



POROS ONIM: Jurnal Sosial Keagamaan

Volume 4, Nomor 2, Desember 2023, 108-126

e-ISSN: 2776-4532 | p-ISSN: 2798-0073

DOI: 10.53491/porosnim.v4i2.742

<http://e-journal.iainfmpapua.ac.id/index.php/porosnim>

NAVIGATING RELIGIOUS HEGEMONY AND HUMAN RIGHTS BASED ON KUHP: AL-ZAYTUN'S CONTROVERSIAL CASE

Puja Alviana Dewantri

Center for Religious and Cross-Cultural Studies, Universitas Gadjah Mada, Indonesia
pujaalvianadewantri@mail.ugm.ac.id

Selvone Christin Pattiserlihun

IAS Foundation Yogyakarta, Indonesia
selvone.pattiserlihun@gmail.com

Putri Rahmah Nur Hakim

Universitas Islam Negeri Sunan Kalijaga Yogyakarta, Indonesia
putriahmah282@gmail.com

ABSTRACT

The Al-Zaytun issue has ignited a heated debate in Indonesia about religious pluralism, religious freedom, and human rights. This quandary, reminiscent of the Indonesian Ahmadiyya Muslim Congregation's situation classified as "heretical," demonstrates the historical tendency to pigeonhole alternative ideas. This highlights the hidden presence of *takfiri* ideology, a potentially divisive force despite its relative obscurity. In this context, this article examines the contentious Al-Zaytun case, in which the rejection of non-traditional Islamic teachings prompts a broader examination of the conflict between entrenched traditional practices, which represent the majority of Indonesian Muslims, and fundamental human rights principles, particularly religious freedom. Using an analytical method, it dissects media portrayals and examines the legal framework established by KUHP 2023, addressing religious violations and belief-based areas. The essay explores the case's potential under the prior KUHP 2021 through comparative research, revealing the various issues of interpreting and applying legislation in cases of blasphemy and religious disagreements. The study says that varied Sharia interpretations within Islam should not be used to justify restricting religious freedoms, mirroring Boaventura's interpretation of Talal Asad's discoveries, which confirm Islam's diversity of religious experiences and adaptive Sharia interpretations. Indonesia faces the challenge of cultivating a nuanced perspective that preserves individual liberty and communal harmony while balancing the intricate interaction of religious dynamics, legal systems, and human rights.

Keywords: Religious Hegemony, Human Rights, KUHP, Al-Zaytun, Sharia Interpretation



Lisensi

Lisensi Internasional Creative Commons Attribution-ShareAlike 4.0.

ABSTRAK

Isu Al-Zaytun telah memicu perdebatan sengit di Indonesia mengenai pluralisme agama, kebebasan beragama, dan hak asasi manusia. Kebingungan ini, yang mengingatkan kita pada situasi Jamaah Muslim Ahmadiyah Indonesia yang dijustifikasi sebagai kelompok yang “sesat”, menunjukkan kecenderungan historis untuk mengesampingkan gagasan-gagasan alternatif. Hal ini menyoroti keberadaan ideologi Takfiri yang tersembunyi, sebuah kekuatan yang berpotensi memecah belah meskipun keberadaannya relatif tidak jelas. Dalam konteks ini, artikel ini mengkaji kasus Al-Zaytun yang kontroversial, di mana penolakan terhadap ajaran Islam non-tradisional mendorong kajian yang lebih luas mengenai konflik antara praktik tradisional yang mengakar (yang mewakili mayoritas umat Islam Indonesia) dan prinsip-prinsip hak asasi manusia yang mendasar, khususnya kebebasan beragama. Dengan menggunakan metode analitis, penelitian ini membedah gambaran media dan mengkaji kerangka hukum yang ditetapkan dalam KUHP 2023, yang menangani pelanggaran agama dan keyakinan. Esai ini menggali potensi kasus yang terdapat dalam KUHP sebelumnya tahun 2021 melalui penelitian komparatif, mengungkap persoalan penafsiran dan penerapan peraturan perundang-undangan dalam kasus penodaan agama dan perbedaan pendapat. Studi ini mengatakan bahwa interpretasi syariah yang beragam dalam Islam tidak boleh digunakan untuk membenarkan pembatasan kebebasan beragama, seperti interpretasi Boaventura dalam pemikiran Talal Asad, yang menegaskan tentang keragaman pengalaman beragama Islam dan interpretasi syariah yang adaptif. Pada akhirnya, Indonesia menghadapi tantangan untuk menumbuhkan perspektif berbeda yang menjaga kebebasan individu dan keharmonisan komunal sekaligus menyeimbangkan interaksi rumit antara dinamika agama, sistem hukum, dan hak asasi manusia.

Kata Kunci: Hegemoni Agama, Hak Asasi Manusia, KUHP, Al-Zaytun, Tafsir Syariah

A. INTRODUCTION

In Indonesia, the subject of Al-Zaytun has ignited a passionate debate about the issues of religious pluralism, religious freedom, and human rights. This clash between customary practices and the principle of religious freedom is reminiscent of the situation faced by the Indonesian Ahmadiyya Muslim Congregation, which was labeled "heretical" following the issuance of the Joint Decree of the Ministers of Religion, Attorney General, and Home Affairs (SKB 3 Menteri) (Arfana, 2017). This judgement was made in relation to the UU Penodaan Agama, which played a key role in cases of blasphemy, which frequently collided with the idea of religious freedom. Seeing this experience, it is undeniable that Indonesia has a history of making non-believers strong enough. The behavior of accusing another person or group of being infidels, based on Prof. Dr. Saiful Akhyar Lubis., M.Ag., and Prof. Dr. H. Pagar Hasibuan., M.Ag. explanation referred to as *takfiri* (2019). Even if this *takfiri* worldview has not yet gained much traction, its influence lingers and is being absorbed in society. Until now, this understanding has persisted, and it remains to be seen when, how, and where it will make its mark. *Takfiri* ideology tries to

conceal itself by wearing “white gown”. It's fine for us to be drugged by the Islamic slogan that it carries, that it is the true Islam, but we could have been negligent in being provoked by hardline Islam, destruction was carried out in the name of Islam, massacres are still carried out in the name of Islam, and even wars among Muslims against stigma infidel (*takfiri*) could have sparked a civil war among Muslims itself.

