

Reconciliation through Law and Democracy: a Case of Blasphemy by the Former Governor of DKI Jakarta "Ahok"

Rizky Mutiara Yanti¹, Siwach Sripokangkul², and Awan Setia Dharmawan³

Received : February 7, 2020; Revised : April 7, 2020; Accepted : April 12, 2020

Abstract

The case of blasphemy by Ahok during the Jakarta governor's election campaign in 2016 has caused anger in the community. In his speech in the Thousand Islands said that the contents of the Qur'an Al-Maidah verse: 51 as a duping. Of course this has become harsh among Muslims who feel their religious beliefs are being harassed. Blasphemy by Ahok was carried out through legal means. Ahok has apologized, but the blasphemy case continues to grow. In the last trial, after 19 tense trials the judge sentenced Ahok proved to have violated article 156 of the Criminal Code with a penalty of 2 years in prison. As a state of law, Indonesia uses legal channels for blasphemy by the political elite as the best way of reconciliation. Disappointment experienced by the community is not completely resolved; the government carries out their obligations in accordance with applicable laws and regulations in Indonesia. Criminal defamation of Islam based on Decree No. 1537 / Pid.B / 2016 / PN. Reconciliation that occurs does not really resolve conflicts, especially inner conflicts that occur in the community. However, the existence of a criminal ruling for Ahok and the defeat of Ahok in the elections were able to reduce

¹Sociology, faculty of Social and Political Science, University of Muhammadiyah Malang, Indonesia; e-mail : rizkymutiara64@gmail.com

²College of Local Administration, Khon Kaen University, Thailand;
e-mail : siwasri@kku.ac.th

³Sociology, faculty of Social and Political Science, University of Muhammadiyah Malang, Indonesia; e-mail : setiadharmawan@umm.ac.id

the emotions of the community, especially the Islamic community in Indonesia. This research uses a qualitative approach with the type of research is analytical descriptive research. Sources of data in this study using literature studies that determine the sources and methods of data collection take data in the library, read, record and process research materials.

Keywords : Reconciliation, Democracy, Local Election

Introduction

The case of blasphemy by the former Governor of Jakarta, Basuki Tjahaja Purnama, or commonly known as Ahok in 2016, left pros and cons. In Indonesia, there are no restrictions on religious freedom, but restrictions on expressing feelings or carrying out acts that are hostile, abuse or defamation of a religion and restrictions on interpreting or activities that deviate from the main points of religious teachings held in Indonesia. Ahok, in his speech in the Thousand Islands said that the contents of the Al-Qur'an Surah Al-Maidah verse: 51 as a fool. Of course this has become harsh among Muslims who feel their religious beliefs are being harassed (Kompas, 2017). The case of blasphemy by Ahok during the Jakarta governor's election campaign in 2016 has caused anger in the community.

The reaction of Muslims and religious leaders was extraordinary, so the MUI issued a fatwa that Ahok had committed religious defamation and insulted the clerics. Finally, Ahok himself apologized to Muslims and two Muslim mass organizations in Indonesia, Nahdatul Ulama and Muhammadiyah, which are also components of the MUI, also received Ahok's apology. MUI urges the government to continue to carry out legal procedures against Ahok to guarantee a sense of justice in the community. However, the reaction of the government and law enforcers was felt to be slow, so the components of the Muslim community carried out the Peaceful Action of the Qur'an on 11/14/2016 (Peaceful Action 411) with a viral rising through social media and had succeeded in gathering millions of Muslims. The purpose of the action was

to put pressure on Basuki Tjahaja Purnama (Ahok), who was then serving as the Governor of DKI Jakarta for religious defamation. (Wardani & Indrayani, 2018).

The rise of the demonstration over the Ahok case that the Ahok case must be brought into the realm of law rather than political territory. Constitutionally the President cannot be suppressed, let alone deposed because of the Ahok case. Because it is not in accordance with the constitution, eventually the community surrenders the legal process as the commander to resolve the conflicts so that they avoid unconstitutional resolution efforts.

