Bureaucratic Implications of SKB No. 3 of 2008 on Politics Identity of the Ahmadiyya Congregation

Alexandro Arthur Constantine^{1*}, Dewi Yuliantika², Muhamad Revan Athallah³, Laras Nanda Marjuningtyas⁴, Salsabila Widyadhari⁵

¹⁻⁵Department of Political Science, UPN Veteran Jakarta, Indonesia *Corresponding Author E-mail: alexandroac@upnvj.ac.id

Abstract

The emergence of the rejection of the construction of the Indonesian Ahmadiyya Congregation Mosque (JAI) in Garut Regency, West Java, resulted in the sealing of the mosque on the publication of Circular Letter No. 3 of 2008. This gave rise to the phenomenon of the power of the central and regional governments in limiting the continuity of the religion of the JAI group. The focus of this research in this article is to see Marxist thinking related to bureaucracy where the emergence of SKB No. 3 of 2008 bureaucracy can influence identity politics. This study uses a qualitative approach with descriptive methods and data collection techniques for library research and documentation. In freedom of religion, the bureaucracy is used as a tool of power to limit certain social groups. The occurrence of community resistance to the JAI group in fighting for their religious freedom.

Keywords: : identity politics, bureaucracy, right to freedom of religion.

INTRODUCTION

Recently, the discrimination against a religious group, namely JAI or known as the Indonesian Ahmadiyya congregation, occurred again on May 6, 2021. Initially, the form of discrimination emphasized by Muslims was related to the mainstream of Islam by the Prophet Muhammad. Various organizations that have religious authority to issue fatwas on Ahmadiyya are heretical. Thus, anti-Ahmadiyya groups were born with this understanding, often violently (Mudzakkir, 2017). In embracing each individual's belief, its allocation has been guaranteed by the state as stipulated in Article 29 of the 1945 Constitution. However, on the other hand, there is a politically more robust anti-Ahmadiya demand that views Ahmadiya as different from the teachings of Islam as it should be. It was bearing in mind also that in terms of belief, the position of a person or group of people to choose their respective beliefs as stated in Law no. 39 of 1999 concerning Human Rights upholds the human rights possessed by every human individual in which the state is obliged in its responsibility to protect the achievement of human rights (Ahyar, 2015).

According to the government, SKB No. 3 of 2008 has complied with procedural law procedures. This is affected by the emergence of conflicting guarantees for believing and worshiping according to beliefs by citizens. The reference is Law No.1/PNPS/1965, which explains the prohibition on the interpretation of a religion or a religious agenda that deviates from the central teachings of the existing religion. Radical Islamic groups use this to legitimize violence against groups considered heretical, including the Ahmadiyya (Mudzakkir, 2017).

The phenomenon of minority nation that occurred after Suharto, where there was an actual condition of radical Islamic groups and the weakness of the government's political leadership. The doctrine of the anti-Western paradigm also supports this. Which makes the Ahmadiyya group an image of

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Received: December 10, 2021; Revised: January 1, 2022; Accepted: January 10, 2022

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one of the minority groups by spreading the sentiment of understanding that Ahmadiyya is deviant Islamic teaching, even the birth of Ahmadiyya is assumed to be the result of Western imperialism (Najib, 2014). SKB No. 3 2008 shows the inconsistency of multiculturalism and rights in the Constitution, even the conflict of minority rights with the stability of the state. In this case, the article has a perspective on nationalism which is illustrated by the presence of a divine-oriented belief system, in its application, it relies on a good governance process by not subordinating one or several groups within a country. The decree also caused controversy over the consideration protection of minority rights and the weakening of the existence of the Ahmadiyya group (Soedirgo, 2018). Thus, the decision reveals the attitude of the East Java Government that it tends to marginalize the fundamental right of belief for a religious-based group. This creates internal restrictions from the Ahmadiyya group to protect themselves from the majority outside.

Regarding the relationship between Islamic groups and the state, the article entitled State, Civil Society and Agencies in Islamic Intercommunal Relations by Nawari Ismail (2014) which explains the emergence of disharmony and intra-communal Islam violence such as Ahmadiyah in Kuningan, Shia cases in Situbondo, and Sampang, and cases of Islamic groups' rejection of the existence of FPI in Kudus and Central Kalimantan. The cases are broadly due to the development or absence of religiocentrism between parties which is accompanied by the development tolerance, especially from the majority, the relations between one group and another—whether by the state, civil society groups, and agency actions from Islamic groups--as well as the coerciveness of social structures for groups such as the position of local figures, religious beliefs, community networks and relations, and the history of relations (Ismail, 2014).