Based on the experience, the author uses this article to discuss the contentious case of Al-Zaytun in Indonesia, where the rejection of teachings that differ from traditional Islamic norms sparks a broader examination of the clash between entrenched traditional practises, which represent the majority of Indonesian Muslims, and fundamental human rights principles, particularly the concept of religious freedom. Regardless of the ongoing investigation into alleged money laundering involving Panji Gumilang, the leader of the Islamic boarding school, as of the current date (August 14, 2023), this article focuses on the teachings themselves and the right to religious freedom. The study dissects media portrayals and rigorously analyses the legal framework offered in the KUHP 2023, which tackles breaches involving religion, belief, and the domains of religious or belief-oriented life, using an analytical approach. It also conducts a comparative study, determining how the case would have been handled under the prior KUHP 2021. The study contends that the various interpretations of Sharia within Islam should not be used to justify restricting religious freedoms, echoing Talal Asad's insights elaborated on in Boaventura (2015) that Islam encompasses a rich tapestry of religious experiences, allowing for a variety of Sharia interpretations. Previous studies related to Islamic education, religious hegemony, and human rights help strengthen the analysis on this theme.

Education is a process in which knowledge is transferred between educators and students (Sharifi et al., 2014). Education is also defined as a sustainable effort to further develop individual potential in a holistic and integrated manner, which is expected to produce individuals who are balanced and harmonious intellectually, spiritually, emotionally and physically, based on belief in God Almighty (Bin Jamil, 2022; Lindeb, 2022). In the learning curriculum, several components are interrelated to achieve education goals. These components include the goals to be achieved within the school and the field of study, learning media, teaching strategies, learning processes, and evaluation (Aman, 2020). However, in building this integrated education system, there are various obstacles faced. Indeed, religious education is one example of an effort to build and shape education goals to create a good education dynamic. That is why, in Indonesia, a religious country, religious education is the best way to support character-building for religious people. *Islamic education* is an educational forum providing services to Muslim students as religious people. The teaching points provided are adapted to Islamic teachings from both a teaching perspective and a theological perspective (Tambak et al., 2022). Islamic religious education focuses more on the teachings of the Islamic religion, because the behaviour of students and lecturers within the scope of Islamic educational institutions reflects a personality based on the Islamic religion (Ali et al., 2021). However, Islamic higher education development always follows the times, which is characterized by a new education system and a focus on technology, information and communication,



which aims to influence the attitudes and behaviour of students in Islamic higher education (Eftekhar & Ziaei, 2019; Tolchah & Mu'ammam, 2019).

Islamic religious education developed in diverse contexts. Sahin (2018) stated several concepts in understanding Islamic religious education, namely Muslim Education, Islamic Pedagogy, Islamic Parenting, and Islamic Religious Pedagogy, which are often described and misinterpreted by teachers and students of Islamic religious education. Sahin states that Islamic education studies has a theological foundation and integrates interdisciplinary Social Sciences and Humanities methodological designs. In its development, Islamic education developed from the reconstruction of Islamic education, which was traditional but influenced by the progress of the times. Essentially, it did not preclude its traditional originality to form a character based on Islamic religious values (Nurtawab & Wahyudi, 2022). Policies influencing education dynamics influence and regulate Islamic education development in Indonesia (Kosim et al., 2023). One form of Islamic religious education that is very well-known in Indonesian society is moderate Islamic education (Jamilah, 2021).

The dominant religious group in an area is called religious hegemony. Religious hegemony is one of the problems faced by justice advocates in religious communities (Beaman, 2003). In other words, religious hegemony is the root of the emergence of contestation in a country (Join et al., 2022; Syahrah Adila et al., 2020; Yusoff & Sarjoon, 2019). The term religious hegemony develops in religious countries because religion influences social dynamics, including in Indonesia as a country with a dominant Muslim society (Fauziyah & Nasionalita, 2018). In their writing, Fauziyah and Nasionalita reveal that the dominance of elite groups influences religious hegemony. Religious hegemony has a role in the processes and dynamics of society in the political realm (Rivera-Castro, 2021). Therefore, the dominant religious group has a significant role in political construction. According to Rivera-Castro, the expression to fight religious hegemony is to perpetuate the concept of religious neutrality. Religious hegemony significantly shapes social dynamics and becomes a reference for social and moral life (Syahrah Adila et al., 2020). These writings state exclusively that the definition of religious hegemony has a major role in the social dynamics of society, including contributing to injustice due to the influence of majority group power.

Religious hegemony occurs in various spheres of society. In the context of the international scope, religious hegemony also plays a significant role. Christianity is an example of religious hegemony in the world or on a global scale, especially in social dynamics and public space in large countries in the world, such as the United States (Blumenfeld, 2006; Small et al., 2022). On a national scale in Indonesia, Islam is an example of religious hegemony that influences the lives of local communities. The influence of Islam is visible in the development of religion-based education (Azizah, 2022; Azizah et al., 2023). Apart from Indonesia, examples of the influence of religious hegemony on education also occur in Turkey (Buyruk, 2021). In line with this, Qurrat-Ul-ain (2023) shows that cultural elements such as regional cultural symbols also play an essential role in religious hegemony on a national scale that occurs in minority communities. In a different context, Appau and Yang (2023) show examples of the application of religious hegemony on a narrow scale, as occurs in Christianity. Appau and Yang explain that in the dynamics of

Christianization, several Christian majority groups use the church as a place to support commercialism, mutualism, and competition in the market. Several studies state that religious hegemony occurs in different contexts and scales, both internationally and nationally.

