

DISCREPANCY IN STATE PRACTICES

The Cases of Violence against Ahmadiyah and Shi'a Minority Communities during the Presidency of Susilo Bambang Yudhoyono

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Abstract

Violence against Ahmadiyah and Shi'a minority communities escalated during the government of President Susilo Bambang Yudhoyono. This study discusses discrepancy between local and central state officials in response to the violence. It found that officials at local states looked ignorant to the violence, while central state officials sent mixed signals: they appeared to be enthusiastic to protect the rights of Ahmadiyah and Shi'a adherents to practice their faiths respectively; but at other times, the officials adopted compromising stance. This study argues that this discrepancy stems from different challenges that each tier of the state had to face. Local state officials were indifferent to the plight of the minority communities due to their kinship; and local affinities to fellow Sunni residents. In contrast, central state officials had to cater to more heterogeneous constituents, and hence they were not immune to pressures from various quarters, including from human right activists and international community. As result, central state officials were ambivalent in responding to the violence. This research is based on a seven-month fieldwork in Ahmadiyah and Shi'a communities, respectively in Kuningan regency, West Java province and in Sampang regency, East Java province in 2013. The data was gathered through ethnography and in-depth interview with relevant sources.

[Kekerasan terhadap kaum minoritas Ahmadiyah and Syiah meningkat dalam pemerintahan Presiden Susilo Bambang Yudhoyono. Studi ini

mendiskusikan kesenjangan sikap aktor negara pusat dan lokal dalam menanggapi tindak kekerasan tersebut. Studi ini menemukan bahwa aktor negara di tingkat lokal terkesan tidak peduli dengan rentetan kekerasan tersebut, sementara aktor negara di tingkat pusat menunjukkan sikap yang ambivalen: di suatu waktu mereka terlibat antusias untuk melindungi hak-hak kaum minoritas untuk memeluk kepercayaan-nya masing-masing; di waktu yang lain mereka memperlihatkan sikap kompromistis terhadap pelaku kekerasan atas nama agama. Studi ini berargumen bahwa kesenjangan terjadi karena perbedaan tantangan sosial politik yang masing-masing harus dihadapi oleh aktor-aktor negara di kedua tingkatan yang berbeda tersebut. Aktor negara di tingkat lokal terkesan tidak peduli dengan nasib kaum minoritas karena mereka terpengaruh oleh keterikatan pertemanan atau kekerabatan dengan pelaku kekerasan, yang memiliki kepercayaan yang sama, yaitu Sunni, yang merupakan kepercayaan Islam yang mayoritas di daerah dimana kaum minoritas Ahmadiyah dan Syiah tinggal. Sebaliknya, aktor negara di tingkat pusat harus menghadapi konstituen yang lebih beragam dalam hal agama dan kepercayaan, dan juga dalam hal pemikiran sosial dan politik. Hal ini mengakibatkan aktor negara pusat mau tak mau harus menghadapi tekanan sosial dan politik dari berbagai pihak sehubungan dengan penanganan persoalan kaum minoritas, terutama dari pegiat hak asasi manusia dalam skala domestik maupun internasional. Akibatnya, aktor negara di tingkat pusat terkesan ambivalen dalam menanggapi maraknya kekerasan terhadap kaum minoritas di era Presiden Susilo Bambang Yudhoyono, terutama kaum Ahmadiyah and Syiah. Studi ini berdasarkan kerja lapangan yang berlangsung selama tujuh bulan di tahun 2013, bertempat di pemukiman Ahmadiyah and Syiah di Kabupaten Kuningan, Jawa Barat dan Kabupaten Sampang, Jawa Timur. Pengumpulan data dilakukan dengan metode etnografi dan wawancara mendalam dengan sumber-sumber yang terkait dengan topik penelitian diatas.]

Key words : *Ahmadiyah, Shi'a, state, state-practices, Indonesia, Islam, religious, violence*

A. Introduction

Eid al-Fitr 2013 was only two weeks away. Then President Susilo Bambang Yudhoyono, who was in the middle of his East Java tour,

attended a gathering with the representatives of Madurese Sunni religious figures in a local government building in Surabaya. The gathering at East Java capital aimed to discuss president's plan that Shi'a refugees returned homes during the Islamic festivity, an important religious event for both Sunni and Shi'a adherents. The refugees, who consisted of 69 families, had been staying in a government shelter for almost a year, and hence, the president wanted them to spend annual religious festivity at their respective homes by mid-August 2013.¹

International politics pressure was behind the president's plan. The president complained in the gathering that international human rights body and the United Nations monitored his stance on the case of Sampang Shi'a.² Earlier, Shi'a communities in England and Australia filed concerns over the plight of the Shi'a Sampang. Mahmoud Ahmadinejad, then president of predominantly Shi'a Iran, even personally conveyed his concern to President Yudhoyono (SBY)³ over the matter when they had a chance to meet in person.⁴ Hence, due to the political pressure, President Yudhoyono persuaded fifteen religious figures to help materializing his plan; otherwise the Shi'a eviction continued to taint the country's international image. Support from the religious figures was important for the president as they represented a socially and politically influential and powerful organization in Madura Island, called Bassra. It stands for *Badan Silaturabmi Ulama Pesantren Madura* (an association of religious figures owning and running Islamic Boarding Schools in Madura Island). If President had gained this association's support, his plan would have been easily materialized. In addition to this, President also requested

¹ The information was coming from Prof. Abdul A'la, who was appointed as team leader for government-sanctioned team to spur reconciliation between Sunni and Shi'a residents. A'la was one of participants during the meeting. He was quoted as saying by *Tempo* online news agency, which can be accessed at: "SBY Pimpin Rapat Rekonsiliasi Pengungsi Syiah", *Tempo Nasional* (2 Aug 2013), <http://nasional.tempo.co/read/news/2013/08/02/078501979/sby-pimpin-rapat-rekonsiliasi-pengungsi-syiah>, accessed 5 Apr 2014.

² Interview with *Kiai* Syafuiddin in his house in Gersempal village, Omben district, Sampang regency on 9 November 2013. *Kiai* Syafuiddin was one of meeting's participants.

³ SBY is acronym for Susilo Bambang Yudhoyono.

⁴ "SBY Pimpin Rapat Rekonsiliasi Pengungsi Syiah".

state officials to continue negotiating with stakeholders in the conflict to bring the refugees home.

The president's plan failed due to religious figures' fierce opposition. The religious figures would have accepted the proposal, if Shi'a refugees had formally agreed to convert back to Sunnism. Local security and bureaucracy officials were also reluctant to materialize the president's plan, for a different reason. The state officials were wary that if the plan materialized, it would resume the bloody conflicts between Sunni and Shi'a residents, because the residents were already deeply polarized due to faith difference.⁵

The plan also faced opposition from Sunni residents. Most of Sunni residents whom I met in the hamlets during my fieldwork opposed the president's plan. The Sunni residents argued that the return of Shi'a to the neighborhoods would resume protracted conflicts. Some Sunni residents even threatened to commit violence if such plan materialized. Due to the opposition by the state and non-state actors, Shi'a residents still stayed in the refugee shelter, until this article was being written in July 2017.

The event shows the discrepancy in state practices in the government of President Yudhoyono. It was one among many other events that show how the central and local states adopted different stances in response to religious violence against minority groups, like Ahmadiyah and Shi'a communities. Why local and central state officials resorted to the different responses? Why the central state officials appeared to be more enthusiastic, but at times held compromised views in protecting the minority rights, while in contrast, why local state looked ignorant? This article aims to explain the discrepancy in the state's response to the violence.

