

**RELIGIOUS MINORITIES, ISLAM AND THE LAW:
INTERNATIONAL HUMAN RIGHTS AND ISLAMIC LAW
IN INDONESIA BY AL KHANIF. LONDON:
ROUTLEDGE, 2021, 232PP. ISBN: 9781000168563**

BOOK REVIEW

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DOI: <https://doi.org/10.22452/jati.vol28no2.7>

Freedom of religion is one of the basic human rights that cannot be lessened under any circumstances in Indonesia. Therefore, the state of Indonesia ensures that all citizens have the right to have a religion or belief of their choice, as well as the freedom to practice the religion or belief in public (Fatmawati, 2011; Smith et al., 2008. Arifin, 2019, p. 6). As a result of the philosophy known as Pancasila (Five Principles), which serves as the fundamental basis and source of law in Indonesian law, which is one of the distinctive qualities of Indonesian law, the legal system of Indonesia is also sometimes referred to as the legal system of Pancasila. According to Oemar Seno Adji (1980, pp. 24-25), the Pancasila philosophy significantly emphasises protecting religious liberty.

This right is reflected in the First Precepts of Pancasila, which recognise God Almighty, and because it is everyone's right to choose, embrace, and practice their religious teachings freely without experiencing interference and also without disturbing other parties, everyone must respect religion and the beliefs of other people in Indonesia, according to the findings of a number of researchers (Arifin, 2019; Aprita & Hasyim, 2020; Acharya, 2011). Over many years, religious minorities in Indonesia have regularly been subjected to difficulties, restrictions, and pressure and have even been attacked violently. This is true from both an international and domestic perspective regarding human rights. Acknowledging this issue is a significant aspect of this book's overall contribution to the ongoing conversation about the rights of religious minorities.

Since the concept of Pancasila serves as the primary basis and source of law in Indonesia, the legal system of Indonesia is frequently referred to as the legal system of Pancasila. This is because Indonesia's legal system was modelled after Pancasila. Freedom of religion is recognised as an essential component of a Pancasila legal state (Adji, 1980, pp. 24-25; Al Khanif & Khoo, 2022). It is everyone's right to freely choose, embrace, and follow their religious beliefs

without interference and also without disrupting other parties, which is why freedom of religion is expressed in the First Precepts of Pancasila, which acknowledges God Almighty (Aprita and Hasyim, 2020).

In terms of international and local human rights, religious minorities in Indonesia have regularly encountered problems, setbacks, and even attacks during the past many years in the practice and implementation of human rights legislation. The fundamental contribution of the book is to shed light on Indonesia's one-of-a-kind policy for regulating the rights of religious minorities; as a result, it should be required reading for anybody concerned with the rights of religious minorities. Al Khanif, the author of this book, discusses how advocates for human rights battle for the freedom of all people and how representatives of religious orthodoxy respond to this conflict.

In contrast to academics who adopt a black-and-white stance on whether or not human rights principles should be acknowledged at the international level, Al Khanif acknowledges the difficulties inherent in translating and distributing these ideals. A 'localisation' process is undertaken to bring secular human rights values into conformity with the customs and traditions of the area in question. According to Al Khanif, Indonesia is what's known as a 'semi-theistic secular state', which means the country is officially atheist but makes a concerted effort to protect religious liberty.

This book identifies Indonesia as a country that has effectively built a culture and set of values separate from the Western secular state in the context of a discussion on the rights of religious minorities in this book. The country in question is Indonesia. This book contends that the government fosters social harmony by supporting the customary ideas held by the majority of the population. Integration into the dominant school of thinking within Islam is necessary for minorities to be eligible for protection from the state.

The narrative of Islam's peaceful arrival in Indonesia, as well as the comparatively moderate nature of Indonesian Islam, have been crucial components of the protracted process of constructing this secular state, which is still being debated in modern times. To a certain extent, the concept of this state has developed into an identity and a norm that might serve as a standard for how to interact with religions that are seen to be in the minority.

This fascinating book seems to take a very formal, formalistic, and legalistic approach to the study of law as it pertains to religious minorities, which is why it is so engaging. By examining the various ways international human rights laws and Islamic law can be interpreted in conflict, the author appears to have honed in on the disputed nature of the issue. The author also makes references to the complex web that is made up of the traditions, society, and

politics of Indonesia. This research will undoubtedly produce data that are illuminating and succinct.

