882_Freedom_of_Religion_NGO_Coalition_-_Joint_UPR_Submission_-_Indonesia_-_June_2012.pdf

Chapter 7. Discussion and Conclusion

> The ideas of human rights have been emerging, disappearing, re-emerging and evolving throughout history, reflecting changing social conditions and serving various needs. (Osiatyński, 2009, p. 1)

7.1 Overview of Chapter

This closing chapter is focused on the contribution of the concept of a human rights culture as a conceptual framework for studying of the violation of the rights of the Ahmadiyya as a religious minority group, as well as how the human rights culture in Indonesia can be strengthened. Drawing on the answers to the sub-questions in Chapters 2–6, it attempts to answer the main research question: *To what extent does the lack of a human rights culture in contemporary Indonesia help explain the violation of the human rights of the Ahmadiyya as a minority group?*

The answer to this question is elaborated on in five sections. Section 2 considers the contribution of the concept of a human rights culture to this study. Section 3 examines three aspects of the challenge of strengthening human rights in Indonesia: the normative, political and sociological dimensions of the challenge. The revitalizing of constitutionalized human rights as a strategic way to support a human rights culture in Indonesia is presented in Section 4. Section 5 considers the need to co-construct an inclusive human rights framework. Section 6 presents the domestic adjustment of human rights as a project for future academic research. The chapter ends with a brief conclusion in Section 7 summing up the answer to the research question.

7.2 The Scientific Contribution of the Concept of a Human rights Culture

This section considers the contribution of the concept of a human rights culture as a conceptual framework for studying the violation of the rights of the Indonesian Ahmadiyya as a religious minority. Although much research has been done on the problem of the Ahmadiyya, it is mainly from a theological perspective. It takes the differences between the Ahmadiyya and mainstream Islam as its starting point and looks at how the tension and conflict between the Ahmadiyya and other groups has given rise to the violence against the Ahmadiyya. However, this research views the problem of the Ahmadiyya as a human rights problem. It uses the concept of a human rights culture as a framework for exploring the

violation of the rights of the Ahmadiyya. Hence, this research makes a valuable contribution to the discourse on the Ahmadiyya by moving the discussion beyond the consideration of theological friction within Islamic discourse to a discussion about human rights and the development of a human rights culture in Indonesia. It recognizes that the problems experienced by the Ahmadiyya are not just unique to them as a group, but potentially apply to all religious minorities in Indonesia (see Chapters 3, 5 and 6).

The incorporation of human rights principles into the domestic legal system is considered to be one of the main elements required to link a human rights culture with human rights protection at the domestic level (see Chapters 3 and 6). The perspective of a human rights culture supports this study in looking at domestic laws, regulations and policies and connecting them to the problem of human rights (see Chapter 3). By perceiving the problem from this perspective, again it elevates the issue beyond the context of the Ahmadiyya to show its relevance to all (religious) minority groups in Indonesia.

Using this conceptual framework, this study identified a gap between international human rights standards for the protection of religious minorities in Indonesia and the implementation of these standards in Indonesia's domestic legal system. This is particularly the case in the context of Indonesia's decentralization, which has shifted the power from the central government (which has some framework for human rights protection in place) to the local provincial governments (some of which have made discriminatory laws and regulations against the Ahmadiyya prohibiting them from practicing and teaching their religion). The Joint Ministerial Decree by the government in 2008, in which the Ahmadiyya was called on to stop their activities, has provided local governments with a legal basis for such regulations (see Chapters 4 and 5).

Other gaps also exist, particularly in terms of the mechanisms in place for the protection of human rights, including the institutions and procedures to help people access their rights in practice. One such mechanism is the establishment of a national human rights commission. Such a commission is crucial for holding those in power accountable for ensuring the protection of human rights. Although Indonesia took a large step forward in establishing its own human rights commission (the Komnas HAM), this institution has not been able to operate to maximum effect due to political reasons (see Chapters 3, 5 and 6).

Other gaps exist in relation to the obligations of the government (including the police and the courts) to uphold and protect the human rights of minority groups such as the

Ahmadiyya. There are also many gaps between government laws and policies and practices on the ground. As well as failing to protect the Ahmadiyya against violent acts, local governments have also ordered the closure of mosques and educational institutions of the Ahmadiyya, thereby, evincing a lack of human rights culture and arguably condoning discrimination and other acts of violence against the Ahmadiyya (see Chapter 5).

Perhaps the gap with the most serious consequences for the Ahmadiyya on a daily basis is the gap between the Ahmadiyya's right to citizenship (as Indonesia people) and their inability to obtain the citizenship card, either due to their displacement, which has meant that they cannot obtain the necessary signatures from local government authorities to apply for a card, or due to the fact that they are not one of the official religious recognized on the card (see Chapters 5 and 6).

As well as helping to analyze these gaps, the perspective afforded by the human rights culture framework enabled this study to define the political issue as one of the main factors in understanding the human rights problem faced by religious minorities. As covered in Chapters 3 and 6, the UDHR and other international human rights treaties strongly defined the position of the state (government) as the main duty bearer in relation to the protection of human rights. Hence, the state is responsible for providing a strong human rights framework and mechanisms (including institutions) for their implementation.

This research found that there is a lack of political will on the part of the Indonesian government to fully implement its human rights obligations in relation to the Ahmadiyya. As well as a strong domestic legal framework for human rights, including mechanisms for their implementation, this political will is crucial to the development of a human rights culture. Without it, there can be no guarantee of the protection of the rights of religious minorities such as the Ahmadiyya (see Chapter 6).

Finally, the perspective of a human rights culture helped this dissertation to review the sociological dynamics associated with the tension between the Ahmadiyya and Indonesian society. The sociological dimension of the human rights culture is also vital to the enjoyment of human rights of religious minorities, as it impacts on the ease with which they can enjoy their rights and live in harmony with others. A framework for the protection of human rights cannot be fully implemented without the support of society itself. In fact, this is linked to the larger idea that, in a democracy, the laws and government of a state are merely a reflection of the society. However, where a society is intolerant, it can negatively influence the human

rights framework, rendering it ineffective. This is where the legal framework and institutional mechanisms provided by the government must be strong enough to minimize this negative influence; however, it is argued that, no matter how strong the framework, it can never entirely negate the impact of an intolerant society. Hence, the society is a dynamic element in understanding the crucial issue of human rights in the Indonesia (see Chapters 3 and 6).

In sum, in answer to the main research question, it can be said that the lack of a human rights culture in contemporary Indonesia largely explains the violation of the human rights of the Ahmadiyya as a minority group. However, at the same time, it is clear that the problem of the Ahmadiyya cannot be viewed from just one perspective. The issue is open to many theoretical and conceptual interpretations. Nonetheless, the concept of a human rights culture is a useful analytical framework for exploring and understanding human rights in contemporary Indonesia. This perspective adds academic and scientific value to the human rights discourse. It offers an alternate point of view toward constructively clarifying the status of human rights in Indonesia and worldwide, based on using the human rights culture for studying the violation of the rights of the Ahmadiyya and other religious minorities.

7.3 Strengthening Human Rights

This section looks at the challenge of strengthening human rights in Indonesia as a lived experience and awareness in daily life. It identifies three aspects of this challenge: normative, political, and sociological. These three aspects are interconnected and interrelated in the development of human rights in the Indonesian context.

7.3.1 The Normative Challenge

As elaborated in the previous chapters, after World War II, world leaders initiated a *normative framework* for the protection of human dignity in response to the atrocities committed against mankind during world wars I and II. This initiative—which has political nuances—reached its final formulation in the 1948 UDHR. Normatively, this declaration affirms that every person has human rights and that these rights are not given by, or derived from, the nation state or any social institution (e.g., religion). In principle, human rights are inherent in every person from birth and should be guaranteed by national governments.

Human rights include a variety of rights, which are mainly derived from the 1948 UDHR, and can be considered one of the important foundations for constructing a human rights framework. Specifically, the normative principles contained in the UDHR have been formalized and incorporated into various international human rights instruments and

conventions (e.g., the International Bill of Rights). Historically—as presented in Chapter 3—the international human rights conventions include two major parts: *civil rights and political rights* (CP), and *economic, social and cultural rights* (ESC). These two parts can be distinguished but not separated. These categories are thus to be understood as *"inseparable, interdependent, interrelated and equally important for the dignity of all human beings"* (see Chapter 3).[1]

The UDHR and other conventions/treaties which have been accepted, signed and ratified by the modern states and the international community successfully advance human rights as the normative standard of recognition, respect and protection of human beings. Ideally, when a country has ratified these international human rights instruments, these normative standards should be applied as instruments of protection at the domestic level. Nation states that are party to these instruments are obliged to incorporate human rights principles into their legal system and regulations. Nevertheless, as shown in Chapters 5 and 6, there are complex problems in the application of these normative principles at the domestic level, not just in Indonesia, but in many countries (cf. Kennedy, 2002). Therefore, a normative framework for human rights, on its own, is not sufficient to solve the many concrete problems involved in ensuring human rights are protected at national or sub-national levels.

Thus, even though the international human rights standards and the national normative framework for human rights claims to protect human beings, the practical aspects of human rights protection are crucial. The normative principles of human rights are just that, principles; they do not provide a complete operational framework for implementation, nor are they supposed to. In general, international human rights are associated with the main principles—such as social inclusion, religious freedom, and participation of minorities—but these need to be integrated into a domestic human rights framework in order to take positive, effective, and constructive effect (cf. Posner, 2014).

The integration of the normative principles of human rights through the national constitutional process also cannot totally guarantee protection of human rights on the ground. Constitutional guarantees must be detailed in national policies, laws and regulations. They must also be backed up by institutions and mechanisms for their implementation. And these public institutions and bodies for the implementation of human rights must be regulated by codes of conduct to ensure their ethical behavior in relation to the fulfilment of their duty to uphold human rights and deliver the services that they are mandated to deliver to those whom

they serve. At present, the constitutionally-guaranteed human rights in Indonesia still lack implementation through policies, laws and regulations and proper enforcement through institutions and mechanisms. These additional factors need to be in place to challenge the emerging trend towards discriminatory policies and regulations that we see in Indonesia, particular in the context of its decentralization (see Chapter 5).

This dissertation—by referring to the human rights violation of the Ahmadiyya—reminds us of the existing normative problem of human rights in Indonesia. This problem is primarily related to the legal conflict over the recognition and respect of religious minorities. On the one hand, the Indonesian constitution explicitly recognizes the fundamental rights of every citizen, regardless of religion, race, political affiliation, or ethnicity, while, on the other hand, some domestic laws either directly discriminate against the Ahmadiyya or provide legitimacy for other groups to discriminate against them. These normative standards are in conflict and this condition influences the ability of religious minorities in Indonesia to claim and enjoy their human rights in daily life.

7.3.2 The Political Challenge

The current situation of the Ahmadiyya is connected with the political will of the state (government) to guarantee their basic rights. It is also linked to the international human rights framework, which obliges nation states (governments) to provide a framework for the human rights protection of minority citizens. This can be seen as one of the important requirements for building an effective human rights foundation. The 1948 UDHR reminds us that the state should act as a political guarantor of human rights. This position should be established through a variety of political and legal processes (see Chapters 3 and 6).[2]

The state fulfils its responsibility to respect, promote and protect human rights through its institutions and actors, which have a direct relationship with society. However, an effective mechanism for human rights protection has not yet been established in Indonesia at the domestic level. As an example from this study, the concept of 'the responsibility to protect', in which the state is required to be the main protector of human rights (cf. Stahn, 2007) is not yet widely known in human rights discourse in Indonesia.

Furthermore, a political challenge is emerging at the domestic level in Indonesia. This challenge mainly relates to the status of the state during the democratic change that it has been undergoing since the end of the Suharto regime in 1998 and the beginning of democracy. As described in Chapter 3, even though Indonesia has achieved much progress in

political respects since the fall of Suharto, the violation of the rights of religious minorities is considered a setback to democracy. The government seems to be weak in establishing a protection framework for its citizens including religious minorities. It has been confirmed by scholars that Indonesian politics—nearly two decades after the reformation era—has moved into dangerous territory concerning the human rights of its religious minorities (Eldridge, 2013, pp. 1–9).

In fact, political darkness has fallen over a young democratic Indonesia. The state lacks sufficient political independence from strong interest groups to struggle for the protection of its citizens. The result of this situation is that radical groups in Indonesian society are have been able to launch violent attacks against religious minorities, with relative impunity. The state has clearly failed to meet its political obligation to protect its citizens. The post-authoritarian political phase has exposed religious minorities to a wide range of human rights violation.

This dissertation concludes that Indonesia's post-colonial and post-authoritarian state formation and nation building are crucial to multicultural Indonesia. However, nation-state formation has produced unending tension between the majority and minority groups (Zaidi, 2012). Unfortunately, decentralization has played into the hands of majority groups, resulting in the tyranny of the majority over the minority. The position of majority groups in the political arena threatens the existence of minority groups. Politically, the Indonesia's transitional period has provided limited space for religious minorities. Indonesia is facing ongoing political challenges and problems in constructively incorporating human rights principles by strengthening human rights culture in daily life.

7.3.3 The Sociological Challenge

This study informs us that, although the Ahmadiyya initially had a good relationship with other majority groups after its arrival in Indonesia (see Chapter 4), this relationship became one of tension and conflict and led to a series of violent acts against the Ahmadiyya (see Chapter 5). Many majority groups consistently discriminate against the Ahmadiyya (see Chapter 5). This phenomenon relates to the sociological dimension of the challenge of establishing a human rights culture.

The sociological dimension of this challenge refers to the discriminatory relationship between majority and minority groups, which has manifested in violent acts against certain religious minorities. A hateful narrative against the Ahmadiyya is being expressed in anti-

Ahmadiyya propaganda. This is the direct result of majority domination, which is becoming a serious threat to minorities in Indonesia at the social level—and to democracy itself (Feith, 2006).

In Indonesia—at social and political levels—the majority often dominates the legal and political processes that relate to the position and status of religious minorities (see Chapter 3). This dominating type of social relationship threatens the human rights of minorities. The presence of religious institutions, and the degree of influence they have over social and political processes, affects the enjoyment of human rights by minorities in their daily life. In Indonesia, religious institutions such as the MUI have forced the government into degrading the level of recognition and protection of religious minorities (e.g., through the 2005 Decree). The dominant power of the majority not only intersects with public opinion; it also connects to state policies. The position of institutions such as the MUI endangers the construction of human rights protections for religious minorities in Indonesia (Gillespie, 2007).

One important finding of this study relates to the sociological challenge, which is that the anti-minority movement closely describes a clash within the society. The movement has been used as a tool by mainstream and radical groups for accumulating power. These groups—through this mechanism—are controlling social and political processes. They use violent attacks to maintain their control, power and domination over religious minorities; furthermore, they do so with the intention to control the state as well. In Indonesia, this clash within Islam has a significant impact on the status of religious minorities, such as the Ahmadiyya. Hence, the development of a human rights culture and the implementation of human rights protections in practice in Indonesia faces serious challenges from within society itself.

7.4 Revitalizing Indonesia's Constitution

The fundamental principles of human rights need to be strengthened as a lived experience in daily life in Indonesia. Human rights cannot be considered only as an abstract concept; they should mainly be understood as a pragmatic framework for living with dignity. Hence, we need an effective practical approach to determining and applying human rights principles.

It is useful here to give attention to the fact that human rights have developed under the pressure of very diverse and different trends: power shifts, like after the fall of an authoritarian regime; increases in civil liberties, which can cause civil extremes in society; and the practice of an electoral democracy, in which the majority group can dictate the

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political processes that have implications for minorities. Given the multi-faceted social and political changes that have occurred in Indonesia in recent decades, it remains important to examine how the enforcement of its constitutionalized human rights can build a stronger human rights foundation at the domestic level.

In Chapter 3, we saw that the post-colonial period has been framed as the starting point for the development of a human rights foundation in Indonesia. As the post-colonial project is still ongoing in Indonesia, a strong human rights framework might be ensured through the revitalization of the human rights that are already enshrined in the country's constitution. This can also be considered a new starting point for the initiation of a human rights culture. Some main points need to be mentioned in this section.

First, a wide range of existing studies on human rights during times of political change give rise to different approaches. The revitalization of constitutionalized human rights can be a strategy for developing a human rights culture, particularly at the domestic level. In many domestic states, the fundamental value of constitutional human rights reflects a decisive concern with human dignity (cf. Keith, 2002). Constitutional human rights include basic rights relating to the primary duty of the state. These rights may be limited to *life, liberty and property*, or they may be extended to include such economic and social rights such as *employment, health care and education*.[3] Primary documents—such as the UDHR, international conventions and regional conventions—claim to guarantee these basic rights.

Second, from this case study, we can see that the Indonesian constitution recognizes freedom of religion and freedom of conscience and expression. These freedoms have value for the development of a human rights culture. Conceptually, in private and public spaces, constitutionalized human rights recognize and protect the integrity of private and social realms that are comprised of familial, personal, religious, and many other kinds of associations and activities. They promote distributive justice as their inherent intention. For example, these rights guarantee all citizens equality in the political process.

Accordingly, in relating to practical projections, Indonesia will face difficulties in achieving civilized social and political circumstances when the human rights violation of religious minorities is considered to be an expression of its social constellation. It can also be concluded that sources of human rights violation are not only based on religious sentiments, but are also linked to socio-political contexts. The changes that occur at social and political levels directly influence the intensity of the violation of human rights and the persecution of

religious minorities. Such political changes have been associated with exceptional impulses to attack certain minority groups.

Before moving to the limitations of constitutionalized human rights and how the issue might be handled, we should first deal with the fact that this serious problem is not only connected to the negative impact of the majority-minority relationship, but also linked to the political dynamic.[4] This situation relates to the level of political support that is offered by the government to fulfil the social and political rights of its minority citizens (for example religious minorities). The tendency of the government to allow the violation of the human rights of religious minorities typifies its lack of political empowerment. Ideally, the accumulation of injustice experienced by the members of the Ahmadiyya should inspire the state to provide a solution to the problem. The state must demonstrate its political commitment to implement its constitutional position of protecting the people belonging to minorities. Only in this way can Indonesia move from the current interfaith clash to inter-communal peace.

The post-colonial project is not only related to the conceptual and philosophical reformulation of human rights; it also deals with a productive reflection on the political mentality of the state and society that has caused the problem with the human rights culture in the first place. It is argued that the colonial mentality closely relates to the violent attitudes embedding within the culture of the state and society.

This colonial mentality can be a real challenge in constructing a strong human rights foundation. Currently, for example, the Indonesian public have very high expectations of the new political regime and its ability to provide a framework for the protection of human rights.[5] For example, there is a political expectation that the new Indonesian regime will take responsibility for the problems experienced by religious minorities. In detail, this idea should be included in the government's political policies. The absence of these cornerstones will create unjust situations for vulnerable minorities. It has been proven in the field that the state—without the political will to protect its minority citizens—simply makes way for radical groups to discriminate against minorities. To reduce violent trends in the social arena, political consistency is required as part of the state's commitment to its people, as well as social awareness as part of the majority attitude. The development of a human rights culture is influenced and determined by these two elements.

In sum, developing the human rights culture involves first revitalizing the constitutionalized human rights that already exist. These constitutionalized human rights provide the strongest starting point. But revitalizing the constitutional does not mean merely arranging new kinds of written documents, it also means building the government's commitment to defend and protect vulnerable minorities. The constitution has to make sure that minority citizens (including religious minorities) can freely enjoy their rights, and that the state will respond to various kinds of repression, discrimination, violence, exclusion and oppression against religious minorities (Crouch, 2012-b).

7.5 Co-Constructing an Inclusive Human rights Framework

The concept of a human rights culture, as explained in Chapter 2 and reflected on the other chapters of this dissertation, supports this study by providing a conceptual evaluation of the effectiveness of state policies, laws and regulation in protecting human rights. This closely relates to specific schemes and scenarios that can be initiated and supported by the Indonesian government and people.

As the violation of the human rights of religious minorities has occurred in Indonesia because of state restrictions and social hostility, both aspects must be addressed simultaneously. This study shows that human rights are more than just a single issue (or problem). Problems with the protection of human rights arise out of complex relationships between groups, institutions, and actors, all with different motives. This study intends to contribute to the development of concepts and approaches that are relevant to human rights discourse; at the same time, this study also seeks to contribute to the development of a strategy for *raising social awareness* about protecting the human rights of religious minorities.

The role of the state is an important issue in the discourse on the dynamics of the Indonesian quasi-secular state and its implications for the members of religious minorities. The state's role in supporting its minority citizens should be based on citizenship status. However, this is a serious problem for the Ahmadiyya, who are often unable to obtain a citizenship card. This raises questions about the seriousness of the state and government actors in taking political and legal steps to introduce inclusive policies to guarantee the ability of religious minorities to enjoy their basic rights. From this point of view, I propose that *an inclusive human rights framework* be developed—in other words, a human rights protection scheme that operates beyond sectarian interests in society.

An inclusive framework through state policy would make it possible for minorities to obtain justice, not just because it is written in the laws of the land, but because they intrinsically have the right to enjoy these rights as human being. The significance of the inclusive framework should be manifested in the willingness of the government to receive, place and prioritize minorities' rights in social, political, legal, economic and cultural situations. The inclusive character of the approach means the fair distribution of political benefits to those on the periphery (minorities). An inclusive framework also requires that minorities are not just passive spectators in political processes, particularly in the process of policy making. The scheme must provide the tools for these minorities to present their interests in the political process.

There are five aspects to an inclusive framework. First, the successful implementation of an inclusive framework should be measured by the degree to which religious (and other) minorities are recognized and protected. A dialogic and dialectical connection between rights and democracy, on the one hand, and rights and justice, on the other, accentuates the fact that minorities (religious minorities) are one of the key factors that determine the arrangement of the state policy. The state action must move beyond identity discourse, which is giving minorities a lower priority in policy recommendations. For example, the state must prioritize the needs of minority groups by taking affirmative action.

However, we must remember that an inclusive framework still requires the state to control social organizations at all levels. This does not need to turn into a new form of totalitarianism, but should rather be about maintaining the fair circulation and distribution of wealth and power among minority groups and the poor. The government must consider regulations to manage the tension between increasing liberties in society and the tendency of negative freedoms to threaten religious minorities. In the Indonesian case, the state must intervene when the members of religious minorities become the target of human rights violations.

For a long time, democratic changes have occurred based on the assumption that political changes push states to deliver justice to their religious minorities. Nation states can build a political infrastructure for human rights protection. However, a state must fulfil this position by proposing a clear human-centered approach—specifically, one that considers the presence of religious minorities—rather than by prioritizing the majority as its single source of power and legitimacy. When the state lacks the political will to break up this problem, then a fair distribution of democratic benefits and the emergence of disparities in political

contestation will affect people from religious minorities. In this situation, when the majority has a dominant place in the making of state policy, the members of religious minorities are basically left to suffer injustice.

Second, in the Indonesian case, the central government must look seriously at the pattern of discriminatory regulations at the local level. For this, an evaluation should be made of existing local regulations. Because those local regulations are contrary to the commitments made in the Indonesian constitution, the central government should take direct political (and legal) action to repeal such local regulations. This is an important part of a policy that is responsive to the problem of attacks against religious minorities. Then, the state has to seriously consider a minority rights-based framework for the process of public policy making.

Third, in many parts of this dissertation, it can be seen that the laws and rules made by the government (both central and local) discriminate against or erode the protection of religious minorities (see Chapters 3, 5 and 6). Moreover, it can be seen that many of these laws are opposed to the main spirit of the Indonesian constitution, which identifies minorities as a key concern. Thus, one of the most important steps that should be taken by the government is to withdraw all *anti-minority* laws and regulations, at central and local levels. In particular, the government should withdraw the 2008 Joint Decree, which has been considered by local governments as justification for making discriminatory policies and regulations against the Ahmadiyya. As long as the 2008 Joint Decree remains in place, the Ahmadiyya will continue to face difficulties. The unresolved confusion until now is that if the Indonesian government has the constitutional obligation to protect religious minorities, then they should challenge all discriminatory policies and regulations. The 2008 Joint Decree cannot be considered part of a productive foundation for solving the problems of the Ahmadiyya.

Fourth, the political leadership, in regard to the quality of government, can undoubtedly be measured by the effectiveness of the overall practice of human rights principles. The government's ability to protect human rights will affect the public's trust in the government's performance. Public distrust can pierce the heart of any power that ignores the safety of its smallest, weakest and most vulnerable citizens. In this case, inclusive policies will be merely worthless documents without their decisive implementation by government actors. What is needed to execute an inclusive policy for the protection of minority rights in Indonesia is quality political leadership by state actors. From Indonesia's experience over the last ten

years, it is clear that political leadership is one of the crucial problems in raising human rights awareness. On a practical level, the state should recruit public officials who meet the criteria for an inclusive political leadership.

The fifth and final point is connected to the position and the role of social elements. Civil society—including NGOs, human rights defenders, activists, academics, and educational institutions— must constructively support an inclusive framework for human rights protection. They must collaborate in driving the transformation of laws and rules that can ensure the protection of religious minorities. Civil society must formulate significant action that goes beyond advocacy for victims of violence. Social synergy must also involve all stakeholders in the field of human rights, at international, national and local levels.

In the context of Indonesia, it is very important to keep in mind the existence of major moderate Islamic organizations, such as the Nahdlatul Ulama and Muhammadiyah. As already described in previous chapters (Chapter 6), these two organizations are more inclined to give priority to non-violent ways of solving the problems of the Ahmadiyya than institution and organizations like MUI and the FPI. Therefore, moderate Islamic organizations like these should be more active in educating people on the spirit of inclusive brotherhood. Consequently, the human rights movement, in general, and the protection of religious minorities, in particular, may also involve moderate Islam.

7.6 Future Research: Strengthening Human Rights Through a Domestic Adjustment

A human rights culture—as argued by Rorty (1993; see Chapter 2)— requires what is called a *transcultural* process in developing a human rights foundation. This means that nation states need to significantly adjust international human rights standards into their national human rights foundation based on the cultural context and their values. Based on this specific context, every nation state must effectively incorporate human rights principles into their domestic legal system and other related policies and regulations. However, this process, as Rorty states (Ibid., p. 127), needs to challenge *a primitive parochialism* that justifies many crimes against humanity.

Further research is needed to examine the validity of the findings offered in this dissertation. A comparative study of other minorities and their specific contexts (other places/countries) should be considered in future research to identify the scientific gaps in this dissertation. Based on the single case of the Ahmadiyya, many issues discussed in this study have been used to analyze the main assumption concerning the problem of human rights

protection. However, this dissertation is not intended as a single source of scientific evidence for this assumption. In addition, this study has limitations inherent to the particular context of the case. Crucial problems with human rights can only be understood by analyzing a particular case in a specific context, but each context differs so findings may not be transferrable to other cases.

This study also reminds us of the importance of a domestic strategy as the main focal point for strengthening human rights. As explained in Chapter 2, a domestic adjustment can be seen and understood as a spontaneous movement from the inside (domestic), such as the effort of the state to include cultural values and social circumstance in strengthening adherence to human rights principles. This is of more value than coercive and persuasive steps by the international community through national states (cf. Goodman & Jinks, 2004). A domestic adjustment to translate human rights principles into the national setting could be a useful academic and political project in Indonesia. The country needs to comprehend the need to strengthen compliance with human rights principles, not only for vulnerable minorities, but also for the rest of the society.

A human rights protection scheme must be initiated, as the increasing violence against religious minorities has exposed serious flaws in Indonesia's fledgling democracy. Socio-politico protection for religious minorities is an important way to implement human rights principles. It also could be a promising mechanism for supporting religious minorities who face severe restrictions imposed by other groups during the democratic transition. The adjustment process also needs to measure and consider the internal modality of the nation state and society. Besides exerting serious concern for international human rights (pressure from above), Indonesia has to elaborate domestic prospects and challenges (pressure from below) in strengthening its human rights foundation.

In the Indonesian context, it is hoped that this dissertation will promote the importance of a domestic adjustment and human rights for prospective future study based on the consideration of the position of Indonesian Islam in the human rights discourse. In light of this process, moderate Muslims—as mentioned in previous chapters—must represent its position as a significant social and political resource for constructing a strong protection framework for minority groups. This is the prophetic calling of moderate Muslims in contemporary Indonesia.[6] From an Islamic perspective, political thought is the highest kind of thinking and teaching. Political thought is associated with setting up and maintaining community affairs. Islamic political thought is also an ideology and a system in which the

state should be managed. For some Muslims, this creed is the single solution to all kinds of social problems and social policy (cf. Hertog, 2013).

In the context of Muslim society, all affairs of life are run according to Islamic law, under the purview of the Islamiyah Caliphate (cf. Willis, 2013). Islamic faith requires that Muslims in various political parties, groups and organizations continue to convey the message of Islam to solve the problems of society. The internal politics of an Islamic state relies on the implementation of Islamic laws. Throughout Islamic states, the laws and rules of Islam are imposed on all regions. Islamic states impose rules concerning relationships between people, criminal justice, and the implementation of worship; they regulate all the affairs of the people in accordance with Islamic law. Furthermore, Islam explains how to apply Islamic law to anyone who is in power, whether Muslim or non-Muslim. Islamic countries impose Islamic laws in accordance with this procedure because they are required to implement *sharia* law as a solution to all the problems of man and society (Hefner, 2012).

Islam finds many government institutions to be physical barriers to its mission, so it is necessary to get rid of symbols of propaganda to reach people and to invite them to Islam (Esposito & Shahin, 2013). In some cases, this process becomes a violent movement. In Indonesia, radical groups successfully take violent action within the society. These tendencies challenge the position of moderate Islam. However, Islam as the dominant ideology in Indonesia, must promote peaceful politics. This is a crucial pathway that should be taken by moderate Indonesian Islam.

In closing, as the tension within Indonesian Islam also has ramifications for the problem of human rights protection (of the Ahmadiyya and other religious minorities), we can now state that Islam can or should make a significant contribution to supporting the culture of human rights protection. In taking the human rights culture as the basis of the domestic adjustment process, Indonesian Islam can take an actively role in supporting a 'movement from below' in strengthening compliance with human rights principles in a pragmatic and practical way, so that human rights can be enjoyed by all in daily life.