The article is based on my PhD fieldwork that went for seven months in 2013 in Ahmadiyah and Shi'a communities. These communities lived in Kuningan and Sampang regencies, in West Java and East Java provinces respectively. This fieldwork was useful to boost my understanding about the practice of local state officials. I used in-depth formal and informal interviews to gather the data on the ground. I formally interviewed more than 40 people, who consisted of victims, perpetrators or those who had knowledge about the violence. I also had

⁵ Interview with a middle rank police officer at his office on 6 November 2013.

informal interviews with other dozens of people in similar categories: the victims, the perpetrators or those who had knowledge about the violence. In addition to these methods, I employed ethnography technique. Staying in the minority communities gave me opportunity to observe everyday life of local state officials and their practice in dealing with the violence. On the other hand, I mainly used secondary research to make sense of the practice of central state officials. I gathered the data about this practice through reading and analyzing journal articles, books and media reports. This combination of research methods is useful to assist me in getting deeper understanding on discrepancy between local and central state officials in response to the violence.

Max Weber considered state as compulsory political organization in a given territory that continuously operates (in the duration of the state's life), in that "its administrative staffs successfully upholds the claim to the monopoly of the legitimate use of physical force in the enforcement of its order."⁶ The famous definition of state suggested that the state is autonomous; immune from the influence of other social forces. Instead, this article will show that the state is pulled in different directions at its different tiers. Different units of the state engage with different social forces respectively, and hence this situation requires them to undertake a different approach or action. This article will show that the state consists of various parts, and the state is full of contradiction among its parts.⁷ This is possible because each part or tier of the state has its own interests. The state's different units also engage in negotiation and domination among themselves, which could result in the discrepancy of the state's policies and practices. Hence, the state is "the arenas of domination and opposition."⁸ The state, being arenas of domination and opposition, can either fetch positive or negative effect to human rights. Neil A. Englehart, for example, showed how a state losing control of its

⁶ Max Weber, *Economy and Society: An Outline of Interpretive Sociology* (New York: Bedminster Press, 1968), p. 54.

⁷ Joel S. Migdal, *State in Society: Studying How States and Societies Transform and Constitute One Another* (Cambridge: Cambridge University Press, 2001), pp. 114–5.

⁸ *Ibid.*, p. 117.

parts has significant negative effect on human rights.⁹

Joshua Barker and Gerry van Klinken – on their reflections on the state in Indonesia – conceded that the Indonesian state in the post-New Order era was “fragmented, overwhelmed and ineffective.”¹⁰ The state was shambled set of organizations, which “managed to create impression in the first place that it was the only show around.”¹¹ The state officials struggled for authority internally, and by competing, externally, with variety of social forces. This line of narrative will be adapted to discuss the state response to violence against Ahmadiyah and Shi'a communities in Kuningan and Sampang regencies respectively during the government of President Susilo Bambang Yudhoyono.

The government in this article refers to an institution, which is part of the state. Besides the government, other institutions that are part of the state are administrative institutions of the state (bureaucracy), the military and the police, the judiciary, the governments in the regions and parliamentary assemblies.¹² The government is an agent of the state, “through which the state’s purposes are formulated and executed.”¹³

The article will be organized as follows. The first section will explain social and political contexts of areas where Ahmadiyah and Shi'a communities lived. The second section will discuss social and political processes that resulted in the regional government being ignorant to the issue of human rights. The third section will discuss what made the central government appear to be enthusiastic, but resorted to compromising stance in other cases. The fourth section will discuss how the discrepancy

⁹ Neil A. Englehart, “State Capacity, State Failure, and Human Rights”, *Journal of Peace Research*, vol. 46, no. 2 (2009), p. 164.

¹⁰ Gerry Van Klinken and Joshua Barker, “Introduction: State in Society in Indonesia”, in *State of Authority: State in Society in Indonesia*, ed. by Gerry Van Klinken and Joshua Barker (Ithaca, N.Y: Southeast Asia Program Publications, 2009), p. 7. N.Y: Southeast Asia Program Publications, 2009

¹¹ *Ibid.*

¹² Ralph Miliband, *The State in Capitalist Society. The Analysis of the Western System of Power* (London: Quartet Books, 1970), pp. 46–50.

¹³ Neil A. Englehart, “Governments Against States: The Logic of Self-Destructive Despotism”, *International Political Science Review*, vol. 28, no. 2 (2007), p. 134; Westel Woodbury Willoughby, *An Examination of the Nature of the State: A Study in Political Philosophy* (New York & London: Macmillan & Co, 1896), p. 8.

in the state response to violence affected the Indonesian state's capacity in responding to violence during the government of President Yudhoyono. The fifth section is conclusion.

B. Context and Territorial Settings

Frequent violence against minority communities (Ahmadiyah and Shi'a) were part of the national trend in the post-New Order era. Earlier, bloody fights between Muslims and Christians broke out in the religiously divided cities of Ambon and Poso between 1999 and 2004.¹⁴ But, in the second part of the 2000s decade, the character of the religious conflict was very much results of internal conflict within Islam: followers of Muslim Sunni against followers of Ahmadiyah and Shi'a.¹⁵ As reported by human right groups (Setara Institute and Wahid Institute), the violence against Ahmadiyah and Shi'a was escalating during the government of President Susilo Bambang Yudhoyono.¹⁶ The violence not only tainted the consolidation of democracy in the post-New Order era, but also long standing spirit of pluralism in Indonesia; hence, the subject deserves particular attention. For example, Al Makin argues that pluralism already thrived in the pre-Indonesian state, proven by the presence of classical

¹⁴ Bloody sectarian conflicts between Muslims and Christians broke out in cities of Ambon and Poso between 1999 and 2001, but largely subsided after 2002.

¹⁵ Samsu Rizal Panggabean et al., *Pemolisian Konflik Keagamaan di Indonesia* (Jakarta: PUSAD Paramadina dan MPRK UGM, 2014), p. 1; Erni Budiwanti, *Pluralism Collapses: A Study of the Jama'ah Ahmadiyah Indonesia and its Persecution*, Working Paper, no. 117 (Singapore: Asia Research Institute, NUS, 2009), p. 3; Ahmad Najib Burhani, "Hating the Ahmadiyya: The Place of 'Heretics' in Contemporary Indonesian Muslim Society", *Contemporary Islam*, vol. 8, no. 2 (2014), p. 134.

¹⁶ Non-governmental organizations, such as Setara Institute and Wahid Institute, found that the violence was in the forms of attacks to places of worships, attacks to houses belonging to minorities, forced eviction targeting minorities, and banning of religious activities. Setara reported 135 cases in 2007, 265 in 2008, 200 in 2009, 216 in 2010 and 244 in 2011. See Setara Institute, *Negara Harus Bersikap: Tiga Tahun Laporan Kondisi Kebebasan Beragama/Berkeyakinan di Indonesia* (Jakarta: Setara Institute, 2010). Wahid Institute reported that 234 cases of human right violations occurred in 2008, down to 35 in 2009, but steadily rose to 64 in 2010 and 94 cases in 2011. See Wahid Institute, *Laporan Kebebasan Beragama/Berkeyakinan dan Toleransi 2010* (Jakarta: Wahid Institute, 2010), http://www.wahidinstitute.org/files/_docs/FULL%20REPORT-ANNUAL%20REPORT%20WI%202010.pdf.

Islamic texts that renewed pluralism spirit by accommodating Hindu and Buddha traditions.¹⁷

This section will explain what caused frequent violence against Shi'a communities in Nangkernang and Gading Laok hamlets, Sampang regency in East Java province. It will then discuss the genesis of violence in Ahmadiyah kampung of Manislor, Kuningan regency, West Java province. These cases studies were chosen because through the frequent violence, we could see how intensive local and central state officials dealt with the conflicts, and hence this paved the way for me to understand the discrepancy between these different tiers of the state.

