

# The End of Blasphemy Crimes in Indonesia: Shifts in Human Rights Limitations and MUI's Fatwa Authority

## Faiq Tobroni<sup>(1)</sup>

Universitas Islam Negeri Sunan Kalijaga Yogyakarta, Daerah Istimewa Yogyakarta, Indonesia.  
Email: [faiq.tobroni@uin-suka.ac.id](mailto:faiq.tobroni@uin-suka.ac.id)

## Ach Tahir<sup>(2)</sup>

Universitas Islam Negeri Sunan Kalijaga Yogyakarta, Daerah Istimewa Yogyakarta, Indonesia.  
Email: [ach.tahir@uin-suka.ac.id](mailto:ach.tahir@uin-suka.ac.id)

## Iswantoro<sup>(3)</sup>

Universitas Islam Negeri Sunan Kalijaga Yogyakarta, Daerah Istimewa Yogyakarta, Indonesia.  
Email: [iswantoro@uin-suka.ac.id](mailto:iswantoro@uin-suka.ac.id)

## Udiyo Basuki<sup>(4)</sup>

Universitas Islam Negeri Sunan Kalijaga Yogyakarta, Daerah Istimewa Yogyakarta, Indonesia.  
Email: [udiyo.basuki@uin-suka.ac.id](mailto:udiyo.basuki@uin-suka.ac.id)

## Murdoko<sup>(5)</sup>

Universitas Widya Mataram Yogyakarta, Daerah Istimewa Yogyakarta, Indonesia.  
Email: [Murdoko\\_hk@yahoo.com](mailto:Murdoko_hk@yahoo.com)

## ABSTRACT

*The old Indonesian Criminal Code poses problems with regard to the handling of religious crimes. For example, Article 156a criminalises religious expressions considered deviant or heretical. The old Criminal Code limits religious expression by criminalising heretical religious interpretations. These limitations obscure the freedom of religion as a human right. This study examines the paradigm shift in human rights limitations in the new Criminal Code, and its impact on the fatwa authority of the Indonesian Ulema Council (MUI). A normative juridical method is employed through a literature-based analysis of statutory provisions on blasphemy offences under both the former Indonesian Criminal Code and the new 2023 Indonesian Criminal Code, alongside fatwas issued by the Indonesian Ulema Council (MUI) and relevant legal and human rights scholarship. The findings demonstrate that Article 300 of the new Criminal Code reconfigures the regulation of blasphemy offences by shifting the framework of limitations on human rights of religious expression, particularly through changes in the scope of criminalisation and the normative role of the fatwa authority. Criminalisation now applies to actions that interfere with freedom of religion, rather than to blasphemy against religion itself. The objective of limitation has shifted from protecting religion to protecting religious freedom. This change has implications for the role of local fatwa authorities in handling religious crimes.*

**Keywords:** Religious Crimes, Limitations, Human Rights, Fatwa..

## I. INTRODUCTION

The criminal law governing religious crimes in Indonesia has long been the subject of scrutiny and debate. The provisions of Law No. 1 of 1946 concerning Criminal Law Regulations (Old Criminal Code), particularly Article 156a relating to blasphemy, allow the state to criminalise individuals or groups that are considered to have deviated from the teachings of the dominant religion. The influence of religious authorities and majority mass organisations on the enforcement of blasphemy laws has been well documented (Tyson, 2021). These norms have led to the marginalisation and discriminatory treatment of minority movements that deviate from orthodoxy (Mursalin, 2019). The provisions on religious crimes in the Old Criminal Code are primarily aimed at limiting religious expression. This is evident in the regulations that criminalise religious interpretations considered heretical or blasphemous. This has led to social tension, discrimination against religious minorities and limitations on freedom of belief (Widyantoro & W Munthe, 2019).

One factor that contributes to this situation is the role of religious institutions, particularly the Indonesian Ulema Council (MUI). The MUI derives its institutional authority from its organisational statutes and bylaws, which position it as a national religious body authorised to issue fatwas on Islamic legal matters through its Fatwa Commission. Before issuing a fatwa, the MUI applies an internal deliberative process involving collective *ijtihad*, drawing upon the Qur'an, Hadith, classical *fiqh* doctrines and contemporary socio-legal considerations. Within this framework, the MUI has frequently issued fatwas that label certain religious sects or interpretations as deviant, influencing public perception and law enforcement practices. Fatwas, based on Islamic law principles (I. E. A. Pelu, 2020), essentially serve as a tool to

provide religious guidance to Muslims (Ilahi et al., 2024; Purba et al., 2024), to respond to contemporary issues that are not found in the sacred texts (Syuhadak, 2013). However, in practice, these fatwas are often used to label individuals or groups as 'heretics'. This label is used to legitimise the criminalisation of those who disagree with the religious majority's views (Thresher, 2025).

Religious fatwas significantly influence the demand for legal action against individuals or groups considered to deviate from the majority's teachings. Such legal action is often based on a narrow interpretation of fatwas, which opens up the possibility of criminalising different interpretations of religion. This can trigger social conflict in a pluralistic society and restrict the scope for interfaith dialogue. Such narrowing tends to increase social tensions between different religious groups and intensify the potential for the law to be abused in order to suppress religious freedom, particularly among minority groups (Arvante et al., 2022; Hurriyah, 2020).

As awareness of the importance of human rights increases, particularly with regard to freedom of religion, the position of religious fatwas in Indonesia must be reevaluated, as well as the legal system regarding religious crimes in Indonesia. In the context of a pluralistic and democratic Indonesia, fatwas, which are the product of collective *ijtihad*, should not be based on narrow religious interpretations. Instead, they need to be rebuilt within a universal humanitarian framework that upholds the values of justice, inclusiveness, and social peace (Sabri, 2018). Ideally, fatwas should not be used to legitimise actions that could lead to increased division, justify exclusion, and weaken the moral authority of the *ulama*. Repositioning is necessary to make the role of fatwas more independent from the conflict

between different groups of people with power and the partiality towards the interests of certain political groups (Yahya & Susilo, 2024).

In terms of reforming Indonesia's positive law, amending the new Criminal Code is crucial in resolving this conflict and ensuring that every individual has the right to practise their religion without fear of criminal sanctions. One of the new conceptual frameworks introduced by the New Criminal Code is balancing human rights freedoms in expression with the needs of a democratic society (Fatmawati et al., 2023). It is necessary to reform Indonesia's criminal law in order to align it with the principles of substantive justice and human rights (Kamalludin, 2022). There is a growing consensus on the need to amend the definition of blasphemy in line with the principles of constitutional democracy and the rule of law (Mufidah et al., 2024). Good law is law that reflects substantive justice, social values, and human welfare (Andriawan, 2022).

This study aims to analyse the impact of changes to the new Criminal Code on the regulation of religious crimes in Indonesia, with a particular focus on shifts in limitations on religious expression. Another objective is to explore the role of religious fatwas in interpreting religious teachings and their influence on legal processes related to religious crimes. This study proposes that fatwa authorities should be repositioned as non-coercive ethical and spiritual references rather than as a basis for legitimising legal action against differences in religious interpretation. This repositioning is important to ensure that fatwas do not become a justification for stigmatising or judging minority groups or individuals with alternative religious beliefs.