7.7 Conclusion

In conclusion, and in answer to the research question, the following can be said. Indonesian society is a mix of many cultures and peoples; however, the dominant ideology and religion is Islam. Unfortunately, the Ahmadiyya, although they identify themselves as followers of Islam, have been labeled a deviant sect by mainstream Islamic groups (e.g., the MUI) as well as the government, mainly responding to pressure from such groups. Although moderate Muslim (and other) voices within Indonesian civil society have called for tolerance, there is no overall human rights culture in Indonesia to support such a pluralistic approach. Discrimination against the Ahmadiyya, including in the form of local government regulations (based on the Joint Decree of 2005, which imposes restrictions on the Ahmadiyya practicing their faith) have encouraged violent attacks on the Ahmadiyya. It seems that the values and ideologies within society supporting this discrimination and violence against the Ahmadiyya are more prevalent than the more tolerant attitudes and ideologies on which a human rights culture could be built. It is argued in this thesis that this lack of a human rights culture in Indonesia explains the proliferation of human rights violations against the Ahmadiyya.

This lack of a human rights culture pervades every level and arm of society, including government bodies, as evidenced in the Cikeusik tragedy, in which the police failed to protect the human rights of the Ahmadiyya and the courts failed to adequately punish the perpetrators of the violence against this religious minority. Gandhi said that *'a countries greatness is measured by how well it treats its weakest members'* (As cited by Warren, 2007). If this is the yardstick, Indonesia is failing to measure up. It is failing to deliver on its constitutional guarantee of human rights and it is failing to meet its international obligations to protect human rights. What started out as a promising new democracy post-Suharto (in 1998), soon turned into a tyranny of the majority over the minority. Whatever framework Indonesia had put in place for human rights protection, including in its 1945 Constitution (as amended), has been eroded by decentralization, which has shifted the power to the local level, where local governments have made discriminatory local laws against the Ahmadiyya. Indonesia is facing a turning point—away from the principals of liberal pluralistic democracy and towards religious politics in which not everyone is equal. This is a dangerous development that must be resisted actively, by all moderates, be they Muslim, Christian, Hindu or any other religion. For this, Indonesia needs a strong human rights culture, nurtured both from the very top by a national government with the political will to withstand pressure and uphold human rights, and from the grassroots by communities who know that it is in their best interests to live in

peace; by external forces championing the cause of the weak and internal leaders who believe in a pluralistic society based on the idea of inherent human rights for everyone. These are the elements of a human rights culture. Let us pray together for a brighter future in which we can all live with the dignity envisioned by the drafters of the UDHR and the founding fathers of Indonesia who chose the Pancasila over Islam as the national ideology and representative of all Indonesians.

Endnotes

[1] United Nation Human Rights-Office of the High Commission of Human Rights (OHCHR), What is Human Rights, Retrieved September 7, 2015 from http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx.

[2] See United Nations - General Assembly Human Rights Council Twenty-second Session, Agenda Item 3, the Promotion and Protection of all human rights, civil, political, economic, social and cultural rights, including the right to development, Written statement submitted by the Asian Legal Resource Centre, a non-governmental organisation in general consultative status, June 4 and 11, 2012. Retrieved March 16, 2013 from www.ohchr.org/

[3] Charles N. Quigley (n.d.). *Constitutional Democracy. Preliminary Draft for Review and Comment.* Calabasa, Ca, USA: Center for Civic Education. Retrieved February 09, 2017, from http://www.civiced.org/resources/publications/resource-materials/390-constitutional-democracy

[4] This issue also has been published in Max Regus. (2015-a). Minority and Politics in Indonesia: Towards Inclusive Justice (chapter 5) in Marie Paxton, Ekaterina Kolpinskaya & Jana Jonasova (Eds.). *Politics in Crisis?* London: Cambridge Scholar Publishing, 91-100

[5] The expectation also comes from the global community. Source: Link. Yenni Kwok (2015). *Four Priorities for Indonesian President Joko Widodo as He Arrives in Washington. Time,* October, 25. Retrieved November 25, 2015 from Link. http://time.com/4086496/four-priorities-indonesia-president-joko-widodo-obama/

[6] This part and the following final paragraphs can be seen in Max Regus (2015-b). Reimagining the Smiling Islam in Contemporary Indonesia: Some Reflection from Outsider. Social Science Research Network (SSRN), February, 21. Retrieved November 21, 2015 from http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2568082/

References

Abel, D. (2013). The Position of Religious Minorities in a Diverse Archipelago: The Indonesian Government's Framing of the Ahmadiyya Minority and Its Effects. *MA Thesis.* Utrecht, Netherlands: The Faculty of Humanities, Utrecht University. Retrieved from http://dspace.library.uu.nl/handle/1874/279492/

Abshar-Abdalla, U. (2011). Tahun Intoleransi dan Lilin yang Tetap Menyala. *Refleksi Akhir Tahun, Jaringan Islam Liberal* (Liberal Islamic Network), December 26. Retrieved March, 26 from, https://lautanopini.wordpress.com/2011/12/27/tahun-intoleransi-dan-lilin-yang-tetap-menyala

Abouharb, M. R., & Cingranelli, D. (2007). *Human rights and structural adjustment.* Cambridge, UK: Cambridge University Press.Ackerman, J. M. (2005). Human rights and social accountability. Social Development Paper, No. 86/May. Washington, USA: The World Bank. Link. http://portals.wi.wur.nl/files/docs/gouvernance/HumanRightsandSocial0AccountabilityFINAL.pdf

Adam, A. W. (2008). Belajar dari Sejarah Ahmadiyya Learning from the history of the Ahmadiyya. *Indopos,* April 24. Retrieved, April 08, 2016, from https://ahmadiyahlahore.wordpress.com/2008/05/19/sejarah-gerakan-ahmadiyah-di-indonesia/

Adamson, I. (1989). *Mirza Ghulam Ahmad of Qadian.* London, UK: Elite International Publications Limited.

Adian, D. G. (2011). Multicultural Politics in Indonesia: Dialogue and Gotong Royong. *Dialogue and Universalism, 2* (2), 2011. Retrieved May 17, 2015, from http://www.emporia.edu/~cbrown/dnue/archive/documents/Vol02.no02.Adian.pdf/

Aglionby, J. (2005). Fatwa Freud. *The Guardian,* August 02, Retrieved May 19, 2015, from http://www.theguardian.com/world/2005/aug/02/worlddispatch.indonesia/

Ahdar, R, & Leigh, I. (2013). *Religious Freedom in the Liberal State* (Second Edition). Oxford, UK: Oxford University Press.

Aḥmad, B. (1994). *The Ahmadiyya Movement: British-Jewish Connections.* Rawalpindi, Islamabad, Pakistan: Islamic Study Forum. Retrieved March, 20, 2015, from http://alhafeez.org/rashid/bjc.pdf.

Ahmad, S (n.d.). The True Spirit of Jihad. *The Lahore Ahmadiyya Movement Publication.* Retrieved May 4, 2017 from http://www.muslim.org/islam/jihad.htm/

Ahmad, H. M. G. (1996). *The Philosophy of the Teachings of Islam.* Surrey, UK: Islam International Publication Ltd. Raqem Press.

Ahmad, H.M.G. (n.d.). *Al-Wasiyyat.* (Ahmadiyya Anjuman Isha'at-e-Islam Lahore). Retrieved from http://aaiil.org/urdu/books/mirzaghulamahmad/alwasiyyat/alwasiyyat.shtml/

Ahmad, H. M. G. (2008). *Lecture Lahore: Islam in Comparison with other Religions in India (new translation).* Surrey, UK: Islam International Publication, Ltd. Raqem Press.

Ahmad, H. M. G. (2010). *The Truth Revealed.* Surrey, UK: Islam International Publication, Ltd. Raqem Press.

Ahmad, H. M. B. U. M. (1940). Why I beieve in Islam. *The Review of Religions*, June, 2011. Retrieved from http://www.reviewofreligions.org/4023/from-the-archives-why-i-believe-in-islam/

Ahmad, H. M. M. (2010). True Concept of Islamic Jihad. *The Review of Religions,* October, 10. Retrieved from http://www.reviewofreligions.org/2671/true-concept-of-islamic-jihad/

Ahmad, M. (2007). Faith and Violence. *INSIDE Indonesia,* 89: Jan-Mar. Retrieved March 19, 2015, from http://www.insideindonesia.org/faith-and-violence/

Ahmad, S. K. (n.d.). *A Brief History of Ahmadiyya Muslim Community*. Retrieved from https://www.alislam.org/library/history/ahmadiyya/

Ahmad, W. (Ed). (1988, 1995). *A Book of Religious Knowledge: for Ahmadi Muslims.* Athen-Ohio, USA: Fazl-i-Umir Press.

Ahmadiyya Muslim Community, Ahmadiyya Muslim Mission, & Ghana. National Convention. (2000). National intergrity [i.e. integrity]: a key component in moving Ghana forward: a collection of speeches delivered at the 70th Annual National Convention of the Ahmadiyya Muslim Mission, Ghana, 17th–19th December, 1999, at Bustan-e-Ahmad, Accra. Ahmadiyya Muslim Mission.

Ahmed, I. (2011). Religious Nationalism and Minorities in Pakistan. In Ahmed, I (Ed.) *The Politics of Religion in South and Southeast Asia*, (pp. 81–101). London, UK: Routledge.

Al'Afghani, M. M. (2010). Religious Freedom in Indonesia Before and after Constitutional Amendments (April 10). *Critical Thinkers for Islamic Reform*, Midland, USA: Brainbow Press. Retrieved May 22, 2015, from https://ssrn.com/abstract=1587256/

Alatas, S. F. (2013). Is Religious Intolerance Going Mainstream in Indonesia. *Global Asia, 8*(4), 40–43.

Ali-Fauzi, I., & Hillman, B. (2015). New Hope for Indonesia's Ethnic Minorities. *East Asia Forum, May, 28,* 1–3. Retrieved May 30, 2015, from http://www.eastasiaforum.org/2015/05/28/new-hope-for-indonesias-ethnic-minorities/

Ali, M. (2005). The impact of MUI fatwas on freedom of religionin Indonesia. *The Jakarta Post,* August 08. Retrieved May 19, 2015, from https://www.persecutionofahmadis.org/the-impact-of-mui-fatwas-on-freedom-of-religion-in-indonesia/

Ali, M. M. (2008). *The Founder of the Ahmadiyya Movement*. London, UK: Ahmadiyya Anjuman Lahore Publications. Ali, M.M. (1918). The Ahmadiyya Movement – IV: The Split. http://www.ahmadiyya.org/bookspdf/split/conts.htm/

Ali, M. M. (2011). *The Early Caliphate*. Dublin, Ohio, USA: eBookIt. com.

Al-Islam (The Official Website of Ahmadiyya Islam Community). *Jesus, A Humble Prophet of God in Al Islam*. Retrieved from http://www.alislam.org/topics/jesus/index.php/

Al-Islam (The Official Website of the Ahmadiyya Muslim Community). *Hazrat Hafiz Mirza Nasir Ahmad: Khalifatul Masih III*. Retrieved from https://www.alislam.org/library/nasir1.html/

Al-Islam (The Official Website of the Ahmadiyya Muslim Community) (n.d.). *Hazrat Mirza Bashiruddin Mahmud Ahmad*. Retrieved from https://www.alislam.org/library/articles/hazrat-mirza-bashiruddin-mahmud-ahmad/

Ali, S. R. (2010). Post Anti Qadiani Ordinance of 1984 (From Ahmadiyya Movement – British Jewish Connection by Bashir Ahmad). *Anti Ahmadiyya Movement in Islam.* January, 31. Retrieved January 07, 2017, From, http://alhafeez.org/rashid/constipak2.html

Almarkaz, S. (2011). *Apel Siaga Umat Islam 1 Maret 2011 Bubarkan Ahmadiyah (The Ceremony of Muslim People on March 01 2011 to Disband the Ahmadiyy).* Retrieved April 17, 2017, from https://www.youtube.com/watch?v=c-FVSxJhn1M/

Amenta, E. (2005). State-centered and political institutional theory: Retrospect and prospect. *Handbook of Political Sociology*, 96-114.

Amnesty International. (2004). *Bangladesh The Ahmadiyya Community – their rights must be protected*, *April.* Retrieved June 06, 2016, from https://www.amnesty.org/download/Documents/92000/asa130052004en.pdf/

Amnesty International. (2010). *Displaced and Forgotten: Ahmadiyya in Indonesia*. 8 July, Index number: ASA 21/006/2010. Retrieved August 23, 2016, from https://www.amnesty.org/en/documents/asa21/006/2010/en/

Amnesty International. (2011). *Open Letter on Human Rights Violations against The Ahmadiyya in West Java, addressed to Gamawan Fauzi, The Indonesian Minister of Home Affairs*, October, 14. Retrieved March 21, 2015, from https://www.amnesty.org/.../asa210322011en.pdf/

Amnesty International (2012). *The State of the World's Human Rights: Amnesty International Report 2012*. London, UK. http://files.amnesty.org/air12/air_2012_full_en.pdf/

Amnesty International. (2014-a), *'Indonesia: Arbitrary closure of Ahmadiyya place of worship highlights religious repression',* June 27, London: Retrieved May 30, 2015, from http://www.amnesty.org.au/news/comments/34932/

Amnesty International. (2014-b). Prosecuting Beliefs Indonesia's Blasphemy Laws. November. Index: ASA 21/018/2014. Retrieved August 30, 2016, from https://www.amnesty.nl/sites/default/files/public/blasphemy_report_indonesia_web.pdf/

Amnesty International. (2015-a). *Indonesia in Amnesty International Report 2014–2015.* London: Retrieved June 25, 2015 from https://www.amnesty.org/en/countries/asia-and-the-pacific/indonesia/

Amnesty International (2015-b). *The State of the World's Human Rights: Amnesty International Report 2014/2015*. London, UK. Retrieved March 10, 2017, from https://www.amnestyusa.org/pdfs/AIR15_English.PDF.

Andreopoulos, G. J., & Claude, R. P. (Eds.). (1997). *Human rights education for the twenty-first century*. University of Pennsylvania Press.

Andriyanto, H & Haryanto, U. (2011). Cikeusik Verdicts Met with Disbelief. Jakarta Globe, July 29. *Republished by thepersecution.org*. Retrieved from http://thepersecution-org.blogspot.nl/2011/07/cikeusik-verdicts-met-with-disbelief.html?m=0/

Answeringmusli.com (2011). Indonesian Muslim Mob Beats Three Ahmadis to Death in Order to Stop Ahmadiyya Worship, February 09. Retrieved from http://www.answeringmuslims.com/2011/02/indonesian-muslim-mob-beats-three.html

Antonovics, K. L., & Sander, R. H. (2013). Affirmative Action Bans and the "Chilling Effect". *American law and economics review*, *15* (1): 252–299.

Anwar, S. (2005). Fatwā, Purification and Dynamization: A Study of Tarjīh in Muhammadiyah. *Islamic Law and Society*, *12*(1), 27-44.

Anwar, M. S. (2012-a). Conservatism and the policy of building religious harmony. *The Jakarta Post,* May 04. Retrieved May, 30, 2015, from http://www.thejakartapost.com/news/2012/05/04/conservatism-and-policy-building-religious-harmony.html/

Anwar, M. S. (2012-b). The Paradox of Indonesia's Democracy and Religious Minorities. *Freedom House,* June, 12. Retrieved May, 19, 2015, from https://freedomhouse.org/blog/paradox-indonesia%E2%80%99s-democracy-and-religious-freedom#.VVsRZ_lViko/

Arakaki, R. K. (2011). Indonesia: Religious Violence and the Politics of Religious Pluralism. *Asian Politics & Policy*, *3*(3), 490–494.

Arendt, H. (1958, 1998). *The Human Condition.* Chicago, USA & London, UK: The University of Chicago Press.

Arendt, H. (1973). *The Origin of Totalitarianism.* San Diego, USA & London, UK: A Harvest Book & Harcourt Inc.

Arifin, S. (2010). *Attitude to Human Rights and Freedom of Religion or Belief in Indonesia: Voices of Islamic Religious Leaders in East Java*. Jogyakarta, Indonesia: Kanisius.

Arrahmah.com. (2010). *Warga Ahmadiya tuntut pelaku perusakan rumah diproses hukum* (The Ahmadis demands the perpetrators to be prosecuted), December, 02. Retrieved March 24, 2015 from http://www.arrahmah.com/read/2010/12/02/10126-warga-ahmadiyah-tuntut-pelaku-perusakan-rumah-diproses-hukum.html/

Arrahmah.com. (2011), *Kasus Ahmadiyah lebih "seksi" dari Lia Eden* (Ahmadiyah case more "sexy" than Lia Eden) March, 15. Retrieved June 01, 2015, from http://www.arrahmah.com/read/2011/03/15/11356-kasus-ahmadiyah-lebih-seksi-dari-lia-eden.html/

Ar-Risalah Institute (2012). *Perkembangan Ahmadiyah di Indonesia (1925–2011) (The Development of Ahmadiyya in Indonesia, 1925–211),* March, 28, Retrieved May 3, 2017 from http://arrisalah-institute.blogspot.nl/2012/03/perkembangan-ahmadiyah-di-indonesia.html/

Arthur, P. (2009). How "Transitions" Reshaped Human Rights: A Conceptual History of Transitional Justice. *Human Rights Quarterly*, *31*(2), 321–367.

Article-19 (XIX)-Global Campaign for Free Expression. (2007). Memorandum on the Preliminary Draft Inter-American Convention Against Racism and all Forms of Discrimination and Intolerance. London, UK. Retrieved from https://www.article19.org/data/files/pdfs/analysis/oas-anti-racism-convention-07.pdf

Article 19-Global Campaign for Free Expression, Amnesty International, Cairo Institute for Human Rights Studies, and Egyptian Initiative for Personal Rights. (2011). Public Amicus Brief on Judicial Review of Law Number 1/PNPS/1965 Concerning the Prevention of Religious Abuse and/or Defamation; Case Number 140/PUU-VII/2009. Retrieved November 20, 2016, from https://www.article19.org/data/files/pdfs/analysis/judicial-review-of-law-number-1-pnps-1965-concerning-the-prevention-of-relig.pdf

As'ad, M. (2013). Ahmadiyah and the freedom of religion in Indonesia. *Journal of Indonesian Islam*, *3* (2), 390–413.

Asianews.it. (2011). *Moderate Muslim and Human Rights Activist Defend Ahmadiyya*, May, 03, Retrieved from http://www.asianews.it/news-en/Moderate-Muslims-and-human rights-activists-defend-Ahmadis-20953.html/

Aspinall, E. (2010). The irony of success. *Journal of Democracy*, *21*(2), 20–34.

Aspinall, E. (2013). Popular Agency and Interests in Indonesia's Democratic Transition and Consolidation. *Indonesia*, *96*(1), 101–121.

Aspinall, E., & Fealy, G. (Eds.) (2005). *Local Power and Politics in Indonesia: Decentralization and Democratization.* Singapore, Singapore: Institute of Southeast Asia Studies.

Asrianto, B. (2010). Peraturan Bersama Menteri Agama dan Menteri Dalam Negeri Nomor 08 dan 09 Tahun 2006 Tentang Pendirian Rumah Ibadat: Kajian Dalam Perspektif Hak Asasi Manusia (Translation: A Joint Regulation of the Minister of Religion and the Minister of Home Affairs No. 08 and 09, 2006 on the Construction of Houses of Worship; A Study on Human Rights Perspective). *Toleransi, 2(1),* 1–12.

Atqa, M. (2010). Religious Expression in Indonesia – A Sociological Study of Ahmadiyya Movement. *International Journal of Sustainable Development*, *1*(6). Ottawa-Ontario, Canada: Ontario International Development Agency, 19–31.

Audi, T. (2013). Clamoring for the Khalifa: Thousands Gather East of Los Angeles to See the 'Muslim Pope' of Small Sect That Promotes Peace (Politics and Policy). *The Wall Street Journal*, May 12, Retrieved from http://online.wsj.com/news/articles/SB10001424127887324059704578474981045877660/

Avonius, L. (2008). The Ahmadiyya and Freedom of Religion in Indonesia, Society and State. *ISIM Review*, Autumn, 48–49.

Azhar, H. (2014) The Human Rights Struggle in Indonesia: International Advances, Domestic Deadlocks (January 20, 2015). *SUR – International Journal on Human Rights, v. 11, n. 20, Jun./Dec*. Available at SSRN: https://ssrn.com/abstract=2552860/

Aziz, Z. (2008). A Survey of the Lahore Ahmadiyya Movement: History, Beliefs, Aims and Work. Wembley, UK: Ahmadiyya Anjunman Lahore Publications.

Aziz, Z. (2014). *The True Succession: Founding of the Lahore Ahmadiyya Movement*. London, UK: Ahmadiyya Anjuman Lahore Publications. Retrieved June 06, 2016, from http://ahmadiyya.org/bookspdf/true-succession.pdf/

Azra, A. (2010). Cultural Pluralism in Indonesia: Continuous Reinventing of Indonesian Islam in Local, National and Global Contexts. *Paper Presented at the 10th Annual Conference of Islamic Studies (ACIS)*, Banjarmasin, Indonesia, 1 – 4, November, 2010. Cited in Conference Paper Abstract by Safei, A.A. (2012) "Dynamics of Religious Tolerance in Indonesia" Athens: ATINER'S Conference Paper Series, No: SOC2012–0082. Retrieved from https://www.atiner.gr/papers/SOC2012-0082.pdf

Badan Penelitian dan Pengembangan Kementerian Dalam Negeri (Balitbang Kemendagri, Department of Research and Development, the Indonesian Home Ministry). *Sejarah Kemendagri (The History of the Indonesian Home Ministry).* Retrieved April 18, 2017 from http://litbang.kemendagri.go.id/sejarah-kemendagri/

Badan Pusat Statistik. (n.d.). Population by Region and Religion. Retrieved May 17, 2015, from http://sp2010.bps.go.id/index.php/site/tabel?tid=321&wid=0/

Bader, V. (2003). Religious diversity and democratic institutional pluralism. *Political theory, 31(2)*, 265–294.

Bader, V. (2007). *Secularism or democracy? Associational governance of religious diversity*. Amsterdam, Netherlands: Amsterdam University Press, 93–122.

Bader, V. (2011). Religions and liberal democracy: reflections on doctrinal, institutional and attitudinal learning. In Mookherjee, M. (Ed). *Democracy, religious pluralism and the liberal dilemma of accommodation,* (pp. 17–45). Haarlem, Netherlands: Springer.

Bagir, Z. A. (2013). Defamation of Religion Law in Post-Reformasi Indonesia: Is Revision Possible? *Australian Journal of Asian Law*, *13* (2), 1–16.

Bagir, Z. A. (2014). Advocacy for Religious Freedom in Democratizing Indonesia. *The Review of Faith & International Affairs*, *12*(4), 27–39.

Baker, B. (2015). Policing at the local level. In Jackson, P. (Ed). *Handbook of International Security and Development*, (pp. 294–310). Cheltenman, UK & Massachussets, USA: Edward Elgar Publishing.

Ball, B., & Gready, P. (2009). *The No-Nonsense Guide to Human Rights*. Oxford, UK: New Internationalist.co, 107–120.

Banchoff, T. (Ed.). (2007). *Democracy and the new religious pluralism*. Oxford, UK: Oxford University Press, 3–14.

Barton, G. (2010). Indonesia: Legitimacy, secular democracy, and Islam. *Politics & Policy, 38*(3), 471–496.

Bassiouni, M. C. (2011). *Crime Against Humanity: Historical Evolution and Contemporary Application*. New York, USA: Cambridge University Press.

Bauer, J. R., & Bell, D. A. (1999). *The East Asian challenge for human rights*. Cambridge, UK: University Press.

Bayuni, E. (2011). Bloody Blasphemy: Antagonizing Religious Minorities in Indonesia and Pakistan. *Asia Pacific Bulletin,* Number 92, March 2*,* Hawai'i: East West Center, Manoa, 1–2. Retrieved March 19, 2015, from http://scholarspace.manoa.hawaii.edu/bitstream/handle/10125/19843/apb097_5.pdf?sequence=1/

Baxi, U. (2007). *Human Rights in a Post Human World: Critical Essays*. Oxford, UK: Oxford University Press.

BBC.co.uk/Indonesia. (2008). FPI Serang Aliansi Kebangsaan (FPI Attacks the National Allaiance), *June 01*. Retrieved May 8, 2017, from http://www.bbc.co.uk/indonesian/news/story/2008/06/080601_jakartaclash.shtml

Beck, H. L. (2002). A Pillar of Social Harmony: The Study of Comparative Religion in Contemporary Indonesia. In Wiegers, G.A., & Platvoet, J.G., (Eds.). *Modern Societies and the Science of Religions: Studies in Honour of Lammert Leertouwer*, (pp. 331–349). Leiden, Netherlands, Boston, USA, Köln, Germany: Brill.

Beck, H. L. (2005). The Rupture Between the Muhammadiyah and the Ahmadiyya. *Journal of the Humanities and Social Sciences of Southeast Asia (BKI) 161*–2/3, 210–246.

Beck, H. L. (2013). Beyond Living Together in Fragments: Muslims, Religious Diversity and Religious Identity in the Netherlands. *Journal of Muslim Minority Affairs*, *33*(1), 111–127.

Beck, M.C. (2013). Contemporary Systems Sciences, Implications for the Nature and Value of Religion, the Five Principles of Pancasila, and the Five Pillars of Islam. *Dialogue and Universalism-E Volume 4,* Number 1, 1-41. Retrieved September 03, 2016, from http://www.emporia.edu/~cbrown/dnue/documents/vol04.no01.2013/Vol04.01.Beck.pdf/

Becket Fund for Religious Liberty (2009). CASE NO. 140/PUU-VII/2009 RE: Request for Judicial Review of Act No. 1/PNPS/1965 on the Prevention of Mistreatment of Religion and/or Blasphemy under the 1945 Constitution of the Republic of Indonesia. Washington, USA. Retrieved from http://s3.amazonaws.com/becketpdf/Amicus-brief-to-the-Constitutional-Court-of-Indonesia-filed1.pdf/

Beetham, D. (1999). *Democracy and Human Rights*. Cambridge, UK: Polity Press.

Belford, A (2011). Rights Advocates Criticize Light Sentences in Sectarian Killing in Indonesia. *New York Times, July 28.* Retrieved May 16, 2017, from http://www.nytimes.com/2011/07/29/world/asia/29indonesia.html

Bell, D. (1993). *Communitarianism and its Critics*. Oxford, UK: Oxford University Press.

Bellamy, A. J., & Reike, R. (2010). The responsibility to protect and international law. *Global Responsibility to Protect*, *2*(3), 267-286.

Benhabib, S., Hellmann, G., Cameron, D., Halmai, G., Ypuns, R., Dolidze, A., & Pishchikova, K. (2013). *The Democratic Disconnect: Western Democracy in Crisis at Home, Implication Abroad*. Trans-Atlantic Academy. Retrieved May 10, 2015, from http://www.transatlanticacademy.or/publication/us-european-countries-taken-task-democratic-polarization-backsliding/

Bennington, L., & Habir, A. D. (2003). Human resource management in Indonesia. *Human Resource Management Review*, *13* (3), 373–392.

Berger, D. (2015). Human rights and Yudhoyono's test of history. In Aspinall, E., Mietzner, M., Tomsa, D. (Eds.). *The Yudhoyono Presidency: Indonesia's Decade of Stability and Stagnation; Indonesian Update-Australian National University: Indonesian Update*, (pp. 217–235). Singapore, Singapore: Institute of Southesast Asian Studies (ISEAS).

BeritaSatu.com. (2011). *Menteri Agama: Perda pelarangan Ahmadiyah sesuai aturan* (Ministers of Religion: Prohibition Regulation on the Ahmadiyya is in accordance with the rules), March, 14. Retrieved March 19, 2015, from http://www.beritasatu.com/nasional/9160-menteri-agama-perda-pelarangan-ahmadiyah-sesuai-aturan.html/

Bertrand, J. (2004). Democratization and Religious and Nationalist Conflict in Post-Suharto Indonesia. *Democratization and Identity: Regime and Ethnicity in East and Southeast Asia*, 177–200.

Beyeler, S. (2012). Islam Provides for Women a Dignified and Honourable Position: Strategies of Ahmadi Muslims in Differentiating Processes in Switzerland. *Women's Studies*, *41*(6), 660–681.

Bhakti, I. N. (2004). The transition to democracy in Indonesia: some outstanding problems. *J. Rolfs, The Asia-Pacific: A Region in Transition*, 195–206. Retrieved May 4, 2017, from http://apcss.org/Publications/Edited%20Volumes/RegionalFinal%20chapters/Chapter 12Bhakti.pdf/

Bhambra, K. G., & Shilliam, R. (2009). *Silencing Human Right: Critical Engagements with a Contested Project*. London, UK & New York, USA: Palgrave Macmillan.

Bielefeldt, H. (2013). Misperceptions of Freedom of Religion or Belief. *Human Rights Quarterly*, 35 (1), 33–68.

Birmingham, P. (2006). *Hannah Arendt and Human Rights: The Predicament of Common Responsibility*. Bloomington-Indiana, USA: Indiana University Press.

Birnir, J. K., & Satana, N. S. (2013). Religion and Coalition Politics. *Comparative Political Studies*, *46* (1), 3–30.

Blair, T. (2012). Protecting Religious Freedom Should be a Priority for All Democracies. *The Review of Faith & International Affairs,* 10:3, 5–9.

Block, W. E. (2015). Natural Rights, Human Rights, and Libertarianism. *American Journal of Economics and Sociology*, *74*(1), 29–62.

Bohlander, M. (2012). "There is no compulsion in religion": freedom of religion, R2P and crimes against humanity at the example of the Islamic blasphemy laws of Pakistan. *Journal of Islamic state practices in international law*, *8*(1), 36–66.

Börzel, T. A., & Risse, T. (2010). Governance without a state: Can it work? *Regulation & Governance, 4*(2), 113–134.

