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The Banning of Hizbut Tahrir and the Consolidation of Democracy in Indonesia

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EXECUTIVE SUMMARY

- The Jokowi administration deems that Indonesia is under a state of emergency, due to widespread Islamist conservatism and radicalism, which according to the Constitution permits the president “to stipulate a governmental regulation in lieu of the law.”
- On 19 July 2017, the government issued the regulation in lieu of law (*Perppu*) No. 2/2017 and then revoking the legal status of HTI (Hizbut Tahrir Indonesia), a conservative Islamist group deemed to threaten Pancasila, the state ideology.
- This regulation could therefore help President Jokowi win the battle against conservative Islamist groups and domesticate them. Moderate Islam can win this contest of belief with the help of the government. The rise of religiosity can be retarded and curbed with government intervention rather than open competition between various religious groups.
- Although this policy was supported by mainstream Muslim organizations, the regulation’s doing away with court approval and administrative sanctions before disbanding offending organizations harks back to authoritarian policies of the New Order.
- The broadly phrased regulation can be abused to ban any organization, such as religious minorities, deemed threatening to the values of Pancasila.

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INTRODUCTION

On 19 July 2017, the Indonesian government has officially revoked the legal status of HTI (Hizbut Tahrir Indonesia) and officially disbanded the organization. As stated by Wiranto (the Coordinating Minister for Political, Legal and Security Affairs), the government believes that the existence of the HTI does not contribute to national development and does not help the country in achieving its goals; and the activities of the HTI are against the ideology of the state, i.e. Pancasila, and the constitution of Indonesia and threaten national unity and diversity.¹ The banning of HTI is based on the regulation in lieu of law (*Perppu*) No. 2/2017 signed by President Joko Widodo on 10 July 2017. The *Perppu* and the banning of HTI were received with mixed feelings. A number of organizations, like NU (Nahdlatul Ulama) strongly supported it, but there was also opposition, particularly related to the issue of freedom of expression and the potential misuse of the regulation to ban religious minorities and any organization critical of the government.

Some scholars² have identified and analysed the future of HTI after this ban, but the fate of democracy and religiosity after the issuance of the *Perppu* has not been closely examined. Particularly after the *Reformasi* (Reform movement) in 1998, the government had been giving excessive leeway to movements inspired by conservative Islam,³ which has used democracy for achieving intolerant and even undemocratic goals. This article assumes that by issuing the *Perppu* and banning HTI, the government is now trying to consolidate democracy and to undermine conservative Islam. The religiosity that will be produced by this regulation is likely to be a more tolerant and less political form of Islam. It should be a democratic and culturally-rooted Islam, but one that is strongly disciplined by the government.

HIZBUT TAHRIR, CALIPHATE, AND NON-VIOLENCE

HTI is the Indonesian chapter of Hizbut Tahrir (HT, Party of Liberation), a transnational Islamic movement that promotes a pan-Islamic caliphate based on shari'a, and that was founded by Taqiyyuddin al-Nabhani (1909-1977) in 1953. The history of HTI cannot be separated from two persons, Abdullah al-Baghdadi, a *hizbiyyin* (HT activist) from Australia who has a Palestinian background, and Abdullah bin Nuh, head of Al-Ghazali *pesantren* in Bogor, who started introducing this movement to Indonesia in the early 1980s. After getting to know each other in Australia, Nuh invited al-Baghdadi to teach in his *pesantren*, which has a large number of students from the Bogor Agricultural Institute (IPB). It was from here

¹ 'Ini Alasan Pemerintah Bubarkan Hizbut Tahrir Indonesia', <http://nasional.kompas.com/read/2017/05/08/14382891/ini.alasan.pemerintah.bubarkan.hizbut.tahrir.indonesia>, accessed 4 August 2017.

² Mohammad Iqbal Ahnaf, 'Where does Hizbut Tahrir Indonesia go from here?', <http://www.newmandala.org/hizbut-tahrir-indonesia-go/>, accessed 4 August 2017.