This article offers a new perspective on the interaction between religious fatwas and criminal law, an area that has long remained a gray zone in Indonesian legal debates. Although several provisions related to religious

matters are contained in the 2023 Indonesian Criminal Code, the focus of this study is deliberately on Article 300 as the most relevant point of comparison for examining the transformation of blasphemy offences. Article 300 criminalises public acts of hostility, expressions of hatred, or incitement to hostility, discrimination, or violence against religions, beliefs, or religious groups. Previously, religious fatwas were often used to justify the prosecution of individuals or groups accused of deviating from the teachings of the majority religion. However, the new Criminal Code no longer explicitly criminalises religious deviation. This study therefore re-examines the shifting framework of limitations on religious expression, as well as the evolving position of the Indonesian Ulema Council's (MUI) fatwa authority within the legal system governing religious crimes.

## II. RESEARCH METHODS

This study implements a normative legal research approach, focusing on the analysis of legal documents, legislation and legal literature. This method is particularly relevant to legal research as it focuses on positive law, a set of rules and regulations established by legal authorities (Hamzani et al., 2024). This study takes an approach of conducting a literature review to help organise and extract contributions from previously published studies, synthesising findings from previous research (Rodríguez Cairo et al., 2024).

The primary legal materials consist of statutory instruments, including the Fatwas of the Indonesian Ulema Council (MUI), the old and new Indonesian Criminal Codes, relevant legislation, and court decisions relating to cases of blasphemy and religious offences. Secondary legal materials include books, peer-reviewed journal articles and previous research findings in the fields of criminal law, constitutional law and human rights.

The research initially identifies and examines statutory provisions on blasphemy offences in both the old and new Criminal Codes, assessing normative changes in the regulation of religious expression. This analysis is complemented by a doctrinal review of fatwas issued by religious institutions, particularly the MUI, to understand their normative influence in religious criminal cases. Additionally, relevant scholarly literature and human rights theories are analysed to further understand how criminal law reform in Indonesia interacts with religious pluralism and human rights principles.

The following stage involves examining scientific articles and academic journals that analyse changes in religious crimes within the old and new Criminal Codes. The analysis stage will also review relevant human rights theories in order to deepen our understanding of how criminal law in Indonesia interacts with religious pluralism and human rights values. The final analysis stage involves identifying how fatwas should be positioned as non-coercive ethical and spiritual references rather than as a basis for legitimising positive legal actions. This method highlights the relationship between religious and state authorities in reformulating religious criminal acts in Indonesia.

### **III. RESEARCH RESULTS AND ANALYSIS**

#### **A. Fatwas and Religious Crimes in Indonesia**

In the Indonesian legal landscape, particularly with regard to religious crimes, fatwas, or religious opinions issued by the Indonesian Ulema Council (MUI), often serve as a significant source of moral legitimacy, influencing the direction of law enforcement. While MUI fatwas are not legally binding, they play an important role in providing ethical and theological guidance to law enforcement officials and influencing public opinion. In cases of religious

unrest, MUI fatwas have even initiated investigations or shaped public opinion against individuals or groups.

Notable cases involving Meliana, Basuki Tjahaja Purnama (Ahok), Ahmad Musaddeq and Lia Eden demonstrate how religious fatwas can play a significant role in shaping public opinion and driving criminal proceedings. Although fatwas are not legally binding, they are often used to legitimise actions and create social pressure on law enforcement officials. This reflects a shift in the function of fatwas, from the ethical-spiritual realm to that of an instrument which can potentially influence criminal prosecutions, particularly in cases involving blasphemy or differing interpretations of religion.

The Meliana case is an example of a religious criminal offence relating to a blasphemy fatwa. The case began when Meliana protested against the sound of the call to prayer. However, Meliana's protest was framed as if she were prohibiting the call to prayer as a form of Islamic worship. The news sparked public outrage in a short time, and the North Sumatra MUI issued Fatwa Number 001/KF/MUISU/I/2017. The fatwa stated that Meliana's actions constituted blasphemy against Islamic teachings. Meliana has served her sentence based on the Medan District Court Decision Number 1612/Pid.B/2018/PN Mdn. In the Medan District Court's decision, Meliana was sentenced to 1 year and 6 months in prison based on Article 156a of the Criminal Code concerning blasphemy. Although the verdict did not explicitly mention that the MUI fatwa was the formal legal basis, research shows that the fatwa was included in the Case Examination Files and was used by the prosecutor as supporting documentation to prove that Meliana's statements violated religious norms and caused unrest among the people of the Republic of Indonesia (Putusan Pengadilan Negeri Medan Nomor 1612/Pid.B/2018/PN.Mdn, 2018). Although formally the MUI Fatwa is not a

positive legal product with juridical binding force, in practice, law enforcement officials use this fatwa as moral and religious legitimacy in processing the case, from investigation to proof in court. In practice, MUI fatwas can serve as religious social evidence that lends legitimacy to blasphemy charges, even though they have no explicit legal basis in the Criminal Procedure Code.

The following is the criminal case against Lia Aminuddin, better known by her spiritual name Lia Eden. This woman founded a religious group called the Salamullah Community, whose teachings combine elements from various religions and claim that she is a messenger of God (Makin, 2016). The Indonesian Ulema Council (MUI) has warned Lia Eden. However, this woman has become even bolder by declaring herself to be the recipient of revelations from the Angel Jibril. This statement opposes the MUI and other religious scholars regarding theology and authority (Mujahidah, 2018). Lia Eden's actions attracted the attention of the Indonesian Ulema Council (MUI), which on December 22, 1997, issued MUI Central Fatwa Number Kep-768/MUI/XII/1997, stating that Lia Eden's teachings were heretical and misleading, and contrary to Islamic teachings, particularly in terms of the oneness of God (tauhid) and the concept of prophethood. The fatwa stated that the angel Jibril could not possibly descend again to deliver revelations, so Lia Eden's teachings claiming to receive revelations from Jibril were heretical (Siddik, 2018).

Lia Eden has been convicted twice. First, in 2006, the Central Jakarta District Court sentenced Lia to 2 years in prison for spreading heretical teachings and committing blasphemy against Islam based on Article 156a of the Criminal Code. The first verdict was contained in the Central Jakarta District Court Decision No. 677/PID.B/2006/PN.JKT.PST. Then, on June 2,

2009, Lia was again sentenced to two years and six months in prison by the same court for similar charges. The judge did not explicitly cite the MUI fatwa in both cases as formal legal evidence. However, the information from the fatwa and the MUI's religious recommendations was used as a reference in forming the opinion that Lia Eden's teachings were disturbing and violated the religious norms of the Muslim community. The judge reinforced various pieces of evidence, including the opinions of religious experts, to apply Article 156a of the Criminal Code (Arifin, 2008).

