CHAPTER III

Portrait of Violation Incidents on Freedom of Religion/Belief

By considering the actuality, intensity, significance, and urgency to get handling from government and related parties, in this part also described about particular monitoring report from 3 location, those are: Bekasi is about Ahmadiyah case, Sampang which related to Jamaah Syiah, and Aceh is about cult.

These cases we report specially to build insight and invite feel of care from all elements, especially the state to enforce the law, to make the condition become conducive, and to handle the problem which lays on the authority and responsibility of the state in giving human rights guarantee and citizen constitutional rights.

A. The Sampang Tragedy: History of Syiah and Repeated Violation

[1] The Begin of Syiah Community in Sampang

There is no precise information, how much the Syiah pilgrims in Indonesia. That is no trusted sources that can be confirmed about this matter. Jalaludin Rahmat said that the amount of Syiah pilgrims is around 2,5 million until 5 million peoples. Some of Syiah figures also mentioned the number which not too different, but that is no reference of this claim. But, maybe the claim from those members is fine if seen from spread number of branch office of Islam organization from Syiah, like IJABI (Members of Indonesian Ahlul Bait Association, established since 2010), and ABI (Indonesia Ahlul Bait, established since 2010) and hundreds
of Foundation developed Syiah dakwah that spreaded up to 84
cities/regsents of Indonesia.

According to some historians, the true adherents of Islam
Syiah have existed since the beginning of time when Islam entered
the archipelago. Even Prof. Aboebakar Atjeh mention that the first
generation teaching spreader of Islam in Nusantara (archipelago),
are Muslims of the Sya'fii mazhab and Syiah. Prof.Ali Hasjmy
writes that during Peurelak Empire (840-1292) there has been a
power struggle between Syiah and Sunni groups. In this kingdom,
the ruling Syiah groups, including Alaiddin Sultan Sayyid
Maulana Shah Abdul Aziz (840-864). However, the next ruler that
is currently ruled by Sultan Alaiddin Mughaiyat Maulana Ali Shah
(915-918), the Sunnis won the power struggle. And the deployment
Nusantara direction that dominated by Muslim Sunni. In the next
period, it seems that decays much Syiah in tarekat (congregation)
traditions that many growing to the whole Nusantara. In research
Zulkfli, the community existence traces of Syiah rediscovered in
19th century through Arab communities. Due to the political crisis
in the Hadramaut (Yemen region in the Arabian South Peninsula)
at the end of the 18th century there was a wave of immigration to
the archipelago some Arab clans and several Muslim regions of
Southeast Asia. Most of these are Arab clan of the sayyid family,
who claimed to have the lineage of the Prophet Muhammad.
They came to the archipelago and working as religious teachers
in a community that is widely spread in Arab Sumatra and Java.
Among the sayyid prominent and scholars is derived from the
family of al-Muhdar, Yahya, Shahab al-Jufri, al-Haddad and al-
Saqqaf. In the Arab and Muslim traditional community, families
are seen as a respectable family.

After the Iranian revolution, the proselytizing spread of Syiah
finds momentum. One of ustadz from sayyid circle who is very
famous, namely Hussein al Ethiopia (1921-1994), lives in Bangkil,
Pasuruan. Through the pesantren institution that led namely
Foundation Islamic boarding school (YAPI), ustadz Hussein al
Habsy develop the proselytizing Syiah effectively to the inland,
including Madura.

Through YAPI, Ma'mun, the clerics in the interior of Madura,
precisely in Hamlet Nangkerang, Karang Gayam, Sampang, got
lessons lure of Ustadz Hussein Al Habsy on Syiah. Ma'mun realized that teaches Syiah to the Maduranesse who were fanatical to Sunni teachings will bear problems. Therefore explored Syiah Ma'mun quietly and just is taught to their children. Ma'mun sent three sons, Iklil al Milal (currently 43 years old), Tajul Muluk (41), Roisul Hukama (38), and Umm Hani (35) to YAPI. Among the three children Ma'mun, the most prominent is Tajul Muluk. Graduated from TAPI, Tajul Muluk, in 1993 went to Arabia for working. While working he studied religion homage to a number of Syiah cleric. Returning from Arabia, Tajul started preaching to teach openly the Syiah ideology. His egalitarian demeanor, outgoing, handily and not willing to accept reward after giving religion teaches, making this young Kyai much sympathy. Some residents in the village become the followers of Tajul. Gaining the supports of the citizens, he more enterprising Tajul to preaching. In early 2004, some villagers donated land for the establishment of boarding schools, boarding schools that hereinafter called “Misbahul Huda” a center of propaganda Tajul. At the boarding school hundreds of children and teens to learn the Koran, and studied the teachings of Shi’ite Islam.