Human rights is a term used in the field of justice to guarantee human freedom, which is identified in various forms. This term is a fundamental human right that must be realized in everyone's life (Quintavalla & Heine, 2019). Human rights are classified in several forms, and their application can be seen as rights to specific abilities (Sen, 2005). In human rights deviations, it is essential to recognize, support, and protect individuals, groups, or communities who mobilize, advocate, or take action to protect each other's rights, including environmental rights (Bennett et al., 2023). Human rights are declared globally to support justice and peace without discrimination against individuals and communities worldwide (Zandy, 2019). In its application, human rights are intended to create healthy social dynamics because they are practiced directly by people who support the welfare of psychology-based human rights (Wainwright et al., 2022). By supporting the welfare of human rights based on psychology, Wainwright explained that the role of psychologists in supporting human rights can be carried out from the individual and community level while advocating for human rights from a psychological perspective. Several of these articles explain that implementing and achieving human rights goals is very important to realize just and prosperous social dynamics.

Human rights are applied in various forms of classification based on their significance in the application pattern—human rights in the form of freedom of religion or belief. The form of human rights in the form of freedom of religion or belief is one form of human rights instrument that is very fundamental globally (Ashraf, 2022; Bagir et al., 2020; Lassen, 2020; Petersen, 2022; Thames & Sclaro, 2022). According to Bielefeldt et al. (2022), freedom of religion or belief is a big problem often ignored and criticized by some human rights defenders. This means that human rights in the form of freedom of religion or belief are a form of human right that is controversial, especially in religious countries. Apart from freedom of religion or belief, in the world of economics and business, human rights are also an important issue (Schrempf-Stirling et al., 2022; Fasciglioni, 2022; McCorquodale & Nolan, 2021; Emanuilov & Yordanova, 2022). The development of human rights also covers technological developments and progress over time. Human rights were designed to guarantee a technologically advanced society. Because of this progress, the rules of justice are packaged as human rights in AI (Aizenberg & van den Hoven, 2020). In its application, human rights aim to realize human dignity (Regilme, 2019). In implementing human rights in all forms of context, human rights principles must be achieved: human dignity, non-discrimination, participation, transportation, and accountability (Mapp et al., 2019).

B. DISCUSSION

This session examines the legal aspects of the Indonesian Criminal Code (KUHP) 2021 and 2023, as well as the perspectives presented in Boaventura de Sousa Santos' book "If God Were a Human Rights Activist." It investigates how



these legal frameworks and viewpoints connect and how they might help to understand human rights and justice in Indonesia. It seeks to obtain a better grasp of the legal system's intricacies and the problems that exist in ensuring human rights are safeguarded and enforced through this investigation.

1. Using the KUHP 2021 to Pronounce Blasphemy at Al-Zaytun?

Based on the results above, there are actually various narratives that refer to the issue of blasphemy that can be prosecuted under the KUHP 2021. On social media, for example, there are hate speeches, disrespect towards certain people, or views on religious rituals at the Al-Zaytun Islamic boarding school. Based on the available data, several parties have actually violated this law in the context of the facts in the file by making comments or statements that are seen as unfriendly or insulting to certain ideas or religious leaders. However, it is important to emphasize that the application of these regulations is often controversial and can also be misinterpreted. If so, then what happened to the Ahmadiyya (considered to be infidels or to tarnish the teachings of Islam in particular) can be repeated at the Al-Zaytun Islamic boarding school. Therefore, any debate on the application of the KUHP 2021 to cases of blasphemy must take into account this complexity and the wider consequences for human rights and justice in Indonesia.

The following data intends to show the controversy that has occurred which has led to the unacceptable implementation of certain religious rituals.

Tabel 1. Public Responses

Code	Pro	Con
Line prayer (shaf) that is spaced and mixed shaf of men and women	<p><i>"Memang Al-Zaytun itu kan pesantren di indramayu, eksklusif kita tidak bisa intervensi apapun dan kalau kita tidak suka juga salah, levelnya nasional pun kadan tidak di tanggepin gitu" ujar ketua MUI Indramayu KH Satori</i> (https://www.detik.com/jabar/berita/d-6687925/fakta-fakta-ponpes-al-zaytun-yang-kerap-tuai-kontroversi)</p> <p><i>"Kemudian kalau hal-hal yang berkenaan dengan shalat berjamaah, kemudian ada wanita, saya mengedepankan fikih sosial, mengangkat harta dan martabat wanita yang selama ini terpinggirkan. Sedangkan dalam pemahaman, saya berdasarkan Al-Quran, sama, tidak pernah dikesampingkan" ungkap panji gumilang, pengelola Al-Zaytun</i> (https://medan.tribunnews.com/2023/06/30/kontroversi-pesantren-al-zaytun-ini-alasan-panji-gumilang-buat-shaf-sholat-pria-dan-wanita-digabung?page=4)</p>	<p><i>"Susah mau kita gimana pun berkoar. Kita punya kebenaran tetapi mereka punya uang, masih heran aja sih kalau habib kita yg salah kata pasti udah di tindak lanjut. Giliran ini terang terangan masih aja di tahan tahan" oleh akun instagram @jaaysttch</i> (https://www.instagram.com/p/CuD2lYJyEmF/?img_index=1)</p> <p><i>"Sebagai orang awam, yg sy bingung adalah : (1) Bukankah shaf shalat harus rapat ? Itu jaraknya jauh-jauh sekali. Dan itu orang pada sehat kenapa pakai kursi macam hajatan ? Pada umumnya jamaah dimasjid duduk dan bersila. (2) Apakah boleh perempuan 1 shaf dengan laki-laki?. (3) Ada 2 orang dibelakang imam. Apakah itu semacam wakil & sekretaris?. (4) Orang shalat bukanya harus tuma'ninah..kok ada yg lihat kamera dlm posisi shalat ?" komentar oleh akun instagram @tyangaliit</i> (https://www.instagram.com/p/CrU4gp_SSSu/?img_index=1)</p>