Nangkernang and Gading Laok hamlets, where Shi'a minority community used to reside, are located in the border between Karanggayam village, Omben district and Blu'uran village, Karangpenang district, Sampang regency, East Java province.¹⁸ The areas are located in Madura Island, which has a distinct culture, in comparison to the rest of Indonesian population. The culture in question is reflected in the Madurese saying: *bheppa-bheppu, guru, rato* (parents, *kiai*, government officials), which means loyalty and obedience go first to the parents, *kiai* and last to the government. It signifies prominent role of the *kiais* in Madura.¹⁹

¹⁷ Al Makin, "Unearthing Nusantara's Concept of Religious Pluralism: Harmonization and Syncretism in Hindu-Buddhist and Islamic Classical Texts", *Al-Jami'ah: Journal of Islamic Studies*, vol. 54, no. 1 (2016), pp. 3–4.

¹⁸ In an interview with Tajul Muluk on 3 December 2013, he said the population of Shi'a in the two hamlets in 2012 was 585, or some 27 percent of total population (approximately 2,200 residents) in the two hamlets. Of the total 2,200 residents in the hamlets, some 600 residents were Nangkernang hamlet residents (interview with head of Nangkernang hamlet Achmad Hasan on 5 November 2012), while the rest were residents of Gading Laok hamlet (informal conversation with Munaji on 2 November 2013). Hence, the number of Shi'a residents was quite substantial in the two hamlets, although Shi'a population was minuscule when it was compared to total population of Karanggayam and Blu'uran villages (19,822 residents). See Muhammad Afdillah, "Dari Masjid ke Panggung Politik; Studi Kasus Peran Pemuka Agama dan Politisi dalam Konflik Kekerasan Agama antara Komunitas Sunni dan Syiah di Sampang Jawa Timur", Master's Thesis (Yogyakarta: CRCS-Universitas Gadjah Mada, 2013), p. 41. Population of Shi'a is only small fraction of total population of Sampang regency in 2012, amounting to 883,282; majority of them are Muslim Sunni.

¹⁹ Masdar Hilmy, "The Political Economy of Sunni-Shi'ah Conflict in Sampang Madura", *Al-Jami'ah: Journal of Islamic Studies*, vol. 53, no. 1 (2015), pp. 32–4.

The tension began to occur in the hamlets after Tajul Muluk, a son of an influential *kiai* in the area, introduced Shi'a teaching to the limited circle of community. Tajul studied religion in Saudi Arabia for six years, and returned to the village in 1999. He then helped his brothers, Rois Hukama and Iklil al Milal, running a school and regularly gave sermons to locals in various religious events. The return of Tajul boosted the school's performance. The school gained sizable numbers of students (150 students),²⁰ to the disappointment of the local *ustadz*s (religious teachers), who saw their students leaving them for Tajul's school.²¹ Tajul also became increasingly popular among adult residents as he brought some social reforms to the community. For example he called on people to end their old practices of borrowing money from usurers, which resulted in the people being trapped in an endless cycle of debt.

Between 2002 and 2004, some *ustadz*s learned that Tajul and his brothers taught a religious teaching to the community, in that some parts of it were different to Sunni mainstream teaching. For example, in their sermons, Tajul and his brothers condemned Muhammad's companions, except Ali bin Abi Thalib, for being illegitimate successors of the Prophet. Knowing this matter, the *ustadz* then alerted and warned local residents about the new teaching. They then reported Tajul's religious activities to some influential *kiais*, including *Kiai* Ali Karrar Sinhaji, who lived in the neighboring regency of Pamekasan. Ali Karrar's influence radiated beyond his area of residence. Many parents sent their kids to study at Ali Karrar's Islam boarding school (*pesantren*) due to his stature as top notch *kiai* in Madura Island. After finishing their education at the school, the students returned to their respective villages where they became *ustadz*. This included some students who hailed from Gading Laok and Nangkernang hamlets. There was also other reason why the *ustadz* sought Ali Karrar's assistance to persuade Tajul to stop disseminating the teaching, which was known later as Shi'a teaching: Ali Karrar is younger brother of Tajul's grandfather. The *ustadz* hoped the family connection would be useful to convince Tajul to return to the mainstream teaching.

Ali Karrar privately persuaded Tajul to return to Sunni teaching.

²⁰ The data is based on interview with Tajul Muluk on 4 December 2013

²¹ *Ustadz* is just like religious teachers, unlike *kiai*, who is regarded as religious preacher, leader and teacher.

When it failed, he organized a gathering in 2006, attended by state officials and Sunni religious figures. The gathering was to request Tajul to stop practicing and disseminating Shi'a. The reason behind the request was that Shi'a was claimed to be heretical. The Sunni religious figures also argued that the new teaching polarized the community.

Tajul initially conformed to the demands and ceased his activities, but after some time, he again continued disseminating Shi'a teachings. The tension escalated again in 2009 after a string of verbal disputes occurred between Sunni residents and Tajul followers. The tension that was building up culminated into full-blown act of vandalism against houses of three Shi'a leaders, including Tajul's house, on 29 December 2011. In the aftermath of the violence, Sunni religious figures exerted social pressures against Tajul, demanding him to go into exile to Malang city for one year. Tajul accepted the demand, after local government offered financial assistance to support Tajul's life in exile. The violence did not come to an end, despite Tajul going into exile. A war of words between Sunni and Shi'a residents triggered a clash on 26 August 2012. The clash was imbalance as thousands of Sunnis overwhelmed Shi'a residents, whose number was much smaller.²² The violence made national and international headlines as it resulted in the destruction of some 49 houses belonging to Shi'a adherents. Following the violence, some 69 Shi'a families, including some of their Sunni families, took refuge to Sampang stadium, and were later forcibly relocated on 20 June 2013 to a government apartment building near Surabaya (in Jemundo area, Sidoarjo regency, East Java province). The 26 August incident broke out only a month after East Java Governor issued a gubernatorial decree (East Java Gubernatorial Decree No. 55) that banned minority faiths to disseminate

²² The violence broke out after Sunni residents prevented Shi'a children from going back to Malang city, following the completion of their school holidays in their kampongs. The Sunni residents resented that the children were taught Shi'ism, and they quarreled with their Shi'a neighbors, who insisted that the children were sent back to Malang city to continue Shi'a education. The quarrelling resulted in the clashes between Sunni and Shi'a residents. Shi'a residents fled their neighborhoods after Sunni masses grew in number, allowing the latter to vandalize and to destroy the Shi'a houses. The data is based on Power Point presentation by then head of operations division at Sampang regency police, Comr. Alfian Nurrisal. Soft copy of the presentation is available to the author. Interview with some sources in the field confirmed the chronology presented by the police.

or to practice their faiths in public. The decree, which especially targeted Shi'a teachings, gave authority to local chapter and branches of MUI in East Java province to determine which religious sects are heretical. The decree was politically motivated as it aimed at gaining electoral support from East Java chapter and branches of MUI ahead of governor election.²³ This shows that apart from the socio-economy motive, the violence also had political dimension. MUI's support was important, because MUI held hegemony of Islamic religious interpretation. In addition to that, MUI had enormous influence in society because some MUI executives owned Islamic boarding schools and served as respected *kiais* in their respective areas, which strengthened their credential among Muslim adherents in East Java, in particular in Madura Island.

Meanwhile, Manislor village was the site of frequent violence against Ahmadiyah community. This village was home to about 3,200 adherents of Ahmadiyah, or about 70 percent of total population in the village.²⁴ Hence, Ahmadiyah adherents were majority in the village. However, if the number was compared to the whole population of Kuningan regency, Ahmadiyah adherents were minority. Majority of Kuningan population (approximately 1.1 million in 2013) were Muslim-Sunni.

Ahmadiyah teaching came to Manislor in 1954, or 29 years after the transnational Ahmadiyah organization disseminated the teaching in Indonesia through Padang city, the capital of West Sumatra. Manislor was the most successful work of Ahmadiyah missionary, as here; the teaching rapidly gained substantial number of followers after its inception in the village.

Ahmadiyah organization that I am referring to here is Jemaat

²³ Mohammad Iqbal Ahnaf et al., *Politik Lokal dan Konflik Keagamaan: Pilkada dan Struktur Kesempatan Politik dalam Konflik Keagamaan di Sampang, Bekasi, dan Kupang* (Yogyakarta: CRCs UGM, 2015), p. 28.

