

DISCRIMINATION OF RELIGIOUS FREEDOM: The Case of Persecution of the Ahmadiyya Minority Group in West Kalimantan

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Abstract: *Human rights are an aspect of social existence. Human rights also include the right to religious freedom in retaining faith and belief in human beings. By comprehending the right to religious freedom, we may identify the rights of belief in all individuals. This study aims to inform readers about the Ahmadiyya minority group's religious freedom abuses in West Kalimantan due to discriminatory policies. This study argues that Ahmadiyya in Sintang has encountered forms of discrimination against the rights to religious freedom in Indonesia. Thus, this study formulates research questions such as (1) what is the chronology and form of persecution against Ahmadiyya? (2) what is the role of actors in discriminating against the Ahmadiyya minority group in West Kalimantan? (3) What is the policy on religious freedom toward the Ahmadiyya minority group in West Kalimantan? This study employed qualitative methods to describe the chronology of Ahmadiyya events in West Kalimantan through interviews and documentation. The findings of the study indicate that religious freedom discrimination against Ahmadiyya in West Kalimantan demonstrates: 1) the existence of violations of the right to freedom of religion; 2) the existence of contradictory policies; and 3) the existence of religiously motivated violence in West Kalimantan.*

This study's findings demonstrate that the violation of religious freedom against the Ahmadiyya in West Kalimantan is a type of religious-based discrimination.

المخلص: تظهر حقوق الإنسان في الحياة الاجتماعية. الحق في حرية الدين في الحفاظ على المعتقد والمعتقد في البشر هو أيضا حق من حقوق الإنسان. من خلال فهم الحق في حرية الدين ، يمكننا اكتشاف حقوق المعتقد لدى الجميع. يهدف هذا البحث إلى جعل القارئ يرى التمييز في انتهاكات السياسات المتعلقة بحرية الدين ضد الأقلية الأحمدية في غرب كاليمانتان. تجادل هذه الدراسة بأن Sintang Ahmadiyah قد عانت من أشكال من التمييز ضد الحق في حرية الدين في إندونيسيا. لذلك فإن هذه الدراسة تصوغ أسئلة بحثية وهي (1) ما هو التسلسل الزمني وشكل اضطهاد المصلين الأحمدية؟ (2) ما هو دور الممثلين الذين يميزون ضد الأقلية الأحمدية في غرب كاليمانتان؟ (3) كيف هي سياسة الحرية الدينية تجاه الأقلية الأحمدية في غرب كاليمانتان؟ يستخدم هذا البحث البحث النوعي من خلال المقابلات والوثائق التي تصف التسلسل الزمني لحادثة الأحمدية في غرب كاليمانتان. تظهر نتائج الدراسة أن التمييز ضد الأحمدية في غرب كاليمانتان يصور: (1) انتهاكات للحق في حرية الدين. (2) وجود سياسات متناقضة. (3) وجود العنف الديني في غرب كاليمانتان. تشير نتائج هذه الدراسة إلى أن انتهاك الحرية الدينية ضد الطائفة الأحمدية في غرب كاليمانتان هو شكل من أشكال التمييز الديني العنيف.

Abstrak: Hak asasi manusia muncul dalam kehidupan sosial. Hak kebebasan beragama dalam mempertahankan keyakinan dan kepercayaan dalam diri manusia juga merupakan hak asasi manusia. Dengan memahami hak kebebasan beragama, kita dapat menemukan hak-hak berkeyakinan dalam diri setiap orang. Penelitian ini bermaksud membawa pembaca untuk melihat diskriminasi pelanggaran kebijakan dalam kebebasan beragama terhadap kelompok minoritas Ahmadiyah di Kalimantan Barat. Penelitian ini berargumen bahwa Ahmadiyah Sintang telah mengalami bentuk-bentuk diskriminasi terhadap hak kebebasan beragama di Indonesia. Oleh karena itu, penelitian ini merumuskan pertanyaan penelitian yaitu (1) bagaimana kronologi dan bentuk persekusi terhadap Jemaat Ahmadiyah? (2) bagaimana peran aktor-aktor yang melakukan diskriminasi terhadap kelompok minoritas Ahmadiyah di Kalimantan Barat? (3) bagaimana kebijakan kebebasan beragama terhadap kelompok minoritas Ahmadiyah di Kalimantan Barat? Penelitian

ini menggunakan penelitian kualitatif melalui wawancara dan dokumen yang menggambarkan kronologi peristiwa Ahmadiyah di Kalimantan Barat. Hasil penelitian menunjukkan bahwa diskriminasi kebebasan beragama terhadap Ahmadiyah di Kalimantan Barat menggambarkan: 1) terjadinya pelanggaran hak atas kebebasan beragama; 2) adanya kebijakan yang kontradiktif; 3) adanya kekerasan berbasis agama di Kalimantan Barat. Temuan penelitian ini menunjukkan bahwa pelanggaran kebebasan beragama terhadap Jemaat Ahmadiyah di Kalimantan Barat merupakan bentuk diskriminasi kekerasan berbasis agama.

Keywords: Discriminating, Violating, Persecuting, Religious Freedom, and Ahmadiyya.

INTRODUCTION

The Ahmadiyya incident that occurred in Sintang, West Kalimantan on September 3, 2021, demonstrated that the majority religion and the government had persecuted the Islamic minority group. The conflict was exemplified by the burning of the Miftahul Huda mosque in Sintang, which served as a place of worship for the Ahmadiyya community and was opposed by the local administration for operating without a permit.¹ This disagreement has sparked a debate among social and religious activists on the discrimination of Ahmadiyya as a minority Islamic community in West Kalimantan's religious freedom rights. In addition, these disputes are frequently protracted, exposing community members to various persistent dangers, such as fear of death, injury, and loss of home or employment.² On the one hand, the Ahmadiyya conflict that happened in Sintang, West Kalimantan, still has many pros and cons for both minority Muslims and majority Muslims who were involved in the case.

In the post-truth era, studies on abuses of Ahmadiyya's religious freedom have not been evaluated from a macro perspective on the

¹ Laporan CRCS, "Monthly Update on Religious Issues in Indonesia," no. November (2022).