An article with the title Failed Repression: Relations between the State and the Ahmadiyya Congregation at the Local Level by Mahbib Khoiron (2019) examines the relationship between the state and relations with the Indonesian Ahmadiyya Congregation (JAI) regarding the conflict that occurred over the 2008 Three Ministerial Decree as a form of successful rejection of the group against Ahmadiyah and as a product of pressure to the government to dissolve JAI. The relationship between the government or the state, JAI, and non-Ahmadi is a blurred and fused relationship that makes the identity boundaries of existing relations overlap. This also resulted in repressive actions based on the intervention of non-Ahmadi to the state to counter the Ahmadiyah and influenced the confrontation of the 2008 Triple Ministerial Decree against JAI (Khoiron, 2019).

Along with this, a journal article entitled Analysis of Joint Decrees of Three Ministers Concerning Warnings and Orders to Adherents, Members, or Management of the Indonesian Ahmadiyya Congregation by Delina Asriyani and Zuly Qodir (2016) explained that the Three Ministerial Decree on Ahmadiyah with a case study against the Islamic Ummah Front (FUI) with the Indonesian Ahmadiyah Movement (GAI) in Yogyakarta, especially what happened in 2012, explained that GAI had blasphemed religion. There was an error in the fatwa issued by MUI, which resulted in the rejection of GAI and led to a debate over the SKB Three Ahmadiyah Ministers who made the presence of the Ahmadiyah group exclusivity based on accusations in each of the GAI and FUI groups (Asriyani & Qodir, 2016).

Regarding the existence of the SKB regarding Ahmadiyah, the article entitled Estimating the Effectiveness of the SKB on Ahmadiyah and its Causes: A Case Study of the Ahmadiyah Conflict in Gereneng Village, East Lombok by Abdul Jamil and Fakhruddin (2019) reveals the conflict in the expulsion and rejection of Ahmadiyah congregations in Gereneng Village, East Lombok, which the surrounding community and the government and the security forces are inconsistent and tend to deviate from the objectives of the SKB. Thus, this intimidates and threatens the existence of the Ahmadiyya congregation. Furthermore, this article shows the ineffectiveness of the SKB in preventing violence against the

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Ahmadiyah congregation due to the lack of involvement of teacher figures during the socialization of the SKB, which the people of East Lombok respect (Wahab & Fakhruddin, 2019).

As from previous research, this research is essential because, as stated above, human rights cannot be violated or revoked by anyone the state implements SKB No. 3 of 2008, which led to discrimination and persecution of minority groups. Thus, this spread to social, legal, political, and intellectual structures due to the spread of knowledge about sentiment towards JAI. This paper will discuss the Ahmadiyya minority in Indonesia.

This paper aims to examine the polemic of the SKB No. 3 of 2008 concerning the Indonesian Ahmadiyya Network (JAI) related to identity politics in religious freedom by the JAI group, which has been mandated to be banned through this regulation. In describing the problem, will look at the bureaucracy that initiated the formation of the Joint Decree (SKB) of the Minister of Religion, the Attorney General, and the Minister of Home Affairs as a warning and order for the Indonesian Ahmadiyya Congregation (JAI) group. Thus, it will also look from a bureaucratic perspective on the birth of SKB No. 3/2008 against warnings, restrictions, and orders to the JAI group to stop the spread of religious ideas that deviate from Islamic teachings. The government, in this case, has a hand in making rules in the public interest because it is alleged that JAI provides opportunities for dissemination and interpretation that deviates from Islamic teachings so that the bureaucracy is a tool created as a liaison between the state and society to actualize state policies or regulations. As Hegel stated, the bureaucracy would create an arena of competing interests between the state and society (Juanda et al., 2020).

On the other hand, Marx mentions the interdependence of the bureaucracy with the social order for the interests present in community groups that tend to be hindered by society from gaining power (Nuraini, 2017). Bureaucracy becomes a tool to stem power over people by those in power or, in this context, the government. Marx suggested the transformation of the bureaucratic position in favor of civil society or his thinking the so-called proletariat, through the orders of politicians or the government in making policy decisions with their power (Firnas, 2016).