[2] Early Conflict: Misdirection and Hate Speech

Along with the activities development of Tajul to spreading Syiah teaching, local clerics began to oppose, such as Ali Karrar Shinhaji, The leader of Pondok Pesantren Darut Tauhid, Desa Lenteng, Sub Proppo, Pamekasan. According to Kyai Ali Karrar, Syiah is a mahdzab in Islam which recognized as wrong and misguided. Local Clerics opposition against Tajul is not done hardly while Tajul's father, Kyai Ma'mun was still alive. Then finally in June 2004 Kyai Ma'mun passed away. During 2005 to 2006 has held a number of meetings to justify Tajul, and forced him to abandon his faith. A number of lectures were attended by thousands of people are often held to emphasize to the public that Tajul Muluk and it carries is heretical teachings, pagan, and not as a part of Islam's teachings.

On April 9, 2007, for the first time, the threat and attacks of violations against the Syiah community in Sampang was known through the public mass media. The incident began when the Syiah
community organized a program of celebrating commemoration the birth of Prophet in the Pesantren of Misbahul Huda, hundreds of invitations from outside Sampang were attending this event. However, these activities were blocked by thousands of masses armed and sharp wooden batons. Mass are blocking all invited guests who will attend that event. Despite the tension occured, the event of mauludan was still being run under the supervision and maintenance of the security forces. The intensity of the attack that strongly encourages Tajul to joined the network a broader Syiah community, IJABI. On June of 2007, Tajul Muluk and his two brothers, Iklil al Milal and Roisul Hukama are appointed as Regional Executive IJABI (Indonesia Ahlul Bait Association) of Sampang. Tajul Muluk was elected as Chairman. In particular, Jalaluddin Rahmat present at this inauguration. The induction ceremony is done in IAIN Surabaya, and invited a number of prominent NU in Surabaya. Through these activities IJABI tried to make Tajul closer to NU figures in Surabaya so that in the future he leads the Syiah community was not opposed by NU clerics in Sampang. However, this effort seems to have little impact in the future.

On October 26, 2009, while Ramadan, Branch Manager (PC) of NU Sampang held a meeting with the ulema and the Muspika of Omben District to discuss the existence of dakwah (preaching) activity of Tajul Muluk. In this meeting, the clerics who present once again states that the spread Syiah of Tajul Muluk is misguided. Under the circumstances of cornered, Tajul Muluk was forced to sign a statement that contains that he is willing to stop the activity of teaching of Syiah doctrine teaches in Sampang. That statement which is used to be a grip of clerics to press Tajul and to force him to immediately stop Syiah's preaching activity and repent as well.

Tention within villagers occurred in daily life. Non-Syiah residents often scoff Jamaah Syiah residents, such as do not eats kinds of food given to them, do not reply when greeted, and so on. There is even a couple divorce case happened because the hubby is Syiah and the wife is not. While hatred speech on Syiah was ongoing intensively, at the beginning of 2010, conflict within Tajul Muluk and his brother, Rais al Hukama happened. The conflict is caused by the marriage of Tajul and Halimah (16), his
neighbor without any confirmation to Rais. Halimah is a student of Rais. Rais was angry and felt not appreciated by Tajul because as a teacher, he entitled to determine mate for Halimah, not Tajul. That gossip developed that Rais also put his heart also on Halimah. After that incident, Rais hates Tajul, and then Rais becomes the enthusiastic person who calling for hatred, hostility and misguided on Syiah teachings.

[3] The Eviction of Tajul Muluk

Momentum of of violence attack on Syiah Sampang community always is done when their religious activities held. After the many time threats pointed to them, then the violence threat developed to evict them from their places. The first object that evicted is Tajul Muluk, the cleric and leader of Syiah Sampang community. On February 21, 2011, the Syiah resident in Omben plan to celebrate commemoration of Prophet in Pesantren Misbahul Huda. Lobbying began to started, word got out that this activity will be implemented when the thousands of Sunnis to attack and burn the houses of citizens Syiah. Hearing that threat, he does not dither, he determines to remain held that maulid in his pesantren. The invitations and proselytizes from outside the city invited to enliven that event.

Just as the day of the Maulid, which is on February 21, 2011, thousands of anti-Syiah masses derived from at least nine villages in Omben and surrounding, besiege the streets of the entrance to the village of Karang Gayam. Hundreds groups of invitation to the location of the event still be blocked when will be entering the driveway to Desa Karang Gayam and forcing them to return home. Not only that, the streets are mounted wooden barrier, drilled and plated large boulders or similar vehicle or cars can not pass. Rais, who once was one of the main leaders in Syiah Sampang, had changed course, became the leader of anti-Syiah masses.

In the pamphlets and letters submitted to security and government of Madura Ulema Gathering Body (BASRA) stated as the responsible party in mass mobilization. Through a signed petition of local figures, this anti-Syiah group state some demands, such as:
1. Tajul Muluk out of Desa Karang Gayam and leave the area of Kabupaten Sampang.