² Shira Hebel-Sela, Boaz Hameiri, and Eran Halperin, "The Vicious Cycle of Violent Intergroup Conflicts and Conspiracy Theories," *Current Opinion in Psychology* 47 (2022): 101422, <https://doi.org/10.1016/j.copsyc.2022.101422>.

backdrop of justice and discrimination in religious life. Existing studies have a tendency to focus on micro issues, ignoring the fact that the process of breaching religious freedom is embedded within a system of power relations. As Soedirgo demonstrates, the Ahmadiyya community is frequently subject to prejudice in the democratic era as a result of political control.³ To gain political office, politicians rely on persons with anti-Ahmadiyya views, which makes it difficult for Ahmadiyya minorities to access the rights and protections of formal citizenship.⁴ This controversy occurred when the *Majelis Ulama Indonesia* (MUI) (Indonesian Ulema Council) issued a fatwa in 2005 and *Surat Keputusan Bersama* (SKB) (Joint Decision Letter) on Ahmadiyya that further strained Muslim relations in Indonesia.⁵ The forms of violence included issuing a decree banning Ahmadiyya, sealing mosques, and banning religious activities, as well as raiding mosques and homes, including murder.⁶ The violence increased in the post-New Order era during the administration of President Susilo Bambang Yudhoyono (2004-14).⁷ There are several assumptions that violence occurred because, first, the role of local elites who provoked violence; and second, the role of local state apparatus who supported community mobilization through vigilante groups to carry out demonstrations that led to violence.⁸ This violence has created

³ Jessica Soedirgo, "Informal Networks and Religious Intolerance: How Clientelism Incentivizes the Discrimination of the Ahmadiyah in Indonesia," *Citizenship Studies*, 2018, <https://doi.org/10.1080/13621025.2018.1445490>.

⁴ Soedirgo. Informal Networks and Religious Intolerance: How Clientelism Incentivizes the Discrimination of the Ahmadiyah in Indonesia." *Citizenship Studies*, 2018. <https://doi.org/10.1080/13621025.2018.1445490>.

⁵ Ismatu Ropi, "Islamism, Government Regulation, and the Ahmadiyah Controversies in Indonesia," *Al-Jami'ah*, 2010, <https://doi.org/10.14421/ajis.2010.482.281-320>; Nina Mariani Noor, Siti Syamsiyatun, and J. B. Banawiratma, "Ahmadiyah, Conflicts, and Violence in Contemporary Indonesia," *Indonesian Journal of Islam and Muslim Societies*, 2013, <https://doi.org/10.18326/ijims.v3i1.1-30>.

⁶ Noor, Syamsiyatun, and Banawiratma, "Ahmadiyah, Conflicts, and Violence in Contemporary Indonesia."

⁷ Aan Suryana, "State Officials' Entanglement with Vigilante Groups in Violence against Ahmadiyah and Shi'a Communities in Indonesia," *Asian Studies Review*, 2019, <https://doi.org/10.1080/10357823.2019.1633273>.

⁸ Suryana. "State Officials' Entanglement with Vigilante Groups in Violence against Ahmadiyah and Shi'a Communities in Indonesia." *Asian Studies Review*, 2019. <https://doi.org/10.1080/10357823.2019.1633273>.

a discriminatory attitude against the Ahmadiyya minority group in Indonesia.

The purpose of this paper is to complete the shortcomings of previous studies that ignored the macro context that caused the violation of freedom of religion of the Ahmadiyya congregation. The occurrence of violations cannot be separated from the judicial process and religious and social life that occurs in society. The process of justice for religious people has several concepts, namely (1) freedom of religion or belief is an inalienable human right,⁹ (2) every person has the right to freedom of religion or belief, (2) everyone has the right to freedom of thought, conscience, and religion; this right includes freedom to change religion or belief, and freedom, either alone or together with others, and in public or private places, to express his religion and belief in the activities of teaching, experience, worship, and obedience,¹⁰ (3) Freedom of Religion or Belief (FoRB) includes various manifestations of religion or belief. The expression of one's religion or belief is a central aspect, whether in the form of teaching religion or belief, disseminating or seeking information about religion or belief, worshipping, or communicating with other individuals and communities on matters of religion or belief, including discussion and criticism of one's own or others' religion or belief.¹¹ Specifically, this paper answers three questions: (1) what is the chronology and form of persecution against Ahmadiyya? (2) what is the role of actors in discriminating against the Ahmadiyya minority group in West Kalimantan? (3) What is the policy on freedom of religion towards the Ahmadiyya minority group in West Kalimantan? The answers to these three questions provide comprehensive knowledge of the rights of religious freedom for humanity and a deep understanding of the forms of discrimination that occur in religious freedom,

⁹ Heiner Bielefeldt, Thiago Alves Pinto, and Marie Juul Petersen, "Introduction: Freedom of Religion or Belief as a Human Right," *The Review of Faith & International Affairs* 20, no. 2 (2022): 1–12, <https://doi.org/10.1080/15570274.2022.2065799>.

¹⁰ Susan Kerr, "Reflections on Freedom of Religion or Belief and Security," *Review of Faith and International Affairs* 20, no. 2 (2022): 61–68, <https://doi.org/10.1080/15570274.2022.2065805>.

¹¹ Marie Juul Petersen, "Freedom of Religion or Belief and Freedom of Expression," *Review of Faith and International Affairs* 20, no. 2 (2022): 40–48, <https://doi.org/10.1080/15570274.2022.2065806>.

Violations of religious freedom can occur due to a shift in the rights of discriminated human beliefs in the current era. Religious freedom is no longer something that is accepted but something that is sought after and debated by many scholars. In other words, freedom is no longer the basis of religious justice due to the lack of interpretation through religion and the rights of freedom in diversity. Thus, three arguments can be found. First, the violation of religious freedom can be seen from the chronology of the Ahmadiyya case committed by several people. Second, the violation of religious freedom against Ahmadiyya congregation can be seen from the policies that are contrary to government policies. Third, the destruction of houses of worship is evidence of violations of religious freedom against the Ahmadiyya in West Kalimantan. This research uses a literature study with a media approach, interviews, and documents of persecution reports from several activists who voiced the rights of religious freedom on Ahmadiyya, Sintang, West Kalimantan. Thus, this data reveals that violating freedom of religion against the Ahmadiyya in West Kalimantan is a form of religious discrimination in Indonesia.

RELIGIOUS FREEDOM AS THEORETICAL FRAMEWORK

Regulation of religious freedom is an essential part of religious beliefs. Freedom of religion in Indonesia has been regulated by two concepts contained in Article 28 E of the 1945 Constitution, which explains that (1) everyone is free to embrace religion and worship according to his religion; (2) freedom to believe, express thoughts and attitudes according to their conscience. This right is a crucial part of the religious life that everyone owns. Freedom of religion means nothing less than the right to be who we are.¹² It illustrates that religious validity is part of the constitutive of humanity for every human being who has the freedom to rationally and intelligently choose religion and belief. The conciliation of two Latin proverbs says it is legal to “give everyone their due” and “do no harm to anyone” requires a balanced approach and skill.¹³ The right to freedom of religion is a

¹² Robert P. George, “The State of International Religious Freedom and Why It Matters,” *Orbis*, 2015, <https://doi.org/10.1016/j.orbis.2014.11.002>.