SKB Three Ministers No. 3/2008 has been discussed since 2007-2008, which compromises rectifying JAI's understanding to maintain religious peace in society. However, this decree has resulted in discrimination against JAI such as the destruction of places of worship in Ahmadiyya in West Kalimantan, the destruction of the houses of Ahmadiyya administrators in NTB, the expulsion of Ahmadiyya followers in East Lombok, the prohibition and destruction of places of worship in Garut, and others. This makes JAI often receive discrimination and religion-based violence, which limits JAI from feeling safe and obtaining human rights as stated in the right to religion, even in Indonesia, it is stated in Article 29 of the 1945 Constitution. The centre that exerts influence on policymakers over the Indonesian Ahmadiyya group is related to the realization that makes JAI experience subordination in its religious rights (Marshall, 2018).

This is in line with what Foucault means in an ontological dissection of The Ruling Class, which has the authority to produce knowledge in the context of the regulation of sexual violence in the campus environment. In addition, Foucault's view of power lies in the position of disciplinary power that applies to social, economic, family, and sexual relations (Mudhoffir, 2013). This indicates that the polemic of the Three Ministerial Decree No. 3 of 2008, which occurred between the government, the community, and the JAI identity group, became mutually influenced because each individual had power supported by the knowledge disseminated through the issues of the SKB.

In response to the existing conditions, JAI also carried out identity politics through religious channels by spreading teachings that did not deviate from Islam to strengthen the network of JAI adherents and organizational resistance. Talking about identity politics, it is related to the phenomenon of

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discrimination and acts of violence experienced by JAI against perceived inequality, so that identity politics is a space for JAI's struggle to strengthen and fight for its existence amid religious pluralism. As Jeffrey Week explains, identity politics can be related to ownership based on similarities with some people, differentiating them from others (Saputro, 2018). This requires a political acknowledgement of existing differences to bring about political equality, including the right to religion. Cressida Heyes also emphasizes identity politics as a means of liberation for certain identity groups—religion, race, ethnicity, gender against the marginalization of their existence in the context of the domination of the majority group (Nasrudin, 2019). As Hegel describes, bureaucracy resolves conflicts between the state and society or certain identity groups (Nuraini, 2017). Therefore, the bureaucracy becomes essential in presenting the articulation and aggregation of community groups' interests to bring back the representation of identity politics marginalized to recognize the JAI group. Based on the problems that have been described, the question posed in this paper is how the implications of bureaucracy for SKB No. 3 of 2008 concerning warnings and orders to the JAI group in the context of identity politics. Which will be reviewed based on theories related to bureaucracy and identity politics surrounding the issue of SKB No. 3 of 2008 by looking at the phenomenon of events that marginalized the JAI identity group itself.

RESEARCH METHOD

This research uses the descriptive qualitative method. According to Sugiyono (2013), qualitative research refers to the philosophy of post-positivism which is used to examine the condition of natural objects (Sugiyono, 2013). This type of descriptive research is research that describes, interprets, and explains objects, events, or phenomena that occur (Nawawi, 2005). So, this research aims to explain and analyze the issues taken in depth and systematically. Meanwhile, this study uses a literature study data collection technique which is a technique of collecting information and data from books, journals, and publication materials available in the library. This is related to the incident regarding JAI administrators or adherents who are often affected by the SKB No. 3/2008 taken from the press media and related data studies, as well as tracing studies related to bureaucracy and identity politics, to serve as concepts and theories that can answer research questions. The data analysis technique used in this research is the Miles and Huberman model with data collection, data reduction, data presentation, and summary analysis (Sari, Milya;, 2020). In which the author will provide an overview and results of the study related to the issues raised in the paper in answering research questions and provide an interpretation of the data that has been collected in order to draw a common thread on the understanding of the bureaucratic implications of SKB No. 3 of 2008 in the elaboration in the form of writing.

RESULTS AND DISCUSSION

JAI: Group Identity Politics in Recognition Freedom of Religion

Indonesia is a multicultural country where each region is covered by various ethnicities, cultures, ethnicities, beliefs, and so on. This builds on Indonesia's background which consists of diverse identities, in which the issue of identity has become one of the discussions of politics. Regarding the issue of identity, there is a subordination of religious-based identity groups such as the JAI group, which is often the target of violence and whose existence is considered heretical by mainstream Islamic groups in Indonesia. This conflict between the JAI group and mainstream Islamic groups was triggered by differences in theological

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understanding between Ahmadiyya adherents who were considered heretical according to mainstream Islamic groups.