Bottomley, D. C. (2014). A nation that is religious: Indonesia, the Ahmadiyah, and the state's SARA echoes. *Doctoral dissertation*. Newark, USA: University of Delaware. Retrieved June 07, 2016, from http://dspace.udel.edu/bitstream/handle/19716/13371/2014_Bottomley_Daniel_PhD.pdf?sequence=1&isAllowed=y/

Bottomley, D. C. (2015). The KTP Quandary: Islam, the Ahmadiyya, and the reproduction of Indonesian Nationalism. *Contemporary Islam*, *9*(1), 1–16.

Boudreau, V. (2012). Disaggregating Contention in Democratic Transition: Indonesia and the Philippines Compared. *Draft for Publication.* New York: The City College of New York. Retrieved October 29, 2015, from http://politicsandprotest.ws.gc.cuny.edu/files/2012/07/Boudreau-Disaggregating-Contention-in-Democratic-Transition.pdf/

Bowen, J. R. (2005). Normative pluralism in Indonesia: Regions, religions, and Ethnicities. In Kymlica, W and He, B (Eds). *Multiculturalism in Asia,* (pp.152–169)*.* Oxford, UK: Oxford University Press.

Bräuchler, B. (2010). The revival dilemma: reflections on human rights, self-determination and legal pluralism in Eastern Indonesia. *The Journal of Legal Pluralism and Unofficial Law, 42*(62), 1–42.

Breidlid, T. (2013). The Legitimazation of Violence Against the Ahmadiyya Community in Indonesia. *Jurnal Kawistara*, *3* (2), 165–177.

Brinkerhoff, D. W., & Johnson, R. (2008, June). Good enough governance in fragile states: The role of center-periphery relations and local government. In *4th International Specialised Conference on International Aid and Public Administration, International Institute of Administrative Sciences*. Retrieved April 19, 2017 from http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.498.1307&rep=rep1&type=pdf/

Brubaker, R. (2014). The return of assimilation? Changing perspectives on immigration and its sequels in France, Germany, and the United States. In Joppke, C and Morawska, E (Eds.) *Toward assimilation and citizenship: Immigrants in liberal nation-states,* (pp. 39–58). London, UK: Palgrave Macmillan.

Bruun, O., & Jacobsen, M. (2000). Introduction. In Bruun, O., & Jacobsen, M (Eds). *Human rights and Asian values: Contesting national identities and cultural representations in Asia*, (pp. 1–21). London, UK: Routledge.

Bryan, A. & White, K (2010) A Conversation with Mary Robinson. Special Section of *Stanford Journal of International Relation*, 2010: 68–72

Buchanan, A. (2010). The egalitarianism of human rights. *Ethics*, *120*(4), 679–710.

Buckley, D. (2008). *Where the Waters Meet: Convergence and Complementarity in Therapy and Theology*. London, UK: Karnac Books. Ltd.

Budiman, H. (2014). Renegotiating unity and diversity. In Vasu, N., Chin, Y., & Law, K.Y., (Eds.). *Nations, National Narratives and Communities in the Asia-Pacific* (Comparative Development and Policy in Asia Series), (pp. 189–208). New York, USA: Routledge.

Budiwanti, E. (2009). Pluralism Collapse: A Study of the Jama'ah Ahmadiyya Indonesia and Its Persecution. *Working Papers No. 117,* Singapore, Singapore: Asia Research Institute (ARI), 1–26.

Buehler, M. (2010). Decentralization and Local Democracy in Indonesia: The Marginalization of the Public Sphere. In Aspinall, E., & Mietzner, M. (Eds.). *Problems of democratisation in Indonesia: elections, institutions and society*, (pp. 267–285). Singapore, Singapore: Institute of Southesast Asian Studies (ISEAS).

Buergenthal, T., Shelton, D., & Stewart, D. (2009). *International Human Rights in a Nutshell, 4th*. West Academic, Thomson Reuters, USA.

Bunnell, F. P. (1966). Guided Democracy Foreign Policy: 1960–1965 President Sukarno Moves from Non-Alignment to Confrontation. *Indonesia,* (No. 2, October), 37–76.

Burhani, A. N. (2013). When Muslims are not Muslims: The Ahmadiyya Community and the Discourse on Heresy in Indonesia. *Dissertation.* Santa Barbara, USA: University of California,

Burhani, A. N. (2014-a). Conversion to Ahmadiyya in Indonesia: Winning Hearts through Ethical and Spiritual Appeals. *SOJOURN: Journal of Social Issues in Southeast Asia*, *29*(3), 657–690.

Burhani, A. N. (2014-b). Hating the Ahmadiyya: the place of "heretics" in contemporary Indonesian Muslim society. *Contemporary Islam*, *8*(2), 133–152.

Burhani, A. N. (2014-c). The Ahmadiyah and the Study of Comparative Religion in Indonesia: Controversies and Influences. *Islam and Christian-Muslim Relations, Volume 25,* (Issue 2)*,* 141–158.

Burhani, A. N. (2014-d). Treating minorities with fatwas: a study of the Ahmadiyya community in Indonesia. *Contemporary Islam*, *8*(3), 285–301.

Burke, R. (2011). *Decolonization and the evolution of international human rights*. Pennsylvania, USA: University of Pennsylvania Press.

Bush, R. (2008). Regional Sharia Regulations in Indonesia: Anomaly or Symptom? In Fealy, G and White, S. (Eds). *Expressing Islam: Religious life and politics in Indonesia,* (pp. 174–191). Singapore, Singapore: Institute of Southeast Asian Studies (ISEAS).

Bush, R. (2015). Religious Politics and minority rights during the Yudhoyono presidency. *The Yudhoyono Presidency: Indonesia's Decade of Stability and Stagnation.* In Aspinall, E., Mietzner, M., Tomsa, D., *The Yudhoyono Presidency: Indonesia's Decade of Stability and Stagnation*, (pp. 239–250). Singapore, Singapore: Institute of Southeast Asian Studies (ISEAS).

Butler, F. (2005). Improving public services: Using a human rights approach. *Strategies for wider implementation of the Human Rights Act within public authorities: Institute for Public Policy Research & Department for Constitutional Affairs. London*. Retrieved July 30, 2017 from https://www.ippr.org/files/ecomm/files/ippr%20human%20rights%20report%20June%202005.pdf/

Cardenas, S. (2003). Emerging global actors: The United Nations and national human rights institutions. *Global Governance*, *9*(1), 23–42.

Cardenas, S. (2007). *Conflict and compliance: State responses to international human rights pressure*. Pennsylvania, USA: University of Pennsylvania Press.

Carey, C. S. Et. Al. (2010). *The Politics of Human Rights: The Quest for Dignity*. Cambridge, UK: Cambridge University Press.

Carment, D., Prest, S., & Samy, Y. (2009). *Security, development and the fragile state: Bridging the gap between theory and policy*. Routledge.

Carnegie, P. J. (2008). Perspectives, Democratization and Decentralization in Post-Suharto Indonesia: Understanding Transition Dynamics. *Pacific Affairs, 81;* 4–Winter, 515–525.

Carson, L., & Lubensky, R. (2010). Raising expectations of democratic participation: An analysis of the National Human Rights Consultation. *University of New South Wales Law Journal, 33,* 34–59. Retrieved from http://www.unswlawjournal.unsw.edu.au/sites/default/files/4_carson_2010.pdf

Cassidy, E. K. (2015). Restricting Rights? The Public Order and Public Morality Limitations on Free Speech and Religious Liberty in Un Human Rights Institutions. *The Review of Faith & International Affairs*, *13*(1), 5–12.

Center for Religious and Cross-Cultural Studies (CRCS). (2012-a). Laporan Kehidupan Beragama di Indonesia 2012 (Report on Religious Life in Indonesia 2012). Retrieved November 20, 2015 from http://crcs.ugm.ac.id/annual-reports/

Center for Religious and Cross-Cultural Studies (CRCS) (2012-b). Database Bibliografi Kehidupan Beragama di Indonesia: Kontroversi Ahmadiyah di Indonesia (Bibliographic Database on Religious Life in Indonesia: Controversy Ahmadiyah in Indonesia. Retrieved November 20, 2015 from http://crcs.ugm.ac.id/main/pluralism-researches/3078/database-bibliografi-kehidupan-beragama-di-indonesia-kontroversi-ahmadiyah-di-indonesia.html/

Chaudhry, A.A. (1996). *The Promised Messiah and Mahdi.* Islamabad, Pakistan: Islam International Publication.

Chomsky, N. (2015*). Year 501: The Conquest Continues (2015)*. Chapter 5, *Human Rights: The Pragmatic Criterion*. London, UK: The Pluto Press.

Claiming Human Rights.org. (n.d). (The Universal Declaration of Human Rights). Guide to International Procedures Available in Cases of Human Rights Violations in Africa http://www.claiminghumanrights.org/udhr_article_18.html

Clapham, A. (2006). *Human rights obligations of non-state actors*. Oxford, UK: Oxford University Press.

Clark, A. M. (2010). *Diplomacy of conscience: Amnesty International and changing human rights norms.* Princeton, New Jersey, USA: Princeton University Press.

Claude, R. P., & Weston, B. H. (2006). *Human rights in the world community: issues and action*. Pennsylvania, USA: University of Pennsylvania Press.

Coggins, B. (2014). *Power, Politics and State Formation in the Twentieth Century: The Dynamics of Recognition*. New York, USA & Cambridge, UK: Cambridge University Press.

Colbran, N. (2010). Realities and Challenges in realising freedom of Religion or belief in Indonesia. *The International Journal of Human Rights*, *14*(5), 678–704.

Constitution of Pakistan, Constitution (Second Amendment), Act, 1974 President's Assent Received: 17th September 1974 Gazette of Pakistan, Extraordinary, Part I, 21st September 1974. Retrieved March 15, 2015 from http://www.pakistani.org/pakistan/constitution/amendments/2amendment.html/

Cooke, M. (2007). A secular state for a postsecular society? Postmetaphysical political theory and the place of religion. *Constellations, 14*(2), 224–238.

Coombs, S., & Potts, M. (2013). Living citizenship: transcending the cultural divide. *Educational Action Research*, *21*(3), 429–443.

Cooper, C. J. (2014). From the Watch Tower to the Acropolis: The Search for a Consistent Religious Freedom Standard in an Inconsistent World. *Emory International Law Review, Vol. 28,* 102–142.

Coser, L. A. (1956, 1964). *The Functions of Social Conflict*. New York, USA: The Free Press.

Council of Europe, Parliamentary Assembly. (1979). *Declaration on the Police Ethics*. Resolution 690. Retrieved May 30, 2015, from http://assembly.coe.int/Documents/AdoptedText/ta79/ERES690.htm/

Cowan, K. J; Dembour, M-B., & Wilson, A.R., Eds. (2001). *Culture and Rights: Anthropological Perspectives*. Cambridge, UK & New York, USA: Cambridge University Press.

Croissant, A., & Trinn, C. (2009). Culture, identity and conflict in Asia and Southeast Asia. *Asien, 110*, 13–43.

Crouch, M. (2007). Regulating places of worship in Indonesia: Upholding freedom of religion for religious minorities. *Singapore Journal of Legal Studies*, 96-116

Crouch, M. A. (2009). *Indonesia, militant Islam and Ahmadiyah: Origins and implications*. The Australian Research Council (ARC) Federation Fellowship, Centre for Islamic Law and Society. Melbourne, Australia: University of Melbourne. Retrieved May 16, 2015, from http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1551645/

Crouch, M. A. (2010). Implementing the regulation on places of worship in Indonesia: New problems, local politics and court action. *Asian Studies Review*, *34* (4), 403–419.

Crouch, M. A. (2011-a). Ahmadiyah in Indonesia: a history of religious tolerance under threat? *Alternative Law Journal*, *36*(1), 56–57.

Crouch, M.A. (2011-b). Religious 'deviancy' and law. INSIDE Indonesia, August 28. Retrieved from http://www.insideindonesia.org/religious-deviancy-and-law.

Crouch, M. A. (2012-a). Judicial Review and Religious Freedom: The Case of Indonesian Ahmadis. *Sydney Law Review Vol. 34:* 546–572

Crouch, M. A. (2012-b). Indonesia's blasphemy law: bleak outlook for minority religions. *Asia Pacific Bulletin,* Number 146/January 26. East-West Centre: University of Hawaii, 1–2. Retrieved May 18, 2015, from http://scholarspace.manoa.hawaii.edu/bitstream/handle/10125/21804/APB%20no.%20146.pdf?sequence=1&origin=publication_detail/

Crouch, M. A. (2012-c). Law and religion in Indonesia: The constitutional court and the Blasphemy Law. *Asian Journal of Comparative Law*, *7*(1), 1–46.

Crouch, M. A. (2013). Shifting conceptions of state regulation of religion: The Indonesian Draft Law on Inter-Religious Harmony. *Global Change, Peace & Security*, *25*(3), 265–282

Crouch, M.A (2016). Constitutionalism, Islam and the Practice of Religious Deference: The Case of the Indonesian Constitutional Court. *Australian Journal of Asian Law, Vol. 16, No. 2, Article 6*, Available at SSRN: https://ssrn.com/abstract=2744394/

Daly, E. (2008). Truth skepticism: An inquiry into the value of truth in times of transition. *International Journal of Transitional Justice*, *2*(1), 23-41.

Darul Ifta. (Darul Uloom Deband), *The Mirzais (Qadyanis, Ahmadiyas) are kafir*. This issue is agreed upon by the Muslim Ummah. Retrieved from http://darulifta-deoband.org/showuserview.do?function=answerView&all=en&id=519/

Davidson, J. S. (2009). Dilemmas of Democratic Consolidation in Indonesia. *The Pacific Review, Vol. 22,* No. 3, July, 293–310.

Davies, M. (2015). An Agreement to Disagree: The ASEAN Human Rights Declaration and the Absence of Regional Identity in Southeast Asia. *Journal of Current Southeast Asian Affairs*, *33*(3), 107–129.

Davis, M. C. (1998). Constitutionalism and political culture: The debate over human rights and Asian values. *Harvard Human Rights Journal, Spring*, pp. 109–134.

Davis, C., & Rayner, N. (2000). Reproducing consciousness: what is Indonesia? In, Berry, D. (Ed.) *Ethics and Media Culture: Practices and Representations.* Oxford, UK: Focal Press.

Dehlavi, M. B. A. D. (n.d.). Hazrat Mirza Bashiruddin Mahmood Ahmad: Khalifatul Masih II (Musleh Maoud). Translated by: Naseeruddin Shera in *Al Islam, The Official Website of Ahmadiyya Islam Community*. Retrieved from http://www.alislam.org/library/mahmood1.html/

DeLisi, M., & Regoli, R. (2005). Race, Conventional Crime and Criminal Justice. In Gabbidon, S.L. & Taylor, H.G., *Race, Crime and Justice: A Reader*, (pp. 87–95). New York, USA: Routledge.

Del Re, E. C. (2014). Approaching conflict the Ahmadiyya way. *Contemporary Islam*, *8*(2), 115–131.

Deschênes, J. (1985). Proposal Concerning a Definition of the Term 'Minority'. *UN Document E/CN.4/Sub.2/1985/31*. Retrieved from http://www.jus.unitn.it/download/gestione/jens.woelk/20111010_19022011-02%20concepts%20definitions.pdf/

De Rooij, L. (2015). Islamic Identity in the Secular Environment of Post-Colonial Indonesia. In Kim D.W. (Ed). *Religious Transformation in Modern Asia: A Transnational Movement*. Leiden, Netherlands: Brill.

Deutsch, A. (2011). Fears rise over Indonesian religious freedom, Financial Times.com, February, 8. It was published in compilation texts by Lutful Mannan Khan Dur-e-Sameen Khan: *Religious Intolerance in Indonesia*. Print Media. Retrieved March 24, 2015, from http://www.ahmadiyya.mu/home/wp-content/uploads/2011/05/religious-intolence-in-indonesia-print-media.pdf/.

Dhall, A. (2010). On the Philosophy and Legal Theory of Human Rights in Light of Quantum Holism in World Futures. *The Journal of Global Education Volume 66* (1), 2–25.

Diamond, L. (1992). The Democratic Revolution: Struggles for Freedom and Pluralism in the Developing World. *Perspectives on Freedom, No. 12*. New York, USA: Freedom House.

Diamond, L. (2010). Why are there no Arab democracies? *Journal of democracy, 21*(1), 93–112.

Dieckmann, B., Wulf, C., & Wimmer, M. (1997). *Violence. Racism, nationalism, xenophobia*. Münster; New York; München; Berlin: Waxmann.

Diprose, R. (2009). Decentralization, horizontal inequalities and conflict management in Indonesia. *Ethnopolitics, 8*(1), 107–134.

Djamaludin, M.A. (2008). Ahmadiyah dan Pembajakan Al-Qur'an (Ahmadiyya and the Al-Qur'an Plunder). Lembaga Penelitian dan Pengkajian Islam (LPPI, Institute for Research and Islamic Studies) Jakarta, Indonesia.

Djamaluddin, M.A. (2011-a). Aliran-Aliran Sesat di Indonesi Deviant Sects in Indonesia). *Disampaikan oleh M. Amin Djamaludin sebagai Saks Ahli Atas nama Majelis Ulama Indonesia pada sidang di Mahkamah Konstitusi RI Tanggal 3 Maret 2010.* Presented by M. Amin Djamaludin as Expert Witness on behalf of the Indonesian Ulema Council at the hearing at the Constitutional Court of the Republic of Indonesia on

March 3, 2010. LPPI Jakarta, March 15. Retrieved April 19, 2017, from http://infolppi.blogspot.nl/2011/03/aliran-aliran-sesat-di-indonesia.html

Djamaluddin, M.A. (2011-b). *Sikap Pak Natsir Terhadap Aliran Sesat* (Pak Natsir's Position on Deviant Sects). LPPI Jakarta, March 15, Retrieved April 19. 2017, from http://infolppi.blogspot.nl/2011/03/sikap-pak-natsir-terhadap-aliran-sesat.html/

Djamaludin, M. A. (2016). *Ahmadiyya Menodai Islam (Fakta dan Data)* (Ahmadiyya Defames Islam: Facts and Data). Lembaga Penelitian dan Pengkajian Islam (LPPI,). Jakarta, Indonesia: Institute for Research and Islamic Studies.

Donnelly, J. (2007). The relative universality of human rights. *Human rights quarterly, 29(2)*, 281–306.

Donnelly, J. (2013). *Universal human rights in theory and practice*. Itacha, USA: Cornell University Press.

Donnermeyer, J. F. (Ed.). (2016). *The Routledge International Handbook of Rural Criminology*. London, UK: Routledge.

Douglas, W. I. (2006). Continuity and change: The changing contours of organized violence in post–New Order Indonesia. *Critical Asian Studies, 38*(2), 265–297.

Dow, D. C. (2015). Natural Rights. *The Encyclopedia of Political Thought*. Retrieved February 23, 2015, from http://onlinelibrary.wiley.com/doi/10.1002/9781118474396.wbept0702/pdf/

Draper, M. (2001). Justice as a Building Block of Democracy in Transitional Societies: The Case of Indonesia. *Columbia Journal on Transnational Law, 40*, 391–419.

Duncan, C. R. (2007). Mixed Outcomes: The Impact of Regional Autonomy and Decentralization on Indigenous Ethnic Minorities in Indonesia. The Hague, Netherlands: Institute of Social Studies: *Development and Change 38* (4), 711–733.

Durbach, A., Renshaw, C., & Byrnes, A. (2009). A tongue but no teeth: the emergence of a regional human rights mechanism in the Asia Pacific Region. *Sydney Law Review., 31*, 211.

Durham Jr, W. C. (2012). Religious Freedom in a Worldwide Setting: Comparative Reflections. In Glendon, M. A., & Zacher H.F. (Eds). *Universal Rights in a World of Diversity – The Case of Religious Freedom*, (pp. 359–392). Vatican City: The Pontifical Academy of Social Sciences.

Düwell, M; Brownsword, R; Mieth, D.; Karls, E., Eds. (2014). *The Cambridge Handbook of Human Dignity Interdisciplinary Perspectives.* Cambridge, UK: Cambridge University Press.

Ebrahim, T.Z. (2011). Ahmadis: the lighting rod that atrracts the most hatred. *Dawn.Com,* October, 28. Retrieved June 06, 2016, from http://www.dawn.com/news/669566/ahmadis-the-lightning-rod-that-attracts-the-most-hatred/

Effendy, B. (2010). Islam and the State in the Indonesian Experience. *Islam and Civilisational Renewal*, *2*(1), 126–144.

Effendy, B., & Pertiwi, M. (2014). Indonesia's Democratic Venture: History, Practice and the Challenge Ahead. *Studia Islamika*, *19* (3), 477–511.

Efreds, F. (2010). Indonesian Muslims Say No to Violence in The Name of Islam. *World Faith,* October, 28. Retrieved March 21, 2015, from http://worldfaith.org/indonesian-muslims-say-no-to-violence-in-the-name-of-islam/

Eide, A. (2014). The rights of 'old'versus 'new'minorities. In Malloy, T. H. and Marko, J. (Eds.), *Minority Governance in and beyond Europe*, (pp. 23–38). Leiden, Netherlands: Brill.

Eisenberg, A., Webber, J., Coulthard, G., & Boisselle, A. (Eds.) (2014). *Recognition versus Self-determination: Dilemmas of Emancipatory Politics*. Vancouver, Canada: UBC Press.

El-Affendi, A. (2003). The elusive reformation. *Journal of Democracy*, *14*(2), 34–39.

Eldridge, P. J. (2002). Human rights in post-Suharto Indonesia. *The Brown Journal of World Affairs*, *9*(1), 127–139.

Eldridge, P. J. (2013). *The Politics of Human Rights in Southeast Asia*. London-UK: Routledge.

Elson, R. E. (2008). *The idea of Indonesia: a history*. Cambridge-UK: Cambridge University Press.

Elson, R. E. (2013). Two Failed Attempts to Islamize the Indonesian Constitution. *SOJOURN: Journal of Social Issues in Southeast Asia*, *28* (3), 379–437.

Eltayeb, M. S. (2004). A Human Rights Framework for Defining and Understanding Intra-Religious Persecution in Muslim Countries. In Ghanea, N., (ed.) *The Challenge of Religious Discrimination at the Dawn of the New Millennium,* (pp. 83–105). Leiden, Netherlands: Brill.

Engstrom, P. (2010). *Effectiveness of International and Regional Human Rights Regimes.* In. Denemark, R.A & Marlin-Bennett, R. (Eds.) *The International Studies Encyclopedia.* Oxford, UK, Blackwell Publishing.

Equal Rights Trust (n.d.). *Universal Declaration of Human Rights, December, 10. 1948*. London, UK: Retrieved from http://www.equalrightstrust.org/content/universal-declaration-human rights-1948/

Equality and Human Rights Commission. (2009). *The Impact of Human Rights Culture on Public Sector Organization: Lesson from Practice.* Retrieved August 15, 2016, from https://www.equalityhumanrights.com/sites/default/files/the_impact_of_a_human_rights_culture_on_public_sector_organisations.pdf./

Eskridge Jr, W. N. (2013). *Equality practice: Civil unions and the future of gay rights*. New York, USA & London, UK: Routledge.

Esposito, J. L., & Shahin, E. E. D. (Eds.). (2013). *The Oxford Handbook of Islam and Politics*. Oxford, UK: Oxford University Press.

Etzioni, A. (2014). Communitarianism revisited. *Journal of Political Ideologies*, *19*(3), 241–260.

European Centre for Law and Justice (ECLJ). (2012). Religious Freedom in the Republic of Indonesia Universal Periodic Review May-June 2012. Retrieved November 20, 2015, from http://eclj.org/PDF/ECLJ-UPR-Indonesia-November-2011.pdf

Evans, T. (2005). *The Politics of Human Rights: A Global Perspective*. London-UK: Pluto Press.

Evans, G., & Sahnoun, M. (2002). The responsibility to protect. *Foreign affairs*, 99-110.

Fagan, A. (2009). *Human Rights: Confronting Myths and Misunderstandings.* Cheltenham, UK: Edward-Elgar.

Fagan, C. (2012). Codes of Conduct: Benefits and Challenges. *Transparency International,* July 27. Retrieved May 30, 2015, from http://blog.transparency.org/2012/07/27/codes-of-conduct-benefits-and-challenges/

Farhat, A.Q. (2013, September 24) 75 years of Ahmadiyah Indonesia. *Muslim Times*. Retrieved March 09, 2016, from http://themuslimtimes.info/2013/09/24/75-years-of-ahmadiyah-indonesia/

Farrokh, F. (2015). Indigenous Perspectives on Muslim Identity and Insider Movements. *Global Missiology English*, *2,* (12)*,* 1–15

Fealy, G. (2013). Indonesian Politics in 2012: Graft, Intolerance, and Hope of Change in the Late Yudhoyono Period. *Southeast Asian Affairs,* 101–120. Retrieved from http://muse.jhu.edu/login?auth=0&type=summary&url=/journals/southeast_asian_affairs/v2013/2013.fealy.html/

Fealy, G. (2016). The Politics of Religious Intolerance in Indonesia. In Lindsey, T. & Pausacker, *Religion, Law and Intolerance in Indonesia*, (pp. London, UK & New York, USA: Routledge, 115-132.

Feener, R. M. (2014). Official Religions, State Secularisms, and the Structures of Religious Pluralism. In Finucane, J. & Feener, R. M. (Eds.) *Prozelytizing and the Limits of Religious Pluralism in Contemporary Asia,* (pp.1–16)*.* Singapore, Singapore: Springer.

Feith, H. (2006). *The decline of constitutional democracy in Indonesia*. Singapore, Singapore: Equinox Publishing.

Feldman, A. (1991). Formations of violence: *The narrative of the body and political terror in Northern Ireland*. Chicago, USA: University of Chicago Press.

Ferris, E. G. (2011). *The Politics of Protection: The Limits of Humanitarian Action*. Washington, USA: The Brooking Institutions Press.

Finnis, J. (2011). *Natural law and natural rights*. Oxford, UK: Oxford University Press.

Finucane, J., & Feener, R. M. (Eds.) (2014). Proselytizing and the Limits of Religious Pluralism. *Contemporary Asia. Singapore: Asia Research Institute – Springer Asia Series Vol. 4,* 17–40. Retrieved from http://www.springer.com/social+sciences/religious+studies/book/978-981-4451-17-8/

Fionna, U., Negara, S. D., & Yew-Foong, H. (2014). Indonesia in 2013: Anticipating 2014. *Southeast Asian Affairs*, *2014*(1), 117–138.

Fiske, S. T. (2000). Stereotyping, prejudice, and discrimination at the seam between the centuries: Evolution, culture, mind, and brain. *European Journal of Social Psychology*, *30*(3), 299–322.

Fitzpatrick, C., & Walker, A. H. (Eds.). (2014). *Muhammad in History, Thought, and Culture: An Encyclopedia of the Prophet of God [2 volumes]*. Santa Barbara, USA: The American Bibliographic Center (ABC–CLIO).

Fox, J. (2006). World separation of religion and state into the 21st century. *Comparative Political Studies, 39*(5), 537–569.

Fox, J. (2013). An introduction to religion and politics: Theory and practice. London, UK: Routledge.

Fredman, S. (2008). *Human Rights Transformed: Positive Rights and Positive Duties*. New York, USA: Oxford University Press.

Freedom House. (2010). *The Impact of the Blasphemy Laws on Human Rights: Policing Belief,* October. Retrieved May 20, 2015, from https://freedomhouse.org/sites/default/files/Policing_Belief_Full.pdf/

Freedom House. (2012). *Indonesia: Freedom in the World 2012 (Overview)*, Retrieved March 21, 2015, from https://freedomhouse.org/report/freedom-world/2012/indonesia#.VQ2EgPmsWAU/

Freedom House. (2014-a). *Freedom in the World 2014: The Annual Survey of Political Rights and Civil Liberties*. Lanham, Maryland, USA: Rowman & Littlefield.

Freedom House. (2014-b). *Freedom in the World 2014*. Retrieved March 27, 2015, from https://freedomhouse.org/sites/default/files/FIW2014%20Booklet.pdf/

Freedom House. (2015). *Freedom in the World*. Retrieved May 20, 2015, from https://freedomhouse.org/report/freedom-world/freedom-world-2015#.VVxN3flViko/

Freeman, M. (2011). *Human rights: an interdisciplinary approach*. London, UK: Polity Press.

Freeman, R. E., & Phillips, R. A. (2002). Stakeholder theory: A libertarian defense. *Business ethics quarterly*, *12*(3), 331–349.

Friedman, L. M. (2011). *The Human Rights Culture: A Study in History and Context*. New Orleans, Louisiana, USA: Quid Pro Books.

Friedmann, Y. (1989). *Prophecy Continuous: Aspects of Ahmadi Religious Thought and Its Medieval Background.* Berkeley & Los Angeles, USA & London, UK: University of California Press.

Fuller, A. (2011-a). Religious Freedom in Indonesia: Curious Cases of Dialogues, Fatwas and Laws. *Journal of Indonesian Islam, 5*(1), 1–16.

Fuller, A. (2011-b). Freedom of Religion and Islam in Indonesia. *The Jakarta Post, February, 19*. Retrieved March 26, 2015, from http://www.thejakartapost.com/news/2011/02/19/freedom-religion-and-islam-indonesia.html/

Fuller, A. (2014). Reading Ahmadiyah and Discourses on Freedom of Religion in Indonesia. In Platzdasch, B. & Saravanamuttu, J. (Eds). *Religious Diversity in Muslim-majority States in Southeast Asia: Areas of Toleration and Conflict*, (pp. 75–86). Singapore, Singapore: Institute of Southeast Asia Studies (ISEAS).

Fund for Peace (FFP) (2015). *Fragile State Index 2015*. Retrieved March 30, 2016, from http://fsi.fundforpeace.org/

Gabbidon, S. L., & Greene, H. T. (Eds.). (2005). *Race, Crime, and Justice: A reader*. London, UK: Routledge.

Gaffar, A. (2013). Jamaah Ahmadiyah Indonesia (JAI) dalam Perspektif Kekerasan Negara: Dua Kasus Dari Surabaya Jawa Timur dan Lombok NTB (The Indonesian Ahmadiyya Jamaah in the Perspective of State-Based Violence: Two Cases from Eastern Java and Lombok, NTB). *Jurnal Sosiologi Islam*, *3*(2), 29–50.