Another case is the teachings of Al-Qiyadah Islamiyah, which received a fatwa declaring it heretical. The Indonesian Ulema Council (MUI) Fatwa Number: 04 of 2007 is a concrete example of how religious authorities in Indonesia position themselves in dealing with serious deviations from the faith. This fatwa explicitly states that the Al-Qiyadah Al-Islamiyah sect, led by Ahmad Musaddeq, is heretical and misleading and does not adhere to the principles of Islam. Its teachings are considered deviant because they recognise the existence of prophets after the Prophet Muhammad, replace the shahada and reject basic worship obligations such as the five daily prayers, fasting during Ramadan and the hajj. The fatwa concludes that the followers of this cult have apostatised, and calls on the government to take firm action, including prohibiting their activities and the dissemination of their teachings, and confiscating their books. This fatwa serves not only as a religious guideline for Muslims, but also as a basis for law enforcement officials to prosecute Ahmad Musaddeq. Musaddeq was sentenced to four years in prison for disseminating teachings considered insulting or blasphemous to Islam, as stipulated in Article 156a of the Criminal Code. The verdict is recorded in South Jakarta District Court Decision Number 277/Pid.B/2008/PN.Jkt.Sel. Although not explicitly stated in the verdict, the

fatwa's content served as an ideological and social reference in the prosecution of Musaddeq (Septiani, 2017).

Another case related to the MUI fatwa concerns the blasphemy charges brought against Basuki Tjahaja Purnama (Ahok). Ahok's criminal trial began with his speech in Pulau Seribu. During this speech, Ahok referred to Surah Al-Māidah, verse 51. He claimed that this verse was often used to deceive the public. This statement caused a national backlash and was considered blasphemous in reference to Islamic teachings. In response to the controversy, on 11 October 2016 the Indonesian Ulema Council (MUI) issued a Religious Statement stating that Ahok's remarks had insulted the Qur'an and disrespected Islamic scholars, thus constituting blasphemy. The MUI also stated in the document that religious scholars' use of this verse was an authoritative interpretation and that calling it a tool of deception was an insult to the religion of the Prophet Muhammad (Ichwan, 2016).

This statement then became a crucial turning point, triggering a wave of protests by Muslims such as the 411 and 212 Islamic Defenders' Actions (Sauki, 2020). Although it was neither a fatwa nor a legally binding document, this MUI statement had a powerful social and legal impact. It influenced the narrative of Islamic populism (Kusumo & Hurriyah, 2018). During the subsequent legal proceedings, MUI experts, including KH Ma'ruf Amin, were called as witnesses to explain the theological implications of Ahok's comments. Prosecutors also used the statement to prepare their indictment, arguing that it was not merely political criticism, but an insult to the holy book and religious leaders. Islamist groups used the fatwa as a political tool to mobilise public opinion and influence the judicial process. The establishment of the MUI National Fatwa Guard Movement (GNPF-MUI) played a

significant role in shaping the court's decision in the blasphemy case (Yahya & Susilo, 2024).

In the North Jakarta District Court Decision Number 1537/Pid.B/2016/PN.Jkt.Utr, the panel of judges sentenced Ahok to two years in prison for blasphemy under Article 156a of the Criminal Code. While the MUI's Statement of Position does not have formal legal force, it significantly influenced the indictment and public perception. This case demonstrates that non-judicial statements by religious authorities can serve as a potent instrument of social and moral legitimacy, playing a significant role in the interplay between religion, law, and power in Indonesia (Fernando et al., 2025).

Another example is the Shia controversy in East Java. The prosecution of Tajul Muluk, a Shia leader in Sampang, is inextricably linked to the influence of religious fatwas, particularly the East Java MUI Fatwa No. Kep-01/SKF-MUI/JTM/I/2012, which explicitly labels Shia teachings as heretical. Although fatwas are not legally binding, they have shaped public and law enforcement officials' perceptions of Shia teachings as threatening. Tajul Muluk was ultimately sentenced to two years in prison on charges of blasphemy (Article 156a of the Criminal Code), not for acts of violence or specific legal violations, but for committing blasphemy against religion. This confirms that fatwas have transformed from ethical authorities into normative foundations for legal intervention (Achmad et al., 2022).

Fatwas, or statements issued by the Indonesian Ulema Council (MUI), play an important role in Indonesia's religious criminal justice system, particularly in blasphemy cases. Although they are not legally binding, MUI fatwas are frequently used by law enforcement officials as a normative and moral basis in investigations, prosecutions and judicial considerations. In

cases involving individuals such as Lia Eden, Ahmad Musaddeq, Basuki Tjahaja Purnama (Ahok) and the Shia, MUI fatwas help to assess the substance of teachings or statements considered to deviate from Islamic teachings. These religious views are often reinforced by the MUI's presence as expert witnesses in court. Thus, fatwas establish a connection between religious and positive legal norms, demonstrating how religious authorities can influence the direction and content of legal considerations as part of the national legal system.

## **B. Dynamics of the Regulation of Religious Crimes**

The increase in individuals being criminalised for blasphemy in Indonesia is linked directly to the characteristics of punishment in the former Criminal Code. One important article is Article 156a. This article, which originates from Presidential Decree No. 1/PNPS/1965, specifically regulates blasphemy and provides criminal sanctions for anyone who deliberately commits acts of hostility, abuse or blasphemy against a religion in public. The article's purpose is to protect minority groups (Mu'ti & Burhani, 2019). However, its existence is controversial because it is often used to criminalise individuals on blasphemy charges. This norm is considered an inherent violation of human rights and is subject to politicisation, which puts religious minorities at a disadvantage (Hasani & Halili, 2022; Pratiwi & Sunaryo, 2021). In contrast, the new Criminal Code (Law No. 1 of 2023) introduces significant reforms to the way religious crimes are presented. Article 300 of the new Criminal Code replaces Article 156a with a semantically more neutral formulation that no longer uses the term 'blasphemy'.

The difference in the regulation of religious crimes between the old and new Criminal Codes lies in the substance of the articles, the scope of protection

and the legal language used. In terms of legal protection, this relates to changes in legal substance (Arifin et al., 2024). The new Criminal Code emphasises the protection of religious practices and symbols by removing the ambiguous term 'blasphemy' and replacing it with more specific terms such as 'hostility', 'incitement', and 'discrimination', which are more objective and based on human rights principles. In terms of legal language, the new Criminal Code includes specific provisions on disseminating religious hate speech, reflecting its relevance and scope in the digital age. Criminalisation now applies to perpetrators of religious crimes via electronic media and online platforms, which were not covered by the previous Criminal Code (Arifin et al., 2025). This is why the new Criminal Code addresses religious crimes that are committed or disseminated digitally. It is a response to increasingly complex legal and social realities and aims to maintain religious harmony and prevent conflicts that are triggered by the misuse of technology (Suseno et al., 2025).

The following table illustrates the normative shift in the regulation of religious offences under Indonesian criminal law by comparing Article 156a of the old Criminal Code with Article 300 of the 2023 Criminal Code, paying particular attention to the treatment of alleged deviant religious teachings.