Indonesia is a democratic country that combines open society, religion and ethnic pluralism (Latifa, Shaleh, & Nyhof, 2018). The ideal concept of democratization and citizens' freedom is viewed from the conceptual aspects of state administration law (Aswandi & Roisah, 2019). Because the concept of a democratic state and law finally resolved the case of defamation of Ahok religion into the realm of law as a form of reconciliation.

This writing is focused on how the blasphemy case is carried out by the political elite in Indonesia? What reactions have taken place in Indonesian society as a democratic country? And what about reconciliation taken by Indonesia as a rule of law? How about sociological analysis through the viewpoint of elite theory?

Literature Review

Election of Governors, Regents and Mayors, hereinafter referred to as the election of Regional Heads (Pilkada) is the exercise of popular sovereignty in the Province and Regency to elect Regional Heads directly and democratically. Election carried out democratically based on the principle of direct, general, free, confidential, honest, and fair in accordance with applicable laws and regulations (Lestari, 2019).

In this case, Ahok as the incumbent political elite and the 2017 Governor candidate held a regional election campaign. As political elite, it is required to have politeness which is seen as a rule of behavior between social communities in speaking as a condition for the realization of politeness in social interaction. (Nisa, 2016). As

reported by BBC Indonesia online media (Bbc.com, 2017) The polemic about the alleged blasphemy case began during a dialogue between Ahok and residents in the Thousand Islands on 27 September 2016 by stating that the community was free to elect a leader while alluding to the Al-Maidah verse 51(Malik, 2018).

The main verse in the debate over this issue is Surat Al-Maidah verse 51 which reads: "you, who believe, do not take the Jews and Christians to be" awliya "(leaders); some of them are other leaders. Whoever among you takes them to be leaders, and then surely that person belongs to their group. Actually God does not give guidance to those who do wrong. (Q.S Al-Maidah: 51)" (Ushuluddin, & Sunan, 2017)

Defamation of religion by Ahok contained in an important substance of Law No. 1 / PNPS / 1965 is located in article 1: "Everyone is prohibited from deliberately publicly telling, encouraging or seeking public support, to make an interpretation of a religion that is held in Indonesia or carry out religious activities that resemble the religious activities of religion, interpretation and activities which deviate from the main points of the teachings of that religion. While article 2 and so on are articles governing the technical rules for implementing the main ideas of article 1(Ramdan, 2018).

The beliefs and values of religion motivate people with certain actions and religious organizations can organize so religion has a social dimension. As happened in the Islamic defense action on December 2, 2016 (Action 212) in the Jakarta Monas court, moving around seven million people took to the streets demanding justice related to the blasphemy case committed by Ahok (Rozi & Firman, 2018).

The conflict has broken the peace and made a pro and contra camp, so reconciliation is needed. Reconciliation is a social process that involves mutual recognition of past sufferings and the change of destructive attitudes and behavior into constructive relationships towards sustainable peace (Broun, 2003).

Political Elite Theory

This political elite theory will refer more to Vilfredo Pareto. Pareto believes that every society is governed by a small group of people who possess the qualities necessary for their presence in full socio-political power. Those who can reach the center of power are always the best. They are known as the elite. Elites are successful people, capable of occupying high positions in society. Therefore according to Pareto, society consists of two classes: (1) the upper layer, namely the elite, which is divided into governing elites and non-governing elites; (2) the lower layer, namely non-elite. Instead, Pareto focused his attention on the ruling elite, who, according to Pareto, were in power because they could combine power and cunning, which he saw as very important. Manipulation of the masses through the use of powerful communication power themes in Pareto's writings. According to Pareto, humans and especially the masses are largely irrational; "Most human actions are not rooted in logical thinking, but feelings." Therefore, the element of elite power is 'Persuasion' through the creation of 'living faith' (Husen, 2016).