In a secular, liberal nation where the separation of religion and state is the norm, including individual freedom protections in the nation's founding document is customary. These protections have evolved into the norm and are now taken for granted. There are constitutional safeguards in place to protect religious minorities in Indonesia; yet, in practice, these safeguards are frequently construed and applied in a manner that is at odds with the priorities of the religious minorities themselves. Despite the fact that the constitution enables anybody to proclaim religion and the behaviours that are associated with it, the Blasphemy Law places restrictions on the constitutional protections that are provided to religious minorities. As a result, it becomes more difficult for religious minorities to interpret and practice their beliefs as they see proper. As can be seen in the situations of Ahmadiyah and Shia, adherents of minority sects are frequently subjected to persecution, exile, and other forms of discrimination.

In this regard, analysts see that the current human rights situation regarding the issue of democracy is something we must be aware of in the future. In Southeast Asia, there is a tendency for human rights to be put aside temporarily to achieve economic recovery and public order, especially in the post-pandemic world. So far, ASEAN member countries have continued the principle of non-interference, which has resulted in ASEAN being absent from addressing human rights violations in the region, for example, Myanmar. ASEAN complies with the provisions regarding consensus to determine whether an ASEAN action will be implemented or not. The ASEAN Intergovernmental Commission on Human Rights (AICHR) and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) can only raise an issue in ASEAN if there is a consensus or agreement between ASEAN members. If there is no unanimity or the country whose case is raised refuses, the case submitted will not be discussed by ASEAN.

We must admit that ASEAN, which has human rights commissions such as the AICHR and the ACWC, has failed to promote human rights protection in the region, for example, in Myanmar and Indonesia. This book presents a comprehensive discussion and analysis of the issues surrounding the rights of Islamic minority groups in authoritarian societies such as Indonesia. The book initially aimed to investigate marginalisation and human rights in Southeast Asia. This is done by presenting various points of view regarding the complexity of these issues as well as the similarities and differences in people's experiences regarding human rights violations throughout the region (Menski, 2017. Acharya, 2011)

This book also discusses ethnic minority groups, children, indigenous peoples, migrant workers, refugees, academics, and people with disabilities, which, in my opinion, is a clear link between marginalisation and human rights for groups that are targeted and prejudiced by the state.

References

- Arifin, F. (2019). *Hak asasi manusia: Teori, perkembangan dan pengaturan*. Yogyakarta: Penerbit Thafa Media.
- Aprita, S., & Yonani Hasyim, Y. (2020). *Hukum dan hak asasi manusia*. Jakarta: Mitra Wacana Media.
- Adji, O. S. (1980). *Peradilan bebas negara hukum*. Jakarta: Erlangga.
- Acharya, A. (2011). Norm subsidiarity and regional orders: Sovereignty, regionalism, and rule making in the Third World. *International Studies Quarterly*, 55(1), 95–123.
- Fatmawati (2011). Perlindungan hak atas kebebasan beragama dan beribadah dalam negara hukum Indonesia. *Jurnal Konstitusi*, 8(4), 489-520.
- Al Khanif, & Khoo, Y. H. (Eds.). (2022). *Marginalisation and human rights in Southeast Asia*. Abingdon: Routledge.
- Menski, W. F. (2017). Human rights in Southeast Asia. *Journal of Southeast Asian Human Rights*, 1(2), 109-127.
- Smith, R. K. M., Høstmælingen, N., Ranheim, C., Arinanto, S., Falaakh, F., Soeprapto, ERiyadi, E. (2008). *Hukum hak asasi manusia*. Yogyakarta: Pusat Studi Hak Asasi Manusia Universitas Islam Indonesia (PUSHAM UII).

How to cite this article (APA):

Sahrasad, H. (2023). Religious minorities, Islam and the law: International human rights and Islamic law in Indonesia by Al Khanif. London: Routledge, 2021, 232PP, ISBN 9781000168563. Book Review. *JATI-Journal of Southeast Asian Studies*, 28(2), 113-116.

Date received: 19 December 2023

Date of acceptance: 26 December 2023