2. Tajul Muluk is forbidden to spread his teachings.

3. If those demands not be fullfiled, so Tajul Muluk will be evicted forcibly by the people of Desa Karang Gayam.

By the reasons of security, the security forces eventually cancel that event, and finally the mass was well dispersed. However, their demands have not been successful. Demonstrations and mass mobilization was continued. At noon, on 2 April 2011, hundreds of people from Desa Karang gayam and Blu’uran move towards to Tajul’s pesantren. To the police, they claim that they convey Tajul Muluk had to get out of that village at the same time, or his pesantren will be burned. Unlike the incident in February, on this time police officer confirmed to Tajul Muluk, that the security forces are not able to provide security against Tajul and his family. The police asked Tajul to be willing to go out of the village, and police provide Sampang Police Office as a temporary place for him. There is no option for Tajul, finally he is willing to accept the offer of Police. Since then, this case received special attention from the officials concerned. A number of meetings among government and security forces deployed to find solutions to problems. It seems that the problem solution that become a choice of Sampang government and police are not much different from the demands of anti-Syiah group. In a meeting held every option taken is to drive Tajul Muluk of the house and the native village. Tajul said, one by one of the Government officials and the Police of Sampang always give advice to Tajul willing to leave his village and temporarily live out of Madura until the situation become subsided. Finally, because there is no other choice for Tajul, so on April 30, 2011 in Social Welfare Office of Kabupaten Malang in gathering meeting with Assistant I of Provincial Government of East Java and the official of IJABI East Java, Tajul agreed to to temporarily live outside Madura for one year. He chose to live in Malang. In this meeting, the Assistant I of Provincial Government of East Java stated to reimburse the payment of house rent Rp.10.000.000 and living cost for one year which the amount has not determined yet, but later the Provincial Government (Pemprop) of East Java allocates 50
STAGNATION ON FREEDOM OF RELIGION

million rupiah for living cost budget of Tajul Muluk for one year ahead.\(^8\)

After succeeding to evict Tajul from his village, the clerics and Sampang Government continuously held meeting to legitimate Syiah as misguided teachings. On the beginning of July, 2011, Tajul got informations that the situation of Desa Karang Gayam has returned to normal, so that on July 24, 2011, he went to his homeland. The news about Tajul return home was known by people surrounding. And tomorrow, on July 26, 2011, hundreds of masses back to besiege the house of Tajul Muluk and threat to burn that house also. Then, for second time, Tajul Muluk was secured by Police of Polres Sampang. About a hundred residents of Syiah then picked up Tajul to be requested to home to Karang Gayam. The Police did not allow that request and did not want to guarantee the security on Tajul. Last, Tajul refused his willing to return back home and decided to get back to Malang with determining his self and his jamaah’s safety.\(^9\)

To release longing on his family and students, Tajul tried to return home many times, but it seems that he cannot accepted by the residents in his hometown. On August 7, 2011, while Tajul get back to his village to celebrate Ramadhan with his family, some of police officials immediately pick him up to be brought and guarded to his rent house in Malang\(^{10}\). Then, finally Ustadz Tajul Muluk had to leave his family and students for his family and students’ security from violence attack threat. In the future, Tajul will realized that his choice is vain, because even he had left his hometown, the violence will stay happens and cannot be prevented by government and security personnel.

\[4\] The Eviction of Whole Residents of Syiah

Even Tajul Muluk had been evicted from his homeland, but the violence threat on him, do not be stopped. The attack threat that pointed to Jamah Syiah and Pesantren Syiah is continued to happen. On December 20, 2011 in Dusun Gedeng Laok, the house of Muhammad Sirri, one of Syiah followers and being of Tajul’s relative, was burnt by masses. There’s no victim on this incident. The police cannot found the doer of that burning. The climax happened on December 29, 2011. Hundreds of masses came and
besieged the Pesantren of Misbahul Huda and ready to burn that Syiah pesantren's building. To avoid that clash and victim, Ali, the cleric who replaces Tajul teaching in Pesanren asked his students that spend the night in Pesnatren to go back their own homes. The wife, children and mother of Tajul who live in that pesantren's area evacuate to their neighbor's house that located about 200 metres from Pesanren.

Iklil al Milal contacted the Police and asked security. Police actually heard the plan of that attack, because the day before, police informs about that violence threat to him, but in the morning, Iklil just saw two police personnels there. At around 09.00 WIB, masses amounting 500 people besieged pesantren. They destroyed and burned the pesantren that contains house of Tajul, small mosque, rooms of students, class room, and a small grocery shop. Not satisfied to their acts, mass moved to house of Iklil Al-milal that locates around 1,5 km from pesantren and Syaiful's home (brother of Tajul) in Dusun Solong Berek Karang Gayam that located around 1 kilometres from pesantren. Those two houses were burned and destroyed until crushed to the ground, not only that, the house of Suhairi, the followers of Syiah who just came from working as a labor in Malaysia, also looted by masses. According to Kapolres Sampang AKBP Solehan, while the incident happened, he and some police personnels could not prevent mass’ anger that came with weapons and their numbers more that the police officers11. Base on Syiah resident's recognition, part of perpetrators used facepieces, another part of them who followed to attack can be recognized, seems came from outside the village.