³ Conservative Islam refers to a strict adherence to Salafi Islam and associated primarily with Wahhabism. It tries to bring back old practices to contemporary time without considering the context and treat differences with contempt. It is different from radical Islam in the sense that the conservative does not enforce the beliefs on others. When they take a step to enforce it, particularly using violent means, they become radicalists.

that HTI then started attracting followers from all over Indonesia, particularly college students.

HTI is one of HT's strongest and largest chapters. Following the organizational structure of HT that divides the Muslim world into several provinces (*wilayah*), which reflects its intended geographical division of a future caliphate, HTI was the leader and supervisor for the development of HT in the Asia-Pacific Region, including Singapore and Malaysia.⁴ The development of HTI therefore promised to have a strong impact on HT in the region and the world.

The distinctive character of HT is its persistence in promoting a global Islamic caliphate. The movement believes that the absence of a caliphate has made the Muslim community weak, divided and marginalized in global competition. The way to overcome these problems is to resurrect the caliphate system. Its legislation process is to be grounded upon the Qur'an and Sunnah. Democracy is perceived by this movement as an evil or satanic system of government (*thoghut*), which must be rejected and destroyed.⁵ HT also regards nationalism as tribal fanaticism (*'asabiya*) and obviously against Islam. There can be no double loyalty because the only loyalty allowed in Islam is to the religion.⁶

⁴ Mohamed N. M. Osman, 'The Transnational Network of Hizbut Tahrir Indonesia', *South East Asia Research*. 18.4 (2010): 735-755.

⁵ 'Hizbut Tahrir Ajak Umat Berhijrah dari Sistem Kufur demokrasi ke Khilafah Rasyidah', <https://hizbut-tahrir.or.id/2015/10/19/hizbut-tahrir-ajak-umat-berhijrah-dari-sistem-kufur-demokrasi-ke-khilafah-rasyidah/> and 'Apakah Konstitusi Demokrasi dan Sistem Kufur yang Berasal dari Rahim Thaghut, Ataukah Konstitusi Khilafah Rasyidah 'Ala Minhaj an-Nubuwwah Yang Anda Kehendaki?' <http://hizbut-tahrir.or.id/2011/07/11/apakah-konstitusi-demokrasi-dan-sistem-kufur-yang-berasal-dari-rahim-thaghut-ataukah-konstitusi-khilafah-rasyidah-%25E2%2580%2598ala-minhaj-an-nubuwwah-yang-anda-kehendaki/> as it appeared on 12 July 2017.

⁶ Burhanuddin Muhtadi, 'The Quest for Hizbut Tahrir in Indonesia', *Asian Journal of Social Science*. 37.4 (2009): 623-645



Figure 1 HTI's view on democracy as described by its publications

Some scholars are in disagreement about the connection between HT and radicalism. Zeyno Baran regards HT as a “conveyor belt for terrorism”.⁷ Arguing against Baran, Mohamed Nawab Mohamed Osman, who studied the movement in Southeast Asia, concluded that HT is “a reverse conveyor belt for terrorism”.⁸ Instead of creating terrorists, HT has restrained angry Muslims from becoming terrorists and made them delay waging jihad until the caliph comes to lead the Muslim community. HT itself has declared that it employs the principle of non-violence in spreading its messages and, as observed by Greg Fealy, “there is no evidence in the public domain to suggest that HTI is a violent organization”.⁹ Although HTI does not support terrorism and is against violence, it does not condemn the violence committed by radical Muslims either. This can be inferred, for instance, from the rejection

⁷ Zeyno Baran, ‘Fighting the War of Ideas’, *Foreign Affairs*. 84.6 (2005): 68-78.