Galant, G., & Parlevliet, M. (2005). *Using Rights to Address Conflict–Valuing Synergy*. *Reinventing Development. Translating Rights-Based Approaches from Theory into Practice.* London, UK & New York, USA: Zed Books.

Galchinsky, M. (2010). The Problem with Human Rights Culture. *South Atlantic Review*, *75*(2), 5–18.

Gallant, L. M., & Kathleen J. K. (2014). Tension in Talking Diversity. *Communication Reports Vol. 27,* Issue 1*, 39–52.

García, S (2015). A risky business: Stories of women human rights defenders in the Americas. Amnesty International, America: Human Rights Defenders and Activist. Amnesty International, December 09. Retrieved May 14, 2017, from https://www.amnesty.org/en/latest/news/2015/12/a-risky-business-stories-of-women-human rights-defenders-in-the-americas/

Geldenhuys, D. & Rossouw, J., (2001). The International Protection of Minority Rights. *A special report complied for the F W de Klerk Foundation*. Cape Town, South Africa. Retrieved May 3, 2017, from https://www.givengain.com/cause_data/images/2137/Minority_Rights_Protection_Publ.pdf/

Ghoshal, B. (2004). Democratic transition and political development in post-Soeharto Indonesia. *Contemporary Southeast Asia*, 506-529.

Gillespie, P. (2007). Current issues in Indonesian Islam: analysing the 2005 Council of Indonesian Ulama Fatwa No. 7 opposing pluralism, liberalism and secularism. *Journal of Islamic Studies*, *18*(2), 202–240.

Girard, N., & Hindstrom, H (2015). Minority Rights Group International (MRG). Asia-Oceania [Indonesia] in State of theWorld' s Minorities and Indigenous Peoples 20151 Events of 2014 (pp. 153-156). Minority Rights Group International (MRG). London, UK. Retrieved August 14, 2017 from http://minorityrights.org/wp-content/uploads/2015/07/MRG-state-of-the-worlds-minorities-2015-FULL-TEXT.pdf/

Gledhill, J. (2003). Rights and the Poor. In Wilson, A.R & Mitchell, P.J., Eds. *Human Rights in Global Perspective: Anthropological Studies of Rights, Claims and Entitlements*. London, UK: Routledge.

Goldsmith, J. L., & Posner, E. A. (2005). *The limits of international law* (Vol. 199). Oxford, UK: Oxford University Press.

Goodfellow, T., Rodgers, D., & Beall, J. (2013). From civil to civic conflict? Violence and the city in fragile states. *Open Democracy, November 12*. Retrieved May 23, 2015, from https://www.opendemocracy.net/opensecurity/thomas-goodfellow-dennis-rodgers-jo-beall/from-civil-to-civic-conflict-violence-and-cit/

Goodman, R., & Jinks, D. (2004). How to influence states: Socialization and international human rights law. *Duke Law Journal*, 621–703.

Government of Indonesia. (2002). *The 1945 Constitution of the Republic of Indonesia*. [Jakarta]: National Information Agency, Republic of Indonesia.

Grare, F. (2007). The evolution of sectarian conflicts in Pakistan and the ever-changing face of Islamic violence. *South Asia: Journal of South Asian Studies*, *30* (1), 127–143.

Greer, S. (2006). *The European Convention on Human Rights: achievements, problems and prospects*. Cambridge, UK: Cambridge University press.

Green, M. (2001). What we talk about when we talk about indicators: current approaches to human rights measurement. *Human Rights Quarterly*, *23*(4), 1062–1097.

Gregg, B. (2011). *Human rights as social construction*. Cambridge, UK: Cambridge University Press.

Grzywacz, A. (2013). Constructing National Identity in Indonesia – Experience for Europe. *MOZAIK: Journal Ilmu Humaniora, Vol. 14,* No.2, 100–219.

Gualtieri, A. R. (1989). *Conscience and coercion: Ahmadi Muslims and orthodoxy in Pakistan* (Vol. 9). Montreal, Canada: Guernica Editions.

Guidere, M. (2012). *Historical Dictionary of Islamic Fundamentalism.* Maryland, USA: Scarecrow Press, Inc.

Guilhot, N. (2005). *The democracy makers: human rights and international order*. New York, USA: Columbia University Press.

Gündoğdu, A. (2015). *Rightlessness in an Age of Rights: Hannah Arendt and the Contemporary Struggles of Migrants*. Oxford, UK, Oxford University Press.

Gunn, G. C. (2013). Indonesia in 2012: An electoral democracy in full Spate. *Asian Survey*, *53*(1), 117–125.

Habermas, J. (2010). The concept of human dignity and the realistic utopia of human rights. *Metaphilosophy*, *41*(4), 464-480.

Haddad, Y.Y., & Smith, J.I (2014). Muslim Minority Groups in American Islam. In Haddad, Y.Y. & Smith, J.I (Eds.). *The Oxford Handbook of American Islam,* (pp. 139-149). Oxford, UK: Oxford University Press.

Hadiprayitno, I. I. (2010). Defensive enforcement: Human rights in Indonesia. *Human rights review*, *11*(3), 373–399.

Hadiwinata, B. S. (2003). *The politics of NGOs in Indonesia: Developing democracy and managing a movement*. New York, USA: Routledge.

Hadiwinata, B. S., & Schuck, C. (2007, January). Indonesia: A Defective Democracy faces the Challenge of Democratic Consolidation. In Hadiwinata, B. S., & Schuck *(Eds.) Democracy in Indonesia. The Challenge of Consolidation,* (pp. 393–408). Baden, Germany: Nomos Verlagsgesellschaft mbH & Co. KG.

Hadiz, V. R. (2003). Power and Politics in North Sumatra: the uncompleted reforms, in E, Aspinall & G. Fealy (Eds.). *Local Power and Politics in Indonesia: Decentralization and Democratization* (pp. 119–131). Singapore, Singapore: Institute of Southeast Asia Studies (ISEAS).

Hadiz, V.R., & Robison, R. (2005). Neoliberal reforms and illiberal consolidations: The Indonesian paradox. *The Journal of Development Studies*, *41* (2), 220–241.

Hafner-Burton, E. M., & Tsutsui, K. (2005). Human Rights in a Globalizing World: The Paradox of Empty Promises. *American journal of sociology*, *110* (5), 1373–1411.

Hakim, R.N & Arif, J. (2011). *Interviewed with Amidhan, one leader of MUI on Pro-Kontra tentang Ahmadiyya with title: Ahmadiyya juga anggap kita kafir" (MUI and other Indonesia Islam Mainstream). Republika.co.id, edition,* February 18. Retrieved February 18, 2014, from http://www.republika.co.id/berita/breaking-news/nasional/11/02/18/164743-ahmadiyah-juga-anggap-kita-kafir/

Hakimi, M (2009). Secondary Human Rights Law (2009). *Yale Journal of International Law, Vol. 34, No. 2*, pp. 596-604, 2009. Available at SSRN: https://ssrn.com/abstract=1537704/

Hamacher, W. (2004). The Rights to Have Rights (Four and-a-Half Remarks). *South Atlantic Quarterly, 103* (2–3)*,* 345–56.

Hamayotsu, K. (2013). The limits of civil society in democratic Indonesia: media freedom and religious intolerance. *Journal of Contemporary Asia*, *43*(4), 658–677.

Hamdi, S. (2011). Ahmadiyah di Era Reformasi (The Ahmadiyya in the Reformation Era). *Al-Ulum*, *11*(1), 27–46.

Hanif, D. A. (2003). In the Name of Allah, Most Gracious, Ever-Merciful: Prophet of God. *Muslim Sunrise. The Official Website of Ahmadiyya Community*. Retrieved November 20, 2014, from http://www.alislam.org/library/articles/new/Prophets_of_God.html/

Hanif, M. (2010). *Why Pakistan's Ahmadi community is officially detested*, June, 12. Retrieved April 3, 2015, from http://news.bbc.co.uk/2/hi/programmes/from_our_own_correspondent/8744092.stm.

Hannum, H. (1991). Contemporary Developments in the International Protection of the Rights of Minorities. *Notre Dame Law Review, 66* (Issue 5)*,* 1431–1448. Retrieved February 06, 2017, from http://scholarship.law.nd.edu/cgi/viewcontent.cgi?article=2114&context=ndlr

Hanson, J. H. (2007). Jihad and the Ahmadiyya Muslim Community: Nonviolent Efforts to Promote Islam in the Contemporary World. *Nova Religio: The Journal of Alternative and Emergent Religions*, *11*(2), 77–93.

Harbaugh, R. & To.T. (2014). Opportunistic Discrimination. *European Economic Review, Volume 66,* February, 192–204.

Harell, A., & Stolle, D. (2010). Diversity and democratic politics: An introduction. *Canadian Journal of Political Science, 43*(02), 235–256.

Harimurti, C. (2013). Ini Kata Mendagri Soal Kekerasan Ahmadiya (This is said by The Minister of Home Affairs on the case of violence against the Ahmadiyya group). *Jaringan News.com,* May 06. Retrieved March 21, 2015, from http://jaringnews.com/politik-peristiwa/umum/40246/ini-kata-mendagri-soal-kekerasan-ahmadiyah/

Harsono, A. (2012). No Model for Muslim Democracy. *New York Times,* May 22, Retrieved May 25, 2015, from http://www.nytimes.com/2012/05/22/opinion/no-model-for-muslim-democracy.html?_r=0/

Harun, S., Avicenna, M., Mushoffa, E., & Atqa, M. (2011). The Religious Expression in Indonesia: From Orthodoxy of Muslims to Splinter and Radicalism. Ottawa-Ontario: Ontario International Development Agency (OIDA) *International Journal of Sustainable Development*, *2*(07), 65–82.

Haryadi, M. (2011). Moderate Muslims and human rights activist defend Ahmadis. *Asianews,* May 03*,* Retrieved March 21, 2015, from http://www.asianews.it/news-en/Moderate-Muslims-and-human rights-activists-defend-Ahmadis-20953.html/

Hasan, A. D. (2005). *Breach of Faith: Persecution of the Ahmadiyya Community in Bangladesh, Vol. 17*, No. 6. New York, USA: Human Rights Watch, 1–45. Retrieved September 01, 2016, from https://www.hrw.org/reports/2005/bangladesh0605/bangladesh0605.pdf/

Hastrup, K. (2001). 'Accommodating Diversity in Global Culture of Rights: An Introduction'. In K. Hastrup (ed.) *Legal Cultures and Human Rights: The Challenge of Diversity.* The Hague: Kluwer Law International.

Hastrup, K. (2003). Representing the Common good: The Limits of legal Language. In. Wilson, A.R & Mitchell, P.J., Eds. *Human Rights in Global Perspective: Anthropological Studies of Rights, Claims and Entitlements*, (pp. 16–32). London, UK: Routledge.

Hasyim, S. (2011). The Council of Indonesian Ulama (Majelis Ulama Indonesia, MUI) and Religious Freedom. *Research Institute on Contemporary South-East Asia (IRASEC Discussion Papers, 12).* Retrieved from http://www.irasec.com/documents/fichiers/47.pdf

Hathaway, J. C. (2005). *The rights of refugees under international law*. Cambridge, UK: Cambridge University Press.

Hayat, T.A. (2009). (2009). The history of Tahrik-e-Jadid, August 13, Majlis Khuddamul Ahmadiyya http://www.khuddam.org/uk/departments/tehrik-e-jadid/2009/08/13/the-history-of-tahrik-e-jadid-0-11763/

Heaton, J. (2004). *Reworking Qualitative Data.* London, UK & New Delhi, India: Sage Publication & Thousand Oaks.

Hefner, R. W. (2002). Global violence and Indonesian Muslim politics. *American Anthropologist*, *104*(3), 754–765.

Hefner, R. W. (2003). Civic pluralism denied? The new media and jihadi violence in Indonesia. In Eickelman, D.F., & Anderson, J.W., *New media in the Muslim world: The emerging public sphere,* (pp. 158-175). Bloominton & Indianapolis: Indiana University Press.

Hefner, R. W. (2005). Muslim democrats and Islamist violence in post-Soeharto Indonesia. In Hefner, R. W (Ed.). *Remaking Muslim politics: Pluralism, contestation, democratization*, (pp. 271–305). Princeton, USA: Princeton University Press.

Hefner, R. W. (2011). *Civil Islam: Muslims and Democratization in Indonesia*. Princeton University Press, 3–20. Retrieved September 01, 2016, from http://press.princeton.edu/chapters/s6966.pdf/

Hefner, R. W. (2012). Shari´a Politics and Indonesian Democracy. *The Review of Faith & International Affairs, 10* (4)*, 61–69.

Hefner, R. W. (2013). The Study of Religious Freedom in Indonesia. *The Review of Faith & International Affairs*, *11*(2), 18–27.

Hefner, R. W. (2014). The Politics of Multiculturalism. Pluralism and Citizenship in Malaysia, Singapore and Indonesia. In Hefner, R.W. *The Politics of Multiculturalism,* (pp.1–50). Honolulu, USA: University of Hawaii.

Henderson, B. (Ed.) (2013). Ramadan begins as hardliners target 'sinful' bars in Indonesia. *The Telegraph,* July 10. Retrieved October 23, 2015, from http://www.telegraph.co.uk/news/worldnews/asia/indonesia/10170725/Ramadan-begins-as-hardliners-target-sinful-bars-in-Indonesia.html/

Henrard, K. (2000). *Devising an adequate system of minority protection: individual human rights, minority rights and the right to self-determination (Vol. 62).* The Hague, Netherlands, Boston, USA, London, UK: Martinus Nijhoff Publishers.

Herring, C., & Henderson, L. (2012). From affirmative action to diversity: Toward a critical diversity perspective. *Critical Sociology, 38*(5), 629–643.

Hertog, S. (2013). Awakening Islam: The Politics of Religious Dissent in Contemporary Saudi Arabia (Book Review). *Comparative Political Studies 46*(3), 418–422.

Heryanto, A. (2008). Pop Culture and Competing Identities. In Heryanto, A., (Ed.). *Popular Culture in Indonesia: Fluid Identities in Post-Authoritarian Politics.* London, UK & New York, USA: Routledge.

Hewstone, M., Lolliot, S., Swart, H., Myers, E., Voci, A., & Al Ramiah, A. C. Ed (2014). Intergroup contact and intergroup conflict. Peace and Conflict. *Journal of Peace Psychology, Vol. 20* (1), 39–53. Retrieved from http://psycnet.apa.org/journals/pac/20/1/39/

Hicks, J. (2014). Heresy and authority: understanding the turn against Ahmadiyah in Indonesia. *South East Asia Research*, *22*(3), 321–339.

Hilmy, M. (2010). *Islamism and democracy in Indonesia: piety and pragmatism*. Singapore, Singapore: Institute of Southeast Asian Studies (ISEAS).

Hinnells, R. J. & King. R. (2007). *Religion and Violence in South Asia: Theory and Practice*. New York, USA: Routledge.

Hogg, M. A. (2013). Intergroup relations. *Handbook of social psychology*. Rotterdam, Houten, Dordrecht: Netherlands: Springer.

Hoon, C. Y. (2012). Putting Religion into Multiculturalism: Conceptualizing Religious Multiculturalism in Indonesia. *International Conference on Negotiating Diversity in Indonesia*. Retrieved May 15, 2015, from http://socsc.smu.edu.sg/sites/default/files/socsc/pdf/hoon_chang_yau.pdf/

Hoon, C. Y. (2013). Pancasila and the Christians in Indonesia: A Leaky Shelter? *Asian Culture*, *37*, 29–46.

Horowitz, D. L. (2013). *Constitutional change and democracy in Indonesia*. Cambridge, UK & New York, USA: Cambridge University Press.

Horowitz, P. (2014). Troublesome Right: The Law in Dworkin's Treatment of Law and Religion. *Boston Law Review*, *94*, 1225–1240. Retrieved from http://www.bu.edu/bulawreview/files/2014/08/HORWITZ.pdf

Hosen, N. (2005). Religion and the Indonesian constitution: a recent debate. *Journal of Southeast Asian Studies, 36*(03), 419–440.

Hosen, N. (2007). Human Rights Provisions in the Second Amendment to the Indonesian Constitution from Shariah Perspective. *The Muslim World*, *97* (2), 200–224.

Hosen, N. (2013). Can the Muslim World Borrow from Indonesian Constitutional Reform? A Comparative Constitutional Approach. *Journal of Indonesian Islam*, *1* (1), 75–99.

Howard, R. E. (1995). Human rights and the search for community. *Journal of Peace Research*, *32*(1), 1–8.

Howell, J. D. (2013). Pluralist currents and counter-currents in the Indonesian mass media: The Case of Anand Krishna. In Chiara Formici (Ed.). *Religious Pluralism, State and Society in Asia*, (pp. 216–233). London, UK & New York, USA: Routledge.

Hukumonline.com (2008). *12 Butir yang Meluluhkan BAKORPAKEM* (12 Points that Dissolve BAKORPAKEM). January 16. Retrieved June 01, 2015 from http://www.hukumonline.com/berita/baca/hol18354/12-butir-yang-meluluhkan-bakor-pakem

Human Rights Clinic. (2010). Human Rights & Domestic Violence an Advocacy Manual. *Prepared for the 14th Annual Domestic Violence Conference at Fordham University*. Columbia Law School. Retrieved November 20, 2015, from http://web.law.columbia.edu/sites/default/files/microsites/human rights-institute/files/dv%20advocacy%20manual.pdf/

Human Rights Research Center (2015). Keeping the Faith: A Study of Freedom of Thought, Conscience, and Religion in ASEAN. Jakarta, Indonesia, University of Indonesia. Retrieved from http://hrrca.org/wp-content/uploads/2015/11/Book-of-Keeping-the-Faith_web.pdf/

Human Rights Watch (HRW). (1999). Indonesia and East Timor. *World Report*. New York, USA. Retrieved April 30, 2017 from https://www.hrw.org/legacy/wr2k/Asia-05.htm/

Human Rights Watch (HRW). (2005). Branch of Faith: Persecution against the Ahmadiyya in Bangladesh. *HWR Publication, June*, *Vol. 17*, (6) (C). Retrieved October 24, 2015 from https://www.hrw.org/reports/2005/bangladesh0605/bangladesh0605.pdf/

Human Rights Watch (HRW). (2008-a). *Unplug Anti-Ahmadiyah decree*, June 11, Retrieved May 22, 2014 from http://www.hrw.org/node/109343/

Human Rights Watch (HRW). (2008-b). Indonesia: Reverse Ban on Ahmadiyah Sect. *News Release, June 10*, Retrieved May 21, 2014 from http://www.hrw.org/news/2008/06/09/indonesia-reverse-ban-ahmadiyah-sect/

Human Rights Watch (HRW). (2011). Indonesia Risks Taking Pakistan's Path to Intolerance, published. *The Jakarta Globe, April, 18*. Retrieved November 19, 2015, from https://www.hrw.org/news/2011/04/18/indonesia-risks-taking-pakistans-path-intolerance/

Human Rights Watch (HRW). (2012-a). *World Report 2012: Indonesia*, Retrieved March 30, 2014 from www.hrw.org/world.../world-report-2012-indone/

Human Rights Watch (HRW). (2012-b). Indonesia: Country Summary. *Report*. Retrieved January 31, 2014 from http://www.hrw.org/sites/default/files/related_material/indonesia_2012.pdf/, pp. 2–3.

Human Rights Watch (HRW). (2012-b). Breach of Faith: Persecution of Ahmadiyya Community in Bangladesh, *Publication Vol. 17. 6.C. June, 2012*. Retrieved from https://www.hrw.org/reports/2005/bangladesh0605/4.htm

Human Rights Watch (HRW). (2013-a). World Report 2012: *Indonesia, Human Rights Watch*. Retrieved March 30, 2013 from www.hrw.org/world.../world-report-2012-indone/

Human Rights Watch (HRW). (2013-b). *World Report 2013. 322–326*. Retrieved September 07, 2015 from https://www.hrw.org/sites/default/files/wr2013_web.pdf/

Human Rights Watch (HRW). (2013-c). *In Religion's Name: Abuses of Religious Minorities in Indonesia (February, 28).* Retrieved March 20, 2015, from https://www.hrw.org/report/2013/02/28/religions-name/abuses-against-religious-minorities-indonesia/

Human Rights Watch (HRW). (2016-a). *Reflecting Global Trend, Indonesia's Sunni Majority Persecute Minority Sect,* February 15, 2016. Retrieved October 03, 2016, from http://www.mintpressnews.com/213746-2/213746/

Human Rights Watch (HRW). (2016-b). *Indonesia: Ahmadiyah Community Threatened Religious Minority on Bangka Island Ordered to 'Return to Islam' or Be Expelled*, Published on January 16. Retrieved May 11, 2017, from https://www.hrw.org/news/2016/01/16/indonesia-ahmadiyah-community-threatened

Human Rights Watch (HRW). (2017). *World Report 2017: Indonesia Event of 2016.* Retrieved May 18, 2017, from https://www.hrw.org/world-report/2017/country-chapters/indonesia/

Human Rights Working Group (HRWG). (2011). Indonesia's NGO Coalition for International Human Rights Advocacy: Concerning on Freedom of Religion and Beliefs Issue in Indonesia, Submitted in 1th Session of 2th Cycle of the, HRC's UPR Review in 2012 November. Retrieved February 21, 2015, from http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ID/JS11_UPR_IDN_S13_2012_JointSubmission11_E_shorterversion.pdf/

Human Rights Working Group (HRWG). (2012) *'Alternative Report of Indonesia's ICCPR State Report Article 18: Freedom of Religion Retrieved, May 5*, 2017 from http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IDN/INT_CCPR_NGO_IDN_14708_E.pdf

Hussain, M. Z. (1994). Islam in Pakistan under Bhutto and Zia-ul-Haq. In *Islam, Muslims and the Modern State* (pp. 47-79). London, UK: Palgrave Macmillan.

Hutagalung, S. A. (2016). Muslim–Christian Relations in Kupang: Negotiating Space and Maintaining Peace. *The Asia Pacific Journal of Anthropology, 17*(5), 439–459.

Hynes, P., Lamb, M., Short, D., & Waites, M. (2010). Sociology and human rights: Confrontations, evasions and new engagements. *The International Journal of Human Rights*, *14*(6), 811–832.

Ibrahim, A. (2014). Denial, Trivialization and Relegation of Pluralism: The Challenges of Managing Diversity in Multi–religious Malaysia and Indonesia. *Studia Islamika*, *19*(3)

Icelandic Human Rights Center. (n.d.). *Substantive Human Rights.* Retrieved February 09, 2017, from http://www.humanrights.is/en/human rights-education-project/human rights-concepts-ideas-and-fora/substantive-human rights/

Iceland Human Rights Center. (n.d.). *The Right to an Adequate Standard of Living*. Retrieved March 25, 2015 from http://www.humanrights.is/en/human rights-education-project/human rights-concepts-ideas-and-fora/substantive-human rights/the-right-to-an-adequate-standard-of-living/

Ife, J. (2007). Human rights and peace. In Webel, C. & Galtung, J (Eds). *Handbook of peace and conflict studies*. London, UK & New York, USA: Routledge.

Ife, J. (2009). *Human rights from below: Achieving rights through community development*. Cambridge, UK: Cambridge University Press.

Ignatieff, M. (2001). The Attack on Human Rights**.** *Foreign Affairs, Vol. 80*, No. 6 (November—December, 2001), 102–116

Ignatieff, M. (2003). *Human rights as politics and idolatry*. Princeton, UK: Princeton University Press. Retrieved February 23, 2015, from http://www.carnegiecouncil.org/studio/multimedia/20011102/index.html/:pf_printable/

Ihsanuddin (2014). Ahmadiyah Paling Sering Jadi Korban Intoleransi Sepanjang 2013. *Report in Kompas.com*, January 16. Retrieved May 20, 2016 from http://nasional.kompas.com/read/2014/01/16/2229377/Ahmadiyah.Paling.Sering.Jadi.Korba Intoleransi.Sepanjang.2013

Immigration and Refugee Board of Canada. (1991), *India: Information on 1) population size (% of religious minorities, % of Ahmadis, % of Muslims non-Ahmadis, and % of Hindus) in Qadian, Punjab and Hyderabad, Andhra Pradesh 2) number of Ahmadis in India*, November 01. Retrieved from http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=topic&tocid=464db4f52&toid=47f237db2&docid=3ae6ad202c&skip=0/

Immigration and Refugee Board of Canada. *(2006), Pakistan: Situation of members of the Lahori Ahmadiyya Movement in Pakistan; whether differences exist between the treatment of Lahori Ahmadis and Qadiani Ahmadis; procedure for verification of membership in Lahori Ahmadiyya Movement*, March 01. Retrieved from http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=country&category=&publisher=IRBC&type=QUERYRESPONSE&coi=PAK&rid=&docid=45f1478f20&skip=0/

Immigration and Refugee Board of Canada. (2008). *Pakistan: The situation of Ahmadis, including legal status and political, education and employment rights; societal attitudes toward Ahmadis* (2006 – Nov. 2008), December, 4. Retrieved from http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=49913b5f2c/

Indosiar.com (n.d.). *LPPI Desak Pemerintah Larang Ahmadiyah* (LPPI urged the government to ban Ahmadiyya). Retrieved March 24, 2015, from http://www.indosiar.com/fokus/lppi-desak-pemerintah-larang-ahmadiyah_21687.html/

Ingram, J. D. (2008). What is a "right to have rights"? Three images of the politics of human rights. *American Political Science Review*, *102*(4), 401-416.

International Ahmadiyya Muslim Jemaat, *Clarification—86 Ahmadis died in the Lahore attacks,* Press Release, June, 12, 2010. Retrieved from http://www.alislam.org/egazette/press-release/clarification-86-ahmadis-died-in-the-lahore-attacks/

International Court of Justice. (ICJ) (n.d.), *'Statute of the International Court of Justice'.* Source of information, Retrieved June 22, 2015, from http://www.icj-cij.org/documents/?p1=4&p2=2/

International Crisis Group. (2008), 'Indonesia: Implications of the Ahmadiyya Decree' in Update Briefing, July, 7, Jakarta and Brussels. Retrieved May 30, 2015, from http://www.crisisgroup.org/~/media/Files/asia/south-east

asia/indonesia/Indonesian%20translations/b78_indonesia___implications_of_the_ahmadiyah_decree_indonesian.pdf/

International Crisis Group. (2010). *Annual Report 2010*. Retrieved October 15, 2015 from http://www.crisisgroup.org/~/media/Files/Annual%20Reports/annual-report-2010.pdf/

International Federation for Human Rights (FIDH), Imparsial & KontraS (2010). *'Shadows and clouds: Human Rights in Indonesia 5'* Retrieved June 01, 2015, from https://www.fidh.org/IMG/pdf/Indonesie552ang.pdf

International Humanist and Ethical Union (IHEU) (2014). Freedom of Thought 2014: A Global Report on the Rights, Legal Status, and Discrimination Against Humanists, Atheists, and the Non-religious. Retrieved August 30, 2016, from http://www.humanistischverbond.nl/freedom-of-thought/wp-content/uploads/2014/12/FOT2014.pdf/

International Institute for Democracy and Electoral Assistance (IDEA). (2011). *Democratization in Indonesia: An Assessment*, pp. 81–82 Retrieved from http://www.oldsite.idea.int/publications/country/upload/8_civil_society.pdf

International Institutions and Global Governance Program, IIGGP (2012). *The Global Human Rights Regime.* Report, May 11. Retrieved July 31, 2017 from https://www.cfr.org/report/global-human rights-regime/

International Labour Organization. (ILO).org (n.d). *The 1945 Constitution of the Republic of Indonesia as amended by the First Amendment of 1999, the Second Amendment of 2000, the Third Amendment of 2001 and the Fourth Amendment of 2002*. Unofficial translation. Retrieved from http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_174556.pdf/

Irawanto, D. W. (2011). An analysis of national culture and leadership practices in Indonesia. *Journal of Diversity Management (JDM), 4(2)*, 41–48.

Isin, E. F., & Wood, P. K. (1999). *Citizenship and identity (Vol. 448).* London, UK: Sage.

Iskandar, P. A. (2011). Mengunjungi Kampung Ahmadiyah di Cisalada, Bogor (To visit the Ahmadiyya Village in Cisalada, Bogor). *Jawa Pos National Network, September, 06.* Retrieved June 18, 2015, from http://www.jpnn.com/news/mengunjungi-kampung-ahmadiyah-di-cisalada-bogor

Iskandar, P. (2015). Reclaiming Human Rights Universality in 'Nonconstitutional' Constitution: Toward a New Reading of the 1945 Constitution (April 4). Available at SSRN: https://ssrn.com/abstract=2589985/ or http://dx.doi.org/10.2139/ssrn.2589985/

Isnur, M. (Ed) (2012). *Agama, Negara dan Hak Asasi Manusia: Proses Pengujian UU 1/PNPS/1965 Tentang Pencegahan, Penyalahgunaan, dan/atau Penodaan Agama di Mahkamah Konstitusi* (Translation: Religion, State and Human Rights: Yudicial Review Process on Law Number 1/PNPS/1965 on the prevention of the abuse of Religion and/or Defamation). Jakarta, Indonesia: LBH (Lembaga Bantuan Hukum, Jakarta Legal Aid).

Isnur, M., & Hidayat, N. (Ed.). (2013). *Terali Besi Untuk Korban: Legal Proceeding Advokasi Kasus-Kasus Kebebasan Beragama atau Berkeyakinan (The Iron Trellis for Victims: Proceedings of Legal Advocacy for the cases of Freedom of Religion or Belief.* Jakarta, Indonesia: Lembaga Bantuan Hukum (Legal Aid Foundation).

Jabareen, Y. T. (2008). Toward participatory equality: Protecting minority rights under international law. *Israel Law Review*, *41*(3), 635-676.

Jackson, R. (2001). The state and internal conflict. *Australian Journal of International Affairs*, *55*(1), 65–81.

Jafar, E. (2005). *Kebohongan-kebohongan Aliran Sesat Ahmadiyah: Membongkar Kesesatan Ahmadiyah* (The Lies of the Deviant Ahmadiyya: Dismantling the Ahmadiyya's Apostasy. July 21, Retrieved April 15, 2017, from http://www.antiahmadiyya.org/main/articles.aspx?article_no=570

Jamal, A. A. (2015). The impact of definitional issues on the right of freedom of religion and belief. In. Ferrari, S. *Routledge Handbook of Law and Religion*, (pp. 91-100). New York, USA & London, UK: Routledge.