It seems that police officers not tried to preventing that destruction and burning actions, contrarily to evacuate Syiah residents out from their homes and brought them into Sport Arena (GOR) of Wijaya Kusuma that located in centre of Kabupaten Sampang. GOR Wijaya Kusuma is a closed Sport Arena which is used for badminton and tennis only. At that day, about 306 of Syiah residents from Desa Karang Gayam and Blu’uran evacuated to that place. Most of them are women, children, and babies. According to Syiah residents, this evacuation holds on the instruction of police officials and village apparatus. They left homes without time
to prepare anything. Because along stay in that place, they did not bring adequate supplies, just the clothes they wore. A day after, the Regent of Sampang, Noer Tjahja explained about the government's response on this case. Pemkab stated that the mass violence trigger is two cautions, namely: internal problem and religion blasphemy as stated by MUI Sampang. In the future, Pemkab will sort out Jamaah Syiah which is fanatical or not. The fanatical one will be transmigrated to outside of Madura islands and those which are lay will be asked to repent. Since the beginning, Pemkab have show its response, not willing to protect Syiah residents, and more that that, Pemkab Sampang positioning Syiah residents as the problem source that must be 'evicted' from Sampang or 'to be repent' to leave out of their beliefs.

The goal of Sampang government to evacuate Syiah residents to Sport Arena of Sampang is not only to secure the residents of Syiah, but more than to harassing and insulting the residents of Syiah, to show of people in Madura that Syiah is an evil cult and misguided, forbidden to develop in Madura. On the first days, at this circular building the refugees just sleep on the floor with mat repose, carpet or carton. The blanket and sleeping materials just accepted by refugee one week after relief consignment from Surabaya arrived. The refugee was forbidden to make public kitchen, but foods that given to them for three times a day just a packet of rice with salted fish and a quarted of fried egg. There is no enough water or health adequate facility. All are limited and under the tight monitoring of security personnels. The government of Sampang as uses Sport Arena of Sampang jusy to be concentration camp for Syiah residents.

Outside the refugee place, the situation is getting worst. On January 11, 2012 Bakorpakem of Sampang issued decision that stated Syiah is misguided. The decision of Bakorpakem Sampang was published in Radar Madura magazine exclusively. The Syiah refugee surprised about this decision, they haven't get a clarification from Bakorpakem. All of information that compiled by Bakorpakem apparently did not involved member of Jamaah Syiah Sampang, or Syiah community outside Sampang. After that issued decision of Bakorpakem Sampang, seems that institution
“satisfying” the anti-Syiah groups in Omben and surrounding. Some of Sampang functionaries stated, by issuing this decision of Bakorpakem, so the situation of conflict area can be controlled. The residents of Syiah must be repatriated from evacuation place, and then Ministry of Religious Affairs and the clerics should be preaching to ask the Syiah followers to repent. On January 13, 2012, the government of Sampang decided to repatriate Syiah residents from evacuation, but forbid the fourth of Syiah leaders, Tajul Muluk, Iklil, Syaiful, and Ali come together with the people. The repatriation process was done dramatically, within the harsh treatments from Pemkab functionaries and Ministry of Religious Affairs of Sampang which escorted by Public Order Agency (Satpol PP), Police Department, and Kodim, the refugee forced to go out from the Sport Arena. Feels treated so despicable, residents of Syiah refuse to use transport facility given by Pemkab and prefer to take on the truck given by volunteer corps.

Since January 13, 2012, the residents of Syiah return back to their village. For a while, the situation of the village is secure. But, they cannot doing worship freely like before the incident happened on December 29, 2011. The pesantren was destroyed, the clerics forbidden to return homes, though the mosque of the village that became house of worship for residents of either Sunni or Syiah, cannot be used anymore for Syiah discriminatively.

The residents of Syiah who worship in the mosque should do prayer by following the worshipping manner of Sunni. Every religious preachings always contains about persuasion to leave Syiah teaching and shift to Sunni.

But, seems the effort of shifting that belief of Tajul Muluk's followers from Syiah to be Sunni has no significant improvement. Even they have been blasphemed and accused misguided, and forbidden to worship openly, the Syiah residents are still with their belief. This firm attitude of Syiah residents trigger more strict reaction from surrounding figures who recognized as anti-Syiah. And the local government of Sampang also not performed any efforts to facilitate a dialogue within those both parties.

Finally, the violence rehappened. On Sunday, August 26, 2012, still in situation of Lebaran Day, thousands of anti-Syiah
masses attacked and burned house of Syiah residents. The trigger of that incident is when the residents of Syiah accompany their children to go out the village to return back to pesantren after their holiday of Lebaran. For students of Junior High School (SLTP) and above, generally the Syiah children study in several pesantren Syiah which located outside Madura. For figures of anti-Syiah, this situation cannot be tolerated because those children after graduated their study will return back to the village and they will be the spreader of Syiah teachings, for that they tried to forbid the children delivery to study to pesantren or schools of Syiah that located outside Madura.

Hundreds of anti-Syiah mass that led by Ustadz Bahrudi, Muklis, H. Abdul Malik, Saniwan and Yusuf converge in Dusun Goa Desa Karang Gayam to block the entourage of Syiah residents while shouting ‘where will the unbelievers go?’ To avoid clash, some of Syiah resident returned back homes. Not long after, through the loudspeaker of Jurujuh Mosque came a shout “for all of muslims to go out of homes and fight Syiah people”\(^2\). After hearing that shout, mass of Sunni become more in numbers. They brought sickles, machetes, crowbars, ax, and another hard instrument then they besieged the Pesantren of Syiah which had been burnt already. This pesantren just remind a building that measuring 5 x 4 meters that inhabited by Tajul Muluk’s family and at that time also become a place for all of Syiah resident to flock.