⁸ Mohamed N. M. Osman, ‘Reviving the Caliphate in the Nusantara: Hizbut Tahrir Indonesia's Mobilization Strategy and Its Impact in Indonesia’, *Terrorism and Political Violence*. 22.4 (2010): 601-622

⁹ Greg Fealy, ‘Hizbut Tahrir in Indonesia: Seeking a ‘total’ Islamic Identity’, in Shahram Akbarzadeh and Fethi Mansouri. *Islam and Political Violence: Muslim Diaspora and Radicalism in the West*. London: I.B. Tauris, 2010, pp. 151-164.

of Wassim Doureih, spokesperson of Australian HT, to condemn the acts of ISIS.¹⁰ Ken Ward has a good statement to summarize the position of HT on violence: “If a Scandinavian or other infidel cartoonist were to be murdered, HTI might well applaud the crime, but the murderer is unlikely to be an HTI member.”¹¹

ELIMINATING CONSERVATISM AND CONSOLIDATING DEMOCRACY

Perppu No. 2/2017 and the banning of HTI have created controversy in Indonesia. The *Perppu* or interim emergency law is very broad and can potentially be misused or abused by the government to ban any organization deemed to be anti-Pancasila or to be a “deviant” religious group.¹² The regulation, for instance, prohibits any mass organization to “abuse, defame, or blaspheme any religion adhered to in Indonesia”. Among the potential targets of this are religious minorities, like Ahmadiyah and Shi’ah, whose distinctive doctrines and teachings may be seen as a criticism of mainstream Muslims.

Protesting the banning, the HTI itself has asked the government whether it has ever committed violence or violated any law or regulation in Indonesia.¹³ Some argue that the banning of HTI was politically motivated, a retaliation against or a way to crack down on the supporters of *Aksi Bela Islam*, who had successfully prevented Basuki Tjahaja Purnama or Ahok, a close ally of President Joko Widodo, from being elected Jakarta governor in April 2017.¹⁴ As stated by Ismail Yusanto, the banning of HTI had been planned by the government because of the organization’s “all out” support for *Aksi Bela Islam* that demanded the government imprison Ahok for his allegedly blasphemous speech made in Kepulauan Seribu on 27 September 2016.¹⁵ Some see this policy as Jokowi’s strategy to win the Presidential election for the second term in 2019 by undermining his “enemies”, particularly the conservative Muslims.¹⁶

Some human rights activists also expressed opposition to this regulation because they see it as going against freedom of expression which could lead to an authoritarian government or

¹⁰ ‘Indonesia introduces new power to ban mass organisations that threaten unity’, <http://www.smh.com.au/world/indonesia-introduces-new-power-to-ban-mass-organisations-that-threaten-unity-20170712-gx9sp8.html>, accessed 4 August 2017.

¹¹ Ken Ward, ‘Non-violent Extremism: Hizbut Tahrir Indonesia’, *Australian Journal of International Affairs*. 63.2 (2006): 149-164.

¹² ‘Perppu Ormas Kian Mendiskriminasi Minoritas Agama dan Papua’, <https://tirto.id/perppu-ormas-kian-mendiskriminasi-minoritas-agama-dan-papua-csAV>, accessed 4 August 2017.

¹³ ‘Ismail Yusanto: Soal Rencana Pembubaran, Jubir HTI: ‘Kami akan Melawan’’, <https://tirto.id/soal-rencana-pembubaran-jubir-hti-kami-akan-melawan-cox4>, accessed 4 August 2017.

¹⁴ Gregory Fealy, ‘Jokowi’s bungled ban of Hizbut Tahrir’, <https://www.lowyinstitute.org/the-interpreter/jokowi-s-bungled-ban-hizbut-tahrir>, accessed 4 August 2017.

¹⁵ ‘Ismail Yusanto: Soal Rencana Pembubaran, Jubir HTI: ‘Kami akan Melawan’’, <https://tirto.id/soal-rencana-pembubaran-jubir-hti-kami-akan-melawan-cox4>, accessed 4 August 2017.

¹⁶ ‘Buya Syafii: Isu Perppu Ormas Digoreng untuk Pemilu 2019’, <https://news.detik.com/berita/3562829/buya-syafii-isu-perppu-ormas-digoreng-untuk-pemilu-2019>, accessed 4 August 2017

dictatorship.¹⁷ Their main concern about this regulation is the absence of a court process for deeming any organization anti-Pancasila and banning it. In addition, this regulation allows the government to ban any organization with only one week's notice. At the same time, although mainstream Muslim organizations like Muhammadiyah support the banning of HTI, they are concerned about the elimination of trial in the banning of such organizations.¹⁸ Thus, it is not surprising that not long after its issuance, some organizations filed for a judicial review on it to the Constitutional Court.¹⁹

For the government, the issuance of the *Perppu* and the banning of HTI seem to have both religious and political purposes. This stems from the role and position of HTI itself, which claims to be a religious organization or *dakwah* movement despite being in fact a revolutionary movement aiming at establishing a new government using a caliphate system based on Islamic law (*shari'a*).