**Table 1: Comparative Table of Religious Offences**

<b>Comparative Aspect</b>	<b>Article 156a (Former Criminal Code)</b>	<b>Article 300 (New Criminal Code)</b>
<b>Type of Religious Offence</b>	Blasphemy against religion	Hostility, hatred, or incitement based on religion
<b>Criminalization of Alleged Deviant or Heretical Teachings</b>	<i>Present</i> : expressions or teachings deemed to deviate from recognized religious doctrines may be criminally prosecuted	<i>Absent</i> : alleged deviant teachings or beliefs are not subject to criminal liability

<b>Object of Criminalization</b>	Substantive religious doctrines, expressions, or interpretations	Conduct that causes harm to individuals or groups
<b>Role of Religious Interpretation/Fatwa</b>	<i>Central</i> : frequently relied upon to assess blasphemy or deviation	<i>Minimal</i> : not used to assess the substance of religious beliefs
<b>State Intervention in Belief</b>	<i>Direct</i> : the state intervenes in matters of religious belief and doctrine	<i>Limited</i> : the state regulates only conduct that disrupts public order or others' rights
<b>Implications for Allegedly Deviant Groups</b>	Potential criminalization solely on the basis of beliefs or teachings	No criminal liability solely on the basis of beliefs or teachings
<b>Legal Orientation</b>	Protection of religious orthodoxy and sanctity	Protection of human rights, public order, and pluralism

This change in religious criminal offences reflects the evolution of the Indonesian criminal law paradigm, which separates the protection of religion from individual protection. This structural change is also based on modern academic thinking, particularly the theory of Barda Nawawi Arief, which distinguishes religious offences into three main categories: (1) crimes against religion; (2) crimes against religious life; and (3) crimes against groups of people based on religion (Arief, 2011). Blasphemy is a feature of Indonesian law, which criminalises offences against religion. Therefore, the victim of these crimes is not an individual, but a religion (Nurdin, 2017). The formulation of religious crimes in the new Criminal Code introduces a spirit of caution (Lengkong & Situmeang, 2023). This is reflected in the New Criminal Code through the clear definition of offences relating to religious symbols or doctrines (Article 300), disruption of worship (Articles 303–305), and the dissemination of hate speech based on religious identity (Articles 301–302).

The old Criminal Code was designed to protect religious institutions. This protection paradigm was encapsulated in the term 'criminalisation of

blasphemy', which was explicitly referenced in Article 156a (based on Presidential Decree No. 1/PNPS/1965). This article's wording includes the phrase 'abuse or blasphemy against a religion', which is open to interpretation and subjective. This creates legal uncertainty and the potential for abuse against religious minorities or different religious expressions (Ramdan, 2018). The article only highlights the intention or feeling of hostility towards religion in general without distinguishing between specific violations, such as hate speech, incitement or discrimination. Article 156a of the old Criminal Code was not normatively limitative, causing uncertainty in judicial practice. Meanwhile, the new Criminal Code provides greater legal certainty by clarifying the elements of criminal acts.

The new Criminal Code (Law No. 1 of 2023) removes the term 'blasphemy'. Instead, offences are defined in terms of hostility, hatred, incitement and discrimination against religion or belief (Articles 300–302). Article 300 explicitly states that only public statements that are hostile or incite violence or discrimination can be criminally prosecuted. This protects scientific narratives, internal criticism and religious discussions conducted without the intent to incite hatred (Prasetyo & Arifin, 2019). This change aligns with international legal standards, notably Article 18 of the International Covenant on Civil and Political Rights (ICCPR) and the Rabat Plan of Action, which emphasise that criminal law should be used solely to prohibit hate speech inciting violence or discrimination, not to silence legitimate beliefs or expressions (Azhari & Yunaldi, 2024). The new Criminal Code also demonstrates a commitment to social protection and tolerance in a pluralistic society by separating crimes against religion and religious life into a separate chapter. The new Criminal Code seeks to harmonise national criminal law

with the spirit of constitutionalism and religious pluralism within the framework of a democratic state (Abdullah et al., 2025).

According to a contemporary perspective, criminal law is not merely concerned with preserving traditional norms that are exclusive or dogmatic; it also protects dynamic human values (Fanesti, 2023). In this context, the New Criminal Code shows how the state is reforming its approach to criminal law, making it more consistent with the principles of constitutionalism and respect for individual freedom. This change can also be interpreted in the context of the state's role in regulating religious life. The Indonesian state is playing an increasingly important role in shaping religious narratives through formal channels such as religious education and legal regulations. However, it is recognised that state intervention must be aligned with the principles of non-discrimination and the protection of religious and belief minorities (Hefni, 2020).

The state also has an important role to fulfil in terms of limiting its own power when it comes to interpreting religious expression. The fulfilment requires the state to take active measures to uphold human rights (Alfian, 2017). The state is required to realize its human rights duties by taking implementation steps across legal, political, social, economic, and cultural domains (Musataklima, 2021). Any regulations on freedom of religion and expression included in the Criminal Code must respect the principle of proportionality and must not excessively restrict individual rights (Muchammad Ibnu Shiina Al Musyaawi & Mochammad Rafi Pravidjayanto, 2024). The implications of this shift are significant. Legal protection for religious individuals includes the right to embrace and practise their beliefs, and to be free from intimidation, discrimination or criminalisation on the basis of those beliefs. This is particularly important in a pluralistic country such as

Indonesia, where religious freedom often comes into conflict with pressure from the majority or official interpretations of religion. The New Criminal Code represents an initial effort to shift the focus of legal protection from religious entities to the individual rights of religious believers. This is an important step in democratising criminal law in Indonesia and must be maintained to avoid a return to the old repressive and discriminatory approach.

The New Criminal Code represents an initial attempt to shift the focus of legal protection from religious organisations to the individual rights of religious believers. Philosophically, this shift reflects the constitutional commitment to human dignity and freedom of religion as fundamental rights. From a sociological perspective, it responds to Indonesia's religious pluralism and the need to prevent discriminatory criminalisation based on dominant religious interpretations. Legally, the new approach ensures that criminal law enforcement aligns with constitutional guarantees of human rights and international human rights standards that have been accepted by Indonesia. However, this normative shift is not without limitations. The broad and open formulation of provisions concerning hostility, hatred and incitement may still allow for expansive interpretation by law enforcement and courts, potentially permitting the re-emergence of subjective religious considerations in criminal proceedings. Overall, these philosophical, sociological and juridical considerations support the democratisation of criminal law; however, they also highlight the importance of cautious and consistent judicial application to prevent a return to repressive and discriminatory practices under the guise of religious protection.

### **C. Shift in Human Rights Limitations**

The differences between the old and new regulations are not merely a matter of rearranging articles; they also represent a paradigm shift in Indonesia's criminal justice system, moving from an old, repressive, normative approach to a more modern approach. This change demonstrates a commitment to human rights based on pluralism, providing more systematic protection for freedom of religion and belief. It shows a shift in paradigm from a moral-repressive approach to a social protection and human rights approach. This substantive legal transition signifies a shift in logic from dominant moral norms to social protection and human rights norms. The new Criminal Code uses more specific terms, such as 'incitement to discrimination' and 'religion-based hostility'. This creates a more measurable and transparent legal framework that cannot easily be exploited selectively by law enforcement officials or majority groups. The new structure is designed to minimize the criminalisation of legitimate religious expression, while providing concrete protection to minority groups whose religious beliefs differ from the mainstream.