Jamil, U. (2014). National minority and racialized minorities: The case of Pakistanis in Quebec. *Ethnic and Racial Studies*, *37*(13), 2322–2339.

Jans, J. (2010). Ethiopia's Stalled Democracy: A Spotlight on The Ogaden. *Conference Paper, December 7,* organized by the Office of Ana Gomes MEP in Collaboration with African Rights Monitor, Unrepresented Nations and People Organization (UNPO). Retrieved March 29, 2017 from http://www.unpo.org/downloads/57.pdf.

Jetschke, A. (2011). *Human rights and state security: Indonesia and the Philippines*. Pennsylvania, USA: University of Pennsylvania Press.

Jones, G. N. (1986). The Ahmadis of Islam: A Mormon encounter and perspective. *Dialogue, a Journal of Mormon Thought*, *19*(2), 39–54.

Jong, H. N. (2014). Amnesty criticizes SBY over surge in blasphemy convictions. *The Jakarta Post,* November 21. Retrieved May 18, 2015, from http://www.thejakartapost.com/news/2014/11/21/amnesty-criticizes-sby-over-surge-blasphemy-convictions.html/

Jonker, G. (2014). The Dynamics of Adaptive Globalisation. Muslim Missionaries in Weimar Berlin. *Entangled Religions*, *1*, 115–158.

Joppke, C. (2007). Transformation of citizenship: status, rights, identity. *Citizenship studies*, *11*(1), 37-48.

Joseph, S., & Castan, M. (2013). *The international covenant on civil and political rights: cases, materials, and commentary*. Oxford, UK: Oxford University Press.

Josephides, L. (2003). The Right of Human Being. In Wilson, R.A & Mitchell, P.J, Eds. *Human Rights in Global Perspective: Anthropological Studies of Rights, Claims and Entitlements.* London, UK: Routledge.

Juergensmeyer, M. (1993). *The new cold war? Religious nationalism confronts the secular state* (Vol. 5). California, USA: University of California Press.

Kahin, A. (2013). Natsir & Sukarno: Their Clash Over Nationalism, Religion and Democracy, 1928—1958. In Hui Yew-Hoong (Ed.). *Encountering Islam: The Politics of Religious Identities. in Southeast Asia*, (pp. 191–201). Singapore, Singapore: Institute of Southeast Asian Studies (ISEAS).

Kanas, A., Scheepers, P., & Sterkens, C. (2015). Interreligious contact, perceived group threat, and perceived discrimination: Predicting negative attitudes among religious minorities and majorities in Indonesia. *Social Psychology Quarterly*, *78*(2), 102-126.

Kantola, J., & Nousiainen, K. (2012). The European Union: Initiator of a New European Anti-Discrimination Regime? In Krizsan, A., Skjeie, H., Squires, J (Eds). *Institutionalizing Intersectionality,* (pp. 35-58). London, UK: Palgrave Macmillan.

Karambelkar, A. (2012). Intolerance in Indonesia: The LSI Survey in *Institute of Peace and Conflict Studies (IPCS), October 31,* Retrieved May 19, 2015, from http://www.ipcs.org/article/southeast-asia/intolerance-in-indonesia-the-lsi-survey-3746.html/

Keck, M. E. & Sikkink, K. (1998). *Activists beyond borders: Advocacy networks in international politics (Vol. 6)*. Ithaca-NY, USA: Cornell University Press.

Keith, L. C. (2002). Constitutional Provisions for Individual Human Rights (1977–1996): Are They More than Mere "Window Dressing?" *Political Research Quarterly*, *55*(1), 111–143.

Kementerian Agama. (Kemenag; The Indonesia Ministry of Religious Affairs). (n.d.). *Penetapan Presiden Republik Indonesia Nomor 1/PNPSTahun 1965 Tentang Pencegahan Penyalahgunaan Dan/Atau Penodaan Agama* (The Decree of the President of the Republic of Indonesia Number 1/ PNPS/1965 on Prevention of Misuse and/or Blasphemy. Retrieved May 02, 2015, from http://e-dokumen.kemenag.go.id/files/3WsLxrag1286178904.pdf/

Kementerian Agama. (Kemenag; The Indonesia Ministry of Religious Affairs). (2008). *The Joint Decree was signed by the three of National Government institutions; The Ministry of Religion Affairs, The Attorney General and the Minister of Home Affairs.* Retrieved May 25, 2014, from http://kemenag.go.id/file/dokumen/SEBAhmadiyah.pdf/

Kementerian Agama. (Kemenag; The Indonesia Ministry of Religious Affairs). Retrieved March 26, 2015 from http://kliping.kemenag.go.id/index.php?s=istilah&q=Ahmadiyah/

Kennedy, D. (2002). International human rights movement: part of the problem?. *Harvard Human Rights Journal, 14,* 101-126.

Kerala High Court Shihabuddin Imbichi Koya Thangal vs K.P. Ahammed Koya on 8 December, 1970 Equivalent citations: AIR 1971 Ker 206. Bench: V K Iyer. Retrieved from http://www.indiankanoon.org/doc/1400223/

Khan, C. M. Z. (Revised by Munawar Ahmad Saeed) (2004). *The Essence of Islam Volume 1: A Rendering into English of Extract from The Writings, Speeches, Announcement and Discourse of Hadrat Mirza Ghulam Ahmad of Qadian, The Promised Messiah and the foundator of the Ahmadiyya Muslim jamaat*. Surrey, UK: Islam International Publication, Ltd. Raqem Press.

Khan, A. M. (2003). Persecution of the Ahmadiyya community in Pakistan: An analysis under international law and international relations. *Harvard Human Rights Journal/ Vol. 16,* pp. 217–244.

Khan, A., & Samadder, M. (2013). Struggling Insecurity: Ahmadiyya Community in Bangladesh. *International Journal on Minority and Group Rights*, *20*, 371–379.

Khalik, A. (2008). Moderate Groups under Fire for Silence over Radicals. *The Jakarta Post,* June 19, Retrieved from http://www.thejakartapost.com/news/2008/06/19/moderate-groups-under-fire-silence-over-radicals.html/

Khisbiyah, Y. (2009). Contested Discourses on Violence, Social Justice, and Peacebuilding among Indonesian Muslims. In Montiel, C.J & Noor, N.M (Eds.) *Peace psychology in Asia,* (pp. 124-145). New York, USA: Springer.

Kiguwa, P. (2006). Social constructionist accounts of intergroup relations and identity. In Ratane, K (Ed). Inter-group relations: *South African perspectives*, 111–136.

Kilonzo, S. M. (2011). The Ahmadiyya Muslim Community and Peacebuilding in Kisumu District, Kenya. *Journal of Peacebuilding & Development*, *6*(1), 80–85.

Kim, D. (2013). International nongovernmental organizations and the global diffusion of national human rights institutions. *International Organization*, *67*(03), 505-539.

Kimura, E. (2010). Proliferating provinces: Territorial politics in post-Suharto Indonesia. *South East Asia Research*, *18*(3), 415-449.

Kimura, E. (2011). Indonesia in 2011: a glass half-empty. *Asian Survey*, *52*(1), 186–194.

Kine, P. (2015). Dispatches: Tackling Indonesia's Religious Intolerance. *Human Rights Watch Publication, August 03.* New York, USA: Human Rights Watch. Retrieved February 15, 2015, from https://www.hrw.org/news/2015/08/03/dispatches-tackling-indonesias-religious-intolerance/

Kingsbury, D. (2002). *The politics of Indonesia*. Oxford, UK: Oxford University Press.

Kingsley, J. (2012). Peacemakers or Peace-Breakers: Provincial Elections and Religious Leadership in Lombok, Indonesia. *Southeast Asia Program Publication at Cornell University, No. 93,* April, 53–82.

Kinsella, S. (1996). New rationalist directions in libertarian rights theory. *Journal of Libertarian Studies*, *12*(2), 313–26.

Klose, F. (2013). *Human Rights in the Shadow of Colonial Violence: The Wars of Independence in Kenya and Algeria (translated by Dona Geyer).* Pennsylvania, USA: Pennsylvania University Press.

Komisi untuk Orang Hilang dan Korban Tindak Kekerasan (KONTRAS; The Commission for "the Disappeared" and Victims of Violence). (2008). *Evaluasi Penegakan HAM: Catatan Peringatan 60 Tahun Deklarasi Universal Hak Asasi Manusia (Human Rights)* (the Evaluation of Human Rights Enforcement: Notes for the Commemoration of 60 Years of the Universal Declaration of Human Rights), Jakarta, December. Retrieved December 02, 2014 from http://www.kontras.org/index.php?hal=siaran_pers&id=809/

Komisi untuk Orang Hilang dan Korban Tindakan Kekerasan (KONTRAS, The Commission for the Disappeared and Victims of Violence & Pusat Studi Hukum dan Kebijakan Indonesia (PSHK, P2D), The Indonesian Center for Law and Policy Studies (2016). *Indonesia Submission to Universal Periodic Review of United Nations (Third Cycle) Fundamental Freedoms*, September. Retrieved from https://www.upr-info.org/sites/default/files/document/indonesia/session_27_-_may_2017/js27_upr27_idn_e_main.pdf

Komisi Nasional Hak Asasi Manusia—Republik Indonesia (KOMNAS HAM [The Indonesian National Commission on Human Rights]) (2011).*"Laporan Tim Penyelidikan Pelanggaran Hak Asasi Manusia yang serius atas Jemaah Ahmadiyah Indonesia* (The Report of The investigation team's on Serious Violation of Human Rights of the Indonesia Ahmadiyya), *Unpublished Report. May 11*.

Komisi Nasional Hak Asasi Manusia—Republik Indonesia (KOMNAS HAM [(The Indonesian National Commission on Human Rights]) (2014). *Laporan Akhir Tahun Kebebasan Beragama/Berkeyakinan Komnas Ham RI 2014* (the Final Report of Freedom of Religion/Belief), December, 24. Retrieved march 25, 2015 from http://www.komnasham.go.id/pengawasan/laporan-akhir-tahun-kebebasan-beragamaberkeyakinan-komnas-ham-ri-2014/

Komisi Hak Asasi Manusia-Republik Indonesia (KOMNAS HAM [(The Indonesian National Commission on Human Rights]). (2015). Laporan Tahunan Komnas HAM 2015 (An Annual Report of National Human Rights Commission 2015).

Komisi Nasional Hak Asasi Manusia Perempuan-Republik Indonesia (KOMNAS HAM Perempuan [The Indonesian National Commission on Human Rights for Woman and Children]). (2008). Perempuan dan Anak Ahmadiyah: Korban Diskriminasi Berlapis (Woman and Children of the Ahmadiyya: A Victims of Massive Violence), *Report*, Jakarta.

Komisi Nasional Hak Asasi Manusia Perempuan-Republik Indonesia (KOMNAS HAM Perempuan [The Indonesian National Commission on Human Rights for Woman and Children]). (2014). *Peluncuran Laporan dari Tim Gabungan Advokasi untuk Pemulihan dari Hak Pengungsi Ahmadiyah di Nusa Tenggara Barat.* (The Indonesian National Commission for Women Rights, the Report launching of the Joint Advocacy Team for the Restoration of Rights of Ahmadiyya Refugees in Mataram, West Nusa Tenggara Province), December 8, 2014. Retrieved March 25, 2015 from http://www.komnasperempuan.or.id/2014/12/peluncuran-laporan-dari-tim-gabungan-advokasi-untuk-pemulihan-hak-hak-pengungsi-ahmadiyah-di-nusa-tenggara-barat/

Kompas.com (2008). *SKB Terbit, Ahmadiyah Harus Hentikan Kegiatan* (The Joint Decree is Declared, the Ahmadiyya must stop their Activities), Report, June 09, Retrieved from http://biz.kompas.com/read/2008/06/09/17091620/skb.terbit.ahmadiyah.harus.hentikan.kegiatan

Kompas.com. (2011). *Patrialis Sebut Ahmadiya Pemicu Konflik* (Patrialis Mentions the Ahmadiyya as Trigger of Conflict), *March 01*. Retrieved March 24, 2015, from http://nasional.kompas.com/read/2011/03/01/18474129/Patrialis.Sebut.Ahmadiyah.Pemicu.Konflik/

Kompas.com. (2014). *Ahmadiya paling sering jadi korban intoleransi sepanjang tahun 2013* (Ahmadiyya most often become victims of intolerance throughout 2013), *January 16*. Retrieved March 24, 2015 from http://nasional.kompas.com/read/2014/01/16/2229377/Ahmadiyah.Paling.Sering.Jadi.Korban.Intoleransi.Sepanjang.2013/

Koo, J. W., & Ramirez, F. O. (2009). National incorporation of global human rights: Worldwide expansion of national human rights institutions, 1966–2004. *Social forces*, *87*(3), 1321–1353.

Kraince, R. (2009). *The Challenge to Religious Liberty in Indonesia*: *Foundation Backgrounder No. 2279, June 1*. Washington, USA: The Heritage Foundation: Retrieved March 23, 2015, from http://www.heritage.org/Research/AsiaandthePacific/bg2279.cfm#_ftn16/

Kristiansen, S. (2003). Violent Youth groups in Indonesia: the case of Jogyakarta and Nusa Tenggara Barat. *Sojourn: Journal of Social Issues in Southeast Asia* 18 (1), 110–130.

Kumar, T (2013). Human Rights in Indonesia. *Testimony*. London: Amnesty International, May, 23. Retrieved March 23, 2015, from http://www.amnestyusa.org/news/news-item/congressional-testimony-on-human rights-in-indonesia-before-tom-lantos-human rights-commission-on-ma/

Kwok, Y. (2015). Four Priorities for Indonesian President Joko Widodo as He Arrives in Washington. *Time, October 25.* Retrieved November 25, 2015, from http://time.com/4086496/four-priorities-indonesia-president-joko-widodo-obama/

Kymlicka, W. (Ed.). (1995). *The rights of minority cultures* (Ed.), Oxford, UK: Oxford University Press.

Kymlicka, W. (2010). The rise and fall of multiculturalism? New debates on inclusion and accommodation in diverse societies. *International social science journal*, *61*(199), 97-112.

Kymlicka, W. (2014). The Essentialist Critique of Multiculturalism: Theories, Policies, Ethos. *Ethos* (May). *Robert Schuman Centre for Advanced Studies Research Paper No. RSCAS*, 59. Retrieved from https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2441133

Kymlicka, W., Lernestedt, C., & Matravers, M. (Eds.). (2014). *Criminal Law and Cultural Diversity*. Oxford: Oxford University Press.

Lamont, M., & Molnár, V. (2002). The study of boundaries in the social sciences. *Annual review of sociology*, *28*(1), 167–195.

Laiq, J. (1988). Ethnopolitical Issues in South-East Asia. *Economic and Political Weekly*, 909–917.

Landman, T. (2005). The political science of human rights. *British Journal of Political Science, 35*(03), 549–572.

Lang, J. (2014). Indonesia's Democratic Hurdles. *World Policy Blogpost*, March 12. Retrieved August 25, 2016, from http://www.worldpolicy.org/blog/2014/03/12/why-democracy-does-not-come-easily-indonesia/

Lathan, A. (2008). The Relativity of Categorizing in the Context of the Ahmadiyya. *Die Welt des Islams*, *48* (3), 372–393.

Lavan, S. (1972). Polemics and Conflict in Ahmadiyya History: The 'Ulama', the Missionaries, and The British (1898). *The Muslim World*, *62*(4), 283–303.

Lawson, C. (2010). Review of Serena Parekh. Hannah Arendt and the Challenge of Modernity: A Phenomenology of Human Rights. New York: Routledge, 2008. *Review. H-Net Reviews in the Humanities and Social Sciences, September*, Retrieved May 1, 2017 from http://www.h-net.org/reviews/showpdf.php?id=29593./

Lawson, S. F. (2014). *Running for freedom: Civil rights and black politics in America since 1941*. Oxford, UK: John Wiley & Sons.

Lazuard, A. (2011). Komnas HAM Temukan Pelanggaran Pada Kasus Cikeusik (The National Human Rights Commission Found Violations in the Case of Cikeusik), February 23. Retrieved June, 01, 2015, from http://news.detik.com/read/2011/02/23/131149/1577104/10/komnas-ham-temukan-pelanggaran-pada-kasus-cikeusik/

Lecarte, J. (2014). Indonesia: Human Rights Situation. At a Glance, October 29. *European Parliamentary Research Service Blog*. Retrieved July 14, 2016, from https://epthinktank.eu/2014/10/29/indonesia-human rights-situation/

Lettinga, D. (2015) How revolutionary are global human rights? In *Open-Dempcracy, May 13*. Retrieved from https://www.opendemocracy.net/openglobalrights/doutje-lettinga/how-revolutionary-are-global-human rights/

Lev, D. S. (2009). *The Transition to Guided Democracy: Indonesian Politics, 1957–1959*. Shenton House, Singapore: Equinox Publishing (Asia) PTE LTD.

Levey, G. B., & Modood, T. (Eds.) (2009). *Secularism, religion, and multicultural citizenship*. Cambridge, UK: Cambridge University Press.

Lim, M. (2006). Cyber-urban activism and the political change in Indonesia. *Eastbound*, *1*(1), 1–19.

Lindsey, T. (2002). Indonesian constitutional reform: muddling towards democracy. *Singapore Journal of International and Comparative Law, 6,* 244 – 301.

Lindsey, T., & Pausacker, H. (2016). Introduction. In Lindsey, T., & Pausacker, H. (Eds.). *Religion, Law and Intolerance in Indonesia*. New York, USA: Routledge.

Liputan6.com (2011). Soal Ahmadiyah, YLBH Akan Ajukan Uji Materi (YLBHwill Submit a Review to the Constitutional Court in regarding to the Problem of the Ahmadiyya), *Report published on March, 21*. Retrieved from http://news.liputan6.com/read/325512/soal-ahmadiyah-ylbh-akan-ajukan-uji-materi

Littman, D. (1999). Universal Human Rights and "Human Rights in Islam. Retrieved May 22, 2015, from http://www.dhimmitude.org/archive/universal_islam.html/

Loimeier, R. (2005). Translating the Qur'ān in Sub-Saharan Africa: Dynamics and Disputes. *Journal of Religion in Africa*, *35*(4), 403–423.

Lorenzo, J.A.P. (2011). *Asian Rights, Asian Remedies: The ASEAN Intergovernmental Commission on Human Rights (AICHR) and the National Human Rights Institutions (NHRIs)* (February), 1-46. Retrieved from SSRN: https://ssrn.com/abstract=2694889/

Louai, E. H. (2012). Retracing the Concept of the Subaltern from Gramsci to Spivak: Historical Developments and New Applications. *African Journal of History and Culture*, *4*(1), 4–8.

Loveland, I. (2012). *Constitutional law, administrative law, and human rights: a critical introduction*. Oxford, UK: Oxford University Press.

Loyle, C., Lindekilde, I. E. L., Nets-Zehngut, R., Diehl, I. C., & Steinmann, J. P. (2012). Focus: Radicalization and Deradicalization. *The International Journal of Conflict and Violence (IJCV), 6*(1)*, 2*. Retrieved October 25, 2013, from http://ijcv.org/issues/ijcv6(1)2012.pdf/.

Mahmood, S. (2012). Religious freedom, the minority question, and geopolitics in the Middle East. *Comparative Studies in Society and History*, *54* (2), 418–446.

Mahmood, S. (2016). *Religious Difference in a Secular Age: A Minority Report.* Princeton, New Jersey, USA: Princeton University Press.

Mahmood, S., & Danchin, P. G. (2014-a). Immunity or Regulation? Antinomies of Religious Freedom. *South Atlantic Quarterly*, *113*(1), 129–159.

Mahmood, S., & Danchin, P. G. (2014-b). Politics of Religious Freedom: Contested Genealogies. *South Atlantic Quarterly*, *113*(1), 1–8.

Majelis Ulama Indonesia (The MUI). (2011). *Himpunan Fatwa MUI Sejak 1975* (The Collection of the MUI's Fatwa/Decree since 1975). Surabaya: Penerbit Erlangga, 96 – 100.

Majelis Ulama Indonesia (MUI). (2014). *Nomor: 7/MUNAS VII/MUI/11/2005 Tentang Pluralisme, Liberalisme, dan Sekularisme Agama (MUI Decrees Number 7/MUNAS VII/11/20005 on Pluralism, Liberalism and Religious Secularism*. Retrieved March 19, 2015 from http://mui.or.id/wp-content/uploads/2014/05/12.-Pluralisme-Liberalisme-dan-Sekularisme-Agama.pdf/

Mako, S. (2012). Cultural genocide and key international instruments: Framing the Indigenous experience. *International Journal on Minority and Group Rights, 19*(2), 175–194.

Manan, M. (2010). Constitutional Democracy for Divided Societies: The Indonesian Case. *Journal of Politics and Law, 3*(1), 125.

Manea, M. G. (2009). How and Why Interaction Matters ASEAN's Regional Identity and Human Rights. *Cooperation and Conflict, 44*(1), 27–49.

Mann, M. (2005). *The Dark Side of Democracy: Explaining Ethnic Cleansing*. Cambridge, UK: Cambridge University Press.

Mann, M. (2006). The Sources of Social Power Revisited: A Response to Criticism. In Hall, J. A., & Schroeder, R. (Eds.) *An Anatomy of Power: The Social Theory of Michael Mann* (pp. 343–350). Cambridge, UK: Cambridge University Press.

Mansfield, E. D., & Snyder, J. (2007). Turbulent Transitions: Why Emerging Democracies Go to War in the Twenty-first Century. In Crocker, C., Hampson, F. O. and Aall P. (Eds.), *Leashing the Dogs of War: Conflict Management in a Divided World*, (pp. 161–176). Washington, DC, USA: United States Institute for Peace.

Maradona, S. (2011). *Patrialis: Larangan Ahmadiya tergantung Pemda* (Prohibition on the Ahmadiyya depends on Local Governments), *Republika.co.id., edition, March 06*. Retrieved March 19, 2015, from http://www.republika.co.id/berita/breaking-news/nasional/11/03/06/167685-patrialis-larangan-ahmadiyah-terserah-pemda/

Martin, R. T. (2004). *Encyclopedia of Islam*. New York, USA: Macmillan Reference.

Marwah, I. S. (2015). Liberal Theory. In. Gibbons, M.T. (Ed). *The Encyclopedia of Political Thought*. New York, USA: John Wiley & Son. Retrieved February 23, 2015, from http://onlinelibrary.wiley.com/doi/10.1002/9781118474396.wbept0607/abstract;jsessionid=CC0A0A4F17ECCC586FACE5B64CED5D20.f04t01?deniedAccessCustomisedMessage=&userIsAuthenticated=false/

Maula, B. S. (2012). Religious Freedom in Indonesia and Malaysia in The Constitutional Comparative Perspective: The Cases of Judicial Review in Blasphemous Offences. *Al-Manahij*, *6*(1), 55–70.

McCoy, M. E. (2013). Purifying Islam in Post-Authoritarian Indonesia: Corporatist Metaphors and the Rise of Religious Intolerance. *Rhetoric & Public Affairs*, *16*(2), 275–315.

McGraw, B. T. (2010). *Faith in politics: religion and liberal democracy*. Cambridge, UK: Cambridge: University Press.

McLeod, J. (2009). *An Introduction to Counselling Fourth Edition*. Berkshire, USA: Open University Press.

Media Umat.Com. (2011). *NGO Liberal Jadi Penunggang (The Liberal NGOs are Riders), published,* April 05. Retrieved from http://mediaumat.com/wawancara/2616-53-lsm-liberal-jadi-June 01, 2015 penunggang.html

Mekonnen, D. R., & Van Reisen, M. (2013). Religious Persecution in Eritrea and the Role of the European Union in Tackling the Challenge. In Reilly, N & Scriver, S. *Religion, gender, and the public sphere*, (pp. 232–244). New York, USA & London, UK: Routledge.

Menchik, J. (2014). Productive intolerance: godly nationalism in Indonesia. *Comparative Studies in Society and History*, *56*(3)*,* 591–621.

Meron, T. (1989). *Human rights and humanitarian norms as customary law*. Oxford, UK: Clarendon Press.

Meron, T. (2005). Judicial Independence and Impartiality in International Criminal Tribunals. *The American Journal of International Law*, *99*(2), 359-369.

Merry, S. E. (2006). Transnational human rights and local activism: Mapping the middle. *American anthropologist*, *108*(1), 38–51.

Michelman, F. I. (1996). Parsing "a right to have rights". *Constellations, 3*(2), 200–208.

Mietzner, M. (2009). *Military politics, Islam, and the state in Indonesia: from turbulent transition to democratic consolidation*. Singapore, Singapore: Institute of Southeast Asian Studies (ISEAS).

Mietzner, M. (2012-a). Indonesia's democratic stagnation: anti-reformist elites and resilient civil society. *Democratization*, *19*(2), 209–229.

Mietzner, M. (2012-b). Indonesia: Yudhoyono's legacy between stability and stagnation. *Southeast Asian Affairs*, *2012*(1), 119–134.

Mietzner, M. (2013). Praetorian rule and redemocratisation in South-East Asia and the Pacific Islands: the case of Indonesia. *Australian Journal of International Affairs, 67*(3), 297–311.

Mietzner, M. (2014-a). Indonesia's decentralization: the rise of local identities and the survival of the nation-state. In Hall, H. (Ed.). *Regional Dynamics in a Decentralized Indonesia,* (pp. 45–56). Singapore, Singapore: Institute of Southeast Asian Studies (ISEAS).

Mietzner, M. (2014-b). Successful and failed democratic transitions from military rule in majority Muslim societies: the cases of Indonesia and Egypt. *Contemporary Politics*, *20*(4), 435–452.

Miller, D. (2008). National responsibility and global justice. *Critical review of international social and political philosophy*, *11*(4), 383-399.

Miller, M. A. (2014). *Ethnic minorities in Asia: inclusion or exclusion?* London, UK: Routledge.

Millie, J. (2012). One Year After the Cikeusik Tragedy. Inside Indonesia, February, 04. Retrieved May 14, 2017, from http://www.insideindonesia.org/one-year-after-the-cikeusik-tragedy/

Milojev, P., Sengupta, N. K., & Sibley, C. G. (2014). Majority group opposition to minority political entitlements: The Social Dominance Paradox. *International Journal of Intercultural Relations* 39, (March), 82–92.

Moderate Muslim Society (2009). *Toleransi dan Intoleransi di Indonesia: Laporan Akhir Tahun 2009*. Unpublished Report. Jakarta, Indonesia.

Moeckli, D., Shah, S. & Sivakumaran, S. (2014). *International Human Rights Law*. Oxford, UK: Oxford University Press.

Mohamad, M. (2002). Towards a human rights regime in Southeast Asia: Charting the course of state commitment. *Contemporary Southeast Asia*, *Vol. 24*, No. 2 (August), 230 – 251.

Moon, F. (2015). *No Islam but Islam*. Newcastle, United Kingdom: Cambridge Scholar Publishing, p. 163.

Mooney, E. (2005). The concept of internal displacement and the case for internally displaced persons as a category of concern. *Refugee Survey Quarterly*, *24*(3), 9-26.

Morgan-Foster, J. (2005). Third Generation Rights: What Islamic Law Can Teach the International Human Rights Movement. *Yale Human Rights & Development Journal, Vol. 8*. (1), 67–116.

Muasher. M. (2013). Freedom and Bread Go Together. *Finance & Development, Volume March*, 14–17. Retrieved July 11, 2016 from http://www.imf.org/external/pubs/ft/fandd/2013/03/pdf/muasher.pdf/

Muhammad, M. H. S. (1982). True Facts about the Ahmadiyya Movement. Suva, Fiji: Ahmadiyya Anjuman Ishaat-i-Islam (Lahore).

Muhtadi, B. (2009). The Quest for Hizbut Tahrir in Indonesia. *Asian Journal of Social Science*, *37*(4), 623-645.

Mulderrig, J. (2015). Equality and Human Rights: Key Concepts and Issues. *Working Paper,* Edinburg, Scotland: University of Edinburg, 1–19. Retrieved February 23, 2015, from http://eprints-test.lancs.ac.uk/1274/1/Equality_and_Human_Rights_07.pdf/

Mullerson, R. (2014). *Human Rights Diplomacy*. London, UK: Routledge.

Mustafa, A. (2005). *Ahmadiyah: keyakinan yang digugat (The Ahmadiyya; An Accused Belief)*. Jakarta, Indonesia: Pusat Data & Analisa Tempo.

Mutua, M. (2013). *Human rights: A political and cultural critique*. Pennsylvania, USA: University of Pennsylvania Press.

Nader, L. (2007). The Role of NGOs in the UN Human Rights Council. *Sur. Revista Internacional de Direitos Humanos*, *4*(7), 6-25.

Nahimunkar.com (2008). *Salinan Fatwa MUI Tentang Kesesatan Ahmadiyah* (A copy of the MUI Fatwa on Ahmadiyah), April 30. Retrieved from https://www.nahimunkar.com/salinan-fatwa-mui-ttg-kesesatan-ahmadiyah/

Nash, K. (2005). Human rights culture: solidarity, diversity and the right to be different. *Citizenship studies*, *9*(4), 335–348.

Nasir, M. A. (2014). The ʿUlamāʾ, Fatāwā and Challenges to Democracy in Contemporary Indonesia. *Islam and Christian–Muslim Relations*, *25*(4), 489–505.

Nastiti, A. (2014). Discursive Construction of Religious Minority: Minoritization of Ahmadiyya in Indonesia. *Deutsches Asienforschungszentrum Asian Series Commentaries, Vol. 19*, Retrieved from https://ssrn.com/abstract=2472294/

Nasution, K. (2008). Fatwa Majelis Ulama Indonesia (MUI) on Ahmadiya. *Millah Jurnal Studi Agama*, 7(2), 1–18.

Naylor, S., & Ryan, J. R. (2002). The mosque in the suburbs: negotiating religion and ethnicity in South London. *Social & Cultural Geography*, 3(1), 39–59.