²⁴ Interview with Yusuf Ahmadi, head of Manislor village on 29 August 2013. The Ahmadiyah adherents in Manislor were part of the community population nationwide, which was estimated around 500,000 people. There is no official figure on the total number of Ahmadiyah followers in Indonesia. A senior official with Jema'at Ahmadiyah Indonesia/Indonesia Ahmadiyah Communities (JAI) claims the number of Ahmadiyah Qadian adherents was some 500,000 people, mostly residing in West Java province.

Ahmadiyah Indonesia (Indonesia Ahmadiyah Congregation/JAI), which is headquartered in Jakarta. It is part of the international Ahmadiyah community founded in 1889, which is based in London, with over tens of million members residing in more than 200 countries.²⁵ The organization is different with the smaller Gerakan Ahmadiyah Indonesia (Indonesia Ahmadiyah Movement/GAI), which is based in Yogyakarta. GAI is less controversial because it acknowledges that the last prophet is Prophet Muhammad. In contrast, JAI believes that Mirza Ghulam Ahmad is the last prophet, albeit unlike Prophet Muhammad, JAI adherents acknowledge that Mirza Ghulam Ahmad was not introducing new tenet. In the eyes of JAI adherents, Mirza Ghulam Ahmad is a kind of reformer within Islam, but he gets prophet stature.

That becomes source of disappointment among Muslim Sunni, the majority of Muslim in Indonesia, who strongly believe that Muhammad is the last prophet. Other Sunni Muslim oppositions against Ahmadiyah stemmed from their perception that Ahmadiyah is exclusive, especially in conducting prayer, in that Ahmadis are only willing to be led in doing prayer by other Ahmadis. Hence, some groups of Sunni Muslims argued Ahmadiyah faith desecrated Islam. Ahmadiyah was then perceived to be a threat for Islam. Statement below by Hafidin Achmad, then chairman of Indonesia Council of Ulema's (MUI) Kuningan branch represented the views of conservative Muslims.

“When our religion (Islam) is harmed, can't we accept it? Hence, Ahmadiyah needs to be disbanded (because it harms Islam). Will the government defend those who harm (Islam) or will the government defend Islam, which is being harmed? The human rights have limits. Human rights are limited by laws. The National Commission on Human Rights (KOMNAS HAM) is unfair when they explained (to us) about human rights from the point of view the (Amended) 1945 Constitution Letter E that stipulates about variety of freedoms, but they failed to mention Letter J that explain about the limit of freedom.”²⁶

²⁵ The data is based on Ahmadiyah's international official website: “Ahmadiyya Muslim Community”, *Islam Ahmadiyya*, <https://www.alislam.org/library/ahmadiyya-muslim-community/>, accessed 10 Apr 2014.

²⁶ Interview with Hafidin Achmad on 20 June 2013. The certified translation of the constitution article is obtained through: *The Constitution of the Republic of Indonesia of 1945 — Asian Human Rights Commission*, <http://www.humanrights.asia/countries/>

Hafidin Achmad refers to Article 28 of the Amended 1945 Constitution, Letter J2, which states: “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.”

Incidents of religious violence already occurred in Manislor village soon after local residents embraced Ahmadiyah in 1954, but these happened at minor scales. Ahmadiyah was even thriving under secular regime of New Order between 1966 and 1998. However, the turn of event occurred in 2002 when the Institute for Islamic Research and Study (LPPI), a Jakarta-based organization that aggressively seeks to purify Islam mainstream teaching, conducted anti-Ahmadiyah seminar in Istiqlal Mosque, in Jakarta. This organization was founded by Amin Djamaludin, the disciple of Muhammad Natsir, an influential conservative religious figure. LPPI was the same organization that organized a large anti-Shi’a seminar held in Jakarta in 1997.

Given LPPI’s stature as prominent anti-heretical campaigner, the anti-Ahmadiyah seminar that they organized in Jakarta drew a large crowd, including several anti-Ahmadiyah activists, who came a long way from Manislor. After they returned home, these activists, who were executives and members of Youth Association of Al Huda Mosque (Remaja Masjid Al Huda/RUDAL) and Anti-Ahmadiyah Movement (Gerakan Anti Ahmadiyah/GERAH), actively campaigned against Ahmadiyah.²⁷ These two organizations were Manislor organizations, led by local youths and figures. At times, the groups’ executives invited non-Manislor vigilante groups to join their protest against Ahmadiyah, which raised the protest’s credibility and magnitude.

The protests began involving anti-Ahmadiyah organizations from outside the village, especially after MUI released again an anti-

[indonesia/laws/uud1945_en](#), accessed 7 Apr 2017.

²⁷ Lembaga Bantuan Hukum & KontraS, *Laporan Investigasi: Kekerasan terhadap Jama’ah Ahmadiyah di Manislor Kuningan, Jawa Barat & Lombok, NTB; Kekerasan terhadap Jama’ah al-Qiyadah al-Islamiyah Siroj Jaziroh Padang, Sumatera Barat; Kekerasan terhadap Jemaat Gereja di Bandung, Jawa Barat* (Jakarta: LBH Jakarta dan KontraS, 2008), p. 37.

Ahmadiyah edict during its annual congress in 2005 in Jakarta. The edict was re-declaration of the similar edict issued in 1980, which stated that Ahmadiyah is heretical, and hence the teaching had to be banned in Indonesia. The edict gave justification for some conservative and radical groups, such as Islam Community Forum (Forum Umat Islam), to spur campaign against this minority community.²⁸ They organized anti-Ahmadiyah rallies, protests and seminars that demanded the disbandment of Ahmadiyah. Included in the rallies was big protest in front of State Palace in Jakarta on 9 June 2008 that resulted in the issuance of a Ministerial Joint-Decree that prohibited Ahmadiyah to disseminate its teachings in public.

The renewed edict, and the Ministerial Joint-Decree, inspired conservative Muslim organizations nationwide to wage heresy campaign against Ahmadiyah. Manislor village, in particular, drew their attention as it housed significant numbers of Ahmadiyah adherents. As result, non-Manislor conservative Muslim and vigilante groups – such as Anti-Vice Movement (GAMAS) and the Joint Initiative of the Siliwangi Children Front (GIBAS) – worked together with their Manislor counterparts to escalate heresy campaign against Ahmadiyah adherents in the village. GAMAS was headquartered in Garawangi, some 30 minutes' drive from Manislor village. Some leaders of Islamic boarding schools in Kuningan founded the organization, which aimed to fight against what they claimed as immoral activities such as prostitution and the circulation of alcoholic drinks. GIBAS is a nationalist organization with strong Sundanese character, headquartered in Bandung, the capital of West Java province. It had branches across West Java, including in Kuningan regency. Although it was an ethnic, nationalist organization, but it also joined forces with other organizations in Kuningan regency to protest against the presence of Ahmadiyah in Manislor village. They were prominent organizations in the regency due to their large number of membership by regency standard, for example, GAMAS had 600 members.

The violence followed some patterns. Usually, the violence was preceded with the demands for the disbandment of Ahmadiyah by

²⁸ Islam Community Forum (FUI) consisted of some conservative and radical organizations, such as Islamic Defender's Front (FPI) and Hizbut Tahrir Indonesia (HTI). The forum often took to streets to fight for "Islam cause."