<p>Reception of Soekarno mazhab or school/ideology</p>	<p>“Dalam urusan masa depan bangsa aku setuju dengan syekh” ungkap komentar dari akun tiktok @darkumdarkum29 (https://www.tiktok.com/@umat.rosululloh_/video/7245859545417927942?_t=8e5c4iO4j5z&_r=1)</p>	<p>Tokoh pahlawan bangsa dijadikan mazhab? Wkwkw, mau nyomot gitu aja mencetus sebagai mazhab 😞 komentar akun @zubehidayah dari unggahan vidio akun tiktok @umatrasulullah. Dilanjut oleh @acae256 “manusia kalau banyak menelan ilmu jadinya pengetahuannya ya kaya gini” (https://www.tiktok.com/@umat.rosululloh_/video/7245859545417927942?_t=8e5c4iO4j5z&_r=1)</p> <p>“pemimpin sesat” ujar akun tiktok @umminovel dalm unggahan vidio akun ronjitu (https://www.tiktok.com/@ronjitu/video/7227722050490617115?_t=8e5dBAi6rK&_r=1)</p>
<p>Unusual adzan (like an oration)</p>	<p>“mantap min” komentar akun tiktok @manusiabias. Disambung oleh akun @ul “lanjut keponakanku”. (https://www.tiktok.com/@irelabe/video/7225953602223787291?_t=8e5QjP6OGGo&_r=1)</p> <p>Azan yang dikumandangkan oleh pesantrean Al-Zaytun sudah sesuai ajaran nabi “sudah sesuai semua”. Ia menanggapi azan masyarakat terlalu lama selama 10 menit “ngapin lama-lama, kalau yang saya pahami yak, azan seperti itu yang salah. (https://khazanah.republika.co.id/berita/rx2giz366/debatalumnus-gontor-dan-al-zaytun-dari-soal-adzan-hingga-tak-perlu-bermazha)</p>	<p>“Pertanda apa ini ya Allah” komentar akun @alfintigersyafikri, selanjutnya komentar dari akun tiktok @annisaali728 “seharusnya ketika adzan tangan kanan itu dekat telinga kan, lah ini kenapa tangannya bergerak gerak. (https://www.tiktok.com/@irelabe/video/7225953602223787291?_t=8e5QjP6OGGo&_r=1)</p> <p>Azan di Al-Zaytun tidak sesuai sunah nabi Muhammad, dalam sunah harus menghadap kiblat sedangkan yang dilakukan oleh muadzin Al-Zaytun adalah menghadap jamaah. Selain itu juga menyalahi sunah nabi dengan menoleh ke kanan dan malah mengangkat tanganya ketika melantunkan hayya ‘Alassholaah’. Ajaran seperti itu tidak ada anjuran dari sabda rasul dari ajaran manapun di perspektif Islam”. Ujar Alumnus Gontor (https://khazanah.republika.co.id/berita/rx2giz366/debatalumnus-gontor-dan-al-zaytun-dari-soal-adzan-hingga-tak-perlu-bermazhab)</p>
<p>Salam Havenu Shalom Aleichem</p>	<p>“Lagu ini pernah kami nyanyikan juga di gereja (emoticon senyum)”, komentar akun @kuayo.fecilitas@gmail.com (https://www.tiktok.com/@cnnindonesia/video/7249767676665416962?_r=1&_t=8e6fW1JDCye)</p>	



As explained above, quoted from the account channels for TikTok, Instagram, YouTube, and online daily news, information has spread that there are many different teachings in ma'had Al-Zaytun that are considered not in accordance with religious teachings or Islamic law in general. A very clear difference can be seen, starting from the Halat Shafs which are spaced apart and the mix of male and female shaf, adhering to the Soekarno's thought, unusual adzan, to Havenu Shalom Aleichem greetings like calling out Jewish greetings. The Al-Zaytun Islamic Boarding School has drawn controversy and various pro and con views regarding various aspects of its religion. These issues become public attention and attract the attention of the wider community.

Furthermore, article 156a of the KUHP reads that whoever deliberately expresses feelings or commits an act in public that is essentially hostile to or desecrates a religion that is adhered to in Indonesia, or prevents people from adopting a religion based on Belief in the One and Only God, shall be punished with a maximum imprisonment of five years (KUHP, 2021). Not only is it an issue of blasphemy, it is feared that this article can actually be used to silence freedom of expression and dissent, especially in circumstances where the accused may voice sincere criticism or be involved in peaceful protests, for example on the issue of women's involvement in Friday prayer which are meant for gender equality.



Figure 1. Line Prayer

Source: Al-Zaytun Official

Figure. 1 is a screenshot taken from Al-Zaytun's official YouTube account. In contrast to most ma'had/mazhab which recommend closing the prayer rows, the prayer rows at Al-Zaytun, as shown in Figure.1 are deliberately spaced about one meter. For this issue, Abdussalam Rasyidi Panji Gumilang, the leader of the Islamic boarding school in his talk show with Kick Andy (08.20 – 10.30), explained that the beginning of the distance between the shaf was due to the Covid-19 pandemic where all people were advised to practice physical distancing but this has continued until now to anticipate the possibility of a pandemic attack again.

Figure. 1 not only shows the rows that are spaced apart but also shows the position of women in prayer, the rows of women and men are not as usual front and back, but side by side and without curtains (separators). In his talk show

with Kick Andy, AS Panji Gumilang also confirmed that women could become priests or preachers.

"...ini yang kita katakan ini (perempuan) manusia yang punya hak untuk hidup dan beragama dan menjadi khotib, apa salahnya. saya baru bercita-cita itu, saya umumkan, siap-siap wahai anakku engkau akan menjadi khotib, baik yang perempuan, baru akan." (12.57 – 13.43).

Even though the idea was just about to be implemented, he emphasized that he would continue to implement the idea even after the various controversies that had befallen the Islamic boarding school.

2. Religious Freedom and Public Order: Implications of the New KUHP 2023

In the opinion of Zainal Abidin Bagir (2023), that Article 300 only weakens the crime of blasphemy by defining the act (from harassment and insult to the encouragement of hatred, violence, and discrimination) and the method of punishment, not completely erasing the aspect of blasphemy, which is defined as protecting religion (not protecting citizens). Therefore, it is difficult to predict exactly what will happen to Al-Zaytun if the new KUHP 2023 is implemented, because it will depend on specific actions and statements related to the institution. However, some of Al-Zaytun's activities or teachings may have the potential to violate the new provisions regarding incitement to carry out religious rituals mentioned above because they are educational institutions. leaving or changing religions or beliefs. Similarly, if there is evidence that Al-Zaytun is involved in activities that disturb public order or disturb the peace, they can be subject to punishment under Article 303. However, it is important to note that any application of the new KUHP against Al-Zaytun or other institutions needs to be carried out according to the process and the principles of fairness and justice.