The New Criminal Code reveals a paradigm shift in the restriction of human rights with regard to religious expression upon closer examination. The previous approach emphasised restricting religious expression in order to protect religion, which involved criminalising blasphemy. The old Criminal Code was spiritually protective of religion as an institution. In contrast, the new Criminal Code protects individuals as followers of a religion or belief. The intention behind restricting religious expression is to limit practices carried out in the name of religion that are intended to disrupt other religious groups or create hostility. This change is closely related to the principles of human rights as stated in Articles 28E(1) and (2) of the 1945 Constitution, which affirm that everyone is free to embrace a religion and to worship

according to their religion, and that everyone is also free to believe and to express their opinions. Within the framework of international law, Article 18 of the International Covenant on Civil and Political Rights (ICCPR) emphasises that freedom of religion is an absolute right that cannot be limited under any circumstances.

One of the main critics of human rights practices is Heiner Bielefeldt, the United Nations (UN) Special Rapporteur on Freedom of Religion and Belief. In his reports, Bielefeldt highlights the tendency of governments and societies to use religious justification to restrict individual freedoms, particularly with regard to religion, belief and expression (Bielefeldt, 2016, 2019). This contradicts the fundamental principles of international human rights law, which prioritises individuals over religious institutions or specific beliefs. Religious justification can lead to severe human rights violations (Evans, 2004). Freedom of religion means freedom for individuals to practise their religion. This concept protects theistic, non-theistic and atheistic beliefs, as well as the right not to practise any religion. However, religious justification often limits the practical application of this protection. The limitations and criminalisation of individuals are sometimes justified in order to protect religious beliefs, however, this can lead to further limitations on religious freedom or belief itself (Petersen, 2022).

In this context, there appears to be a tension between two paradigms of global human rights discourse: universalism and relativism. Universalism holds that human rights are inherent and apply equally to all human beings, regardless of their cultural background, religion or value systems. In contrast, the relativist paradigm emphasises that the interpretation and implementation of human rights must take into account cultural and normative frameworks, including religious teachings. Within Islamic legal

thought, relativism is rooted in the belief that rights and obligations stem from divine revelation (sharia), prioritising moral and communal order alongside individual rights. Consequently, certain rights may be subject to religious norms and ethical limitations that differ from the secular human rights framework, which is based on human reason, individual autonomy, and legal equality (Manea, 2016). This distinction illustrates how Islamic and human rights relativism operate on different normative foundations despite both engaging with cultural context. In Indonesia, the relativist paradigm is dominant. The majority interpretation of religion is often used as the basis for formulating and implementing legal policies. The old Criminal Code accommodated this by limiting individual freedom in the interest of communal harmony. This restriction was the result of human rights relativism (Mandala et al., 2024).

The most obvious example of the dominance of this relativism can be seen in the application of the blasphemy article. Article 156a of the former Criminal Code was intended to protect religion from criticism and expressions that defiled the sanctity of its teachings. However, this article is more oriented towards limiting religious freedom than protecting individuals' freedom to believe, express or criticise religion. Consequently, religious institutions are protected rather than individuals as rights holders. This becomes a serious problem when the interpretation of the majority religion is used to silence minority groups, local belief systems or individuals with different views. Fatwas play an important role in shaping these limitations, particularly with regard to blasphemy. This results in limited pluralism that discriminates against indigenous religions and minority groups (Manese, 2021).

The use of cultural and religious arguments as justification for the limitation of human rights has the potential to worsen discrimination and

intolerance. The state should not adopt a stance of cultural relativism in order to avoid its international obligations to guarantee freedom of religion and belief. Uncontrolled relativism can be used to justify systematic human rights violations. Therefore, Indonesia must balance local cultural and religious interests with its commitment to universal human rights as defined in various international instruments that Indonesia has ratified, such as the International Covenant on Civil and Political Rights (ICCPR). Without this paradigm shift, the protection of human rights in Indonesia will continue to be selective, and there is a risk of the spirit of justice and equality, which is the primary foundation of human rights, being moved further apart.

The new Criminal Code (Law No. 1 of 2023) requires an approach that responds to the dominance of cultural and religious relativism in the Indonesian legal system. Protecting freedom of religion and belief requires a universal human rights perspective. This approach is important for recognising freedom of religion and belief as an inherent fundamental right of every individual, which cannot be limited by local cultural or religious norms. Therefore, the new Criminal Code discourages the use of a relativistic approach to justify discrimination. The new Criminal Code's regulation of religious crimes strengthens the state's commitment to shifting the focus from protecting religion as an institution to protecting individuals' rights to freedom of religion and belief.

#### **D. Shift in Fatwa Authority**

The ratification of the new Criminal Code through Law Number 1 of 2023 has brought significant changes to the authority of religious fatwas relating to heretical sects. One of the most notable changes is the state's approach to religious issues. Rather than using blasphemy as a basis for

criminalisation, the state now focuses on protecting individuals practising their religion or beliefs. Consequently, those who are criminalised are no longer individuals who commit abstract acts of 'blasphemy', but rather those who directly interfere with a person's right to practise their religion or beliefs. This shift has important implications for the position and role of religious fatwa authorities, particularly the Indonesian Ulema Council (MUI).

Over the past few decades, MUI fatwas have played an important role in shaping public opinion on religion in Indonesia. Fatwas could be employed as employed as tool of social engineering (Najemi & Rapik, 2024). According to its organisational guidelines, the Indonesian Ulema Council (MUI) is a non-state religious body responsible for providing religious guidance and issuing fatwas through its Fatwa Commission. It offers advice to society and the government on Islamic matters. In many cases, fatwas declaring certain sects or religious interpretations as deviant have been used to justify legal action or even acts of violence against minority belief groups, providing social and, at times, political legitimacy. However, the introduction of the new Criminal Code, which limits criminal prosecution to cases of interference with the religious practices of others, has effectively limited the legal relevance of fatwas. They no longer serve as a direct normative basis in state criminal law, as the state now refrains from intervening in matters of substantive belief and instead focuses on protecting public order and individual religious freedom.

The authority of fatwas has become localised within the internal community of religious believers. Although fatwas still have moral and theological authority, this authority is only binding among Muslims who voluntarily accept the guidance of the MUI. Sects deemed heretical by MUI fatwas cannot be prosecuted as long as they do not interfere with others'

worship. This creates a clear boundary between the realms of state law and religious authority. From a human rights perspective, this change can be seen as progress. In a legal system that upholds constitutionalism and pluralism, criminal law should not be used to regulate theological beliefs or the validity of a person's religion (Fanesti, 2023). This aligns with the principle of freedom of religion enshrined in both the 1945 Constitution and the International Covenant on Civil and Political Rights (ICCPR). However, the state must be careful not to incorporate religious interpretations from organisations into positive law, as this could violate the principles of freedom of expression and belief (Muchammad Ibnu Shiina Al Musyaawi & Mochammad Rafi Pravidjayanto, 2024). In this case, the new Criminal Code establishes an institutional boundary between fatwa authority and state jurisdiction.