Manislor-based anti-Ahmadiyah groups. For example, a month before a protest in December 2007, RUDAL unfurled a banner in the village citing that “Ahmadiyah teaching is heretical; Ahmadiyah blood is *halal* (religiously permitted to be spilled)”, while GERAH’s banner read; “Ahmadiyah is not Islam. Those, who support Ahmadiyah are apostates.”²⁹ When the demands failed to materialize due to Ahmadiyah resistance,³⁰ an anti-Ahmadiyah alliance called Muslim Component of Kuningan (KOMPAK), mobilized their members to materialize their demands. This alliance, which comprised of anti-Ahmadiyah groups based in and outside Manislor village such as GAMAS and GIBAS, held big protest in 2007, which made national headlines. Big number of protesters, some between 1,000 and 1,500 people participated in the protest.³¹ After some provocation from their own ranks, the protesters vandalized Ahmadiyah properties, such as houses and mosques. At least 14 Ahmadiyah houses and a small mosque were damaged in the incident on 18 December 2007.³² Other similar alliance was again in action in 2010, under the name of Coalition of Indonesia Muslim Community (GUII).³³ This coalition membership was similar to KOMPAK. In the protest, some 700 protesters were engaged in the stone-war with Ahmadi communities defending their life and properties. Five people were injured after being hit by hurled stones (one Ahmadi, one police officer and three protesters) and several houses of Ahmadi were damaged.³⁴

²⁹ Panggabean et al., *Pemolisian Konflik Keagamaan di Indonesia*, p. 34.

³⁰ The Ahmadiyah population in the village is 70 percent of total village’s population, or some 3,200 people, according to the 2013 data. Interview with Yusuf Ahmadi, then head of Manislor village on 29 August 2013. Given the Ahmadiyah’s substantial population, they easily thwarted the threat from the authority to close their mosques.

³¹ Panggabean et al., *Pemolisian Konflik Keagamaan di Indonesia*, p. 41.

³² “Empat Belas Rumah dan Mushola Milik Ahmadiyah Dirusak”, (18 Dec. 2007), <http://www.antaraneews.com/print/87281/>, accessed 20 Dec 2013.

³³ In 2010 protest, the Manislor organizations (GERAH & RUDAL) facilitated organization of *istighosab* (gathering to request Allah for assistance at times of crisis) as a final push to materialize demands by the anti-Ahmadiyah camp. The event provided opportunity for the invited Muslim figures and leaders of the vigilante groups to justify heresy charges against Ahmadiyah, as well as to provoke the participants through fiery speeches to mount attacks against Ahmadiyah mosques and properties.

³⁴ Panggabean et al., *Pemolisian Konflik Keagamaan di Indonesia*, p. 39.

I have elaborated the genesis of violence in Ahmadiyah and Shi'a communities. What we learn from the episode of violence was that the violence occurred due to active role of people provoking for violence. Some scholars³⁵ argued the violence was a result of different faith. However, as I showed in the previous paragraphs, the violence stemmed from socio-economy, and social-politics factors. In Sampang, *ustadz*s lost their social influence and incomes after their students left them and went to Tajul's Shi'a school. They then campaigned against Tajul, who they accused for being heretical because he disseminated heretical teachings, and this resulted in Shi'a persecution in the village. In Manislor, long standing disharmony between the adherents of Ahmadiyah and mainstream Sunni Muslim persisted due to different faiths, but it did not lead to major violence. This situation was made possible, thanks to state effective control to society under the rule of New Order. After the New Order collapsed in 1998, freedom of expression flourished. This newly found freedom gave opportunity for anti-Ahmadiyah groups to express their grievances against Ahmadiyah. The frequent and prolonged incident of violent then began to mar the village following participation of Manislor youths in an anti Ahmadiyah seminar in Jakarta in 2002. As I described in earlier paragraphs, after they returned home, they became radicalized and frequently staged anti Ahmadiyah protests, which led to violence. In this light, the role of LPPI was immense, in the sense that the seminar that it organized inspired the youths to commit violence against Ahmadiyah's properties. This was evidence that there was linkage between the national and local organizations that joined forces to campaign against Ahmadiyah to gain or to restore religious authority. The linkage was informal, though, because usually the national organizations only gave inspirations to the local ones from time to time to maintain their campaigns against Ahmadiyah. Islam Community Forum (Forum Umat Islam/FUI) and Islamic Defender's Front (Front Pembela Islam/FPI) were among national organizations that persistently demanded the central government to ban Ahmadiyah. Such linkage was relatively absent in

³⁵ Slamet Mulyono, "Pergolakan Teologi Syiah-Sunni: Membedah Potensi Integrasi dan Disintegrasi", *Ulumuna*, vol. 16, no. 2 (2012), p. 246; Mohammad Sulhan, "Akar Diskriminasi Minoritas dan Pluralisme Agama: Studi Kasus Kekerasan terhadap Jamaah Ahmadiyah di Kuningan", *Holistik*, vol. 7, no. 1 (2006), p. 30.

Sampang case as the incident of violence was purely feud among local residents. After I discuss the conflict background, the following section will discuss social and political processes at local state.

C. Social and Political Processes at Local State: Decentralization, Democratization

Study about local state's response to violence should be situated in the context of decentralization scheme that had been in effect in Indonesia since 2001. The scheme rules that significant parts of Indonesian governance authority were relegated to regional governments, except for some affairs: international relations, defense, security, judicial, the national monetary and fiscal affairs; and religious affairs.³⁶ Hence, handling the incidents of religious violence were supposed to be the domain of the central state because these incidents were related to the affairs of security, judicial and religious affairs. However, in practice, regional governments could not avoid taking part in handling the violence. The heads of the regional government often took coordinating roles in the conflict resolution processes, for example, by chairing coordination meetings held among various units of security and bureaucracy in the respective regency or municipality areas. In taking the best way to resolve the violence, they were often at loggerheads with the security and bureaucracy units that did not answer to them, but to the central state, such as the police and the prosecutor's office.

This different lines of command contributed to the discrepancy in the state's response to the violence. During my fieldwork in Sampang regency, I found that the police and then Sampang Regent failed to develop solid cooperation in preventing and in handling violence against Shi'a community. A senior police officer at Sampang regency police complained that regency government seemed reluctant to assist the police in addressing the conflict, for example, the local government was dragging its feet to disburse funds crucial to support police's preemptive,

³⁶ Law No. 32/2004 on Regional Governments stipulates that the regional governments manage governance affairs that are under their authority, except in the affairs of international relations, defense, security, judicial, the national monetary and fiscal affairs; and religious affairs.

preventive and repressive approaches to prevent the conflict.³⁷ On the other hand, the local government argued that Sunni and Shi'a conflict was not the only problem that the local government had to address. The local government needed to disburse the regency's budget evenly to different areas in its territory; hence they could not spend massive amount of money to help address Sampang sectarian conflict. The government also argued security affairs is responsibility of the central state; hence the central state should have spent money to handle the conflict, for example, to cover the regency police's expenses. Despite the argument, Noer Tjahya, Sampang Regent between 2008 and 2013, finally did disburse the money for social impacts of religious conflicts between Sunni and Shi'a residents, but not for the security arrangements.³⁸

In addition to the decentralization drive, the democratization also affected local state's response to the violence. The democratization facilitated the freedom of expression, which resulted in a more open social and political situation in the post-New Order era. Vigilante groups in Manislor village and its surrounding areas used the opportunity to revive and to intensify protests against Ahmadiyah, which often led to vandalism against Ahmadiyah properties. Similarly to Ahmadiyah situation in Kuningan, the Sampang protests were also precursor to violence. The protesters vandalized the properties of Shi'a community after they considered that the government failed to meet their demands. These rising heresy campaigns and violence certainly posed challenges to the local state.

In democratic system, politicians need to win hearts and minds of people to get elected. Since they cannot use force, they resort to variety of ways in persuading people to vote for them, including by using sectarian politics. Politicians in the regions did not hesitate to exploit sectarian issue to win election. In seeking reelection, Sampang Regent Noer Tjahya played anti-Shi'a issue in the run up to 2013 Sampang regency election. For example, he gave a speech in the formerly conflict area (Nangkernang hamlet), through which he appealed to state security officials to expel

³⁷ Interview with a senior police officer at the Sampang regency police on 7 October 2013.

³⁸ Interview with former Regent of Sampang, Noer Tjahya, on 2 December 2013 at his house. Noer Tjahya served Sampang between 2008 and 2013.