Cannot stand to be harassed and insulted, the residents of Syiah tried to fight. The incident of throwing stones occurred, a number of people from both sides injured. Through the musholla and mosque loudspeaker voice calls back to the Sunni groups that are heard in all corners of the village, “To all Sunni, should fight/ war the Syiah, there are many Sunnis injured” and “and to be asked for all of Moslem of Sunni go out of home and fight Syiah now.”\(^3\). After that provocative shout was heard, thousands residents of Syiah gathered together and attacked.

Victim who died is from Syiah side, Moh Hasyim who is known as Pak Hamamah, 52 years old. He died bloody with stab wounds and blows, and there are dozens of people injured also. After defeating opposition on Syiah residents, further anti-Shi’ah residents attacked, burned and destroyed 49 homes of complex
consisting of at least 130 units of building or more. Police officers were powerless to prevent this incident occurred.

Finally, in the early evening about 284 people of Syiah, which consisted of 179 male adolescents and adults, 56 female adults, 36 children of under 15 years, 9 toddler, 3 elderly people, and one person seriously injured victims were evacuated in GOR Sampang. Situation in Sampang GOR is not much different from the first time they fled in early 2012, the facilities are very limited and not worth it. Syiah refugee condition somewhat helped by the support and solidarity of various civil society groups that are concerned about this case.


Currently, Tajul Muluk was arrested with a sentence of four years in prison. Tajul Muluk criminal case is the most vulgar form of criminalization of minority groups that exhibited by the Indonesian law enforcement institutions. Officially, Tajul Muluk was named as a suspect on Thursday, March 15, 2012 by the Regional Police (Polda) of East Java as a continuation of the report from Rois al-Hukama for alleged violation of Article 156a of the Criminal Code on defamation of religion, and Article 335 of the Criminal Code of unpleasant acts. Determination of the suspect was done by police investigator from Polda of East Java without any accountably investigation process going through the East Java police investigation process accountable, so hasty and inadequate evidence. And the filing process on the case of Tajul, also run so fast until to be tried in the District Court (PN) of Sampang. The insistence of some anti-Syiah figures, play a major role in directing the process of handling the case.

As suspected by many parties, the trial of Tajul in Sampang District Court is just a farce. Surely the judges who investigated the case had made the prior decision before the trial process, and that trial process is totally useless. Despite what was accused on Tajul cannot be proven behind the court, but the judges on the pretext said that Tajul and witnesses was on taqiyah (perjury)\textsuperscript{14} so that all witness' and Tajul's testimony not be considered by the judges. The
court did not prove any allegations of Tajul at all, but on July 12, 2012, the judge still decided Tajul guilty and punished him with a two-year sentence over the charges of teaching and having different the holy Qur’an that followed by the Muslims in general.

Worse than PN Sampang, Surabaya High Court judgment on Tajul worsened to 4 years, and again with the ridiculous and irrational considerations. Surabaya High Court on 20 September 2012 Tajul aggravated punishment for assessing the activity of Tajul that become the trigger of clash in Sampang and cause one person died. And, the last Supreme Court decision also reinforces issued by the High Court of Surabaya.

In contrary to the more enthusiasm of the Court to judge Tajul Muluk eventhough within the irrational legal consideration, tho court was precisely issuing the lightly punishment to the perpetrator of violation on Syiah. On April 10, 2012, the District Court (PN) of Sampang just decided punishment of 3 month 10 days for Musikrah (50 years old) the suspect of burning case on house of Syiah’s leader and the pesantren of Syiah on December 29, 2011. The District Court of Surabaya punished 6 suspects of assault against Syiah pilgrims community on August 26, 2012, tey are Mukhsin aka Tamam Bin Mohamad Rowi 10 months in prison with concerning the article of beating, Mat Safi bin Misnoto with 1 year 6 months in prison with concerning the persecution article, Saniwan aka Muhriyah 8 months with concerning beating article, and Saripin 8 months in prison with concerning beating article. And Rois Al Hukama who suspected as the main defendant precisely just punished free on April 16, 2013. And Hadiri aka Hosen punished as murder defendant against Hamamah, with 4 years in prison.

In this case, it appears that the legal institutions fail completely impartial and objective position. Court, to the Supreme Court level so excited punished Tajul Muluk even with silly and irrational legal considerations, however, weak and powerless to punish the perpetrators of violence. In vulgar justice judiciary showed far astray from the principles of accountability for the realization of justice.
[6] **Violation by State after Second Attack**

Since the second attack on Syiah pilgrims, on August 26, 2012, a series of violations continuously faced by this group during their stay in the evacuation. Such violations can generally be grouped into several forms: 1) the negligence of the state in fulfilling the basic rights of Syiah pilgrims during the evacuation; 2) forced to shift the beliefs; 3) hate speech are left unchecked by the state apparatus that gave birth to the various types of bullying that was never completed; 4) forced evictions, and; 5) impunity for actors behind violence against Syiah pilgrims, both in the case of Sampang I, December 29, 2011, and in the case of Sampang II, August 26, 2012.

a) **State Negligence in Fulfilling the Basic Rights**

Since August 26, 2012, jamaah Syiah have been forced to evacuate in GOR Sampang. Until June 20, 2013, jamaah Syiah refugees remain in GOR because there is no security and there is no solution given by the Pemkab Sampang, East Java to them. For 10 months they persisted in GOR, before they were finally expelled and forcibly transferred by the Pemkab Sampang and Provincial Government of East Java to the Wisma Rusunawa Puspa Agro Sidoarjo on June 20, 2013.