As a minority group whose existence is subordinated, the JAI group certainly tries to oppose the oppression created by the majority group by asserting their existence and autonomy regarding recognizing their identity. Identity politics is closely related to the concept of identity (Lay, 2009). According to Parekh, identity can create a sense of belongings, solidarity, sharing values, collective power, and collective action, which identity form strength and collective action between individuals who are members of a group who have the same identity to organize the interests of a group such as being free from repressive state actions (Parekh, 2008). It has been more than a decade since Decree No. 3 of 2008 was issued, making the JAI group miserable. However, the JAI group still maintains its existence even though it is often subjected to discriminatory treatment such as the destruction of places of worship, expulsion, and even death threats. This discriminatory treatment results from the dominant class in power, namely the mainstream Islamic group represented by the Indonesian Ulema Council (MUI) institution. The MUI is tasked with issuing a fatwa or decision on Islamic religious matters made by scholars in Indonesia. Although JAI is an Islamic religious group with a different sect, MUI excluded them (Irawan, 2017). Moreover, the MUI issued a fatwa at the 1980 National Deliberation by emphasizing that JAI was a deviant group and forced the Ahmadiyya group to return to mainstream Islamic teachings such as Nahdlatul Ulama and Muhammadiyah (Sajari, 2015). The existence of the JAI group is considered to threaten and disrupt pure Islamic values because it is feared that it will spread their religious understanding. However, the JAI group secretly maintains its presence in Indonesian society. This strategy is carried out so as not to cause noise from parties who are against the presence of Ahmadiyya.

The state, which is supposed to protect and respect the people to practice their respective religious beliefs, has perpetuated the oppression of the JAI group through the issuance of Decree No. 3 of 2008 by the Minister of Religion, the Attorney General, and the Minister of Home Affairs. Initially, it was assumed that creating this SKB could reduce conflicts that were often the target of violence by people who hated their presence. The issuance of this SKB was also considered contra because JAI already had legality from the Indonesian government based on the Decree of the Minister of Justice No. JA 5/23/13 and strengthened by the letter of the Directorate of Political Institutional Relations No. 75//D.I./VI/2003 makes it an organization that has legal standing legally recognized its existence, even has legal protection and legislation in force (Syukur, 2017). Among the JAI group, there is the slogan "Love for All, Hatred for None" or "Love for all, there is no hatred", which became the motto that later became the human values adopted by the JAI group (Sulistyati, 2015). Based on this, any persecution experienced by the JAI group because it is based on the threat of disturbing national stability is irrelevant.

The existence of the JAI group is also because they also have an organizational structure that always supports its existence. The JAI Group has a chairman who is assisted by 22 secretaries spread across several provinces in Indonesia (Azka, 2019). In addition, there are internal organizations of the JAI group, namely: Anshorullah, who is the Ahmadiyya Jamaat who is at least 40 years old, is obliged to pay a monthly fee of ten per cent of his total income; Lajnah Imailah, which is a 15-year-old Ahmadiyya women congregation; The Indonesian Khuddamul Ahmadiyya Council (MKAI), namely the association of the Ahmadiyya Congregation aged 15 to 40 years; Abna/banat, namely Ahmadiyya children aged 0-15 years (Azka, 2019). With structured management and organization, the JAI group continues to exist even though its presence has been banned due to Decree No. 3 in 2008.

The JAI group also carried out its da'wah secretly in various places in Indonesia, one of which was in Manis Lor village, Kuningan, West Java. His presence turned out to bring changes to the residents in the

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area. The people of Manis Lor Village, who are predominantly Muslim, do not carry out religious orders as they should. The arrival of the Ahmadiyya group had a good impact on the people of Manis Lor Village, they began to learn to pray, deepen their religious knowledge, and abandon their black magic rituals and switch to the rituals of the Ahmadiyya sect. The number of worshipers in the mosque is also increasing, and women are seen starting to wear headscarves when traveling to public places. Religious topics also often colour the conversations of the people of Manis Lor Village every day. Based on this phenomenon, the JAI group maintains its existence using a da'wah strategy from village to village and their strategy in Manis Lor Village is considered successful (Syukur, 2017).