¹³ Mihai Iulian Necula, “Aspects Concerning the Penal Protection of the Freedom of Religious Beliefs,” *Procedia - Social and Behavioral Sciences*, 2014, <https://doi.org/10.1016/j.probs.2014.11.002>.

benchmark for humans in maintaining their beliefs. Marshall alludes to religious freedom as education on the uses ship, then freedom of practice, which includes dressing and praying, and human rights, which are gender allies related to religion.¹⁴ Article 18, paragraph 1 of the ICCPR, explains that everyone has the right to freedom of thought, conscience, and religion. It includes the freedom to adopt or choose a religion or belief of his choice and freedom, either individually or in community with others, either in public or private, to manifest religion or belief in worship, arrangement, observation, and teaching activities.¹⁵

Many scientists argue that religious freedom is very ambiguous in studying religious freedom. Marshall revealed that when the government discusses religious freedom, it is more towards general harmony at the expense of unpopular beliefs and marginalizing minorities, which can result in a paradoxical position in criminalizing unorthodox views, especially Islam, to protect pluralism.¹⁶ In line with this, Mutaqim explained that the government's weakness was caused by ambiguity in interpreting Indonesia's ideology, Pancasila.¹⁷ Especially in the first ideology section, namely "God Almighty." This ideology is very contradictory to religious adherents; the article is that this ideology does not clearly explain the purpose of religion and belief in Indonesia. In addition, violations of religious freedom often occur in Indonesia.

Forum Internum means the freedom of thought, conscience, religion or belief and forum Externum means freedom of manifest religion or belief. In the forum Internum has no limitation and no

org/10.1016/j.sbspro.2014.08.241.

¹⁴ Eric Dolansky and Ilan Alon, "Religious Freedom, Religious Diversity, and Japanese Foreign Direct Investment," *Research in International Business and Finance*, 2008, <https://doi.org/10.1016/j.ribaf.2006.11.003>; James Alan Laub, "Assessing the Servant Organization; Development of the Organizational Leadership Assessment (OLA) Model. Dissertation Abstracts International," *Procedia - Social and Behavioral Sciences*, 1999.

¹⁵ ICCPR, "International Covenant on Civil and Political Rights," no. 1 (2005).

¹⁶ Paul Marshall, "The Ambiguities of Religious Freedom in Indonesia," *Review of Faith and International Affairs*, 2018, <https://doi.org/10.1080/15570274.2018.1433588>.

¹⁷ Zezen Zaenal Mutaqin, "The Strong State And Pancasila: Reflecting Human Rights in the Indonesian Democracy," *Constitutional Review*, 2017, <https://doi.org/10.31078/consrev221>.

derogation. In the forum Ekternum, there is no derogation and can be limited. The difference between “derogation and limitation” are, first, derogation refers to suppression of a right in an emergency that threatens the nation’s life. *Second*, even during an emergency, as suggested by Siracusa Principles, the state has to justify that the exigencies strictly require the measure of the situation (principle of strict necessity). Third, the right to freedom to manifest a belief is non-derogation must also comply with the limitation clauses in A. 18(3). Fourth, the right to freedom to hold a religious or other belief or opinion is absolute and can never lawfully be subjected to limitation or derogation.¹⁸

Why is it important to limit freedom? In a pluralistic society, it must be recognized by persons or organizations asserting their freedom of belief and expression that the same freedom attaches to others who may have contrary beliefs, and the right equally protects that other person’s right to hold those different beliefs and to live in accordance with them. How supportive of religion to limit its freedom? *dignitate humanae*: the right to religious freedom is exercised in human society. Hence, its exercise is subject to certain regulatory norms. In using all freedom, the moral principle of personal and social responsibility is to be observed. In the exercise of their rights, individual men and social groups are bound by the moral law to have respect for the rights of others, their own duties toward others, and the common welfare of all. Men deal with their fellows in justice and decency.¹⁹

PERSECUTION OF THE AHMADIYYA COMMUNITY IN SINTANG: Case Chronology

To provide a complete picture of human rights violations, especially the right to freedom of religion against the Ahmadiyya community, we present a chronology of several incidents of violations obtained through the attachment of the persecution document as follows.²⁰

¹⁸ Explained by Renata Ariani about Normative core and limitation in forum internum and externum in Center for Religious and Cross-cultural Studies (CRCS), Universitas Gadjah Mada (UGM), on January, 25 2022.

¹⁹ Explained by Renata Ariani about Normative core and limitation in forum internum and externum in Center for Religious and Cross-cultural Studies (CRCS), Universitas Gadjah Mada (UGM), on January, 25 2022.

²⁰ Lampiran Dokumen Persekusi, “KEJADIAN PERSEKUSI 2019-2021” (Kalimantan Barat, 2021).

Initially, Friday, January 3, 2020, at around 09.00 West Indonesia Time, an administrator (Chairman) Ahmadiyya in Sintang was asked for help by the wife of his sister-in-law to pick up the husband of his sister-in-law's wife and her husband's friend at the Jerora intersection. An Ahmadiyya chairman fulfilled the request. On the way, the Ahmadiyya Chief Executive became acquainted with the brother-in-law of his sister-in-law's wife, who had just graduated from high school. The Chief Executive of Ahmadiyya brought the brother-in-law to the restaurant because, according to the confession, the brother-in-law had not eaten since the last night. Then, they were taken to the Padang Raya restaurant on Jalan Oevang Oeray, belonging to members of the Ahmadiyya congregation.

At the dinner table, there was a conversation between the two, which explained that the brother-in-law was a Tablighi Jamaat. The dialogue between the two grew closer because the Chairperson of the Ahmadiyya Board had also been with the Tablighi Jamaat for a long time. The brother-in-law then asked, 'Which congregation are you joining now?' Then the Ahmadiyya Chairperson explained that he was participating in the Ahmadiyya Community. The brother-in-law continued with various questions regarding the activities of the Ahmadiyya Community. The chairman of the Ahmadiyya board explained that one of his routine activities is Listening to the Friday Sermon from the Ahmadiyya Caliph, which is broadcast live and translated. In the chat, the brother-in-law was very interested in being able to participate in listening to the Friday Sermon directly. So it was agreed that the chairman of the Ahmadiyya board would pick up the brother-in-law to listen to the Friday sermon from the Ahmadiyya Caliph directly at the Ahmadiyya secretariat office Gang Alas 3 Sintang at around 19.30 Western Indonesia Time.