Methodology

This study uses a qualitative approach with the type of research is analytical descriptive research that collects information on the status of symptoms that exist when the research is conducted in an interpretive paradigm. The purpose of this study is to make a systematic, factual and accurate explanation of the facts and the nature of a particular population or area (Sulipan, 2017). Sources of data in this study using literature studies that determine the sources and methods of data collection take data in the library, read, record and process research materials (Melfianora, 2017). Data sources from online news channels such as CNN, Kompas, Liputan6, and tribunnews.

Finding and Discussions

Starting with the video of Basuki Tjahaja Purnama alias Ahok's speech as incumbent when reviewing the grouper cultivation program on Pramuka Island on September 27, 2016. According to him the program will continue even though Ahok will not be re-elected as Governor in the 2017 Jakarta Pilkada. chose it only because they wanted the program to continue. Then the video of Ahok's meeting with the Thousand Islands community was uploaded by the DKI Provincial Government to YouTube on September 28th. Ahok uttered the pros and cons sentences uploaded by Buni Yani on October 6 to Facebook under the title "Blasphemy against religion" in his social media accounts and circulated widely to the public. In the video Ahok mentioned :

"... So don't trust other people, you can just in your heart you can't choose me, right? Lied to using Surat Al-Maidah 51, all that. That is your right, sir. So if you feel that you can't choose it, because I'm afraid to go to hell because I'm being fooled, that's fine. "

As incumbent governor candidate, Ahok is considered to have caused a disturbance that disturbed public order, namely the offense of Muslims. This was proven by Ahok's report by Habib Novel Chaidir Hasan and Gus Joy Setiawan on 6 October 2016. Then it was followed by a second report on 7 October 2016 by Muhammad Burhanudin, Habib Muchsin Alatas, Willyuddin Abdul Rasyid Dhani, Syamsu Hilal, and Pedri Kasman. The third report was made by Iman Sudirman on October 9, 2016. The fourth report was on behalf of reporters Nandi Naksabandi and Muchsin Alhabisy on October 10, 2016 and on October 12, 2016 by Ibnu Baskoro. Followed by a report submitted by Aswar on October 20, 2016. Finally, on October 21, 2016 on behalf of reporters Irena Handono and Muhammad Asroi Saputra (Tribunnews, 2017). A total of 11 reports by Bareskrim later withdrew all handling of the case to the National Police Headquarters (Detiknews, 2016)

After the report the reporters asked the Indonesian Ulema Council Fatwa, on October 11, 2016 to issue a stance on the case of blasphemy by Ahok. The following

opinions and attitudes given by the MUI are categorized as: (1) Insulting Al-Qur'an and or (2) Insulting Ulemas that have legal consequences due to false statements against ulama who state the argument of Al-Maidah verse 51 concerning the prohibition of making non-Muslims as a leader is an insult to the ulema and Muslims. one of the recommendations of the MUI is that law enforcement officials are obliged to take firm action against anyone who defiles and defames the Qur'an and teachings of Islam as well as insults to Islamic scholars and Muslims in accordance with applicable laws and regulations (Tribunislam, 2016).

Ahok's speech was welcomed by the Islamic community by reacting their anger through demonstrations on October 14, 2016 (Tempo.co, 2016). A larger demonstration attended by Muslims of approximately one million people then occurred again on November 4, 2016 (Republica.co, 2016). Criminal Investigation Police held a limited open case title on November 15, 2016 by inviting the Reporting Party, Reported Party, Witness and Expert. The next day on November 16 at 10:00 am the Bareskrim announced the appointment of a candidate for the Governor of DKI Jakarta Basuki Tjahaja Purnama as a suspect for blasphemy (Kompas, 2016).

A bigger demonstration then took place again on Friday 2 December 2016 with the demands of the Police to arrest the suspect of religious desist candidates for the Governor of DKI (detiknews, 2016). The Jakarta Governor-Ahok case is progressing, and finally on December 13, 2016, the first trial of the blasphemy case allegedly committed by Ahok was held (Cnn, Dan, & Tv, 2019). Then the North Jakarta District Court sentenced the former Governor of DKI Jakarta to 2 years in prison. Ahok was found guilty of blasphemy because of the statement about the Al-Maidah 51 during a visit to Pramuka Island, Thousand Islands (Megapolitan Kompas, 2018).