Discussions with people in the Presidential Chief of Staff Office (KSP, *Kantor Staf Presiden*) suggests to me that the religious purpose of banning HTI is to eliminate a religious conservatism that is believed to have become endemic in society. This conservatism is not only found in the groups commonly classified as radical, but also in moderate ones like NU and Muhammadiyah.²⁰ Instead of being aware of and recognizing it as a problem, people often see this conservatism as an indicator of the revival of Islam.²¹ Some scholars even believe that "Indonesian Washatiyyah Islam [moderate Islam] is too big to fail"²² and therefore urge people not to worry about the rise of radicalism and conservatism. These scholars believe that the threat of conservatism is exaggerated while in fact the followers of conservative groups are always small in numbers; moderate Islam is still dominant, "the centre is strong and solid".²³

¹⁷ 'Wahyudi Djafar: 'Perppu Ormas Tak Sejalan dengan Negara Hukum'', <https://tirto.id/perppu-ormas-tak-sejalan-dengan-negara-hukum-cs83> and 'Komnas HAM Ikut Tolak Perppu Ormas', <https://tirto.id/komnas-ham-ikut-tolak-perppu-ormas-csJF>, accessed 4 August 2017.

¹⁸ 'PP Muhammadiyah: Pembubaran HTI Harus Konstitusional', <http://nasional.kompas.com/read/2017/05/09/10514031/pp.muhammadiyah.pembubaran.hti.harus.konstitusional>, accessed 4 August 2017.

¹⁹ 'Mengawal NKRI Dewan Dakwah Ajukan Judicial Review Perppu No. 2/2017', <http://www.panjimas.com/news/2017/07/30/mengawal-nkri-dewan-dakwah-ajukan-judicial-review-perppu-no-22017/> and 'Selain HTI, Muhammadiyah akan Ajukan Uji Materi Perppu Ormas', <https://tirto.id/selain-hti-muhammadiyah-akan-ajukan-uji-materi-perppu-ormas-ctqY>, accessed 4 August 2017.

²⁰ Ahmad Zainul Hamdi. "Radicalizing Indonesian Moderate Islam from Within: The NU-FPI Relationship in Bangkalan, Madura". *Journal of Indonesian Islam* Vol. 7, No. 1 (2013): 71-95 and Martin van Bruinessen (ed.), *Contemporary Developments in Indonesian Islam: Explaining the "conservative Turn"*. Singapore: ISEAS, 2013

²¹ Yudisia, Sinta dan Tim Forum Lingkar Pena. 2017. *Spirit 212: Cinta Itu Menyatukan Kita*. N.p.: Forum Lingkar Pena.

²² Azyumardi Azra, 'Islam Nusantara Islam Indonesia (3)', *Republika*, Thursday, 2 July 2015; Azyumardi Azra, 'Toleransi Beragama dalam Rangka Meningkatkan Persatuan Bangsa', Sarwono Memorial Lectur (SML), LIPI, Jakarta, 20 August 2015.

²³ Rizal Mallarangeng, 'Saiful Mujani Menyingkap Tabir', <http://www.quareta.com/post/saiful-mujani-menyingskap-tabir>, accessed 4 August 2017.