Nazqi, J. (2008, September 1). Religious violence hastens India`s leap into deeper obscurantism.. Retrieved March 15, 2016, from http://www.dawn.com/news/965384/religious-violence-hastens-india-s-leap-into-deeper-obscurantism/

Nelson, P. J., & Dorsey, E. (2008). *New rights advocacy: changing strategies of development and human rights NGOs.* Washington, USA: Georgetown University Press.

Neumayer, E. (2005). Do international human rights treaties improve respect for human rights? *Journal of conflict resolution, 49*(6), 925–953.

Nickel, J. W. (2008). Rethinking indivisibility: Towards a theory of supporting relations between human rights. *Human Rights Quarterly, 30(4)*, 984–1001.

Noor, N.M., Syamsiyatun, S., & Banawiratma, J.B. (2013). Ahmadiyah, conflicts, and violence in contemporary Indonesia. *IJIMS, Indonesian Journal of Islam and Muslim Societies, Volume 3, Number 1, June,* 1–30 Link. http://download.portalgaruda.org/article.php?article=180834&val=6212&title=Ahmadiyah,%20conflicts,%20and%20violence%20in%20contemporary%20Indonesia/

Noor, F. A. (2012). The forum Betawi Rempug (FBR) of Jakarta: An ethnic-cultural solidarity movement in a globalising Indonesia. *Working paper 242*, *June 26,* 1–35. Singapore, Singapore: S. Rajaratnam School of International Studies. Retrieved September 01, 2016, from https://www.rsis.edu.sg/wp-content/uploads/rsis-pubs/WP242.pdf/

Noori, Y. (1984). *Finality of the Prophethood*: *Critical Analysis of Babism, Bahaism and Qadiyanism*. Herst, UK: Royston Publisher

Norwegian Center for Human Rights. (2011). *Current Human Rights Issues in Indonesia*. *Indonesia Program Newsletter, 1*, Oslo, Norway: University of Oslo Retrieved October 24, 2013, from http://www.jus.uio.no/smr/english/about/programmes/indonesia/publications/newsletter/2011/Indonesia_Programme_Newsletter_1_11.pdf/

Novianti, D. (2007). Meeting the Challenges of the Ethnic Minorities, Refugees and Asylum Seekers in Hong Kong. *UNEAC Asia Papers*, Number 17). Retrieved from http://www.une.edu.au/asiacentre/PDF/No17.pdf

NTB-Terkini.com (2012). *E-KTP: Warga Ahmadiyah Bukan Warga Mataram* (E-KTP: The Ahmadiyya members are not Mataram's Resident). March 14. Retrieved March 25, 2015, from http://ntbterkini.com/e-ktp-warga-ahmadiyah-bukan-warga-kota-mataram/

Nugraha, P. (2011). Bleak prospects for Ahmadis. *The Jakarta Post, December 19*. Retrieved from www.thejakartapost.com/news/2011/12/19/bleak-prospects-ahmadis.html

Nugroho, Y., Nugraha, L. K., Laksmi, S., Amalia, M., Putri, D. A., & Amalia, D. (2012). Media and the vulnerable in Indonesia: Accounts from the margins. *Report Series – Engaging Media, Empowering Society: Assessing media policy and governance in Indonesia through the lens of citizens' rights*. Jakarta, Indonesia: Centre for

Innovation Policy and Governance, 7–23. Retrieved September 01, 2016, from http://www.batukarinfo.com/system/files/media-and-vulnerable-1.pdf/

NU Online. (2007), *MUI tetapkan 10 Indikator Aliran Sesat (MUI set up 10 Indicator for Cult)*, *June, 6,* Retrieved May 19, 2015 from http://www.nu.or.id/a,public-m,dinamic-s,detail-ids,1-id,10437-lang,id-c,warta-t,MUI+Tetapkan+10+Indikator+Aliran+Sesat-.phpx/

Nussbaum, M. C. (2011). *Creating capabilities*. Garden Street, Cambridge, USA: Harvard University Press.

Nussbaum, M. C. (2012). *The New Religious Intolerance: Overcoming the Politics of Fear in an Anxious Age*. Cambridge, USA: The Belknap Press (Imprint from Harvad University Press).

Nyman, M. (2008). Civil Society and the challenges of the post-Suharto era. In Bunte M. & Ufen, A (Eds.). *Democratization in Post-Suharto Indonesia*, (pp. 251–265). London, UK & New York: USA, Routledge.

O'Brien, M. R. (1985). *Crime and Victimization Data*. London, UK: Sage Publication.

O'Byrne, D.J. (2012-a). Re-Imagining the Theory of Human Rights. *The International Journal of Human Rights Volume 16* (7)*, 1078–1093.

O'Byrne, D.J. (2012-b). On the sociology of human rights: Theorising the language-structure of rights. *Sociology*, *46*(5), 829–843.

O'Byrne, D.J. (2014). *Human rights: An introduction*. New York & London: Routledge.

Office of High Commissioner for Human Rights (OHCHR) (n.d.). Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human rights law and Serious Violations of International Humanitarian Law Adopted and proclaimed by General Assembly resolution 60/147 of 16 December 2005. Retrieved August 26, 2016, from http://www.ohchr.org/EN/ProfessionalInterest/Pages/RemedyAndReparation.aspx.

Office of the High Commissioner of Human Rights (OHCHR). (n.d.). *What is Human Rights*. Geneva, Switzerland: United Nations. Retrieved September 07, 2015 from http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx/

Office of High Commissioner for Human Rights (OHCHR) (n.d.). International Covenant on Economic, Social and Cultural Rights. Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 entry into force 3 January 1976, in accordance with article 27. Retrieved March 12, 2015, from http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx)

Office of the High Commissioner for Human Rights (OHCHR) (n.d.). *International Covenant on Civil and Political Rights*. Retrieved March 24, 2015, from http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx

Office of the High Commissioner of Human Rights (OHCHR). (n.d.). International Convention on the Elimination of All Forms of Racial Discrimination. Retrieved from http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx/

Office of Office of the High Commissioner of Human Rights (OHCHR) (n.d.). Ratification of the Convention against Tortureand Other Cruel, Inhuman or Degrading Treatment or Punishment. *The Committee against Torture*. Retrieved March 21, 2015, from http://www.ohchr.org/EN/ HRBodies/CAT/Pages/CATIndex.aspx/

Office of the High Commissioner of Human Rights (OHCHR). (n.d.). National Institutions for the Promotion and Protection of Human Rights. *Fact Sheet No. 19*. Geneva, Switzerland. Retrieved May 30, 2015 from http://www.ohchr.org/Documents/Publications/FactSheet19en.pdf

Office of the High Commissioner for Human Rights (OHCHR) (n.d.). Code of Conduct for Law Enforcement Officials. *Adopted by General Assembly resolution 34/169 of 17 December 197*. Retrieved May 30, 2015 from http://www.ohchr.org/EN/ProfessionalInterest/Pages/LawEnforcementOfficials.aspx/

Office of the High Commissioner of Human Rights (OHCHR). (1965). International Convention on the Elimination of All Forms of Racial Discrimination Adopted and opened for signature and ratification by General Assembly resolution 2106 (XX) of 21 December 1965 entry into force 4 January 1969, in accordance with Article 19. Retrieved August 16, 2016 from http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx/

Office of the High Commissioner of Human Rights (OHCHR). (1989). "Convention on the Rights of the Child Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989, entry into force 2 September 1990, in accordance with article 49. Retrieved August 16, 2016 from http://www.ohchr.org/en/professionalinterest/pages/crc.aspx./

Office of the High Commissioner of Human Rights (OHCHR). (2002). Professional Training Series No. 5/Aad. 2. Human Rights and Law Enforcement: A Trainer's Guide on Human Rights for the Police. New York, USA & Geneva, Switzerland, United Nations. Retrieved March 10, 2017 from http://www.ohchr.org/Documents/Publications/training5Add2en.pdf

Office of the High Commissioner of Human Rights (OHCHR). (2007). *Good Governance Practices for the Protection of Human Rights*. New York: USA & Geneva, Switzerland: United Nations (UN). Retrieved from http://www.ohchr.org/Documents/Publications/GoodGovernance.pdf/

Office of the High Commissioner of Human Rights (OHCHR). (2010-a). *Minority Rights: Global Standard and Guidance for Implementation.* Geneva, Switzerland: United Nations.

Office of the High Commissioner of Human Rights (OHCHR). (2010-b). *Minority Rights: International Standards and Guidance for Implementation*. New York: United Nations, p. 2.

Office of the High Commissioner of Human Rights (OHCHR (2012). List of Regulation that prohibit Ahmadiyya Congregation Activity until 2011. Anex 1. Retrieved from http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ID/JS8_UPR_IDN_S13_2012_JointSubmission8_Annex1_E.pdf

Office of the High Commissioner of Human Rights (OHCHR). (2013). Sixth Session of the Forum on Minority Issues on "Beyond Freedom of Religion or Belief: Guaranteeing the rights of religious minorities", November, 26 and 27. Geneva, Switzerland: United Nations. Retrieved December 12, 2014, from http://www.ohchr.org/EN/HRBodies/HRC/Minority/Pages/Session6.aspx/

Office of the High Commissioner of Human Rights (OHCHR) (2015). *'Key concepts on ESCRs – What are the obligations of States on economic, social and cultural rights?'*

Geneva, Switzerland. Retrieved May 30, 2015 from http://www.ohchr.org/EN/Issues/ESCR/Pages/WhataretheobligationsofStatesonESCR.aspx

Olbourne, B. (2003). Independence and Impartiality International Standards for National Judges and Courts. *Law and Practice of International Courts and Tribunals*, *2*, 97-126.

Orentlicher, D. F. (1991). Settling accounts: the duty to prosecute human rights violations of a prior regime. *Yale Law Journal*, Vol. 100, No. 8, June. 2537-2615.

Osiatyński, W. (2009). *Human Rights and Their Limits.* Cambridge, UK: Cambridge University Press.

Pasandaran, C. (2010). Constitutional court keeps faith with Indonesia's controversial blasphemy law. *The Jakarta Globe.* April 20, Retrieved from http://www.thejakartaglobe.com/home/constitutional-court-keeps-faith-with-indonesias-controversial-blasphemy-law/370423/

Pearson, E. (2014). Indonesia's growing religious intolerance has to be addressed. *The Guardian,* February 06, Retrieved March 02, 2015, from http://www.theguardian.com/commentisfree/2014/feb/06/indonesias-growing-religious-intolerance-has-to-be-addressed/

Peou, S. (2015). The Limits and Potential of Liberal Democratization in Southeast Asia. *Journal of Current Southeast Asian Affairs*, *33*(3), 19–47.

Persecution.org (2008). *English translation of Indonesian Joint Ministerial Decree (SKB) against Ahmadiyya*. Retrieved November 14, 2014, from http://www.thepersecution.org/world/indonesia/docs/skb.html

Pertiwi, M. K. (2014). Reclaiming Minority's Freedom of Religion or Belief in Indonesia: Evaluating State Response to the Ahmadiyya Conflict in Lombok, Indonesia. *(Thesis).* Oslo, Norway: Faculty of Law, Oslo University. Retrieved October 30, 2015, from https://www.duo.uio.no/bitstream/handle/10852/40061/Thesis_9003.pdf?sequence=1&isAllowed=y/

Petersen, C. J. (2011). Bridging the gap: The role of regional and national human rights institutions in the Asia Pacific. *Asian-Pacific Law and Policy Journal 13*, 174-209.

Petok, B. (2011). Non-Intervention, Regional Stability and the ASEAN Court of Human Rights. *UDC Student Law Journal (first issue)*, 231. Retrieved from http://www.cardozolawandgender.com/uploads/2/7/7/6/2776881/337-369.pdf

Pettit, J., & Wheeler, J. (2005). Developing rights? Relating discourse to context and practice. *IDS bulletin*, *36*(1), 1–8.

Pew Research Center (PRC). (2014). Latest Trends in Religious Restriction and Hostilities. New York. Retrieved November 09, 2015 from http://www.pewforum.org/2015/02/26/religious-hostilities/

Pinto, M. (2013). Review the Human Rights Culture: A Study in History and Context by Lawrence M. Friedman. *Journal of Legal Education Vol. 62*, No. 4 (May), 663–667

Piron, L. H. (2004). *Rights-based approaches to social protection*. Overseas Development Institute. Retrieved July 30, 2017 from http://socialprotection-humanrights.org/wp-content/uploads/2015/06/Rights-based-approaches-to-social-protection1.pdf

Plattner, M. F. (2010). Populism, pluralism, and liberal democracy. *Journal of Democracy, 21*(1), 81–92.

Platzdasch, B. (2011). Religious Freedom in Indonesia: The Case of the Ahmadiyya. *ISEAS Working Paper: Politics and Security Series No. 2*. Singapore, Singapore: Institute of Southeast Studies (ISEAS) Retrieved May 11, 2013. from http://www.iseas.edu.sg/documents/publication/ps22011R/

Porat, G. B., & Fany, Y. (2012). Minorities in Democracy and Policing Policy: From Alienation to Cooperation. *Policing and Society, Volume 22* (2) June, 235–252.

Posner, E. (2014). The Case Against Human Rights. *The Guardian, December 4.* Retrieved September 11, 2017 from https://www.theguardian.com/news/2014/dec/04/-sp-case-against-human rights

Poulter, S. (2001). Human Rights and Minority Rights. In Harry Goulbourne (Ed.). *Race and Ethnicity: Critical Concepts in Sociology*. London, UK: Routledge.

Pratto, F. (2015). On power and empowerment. *British Journal of Social Psychology, Volume 55, Issue 1,* 1-20

Pratto, F., Stewart, A. L., & Zeineddine, F. B. (2013). When inequality fails: Power, group dominance, and societal change. *Journal of Social and Political Psychology*, *1*(1), 132-160.

Préfontaine, D. C., & Lee, J. (1998). The Rule of Law and the Independence of the Judiciary. *Rev. quebecoise de droit int'l*, *11*, 163-186.

Preis, A. B. S. (1996). Human rights as cultural practice: An anthropological critique. *Human Rights Quarterly*, *18*(2), 286–315.

Preston, T. W. C. H. (2012). *The "State Islam" Nexus: Islam and the State in Indonesia and Malaysia, 1982–2008* (Doctoral dissertation). Toronto, Canada: University of Toronto. Retrieved January 05, 2016, from https://tspace.library.utoronto.ca/bitstream/1807/34852/1/Preston_Trevor_W_201211_PhD_thesis.pdf/

Pringle, R. (2014). *Understanding Islam in Indonesia: politics and diversity*. Hawai'i: USA: University of Hawaii Press.

Puddington, A. (2014). The Democratic Leadership Gap. *Journal of Democracy*, *25*(2), 77–92.

Purnomo, S. (2013). Nasib Ahmadiyya: Terlantar di Negeri Sendiri (The Fate of Ahmadiyya: being displaced in the own country). *BBC Indonesia, August, 03*. Retrieved March 19, 2015, from http://www.bbc.co.uk/indonesia/berita_indonesia/2013/08/130802_ahmadiyah_lombok/

Qasmi, A. U. (2014). *The Ahmadis and the Politics of Religious Exclusion in Pakistan*. London, UK & New York, USA: Anthem Press.

Quigley, C. N. (n.d.). Constitional Democracy. *Preleminary Draft for Review and Comment.* Calabasa, Ca, USA: Center for Civic Education. Retrieved February 09, 2017, from http://www.civiced.org/resources/publications/resource-materials/390-constitutional-democracy

Qurtuby, S. A. (2014). Contemporary Developments in Indonesian Islam: Explaining the "Conservatism turn". *Pacific Affairs, 87*(2), 389–391.

Rabossi, E. (1990). 'La teoría de los Derechos humanos naturalizada'. Revista del Centro de Estudios Constitucionales, No. 5 (January—March, 1990), pp. 159–179. Translated by Richard Rorty Human Rights Naturalized). http://www.nyu.edu/classes/gmoran/3RORTY.pdf; also cited by Slye, R.C. (1994). Human Rights in Theory and

Practice: A Review of Human Rights. *Fordham International Law Journal, Volume 18, Issue 4, Article 15,* pp. 1566–1995. Retrieved http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1444&context=ilj

Radhakrisna, R. (2006). Minority Theory, Re-Visited. *The New Centenial Review, Vol. 6* (2) Fall*,* 39–55.

Rafsadi, I. (2014). Is a New Law Enough to Protect Religious Minorities in Indonesia? *The Conversation,* November 21. Retrieved August 25, 2016, from https://theconversation.com/is-a-new-law-enough-to-protect-religious-minorities-in-indonesia-34242/

Rahman, F.Z. (2014). State restrictions on the Ahmadiyya sect in Indonesia and Pakistan: Islam or political survival? *Australian Journal of Political Science (Routledge) 49* (3)*:* 408–422.

Rahman, I. (2012). *Jeopardizing Transition: Freedom of Worship, the Power of Local Government, and Democratization in Indonesia. Paper presented in the 2nd Annual Conference of Japan Association of Human Security Studies (JAHSS), in Aichi University, Nagoya, Japan*, September 29–30, 1–14. Retrieved June 06, 2016, from http://repository.unhas.ac.id/handle/123456789/274/

Rahman, T. (2005). Passports to privilege: The English-medium schools in Pakistan. *Peace and Democracy in South Asia*, *1*(1), 24–44.

Rahman, W.R. (2005, December 23). Violent Dhaka Rally against Sect. Retrieved from http://news.bbc.co.uk/2/hi/south_asia/4556318.stm/

Raina, A. (2014). Democrats and Minority Marginalization: The Case of Pakistan. *Asian Journal of Political Science*, *22*(2), 206–226.

Ramakrishna, K. (2015). *Islamist Terrorism and Militancy in Indonesia: The Power of the Manichean Mindset*. Singapore, Singapore: Springer.

Ramstedt, M., & Thufail, F. I. (2012). Law and religio-ethnic identity in post-New Order Indonesia. *Asian Ethnicity 13*(4), 321–322.

Rasheed, M. A. M. (2010). Is Islam a Threat to Poland and World Peace.*The Review of Religions, September,* Retrieved from http://www.reviewofreligions.org/2621/is-islam-a-threat-to-poland-and-world-peace/

Rashid, Q. (2011). Pakistan's Failed Commitment: How Pakistan's Institutionalized Persecution of the Ahmadiyya Muslim Community Violates the International Covenant on Civil and Political Rights. *Richmond Journal of Global Law and Business 11* (1), 1–40.

Rathgeber, T. (2015). Documentation: International Legal Human Rights Framework – Human Rights and the Institutionalisation of ASEAN: An Ambiguous Relationship. *Journal of Current Southeast Asian Affairs*, *33*(3), 131–165.

Ratulea, G. (2009). *Minorities Protection, Democracy and Cultural Pluralism. Bulletin of Transilvana University of Brasov, Vol. 2* (51)*, Series VII: Social Sciences and Laws,* 42–51.

Reading, C. (2011). Indonesia: Pluralism vs Vigilantism.*Open Democracy,* August 26, Retrieved May 19, 2015, from https://www.opendemocracy.net/charles-reading/indonesia-pluralism-vs-vigilantism/

Refugee Review Tribunal, Australia. (2005). Bangladesh: Ahmadi-Sunni, October, 08. Retrieved April 11, 2016 from http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=4b6fe123d./

Regus, M. (2015-a). Minority and Politics in Indonesia: Towards Inclusive Justice (chapter 5). In Paxton, M. Kolpinskaya, E. & Jonasova, J. (Eds.). *Politics in Crisis?,* (pp.90–100). London, UK: Cambridge Scholar Publishing.

Regus, M. (2015-b). Reimagining the Smiling Islam in Contemporary Indonesia: Some Reflection from Outsider. *Social Science Research Network (SSRN), February, 21,* 1–13. Retrieved November 21, 2015, from http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2568082/

Reidy, R. (2003). *Handbook No. 6: The prohibition of torture. A guide to the implementation of Article 3 of the European Convention on Human Rights*. Strasbourg Cedex, Germany: Directorate General of Human Rights Council of Europe F-67075. Retrieved from https://edoc.coe.int/en/index.php?controller=get-file&freeid=5763

Reif, L. C. (2000). Building democratic institutions: the role of national human rights institutions in good governance and human rights protection. *Harvard Human Rights Journal*, *13*, 1-70.

Renteln, A. D. (2013). *International human rights: universalism versus relativism*. New Orleans, Lousiana-USA: Quid Pro Books.

Reuters News. (2008). *Wantimpres Strive to Prevent Discharge Termination SKB Ahmadiyah*, April, 22, Retrieved June 22, 2014 from http://www.antaranews.com/view/?i=1208864066&c=NAS&s/

Richardson, T. J. (1999). Social justice and minority religions: A sociological introduction. *Social Justice Research*, *12*(4), 241–252.

Richardson, T. J. (2013). *Policy Styles in Western Europe (Routledge Revivals)*. New York, USA: Routledge.

Richardson, T.J. (2015). Managing Religion and the Judicialization of Religious Freedom. *Journal for the Scientific Study of Religion*, *54*(1), 1–19.

Riles, A. (2006). Anthropology, human rights, and legal knowledge: culture in the iron cage. *American Anthropologist*, *108*(1), 52-65.

Risse, T., & Sikkink, K. (1999). The socialization of international human rights norms into domestic practices: introduction. In Risse, T., & Sikkink, K. (Eds.) *The Power of Human Rights: Intrnational Norms and Domestic Change. Cambridge Studies in International Relations*, *66*, (pp. 1–38). Cambridge, UK: Cambridge University Press.

Robertson, G. (1989). *Society: A Brief Introduction.* New York, USA: Worth Publishers.

Rodley, N. S. (1995). Conceptual problems in the protection of minorities: international legal developments. *Human Rights Quarterly*, *17*(1), 48-71.

Roht-Arriaza, N. (1990). State responsibility to investigate and prosecute grave human rights violations in international law. *California Law Review*, *Vol. 78*, (2), 449–513. Retrieved from http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1840&context=californialawreview

Rome Statute of the International Criminal Court (1999). Part 2. Jurisdiction, Admissibility and Applicable Law. Retrieved from http://legal.un.org/icc/statute/99_corr/2.htm

Rona, G & Aarons, L. (2016). State Responsibility to Respect, Protect and Fulfill Human Rights Obligations in Cyberspace (October 26,). *8 Journal National Law Security & Policy* (2016, Forthcoming); Cardozo Legal Studies Research Paper No. 503. Retrieved March 11, 2017 from https://ssrn.com/abstract=2859615/

Ron, J., Ramos, H., & Rodgers, K. (2005). Transnational information politics: NGO human rights reporting, 1986–2000. *International Studies Quarterly*, *49*(3), 557-588.

Ropi, I. (2010). Islamism, Government Regulation, and the Ahmadiyah Controversies in Indonesia. *Al-Jami'ah: Journal of Islamic Studies*, *48*(2), 281–320.

Ropi, I. (2017). "Old Issues New Controversies: Cases of the Places of Worship, the Ahmadiyah Group and the Judicial Review of the Vilification Law." In *Religion and Regulation in Indonesia,* (pp. 199–218). Singapore. Springer Singapore.

Rorty, R. (1993). Human Rights, Rationality, and Sentimentality. In Shute, S. & Hurley, S. (Eds.). *On Human Rights: The Oxford Amnesty Lectures.* New York, USA: Basic Books.

Rorty, R. (1998). Human Rights, Rationality and Sentimentality, in *Truth and Progress: Philosophical Paper, Vol. 5* (Print Publication, 1998, Online Publication Date, July, 2010). Cambridge, UK: Cambridge University Press, 167–185.

Rotberg, R. I. (2002). The new nature of nation-state failure. *Washington Quarterly*, *25*(3), 83-96.

Rotberg, R. I (Ed.). (2003). *When States Fail: Causes and Consequences*, Princeton: Princeton University Press, 1–50. Retrieved June 06, 2016, from http://press.princeton.edu/chapters/s7666.html/

Ruslan, H. (2013). *Pemkot Mataram Tolak Akui Pengikut Ahmadiyah Sebagai Warganya (Mataram City District Refuses the Ahmadiyya as its Resident).* Retrieved from http://www.republika.co.id/berita/regional/nusantara/12/03/13/m0t7qa-pemkot-mataram-tolak-akui-pengikut-ahmadiyah-sebagai-warganya

Sabandi, O.E. (2012). *Perjuangan Kemerdekaan Republik Indonesia dan Seruan Khilafah Ahmadiyah* (A struggle for Indonesian Independence and a Calling for the Ahmadiyya Caliphate Movement). *Maarif Vol. 7*(1) 159–172.

Sadurski, W. (2014). Judicial Review and Protection of Constitutional Rights. In Sadurski, W (Ed.). *Rights Before Courts,* (pp. 145–166). Rotterdam, Netherlands: Springer.

Saeed, S. (2012). Political Fields and Religious Movements: The Exclusion of the Ahmadiyya Community in Pakistan. In Go, J. (Ed.). *Political Power and Social Theory, Vol. 23*, (pp. 189–223). Bingley, UK: Emerald Group Publishing.

Sager, L. G. (1984). State Courts and the Strategic Space Between the Norms and Rules of Constitutional Law. *Tex. L. Rev.*, *63*, 959.

Sagita, D. (2011). NGOs Say US Got It Wrong on Indonesian Human Rights. *The Jakarta Globe,* April, 11, Retrieved June 01, 2015, from http://thejakartaglobe.beritasatu.com/archive/ngos-say-us-got-it-wrong-on-indonesian-human rights/434680/

Sahgal, N. (2013). In Pakistan, most say Ahmadis are not Islam. *Report, September, 10.* Pew Research Center. Retrieved from http://www.pewresearch.org/fact-tank/2013/09/10/in-pakistan-most-say-ahmadis-are-not-muslim/

Sakai, M., & Fauzia, A. (2014). Islamic orientations in contemporary Indonesia: Islamism on the rise? *Asian Ethnicity*, *15*(1)*,* 41–61.

Sakai, M., & Isbah, M. F. (2014). Limits to Religious Diversity Practice in Indonesia. *Asian Journal of Social Science*, *42*(6), 722–746.

Saleh, A. (2010). Broadening the Concept of Security: Identity and Societal Security. *Geopolitics Quarterly*, *6*(4), 228–241.

Salim, A. (2008). *Challenging the secular state: The Islamization of law in modern Indonesia*. Hawaii-Manoa, USA: University of Hawaii Press.

Salomon, M. E., & Sengupta, A. (2003). *The right to development: obligations of states and the rights of minorities and indigenous peoples*. Minority Rights Group International.

Salter, M. (2012), Democracy for All? Minorities and Democratisation. *Open-Democracy, February 12,* Retrieved May 20, 2015, from https://www.opendemocracy.net/mark-salter/democracy-for-all-minority-rights-and-democratisation/

Samantho, A.Y. (2012). The *1945 Constitution after 1 to 4 Amendment Process in one Manuscript, October 22.* Retrieved March 30, 2016, from https://ahmadsamantho.wordpress.com/2012/10/22/undang-undang-dasar-1945-setelah-amandemen-i-s-d-iv-dalam-satu-naskah/

Sapountzis, A., & Condor, S. (2013). Conspiracy accounts as intergroup theories: challenging dominant understandings of social power and political legitimacy. *Political Psychology*, *34*(5), 731–752.

Saragih, T. B. B. (2010). NGOs request judicialreview of religious blasphemylaw. *The Jakarta Post,* January 30*.* Retrieved June 01, 2015, from http://timesofahmad.blogspot.nl/2010/01/indonesia-ngos-request-judicial-review.html/

Sarkin, J. (1998). The Development of a Human Rights Culture in South Africa. *Human Rights Quarterly Vol. 20,* (3)*,* August, 628-665.

Sarkissian, A. (2015). *The varieties of religious repression: Why governments restrict religion*. Oxford, UK: Oxford University Press.

Savitri, I. (report) (2011). Kejaksaan Dukung Aturan Larangan Ahmadiyah (The Attorney Supports the banning of Ahmadiyya). *Tempo, March 2,* Retrieved from https://nasional.tempo.co/read/news/2011/03/02/078317059/kejaksaan-dukung-aturan-larangan-ahmadiyah

Schäfer, S. (2015). Renegotiating Indonesian secularism through debates on Ahmadiyya and Shia. *Philosophy & Social Criticism*, *41*(5), 497–508.

Schaffer, K., & Smith, S. (2004). *Human rights and narrated lives: The ethics of recognition*. New York, USA: Springer.

Schedler, A. (1999). Conceptualizing accountability. In Schedler, A., Diamond, L., and Plattner, F.M., (Eds.). *The self-restraining state: Power and accountability in new democracies,* (pp. 13–28). Boulder—Colorado, USA: Lynne Rienner Publishers.

Scherpen, B. (2013). Enforcing Religious Freedom in Indonesia: Muslim Elites and the Ahmadiyah Controversy after the 2011 Cikeusik Clash. In *Regime Change, Democracy and Islam the Case of Indonesia: Final Report Islam Research Programme Jakarta, March.* Leiden, Netherlands: Leiden University.

Schiek, D., & Lawson, A. (Eds.). (2013). *European Union non-discrimination law and intersectionality: investigating the triangle of racial, gender and disability discrimination.* Farnham, Surrey, UK: Ashgate Publishing, Ltd.

Schirrmacher, T. (2013). Religious freedom in Indonesia-a survey. *International Journal for Religious Freedom: Researching religious freedom*, *6* (1&2*)*, 85–96.

Schulze, K. E. (2002). Laskar Jihad and the conflict in Ambon. *The Brown Journal of World Affairs*, *9*(1), 57–69.

Scott, M., (2016). Indonesia: The Battle over Islam. *New York Southeast Asia Netwrok, May 26.* Retrieved on August 16, 2017 from http://nysean.org/post/indonesia-battle-over-islam/

Sen, A. (1981). *Poverty and Famines: An Essay on Entitlement and Deprivation*. Oxford, UK: The Clarendon Press.

Sen, A. (2004-a). Elements of a theory of human rights. *Philosophy & Public Affairs*, *32*(4), 315-356.

Sen, A. (2004-b). Capabilities, lists, and public reason: continuing the conversation. *Feminist economics*, *10*(3), 77–80.

Sen, A. (2010). *The Idea of Justice.* London, UK: Penguin Books.