The impact of this localisation is a reduction in the scope of fatwas within the public legal sphere. As intended, fatwas are not legally binding, but serve as internal guidelines for Muslims (I. E. A. S. Pelu & Tarantang, 2020). They can no longer force the state to criminalise certain groups simply because they are considered theologically heretical. Instead, they have returned to their original role of providing moral and spiritual guidance for those who follow them. In this context, the sacredness of fatwas has been restored as they are no longer being used for political purposes or as instruments of power.

The localization of fatwas reduces the opportunity for political actors or majority groups to manipulate fatwas to suppress minority groups. In the history of Indonesian law, there have been many cases where fatwas have been used as a means of legitimizing acts of intolerance, from the banning of houses of worship to mass trials. The removal of the blasphemy article places the state in a neutral position. The state does not interfere in matters of

religious interpretation. The state does not take action against those who express their religion as long as there is no violation of individual rights. The state must limit itself when adopting religious interpretations into positive law. The state will only be able to form a national legal framework that respects the diversity of interpretations in Islam without criminalising them (Hefni, 2020).

Following the localisation of fatwas, the state and religious institutions are responsible for establishing a public narrative that highlights the fact that differences in interpretation should not lead to criminalisation. Returning fatwa authority to religious communities establishes a healthier relationship between the state and religion. The state is no longer responsible for enforcing specific religious interpretations, and religious authorities no longer claim the right to regulate the state's legal domain. This creates a safer space for religious freedom and ensures that state law is based on universal principles rather than exclusive religious norms. Overall, the localisation of fatwa authority within the new Criminal Code decentralises moral authority from the state to society. This does not weaken religious authority, but rather affirms its limits. Fatwas have returned to being a sacred reference for people rather than a means of exerting pressure on those with different views. In the long term, this localisation will play an important foundation for democratising religious life in Indonesia.

#### IV. CONCLUSIONS

The development of religious crimes under the new Criminal Code indicates a significant change in the state's perception of the relationship between criminal law and religion. Previously, under Article 156a of the old

Criminal Code, blasphemy was the main basis for criminalisation, enabling the state to become involved in matters of religious belief and doctrinal deviation. In contrast, the 2023 Criminal Code focuses on conduct rather than belief in its regulation of religious crimes. This change is evident in Article 300, which limits criminal liability to public acts of hostility, hatred, incitement, discrimination or violence against religions, beliefs or religious groups. Consequently, the state no longer criminalises religious beliefs or expressions that are considered deviant. Instead, it targets actions that interfere with the freedom of others to practise their religion. This transformation represents a significant paradigm shift in the limitation of religious expression, bringing criminal law more closely into line with human rights principles and shifting the focus from religious institutions to individuals as the primary subjects of legal protection.

A direct consequence of this normative shift is the localisation of religious fatwa authority, particularly that issued by the Indonesian Ulema Council (MUI). Under the new criminal law framework, fatwas are no longer legally relevant within the state's criminal justice system, as criminal liability is no longer determined by religious beliefs. Instead, fatwas have returned to their original function of providing internal moral and spiritual guidance for Muslims, in accordance with the MUI's organisational mandate to offer religious advice and Islamic legal opinions through non-coercive means. This repositioning reduces the potential politicization of fatwas in law enforcement while reaffirming their ethical authority within the religious sphere.

## BIBLIOGRAPHY

- Abdullah, F., Safira, R., & Faradiz, N. A. (2025). Tinjauan Hukum tentang Tindak Pidana terhadap Agama dan Kepercayaan Menurut KUHP 2023 dengan Pendekatan Keadilan Korektif. *Journal of Contemporary Law Studies*, 2(3 SE-Articles), 195–208. <https://doi.org/10.47134/lawstudies.v2i3.4039>
- Achmad, M., Roy Purwanto, M., Fakhri Kurniawan, A., Muslich, M., & Dewi Riyanti, E. (2022). Positivation of MUI Fatwa: From Morally Binding to Legally Binding ( Case Study MUI Fatwa Against Madurese Shi'ite in Sampang, Madura). *KnE Social Sciences*, 210–218. <https://doi.org/10.18502/kss.v7i10.11359>
- Alfian, M. (2017). THE ROLE OF THE STATE IN THE IMPLEMENTATION OF DEMOCRACY AND HUMAN RIGHTS IN INDONESIA. *Yustisia Jurnal Hukum*, 6(1). <https://doi.org/10.20961/yustisia.v6i1.11522>
- Andriawan, W. (2022). Pancasila Perspective on the Development of Legal Philosophy: Relation of Justice and Progressive Law. *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, 5(1), 1–11. <https://doi.org/10.24090/volksgeist.v5i1.6361>
- Arief, B. N. (2011). *Delik Agama dan Penghinaan Tuhan (Blasphemy) di Indonesia dan Perbandingan Berbagai Negara*. Balai Penerbit Universitas Diponegoro.
- Arifin, F., Maarif, I., Kurniati, Y., Bahri, R. A., & Murbani, A. W. (2024). Restructuring of State Ministry Authority: Fostering Efficiency Based on Lean Governance Principles. *Substantive Justice International Journal of Law*, 7(2), 93–113. <https://doi.org/10.56087/substantivejustice.v7i2.294>
- Arifin, F., Suryana, C., Maarif, I., Bahri, R. A., & Murbani, A. W. (2025). Designing an AI-Driven Legislation Framework to Improve Indonesia's Law-Making Transparency and Public Participation. *Yustisia*, 14(2), 152–169. <https://doi.org/10.20961/yustisia.v14i2.98092>