On the other hand, the data above also highlights several examples of alleged blasphemy that could potentially be prosecuted under the existing Article 156a of the KUHP 2021. However, the new KUHP 2023 introduces additional provisions related to freedom of religion and public order which could have implications for how these cases are handled in the future. One of the new provisions, Article 303, imposes penalties for people who disturb worship or religious gatherings through noise or violence. This provision is intended to protect the right of everyone to practice their religion or belief without interference or interference from other parties. While these changes are intended to protect the right of individuals to practice their religion or beliefs without interference or harassment, there are concerns about the potential for these provisions to be used to suppress freedom of expression or peaceful protest. Therefore, any discussion of the application of this provision to cases of blasphemy or other religious disputes must take into account these complexities and consider the broader implications for human rights and justice in Indonesia.





Figure 2. Adzan Moves
Source: Al-Zaytun Official

As previously mentioned, not only in the prayer moves, the students at Al-Zaytun apply different procedures for the call to prayer in general where the muezzin (the person who calls the call to prayer) will use the rhythms used to recite the Al-Qur'an 'an such as *bayati*, *shoba*, *hijaz*, and others or following the rhythms of the high priest in Mecca or Medina. However, different from this custom, still in the same source, the muezzin at Al-Zaytun does not use these rhythms when reciting the call to prayer but in a tone of oration or like reciting poetry. The pieces of the picture above also show the movements of the call to prayer which are different from usual (inserting a finger or simply covering the ear), these movements seem to conform to the meaning of the call to prayer which contains testimony (two sentences of creed) and an invitation to establish prayer.



Figure 3. Singing Havenu Shalom Alachim
Source: Al-Zaytun Official

As has been widely discussed on social media, the song Havenu Shalom Aleichem, which contains greetings in Hebrew and is synonymous with Judaism, has been sung several times within the Islamic boarding school environment. Figure. 3 is a screenshot of the video of the mass action towards the Islamic boarding school regarding teachings and land issues within the Islamic boarding school. This song itself in a press conference by LBM PWNU West Java has been condemned as illegitimate to sing because it resembles and broadcasts other religious traditions and teaches doctrines that have the potential to eliminate sharia regarding fiqh.



Figure 4. Community Visiting from Pohon Persekutuan
Source: Al-Zaytun Official

Not only Judaism, recently on its official YouTube channel as seen in Figure. 4, Al-Zaytun received a visit from the Fellowship Tree Group. In his interview, one of the members of the group defined themselves as a prayer group formed by God himself 28 years ago whose members consist of various church organizations but are not separate legal entities.

3. Navigating Controversy: Perspectives on Al-Zaytun and the Role of Religion in Public Life in Indonesia

The result above indirectly implies the fact that religion plays an increasing role in people's lives in Indonesia, especially in terms of freedom of religion and public order. If viewed from Boaventura's perspective on the concept of globalization and its various expressions, such as hegemony, counterhegemonic, and non-hegemonic globalization, and how they influence the role of religion in public life, the Al-Zaytun case can be seen as an illustration of the diversity of religious patterns in people's lives across different cultural orientations. The expansion of religious freedom and public order in the KUHP 2023 reflects the growing role of religion in the lives of people in Indonesia, who are predominantly Muslim. The new regulation makes significant revisions to the legal framework, which may impact how cases of blasphemy or other religious disputes are handled in the future.

Boaventura raises crucial questions about the challenges and opportunities presented by the globalization of political theology and the need for dialogue and interreligious theology in dealing with global issues. The globalization of political theology has several consequences for social



movements and organizations. Religious movements have developed around the world, able to overcome institutional and cultural boundaries and successfully reproduce practices and rituals in several contexts. These movements take advantage of every type of organization, communication, formation, and commercialization that global capitalism provides. So that the new provisions on freedom of religion and public order in the KUHP 2023 can be seen as an attempt to respond to the challenges and opportunities presented by the globalization of political theology in Indonesia, especially in the Al-Zaytun case. In addition, from Santos' point of view, there is a possibility that transnational networks can help enlarge the voices of marginalized parties such as Al-Zaytun and Ahmadiyah by challenging the dominant power system.

MUI issued fatwa number 38 of 2023 concerning the law for women to become preachers in the Friday prayer series. This fatwa was issued in response to the ideology and religious practices carried out by the Al-Zaytun Islamic boarding school (Diahwahyuningtyas, 2023). In the central MUI's official Twitter account dated 22 June 2023, MUI displayed the MUI fatwa in two separate posts totaling 6 sheets in the form of photo documents. This fatwa was enacted on June 13, 2023. Based on the MUI Fatwa document, there are 6 points of legal provisions which state that first, Friday prayer are obligatory for male Muslims and permissible for women. Second, the Friday prayer is a pillar of the Friday prayer. Third, the prayer as referred to in number 2 is part of the *mahdlah* worship which must follow the provisions of the *shari'a*, which among other things must be performed by men. Fourth, the preaching as done by women in front of a congregation of men, the law of preaching is not valid. Fifth, the Jumaat prayer, whose prayer is carried out by women in front of the male congregation, is illegal. Sixth, believing that women may become preachers in the series of Friday prayers in front of male congregations is a wrong belief that must be corrected and those concerned must repent.