After the Isha prayer, the brother-in-law called the chairman of the Ahmadiyya board to be picked up immediately to attend the Ahmadiyya recitation program. The head of the Ahmadiyya Board took his brother-in-law with him to Gang Alas 3 for this activity. At the same time, at the Sintang Ahmadiyya Secretariat Office at around 19.00 West Indonesia Time, two intelligence officers from the resort police asked about the whereabouts of the Ahmadiyya preacher, and the administrator and the secretariat office guard answered that the Ahmadiyya missionary was absent due to leave. Then the guard of the

Ahmadiyya secretariat was invited to enter. The police did not notify the crowd that a crowd would be going to the Sintang Ahmadiyya secretariat office at that time.

Not long after, the Sintang Ahmadiyya Board arrived at around 19.45 West Indonesia Time. The chairman of the Ahmadiyya board and 2 of his friends came to the Ahmadiyya secretariat. The head of the Ahmadiyya Board asked the resort police intelligence regarding their presence. One of them explained that their presence was because the police had received a call from an Ustadz that a mass would come to the Sintang Ahmadiyya secretariat. The police had tried to prevent the crowd from coming, but the groups had their plans.

Around 20.00 West Indonesia Time, the crowd arrived. According to the calculations from the resort police intelligence, numbered 20-30 people from the mass organization of the Malays Association/*Persatuan Orang Melayu* (POM) in Sintang, which was identified as Ustadz from Palembang. He had three unsuccessful attempts to sue Ahmadi in Sintang when he did not participate in the persecution. According to the resort police intelligence information, the Ustadz from Palembang was not in Sintang. The crowd that came was led by the commander of the *Satria Pembela Melayu* (SPM), a guard from the POM, and a lawyer who was also a lecturer at Sintang.

The masses did not accept that their brother-in-law from the Tablighi congregation was invited to Ahmadiyya activities. It made them demand that Ahmadiyya had violated the Joint Decree or Surat Keputusan Bersama (SKB) of 3 Ministers and asked for legal proceedings. This incident was videoed by them and uploaded by them on YouTube. According to reports from Ahmadiyya members, some manipulation or trap was deliberately made to prosecute Ahmadi members in Sintang. Those who did not want Ahmadiyya are looking for evidence so they can criminalize Ahmadi Sintang. It had been attempted several times; for example, someone suddenly sent a personal message asking Ahmadiyya members for church books but did not want to introduce themselves. Second, students of Ahmadiyya members who teach religion in schools are asked to explain about Imam Mahdi or be interrogated by someone regarding what subjects are taught at school.

After the police dialogued with the masses and ensuring there would be no vigilantism, it was around 21.00 West Indonesia Time.

Three Ahmadiyya worshipers were taken to the resort police by car and escorted by the crowd until they arrived at the Sintang resort police. Meanwhile, the child of the chairman of the Ahmadiyya board was accompanied home by the family of the chairman of the Sintang Ahmadiyya board at around 21.30 West Indonesia Time. The three members of the Ahmadiyya congregation were interrogated separately until about 2.30 am West Indonesia Time. The points asked are related to the chronology of introductions to the children of the chairman of the Ahmadiyya board about Ahmadiyya theology, Ahmadiyya activities, and others. Isha prayers and going to the toilet are also under police control. Other congregation members individually participated in monitoring from outside the Resort Police, including the Munda of West Kalimantan 2.

After the interrogation, the three Ahmadiyya members signed the examination documents and were allowed to go home. The resort police advised that a call would be made if additional information was needed. The police refused to provide a copy of the dossier because this was not a crime, and was asking for information. Friday, January 10, 2020, a summons was held by the resort police to the Chairperson of the Sintang Ahmadiyya and Regional Missionaries at around 9.30 to 16.30 West Indonesia Time (WIB) to complete additional information. It is planned that there will be mediation by the police between Ahmadiyya and POM.

In an in-depth interview via Zoom on August 20, 2022, with members of the Serikat Jurnalis Untuk Keberagaman (SAJUK) who accompanied Ahmadiyya, he explained that:

“When this mosque was established, the tension became very strong. The groups said that the Ahmadiyya were heretical and believed that they needed to carry out jihad, in other words, to return the Ahmadiyya to the right path by not building a mosque. They assume that the mosque will be the center of apostasy and others. Before issuing the decree (SK), the Deputy Regent, on behalf of the government, had issued statements against Ahmadiyya. Then, amid the tension before the attack, the government tried to reduce the tension by sealing the Ahmadiyya mosque (Interview, August 20, 2022).

The sealing of the Ahmadiyya mosque was the beginning of the conflict. The government has the role of power as a system to control religion within the political power system. It has led to increased hostility towards minority religious groups as many have prosecuted the Ahmadiyya in the name of government regulation.²¹ The control of political power through such regulations has led to increased violence and intimidation and the proliferation of discriminatory laws and regulations.²² The discrimination in the form of persecution of the Ahmadiyya minority group in Sintang can be seen in sealing and closing mosques, burning, and stopping worship activities that should be a form of religious sacredness. Moreover, the stigma against Ahmadiyya is said to be *sesat* or heretical or deviate from Islamic teachings.²³ The labeling of Ahmadiyya as *sesat* or heretical has the effect of differences or organizational differences and on Ahmadiyya individuals by denying their status as Muslims.²⁴ Heretical narratives about Ahmadiyya are promoted by influential individuals such as politicians and religious leaders, and official bodies such as the Indonesian Ulema Council/*Majelis Ulama Indonesia* (MUI) and the Coordinating Body for Mystical Beliefs in Society/*Badan Koordinasi Keyakinan Mistis dalam Masyarakat* (Bakor Pakem).²⁵ This stigma is further reinforced by negative media coverage.²⁶ Sajuk members said that:

After the sealing, Ahmadiyya people could not worship in the mosque. But at the time of the attack, in early September, a group that claimed to be a forum for Muslims gathered strength on Friday. According to the story of the Ahmadiyya people who followed the journey of this case and gathered as much information as possible in the field because we all advocated it through long distances. I was busy then and couldn't leave work because Sintang was so far away. At that time, I was still in Pontianak; then, from a distance, we received news that on Friday, Friday prayers, the Ustaz was called

²¹ Aleah Connley, "Understanding the Oppressed: A Study of the Ahmadiyah and Their Strategies for Overcoming Adversity in Contemporary Indonesia," *Journal of Current Southeast Asian Affairs*, 2016, <https://doi.org/10.1177/186810341603500102>.