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SKB No. 3 of 2008 contains various polemics that provide opportunities for justification from government agencies and the community to discriminate against the JAI group. The various persecutions against the JAI group were caused by the assumption that the teachings of the Ahmadiyya sect were different from the teachings of the majority Islam in Indonesia. Since the issuance of this decree, the trend of religion-based violence against the JAI group has increased fluctuating. Based on a report from the Setara Institute from 2007 - 2020, there were 581 cases of violence experienced by JAI followers; some of which recently occurred in 2021 was the closing of the JAI Mosque in the Sintang area and Garut (SETARA Institute, 2020). See figure 1.

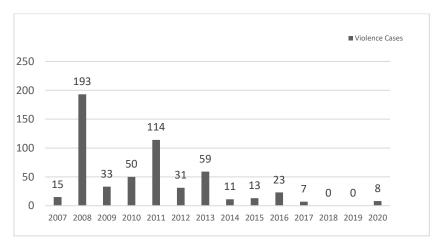


Figure 1. Number of Incidents of Violence Against JAI 2007 - 2020 (SETARA Institute, 2020)

There are several factors that cause incidents of violence in the JAI group to occur. If examined in the bureaucratic paradigm according to the Marxists, SKB No. 3 of 2008 is an instrument used by dominant social actors to exercise their dominating power over other social actors. In short, SKB No. 3 of 2008, a product of this bureaucracy, favours the particular classes that dominate marginalized groups, thus creating discriminatory treatment. Among the actors involved and dominating in the JAI group's persecution were divided into institutionalized state actors and non-state actors such as community organizations (ormas). State actors include Regional Governments, related Ministries, Police, District Courts, Satpol PP, and Educational Institutions, while non-state actors include citizens, alliances of mass organizations, the Indonesian Ulama Council (MUI), Islamic Defenders Front (FPI), etc (SETARA Institute, 2020).

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As in Gramsci's concept of hegemony which is influenced by Marxists, elite actors who have the power to propagate a norm to be accepted by society as an agreement or agreement. Freedom of religion is part of Human Rights (HAM) and has been regulated in legal instruments in the 1945 Constitution Articles 28 and 29, which guarantee the freedom of the people to practice and embrace religion, supported by Law no. 39 of 1999 on Human Rights and the ratification of the ICCPR in Law no. 12 of 2005. The issuance of Decree No. 3 of 2008 is certainly not in line with the legal instruments that have guaranteed freedom of religion in Indonesia. Through the issuance of Decree No. 3 of 2008, provocations, incitement, and even attacks against the JAI group seem to have been used by the dominating actors; starting from the sealing of the JAI mosque, the destruction of JAI facilities, to the disbanding of the JAI group's settlements.

As in Hegel's concept of the state, bureaucracy is the fourth branch of power in a country (Wakhid, 2012). As the fourth branch of power, the bureaucracy is an intermediary between the rulers and the people. In this case, according to Hegel, the bureaucracy must be neutral (Wakhid, 2012). Marx accepted Hegel's idea that bureaucracy is the fourth branch of power with the criticism that bureaucracy is also a tool of state domination by using repressive powers, violating autonomy, individual freedom, and controlling political views in society (Desriadi, 2017). Based on Marx's thinking, there is a bureaucratic theory of the Power Block Model initiated by Ralph Miliband and Trotsky. Their thinking was influenced by Marx and stated that the bureaucracy is a form of defence mechanism for elite groups to maintain their power (Martini, 20012). The various persecutions experienced by JAI stem from the fatwas issued by the MUI, an institution formed by the government to formulate religious fatwas related to Islam. The MUI at the Second National Deliberation (Munas), which took place in 1980 in Jakarta emphasized that JAI is a congregation outside Islam and is heretical (Hilmy, 2010). In addition, there are religious-based pressure groups such as FPI, PKS, MMI which have a large support base. Tends to spread its Conservative Islamic ideology to pressure the government to go its way with the ideology they profess (Simamora, 2019). It can be seen the success of MUI and Conservative Islamic mass organizations in suppressing the state, Attorney General's Office, Ministry of Religion, and Ministry of Home Affairs to issue SKB No. 3 of 2008 to suppress and subjugate the JAI group legally.

Today, the SKB still causes misery for the JAI group, as happened in 2021 when the mosques belonging to the JAI group were sealed. The sealing is the impact of SKB No. 3 of 2008, one of the articles that implicitly justifies the sealing of the construction of the JAI mosque is:

"Article 2: To warn and instruct adherents, members, or members of the management of the Indonesian Ahmadiyya Congregation (JAI), as long as they claim to be Muslim, to stop the spread of interpretations and activities that deviate from the main teachings of Islam, namely the spread of ideas that acknowledge the existence of Islam. prophet with all his teachings after the Prophet Muhammad."

