

After Reform, Cases Related to Desecration of Religion Brought to Court Increasing

Friday, 28 September 2012 WIB, By: Marwati

YOGYAKARTA- After the reform, the number of cases brought to court under Article 156 a KUHP on Persecution, Abuse and or Desecration of Religion has been increasing. From year 1965 to 2000 there were 10 cases being brought to court, between 2000 to 2011 it reached up to 37.


“This is a worrisome trend as things that are considered deviating are increasing, such as the Lia Eden or Ahmadiyah case, then the Shi’ite in Sampang case and even recently Lady Gaga, homosexuality and “pluralism-secularism-liberalism”,” said Chairman of Religion and Cross-Culture Study Programme in UGM Graduate School, Dr. Zainal Abidin Bagir, in a public discussion of *Religion, Violence and Desecration Politics: Revealing the Sunni-Shi’ite Case in Sampang*, at UC UGM, Thursday (27/9).

Zainal considered the increasing number of cases worrying especially after the reform. Desecration or defamation, according to Zainal, is used as a language to respond to differences, not merely defamation. In his opinion the Law on Desecration of Religion that was also applied in the Shi’ite case in Sampang is one of the big blocks for religious life in Indonesia.

“I fear that the Law on Desecration of Religion will criminalise differences,” he said.

Related to the Shi’ite group in Sampang, apart from religious conflict, Zainal saw that it also involved other conflicts, such as family problem, cleric authority and regional politics. Despite the fact that the Constitutional Court considered the Law not against the State Guidelines, Zainal supports the plan to amend it by the Court to prevent discrimination.

Meanwhile, former judge, Sahlan Said, S.H, who joined the team examining the Shi’ite group in



Sampang case with the accused, Tajul Muluk, saw that the judge's consideration in implementing stipulations in Article 185 (6) KUHAP to select witnesses was unfair as it was based on the judge's subjective opinion.

"If the judges are hesitant, they can summon neutral witnesses, too," Sahlan said.

A lecturer in the Master of Peace and Conflict Resolution, Samsu Rizal Panggabean, M.Sc., has the opinion that even if there have already been acts of violence and killing, the Sampang case should not be limited to aggression, violence and law abuse. Conflict resolution approach of the case should be through problem solving approach, including the basic problem.

"The problem solving is through social problem handling without the use of power approach," Rizal said.

In the same place, A.M. Safwan, coordinator of Islamic student boarding school of Madrasah Murtadha Muthahhari Rausyan Fikr, said that religious belief is not possible without intellectual and spiritual dynamics, and social responsibility in the Indonesian contextualisation as the culmination of society's culture whose objectivication is that the state is based on law, not religion.

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