Shi'a leader, Tajul Muluk, if the latter returned to his hometown from the city of Malang. The speech in front of Sunni residents on 12 February 2012 drew controversy as it was blunt and provocative.

“If the heretical sect is here, expel them! (Audience were clapping), expell I will be responsible for this! ... Mr. Yusuf, chief of Sampang police's planning division is here....please, if they are coming here, just arrest them! Security is in the hands of police and the Indonesian military, but I am the chairman of FORPIMDA.³⁹ So, please, the Indonesian military and police, expel them! ... I just want to save the big number of our people...”⁴⁰

The Regent had no direct command over police and military personnel, but the provocation carried weight as it was spoken by an elected leader. By delivering the speech, the Regent was supporting the wishes of Sampang *keiais* and Sunni residents that Tajul Muluk must never come back to the areas, because the Shi'a leader was considered as divisive figure. The Regent rallied *keiais*' support, because he believed that the *keiais* were “Sampang's owner.”⁴¹

Similarly to Sampang Regent, Kuningan Regent also played anti-Ahmadiyah issue for his political benefit. The Regent, Aang Hamid

³⁹ FORPIMDA stands for Local Leaders Forum (Forum Pimpinan Daerah), which includes chief of Sampang regency police and chief of Sampang district military. This is an informal forum to discuss and to coordinate steps that the local leaders might take to address pressing social, economy or political problems in the regency. Earlier, it was called MUSPIDA (Musyawarah Pimpinan Daerah), which has the same meaning, namely Local Leaders Forum. MUSPIDA was created based on presidential decree under the New Order government. At the regency level, it consisted of Regent, Chief of Regency Police, Chief of Regency Military and Chief of Regency Prosecutor's Office. Following the decentralization drive in 2001, MUSPIDA was replaced by FORPIMDA. The establishment of FORPIMDA in respective provinces or regencies was based on the 2014 Law on Regional Government. The membership of FORPIMDA was almost similar to MUSPIDA.

⁴⁰ Afdillah, “Dari Masjid ke Panggung Politik; Studi Kasus Peran Pemuka Agama dan Politisi dalam Konflik Kekerasan Agama antara Komunitas Sunni dan Syiah di Sampang Jawa Timur”, pp. 106–7.

⁴¹ Interview with Noer Tjahya on 2 December 2013. Also see, Proditia Sabarini, “In the Land of Ulema, the Price of Breaking with the Past”, *The Jakarta Post*, <http://www.thejakartapost.com/news/2012/09/04/in-land-ulema-price-breaking-with-past.html>, accessed 1 Jun 2014.

Suganda,⁴² signed a joint-decree in 2004 that banned Ahmadiyah from performing public religious practices, following demands by anti-Ahmadiyah groups for the disbandment of Ahmadiyah organization. The regent also ordered officers from Public Order Agency to seal Ahmadiyah mosques in 2007 and 2010, after a coalition of vigilante groups threatened to attack Ahmadiyah community and properties if the government failed to close down the mosques. The Regent argued that the move was “to protect Ahmadiyah from being victims of violent protests.”⁴³ But politics was behind his decision to align with the popular anti-Ahmadiyah protests, because he argues that, at least by issuing the joint-decree, “people will realize that the Regent had produced concrete measures (against Ahmadiyah).”⁴⁴ Other evidence that the Regent was using heresy issue against Ahmadiyah was that he promised to his constituents that no Ahmadiis would be recruited to be Kuningan civil servants. The promise was made in the run-up to his first term election in 2003.⁴⁵ The two cases show that, instead of protecting the rights of the minority as mandated by the constitution, the politicians tended to prioritize their short-term interests: to win the election.

What we learn from this section was that at times, there were confusion among local state and government officials on how to work together effectively to prevent and to handle the violence. The decentralization contributed to this confusion as due to this scheme, power became more diffused in the regions. The regents, who were accountable to local people, were often in disagreement with state officials that had to follow the orders or the interests of their superiors at central state. These conflicting interests often hampered local state's effectiveness in dealing with the violence. In addition to this, elected politicians played anti-minority issues to win votes from the mainstream Muslims, which resulted in the reduced capacity of the local state in addressing violence

⁴² Regent Aang Hamid Suganda served Kuningan regency between 2003 and 2013.

⁴³ Interview with Regent Aang Hamid Suganda on 17 June 2013.

⁴⁴ Interview with Regent Aang Hamid Suganda on 17 June 2013.

⁴⁵ Flavius Floris Andries, Mohtar Maso'ed, and Zainal Abidin Bagir, “Identitas Jemaah Ahmadiyah Indonesia dalam Konteks Multikultural”, *Humaniora*, vol. 26, no. 2 (2014), pp. 123, 131.

against minority communities, Ahmadiyah and Shi'a.

The decentralization gave more power to the region, hence at times, regional government and state officials were often capable of launching resistance against the wishes of the central government. I showed in the preceding paragraph, how local state officials resisted political pressures by President Susilo Bambang Yudhoyono to enforce religious pluralism in Sampang regency after the violence against Shi'a in the regency issue attracted international attention. The president's wishes did not materialize due to this resistance.

After I discuss these social and political processes at local state, the following section will discuss central government's stance in response to the violence.

D. The Central Government Stance

In his book, Nicholas Herriman explained that state officials in Banyuwangi regency failed to stop the killing of alleged sorcerers due to local security forces' kinship and local ties to the residents.⁴⁶ This situation shows discrepancy between central and local state officials' stance in response to the prolonged killings, perpetrated by local residents. The central state wished the laws were enforced. On the other hand, the local security forces had problem in implementing it due to the kinship and local ties.

This situation is relevant to explain the discrepancy in the state's response to the violence. As in the Banyuwangi case, the central state in Ahmadiyah and Shi'a cases often resorted to a legalistic-constitutionalist approach in addressing the violence. The national police leadership, for example, often delivered speeches that the police had to protect minority rights, or at least had to be neutral. Local police leadership also followed this approach. It was in contrast to lower-rank local state officials, who used different responses due to kinship and local ties. Lower rank of police officers often sided with Sunni residents due to these ties.

Scholar Muhammad Afdillah – who observed police practices in dealing with religious violence in Sampang – found that the police personnel in the regency police were divided into two categories: first,

⁴⁶ Nicholas Herriman, *The Entangled State: Sorcery, State Control, and Violence in Indonesia* (New Haven: Yale Univ Southeast Asia Studies, 2012), pp. 150–1.

few number of police officers (up to six) were officers at the leadership level, who were prone to tour of duties to other areas in fairly rapid fashion, usually between one and three years, and second, the majority were lower rank police personnel embedded in the structure of regency police for long time.⁴⁷ The first category usually graduated from the police academy. They were well-educated, in contrast to the rest of police officers in the regency, which usually comprised some 600 officers. Hence, these officers in leadership position were more receptive to democracy or to police professional values. They had opportunity to climb the police force's institution ladder to the highest ranks (general), hence they usually avoided policies or actions that would jeopardize their long careers. They were mostly inclined to follow laws and orders taken by the police's national leadership, and were more neutral when it came to managing conflict between Sunni and Shi'a or Sunni and Ahmadiyah.⁴⁸ The second group comprised of lower rank police officers, and given that most of them stayed permanently in the regency police and many of them were married to local residents, they were prone to be close to local residents and to side with them.

A visit by a police officer to Ahmadiyah community represented the character of the first category of the police. The police officer was wearing full-police uniform during the visit in August 2013, which aimed at introducing himself to Ahmadiyah leaders in Manislor branch. He made this courtesy visit, following his appointment as chief of police sub-precinct overseeing Manislor village few weeks earlier. During the visit, he stated that:

“When conflicts occur, nobody earns benefit. Everybody needs to maintain cool head and needs to build good relationship one another. There are several groups that consistently preached hatred against Ahmadiyah and we need to embrace them and persuade them not to resort to the violence. Police are neutral and try to build peaceful situation in Kuningan, especially in Manislor.”⁴⁹

⁴⁷ Informal conversation on 21 October 2013 in Surabaya with Muhammad Afdillah.