Ahok has apologized, but the blasphemy case continues to grow. On October 14, 2016, a mass of various Islamic mass organizations rallied in front of the Jakarta City Hall. The mob demanded that Ahok be sentenced immediately. The rally took place chaos. This case made Rizieq Shihab, a FPI figure (Islamic Defenders Front) gain momentum which during the campaign was a strong opponent of Ahok. Rizieq

managed to mobilize people from various other Islamic groups in the November 4 action as the 411 Action, which was joined by hundreds of thousands of people. Police then named Ahok a suspect on October 16, but Rizieq Shihab did not relax the pressure.

He organized a larger mass action, on 2 December 2016, known as the 212 action, which some people said was followed by more than a million people. Demonstrations after that did not succeed in gathering too much mass, but Ahok's wave of opposition and pressure for him to be imprisoned and dismissed as Governor continued to roll in various forms. The opposing groups that Rizieq Shihab supported by joined the camp against Ahok in the 2017 elections (BBC Indonesia, 2017).

The Public Prosecutor (JPU) for the alleged blasphemy case stated that the accused Basuki Tjahaja Purnama or Ahok was guilty. The Ahok deeds according to the Prosecutor fulfill the elements of Article 156 of the Criminal Code. Jakwa charged Ahok with an alternative charge between Article 156 letter (a) or Article 156 of the Indonesian Criminal Code. Fill in article 156 of the Criminal Code,

“Whoever publicly expresses feelings of hostility, hatred, or contempt of one or several groups of the Indonesian people, is threatened with a maximum of four years in prison or a maximum fine of Rp 4,500.”

While the contents of article 156a of the Criminal Code are,

“Convicted with imprisonment for up to five years whoever intentionally publicly issues or acts that are hostile, misuse, or blasphemy against a religion that is held in Indonesia .(Megapolitan Kompas, 2017)

In the last trial, after 19 trials which were tense the judge sentenced Ahok proved to have violated article 156 of the Criminal Code with a penalty of 2 years in prison.

Analysis Theory

The case of blasphemy by Ahok as a political elite received attention from the community because the role of ordinary people (non-elite) remained important. According to Pareto, with the existence of non-elite groups, the existence of elite groups can be maintained. That the existence of elite will emerge if there are masses who act as supporters. Because without the presence of the masses, the existence of an elite has no meaning at all.

The disappointment of supporters and non-supporters of Ahok with the 212 demonstration carried out by non-elite groups. As non-elites who live in democratic countries, the community has the right to voice their opinions by holding demonstrations to voice their aspirations. This is to control political elites who served or before serving in order to remain under public scrutiny.

Conflicts that occurred in the community caused turmoil to demand that Ahok not continue the Jakarta Jakarta elections. The path taken cannot only use the thousands of masses who took to the streets. But the legal route because Indonesia as a country of law. National legal politics has established that Indonesia is a state of law. The settlement of the reconciliation of the Ahok case was completed when Ahok was in prison and with a legal defeat in the Jakarta elections. This is also evidenced by the vote acquisition of the Jakarta Election totaling 2,350,366 or 42.04% for the Ahok-Djarot couple and 3,240,987 57.96% for Anies-Sandi.

Conclusion

Defamation of religion by Ahok has disappointed some, especially the Muslim community in Indonesia. As a democratic State, the community has the right to voice their opinions in the form of demonstrations where the guarantee of human rights is also stated firmly in the Basic Law or a written constitution of a constitutional democracy, and is considered the most important material that must exist in the constitution. Democracy is a way of implementing the State as an organization of power that guarantees the recognition of human rights.