For Jokowi and some people in his government, however, radicalism has become widespread and endemic at all levels of society, and must therefore be curtailed.²⁴ The government has been criticized for not being able to tackle significantly the root of radicalism and terrorism, which is believed to be found in religious conservatism, fundamentalism, exclusivism, and sectarianism. So far, the government has been able to fight terrorism through BNPT (National Counterterrorism Agency) and Densus 88 (counterterrorism squad), but seem to still allow the root of the problem to flourish. Banning the HTI, therefore, is seen as an effort to finally tackle the root of radicalism and terrorism. Jokowi has strong support from mainstream Muslims, particularly NU, in enacting this policy. In fact, this largest Muslim organization strongly recommended that the government ban HTI.²⁵

The second purpose of the ban of HTI and the issuance of the *Perppu* is to consolidate democracy and human rights. In its explanation, the *Perppu* differentiates between “state of peace” and “state of emergency”. The government believes that currently Indonesia is in a state of emergency, i.e. widespread radicalism, which necessitates the issuance of an emergency regulation.²⁶ As mentioned in article 22 section 1 of the Constitution, “In the state of emergency, the President shall be entitled to stipulate a governmental regulation in lieu of the law”.

The *Perppu*, using Giorgio Agamben’s term, is implemented in a “state of exception”.²⁷ By issuing this kind of law, the government suspends normal law or introduces a different one in order to preserve social order and protect lives. Yudi Latif, head of the Presidential Working Unit on the Implementation of Pancasila (UKP-PIP), underlines that banning HTI and issuing the *Perppu* are necessary to protect order, security, and human beings.²⁸ The regulation itself mentions three conditions to determine “kegentingan yang memaksa” (compelling crisis) that allows the government to issue the *Perppu*, namely: the urgency to deal with a certain issue lawfully; the absence of the needed law; and the need for a law to deal with the issue immediately. It also refers to article 4 of the ICCPR (International Covenant on Civil and Political Rights), whereby “(i)n time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed”, the suspension of human rights is acceptable. In the current context, the clearest statement on the threat of HTI to Indonesia comes from the chairman of Nahdlatul Ulama, Said Aqil

²⁴ ‘Presiden ke TNI, "Hentikan Perluasan Paham Radikalisme!"’

<http://www.solopos.com/2017/06/19/presiden-ke-tni-hentikan-perluasan-paham-radikalisme-827002>, accessed 4 August 2017.

²⁵ ‘GP Ansor Desak Pemerintah Segera Bubarkan HTI’, <https://tirto.id/gp-ansor-desak-pemerintah-segera-bubarkan-hti-cn1R> and ‘PBNU Dukung Pembubaran HTI yang Merongrong Pancasila’, <https://www.cnnindonesia.com/nasional/20170512195140-20-214461/pbnu-dukung-pembubaran-hti-yang-merongrong-pancasila/>, accessed 4 August 2017.

²⁶ ‘Presiden ke TNI, "Hentikan Perluasan Paham Radikalisme!"’

<http://www.solopos.com/2017/06/19/presiden-ke-tni-hentikan-perluasan-paham-radikalisme-827002>, accessed 4 August 2017.

²⁷ Giorgio Agamben, *State of Exception*, Chicago: Univ. of Chicago Press, 2005.

²⁸ ‘Perppu dan Perlindungan Kebebasan’,

<http://print.kompas.com/baca/polhuk/politik/2017/07/25/Perppu-dan-Perlindungan-Kebebasan>, accessed 4 August 2017.

Siradj, who said that the existence of HTI could create disunity, conflict, and even civil war in Indonesia.²⁹

THE FUTURE OF ISLAM AND RELIGIOSITY

This *Perppu* is actually not the first one issued under Joko Widodo's administration. He had already issued three *Perppu* previously. The question is what implications this one may have for Indonesia. The first possible implication is that Islamic institutions would be disciplined and domesticated by the state. Along with the banning of HTI, the government has implemented and sought to introduce some programmes and policies related to ideology, such as the establishment of UKP-PIP, the introduction of five-day school mistakenly called "full day school" (FDS), and a plan to certify preachers. With these programmes, the current administration seems to be trying to control religion so that it suits the government's agendas. If the previous administration, under SBY, is known for its accommodation and inclusion of MUI (Council of Indonesian Ulama) in the management of the state and even provided access and facilities for conservative groups, Jokowi is seen by some to be doing the opposite, and is trying to discipline conservative Muslim groups.³⁰ Yusanto illustrates this by stating that SBY, who comes from a military background, never threatened or pressurized HTI, whereas Jokowi, who is often described as "innocent, modest, and understanding is actually very cruel".³¹

The interference of the government could put moderate Islam in a position of strength vis-à-vis conservative and radical groups. Although moderate Muslim communities will look orderly and peaceful in the long run, they may also be less able to confront the ideological challenges of conservative and radical groups on their own. Eventually, they may end up relying on the government whenever they face such challenges.