Since December 2012 and early January 2013, the supply of food for Syiah Sampang refugee has been discontinued by the Pemkab Sampang and provincial government of East Java. About 165 people of jamaah Syiah Sampang living in the camp that consisted of 56 adult males, 61 adult females, 19 children and 28 infants, forced to eat and to survive with the help from various non-governmental organizations. The reason of termination of food supply is often because of the budget for refugees are depleted. This reason for sure is difficult to be accepted factually, donation for refugees even necessarily through the Pemkab Sampang.

Despite occasional food supply is sometimes given, but the policies that developed by Pemkab Sampang Regency intentionally intimidated by stopping the food supply. Intimidation intended to suppress the jamaah Syiah willing to be ‘relocated’, or to receiving the option of shifting back on Sunni teachings. Terror to cut off
supplies of food, clean water supply, electricity supply is always done to create panic for jamaah Syiah during their stay in the refugee camp.

As a result of this policy, guarantees of their lives feasibility day by day become more and more alarming. Health insurance is no less alarming. Since the beginning of January 2013, the government also did not provide access to medical facilities and health, thus health condition of refugees become deteriorating. Many children are stricken by the disease during the change of seasons. Free medical facilities have also been stopped since December 26, 2012. Fact, the police custody by Sabhara Polda of East Java has been withdrawn since January 1, 2013. Moreover, the learning activity of emergency school for the refugee children also quit after the final exams in 2013.

Since the first time living in refugee camps, jamaah Syiah are always conditioned of deprivation and panic. The government deliberately created this situation to intimidate and to impose option for relocation and shifting the belief.

b) Force to Shift the Belief

The violation in the form of coercion shifting belief against jamaah Syiah, also continues to dye the case of Sampang since the attack incident on August 26, 2012. Few of Syiah families that still survive in Desa Nangkrenang and Karang Penang, is continuously being the targeted activities ‘repent (pentaubatan)’ conducted by Pemkab Sampang together with the power of clerics and Islamic organizations. A number of religious leaders along with Polres Sampang, Ministry of Religion Affairs of Sampang, Bakesbangpol, Police Mobile Brigade of Polda East Java, and sub-district Chiefs, actively forcing a number of Syiah families that still survive in the village to make a statement to out of the Syiah. In the statement that was signed and witnessed by a number of officials and local government officials. There are at least nine Family Heads who claimed to have been pressured and forced to sign a statement of out of the Syiah.

The coercion of shifting belief is indeed continuously experienced by Jamaah Syiah that had taken refugee. After they
are forcibly evicted from GOR on June 20, 2013 and placed in Rusunawa Puspa Agro, East Java Pemprop together with Ministry of Religious Affairs are actively socialize reconciliation scheme and repatriation return to their homeland. The refugee always be promised could be return home to their homeland with a strict requirement to leave their belief and become the Sunnis. The effort to create this ‘repent’, is continuously to dye the reconciliation issue and repatriation of Syiah refugee. This issue was always forced by MUI of East Java, MUI Sampang and Islamic Boarding School and Ulemasin Madura (Bassra).

c) The Omission of Hate Speech

The assault and many kinds of violence that experienced by jama'ah Syiah Sampang began from the hate speech tokoh of the local ulema which gradually allowed by the government. After being forced to evacuate to GOR Sampang, the hate speech on Jamaah Syiah is not abated too, indeed it is allowed by the government to smooth the forced evicting scheme the jamaah Syiah from GOR Sampang.

Several days before forced eviction that occurred on June 20, 2013, all of Desa Sampang had been spreaded a pamphlet about istighosah praying on that day. That program was inisiated by Bassra and MUI of Sampang. The pamphlet explisitely agitated people of Sampang to involve in action to refuse Jamaah Syiah to stay in Sampang. Since the beginning Police and Pemkab Sampang tried to mobilize the masses in large number. Police allowed that event, eventhough they knew that that event was held to raise the power of mass in order to evict Jamaah Syiah from GOR Sampang. Polisi and Pemkab not doing anything, moreover they became part of the plan of Bassra and MUI. This is proved by the persistence of Sampang Police and local government in suppressing the Jamaah Syiah to leave the GOR and willing to be relocated, since the date of June 19, 2013, the day before istighosah was held.