As a state of law, Indonesia uses legal channels for blasphemy by the political elite as the best way of reconciliation. Disappointment experienced by the community is not completely resolved; the government carries out their obligations in accordance with applicable laws and regulations in Indonesia. Criminal defamation of Islam based on Decree No. 1537 / Pid.B / 2016 / PN. Jkt Utr who stated the defendant Basuki Tjahaja Purnama (Ahok) was proven legally and convincingly guilty of committing a crime of blasphemy, because the defendant had considered the Al-Maidah Letter as a tool to deceive the people or the community or Al-Maidah 51 as a source of lies and with According to the court, the defendant had denigrated and insulted the Al-Maidah verse 51. Ahok was declared by the panel of judges to have violated Article 156a of the Indonesian Criminal Code, namely intentionally issuing feelings or committing acts of hostility, misuse, or blasphemy against a religion.

The tendency of conflict reconciliation that is still top-down brings people into position as an object without being able to build awareness of reconciliation that comes from potential society itself. True reconciliation is collaboration between peace building policy holders and the community as subjects so as to bring up development synergy sustainable peace. Rebuilding community peace after conflict can only be done through strengthening social capital which starts from building the main social capital, trust between communities.

Reconciliation that occurs does not really resolve conflicts, especially inner conflicts that occur in the community. However, the existence of a criminal ruling for Ahok and the defeat of Ahok in the elections was able to reduce the emotions of the community, especially the Islamic community in Indonesia.

References

Aswandi, B., & Roisah, K. (2019). Negara Hukum Dan Demokrasi Pancasila Dalam Kaitannya Dengan Hak Asasi Manusia (Ham). *Jurnal Pembangunan Hukum Indonesia*, 1(1), 128-145.

BBC. (2017). Sidang Al Maidah: Dua tahun penjara untuk Ahok, langsung ditahan. Retrieved from <https://www.bbc.com/indonesia/indonesia-39853373>, (accessed 13 February 2020).

Broun, K. (2003). Reconciliation – Theory and Practice for Development Cooperation. Uppsala University, Disciplinary Domain of Humanities and Social Sciences, Faculty of Social Sciences, Department of Peace and Conflict Research.

Hidayat, A. (2016). Jika Polisi Tak Tangkap Ahok, Ini Ancaman Rizieq FPI. Retrieved from <https://metro.tempo.co/read/812293/jika-polisi-tak-tangkap-ahok-ini-ancaman-rizieq-fpi/full&view=ok>, (accessed 11 February 2020).

Husen, M. R. (2016). Konflik Elit Politik dalam Pemilihan Umum Gubernur dan Wakil Gubernur Provinsi Maluku Utara Tahun 2007. *Jurnal Holistik*, X(18), 1–24.

Khafidhin, M. (2017). Framing Kasus Ahok Tentang Penistaan Agama. Retrieved from http://digilib.uin-suka.ac.id/27130/1/13210120_BAB-I_IV-atau-V_DAFTAR-PUSTAKA.pdf (accessed 9 February 2020).

Kholid, I. (2016). Begini Perjalanan Kasus Dugaan Penistaan Agama oleh Ahok di Bareskrim. Retrieved from <https://news.detik.com/berita/d-3338806/begini-perjalanan-kasus-dugaan-penistaan-agama-oleh-ahok-di-bareskrim>, (accessed 9 February 2020).

Laksana, B. A. (2016). GNPF MUI Gelar Aksi 2 Desember, Ini Tuntutannya. Retrieved from <https://news.detik.com/berita/d-3348460/gnfp-mui-gelar-aksi-2-desember-ini-tuntutannya/>, (accessed 3 February 2020).

Latifa, R., Shaleh, A. R., & Nyhof, M. (2018). Indonesian Muslims' Cognitive Pattern on Social Media During Political Disagreements. *Jurnal Komunikasi Islam*, 1(1), 16-18.

Lestari, D. (2019). Pilkada DKI Jakarta 2017: Dinamika Politik Identitas di Indonesia. *Simulacra: Jurnal Sosiologi*, 2(1), 31-37.

Malik, A. (2018). Meme dan Visualisasi Kebencian Netizen dalam Kasus Penistaan Agama. *REKAM: Jurnal Fotografi, Televisi, Dan Animasi*, 13(2), 67-84.