The second possible implication is that the Islamist groups will resort to terrorism, particularly with a possible "witch-hunt" policy against ex-members of HTI, which could portray Joko Widodo as being against Islam. As a valve for conservative and radical sentiments, HTI has drawn some Islamists away from violence by convincing them that radically overhauling the system now may not be the best strategy. But with the banning of HTI, which promotes "peaceful" and gradual change, some activists may come to see that the only way to change the world is through revolution and violence. HTI has been criticised by other Islamist groups for only working on discourses and meta-narratives, without taking real action, either in the form of social service or violent action. The banning confirms for

²⁹ 'PBNU Dukung Pembubaran HTI yang Merongrong Pancasila', <https://www.cnnindonesia.com/nasional/20170512195140-20-214461/pbnu-dukung-pembubaran-hti-yang-merongrong-pancasila/>, accessed 4 August 2017.

³⁰ "Indonesia: Implications of the Ahmadiyah Decree", *ICG Update Briefing*, 7 July 2008.

³¹ 'Ismail Yusanto: Soal Rencana Pembubaran, Jubir HTI: 'Kami akan Melawan'', <https://tirto.id/soal-rencana-pembubaran-jubir-hti-kami-akan-melawan-cox4>, accessed 4 August 2017 and

'HTI Bandingkan Masa Pemerintahan Jokowi dengan SBY', <https://kumparan.com/jihad-akbar1487918664529/hti-bandingkan-masa-pemerintahan-jokowi-dengan-sby>, accessed 18 August 2017.

these critics that it is not enough to talk and work on ideology – people need to act, be this in the form of violence or otherwise, to achieve the glory of Islam.

The third possible implication is the return to authoritarian rule. Strengthening the ideology of Pancasila through UKP-PIP is often accused of being an attempt to revive the programme to internalize this national ideology, which was propounded during the New Order, named P4 (*Pedoman Penghayatan dan Pengamalan Pancasila* or Upgrading Course on the Directives for the Realization and Implementation of Pancasila). The *Perppu* brings back the memory of government efforts to fight the threat of *laten kanan* (religious extremism) and *laten kiri* (communism). From the government's perspective, it is trying to manage the euphoria over religiosity and democracy unleashed by the *Reformasi*, which had tended to be excessive. However, its recent actions can also be seen to be curtailing democracy and compromising human rights. It is this logic that now conjoins Muslim hardliners and human right activists.

CONCLUDING REMARKS

The government decision to ban HTI has the twin purposes of consolidating democracy and undermining conservatism. Although the regulation used to ban HTI raised criticism from scholars, NGO activists, and religious leaders, the government considers it necessary for maintaining unity and guaranteeing the security of the nation.

Introducing *Perppu* No. 2/2017 is at the same time giving full powers to the government to ban any organization deemed to be anti-Pancasila. Any organization can be banned without notice and without undergoing due court processes. Another problem with the *Perppu* is that it could create a backlash from society and human rights activists. In addition, it could unify radical Muslims and human rights activists to oppose government policy deemed to be restricting freedom of expression. The government's policy to "witch-hunt" and monitor PNS (civil servants) who joined HTI and to threaten to fire them from their jobs would, for many, challenge Jokowi's commitment to democracy.

In terms of religiosity, the banning of HTI could affect the face of Islam in Indonesia. The *Perppu* is an effort by the government to discipline and domesticate Islamists. Although it strengthens the position of moderate Muslims, it could also make them less able to face challenges from conservative and radical Islamic groups. For radical Muslims, instead of ending their activities, the banning of HTI could propel them to dismiss their heretofore peaceful strategy and employ violence instead.

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