²² Connley.

²³ Connley.

²⁴ Connley.

²⁵ Connley.

²⁶ Connley.

the primary mover of this group during the Friday sermon. He did incite people to go to attack the mosque, and even though officers were guarding it, there was still destruction. After the process was recorded, the perpetrators of the intolerant group were identified (Interview, August 20, 2022).

Picture 1



This chronology began when on August 27 2021, the Miftahul Huda Mosque received a letter of permanent closure and prohibition of worship. The mosque was not used for worship since the temporary closure letter was issued on August 14. On September 2, the Governor of West Kalimantan held a closed meeting with the Sintang District Government and the Islamic Society Alliance. On the day of the arson attack and the destruction of the Miftahul Huda mosque, police officers were on guard in the village and around the Miftahul Huda mosque.

At around 11:00 a.m. West Indonesia Time, there was an invitation from the crowd to destroy the mosque. Later, at around 12.30 pm West Indonesia Time or after Friday prayers more than 100 people performed the ceremony and began to move to the Miftahul Huda mosque. The group then damaged the mosque and burned down the warehouse next to the mosque.

Source: CNN²⁷

The chronology of the Ahmadiyya case illustrates the validity of an event that triggered the dislike of the majority religious group

²⁷ CNN Media, 28 July, 2023. <https://www.cnnindonesia.com/nasional/20210903225102-20-689598/kronologi-perusakan-masjid-ahmadiyah-di-sintang>.

towards minority religious groups in West Kalimantan. This incident created a debate about religious freedom in Indonesia. In addition, the human rights of Ahmadiyya members are under social threat because they experience acts of religion-based violence and criminalization in their environment. It poses a double problem for religious authorities, which ideally should overcome such sectarianism by belittling and criminalizing the beliefs of other religions.²⁸ In addition, the imbalance in which religious practice is contested, discussed, and more importantly, is mainly due to the wide disparity in resources dedicated to religious freedom advocacy that undermines religious freedom itself.²⁹ Therefore, with this, the right to freedom of religion and the right to justice became a public debate in analyzing and interpreting the life of the Ahmadiyya in West Kalimantan.

VIOLATION OF FREEDOM OF RELIGION AGAINST AHMADIYYA GROUP: The Role of State and Non-State Actors

Regulations on freedom of religion are often debated in interpretations that are almost heretical and even discriminate against certain religious minority groups, like the Ahmadiyya group, which received Perwa No. 17 of 2011 concerning the prohibition of the activities of the Indonesian Ahmadiyya Congregation or Jamaat Ahmadiyya Indonesia (JAI) in the jurisdiction of the city of Pontianak. In the research data report, Suar Asa Khatulistiwa (SAKA) Pontianak explains that the policy is derived from the Joint Decree (SKB) of 3 Ministers No. 3 of 2008 concerning events and orders to adherents, members, or members of the management of the Jamaat Ahmadiyya Indonesia (JAI) and members of the public contains contradictory articles such as article 1 (4) explaining that Ahmadiyya is an organization or sect that adheres to/has belief/specific ideology/understanding.³⁰ SAKA said the report was contradictory because the

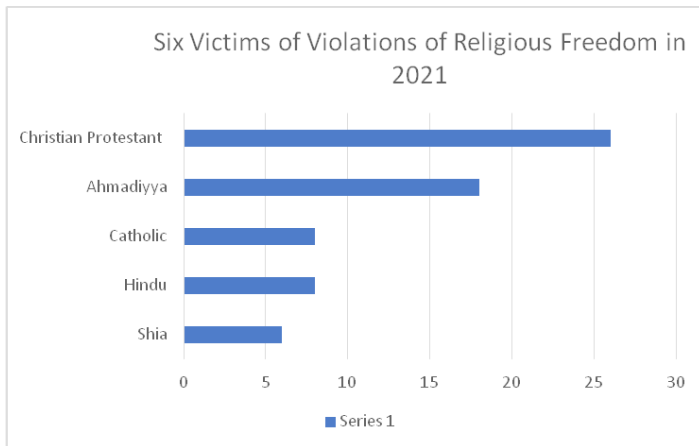
²⁸ Dicky Sofjan, "Minoritization & Criminalization of Shia Islam in Indonesia," *Journal of South Asian and Middle Eastern Studies*, 2016, <https://doi.org/10.1353/jsa.2016.0002>.

²⁹ Elizabeth Reiner Platt, "Breaking the Conservative Monopoly on Religious Liberty," *Review of Faith and International Affairs* 20, no. 2 (2022): 13–26, <https://doi.org/10.1080/15570274.2022.2065807>.

³⁰ SAKA, *ANALISIS KEBIJAKAN PUBLIK KOTA PONTIANAK DENGAN TIM PENELITIAN* (Pontianak, 2021).

entire policy decided to ban and even return JAI members to Islam because they considered JAI to be heretical. In addition, the law on freedom of religion experienced by Ahmadiyya does not apply as a minority sect of Islam in West Kalimantan. There are several types of dominant Religious Freedom violations reported by the Setara Institute widely in Indonesia as follows:

Figure 1.



Sources: SETARA Institute

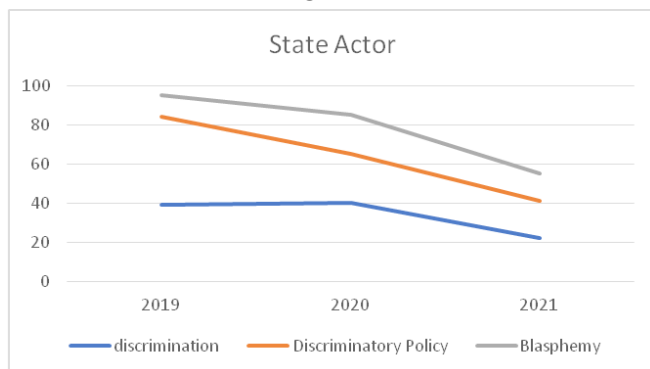
The report above explains that the minority group has experienced acts of violence from violations of religious freedom. The violations occurred between one group, the Ahmadiyya, who received the second highest violence; around 15 to 20 incidents occurred. Shia has also experienced religious violence in about 5 to 10 incidents among minority Islamic religious groups. Bagir revealed that the events that received widespread attention were violence against minority religious groups such as the Ahmadiyya.³¹ The government has given the Ahmadiyya Congregation special treatment in the MUI's policy of issuing fatwas about deviant sects. Asfinawati said that if the state uses the MUI fatwa as a legal basis, the fault lies with the state itself.³² In the MUI fatwa 11/munasvn vii/mui/15/2005 regarding the Ahmadiyya sect, it explains that: 1) reaffirms the MUI Fatwa in the Second National Conference in 1980, which stipulates