Seo, M. (2012). Defining 'religious' in Indonesia: toward neither an Islamic nor a secular state. *Citizenship Studies 16*(8), 1045–1058.

Seo, M. (2013). *State management of religion in Indonesia*. London, UK: Routledge.

Sepúlveda, M., Van Banning, T., Gudmundsdóttir, G., Chamoun, C., Van Genugten, W. J.M. (2004). *Human rights reference handbook (3rd ed. Rev. Ed.).* Ciudad Colon, Costa Rica: University of Peace.

Setara Institute. (2011). *Political Discrimination by the SBY Regime*. Report on Freedom of Religion and Belief. Jakarta, Indonesia. Retrieved from http://www.setara-institute.org/en/content/report-freedom-religion-and-belief-2011-0/ , 13–16

Setara Institute. (2012). *Kepemimpinan tanpa Prakarsa* (Leadership without Initiative). Annual Report. Jakarta, Indonesia. Retrieved April 09, 2016 from http://setara-institute.org/wp-content/uploads/2015/03/Laporan-KBB-2012_Kepemimpinan-Tanpa-Prakarsa_Setara-Institute.pdf

Setara Institute. (2013-a). *Stagnasi Kebebasan Beragama* (Stagnation on Religious Freedom). Annual Report. Jakarta, Indonesia. Retrieved April 09, 2016 from http://setara-institute.org/wp-content/uploads/2014/11/Laporan-KBB-2013_Stagnasi-Kebebasan-Beragama_Setara-Institute.pdf

Setara Institute. (2013-b). *Index Kerja Penegakkan Hak Asasi Manusia-HAM* (Performance Index of Human Rights Enforcement). Jakarta, Retrieved from http://setara-institute.org/wp-content/uploads/2015/09/Ringkasan-Laporan-Indeks-Kinerja-HAM-2013.pdf/

Setara Institute (2014). http://setara-institute.org/wp-content/uploads/2014/11/Laporan-KBB-2010_Negara-Menyangkal_Setara-Institute.pdf

Setiawan, K. (2016). From Hope to Disillusion. *Bijdragen tot de taal-, land-en volkenkunde/Journal of the Humanities and Social Sciences of Southeast Asia, 172* (1), 1–32.

Sezgin, Y., & Künkler, M. (2014). Regulation of "Religion" and the "Religious": The Politics of Judicialization and Bureaucratization in India and Indonesia. *Comparative Studies in Society and History*, *56* (02), 448–478.

Shah, D. A. (2014). Constitutional Arrangements on Religion and Religious Freedom in Malaysia and Indonesia: Furthering or Inhibiting Rights. *The Indonesian Journal of International & Comparative Law, 1,* 260–300

Shah, M. A. (2013). The Human Rights Situation in Central Asia: A Survey. *International Journal of Innovative Research and Development*, *2*(4), 451–475.

Shelton, D. (2002). Protecting Human Rights in Globalized World. *Boston College International & Comparative Law Review, Vol. 25*, Number 2. Reterieved March 10, 2017 from https://www.bc.edu/content/dam/files/schools/law/lawreviews/journals/bciclr/25_2/06_FMS.htm

Shestack, J. J. (1998). The philosophic foundations of human rights. *Human Rights Quarterly, 20(2)*, 201–234.

Shiskhin, P. (2011), The Persecution of Indonesia's Ahmadis Muslim. *Newsweek,* February 13. Retrieved May 20, 2015, from http://www.newsweek.com/persecution-indonesias-ahmadi-muslims-68737/

Sidel, J.T. (2007). Indonesia: Minorities, Migrant Workers, Refugees, and the New Citizenship Law: commissioned by United Nations High Commissioner for Refugees, Status Determination and Protection Information Section (DIPS). *Writenet, Independent Analysis*, UK. Retrieved April 30, 2017 from http://www.refworld.org/pdfid/463ae6272.pdf/

Sidik, H.M. (2007). *Dasar-Dasar Hukum dan Legalitas Jemaat Ahmadiyah Indonesia (Title translation: The Foundation of Law and Legality of the Ahmadiyya in Indonesia).* Jakarta, Indonesia: Ikatan Sarjana Hukum Jemaat Ahmadiyyah Indonesia (IKAHI), (The Law Association of the Ahmadiyya Group in Indonesia).

Sihombing, U. P., Aminah, S., & Roziqin, M. K. (2013). Injustice in Belief; Monitoring the Results of Cases on Blasphemy of Religion and Religious Hate Speech in Indonesia. *Report.* Jakarta, Indonesia: The Indonesian Legal Resource Center (ILRC), 1–110. Retrieved September 01, 2016 from http://www.mitrahukum.org/wp-content/uploads/2013/06/injustice-inbelief.pdf/

Sikkink, K. (1993). Human rights, principled issue-networks, and sovereignty in Latin America. *International Organization, 47*(03), 411–441.

Sikkink, K. (2011). *The Justice Cascade: How Human Rights Prosecutions Are Changing World Politics (The Norton Series in World Politics).* New York, USA: W.W. Norton & Company, Inc.

Simmons, B. A. (2009). *Mobilizing for human rights: international law in domestic politics.* Cambridge, UK: Cambridge University Press.

Sinha, M. K. (2005). Minority Rights: A Case Study of India. *International Journal on Minority and Group Rights 12*, 355 – 374.

Sirry, M. I. (2013). Fatwas and their controversy: The case of the Council of Indonesian Ulama (MUI). *Journal of Southeast Asian Studies*, *44*(01), 100–117.

Skogly, S., & Gibney, M. (2002). Transnational human rights obligations. *Human Rights Quarterly, 24*(3)*,* 781–798.

Skogly, S., & Gibney, M. (2006). *Beyond national borders: States' human rights obligations in international cooperation (Vol. 61)*. Antwerp, Belgium: Intersentia.

Slater, D., & Simmons, E. (2013). Coping by Colluding Political Uncertainty and Promiscuous Powersharing in Indonesia and Bolivia. *Comparative Political Studies*, *46*(11), 1366–1393.

Snyder, J., & Vinjamuri, L. (2006). Trials and errors: principle and pragmatism in strategies of international justice. *International Security, Winter, 04. Vol. 28, No. 3*, 5-44.

Soesastro, H., Smith, A. L., & Han, M. L. (Eds.). (2002). *Governance in Indonesia: challenges facing the Megawati presidency* (Vol. 239). Singapore, Singapore: Institute of Southeast Asian Studies.

Sofianto, K. (2016). "Mirza Ghulam Ahmad: Founder of the Ahmadiyya Muslim from Qadian, India". *TAWARIKH: International Journal for Historical Studies, Vol.7(2), April*, 183–200.

Sommer, M. (2014). Moderation of religious and secular politics, a country's "centre" and democratization. *Democratization*, *21*(2), 244–267.

Spencer, R. (2014). Indonesia: Authorities again seal shut Ahmadi mosque. *The Jihad Watch,* May 18, Retrieved May 20, 2015 from http://www.jihadwatch.org/2014/05/indonesia-authorities-again-seal-shut-ahmadi-mosque/

Spivak, G. C. (1994). 'Can the Subaltern Speak?'. In Williams, P. & Chrisman, L., *Colonial Discourse and Post-Colonial Theory*. New York, USA: Columbia University Press.

Spivak, G. C., & Harasym, S. (1990). *The post-colonial critic: Interviews, strategies, dialogues*. Abigdon-Oson, UK: Psychology Press.

Stabile, S. J. (2014). What Is Religious Persecution in a Pluralist Society. *Villanova Law Review*, *59*, 753–270.

Staerklé, C., Clémence, A., & Doise, W. (1998). Representation of human rights across different national contexts: The role of democratic and non-democratic populations and governments. *European Journal of Social Psychology*, *28*(2), 207–226.

Stahn, C. (2007). Responsibility to protect: Political rhetoric or emerging legal norm? *American Journal of International Law, Vol. 101*, 99–120.

Stamatopoulou, E. (2012). Monitoring cultural human rights: the claims of culture on human rights and the response of cultural rights. *Human rights quarterly, 34*(4), 1170–1192.

Stanford Encyclopedia of Philosophy. (2010). *Enlightenment*. August 10. Retrieved from https://plato.stanford.edu/entries/enlightenment

Staples, L.K. (2011). Statelessness, sentimentality and human rights: a critique of Rorty's liberal human rights culture. *Philosophy & Social Criticism, Vol. 37,* (9), 1011–1024.

Stefanus Alliance International (SAI) & Christian Solidarity Worldwide (CSI) (2014). *Indonesia: Pluralism in Peril The rise of religious intolerance across the archipelago: Published Report*. Retrieved June 10, 2016 from http://www.stefanus.no/filestore/Rapporter_notater_blader_etc/Indonesia-PluralisminPeril.pdf

Steiner, H., Alston, P., & Goodman, R. (2008). Universalism and Cultural relativism' in: *International Human Rights in Context: Law, Politics, morals*. Oxford, UK: Oxford University Press, 3rd Ed., 517–540.

Stewart, F. (Ed.). (2016). *Horizontal inequalities and conflict: Understanding group violence in multiethnic societies*. New York: Palgrave Macmillan.

Stockmann, P. (2004). *Indonesian reforms as reflected in the law: change and continuity in post-Suharto era legislation on the political system and human rights* (Vol. 53). Münster, Germany: LIT Verlag.

Stojanovic, D., Iglesias, J. N., & Weinblum, S. (2013). New nation-states and national minorities: Recurrent processes in different contexts. In Stojanovic, D., Iglesias, J. N., & Weinblum, S (Eds.). *New nation-states and national minorities,* (pp. 1–10). Essex, UK: University of Essex: The European Consortium for Political Research (ECPR) Press.

Stringer, E.T. (2014). *Action Research*. California/Thousand Oaks, USA, London, UK, New Delhi, India: Sage Publication.

Sueady, A. (2014), Religion as a Political Game: Rising Intolerance in Indonesia. *Open Democracy,* December 01*,* Retrieved May 19, 2015, from https://www.opendemocracy.net/openglobalrights/ahmad-sueady/religion-as-political-game-rising-intolerance-in-indonesia/

Suhaeb, I. D. S. (2013). Retrospectivity and Human Rights in Indonesia: How can Irregularities Be Resolved. *Indonesian Journal of International Law*, *10*(2), 340–361.

Sullivan, K. M. (1992). Religion and liberal democracy. *The University of Chicago Law Review*, *59*(1), 195–223.

Supremecourt.ge (n., d). The International Convention on the Elimination of All Forms of Racial Discrimination. http://www.supremecourt.ge/files/upload-file/pdf/act6.pdf

Susanti, B. (2001). Constitution and Human Rights Provisions in Indonesia: An Unfinished Task in the Transitional Process. *Paper presented in Conference on "Constitution and Human Rights in a Global Age: An Asia-Pacific History,"* 30 November – 3 December. Canberra, Australia: The Australian National University. Retrieved December 07, 2015, from https://digitalcollections.anu.edu.au/bitstream/1885/42073/1/Susanti.pdf/

Susanti, R. (2008). When Human Rights become So Political: State–Islam Relations and Its Impact on the Ahmadiyya Community in Indonesia. *Masters Research Paper.* The Hague, the Netherlands: International Institute of Social Studies (ISS).

Sutiyono, S. (2015). Social Traditions and the Islamic Purification Movement in Indonesia. *Mediterranean Journal of Social Sciences*, *6*(2 S1), 251.

Suwarno, P. (2013). Depiction of common enemies in religious speech: The role of the rhetoric of identification and purification in Indonesian religious conflicts. *Walisongo: Jurnal Penelitian Sosial Keagamaan*, *21*(1), 1–18.

Tadjoeddin, M. Z. (2013). Educated but poor: Explaining localized ethnic violence during Indonesia's democratic transition. *International Area Studies Review 16* (1): 24–49. Retrieved from http://ias.sagepub.com/content/16/1/24.full.pdf+html/

Talwar, M. (1997). Indonesia's National Human Rights Commission: A Step in the Right Direction? *The Human Rights Brief, 4*(2). Washington, USA: The Center for Human Rights and Humanitarian Law at Washington College of Law, American University. Retrieved from https://www.wcl.american.edu/hrbrief/v4i2/indo42.htm

Tanuwidjaja, S. (2010). Political Islam and Islamic parties in Indonesia: critically assessing the evidence of Islam's political decline. *Contemporary Southeast Asia: A Journal of International and Strategic Affairs*, *32*(1), 29–49.

Telle, K. (2014). Policing and the politics of protection on Lombok, Indonesia. In Albrect, P., & Kyed, H.M., *Policing and the Politics of Order-Making*. New York, USA & London, UK: Routledge & A Glass House Books.

Tempo Interaktif (2011). *Kejaksaan Dukung Aturan Larangan Ahmadiya (The Attorney supports rules on banning the Ahmadiyya)*, *March, 2*. Retrieved March 19, 2015 from http://www.tempo.co/read/news/2011/03/02/078317059/Kejaksaan-Dukung-Aturan-Larangan-Ahmadiyah.

Tempo.co (2014). 5 Lembaga Desak Jokowi Sikapi Ahmadiyah NTB https://pemilu.tempo.co/read/news/2014/12/08/078627113/5-Lembaga-Desak-Jokowi-Sikapi-Ahmadiyah-NTB

The Express Tribune and The International New York Times, *Indonesian court lets anti-Ahmadi mob perpetrators off 'lightly'*, July, 28, 2011. Retrieved March 24, 2015 from http://tribune.com.pk/story/219368/indonesian-court-lets-anti-ahmadi-mob-perpetrators-off-lightly

The Jakarta Post. (2007). *Group Attacks Ahmadiyya Coplex in Kuningan*, December, 19. Retrieved March 18, 2015, from http://www.thejakartapost.com/detailheadlines.asp?fileid=20071219.@02&irec=1/ ; https://www.persecutionofahmadis.org/group-attacks-ahmadiyah-complex-in-kuningan/

The Jakarta Post. (2008). *Hard-Liner Ambush Monas Rally*, June, 2. Retrieved March 19, 2015 from http://www.thejakartapost.com/news/2008/06/02/hardliners-ambush-monas-rally.html

The Jakarta Post. (2011). East Java Ahmadiyah Decree Violates Constitutions, Harms Pluralism, *March 01*. Retrieved March 19, 2015 from http://www.thejakartapost.com/news/2011/03/01/e-java-ahmadiyah-decree-violates-constitution-harms-pluralism.html

The Jakarta Post. (2014). *Displaced Ahmadis hope for change after Jokowi's inauguration*, *October 20*. Retrieved March 19, 2015 from http://www.thejakartapost.com/news/2014/10/20/displaced-ahmadis-hope-change-after-jokowi-s-inauguration.html/

The Official Website of Ahmadiyya Islam Community (n.d.). *Jesus, A Humble Prophet of God in Al Islam*. Retrieved November 17, 2014 from http://www.alislam.org/topics/jesus/index.php.

The Review of Religions (2008). "Love for All, Hatred for None" – Historical Trip to Spain. *March.* Retrieved from http://www.reviewofreligions.org/1966/%E2%80%9Clove-for-all-hatred-for-none%E2%80%9D-historical-trip-to-spain/

The Review of Religions (2010). *Hazrat Mirsa Masroor Ahmad, True Concept of Islamic Jihad*, *October 10*. Retrieved November 17, 2014 from http://www.reviewofreligions.org/2671/true-concept-of-islamic-jihad/

The Review of Religion. (2011). Hazrat M. B.-D. M. A. Why I believe in Islam (from the Archive, March, 1940). *The Review of Religions*, June, 2011.

The Wall Street Journal (2016). Indonesia's Minorities Under Threat. Published November 07, Retrieved from https://www.wsj.com/articles/indonesias-minorities-under-threat-1478565295/

Thio, L. A. (1999). Implementing human rights in ASEAN countries: Promises to keep and miles to go before I sleep. *Yale Hum. Rts. & Dev. LJ*, *2*, 1.

Tilly, C. (2003) *The Politics of Collective Violence Action*. New York, USA: The Cambridge University Press.

Tilly, C. (2004). *Social Movement, 1768–2004*. Colorado, USA: Paradigm Publisher.

Tømte, A. (2012). Constitutional Review of the Indonesian Blasphemy Law. *Oslo: Nordic Journal of Human Rights*, *30* (2), 174–204.

TribunNews.com. (2014). O*mbudsman: Pelayanan Publik Pengungsi Ahmadiyah Harus Dipenuhi'* ('Ombudsman: Public Service of the Ahmadiyya Refugees Should Be Fulfilled', published on December, 8, Retrieved June 01, 2015, from http://www.tribunnews.com/nasional/2014/12/08/ombudsman-pelayanan-publik-pengungsi-ahmadiyah-harus-dipenuhi.

Triggs, G. (2014). Creating a Human Rights Culture. *Southern Cross University Law Review Vol. 17*, 59-78 Retrieved November 03, 2016, from http://www.austlii.edu.au/au/journals/SCULawRw/2015/4.pdf.

Tuck, R. 1994. Rights and Pluralism. *In* J. Tully *(Ed.). Philosophy in an Age of Pluralism: The Philosophy of Charles Taylor in Question.* Cambridge, UK: Cambridge University Press.

Turner, B.S (1988). The Ahmadiyya movement in Islam in America. *Journal of Contemporary Religion*, *5*(3), 9–10.

Turner, B. S (1993). Outline of a theory of human rights. *Sociology*, *27*(3), 489–512. Retrieved February 23, 2015, from http://ic.ucsc.edu/~rlipsch/Pol272/Turner.pdf/

Tsutsui, K., Whitlinger, C., & Lim, A. (2012). International human rights law and social movements: states' resistance and civil society's insistence. *Annual Review of Law and Social Science*, *8*, 367-396.

Tyson, A. (2013). Vigilantism and Violence in Decentralized Indonesia: The Case of Lombok. *Critical Asian Studies 45* (2), 201–230. Retrieved from http://www.tandfonline.com/doi/pdf/10.1080/14672715.2013.792570/

TwoCircles.net (written by Ismail Khan) (2012). Don't perform nikaah of Qadiyanis: AP Wakf board to Qazis, February, 19. Retrieved June 14, 2016, from http://twocircles.net/2012feb19/don%E2%80%99t_perform_nikaah_qadiyanis_ap_wakf_board_qazis.html#.V1_Y47t97X4

Uddin, A. (2010). Religious freedom implications of sharia implementation in Aceh, Indonesia. *University of St. Thomas Law Journal, 7*(3), 603 – 648.

United Kingdom-Foreign and Commonwealth Office (2014). *Corporate Report: Human Rights and Democracy Report 2014*, published on March, 12. Retrieved June 01, 2015, from https://www.gov.uk/government/publications/human rights-and-democracy-report-2014/human rights-and-democracy-report-2014#chapter-i-protecting-civil-society-space-and-human rights-defenders

United Nations (n.d.) Universal Declaration of Human Rights, Retrieved March 24, 2015, from http://www.un.org/en/universal-declaration-human rights/index.html

United Nations. (1992). Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. *General Assembly A/RES/47/135 92nd plenary meeting 18 December.* Retrieved August 16, 2016, from http://www.un.org/documents/ga/res/47/a47r135.htm

United Nations. (2001). Committee on Economic, Social and Cultural Rights Report on the Twenty-Second, Twenty-Third and Twenty-Fourth Sessions (25 April–12 May 2000, 14 August–1 September 2000, 13 November–1 December 2000), *Supplement No. 2*. New York & Geneva. Retrieved August 16, 2016, from http://www.un.org/documents/ecosoc/docs/2001/e2001-22.pdf

United Nations (2007). United Nations Declaration on the Rights of Indigenous Peoples, 61/295. General Assembly, [without reference to a Main Committee (A/61/L.67 and Add.1), 107th plenary meeting 13 September 2007. Retrieved August 16, 2016, from http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

United Nations. (2008). *'The Universal Declaration of Human Rights: A Living Document' in celebration of 60th Anniversary of Universal Declaration of Human Rights*, Retrieved June 06, 2015, from http://www.un.org/en/events/humanrightsday/udhr60/declaration.shtml

United Nations, History of Document. Retrieved June 28, 2016, from http://www.un.org/en/sections/universal-declaration/history-document/

United Nations Educational, Scientific and Cultural Organization (UNESCO) (n.d.). Retrieved March 15, from http://www.unesco.org/new/en/social-and-human-sciences/themes/international-migration/glossary/displaced-person-displacement/

United Nations - the General Aseembly Resolution adopted by the General Assembly [without reference to a Main Committee (A/60/L.1)] 60/1. 2005 World Summit Outcome. Sixtieth session Agenda items 46 and 120, 8th plenary meeting, 16 September 2005. Retrieved June 02, 2016, from http://www.un.org/womenwatch/ods/A-RES-60-1-E.pdf/

United Nations. (2011). Civil society must play bigger role in human rights in South-East Asia—UN News Centre. Retrieved July 11, 2016, from http://www.un.org/apps/news/story.asp?NewsID=40546#.V4OBh_l97X4/

United Nations - General Assembly. (1982). Principles of Medical Ethics. *Resolution 37/194 111th plenary meeting, 18 December*. Retrieved May 30, 2015, from http://www.un.org/documents/ga/res/37/a37r194.htm/

United State (US)-Government. (2012). Bureau of Democracy, Human Rights and International Religious Freedom, 2012 Report, Retrieved from http://www.state.gov/documents/organization/208444.pdf

University of Minnesota, Human Rights Library (n.d-1.) Ratification of International Human Rights Treaties – Indonesia. Retrieved July 14, 2016, from http://hrlibrary.umn.edu/research/ratification-indonesia.html

University of Minnesota (n.d-2). United Nations, Economic and Social Council, Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights, U.N. Doc. E/CN.4/1985/4, Annex (1985). Human Rights Library. Retrieved from http://hrlibrary.umn.edu/instree/siracusaprinciples.html/

Valentine, S. R. (2008). *Islam and the Ahmadiyya Jama'at*. Columbia, USA: Hurst & Co &Columbia University Press

Valentine, S. R. (2014). Prophecy after the Prophet, albeit lesser prophets? The Ahmadiyya Jama'at in Pakistan. *Contemporary Islam*, *8*(2), 99–113.

Van Boven, T. (2014). Part III. Substantive Rights – Categories of Rights (Chapter 7). In Moeckli, D., Shah, S. & Sivakumaran, S. *International Human Rights Law*. Oxford, UK: Oxford University Press, 143–155.

Vandenhole, W. (2002). Human rights law, development and social action litigation in India. *Asia Pacific Journal on Human Rights and the Law, 3*(2), 136–210.

Van der Kroef, J. M. (1957). "Guided Democracy" in Indonesia. *Far Eastern Survey*, *26*(8), 113–124.

Van Dijk, K. (2013). Introduction in *Regime Change, Democracy and Islam the Case of Indonesia: Final Report Islam Research Programme Jakarta*. Leiden, the Netherlands: Leiden University, March, 1—7, Retrieved May 18, 2015, from http://media.leidenuniv.nl/legacy/irpfinal2013(2).pdf/

Van Klinken, G. (2008). Indonesian politics in 2008: The ambiguities of democratic change. *Bulletin of Indonesian Economic Studies*, *44*(3), 365–381.

Van Klinken, G., & J. Baker (Eds.) (2009). *State of Authority. The State in Society in Indonesia*, Ithaca, USA: Cornell Southeast Asia Program.

Van Reisen, M. E. H. (2010). Note on the legality of inclusion of aspects of EU Development Cooperation and Humanitarian Assistance in the European External Action Service (EEAS). *(Briefing Paper; No. 13)*. Brussels, Belgium: EEPA. Retrieved on March 29, 2017, from https://pure.uvt.nl/ws/files/1309545/2010-6_EEPA_briefing_paper_EEAS.pdf

Vatter, A., Stadelmann-Steffen, I., & Danaci, D. (2014). Who supports minority rights in popular votes? Empirical evidence from Switzerland. *Electoral Studies, 36*, 1–14.

Vernon, R. (2002). What is crime against humanity? *Journal of Political Philosophy*, *10*(3), 231-249.

Vickers, A. (2013). *A history of modern Indonesia*, Cambridge, UK: Cambridge University Press.

Vierdag, E. W. (1973, 2012). *The concept of discrimination in international law: with special reference to human rights.* The Hague, Netherlands: Martinus Nijhoff.

Viva.co.id. (Reported by Elin Yunita Kristanti) (2011). *Warga Ahmadiyah di Mataram Ketakutan* (Ahmadis in Mataram fears), Edition, February, 07. Retrieved March 19, 2015 from http://nasional.news.viva.co.id/news/read/203370-warga-ahmadiyah-di-mataram-ketar-ketir/

Voa Islam. (2011). *K.H. Ma'ruf Amin: MUI Sudah Usulkan ke Pemerintah untuk Bubarkan Ahmadiyya* (MUI proposed the Government to ban the Ahmadiyya), February, 24. Retrieved March 19, 2015, from http://www.voa-islam.com/read/suaraislam/2011/02/24/13488/kh-maruf-amin-mui-sudah-usulkan-ke-pemerintah-untuk-bubarkan-ahmadi/#sthash.ygbfK8B0.dpbs/

Wahid Institute (2012). Laporan Kebebasan Beragama/Berkeyakinan dan Toleransi the Wahid Institute Tahun 2012. December 17. Retrieved from http://www.wahidinstitute.org/wi-id/laporan-dan-publikasi/laporan-tahunan-

kebebasan-beragama-dan-berkeyakinan/153-laporan-kebebasan-beragamaberkeyakinan-dan-toleransi-the-wahid-institute-tahun-2012-.html/

Walker, N. (2012). 'Universalism and Particularism in Human Rights: Trade-Off or Productive Tension? In *Edinburgh School of Law Research Paper No. 2012/10*, 1–26. Retrieved June 01, 2015, from http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2021071/

Walteb, H. A. (1916). The Ahmadiya Movement To-Day. *The Muslim World*, *6*(1), 66–78.

Wanandi, J. (2002). Indonesia: A failed state? *The Washington Quarterly, 25* (3), 135–146.

Warren, J.D. (2007). It was Mahatma Ghandi who said "A nation's greatness is measured by how it treats its weakest members." *Posted in Blog School of Law, University of North Carolina (UNC), March 07.* Retrieved May 17, 2017 from http://blogs.law.unc.edu/probono/2012/03/07/it-was-mahatma-ghandi-who-said-a-nations-greatness-is-measured-by-how-it-treats-its-weakest-members/

Waseem, S. (2008). The life of Hadhrat Khalifatul Masih III(ru) – Before Khilafat. *The Review of Religions* (March). Retrieved February 06, 2016, from http://www.reviewofreligions.org/1953/the-life-of-hadhrat-khalifatul-masih-iii/.

Weiler, J. H. (2009). Human Rights, Constitutionalism, and Integration: Iconography and Fetishism. In Kastoryano, R (Ed.). *An Identity for Europe: The Relevance of Multiculturalism in EU Consturction,* (pp. 103–114). New York, USA: Palgrave Macmillan.

Weissbrodt, D. S., & Collins, C. (2006). The human rights of stateless persons. *Human Rights Quarterly*, *28*(1), 245-276.

Willis, J. M. (2013). Book Review on Empire, Islam, and Politics of Difference: Ottoman Rule in Yemen, 1849–1919, by Thomas Kuehn. Publshed by: Leiden, the Netherlands & Boston, USA: Brill, 2011. *Journal of Islamic Studies, 24* (3), 378–381.

Wilson, I. (2009). Continuity and Change: The Changing Contours of Organized Violence in post-New Order Indonesia. *Critical Asian Studies, 38* (2)*, 265–297.*

Wilson, I. (2010). *The biggest cock: Territoriality, invulnerability and honour amongst Jakarta's Gangsters*. *Indonesian Studies Working Papers,* No. 13*, October. Sidney, Australia: University of Sydney, Department of Indonesian Studies, 2–21.

Wilson, I. (2012). The biggest cock: Teritoriality, Invulnerability, and Honour Amongst Jakarta's Gangster. In Ford, M & Lyons, L. (Eds.). *Men and Masculinities in Southeast Asia*, (pp. 121–138). London, UK & New York, USA: Routledge & Taylor and Francis Group.

Witoelar, W. (2005). In interviewing Syafi'I Anwar on the topic "Pluralisme dalam Bahaya" (Pluralism in a danger), *Perspektif Baru, Edition 491, August, 6,* Retrieved May 09, 2015, from http://www.perspektifbaru.com/wawancara/491/

Woodiwiss, A. (2005). *Human Rights*. London, UK & New York, USA: Routledge – Francis & Taylor Group.

Woods, K. (2014). *Human Rights*. New York, USA: Palgrave Macmillan.

Woodward, K. E. (2015) Indonesian Schools: Shaping the Future of Islam and Democracy in a Democratic Muslim Country. In Ozturgut, O & Tas, M., (Eds). *International Conference of Interdisciplinary Studies Conference Proceedings; Global Forum:*

Informing Societies, Uniting Cultures, Celebrating Diversity, April 16 – 19, 2015 Retrieved from http://www.edusolutions.org/ICIS2015/proceedings.pdf/, 132 – 160.

Woodward, M., Yahya, M., Rohmaniyah, I., Coleman, D. M., Lundry, C., & Amin, A. (2014). The Islamic Defenders Front: Demonization, Violence and the State in Indonesia. *Contemporary Islam*, *8*(2), 153–171.

World Bank. (2011). Conflict, Security and Development. *World Development Report.* Washington: WB Retrieved June 25, 2015, from http://siteresources.worldbank.org/INTWDRS/Resources/WDR2011_Full_Text.pdf/

Wronka, J. (n.d.). *Definition and Relevance of Human Rights: Toward the Creation of a Human Rights Culture*. Retrieved March 31, 2016, from http://www.humanrightsculture.org/Relevance.html/

Yin, K. R. (1984). *Case Study Research: Design and Method*. University of Michigan, USA: Sage Publication.

Yin, K. R. (2003). *Applications of Case Study Research*. London, UK: Sage publication.

Zaidi, A. (2012). Postcolonial insanity. *Journal of Postcolonial Cultures and Societies*, *2*(4), 1–29

Zaman, M. Q. (1998). Sectarianism in Pakistan: The Radicalization of Shiah and Sunni Identities. *Modern Asian Studies*, *32*(03), 689–716.