Melfianora. (2017). Penulisan Karya Tulis Ilmiah Dengan Studi Literatur. *Studi Litelatur*. Retrieved from <https://osf.io/gfe9w/download>, (accessed 3 February 2020).

Nadia, E. (2016). Bareskrim Tetapkan Ahok sebagai Tersangka Penistaan Agama. Retrieved from <https://nasional.kompas.com/read/2016/11/16/10083881/bareskrim.tetapkan.ahok.sebagai.tersangka.penistaan.agama/>, (accessed 8 February 2020).

Nisa, F. (2016). Pelanggaran Prinsip Kesantunan dalam Wacana Tutur Basuki Tjahaja Purnama (Ahok). *STILISTIKA: Jurnal Bahasa, Sastra, Dan Pengajarannya*, 1(1), 19-30.

Pratama, M. A. (2017). Ini Alasan Jaksa Hanya Kenakan Ahok Pasal 156 KUHP. Retrieved from <https://megapolitan.kompas.com/read/2017/04/20/13592891/ini.alasan.jaksa.hanya.kenakan.ahok.pasal.156.kuhp>, (accessed 15 February 2020).

Purba, D.O. (2018). Mengapa Ahok Ajukan PK atas Vonisnya? Retrieved from <https://megapolitan.kompas.com/read/2018/02/26/05491211/mengapa-ahok-ajukan-pk-atas-vonisnya/>, (accessed 15 February 2020).

Ramdan, A. (2018). Aspek-Aspek Konstitusional Penodaan Agama Serta Pertanggungjawaban Pidannya di Indonesia. *Jurnal Konstitusi*, 3(15), 616-641.

Rayudaswati., & Nurhasanah. (2019). Sidang Kasus Ahok (Analisis Framing Media Cnn Indonesia Dan Kompas Tv). *Stimuli*, 9 (IX), 36-42.

Rostanti, Q. (2016). Komnas HAM: Aksi 4 November Demo Paling Bermartabat. Retrieved from <https://www.republika.co.id/berita/nasional/umum/16/11/04/og4c9e361-komnas-ham-aksi-4-november-demo-paling-bermartabat/>, (accessed 12 February 2020).

Rozi, F., & Firman, R. N. (2018). Ahok dan Habib Rizieq Shihab dalam Isu Foto Hoax: Opini PGI dan HKBP di Kota Medan. *MUKADIMAH: Jurnal Pendidikan, Sejarah, Dan Ilmu-Ilmu Sosial*, 2(1), 44-56.

Sulipan. (2017). Penelitian Deskriptif Analitis Berorientasi Pemecahan Masalah. Retrieved from
https://www.academia.edu/7215999/Penelitian_Deskriptif_Analitis, (accessed 12 February 2020).

Suprapto. (2017). Inilah 14 Saksi Kunci Pelapor Penistaan Agama yang Jadikan Ahok Terdakwa. Retrieved from
<https://wartakota.tribunnews.com/2017/01/03/inilah-14-saksi-kunci-pelapor-penistaan-agama-yang-jadikan-ahok-terdakwa>, (accessed 11 February 2020).

Tribun Islam. (2016). Inilah Fatwa Lengkap MUI, Ahok Terbukti Menghina Al Qur'an dan Menghina Ulama. Retrieved from
<https://www.tribunislam.online/2016/10/inilah-fatwa-lengkap-mui-ahokterbukti-menghina-alquran-ulama.html>, (accessed 7 February 2020).

Ushuluddin, F., & Sunan, N. (2017). Penafsiran al- qur'an surat al-maidah ayat 51. Retrieved from <http://digilib.uin-suka.ac.id/29592/> (accessed 7 February 2020).

Wardani, A. D., & Indrayani, H. (2018). Netralitas Konten Berita Online (Analisis Framing: Berita Reuni Alumni 212 di detik.com). *Interaksi: Jurnal Ilmu*, 7(1), 1-7.