³¹ (Bagir, Panggabean, et al., 2014)

³² (Bagir, Panggabean, et al., 2014)

that the Ahmadiyya sect is outside Islam, heretical and misleading and that Muslims who follow it are Apostasy (out of Islam); 2) for those who already follow the Ahmadiyya sect to immediately return to the actual teachings of Islam (*al-ruju'ila al-Haq*), which are in line with the Qur'an and hadith; 3) the government is obliged to prohibit the spread of Ahmadiyya ideology throughout Indonesia and freeze the organization and close all activities.³³ The fatwa reaffirms that minority religions such as the Ahmadiyya have become a problem for Muslims. But on the one hand, when legal regulations that align with the government emphasize that a person must embrace religion according to their respective beliefs, human rights and beliefs are still being questioned.

Figure 2.



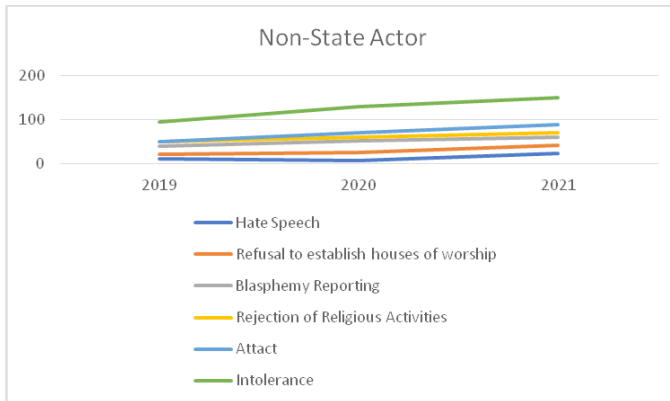
Source: SETARA Institute

The Setara Institute report explains that state actors from 2019 to 2021 had committed three forms of religious violence: acts of discrimination, discriminatory regulations, and blasphemy. The highest cases described in 2019 were 40 incidents, 85 discriminatory rules, and 95 cases of blasphemy. Then, in 2021 there will be a decrease in every three forms of religious violence committed by state actors, namely as many as 20 incidents of discrimination, 40 discriminatory regulations, and 45 incidents of blasphemy. This explains that state actors still have the power to commit religious-based violence. Prempeh stated that the country had faced a crisis

³³ Majelis Ulama Indonesia, "Fatwa Majelis Ulama Indonesia Nomor: 11/MUNAS VII/MUI/15/2005 Tentang Aliran Ahmadiyah," 2005, 101-5.

that could pass laws or regulations that contradict the future of religious freedom.³⁴ This can create discriminatory rules based on religious identity.³⁵ These regulations can lead to misinterpretations in understanding the meaning of religious freedom for religious people in West Kalimantan.

Figure 3.



Source: SETARA Institute

Besides state actors, non-state actors often play a role in violations of religious violence. It was noted that the Setara Institute revealed that six non-state violations often increased from 2019 to 2021. First, hate speech in 2019 was 10 cases, then decreased by 9 cases in 2020 and increased twice in 2021, which was 20 cases. Second, Blasphemy Reporting in 2019 outperformed hate speech by 40 cases. In 2020, it increased to 45 cases, and again in 2021 to 60 cases. Third, the second highest attack in cases of violations of religious violence, namely, in 2019, as many as 45 cases, 2020 increased by 65 cases, and 2021 skyrocketing with the number of cases as many as 85. Fourth, refusal to establish houses of worship, in 2019, with as many as 10 cases, an increase in 2020 and 2021 as many as 25 and 40 cases. Fifth, rejection of religious activities, which is the third highest ranking

³⁴ Charles Prempeh, "Religion and the State in an Episodic Moment of COVID-19 in Ghana," *Social Sciences & Humanities Open*, 2021, <https://doi.org/10.1016/j.ssaho.2021.100141>.

³⁵ Metin M. Cosgel, Richard N. Langlois, and Thomas J. Miceli, "Identity, Religion, and the State: The Origin of Theocracy," *Journal of Economic Behavior and Organization*, 2020, <https://doi.org/10.1016/j.jebo.2020.09.026>.

in cases of violations of religious violence, recorded in 2019 in as many as 45 cases, 2020 in as many as 60 cases, and increasing again in 2021 in as many as 65 cases. Sixth, intolerance is the highest violation of religious violence in Indonesia. It was noted that in 2019 intolerance was 85; in 2019 and 2021. It increased on a roller coaster basis, namely 125 and 145. From this case, it is clear that the level of religious-based violence from non-state actors in Indonesia is still increasing. In addition, the increase illustrates that the legal form of religious-based violence often occurs from 2019 to 2021.

In the case of Ahmadiyya in Sintang, a non-governmental actor, namely the Alliance of Muslims/*Aliansi Umat Islam* (AUI) issued a letter on August 12, 2021, addressed to FORKOPINCAM TEMPUNAK stated that on August 10, 2021, at the Al-Mubarakah Mosque KM 4, Sintang Regency, AUI had deliberated and agreed that the Ahmadiyya sect in Sintang district was very disturbing in accordance with MUI Fatwa number 11/MUNAS/VII/MUI/15/2005. AUI asked the authorities to take firm action against the Ahmadiyya sect in Sintang regency. The request was outlined in a statement of attitude of the AUI signed by the Chairman of the Alliance. In addition, AUI wrote a joint letter of agreement about their attitude towards Ahmadiyya, namely (1) The Muslim community of Sintang district agreed that as long as the MUI fatwa has not been issued against Ahmadiyya's heresy, the community rejects the presence of Ahmadiyya in the Sintang district; (2) AUI urges the authorized apparatus to stop or take action against Ahmadiyya activities in any form in Sintang regency; (3) AUI will take firm action if Ahmadiyya and the apparatus ignore MUI Fatwa; (4) Considering the stability of Sintang regency so that there will be no turmoil with the presence of Ahmadiyya in Sintang regency. AUI gives 3 times 24 hours for the authorities to crack down on Ahmadiyya in Sintang. Suppose it is not followed up to guard the MUI Fatwa and maintain the spirit of the Ulama who are in the Indonesian Ulema Council (Majelis Ulama Indonesia). In that case, AUI will take a firm decision to dissolve Ahmadiyya.³⁶

AUI is increasingly active in addressing the Ahmadiyya minority in Sintang. On August 13, 2021, AUI sent a letter to the Balai Harapan

³⁶ (Surat Aliansi Umat Islam dan Surat Kesepakatan Bersama Aliansi Umat Islam di Kabupaten Sintang, 2021).