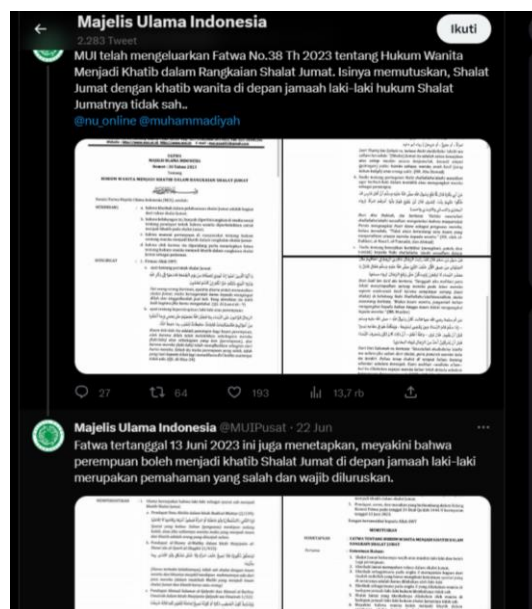


Figure 5. MUI Twitter Capture
Source: @MUIPusat

Because of this, fatwa number 38 of 2023 includes three recommendations aimed at Muslims adhering to religious teachings and being careful in choosing places of education for children. As well as recommendations are also addressed to the state to be obliged to guarantee the protection of religious teachings from deviation, and defamation. In addition to fatwa number 38 of 2023, MUI has also prepared two new fatwas which are planned to be issued against Panji Gumilang's statement, including the Fatwa of the Qur'an is the word of Allah SWT and the Fatwa of God knows all languages (CNN, 2023).

Table 2. Government Responses

Government Figures	Responses	Time	Sources
Coordinating Minister for Political, Legal, and Security Affairs, Mahfud MD	Emphasizing resolving this controversy so that it does not drag on and affect the 2024 Election, because this case often arises before the election.	22 June 2023	https://www.radarcianjur.com/nasional/9459443492/tegas-mahfud-md-minta-kasus-ponpes-al-zaytun-diselesaikan
National Police Public Relations Division, Karo Penmas, Brigjen Ahmad Ramadhan	In following up, it is necessary to examine whether it is true that it is a crime or not.	15 June 2023	https://www.liputan6.com/news/read/5326666/mui-minta-pimpinan-ponpes-al-zaytun-panji-gumilang-segera-ditindak-ini-respons-polri
West Java Governor, Ridwan Kamil	Hold joint meetings when you receive joint news to discuss related issues	19 June 2023	https://www.detik.com/jabar/berita/d-6775206/respons-ridwan-kamil-soal-gaduh-ponpes-al-zaytun
Indonesian President, Joko Widodo	Denied the involvement of State Palace staff in supporting the Al-Zaytun Islamic boarding school controversy. We urge the public to be patient with the government process.	23 June 2023	https://nasional.tempo.co/read/1746036/respons-istana-soal-ponpes-al-zaytun-dari-jokowi-ngabalin-moeldoko-dan-mahfud-md
President's Chief of Staff, Moeldoko	Denied that he supports the leader of Al-Zaytun Islamic Boarding School	4 July 2023	https://www.harapanakyat.com/2023/06/respons-presiden-soal-polemik-al-zaytun-ada-tudingan-istana-yang-bekingi/
Chief of staff for the president, Ali Mochtar Ngabalin	Defending Panji Gumilang as a smart figure.	18 July 2023	https://nasional.tempo.co/read/1746036/respons-istana-soal-ponpes-al-zaytun-dari-jokowi-ngabalin-moeldoko-dan-mahfud-md



Indramayu Police Chief, Ajun Komisariss Besar Polisi M Fahri Siregar	Thoroughly investigate every report regarding the Al-Zaytun pesantren controversy	29 June 2023	https://nasional.tempo.co/read/1749542/panji-gumilang-dilaporkan-karena-penggelapan-dana-zakat-ke-polres-indramayu-bareskrim-ambil-alih
Member of House Commission III, Arsul Sani	Ask Bareskrim Polri to prioritize case investigation	24 June 2023	https://news.detik.com/berita/d-6799001/respons-mahfud-arsul-sani-minta-polri-prioritaskan-kasus-panji-gumilang
Ministry of Religion, through her spokesperson, Anna Hasbie	Freeze the statistical number and registration certificate of the Islamic boarding school including madrasah permits if they are proven to be misleading.	25 June 2023	https://www.indopos.co.id/headline/2023/06/25/polemik-al-zaytun-pemerintah-mesti-ambil-tindakan-komprehensif-dan-adil/

The data illustrates a wide range of reactions from various government officials to the Al-Zaytun Islamic boarding school dispute. These responses emphasise the significance of conducting a comprehensive inquiry as soon as possible to fix the issue before it has an impact on the forthcoming 2024 election. While some authorities deny any involvement and emphasise the importance of patience with the government process, others advocate for a prioritised case investigation and the freezing of essential licences if false information is confirmed. The call for collaborative meetings and an investigation into the reality of the claimed crime emphasises the importance of a holistic approach to resolving the matter.

4. Navigating the Islamic Fundamentalism and the Plurality of Interpretations of Sharia

Halili Hasan, Executive Director of SETARA Institute, emphasises the organization's responsibility in providing unbiased suggestions or advice for dealing with the Al-Zaytun Mosque conflict (Ramli, 2023). Their goal is to guarantee that any suggestions made are objective and fair, with the ultimate goal of attaining justice in the situation. These recommendations should be based on accurate and verified data, avoiding guesswork or disinformation. In essence, the SETARA Institute seeks to help to the resolution of the disagreement by giving well-informed advise that is consistent with justice ideals and backed up by tangible, verifiable facts.

The result above indirectly implies the fact that religion plays an increasing role in people's lives in Indonesia, especially in terms of freedom of religion and public order. If viewed from Boaventura's perspective on the concept of globalization and its various expressions, such as hegemony, counterhegemonic, and non-hegemonic globalization, and how they influence the role of religion in public life, the Al-Zaytun case can be seen as an illustration of the diversity of religious patterns in people's lives across different cultural orientations. The expansion of religious freedom and public order in the

KUHP 2023 reflects the growing role of religion in the lives of people in Indonesia, who are predominantly Muslim. The new regulation makes significant revisions to the legal framework, which may impact how cases of blasphemy or other religious disputes are handled in the future.