When istighosah was ongoing, religious figures from representative of MUI Madura and Bassra, turns to giving speeches and calls them together, that is ready to do anything for making Jamaah Syiah are not longer exist in Sampang. During istighosah event took place, of hate speech and violence continues echoed the
call in front of about 8000's mass packed the GOR Sampang. At the event, K. Ali Karrar was openly calling for violence when Shiite pilgrims would not be moved from the GOR Sampang.\textsuperscript{15}

d) Forced Expulsion from GOR

As already explained before, all the intimidation, hate speech, and negligence of the government over the fate of refugees of Syiah Sampang, it just part of a government scheme to forcibly displaced Syiah from GOR Sampang to Rusunawa Puspa Agro Sidoarjo.

This plan has even proffered by the provincial government of East Java in the early months of when Jamaah Syiah at the first time evacuated to GOR. This scheme peaked on Wednesday, June 19, 2013. Through Bakesbangpol, Police Sampang District Government (Pemkab) of Sampang directly called Ustadz Iklil al-Milal and visited refugees in Sampang GOR to pressure refugees to leave the GOR.

The cleric, Iklil al-Milal picked up by the police to meet at the Police Sampang. At the police station, he was faced to the representatives of Sampang Regency, especially from Bakesbangpol, and a number of religious leaders. Together with Chairman Bakesbangpol, religious leaders, Polres Sampang forced Ustadz Iklil to be willing to accept demands for Syiah refugees leave GOR at that day. Neither the Chairman nor the Chief of Police Bakesbangpol argued that on Thursday, June 20, 2013 the yard of GOR Sampang will be used for holding an event anti-Syiah istighosah. The event was initiated by Bassra. The government also expressed fears of violence if the refugees remained in the GOR. For sure, this fear is unreasonable because the district government itself which gave permission to hold the event the istighosah.

On Thursday, June 20, 2013, the Vice Regent of Sampang, the Head of Bakesbangpol Sampang, the Head of Dinsos, the Head of polres Sampang, and the Head of Polda East Java came to GOR. At the same time, the mass start to come by riding the pick up car and trucks. About 8000 peoples including children and woman entered the field of GOR. Whilst, outside the GOR, istighosah is characterized by oration from seven representatives of ulama from Sumenep, Pamekasan, Bangkalan, dan Sampang. The contents of
those ulemas are almost same, that is refusing the teachings of Tajul Muluk and requiring Jamaah Syiah out of Madura. At the same time, the representatives of Pemkab and Police continuously pressure the clerics of Iklil and Ummi Kultsum (wife of Tajul Muluk) to sign a statement to willing to be relocated representing the refugee.

Representatives of local government (Pemkab), police, and seven ulema do not stop intimidate and suppress Iklil and Ummi Kultsum to sign a declaration accepting relocated. Although the two representatives of the refugees already looked in shock and could not speak, the pressure of the scholars and representatives of local government does not stop. Until finally the situation got worst, Ustadz Iklil pulled her up by Kyai Ali Karrar. In an increasingly turbid situation, finally Ustadz Iklil was unconscious.

Representatives of Pemkab and police eventually forced the refugees to pack up immediately. Buses and trucks have been prepared by the police. Ustadz Iklil was already taken first by ambulance to the flats Puspa Agro Market, Sidoarjo. At this location, Pemkab Sampang and East Java Provincial Givernment have been plan a location for Syiah refugee relocation since several months ago. All refugees eventually transported by buses and 3 trucks 2 police, and escorted by three patrol cars to the market Puspa Agro Sidoarjo. No fewer than 168 refugees forcibly expelled from the GOR, the last bastion of their homes after their villages were burned and anti-Shi’a mob on August 26, 2012.

All refugees are finally transported by buses and 3 police trucks 2, and escorted by three patrol cars to the market Puspa Agro Sidoarjo. No fewer than 168 refugees forcibly expelled from the GOR, the last bastion of their homes after their villages were burned and anti-Syiah people on August 26, 2012.16

e) Impunity

Another thing that characterizes a series of violations against jamaah Syiah is the institutionalization of impunity by the state. However some of the actors behind the violence against jamaah Syiah on December 29, 2011 was brought into the legal process, but they just accept very ligh punishment, and even the main
actors of violence was acquitted by the court.

Saripin, one of the actors of violence, was punished to only eight (8) months of imprisonment by the Judge of District Court of Surabaya. In the ruling, the Chief of Judge, Mustafa, stated that Saripin violates the Article 170 paragraph 1 of the Criminal Code and Article 187 of the Criminal Code. The verdict was as serious as the demands of public prosecutors. Meanwhile, the main actors are always involved in the overall violence against jamaah Syiah, Rois al-Hukama even acquitted by the judges. The facts show Rois field was behind the entire series of violent Sampang December 29, 2011, but the court failed to prove it. Wednesday, April 16, 2013, to ending the Surabaya District Court trial of the perpetrators of the violence against the jamaah Syiah in Sampang, with the reading of the verdict against Rois al-Hukama. In the verdict, the panel of judges, that chaired by Syarifudin Ainor Rafiek, SH., MH., said that Rois al-Hukama (36) acquitted from all charges of committing acts that accused by the public prosecutor.