- Arifin, S. (2008). LAW ENFORCEMENT ON BLASPHEMY OFFENSE (Study case on Lia Eden Community, Yusman Roy and Ahmadiyah). *Millah*.
- Arvante, J. Z. Y., Nugraha, M. F., & Arifin, R. (2022). A Pseudo Freedom for Faith: A Discourse of Religious Freedom in Russia and Indonesia. *Contemporary Issues on Interfaith Law and Society*, 1(2), 203–236. <https://doi.org/10.15294/ciils.v1i2.59062>
- Azhari, M. I., & Yunaldi, W. (2024). Perbandingan Pengaturan Penistaan Agama Berdasarkan Pasal 156a Undang-Undang No. 1 Tahun 1946 (KUHP Lama) dengan Pasal 300 Undang-undang No. 1 Tahun 2023 (KUHP Baru). *Innovative: Journal Of Social Science Research*, 4(5 SE-Articles), 8029–8041. <https://j-innovative.org/index.php/Innovative/article/view/14624>
- Bielefeldt, H. (2016). Freedom of Religion or Belief. In *Culture and Human Rights: The Wroclaw Commentaries* (pp. 53–60). De Gruyter. <https://doi.org/10.1515/9783110432251-011>
- Bielefeldt, H. (2019). *Politik Kesetaraan; Dimensi-Dimensi Kebebasan Beragama Atau Berkeyakinan* (Edisi Terj). KANISIUS.
- Evans, C. (2004). The Special Rapporteur on Freedom of Religion or Belief. In *The Challenge of Religious Discrimination at the Dawn of the New Millennium* (pp. 33–55). Springer Netherlands. [https://doi.org/10.1007/978-94-017-5968-7\\_3](https://doi.org/10.1007/978-94-017-5968-7_3)
- Fanesti, S. H. (2023). Kritik Hukum Pidana Islam Klasik: Metodologi Pembacaan Klasik Dengan Paradigma Konstitusional. *Jurnal Restorasi Hukum*, 6(2), 146–167. <https://doi.org/10.14421/jrh.v6i2.3210>
- Fatmawati, F., Shuhufi, M., & Anita Chaturvedi. (2023). Defamation in the New Criminal Code: A Review of Substantive Justice. *Jurnal IUS Kajian Hukum Dan Keadilan*, 11(3), 465–480. <https://doi.org/10.29303/ius.v11i3.1288>
- Fernando, Z. J., Arifin, F., & Sitepu, S. (2025). DISSEMINATION OF COMMUNISM/MARXISM-LLENINISM AS POLITICAL OFFENSE IN

- INDONESIAN: NATIONAL SECURITY PROTECTION OR ACADEMIC FREEDOM THREAT. *Masalah-Masalah Hukum*, 54(2), 115–135.  
<https://doi.org/10.14710/mmh.54.2.2025.115-135>
- Hamzani, A. I., Widyastuti, T. V., Khasanah, N., & Mohd Rusli, M. H. (2024). Implementation approach in legal research. *International Journal of Advances in Applied Sciences*, 13(2), 380. <https://doi.org/10.11591/ijaas.v13.i2.pp380-388>
- Hasani, I., & Halili, H. (2022). Human Rights and Constitutionality Issues of Blasphemy Law in Indonesia. *Jurnal Konstitusi*, 19(2), 406.  
<https://doi.org/10.31078/jk1927>
- Hefni, W. (2020). The New Fiqh in A National School of Legal Thought: A Paradigm Shift in National School of Islamic Law on M. Barry Hooker's Perspective. *Justicia Islamica*, 17(1), 17. <https://doi.org/10.21154/justicia.v17i1.1966>
- Hurriyah. (2020). Dynamics of Shrinking Religious Freedom in Post-Reformasi Indonesia. *JSEHR*, 4, 335.  
<https://heinonline.org/HOL/LandingPage?handle=hein.journals/jseahr4&div=21&id=&page=>
- Ichwan, M. N. (2016). MUI, Gerakan Islamis, dan Umat Mengambang. *Ma'arif: Arus Pemikiran Islam Dan Sosial*, 87–104. <https://digilib.uin-suka.ac.id/id/eprint/57495/>
- Ilahi, M. R., Irfan, M. N., Kamarusdiana, K., Hidayatulloh, H., & Zulfa, E. A. (2024). Fatwa Institutions in Handling Religious Blasphemy Crimes in Indonesia and Malaysia. *Al-Ahkam*, 34(1), 33–62.  
<https://doi.org/10.21580/ahkam.2024.34.1.18624>
- Kamalludin, I. (2022). RESTORATION OF PANCASILA VALUES AGAINST CRIMINAL LAW REFORM STRATEGY IN INDONESIA POLITICAL PERSPECTIVE OF ISLAMIC LAW. *Syariah: Jurnal Hukum Dan Pemikiran*, 22(1), 31–47. <https://jurnal.uin->

[antasari.ac.id/index.php/syariah/article/view/4637](http://antasari.ac.id/index.php/syariah/article/view/4637)

- Kusumo, R., & Hurriyah, H. (2018). Populisme Islam di Indonesia: Studi Kasus Aksi Bela Islam oleh GNPf-MUI Tahun 2016-2017. *Jurnal Politik*, 4(1), 10. <https://scholarhub.ui.ac.id/politik/vol4/iss1/10/>
- Lengkong, L. Y., & Situmeang, T. (2023). Makna delik penodaan agama dalam pasal 156a KUHP dan undang-undang nomor 1 tahun 2023 tentang KUHP. *JPPi (Jurnal Penelitian Pendidikan Indonesia)*, 9(4), 118. <https://doi.org/10.29210/020232682>
- Putusan Pengadilan Negeri Medan Nomor 1612/Pid.B/2018/PN.Mdn, (2018).
- Makin, A. (2016). Her Majesty Queen Lia Eden. In *Challenging Islamic Orthodoxy: Accounts of Lia Eden and Other Prophets in Indonesia* (pp. 25–45). Springer.
- Mandala, O. S., Zubaedi, Z., Suparlan, S., & Munawirsajali, M. (2024). PENODAAN AGAMA DALAM PERSPEKTIF HUKUM PIDANA DAN HAK ASASI MANUSIA DI INDONESIA. *AL-BALAD: Jurnal Hukum Tata Negara Dan Politik Islam*, 4(1), 1–21. <https://doi.org/10.59259/ab.v4i1.146>
- Manea, E. (2016). In the Name of Culture and Religion: The Political Function of Blasphemy in Islamic States. *Islam and Christian–Muslim Relations*, 27(1), 117–127. <https://doi.org/10.1080/09596410.2015.1114241>
- Manese, R. M. (2021). Pembatasan Kebebasan Beragama Dan Berkeyakinan Di Indonesia Serta Implikasinya. *Societas Dei: Jurnal Agama Dan Masyarakat*, 8(1), 85–107. <https://doi.org/10.33550/sd.v8i1.209>
- Mu'ti, A., & Burhani, A. N. (2019). The limits of religious freedom in Indonesia: with reference to the first pillar Ketuhanan Yang Maha Esa of Pancasila. *Indonesian Journal of Islam and Muslim Societies*, 9(1), 111. <https://doi.org/10.18326/ijims.v9i1.111-134>
- Muchammad Ibnu Shiina Al Musyaawi, & Mochammad Rafi Pravidjayanto. (2024). Urgensi Konstruksi Hukum Freedom of Speech dan Limitasinya Dalam