Boaventura raises crucial questions about the challenges and opportunities presented by the globalization of political theology and the need for dialogue and interreligious theology in dealing with global issues. The globalization of political theology has several consequences for social movements and organizations. Religious movements have developed around the world, able to overcome institutional and cultural boundaries and successfully reproduce practices and rituals in several contexts. These movements take advantage of every type of organization, communication, formation, and commercialization that global capitalism provides. So that the new provisions on freedom of religion and public order in the 2023 Criminal Code can be seen as an attempt to respond to the challenges and opportunities presented by the globalization of political theology in Indonesia, especially in the Al-Zaytun case. In addition, from Santos' point of view, there is a possibility that transnational networks can help enlarge the voices of marginalized parties such as Al-Zaytun and Ahmadiyah by challenging the dominant power system.

In his book, Boaventura also mentions that change and flexibility are always important in sharia and that there are technical methods such as 'urf (adat), maslaha (public interest), and darura (obligation) that allow for flexibility of interpretation. This implies that there is leeway for interpreting and adapting Islamic law and principles and that interpretations of shari'ah may change over time to reflect social changing and cultural standards. But again, the many interpretations of shari'a and the diversity of religious experiences within Islam point to the need for a comprehensive understanding of the issues at stake.

C. CONCLUSION

In conclusion, the discourse around the legal aspects of the Criminal Code in 2021 and 2023, combined with insights drawn from Boaventura de Sousa Santos' book "If God Is a Human Rights Activist," underscores the complex interplay between legal frameworks, religious dynamics, and human rights considerations in Indonesia. An examination of the application of the 2021 Criminal Code to cases such as blasphemy at Al-Zaytun highlights the complexity of interpreting and enforcing regulations, uncovering potential pitfalls in misinterpretation that can lead to controversy. Likewise, an analysis of the implications of the new 2023 Criminal Code reveals a fragile balance between safeguarding freedom of religion, public order, and potential risks to freedom of expression.

On the other hand, the multifaceted role of religion in public life is evident, with the Al-Zaytun case symbolizing the diversity of religious patterns across different cultural orientations. The 2023 revision of the Criminal Code is a response to the challenges posed by globalization, particularly in the realm of political theology, and signals an attempt to navigate these complexities in the Indonesian context. Boaventura's insight emphasizes the importance of



dialogue and theology to answer global issues originating from the dynamics of political theology. Moreover, the discussion around the interpretation of sharia law underscores the flexibility inherent in its principles, allowing for adaptation and change over time. This adaptability underscores the need for a comprehensive understanding of the various interpretations and experiences of Islam.

REFERENCES

- Aizenberg, E., & van den Hoven, J. (2020). Designing for Human Rights in AI. *Big Data and Society*, 7(2), 1-14
- Ali, N., Afwadzi, B., Abdullah, I., & Mukmin, M. I. (2021). Interreligious Literacy Learning as a Counter-Radicalization Method: A New Trend among Institutions of Islamic Higher Education in Indonesia, Islam and Christian-Muslim Relations. *Islam and Christian-Muslim Relations*, 32(4), 383-405
- Aman, M. (2020). Kurikulum Pendidikan Berbasis Al-Qur'an. *Rausyan Fikr : Jurnal Pemikiran dan Pencerahan*, 16(1)
- Appau, S., & Yang, Y. (2023). Church Advertising and The Marketization of Religious Hegemony. *Marketing Theory*, 0(0), 1-26
- Ashraf, C. (2022). Exploring The Impacts of Artificial Intelligence on Freedom of Religion or Belief Online. *International Journal of Human Rights*, 26(5), 757-791
- Azizah, N. (2022). Sacralization Religion, Power Elite and Leadership: Female Regents in East Java. *Tajdid: Majalah Ilmu Pengetahuan Dan Pemikiran Keagamaan*, 25(1), 1-15
- Azizah, N., Aziz, M. K. N. A., Armoyu, M., Harun, M. H., & Nkwede, J. O. (2023). The Hegemony of Religious Elite in Women's Leadership in Islamic Boarding School: As Regional Head in East Java. *AIP Conference Proceedings*, 2544(1)
- Bagir, Z. A. (2023). *Agama dalam KUHP: Kemajuan Setengah Jalan*. CRCS UGM
- Bagir, Z. A., Asfinawati, Suhadi, & Arianingtyas, R. (2020). Limitations to Freedom of Religion or Belief in Indonesia: Norms and Practices. *Religion and Human Rights*, 15(1-2), 39-56
- Beaman, L. G. (2003). The Myth of Pluralism, Diversity, and Vigor: The Constitutional Privilege of Protestantism in the United States and Canada. *Journal for the Scientific Study of Religion*, 42(3), 311-325
- Bennett, N. J., López de la Lama, R., Le Billon, P., Ertör, I., & Morgera, E. (2023). Ocean Defenders and Human Rights. *Frontiers in Marine Science*
- Bielefeldt, H., Pinto, T. A., & Petersen, M. J. (2022). Introduction: Freedom of Religion or Belief as a Human Right. *The Review of Faith and International Affairs*, 20(2), 1-12