Zhou, M. (2005). Ethnicity as social capital: community-based institutions and embedded networks of social relations. In Loury, G.M., Modood, T., Telle, S.M (Eds). *Ethnicity, social mobility and public policy: comparing the US and UK*, (pp. 131–159). Cambridge, UK: Cambridge University Press.

Zulkarnain, I. (2005). *Gerakan Ahmadiyah di Indonesia*. Jogyakarta, Indonesia: PT LKiS Pelangi Aksara.

Zwart, T. (2010). Using Local Culture to Further the Implementation of International Human Rights: The Receptor Approach. *Human Rights Quarterly* 34 (2012) 546–569.

Annex 1. List of Informants

Number	Name	Position	Time	Code
01	AZP	Spokesman of the Indonesian Ahmadiyya	15 & 16, August, 2014	I1
02	BR	Lecturer at the Ahmadiyya's University; one of leaders of the IndonesianAhmadiyya	August, 2014	I2
03	AR	Mubbaliq (local representative or preacher) of the Ahmadiyya in Manis Lor Village, Kuningan, Cirebon, Wes Java Province	August, 2014	I3
04.	M	One of the victims in Cikeusik tragedy, February,6, 2011; activist of the Humanity First Institute, Jakarta, Indonesia.	In July, August, September 2014	I4
05	MB	The Ahmadiyya member; Activist at Jakarta Legal Aid and Human Rights Working Groups (HRWG), Jakarta	July, 2013 & August, 2014	I5
06	MA	The member of the Ahmadiyya and one of the victim in Cikeusik Tragedy	September 2014	I6
07	AK	Member of the Ahmadiyya in Kuningan, Cirebon, West Java	August, 2014	I7
08	MB	Member of the Ahmadiyya in Kuningan, Cirebon, West Java	August, 2014	I8
09	MA	Member of the Ahmadiyya in Kuningan, Cirebon, West Java	August, 2014	I9

10	FM	Founder of 6211 Foundation in Jakarta. This foundation was founded inspired by Cikeusik Tragedy.	June, 2012	I10
11	SJ	Former Director of International Crisis Group, Southeast Asia Desk	July, 2013	I11
12	AH	Journalist, Human Rights Defender, a researcher at Human Rights Watch, Indonesia Desk	July 2012	I12
13	FMS	Scholar, Human Rights Defender, Lecturer at The Driyarkara Institute of Philosophy, Jakarta	July 2013; July 2014	I13
14	TB	Interfaith Activist and Human Rights Defender, Jakarta	August, 2014	I14
15	SAP	One of former members of Indonesian Human Rights Commission, 2007 – 2012 and the head of investigation team of Cikeusik Tragedy	July, 2013; September 2014	I15
16	FRUL	Director of Maarif Institute, Jakarta	August, 2014	I16
17	GR	Interfaith Activist; Liberal Islam Network, Jakarta	July, 2014	I17
18	AS	Indonesian Muslim Scholar; Interfaith Activist; Director of Wahid Institute and Aburahman Wahid Center, University of Indonesia, Jakarta	September 2014	I18

19	ZM	Indonesian Muslim Scholar; Interfaith Activist; Director of Muslim Moderate Society, Jakarta	September, 2014	I19
20	UAA	Founder of Liberal Islam Networking, Jakarta	September, 2014	I20
21	IH	Human Rights Defender; Researcher; Founder of Setara Institute, Jakarta	July, 2012	I21
22	MA	Member of Wahid Institute, Jakarta	July, 2012; July, 2013	I22
23	CA	Human Rights Working Group, Jakarta	July, 2013	I23
24	RJ	Human Rights Working Group, Jakarta	July, 2013	I24
25	HB	Academia and Activist in Mataram (additional field observation)	December 2016	I25
26	S	The Ahmadiyya Member in Mataram (additional field observation)	December 2016	I26

Annex 2. Sources of Observation and Document Study

No.	Name of Organization	Address	Concern/Field	Data Collected
01	Wahid Institute	Jl. Taman Amir Hamzah No. 8 Jakarta - 10320 Indonesia Tel: +62 21-3928233, 3145671 Fax: +62 21-3928250 [E] info@wahidinstitute.org [W] www.wahidinstitute.org [facebook] The WAHID Institute [twitter] WAHIDinst Main Contact/Informant: Alamsyah	Interfaith Dialogue; Promoting Peace, Justice and Freedom of Religion in Indonesia; General issue in Human Rights	Annual Report on Religious Life in Indonesia; Collection of News (Clipping) on the current case of the Ahmadiyya in Indonesia.
02	Maarif Institute	Jl. Tebet Barat Dalam II No.6, Tebet, Jakarta Selatan 12810, Indonesia - E-Mail: maarif@maarifinstitute.org - Telp. +62-21-83794554 / 60 - Fax. +62-21-83795758 Website: http://maarifinstitute.org/ Informant: Pak Fajar Riza Ul-Haq	Interfaith Dialogue; Promoting Peace, Justice and Freedom of Religion in Indonesia	Some publications on peaceful religious movement in Indonesia.
03	The Abdurrahman Wahid Research Center, University of Indonesia	The 3rd Floor Central Library Universitas Indonesia Building, Depok, West Java, Indonesia, 16951	Research and publication in peace and development issues; A series of analysis of Human Rights, Democracy, Religious Freedom in Indonesia	Annual Report and other publication in Peace Research

04	Setara Institute	Jl. Danau Gelinggang No. 62 Blok C-III, Bendungan Hilir, Indonesia 10210 Phone (6221) 70255123 Fax (6221) 5731462 E-mail: setara@setara-institute.org Website: http://setara-institute.org/en/profile/ Main contact/Informant: Ismail Hasani	Human Rights Advocacy; Research and Publication in wide range issues of religious violence in current Indonesia	Annual Report of Religious Life in Indonesia, 2009 – 2014.
05	Lembaga Bantuan Hukum Jakarta (Jakarta Legal Aid)	Jalan Diponegoro No. 74, Jakarta 10320 Telp: (021) 3145518	Fax: (021) 3912377	email: lbhjakarta@bantuanhukum.or.id Website: http://www.bantuanhukum.or.id/web/ Main Contact/informant: Mbak Rizka	Human Rights Advocacy; Supporting Minority Groups; Legal Support for Vulnerable Groups in Indonesia	Publication and Documentation on Judicial Review of Blasphemy Law in Indonesia; Report on Advocacy of victims of religious violence; Press Release on Violence against The Ahmadiyya and other religious minorities in Indonesia
06	Human Rights Working Group	Jiwasraya Building Lobby Floor, Jl. R.P Soeroso No. 41, Gondangdia, Jakarta Pusat 10350 Indonesia Phone 62 21 3143015 / 62 21 70733505 Fax 62 21 3143058 Email:hrwg@hrwg.org Website: http://www.hrwg.org/ Contact/Informant: Rafendi Djamin	Core Issue of the Organization is Human Rights	Report of Religious Freedom in Indonesia to OHCH, Geneva.
07	KomnasHAM (National Human Rights	Jl. Latuharhari Sh No.4B, Menteng, Kota Jakarta Pusat, Daerah Khusus Ibukota Jakarta 10310, Indonesia	The Commission has responsibility to develop conducive conditions to the implementation of	Final Report (unpublished) of the Cikeusik Tragedy, 2011; Annual Report

	Commission of Indonesia)	Website: http://www.komnasham.go.id/contact Main Contact: Stanley Adi Prasetyo: Former member of the commission, 2007 – 2012.	human rights in accordance with Pancasila, the 1945 Constitution and the UN Charter and the Universal Declaration of Human Rights; to improve the protection and enforcement of human rights for the personal development and the ability of the Indonesian people fully participate in various aspects of life.	of the problem Ahmadiyya in 2008.
08	Jakarta Post	Jl. Palmerah Barat No. 142 - 143, Jakarta 10270, Indonesia Phone: (62) 21 5300-476/78; Fax: (62) 21 535-0050 Website:http://www.thejakartapost.com/ Main contact: Frans Surdiasis	The Daily English Newspaper in Jakarta, Indonesia	(Clipping) Collection of New on The Case of Ahmadiyya, 2008 – 2012.
09	International organizations such as the Pew Research Center, Freedom House, International Crisis Group, Amnesty International, Human Rights Watch	Online news, report and special publication	General concerns and issues in Human Rights and specific focus on the Freedom of Religion worldwide	Special publication on the case of Ahmadiyya in Indonesia and the problem of human rights protection of religious minorities.

CURRICULUM VITAE

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Education

BA in Philosophy, St. Paul Institute of Philosophy, Flores, Indonesia, (1999)

MA in Political Sociology, University of Indonesia, Jakarta, Indonesia (2009).

Postgraduate Researcher, International Institute of Social Studies, Rotterdam Erasmus University, Netherlands, 2012—2014.

PhD Student, the Graduate School of Humanities, Tilburg University, Netherlands, 2014—2017.

Research Experiences

Peasant and Development Disparities in NTB Province in Collaboration with IDEOS Jakarta, Funded by the Indonesian Ministry of Agriculture (2008)

Small Traders and Social Exclusion in Tanah Abang Market Center, Jakarta (2008)

Local Development and Local Rights: The Inter-dynamics between State, Market, and Society in Flores Island, Eastern Indonesia (2008-2009).

Mining, Development, and Local Rights in Manggarai, Flores, Indonesia (2012—onwards).

Tourism Business as a Human Rights Issue in Komodo Landscape, Eastern Indonesia (2017--onwards)

Paper Presented in International Conferences:

Paper title: Minorities and Politics in Indonesia: Towards Inclusive Justice. Presented Paper in International Conference, *Politics in Crisis*, University of Nottingham (UK), April, 24—26,2013, Link. http://www.nottingham.ac.uk/politics/documents/politics-in-crisis-timetable.pdf

Paper Title: Constructing Inclusive Citizenship in Quasi-Secular Society: Some Reflection on the Case of Ahmadiyya Islam Minority in Contemporary Indonesia in Netherlands Interuniversity School for Islamic Studies (NISIS) Autumn School, *The Religious/Secular Divide in the Muslim World,* Radboud University Nijmegen (, Netherlands), October, 21—24, 2014. Link. http://www.hum.leiden.edu/nisis/nisis-training-programme/course-schedule.html

Paper Title: Local Resistance, Decentralized Development and the Accumulation of Degradation: Some Reflection from the Case of Mining Exploitation in Manggarai, Flores, Eastern Indonesia in *Focus Asia Conference*, Lund University (Sweden), November, 25—26, 2014. Link. http://www.ace.lu.se/focus-asia/focus-asia-2014/november-2014-social-

resistance-in-non-democracies/abstracts-and- speakers The paper is accepted for Publication in The Interface, Journal for Social Movement. Link. http://www.interfacejournal.net/

Paper Title: Some Reflection on the Case of Ahmadiyya Islam Minority in Contemporary Indonesia in The British Association of Islamic Studies (BRAIS) Conference, University of London (UK), April, 13 – 16, 2015. Link. http://www.brais.ac.uk/2015

Paper Title: Mining and Local Resistance in Eastern Indonesia in *Mining Workshop* at Australian National University, Canberra (Australia), September, 19—21, 2015. Link. http://chl.anu.edu.au/news-events/events/511/mining-indonesia-local-national-and-global-frameworks

Paper Title: Defining a Triple Fragility of Human Rights in Contemporary Indonesia in *International Conference, Religions and Human Right*, Padova University (Italy), April,14—15, 2016. Link. http://unipd-centrodirittiumani.it/en/attivita/Religions-and-Human-Rights/1051

Paper Title: Islam and the Making of Peaceful Public Sphere in Indonesia: Defining Opportunities, Challenges and Prospect in The European Society for Intercultural Theology and Interreligious Studies Conference—*Religion & Politics in the Crisis of Engagement Towards: the Relevance of Intercultural Theologies and Interreligious Studies,* University of Muenster (Germany), April, 26—29, 2017. Link. https://www.uni-muenster.de/imperia/md/content/fb2/d-praktischetheologie/missionswissenschaft/2017_esitis_conferene_programme_240082016.pdf

Publications

Indonesia, Its Election and the Questions on the Table, the Southeast Asia Weekly, April, 1, 2014. Link. http://www.thesoutheastasiaweekly.com/indonesia-its-election-and-the-questions-on-the-table/

The State of Silence: Indonesia´s Religious Discrimination, Open/Democracy, August, 5, 2014. Link. https://www.opendemocracy.net/max-regus/state-of-silence-indonesia%E2%80%99s-religious-discrimination.

Islamic State and Indonesia: Jakarta's Counter-strategies, Institute of Peace and Conflict Studies, October, 7, 2014. Link. http://www.ipcs.org/article/terrorism/islamic-state-and-indonesia-jakartas-counter-strategies-4686.html

Book in Bahasa, Title: Diskursus Politik Lokal (A Discourse on Local Politics), Sunspirit & The Insight Institute, 2015. Link. http://binpers.com/2015/01/launching-buku-diskursus-politik-lokal-karya-romo-max-regus/

Book Chapter – Minority and Politics in Indonesia: Towards Inclusive Justice (chapter 5) in Marie Paxton, Ekaterina Kolpinskaya & Jana Jonasova (Eds.). *Politics in Crisis?* London: Cambridge Scholar Publishing. Pp. 91 – 100. http://www.cambridgescholars.com/politics-in-crisis

Reimaging the Smiling Islam in Contemporary Indonesia: Some Reflection from Outsider. Social Science Research Network (SSRN), February, 21. Source: Link. http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2568082

Article Published, Title: "Statelessness: What Hannah Arendt Still Can Still Teach Us, *The Mantle,* April 10, 2017. Link. http://www.mantlethought.org/international-affairs/statelessness-what-hannah-arendt-can-still-teach-us

Article Published, Title: The Indonesian Ahmadis: No Place for Praying, LSE Human Rights Blog, June 12, 2017. Link. http://blogs.lse.ac.uk/humanrights/2017/06/12/the-indonesian-ahmadis-no-place-for-praying/

Book Chapter, Title: Die Brüchigkeit der Religionsfreiheit im heutigen Indonesien in Glauben in Bedrängnis Religionsfreiheit als Menschenrecht (Hans-Gert Pöttering, Volker Kauder, Eds), Published by Konrad Adenauer Stiftung, Germany (2017). Link. http://www.kas.de/wf/de/33.48979

Article Published, Title: Southeast Asia in Dark Times: Philippine's Martial Law and Indonesia's Mob Rule in The Oxford University Politics Blog, July 12, 2017. Link. https://blog.politics.ox.ac.uk/southeast-asia-dark-times/?utm_content=bufferb84df&utm_medium=social&utm_source=linkedin.com&utm_campaign=buffer

Article Published, Title: Mining and Church-Based Resistance in Manggarai, INSIDE Indonesia, October – December 2017. Link. http://www.insideindonesia.org/church-based-resistance-to-mining-in-manggarai

Grants

Grants from The Institute of Missiology Aachen, Germany (2012 – 2016). Link: http://www.mwi-aachen.org/

Travel Grants from the Institute of Missiology Aachen, Germany, (2013). Link: http://www.mwi-aachen.org/

Travel grants from Acton Institute, New York, USA (2012, 2014, 2015). Link: http://acton.org/

Grants from Frans Seda Foundation (2014, 2015, 2016, 2017). Link: http://www.franssedafoundation.com/

Theresia Pora-Plate Foundation, Jakarta.

Abstract

The main focus of this dissertation is about understanding human rights culture in contemporary Indonesia. This refers to awareness of human rights in legal, political and social spaces. This also connects to the academic discourse as well as practical experiences on human rights. Based on a reflection on human rights discourse and a study on the difficulties faced by the Ahmadiyya minority group, this dissertation presents three interconnected challenges to human rights culture in Indonesia. First, a normative challenge that refers to the gap between philosophical and normative principles of human rights and the overall problems and critical issues of human rights in national and local levels. Second, a political problem is also considered as a crucial problem in developing and strengthening human rights culture. This is linking with the incapability of the state to guarantee the rights of certain individuals and minority groups in enjoying basic rights. Third, a sociological challenge that refers to the critical implication of the majority-minority relationship to human rights.

This dissertation contains the explanation of the background and making a review of previous studies about the issue. This dissertation also presents a comprehensive review of human-rights and political-changes discourses in the contemporary Indonesia. These challenges affect the situation of religious minorities. This dissertation also provides the information about the Ahmadiyya as a minority group under tension and discriminatory dynamics. This dissertation also explores human-rights violations against the Ahmadiyya such as discrimination, persecution, and violence. The involvement of actors both from the state and society is presented in this dissertation. The politics of human rights protection also explained as one of the main issues in this dissertation.

Tilburg Dissertations in Culture Studies

This list includes the doctoral dissertations that through their authors and/or supervisors are related to the Department of Culture Studies at the Tilburg University School of Humanities. The dissertations cover the broad field of contemporary sociocultural change in domains such as language and communication, performing arts, social and spiritual ritualization, media and politics.

1   Sander Bax. *De taak van de schrijver. Het poëticale debat in de Nederlandse literatuur (1968-1985)*. Supervisors: Jaap Goedegebuure and Odile Heynders, 23 May 2007.

2   Tamara van Schilt-Mol. *Differential item functioning en itembias in de cito-eindtoets basisonderwijs. Oorzaken van onbedoelde moeilijkheden in toetsopgaven voor leerlingen van Turkse en Marokkaanse afkomst*. Supervisors: Ton Vallen and Henny Uiterwijk, 20 June 2007.

3   Mustafa Güleç. *Differences in similarities: A comparative study on Turkish language achievement and proficiency in a Dutch migration context*. Supervisors: Guus Extra and Kutlay Yağmur, 25 June 2007.

4   Massimiliano Spotti. *Developing identities: Identity construction in multicultural primary classrooms in The Netherlands and Flanders*. Supervisors: Sjaak Kroon and Guus Extra, 23 November 2007.

5   A. Seza Doğruöz. *Synchronic variation and diachronic change in Dutch Turkish: A corpus based analysis*. Supervisors: Guus Extra and Ad Backus, 12 December 2007.

6   Daan van Bel. *Het verklaren van leesgedrag met een impliciete attitudemeting*. Supervisors: Hugo Verdaasdonk, Helma van Lierop and Mia Stokmans, 28 March 2008.

7   Sharda Roelsma-Somer. *De kwaliteit van Hindoescholen*. Supervisors: Ruben Gowricharn and Sjaak Braster, 17 September 2008.

8   Yonas Mesfun Asfaha. *Literacy acquisition in multilingual Eritrea: A comparative study of reading across languages and scripts*. Supervisors: Sjaak Kroon and Jeanne Kurvers, 4 November 2009.

9   Dong Jie. *The making of migrant identities in Beijing: Scale, discourse, and diversity*. Supervisors: Jan Blommaert and Sjaak Kroon, 4 November 2009.

10 Elma Nap-Kolhoff. *Second language acquisition in early childhood: A longitudinal multiple case study of Turkish-Dutch children*. Supervisors: Guus Extra and Kutlay Yağmur, 12 May 2010.

11 Maria Mos. *Complex lexical items*. Supervisors: Antal van den Bosch, Ad Backus and Anne Vermeer, 12 May 2010.

12 António da Graça. *Etnische zelforganisaties in het integratieproces. Een case study in de Kaapverdische gemeenschap in Rotterdam*. Supervisor: Ruben Gowricharn, 8 October 2010.

13 Kasper Juffermans. *Local languaging: Literacy products and practices in Gambian society*. Supervisors: Jan Blommaert and Sjaak Kroon, 13 October 2010.

14 Marja van Knippenberg. *Nederlands in het Middelbaar Beroepsonderwijs. Een casestudy in de opleiding Helpende Zorg*. Supervisors: Sjaak Kroon, Ton Vallen and Jeanne Kurvers, 14 December 2010.

15 Coosje van der Pol. *Prentenboeken lezen* als literatuur. *Een structuralistische benadering van het concept 'literaire competentie' voor kleuters*. Supervisor: Helma van Lierop, 17 December 2010.

16 Nadia Eversteijn-Kluijtmans. *"All at Once" – Language choice and codeswitching by Turkish-Dutch teenagers*. Supervisors: Guus Extra and Ad Backus, 14 January 2011.

17 Mohammadi Laghzaoui. *Emergent academic language at home and at school. A longitudinal study of 3- to 6-year-old Moroccan Berber children in the Netherlands*. Supervisors: Sjaak Kroon, Ton Vallen, Abderrahman El Aissati and Jeanne Kurvers, 9 September 2011.

18 Sinan Çankaya. *Buiten veiliger dan binnen: in- en uitsluiting van etnische minderheden binnen de politieorganisatie*. Supervisors: Ruben Gowricharn and Frank Bovenkerk, 24 October 2011.

19 Femke Nijland. *Mirroring interaction. An exploratory study into student interaction in independent working*. Supervisors: Sjaak Kroon, Sanneke Bolhuis, Piet-Hein van de Ven and Olav Severijnen, 20 December 2011.

20 Youssef Boutachekourt. *Exploring cultural diversity. Concurrentievoordelen uit multiculturele strategieën*. Supervisors: Ruben Gowricharn and Slawek Magala, 14 March 2012.

21 Jef Van der Aa. *Ethnographic monitoring. Language, narrative and voice in a Carribbean classroom*. Supervisors: Jan Blommaert and Sjaak Kroon, 8 June 2012.

22 Özel Bağcı. *Acculturation orientations of Turkish immigrants in Germany*. Supervisors: Guus Extra and Kutlay Yağmur, 3 October 2012.

23 Arnold Pannenborg. *Big men playing football. Money, Politics and foul play in the African game*. Supervisor: Wouter van Beek, 12 October 2012.

24 Ico Maly, *N-VA. Analyse van een politieke ideologie*. Supervisors: Jan Blommaert and Sjaak Kroon, 23 October 2012.

25 Daniela Stoica. *Dutch and Romanian Muslim women converts: Inward and outward transformations, new knowledge perspectives and community rooted narratives*. Supervisors: Enikö Vincze and Jan Jaap de Ruiter, 30 October 2012.

26 Mary Scott. *A chronicle of learning: Voicing the text*. Supervisors: Jan Blommaert, Sjaak Kroon and Jef Van der Aa, 27 May 2013.

27 Stasja Koot. *Dwelling in tourism. Power and myth amongst bushmen in Southern Africa*. Supervisor: Wouter van Beek, 23 October 2013.

28 Miranda Vroon-van Vugt. *Dead man walking in Endor. Narrative mental spaces and conceptual Blending in 1 Samuel 28*. Supervisor: Ellen van Wolde, 19 December 2013.

29 Sarali Gintsburg. *Formulaicity in Jbala poetry*. Supervisors: Ad Backus, Sjaak Kroon and Jan Jaap de Ruiter, 11 February 2014.

30   Pascal Touoyem. *Dynamiques de l'ethnicité en Afrique. Éléments pour une théorie de l'État multinational*. Supervisors: Wouter van Beek and Wim van Binsbergen, 18 February 2014.

31   Behrooz Moradi Kakesh. *Het islamitisch fundamentalisme als tegenbeweging. Iran als case study*. Supervisors: Herman Beck and Wouter van Beek, 6 June 2014.

32   Elina Westinen. *The discursive construction of authenticity: Resources, scales and polycentricity in Finnish Hip Hop Culture*. Supervisors: Sirpa Leppänen and Jan Blommaert, 15 June 2014.

33   Alice Leri. *Who is Turkish American? Investigating contemporary discourses on Turkish Americanness*. Supervisors: Odile Heynders and Piia Varis, 9 September 2014.

34   Jaswina Elahi. *Etnische websites, behoeften en netwerken. Over het gebruik van internet door jongeren*. Supervisors: Ruben Gowricharn and Sjaak Kroon, 10 September 2014.

35   Bert Danckaert. *Simple present*. Supervisors: Jan Blommaert and Odile Heynders, 29 October 2014.

36   Fie Velghe. *'This is almost like writing': Mobile phones, learning and literacy in a South African township*. Supervisors: Jan Blommaert, Sjaak Kroon and Piia Varis, 3 December 2014.

37   Nico de Vos. *Lichamelijke verbondenheid in beweging. Een filosofisch onderzoek naar intercorporaliteit in de hedendaagse danskunst*. Supervisors: Odile Heynders and Frans van Peperstraten, 16 December 2014.

38   Danielle Boon. *Adult literacy education in a multilingual context: Teaching, learning and using written language in Timor-Leste*. Supervisors: Sjaak Kroon and Jeanne Kurvers, 17 December 2014.

39   Liesbeth Hoeven. *Een boek om in te wonen. De verhaalcultuur na Auschwitz*. Supervisors: Erik Borgman and Maaike de Haardt, 21 January 2015.

40   Laurie Faro. *Postponed monuments in the Netherlands: Manifestation, context, and meaning*. Supervisors: Paul Post and Rien van Uden, 28 January 2015.

41   Snezana Stupar. *Immigrants regulate emotions in the same way as majority members in the Netherlands*. Supervisors: Fons van de Vijver and Johnny Fontaine, 30 January 2015.

42   Jia He. *The general response style from a cross-cultural perspective*. Supervisors: Fons van de Vijver and Alejandra del Carmen Dominguez Espinosa, 4 February 2015.

43   Dorina Veldhuis. *Effects of literacy, typology and frequency on children's language segmentation and processing units*. Supervisors: Ad Backus, Jeanne Kurvers and Anne Vermeer, 1 April 2015.

44   Harrie Leijten. *From idol to art. African objects-with-power: A challenge for missionaries, anthropologists and museum curators*. Supervisors: Wouter van Beek and Paul Post, 15 April 2015.

45   Pelin Onar Valk. *Transformation in Dutch Turkish subordination? Converging evidence of change regarding finiteness and word order in complex clauses*. Supervisors: Ad Backus, Kutlay Yağmur and Massimiliano Spotti, 27 May 2015.

46   Paul Mutsaers. *A public anthropology of policing. Law enforcement and migrants in the Netherlands*. Supervisors: Arie de Ruijter and Jan Blommaert, 12 June 2015.

47   Geertjan de Vugt. *The polit-dandy. On the emergence of a political paradigm*. Supervisors: Odile Heynders and Sander Bax, 23 June 2015.

48   Amit B. Bhansali. *Samkit: Faith – practice – liberation*. Supervisors: John Rijsman and Tineke Nugteren, 1 September 2015.

49   Neema Clementia Murembe. *Women's empowerment and decision-making at the household level: A case study of Ankore families in Uganda*. Supervisors: Sjaak Kroon, Veerle Draulans and Jef Van der Aa, 6 October 2015.

50   Sunarwoto. *Contesting religious authority: A case study on Dakwah radio in Surakarta, Indonesia*. Supervisors: Herman Beck and Jan Blommaert, 10 November 2015.

51   Bryan Monte. *Tiny Zion: Harvest Hills, an intentional Zionic community*. Supervisors: Wouter van Beek and Paul Post, 2 December 2015.

52   Filiz Künüroğlu. *Turkish return migration from Western Europe: Going home from home*. Supervisors: Kutlay Yağmur, Fons van de Vijver and Sjaak Kroon, 10 December 2015.

53   Inez Schippers. *Sacred places in the suburbs: Casual sacrality in the Dutch Vinex-district Leidsche Rijn*. Supervisors: Paul Post and Maaike de Haardt, 14 December 2015.

54   Edegar da Conceição Savio. *Studi sosiolinguistik bahasa Fataluku di Lautém*. Supervisors: Kees van Dijk, Sjaak Kroon and Aone van Engelenhoven, 28 January 2016.

55   Pius Maija Mosima. *Philosophic sagacity and intercultural philosophy: Beyond Henry Odera Oruka*. Supervisors: Wim van Binsbergen and Wouter van Beek, 16 February 2016.

56   Pia Zeinoun. *Personality and culture in the Arab-levant*. Supervisors: Fons van de Vijver and Lina Daouk-Oÿry, 19 February 2016.

57   Primrose Nakazibwe. *'A home without millet is not a home': Women's agency in the maize and millet commodity chains in Mbarara District, Uganda*. Supervisors: Mirjam van Reisen and Francien van Driel, 18 April 2016.

58   Jinling Li. *Chineseness as a moving target: Changing infrastructures of the Chinese diaspora in the Netherlands*. Supervisors: Jan Blommaert, Sjaak Kroon and Kasper Juffermans, 12 September 2016.

59   Lieke Wijnia. *Making sense through music: Perceptions of the sacred at Festival Musica Sacra Maastricht*. Supervisors: Paul Post and Martin Hoondert, 12 September 2016.

60   Caixia Du. *The birth of social class online: The Chinese precariat on the Internet*. Supervisors: Jan Blommaert, Sjaak Kroon and Piia Varis, 12 September 2016.

61   Martijn de Ruijter. *Confining Frailty: Making place for ritual in rest and nursing homes*. Supervisors: Paul Post and Wouter van Beek, 16 November 2016.

62 Maria van der Aalsvoort. *Vensters op vakontwikkeling. De betwiste invoering van taalkunde in het examenprogramma Nederlands havo/vwo (1988-2008)*. Supervisors: Sjaak Kroon and Piet-Hein van de Ven, 14 December 2016.

63 Yevgen Matusevych. *Learning constructions from bilingual exposure: Computational studies of argument structure acquisition*. Supervisors: Ad Backus and Afra Alishahi, 19 December 2016.

64 Tom van Nuenen. *Scripted Journeys: A study on interfaced travel writing*. Supervisors: Odile Heynders, Ruud Welten and Piia Varis, 21 December 2016.

65 Leonie van der Valk. *Steun zoeken bij Allah. Religiositeit, bidden en religieuze coping van Nederlandse, hoogopgeleide moslima's van Marokkaanse afkomst*. Supervisors: Rien van Uden and Jos Pieper, 21 December 2016.

66 Sandra Wagemakers. *Brabant is here: Making sense of regional identification*. Supervisors: Jos Swanenberg and Arnoud-Jan Bijsterveld, 9 June 2017.

67 Tekalign Nega Angore. *Reconstructing Ethiopia's collective memory by rewriting its history: The politics of Islam*. Supervisors: Herman Beck and Jenny Van der Aa, 4 December 2017.

68 Maksimus Regus. *Understanding human rights culture in Indonesia: A case study of the Ahmadiyya Minority Group*. Supervisors: Herman Beck and Mirjam van Reisen, 18 December 2017.