- Rancangan Undang-Undang Kitab Undang-Undang Hukum Pidana. *Jurist-Diction*, 7(2), 325–340. <https://doi.org/10.20473/jd.v7i2.56123>
- Mufidah, M., Hartiwiningsih, H., Isharyanto, I., & Wardi, M. (2024). Islamic Law and the Blasphemy Debate in Contemporary Indonesia. *AHKAM: Jurnal Ilmu Syariah*, 24(2), 327–344. <https://doi.org/10.15408/ajis.v24i2.41287>
- Mujahidah, A. (2018). Diskursus Gerakan Salamullah Lia Eden. *Religió: Jurnal Studi Agama-Agama*, 8(2), 256–279. <https://doi.org/10.15642/religio.v8i2.798>
- Mursalin, A. (2019). La législation sur le blasphème et le rétrécissement progressif du champ de la liberté religieuse en Indonésie depuis 1965. *Archipel*, 98, 151–176. <https://doi.org/10.4000/archipel.1349>
- Musataklima, M. (2021). Self-Declare Halal Products for Small and Micro Enterprises: Between Ease of Doing Business and Assurance of Consumer Spiritual Rights/Self Declare Produk Halal Usaha Kecil Mikro: Antara Kemudahan Berusaha dan Jaminan Hak Spiritual Konsumen. *De Jure: Jurnal Hukum Dan Syar'iah*, 13(1). <https://doi.org/10.18860/j-fsh.v13i1.11308>
- Najemi, A., & Rapik, M. (2024). Islamizing Environmental Law in Indonesia; Rethinking the Green Fatwa. *Jambe Law Journal*, 7(1), 253–274. <https://doi.org/10.22437/home.v7i1.290>
- Nurdin, N. (2017). DELIK PENODAAN AGAMA ISLAM DI INDONESIA. *International Journal Ihya' 'Ulum Al-Din*, 19(1), 129. <https://doi.org/10.21580/ihya.18.1.1745>
- Pelu, I. E. A. (2020). KEDUDUKAN FATWA DALAM KONSTRUKSI HUKUM ISLAM. *El-Mashlahah*, 9(2). <https://doi.org/10.23971/maslahah.v9i2.1692>
- Pelu, I. E. A. S., & Tarantang, J. (2020). Fatwa Majelis Ulama Indonesia sebagai Solusi Permasalahan Umat Islam di Indonesia. *Al-Manahij: Jurnal Kajian Hukum Islam*, 14(2), 307–316. <https://doi.org/10.24090/mnh.v14i2.3927>
- Petersen, M. J. (2022). Freedom of Religion or Belief and Freedom of Expression. *The*

- Review of Faith & International Affairs*, 20(2), 40–48.  
<https://doi.org/10.1080/15570274.2022.2065806>
- Prasetyo, K. A., & Arifin, R. (2019). ANALISIS HUKUM PIDANA MENGENAI TINDAK PIDANA PENISTAAN AGAMA DI INDONESIA. *Gorontalo Law Review*, 2(1), 1. <https://doi.org/10.32662/golrev.v2i1.461>
- Pratiwi, C. S., & Sunaryo, S. (2021). Blasphemy Law as a Structural Violence: A Challenge for Maintaining Sustainable Peace. *Muslim World Journal of Human Rights*, 18(1), 133–165. <https://doi.org/10.1515/mwjhr-2020-0019>
- Purba, A. M., Nasution, N. F., & Bangun, I. C. (2024). Islam and Cults: A Study of the Implementation of the Fatwa Policy of the Indonesian Ulema Council. *Pharos Journal of Theology*, 105(2). <https://doi.org/10.46222/pharosjot.105.216>
- Ramdan, A. (2018). Aspek-Aspek Konstitusional Penodaan Agama Serta Pertanggungjawaban Pidananya di Indonesia. *Jurnal Konstitusi*, 15(3), 616. <https://media.neliti.com/media/publications/267433-none-289786c0.pdf>
- Rodríguez Cairo, V., Vilchez Olivares, P. A., & Obando Peralta, E. C. (2024). Revisión sistemática de literatura científica aplicada a la investigación jurídica. *Revista Pedagogía Universitaria y Didáctica Del Derecho*, 11(1), 63–91. <https://doi.org/10.5354/0719-5885.2024.70653>
- Sabri, F. A. (2018). Membangun Fiqih Toleransi: Refleksi Fatwa-Fatwa Terhadap “Aliran Sesat” di Indonesia. *AL-IHKAM: Jurnal Hukum & Pranata Sosial*, 13(1), 145–166. <https://doi.org/10.19105/al-lhkam.v13i1.1612>
- Sauki, M. (2020). Diskursus Wacana Keagamaan Pasca Aksi 212 Di Indonesia. *Eduprof: Islamic Education Journal*, 2(1), 54–75. <https://journal.ljpi.bbc.ac.id/eduprof/article/view/31>
- Septiani, R. (2017). TINDAK PIDANA PENISTAAN AGAMA PERSPEKTIF HUKUM ISLAM DAN HUKUM POSITIF INDONESIA. *Syariah Jurnal Hukum Dan Pemikiran*, 17(1), 17. <https://doi.org/10.18592/sy.v17i1.1033>

- Siddik, S. (2018). Fatwa of Indonesian Ulama Council on The God's Kingdom-Eden. *Istiqro*, 16(01), 267–290.  
[https://www.academia.edu/86934429/The\\_Fatwā\\_of\\_the\\_Indonesian\\_Ulamā\\_Council\\_on\\_the\\_Gods\\_Kingdom\\_Eden\\_in\\_Indonesia](https://www.academia.edu/86934429/The_Fatwā_of_the_Indonesian_Ulamā_Council_on_the_Gods_Kingdom_Eden_in_Indonesia)
- Suseno, S., Ramli, A. M., Mayana, R. F., Safiranita, T., & Aurellia Nathania Tiarma, B. (2025). Cybercrime in the new criminal code in Indonesia. *Cogent Social Sciences*, 11(1). <https://doi.org/10.1080/23311886.2024.2439543>
- Syuhadak, F. (2013). URGENSI FATWA DALAM PERKEMBANGAN HUKUM ISLAM. *De Jure: Jurnal Hukum Dan Syar'iah*, 5(2). <https://doi.org/10.18860/j-fsh.v5i2.3010>
- Thresher, K. (2025). The Role of Majelis Ulama Indonesia in Blasphemy Trials in East Java. *Australian Journal of Asian Law*, 25(2), 103–120.  
[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=5117143](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5117143)
- Tyson, A. (2021). Blasphemy and Judicial Legitimacy in Indonesia. *Politics and Religion*, 14(1), 182–205. <https://doi.org/10.1017/S1755048319000427>
- Widyantoro, H., & W Munthe, F. T. (2019). Monopolizing Religious Blasphemy Law Interpretation in Indonesia: The Strategy of Lawfare and the Exercise of Power. *Mazahib*, 201–228.  
[https://www.researchgate.net/publication/339878950\\_Monopolizing\\_Religious\\_Blasphemy\\_Law\\_Interpretation\\_in\\_Indonesia\\_The\\_Strategy\\_of\\_Lawfare\\_and\\_the\\_Exercise\\_of\\_Power](https://www.researchgate.net/publication/339878950_Monopolizing_Religious_Blasphemy_Law_Interpretation_in_Indonesia_The_Strategy_of_Lawfare_and_the_Exercise_of_Power)
- Yahya, I., & Susilo, S. (2024). Conservative Muslims in Indonesia's religious and political landscapes: Ahok's blasphemy case as a political leverage. *Cogent Social Sciences*, 10(1). <https://doi.org/10.1080/23311886.2024.2392293>