Village DAD to follow up on the ultimatum that had been sent to the Stakeholders in the Sintang Regency Government on August 12, 2021 regarding the activities of the Ahmadiyya Movement, which are increasingly unsettling for Muslims. AUI wants to focus on the prosecution and total cessation of Ahmadiyya activities. They asked the Balai Harapan Village Dayak Customary Council Management to be able to understand and allow and provide requests for assistance to convey to the community in Balai Harapan village regarding the actions of the Alliance of Muslims/*Aliansi Umat Islam* (AUI) in Sintang district.³⁷

After the Ultimatum letter from the Alliance of Muslims/*Aliansi Umat Islam* (AUI) spread, a government actor from the MUI sent a letter on August 13, 2021 to the Regent of Sintang. The letter explained that (1) the Indonesian Ulema Council in Sintang Regency fully supports the movement/struggle of the Muslim Alliance in an effort to guard the MUI Fatwa number: 11/MUNAS VII/MUI/15/2005 concerning Ahmadiyya; (2) urges the Regional Government of Sintang Regency to stop all forms of preaching activities and the construction of JAI houses of worship, especially in Balai Harapan Village, Tempunak District, Sintang Regency in general. This letter was signed by the leadership council of the MUI in Sintang Regency, namely the General Chairperson and General Secretary.³⁸

On August 13, 2021, the Regent of Sintang was signed by Acting Regent (*Plt Bupati*). The Acting Regent of Sintang wrote a letter regarding the follow-up to the statement of attitude of the AUI in Sintang district. The letter was sent to the leadership of the Ahmadiyya Indonesia congregation/*Jamaah Ahmadiyah Indonesia* (JAI) in Sintang Regency. The letter responded to the Statement of Attitude in the Joint Agreement of the Alliance of Muslims/*Kesepakatan Bersama Aliansi Umat Islam* (KBAUI) on August 12, 2021. The Acting Regent agreed (1) that in efforts to handle and resolve the issue of the JAI is still guided by the Joint Decree of the Minister of Religion, Attorney General, and Minister of Home

³⁷ (Surat Aliansi Umat Islam dan Surat Kesepakatan Bersama Aliansi Umat Islam di Kabupaten Sintang, 2021).

³⁸ (Surat Majelis Ulama Indonesia di Kabupaten Sintang nomor 029/MUI-STG/VIII/2021/ Perihal: Sikap MUI terkait aktifitas Jemaat Ahmadiyah Indonesia (JAI) di Kabupaten Sintang)

Affairs of the Republic of Indonesia; 3 of 2008 concerning warnings and orders to adherents, members, or members of the Management of the JAI and citizens; (2) that related to the existence of the JAI in Sintang district, steps have been taken, namely the issuance of a Joint Decree, conducting field observations and meetings in Balai Harapan village, Tempunak sub-district on Thursday, July 29, 2021, and conducting coordination meetings and meetings of the parties in order to resolve the issue of the existence of the JAI in Sintang district; (3) to maintain security, the steps taken are to stop the spread of interpretations and activities that deviate from the main teachings of Islam, namely the spread of ideas that recognize the existence of prophets with all teachings after the prophet Muhammad Saw and stop the activities and operations of buildings (houses of worship) of the JAI in Balai Harapan village.³⁹

Then, on August 18, the Regent of Sintang, signed by the Vice Regent of Sintang, sent a letter about the Coordination Meeting of the case of JAI. The meeting was held at Balai Praja Regional Secretariat of Sintang Regency at 13.00 West Indonesia Time. This meeting aims to follow up the results of the meeting in handling social conflicts related to the JAI in Sintang.⁴⁰ The letters were responded by Ahmadiyah Sintang. They rejected and objected to the forced closure action and the suspension of activities and operations of the Miftahul Huda Mosque construction as in the letter addressed to the Acting Regent of Sintang.⁴¹ In the end, the decision of the Muslim Alliance and the letter of assignment from the acting Regent, which aimed to dismantle the Miftahul Huda mosque and dissolve Ahmadiyah in Sintang, were carried out in September 2021. Therefore, government and non-government actors are involved in religious freedom discrimination against Ahmadiyah in Sintang.

A CRITICAL ANALYSIS OF DISCRIMINATORY PUBLIC POLICY

The Indonesian government's legal regulations in West Kalimantan, especially about the Ahmadiyah in the Sintang case, violated the

³⁹ Surat Bupati Sintang nomor 300/226/kesbangpol-c tanggal 12 Agustus 2021 di Sintang.

⁴⁰ Surat wakil bupati 300/237/KESBANGPOL C, 18 Agustus 2021

⁴¹ surat Ahmadiyah nomor 14/8-2021 pada tanggal 19 Agustus 2021

right to freedom of religion or belief regulated by international human rights law. The case of religious violence experienced by Ahmadiyya in Sintang on September 3, 2021, is a case of one-sided interests without regard to human rights and the provisions on religious freedom by the laws and regulations or the ICCPR. Related to the concept of universality and interconnectedness, everyone has the right to have beliefs, including new beliefs; minorities are considered 'perverted' by people/the majority of people, even intolerant.⁴² This case is a form of discrimination and violation of religion-based violence without specifically protecting and fostering the life of the Jamaat Ahmadiyya Indonesia in Sintang. Instead of maintaining peace and harmony in religious freedom, they issue policies that are not in line with the peaceful life of the community. The Regent should not issue power rights without considering the right to peace in Sintang. The warning letter against the demolition of Ahmadiyya's house of worship triggered the conflict. Moreover, the SKB should be considered carefully to minimize the occurrence of excessive pros and cons. As a result, the alliance on behalf of the AUI rebelled and even anarchically dismantled, burned, and destroyed places of worship. The involvement of government and non-government actors triggers conflict and the pros and cons of community life. This basis strengthened conflict and intolerance of religious people because religious freedom is still ambiguous against the fundamental rights of human life. Thus, religious disharmony in every region continues to occur.