⁴⁸ *Ibid.*

⁴⁹ I was present during the event that occurred on 21 August 2013. The police officer was just installed as chief of local police sub-precinct, which oversees Manislor village. The officer was flanked by one of his subordinates. He was received by two top

The message aimed to show that the police was neutral. The police officer was persuading the leaders that the security forces were going to ensure the safety of the citizens and their properties. The message was normative position of the police in dealing with inter-religious issue, especially in response to the religious violence against the minority congregation. It was the extension of the national police's view.

On the other hand, the grass-roots police had different response to the violence. Low rank police officers, who had more kinship and local affinities to the local residents, were indifferent to Ahmadiyah problems. A local leader of Ahmadiyah recalled, when an Ahmadiyah member reported to the police in person about an imminent attack to Ahmadiyah community, a police officer gave him cold reception. Instead of welcoming the report, the police officer on duty intimidated and scolded the Ahmadiyah member, by saying: "You already know that your teachings are heretical (had you not followed the heretical teachings, the threats and subsequent possible attacks would not have occurred)."⁵⁰ Shi'a members in Sampang also received similar treatment. At times, the treatment was much worse. Instead of protecting Shi'a, a local intelligence police officer was allegedly provoking Sunni residents to burn Shi'a leader houses. Eventually the Sunni residents burned down the houses in 2011.⁵¹

While upholding the legalistic-constitutionalist view, the central state institutions at times sent mixed signals in response to the violence. As I mention in the introduction, President Yudhoyono used firm legalistic-constitutionalist approach when he persuaded local state officials to continue negotiating with all stakeholders in Sampang violence to ensure the Shi'a refugees return homes. He argued it was the state's duty to protect the citizens. This stance was the result of, among others, the international pressures. The president argued the move is important to improve Indonesia image before the international community.

On the other hand, President Yudhoyono showed compromise stance in responding to violence against Ahmadiyah. In his book, leaders of Ahmadiyah in Manislor village, and by an Ahmadiyah regional cleric oversees six regencies in West Java, including Kuningan regency, where Manislor village is located.

⁵⁰ Interview with the Ahmadiyah leader on 29 August 2013. The Kuningan regency police is located some half-hour's drive from the village.

⁵¹ Interview with a Shi'a leader in Sidoarjo Penitentiary on 4 December 2013.

President Yudhoyono acknowledges that handling Ahmadiyah case was one of defining moments in his two-term presidency (2004-2014), given the significant level of political “threat” that he had to face.⁵² President Yudhoyono was seeking re-election in 2008 when conservative Muslim groups intensified anti-Ahmadiyah campaigns nationwide and demanded his government to ban it. On one hand, conservative Muslims threatened to mobilize Muslims to force him step down from office, if he failed to disband Ahmadiyah and to arrest Ahmadiyah adherents for blasphemy charges. On the other hand, President Yudhoyono faced challenges from the human rights activists. The human right activists threatened to launch significant and serious political protests against him, if he failed to protect Ahmadiyah rights. The activists also used various politics instruments to demand the Yudhoyono government to protect the rights of Ahmadiyah communities. Besides the street protests, the activists also channelled their aspirations through inner circle of the central government. Top notch lawyer and human right activist, Adnan Buyung Nasution, was among those who helped push the human right agenda through his position as member of the Presidential Advisory Council (Wantimpres). Adnan Buyung warned the president that disbanding Ahmadiyah would violate the 1945 constitution that protect the citizens’ freedom of religion.⁵³ In the middle of the tug-of-war between the conservative Muslims and the human right activists, Yudhoyono chose to compromise, which was a position reflected in the decree. The president understood that the state must uphold human rights, in line with the constitution, the United Nations Declaration of Human Rights. But, he also underlined that the “state is responsible to produce regulation so that public safety can be maintained, and the violence that may cost lives of the citizens can be avoided.”⁵⁴ It was clear that the president wanted middle way, in the sense that the state respected the freedom of religion, but on the other hand, the state had to maintain public order.

The president was not alone in upholding such compromise view.

⁵² Susilo Bambang Yudhoyono, *Selalu Ada Pilihan* (Jakarta: Penerbit Buku Kompas, 2014), p. 652.

⁵³ Adnan Buyung Nasution, *Nasihat untuk SBY* (Jakarta: Penerbit Buku Kompas, 2012), pp. 96–9.

⁵⁴ Yudhoyono, *Selalu Ada Pilihan*, p. 190.

Then Chief Justice of the Constitutional Court, Mahfud M.D, endorsed the central government's view. He affirmed that the state guarantees all the citizens of Indonesia freedom of worship, each according to his or her religion or belief, as being stated by the constitution (Article 29, verse 2). But, at the same time, he then argued that the freedom was not without limitations. Mahfud argued the limits had to be imposed to the freedom of the religion or belief when it infringed "public safety, public order, health, morality, and what is equally important, religious freedom must not interfere with and impair other people's rights."⁵⁵ The state should impose legal rules to deal with the infringement, but they should only be "regulating social life, the interaction and inter-relation among citizens adhering to different religions in the community, national and state life."⁵⁶ Hence, Mahfud supported the 2008 Ministerial Joint Decree that guarantees the existence of Ahmadiyah, but at the same time, the decree banned Ahmadiyah adherents to disseminate and to practice their teachings because the Ahmadiyah teachings were considered to be against the teachings being practiced by the mainstream Muslims.⁵⁷ Mahfud endorsed the decree, given that it aims "to maintain harmony among the citizens, to prevent deviant interpretations of religious teachings as well as to protect the Ahmadiyah congregation."⁵⁸ Mahfud's view was also in line with the decision of the Constitutional Court to reject application of a judicial review that targeted the revocation of the Blasphemy Law (UU PNPS No. 1/1965). In 2009, the Constitutional Court then chaired by Mahfud decided to annul the judicial review application, on the ground that the Blasphemy Law was still needed to promote the interests of

⁵⁵ Mohammad Mahfud MD, "Pluralism versus Intolerance: A Constitutional & Legal Review in Indonesia", presented at the CDI Public Forum (Canberra, ANU, 26 Nov 2012), p. 15.

⁵⁶ *Ibid.*, p. 14.

⁵⁷ The central government issued the decree on 9 June 2008 after a large protest was held in front of the State Palace on that day, demanding the disbandment of Ahmadiyah. The thousands of people threatened the government that they would take law into their own hands if the government failed to disband Ahmadiyah. The decree was signed by the Minister of Religious Affairs, the Minister of Home Affairs and the Attorney General.

⁵⁸ MD, "Pluralism versus Intolerance: A Constitutional & Legal Review in Indonesia", p. 14.

public order and religious values. Melissa Crouch argues the court's stance reflects "state's preoccupation with the need to maintain social order, combined with the perceived need to appease the demands of conservative Islamic religious leaders who wish to maintain the authority to define Islam."⁵⁹

I have shown in this section that the central government and state officials appeared to be enthusiastic, but at times showed compromising practice. This stance was in contrast to the practice of local state and government officials. The local officials looked ignorant when responding to violence against Ahmadiyah and Shi'a communities because local state actors were subject to the influence of local residents, who were mostly Sunni. Instead of protecting the minority rights, the local politicians were more interested to win votes in the election. Since protecting minority rights was not popular among local constituents, the incumbent or opposition politicians chose to ignore the issue, or even worse, to side with the agenda of vigilante groups waging heresy campaign against the minority such as Ahmadiyah or Shi'a. The direct elections improved transparency and accountability of governance, but on the other hand, the elections gave disincentives for local politicians to fight for the cause of minority communities.