As a result, the Garut Regency Government issued a Garut Regent Circular Number 451.1/1605/Bakesbangpol concerning the Prohibition of Activities of Adherents of the Indonesian Ahmadiyya Congregation and Termination of Activities for the Construction of a Place of Worship for the Indonesian Ahmadiyya Congregation in Nyalindung Village, Cilawu District, Garut Regency (LBH, 2021). Based on this, it is clear that the bureaucracy can marginalize the JAI group through stereotypes and values developed by dominant groups consisting of mainstream Islam such as MUI and other mass organizations to maintain dominance to perpetuate subordination. With identity politics, identity groups can manipulate the bureaucracy to present representations of recognition and justice so that it becomes a tool to get rid of other identity groups.

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Returning to the power block model theory, Miliband and Trotsky reveal that the bureaucracy that the dominant group has maneuver can be overthrown by political resistance (Jones, 1970). This is done to reduce bureaucratic power as little as possible by the dominant group and tighten supervision of state actors such as politicians who are representatives of the people and public servants. JAI's existence has been instrumented through the Decree of the Minister of Justice of the Republic of Indonesia No. JA/5/23/13 and has been registered with the Ministry of Religion of the Republic of Indonesia, the Ministry of Social Affairs and the Ministry of Home Affairs should be able to protect its existence (Fakhrudin, 2019).

The issuance of SKB No. 3 of 2008 seems to stifle their existence, however, this does not close their hopes to carry out resistance against injustice and fight for the right to practice their religion. Their resistance strategy is to work with several intellectual groups and advocacy groups in Indonesia (Maliki, 2010). This group comes from non-governmental organizations (NGOs) whose presence can balance power in the political sphere in Indonesia. NGOs include SETARA Institute, Amnesty International Indonesia, Komnas HAM.

According to Amnesty International Indonesia, SKB No. 3 of 2008 is not following Law no. 12 of 2005 concerning the ratification of the ICCPR, besides that, it also does not follow Article 28E of the 1945 Constitution (A. Indonesia, 2021). From the perspective of the SETARA Institute, they urge the Ministry of Religion, the Ministry of Home Affairs, and the Attorney General to revoke the SKB and evaluate the SKB for the impact of intolerance, exclusion, and even related to human rights violations experienced by the JAI group as citizens (VOAIndonesia, 2020). In addition, there is pressure on the government by relevant NGOs to establish a religious dialogue between the JAI group and other religious groups. Dialogue is not meant to reduce or even shake the beliefs that have been held by someone but to strengthen and enrich beliefs and beliefs. There are several rules in carrying out dialogue: first, the dialogue meeting which is held aims to learn and make the dialogue participants in the process increase understanding and change perceptions; second, the participants who follow the dialogue are based on honesty and compassion; Third, dialogue must uphold that every participant in the dialogue participants (Sunardi, 1993).

Based on the search we found, the last religious dialogue for the JAI group was held in 2011. The Indonesian Ulema Council (MUI) held a dialogue under the Minister of Religion Suryadharma Ali, but the JAI group did not meet him. This is based on MUI being arrogant because it tries to straighten out the views and beliefs of the JAI group rather than deliberation to reach a mutual agreement (F. Andries, 2013).

CONCLUSION

Based on the discussion above, the author concludes that religion is used as an identity in human life. This identity can develop based on individual experiences that create similarities and differences between us and others. JAI is a religion-based group that is under pressure in Indonesia. Because the religious teachings are not following Islamic religious principles, such as Mirza Ghulam as the last Prophet. Therefore, a Joint Decree (SKB) No. 3 of 2008 was issued to reduce anxiety in the community. The emergence of the SKB as a form of government power in implementing a policy. SKB No. 3/2008 has hindered the freedom of religion and belief in JAI in the public sphere. In a bureaucracy, the Minister of Religion, the Attorney General, the Minister of Home Affairs, and the Regional Government have the highest power to control the community, especially JAI as a minority group. It can be seen that political participation only involves the majority group, not the minority group. This requires an acknowledgement of the existence of JAI. Recognition of identity is essential in a group through identity politics (the struggle

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from inequality with other groups). Therefore, this study recommends that the SKB be revised to protect the right to freedom of religion and belief, especially minority groups, to create religious tolerance in Indonesia.

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