In the Forum Internum freedom of thought, conscience, religion or belief has no restrictions and no reduction. Whereas in the forum externum, there is no reduction and can be limited. If referring to the validity between forum internum and externum, the policies issued by the acting Regent and the attack carried out by the AUI have violated the Human Rights (HAM) regulations of the Law that have been established. Normatively, the Law explains several important points to the analysis of religious freedom, namely; First, the 1945 Constitution article 28E, paragraph (1) explains that everyone is free to embrace religion and worship according to their religion, paragraph (2) everyone has the right to freedom of belief, expression

⁴² (Bagir, Panggabean, et al., 2014)

of thoughts and attitudes in accordance with their conscience.⁴³ Article 28J paragraph (1) every person shall respect the human rights of others in the orderly life of society, nation, and state; (2) in exercising his/her rights and freedoms, every person shall be subject to restrictions established by law for the sole purpose of ensuring recognition and respect for the rights and freedoms of others and to meet just demands in accordance with moral considerations, religious values, security, and public order in a democratic society.⁴⁴ Second, Article 29 paragraph (2) of the Constitution explains that the state guarantees the freedom of each citizen to embrace his or her own religion and to worship according to his or her religion and belief.⁴⁵ Third, Constitution No. 39 of 1999 on Human Rights Article 22 paragraph (1) explains that every person is free to embrace his religion and belief; article 22 paragraph (2) the state guarantees the freedom of every person to embrace his respective religion and to worship according to his religion and belief.⁴⁶ Fourth, Law No. 12 of 2005 on the ratification of the International Covenant on Civil and Political Rights Article 18 explains that everyone has the right to freedom of thought, conscience, and religion. This right includes freedom to adopt or accept a religion or belief of his or her own choosing, and freedom, either individually or in community with others, and either in public or private, to manifest that religion or belief in activities of worship, observance, practice, and teaching.⁴⁷ (2) no one shall be coerced into interfering with his freedom to profess or accept a religion or belief of his choice.⁴⁸

The law above is a claim that the discrimination experienced by the Ahmadiyya religious minority is a violation of human rights to religious belief. Those with freedom and belief get a limit from the rules bound by the power system. The government and the Muslim alliance have violated the rights of the basic law that has been agreed both nationally and internationally. Sharma said the

⁴³ UUD Republik Indonesia, "PERUBAHAN KEDUA UNDANG-UNDANG DASAR NEGARA REPUBLIK INDONESIA TAHUN 1945."

⁴⁴ UUD Republik Indonesia.

⁴⁵ UUD Republik Indonesia.

⁴⁶ Indonesia, "UNDANG-UNDANG REPUBLIK INDONESIA NOMOR 39 TAHUN 1999 TENTANG HAK ASASI MANUSIA."

⁴⁷ ICCPR, "International Covenant on Civil and Political Rights."

⁴⁸ ICCPR.

significant biggest challenges to religious freedom stem not from subtle differences between truth and sincerity or between religion and practice but from the continuing strength of the notions of exclusivity and territoriality of state law. He also said that one's religious belief has no reason to "comply with applicable laws, prohibiting behavior that the State freely regulates," guaranteeing religious freedom will not prevent the application of neutral and generally applicable laws for religiously motivated actions.⁴⁹ Religion runs according to human beliefs, not because of government regulations, but because religion has beliefs without having to be limited by special rules.

The incident on September 3, 2021, which happened to the Ahmadiyya minority group in Sintang, West Kalimantan, is still a public debate about regulatory policies that are not in line with the right to freedom of religion in Indonesia. Such as articles that have been agreed between the government and public policies, but violated by mutual agreement. The concept of freedom "has a wide range of applications, from the complete absence of restraint to mere feelings of not being overly inhibited or frustrated."⁵⁰ Forcing someone to change their faith is a form of discrimination in religion. Furthermore, destroying houses of worship is a form of religion-based violence that can lead to conflict between communities. The application of religious norms has individual and contextual dimensions insofar as religious norms serve individual goals (regulating one's relationship with God) and contextual (encouraging uniformity of behavior in society).⁵¹ The relationship between humans and God cannot be limited by regulations that restrict a belief, while discriminatory behavior against religious minorities creates divisions in the peace between religious communities; in other words, there needs to be justice and proper regulations to protect the right to freedom of religion without discriminating against people and religious beliefs.

⁴⁹ Arvind Sharma, *Problematizing Religious Freedom*, ed. Deen K Chatterjee, vol. 15 (New York: Springer, 2011).

⁵⁰ Ibid.

⁵¹ Audun Dahl et al., "Crossing Religious Boundaries: Individual and Contextual Determinants of Who Can Violate Religious Norms," *SSRN Electronic Journal*, 2021, doi:10.2139/ssrn.3986930.

CONCLUSION

In violation of religious freedom, a person's belief cannot be associated with legal coercion in the state. Religion has its consequences in demanding one's belief without forcing someone to change religion according to the regulations. Even though they are declared heretical, their beliefs cannot be reconstructed without a deep belief in their chosen religion. This study explains that the religious freedom of the Ahmadiyya minority group in West Kalimantan has experienced a violation of the right to freedom and belief in religion. This can be seen from the violations of regulations that discriminate without looking at the consequences on people's lives. Thus, the violation of religious freedom against the Ahmadiyya minority group is not only discrimination but has a motive for religious violence in West Kalimantan.

This study provides a perspective on violating religious freedom against the Ahmadiyya minority group in West Kalimantan regarding religion and human rights factors. Various forms of violations of religious freedom against the Ahmadiyya minority group have become the basis that justice is fundamental to know in violations that discriminate against religious life. Knowledge of violations of religious freedom provides an argument that various state regulations cannot limit religious freedom because religious freedom is born in someone who has faith in God. Thus, this paper emphasizes that violations of religious freedom can be seen in several aspects and an in-depth analysis of the rights to freedom of religion and justice.

This paper has limitations in data sources that only rely on remote research through community data, Ahmadiyya chronology documents, media, and interviews with people who know about Ahmadiyya so that it cannot be used as a strong basis for claiming broadly about violations of religious freedom against Ahmadiyya. Policy formulation as broad knowledge requires a massive search to see social facts in depth. Research on several religious freedoms in Indonesia is underway to re-examine aspects of religious freedom that differ from the religious freedom of the Ahmadiyya minority group. Further studies will accommodate a more comprehensive sample, and diverse sources of information can be used as a mapping for further research.

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