The state or government actors at the central state confronted the different challenges. They had to attend to the different constituents, who were more heterogeneous in regard to religion than Sampang and Kuningan regencies. Central state and government officials had to take into accounts the views of citizens in other areas, who are not necessarily homogenously Sunni Muslims. The central state officials understand that to keep the country intact, they had to uphold the constitution, which is the manifestation of the social contract of all Indonesians with various race, religion and ethnicity backgrounds. The central state officials also had to take into account the nation's image before the international community. The different challenges explained the state discrepancy in responding to the violence.

⁵⁹ Melissa A. Crouch, "Law and Religion in Indonesia: The Constitutional Court and the Blasphemy Law", *Asian Journal of Comparative Law*, vol. 7 (2012), p. 2.

E. The Discrepancy Effects

In two previous sections, I explain factors that contributed to the discrepancy of policies between central and local states. This section aims to explain how the discrepancy affected the state's response to violence against the communities. The effect was clear in Sampang case that the discrepancy reduced the state's capacity to protect and to fulfill the rights of Shi'a minority congregation. President Yudhoyono's plan for the Shi'a refugees to return homes failed due to religious figures and local state officials' resistance. In Ahmadiyah case, local government and state officials took advantage of the central state's compromise views reflected in the issuance of the 2008 Joint Ministerial Decree. Local government officials, who were ignorant to the minority rights, produced bylaws that further restricted Ahmadiyah adherents in practicing their faiths. For example, the 2011 West Java gubernatorial decree reiterated an item in the Joint-Ministerial Decree, which banned Ahmadiyah from disseminating their faiths. In reference to this item, the gubernatorial decree added further rule that repressed Ahmadiyah activities, for example by banning Ahmadiyah offices in the provincial region to erect the organization's sign in front of Ahmadiyah mosques or offices. The gubernatorial decree also banned Ahmadiyah members from wearing clothes inscribed with Ahmadiyah organization's attributes. Another tier of regional government, the Kuningan regency government, even used the Ministerial Joint Decree as justification to close down Ahmadiyah mosques.

In addition to that, the discrepancy reduced trust of the minority communities toward the state. The central government officials often floated discourse that the Indonesian state protected the rights of the minority, as stipulated in the constitution. For example, then President Yudhoyono spoke in front of Buddhist audience in 2013 that "the state would continue to guarantee the rights of the citizens to practice their religious beliefs."⁶⁰ The speech had important political value as it was delivered during a national celebration to commemorate the Vesak Day. The speech was the state's promise to protect the rights of the minority

⁶⁰ *Presiden SBY: Negara Terus Melindungi Hak Ibadah Warga Negara – Situs Resmi Partai Demokrat – Peduli & Beri Solusi*, <http://www.demokrat.or.id/2013/05/presiden-sby-negara-terus-melindungi-hak-ibadah-warga-negara/>, accessed 9 Jan 2017.

to practice their religious beliefs. However, when the promise failed to materialize, it was losing its legitimacy.

As result, the minority was losing trust against the state; with the case in point was the experience of Ahmadiyah residents in Manislor village. The Ahmadiyah residents in the village believed that their existence needed to be respected and be protected by the state, despite their teachings were claimed to be heretical by Muslim Sunni's religious leaders. An Ahmadiyah leader in Manislor village, Kuningan regency summed up Ahmadiyah's disappointment against the state, which the community considered to have failed to protect their rights to practice their faiths.

“I believe that, given all the infrastructures and the capacities that the state possesses,⁶¹ the state is able to protect her citizens. The state is able to protect her citizens, disregarding how big is the number of people who wish to produce unsafe situation in Indonesia. Given the laws that we have, the rules that we have, the equipment that the state apparatuses possess; the state should have the capacity (to protect her citizens).”⁶²

The leader imagined the state for being a structure above society, solid and possesses considerable resources that enabled it to tackle any challenges that the state faced. Ahmadis imagined that the state is entity that stands before all elements of society. However, Ahmadis' encounter with state apparatuses in their everyday life lifted the veil of the state, and showed state's true face. Ahmadis found out that the practices of state's apparatuses, bureaucracy and the police, were in contrast to their imagination about the state. They felt that the state is not neutral, and often failed to protect Ahmadiyah rights to practice their faiths.

Late Kulman Tisna Prawira, a respected figure of Ahmadiyah in Manislor village, claimed that Ahmadiyah was “an organization, which is part of Islam”,⁶³ hence adherents of Ahmadiyah should have their rights to practice their faiths protected by the state, as mandated by the article 29 of the Indonesian constitution. In addition to that, the state

⁶¹ The state refers to the police.

⁶² The quote was based on interview with Yusuf Ahmadi on Aug. 29, 2013 in his house.

⁶³ Tisna Prawira, *Sejarah Desa Manislor dan Sejarah Jemaat Ahmadiyah Cabang Manislor* (Kuningan: Ahmadiyah Cabang Manislor, 2012), p. 78.

already granted legal rights to Ahmadiyah organization in 1953, which means that the state legally recognized the rights of Ahmadiyah to exist in Indonesia.⁶⁴ Given these reasons, Ahmadis often spoke out that they deserved equal treatment from the state. However, the practice of local state officials was in contrast to the legal rights that the state granted to this minority community. Ahmadis often experienced the discrimination, intimidation and coercion from the state officials. The practice was intense at the local level as Ahmadis often encountered intimidation and harassment in their day to day interactions with state officials. The gap between the state officials' statement and their practices in the field produced perception among the Ahmadis that the state was disjointed. I earlier mentioned the police treatment against an Ahmadi reporting to them about imminent attacks against Ahmadiyah properties. However, let alone warmly accepting and following up the reports, the police reprimanded the victim (the Ahmadi) and said the violence occurred because Ahmadis failed to follow the faith of majority. Iklil al Milal, then Shi'a leader in Sampang, also expressed similar concern. He recalled that substantial number of central government officials visited Shi'a refugees in the aftermath of the fatal incident on 26 August. During the visits, the officials reiterated the government's commitment to protect the rights of the minority congregation, including Shi'a. However, according to Iklil, "the officials' statements were not materialized in the field."⁶⁵ Shi'a residents remained subject of intimidation and persecution by state officials, and they remained unable to return to their former residences in Nangkernang and Gading Laok hamlets.

F. Concluding Remarks

I have explained the discrepancy of practice between the state at local and national levels in response to the violence against Ahmadiyah and Shi'a communities. The local state officials, for example the police officers, seemed ignorant to the rights of the minority due to their affinities to local residents. Likewise, the politicians in local government sided with the majority due to electoral reasons. In contrast, the national state officials and politicians in central government tended to follow

⁶⁴ Prawira, *Sejarah Desa Manislor dan Sejarah Jemaat Ahmadiyah Cabang Manislor*.

⁶⁵ Interview with Iklil al Milal in Jemundo, Sidoarjo regency on 1 December 2013.

constitutionalist approach. They faced heterogeneous constituents. Their works are judged by the adherence to the constitution. The central state and government were also susceptible to the international pressures. I already mentioned how President Yudhoyono revealed that the international pressure was behind his proposal for the return of Shi'a residents to their previous homes. I have also explained that the discrepancy weakened the state capacity in responding to the violence.

By revealing the discrepancy in the state practice, this study shows the state is not a monolithic entity as Weber suggested. Instead, intra-institutional conflicts marred the state practice. Weberian argument might see this conflict as detrimental to the life of bureaucracy. However, this discrepancy, just like inconsistency or incoherence practice of the state, is integral part of the state character. Scholars Aradhana Sharma and Akhil Gupta argue: "...far from being symbols of the improper development of the states, these conflicts, "corruptions," and inconsistencies are central to institutional organization and reproduction of states."⁶⁶

⁶⁶ Aradhana Sharma and Akhil Gupta, "Introduction: Rethinking Theories of the State in an Age of Globalization", in *The Anthropology of the State: A Reader*, ed. by Aradhana Sharma and Akhil Gupta (Oxford: Wiley-Blackwell, 2006), p. 16.

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