- Bin Jamil, A. I. Bin. (2022). Country Report: Religious Education in Malaysia. *British Journal of Religious Education*, 44(2), 200–208
- Blumenfeld, W. J. (2006). Christian Privilege and The Promotion of “Secular” and not-so “Secular” Mainline Christianity in Public Schooling and in The Larger Society. *Equity and Excellence in Education*, 39(3), 195-210
- Buyruk, H. (2021). The Role of Religious Education in Hegemony Construction: The Case of Imam Hatip Schools in Turkey. *Paedagogica Historica*, 57(6), 657-674
- CNN, T. R. (2023). MUI Siapkan 2 Fatwa Baru Respons Kontroversi Panji Gumilang Al-Zaytun. *CNN Indonesia*
- Diahwahyuningtyas, A. (2023). 4 Kontroversi soal Ponpes Al-Zaytun, Apa Saja? *Kompas.Com*
- Eftekhar, Z., Ziaei, S. & Moghaddam, H.S. (2019). New Educational System and Information and Communication Technology’s Influence on The Process of Information Seeking Behavior: Case of Students of Islamic Higher Education. *International Journal of Information Science and Management (IJISM)*, 17(1), 73-82
- Emanuilov, I., & Yordanova, K. (2022). Business and Human Rights in Industry 4.0: a Blueprint for Collaborative Human Rights Due Diligence in The Factories of The Future. *Journal of Responsible Technology*, 10, 1-16
- Fasciglione, M. (2022). Business and Human Rights in the Age of Artificial Intelligence. *Federalismi.it*, 164-183
- Fauziyah, S., & Nasionalita, K. (2018). Counter Hegemoni Atas Otoritas Agama Pada Film (Analisis Wacana Kritis Fairclough Pada Film Sang Pencerah). *Informasi*, 48(1), 79-93
- Jamilah, S. (2021). Moderate Islamic Education to Enhance Nationalism Among Indonesian Islamic Student Organizations in The Era of Society 5.0. *Journal of Social Studies Education Research*, 12(3), 79-100
- Join, M. M., Bernad, I. D., & Naja, A. (2022). Membongkar Egosentrisme, Eksklusivisme dan Fiksasi Agama dalam Ruang Publik. *Focus*, 2(1), 60-66
- Kosim, M., Muqoddam, F., Mubarak, F., & Laila, N. Q. (2023). The Dynamics of Islamic Education Policies in Indonesia. *Cogent Education*, 10(1), 1-15
- Lassen, E. M. (2020). Limitations to Freedom of Religion or Belief in Denmark. *Religion and Human Rights*, 15, 134-152
- Lindeb, M. (2022). Digitizing The Field of Women’s Islamic Education. *Approaching Religion*, 12(1), 184–200
- Lubis, S. A., & Hasibuan, P. (2019). *Pertarungan Faham Takfiri di Indonesia: Menerobos Kemapanan Tradisi Sunni*. Medan: Perdana Publishing
- Mapp, S., McPherson, J., Androff, D., & Gatenio Gabel, S. (2019). Social Work is a Human Rights Profession. *Social Work*, 64(3), 259-269
- McCorquodale, R., & Nolan, J. (2021). The Effectiveness of Human Rights Due Diligence for Preventing Business Human Rights Abuses. *Netherlands International Law Review*, 68, 455-478
- Nurtawab, E., & Wahyudi, D. (2022). Restructuring Traditional Islamic Education in Indonesia: Challenges for Pesantren Institution. *Studia Islamika*, 29(1), 55-81



- Petersen, M. J. (2022). Freedom of Religion or Belief and Freedom of Expression. *Review of Faith and International Affairs*, 20(2), 40-48
- Quintavalla, A., & Heine, K. (2019). Priorities and Human Rights. *International Journal of Human Rights*, 23(4), 679-697
- Qurrat-Ul-ain, A. (2023). Religious Hegemony and Vernacular Mosque Architecture: Investigating Authority Differentials, Intra group Dissonance and Acculturation among Chinese Muslims. *Journal of Islamic Thought and Civilization*, 13(1), 172-187
- Ramli, M. (2023). Masalah Ponpes Al-Zaytun, Ini Masukan dari Setara Institute. *Times Indonesia*
- Regilme, S. S. F. (2019). The Global Politics of Human Rights: From Human Rights to Human Dignity?. *International Political Science Review*, 40(2), 145-291
- Rivera-Castro, F. (2021). Neutrality Without Pluralism. *European Journal of Political Theory*, 20(2), 232-251
- Sahin, A. (2018). Critical Issues in Islamic Education Studies: Rethinking Islamic and Western Liberal Secular Values of Education. *Religions*, 9(11), 1-29
- Santos, B. de S. (2015). *If God Were a Human Rights Activist*. Stanford University Press
- Schrempf-Stirling, J., Van Buren, H. J., & Wettstein, F. (2022). Human Rights: A Promising Perspective for Business & Society. *Business and Society*, 61(5), 282-321
- Sen, A. (2005). Human Rights and Capabilities. *Journal of Human Development*, 6(2), 151-166
- Sharifi, H., Liu, W., & Ismail, H. S. (2014). Higher Education System and The 'Open' Knowledge Transfer: a View From Perception of Senior Managers at University Knowledge Transfer Offices. *Studies in Higher Education*, 39(10), 1860-1884
- Small, J. L., Edwards, S., Sayers, M. R., Bowling, R. L., Collett, J. R., Kaur-Colbert, S., & Nielsen, J. C. (2022). Recognizing Christian Hegemony as Broader than Christian Privilege: Critical Religion Scholars Respond to Glanzer (2022). *Religion and Education*, 49(4), 355-373
- Syahrah Adila, S., Yusuf, F., & Nahdhiyah, N. (2020). Social Role Conflict and Religious Hegemony: Social Background in Anna Karenina Novel by Leo Tolstoy. *Jurnal Ilmiah Bina Bahasa*, 13(02), 33-46
- Tambak, S., Hamzah, H., Ahmad, M. Y., Siregar, E. L., Sukenti, D., Sabdin, M., & Rohimah, R. B. (2022). Discussion Method Accuracy in Islamic Higher Education: The Influence of Gender and Teaching Duration. *Jurnal Cakrawala Pendidikan*, 41(2), 507-520
- Thames, K., & Scolaro, E. (2022). Freedom of Religion or Belief and Cultural Heritage Protection: Synergistic not Competitive. *Review of Faith and International Affairs*, 20(2), 49-60
- Tolchah, M., & Mu'ammam, M. A. (2019). Islamic Education in The Globalization Era; Challenges, Opportunities, and Contribution of Islamic Education in Indonesia. *Humanities and Social Sciences Reviews*, 7(4), 1031-1037

- Wainwright, T., Plavšić, M., & Hagedaars, P. (2022). Psychologists for Human Rights. *Psihologijske Teme*, 31(1), 119-137
- Yusoff, M. A., & Sarjoon, A. (2019). Post-War Religious Violence, Counter-State Response and Religious Harmony in Sri Lanka. *Journal of Educational and Social Research*, 9(3), 211-223
- Zandy, J. (2019). Universal Declaration of Human Rights. *Radical Teacher*, 113, 54-55