In the trial, the public prosecutor has demanded Rois al-Hukama for 2 years in prison, because he is proven to perform the acts as charged, namely Article 338 of the Criminal Code, Article 354 paragraph (2) of the Criminal Code, Article 355 paragraph (1) of the Criminal Code, and Article 170 paragraph (2) and paragraph (3) of the Criminal Code. But the law says paradoxically, only able to find the perpetrators of the field, while the intellectual actor was not identified.

Advocacy Working Group on Freedom of Religion/Belief (WG AKBB) of East Java that monitoring the trial record the various peculiarities of the decision of the judges. First, the judge who presided at the trial the defendant Rois al-Hukama named Syarifudin Ainor Rafiek. He is a former Chairman of the PN Bangkalan. Based on information compiled by the Working Group AKBB team in Surabaya District Court, Syarifudin Ainor Rafiek just reassigned to the Surabaya District Court after the attack on August 26, 2012. That finding indicates that the appointment of the Chief of Judge Panel has indeed been directed to side with the perpetrators of violence.

Second, the judges did not use a sworn translator in
examining witnesses who can not speak Indonesian. Noted, almost all witnesses testify using Maduranesse language. Third, the judges ignored the testimony of the witnesses that incriminating Rois al-Hukama. For example, the testimony of Umm Hani (sister of Rois Al Hukama) and the testimony of the Ummah (Mrs. Al Hukama Rois) are not included in the consideration of the decision. The two witnesses conclusively said that Rois through the speakers of the mosque chanted, “The Muslims and the Moslem faith, let us gather in the house Tajul Muluk.”

Fourth, the questions posed by the public prosecutor against the witnesses who incriminate defendant Rois, are very weak. Prosecution asks only related to the motive behind the attack on Jamaah Syiah Sampang. In fact, the motive is not a legal fact that can be used as evidence in the court. Fifth, the public prosecutor is also weak in the proof, for example, when Rois has provoked citizens charged with using mosque’s loud speaker, the prosecutor did not submit evidence in the form of the mosque’s speaker during the trial. Sixth, the public Public Prosecuting Attorney (JPU) is not serious violent offenders. Evidently, the JPU chose to use alternative charges compared with cumulative charges. If the JPU is serious to prosecute perpetrators of violence, he should be determining coated article by selecting the cumulative charges.

Another gaffe, the letter charges prosecutors of the trial the defendant Rois Al Hukama very weak legal basis. Prosecutor uses clauses, under penalty of mild (Article 170 of the Criminal Code), whereas Rois is one of the intellectual actors behind the attack against Jamaah Syiah Sampang. Beyond all that, though the indictment clearly stated Tjahja involvement Noer, former Sampang Regent participating congregation foster hatred against the Shiite community in Sampang, but the Police so far have not caught him and set the former Sampang Regent as a suspect.

Another infelicity is the letter of indictment of Public Prosecutor on the trial of defendant Rois al-Hukama that very weak legally. The JPU used articles with light legal punishment (Article 170 Criminal Code), whereas Rois is one of the intellectual actors behind the attack against Jamaah Syiah Sampang. Beyond all that, though the indictment clearly stated Noer Tjahja involvement, the former Sampang Regent participating congregation foster hatred
against the jamaah Syiah in Sampang, but the Police so far have not caught him and set the former Sampang Regent as a suspect.\textsuperscript{17}

\section*{[7] Peace Effort and Conflict Resolution}

Terms resolution is the desire of both parties to engage in dialogue and sit together to find a solution to solve a conflict. In the case of Sampang, this condition is rather difficult to fulfill especially adamant opponents still reject, although the opportunity was still there. One major obstacle of reconcilitation is the lack of state support in facilitating that reconciliation, even local governments (Sampang and East Java) seemed more aligned to the anti-Syiah majority. Though the central government in this regard Kemendagri ever meeting of the parties to facilitate settlement of this problem also recommend to the Regional Government.\textsuperscript{18}

Nevertheless, there are opportunities of the attitude of some people who had been directly interact with jamaah Syiah Sampang are relatively not make any differences.\textsuperscript{19} To encourage more assertive central government in carrying out its obligations to restore the rights of the victim, then on June 1, 2013 a number of ten residents Syiah Sampang accompanied by KontraS riding bicycle from Surabaya to Jakarta to meet with the President, they arrived in Jakarta on 16 June 2013. Along the way they get a lot of sympathy and support from community groups. Public outcry for the government to make the government of Sampang seem to be panic and take the distance to the civil society organizations involved in this case advocacy. The climax of this action occurred on June 20, 2013, with the approval of Sampang regency of East Java provincial government forcibly refugee camps of GOR Sampang to Jemundo towers in Sidoarjo. Protests from many people did not seem to change the attitude of the government.

From Jakarta, the hope seems to re-appear. On July 14, 2013 President Susilo Bambang Yudhoyono met ten refugees representation at his residence in Cikeas. In this meeting Yudhoyono promised to restore the rights of victims and even promised to lead directly reconciliation meeting with the parties related to the events of the attack. Unfortunately up to now, he has not been able to realize that promise.
Reconciliation efforts undertaken by the government seemed giddy and still far from the expectations. The reconciliation coordinated by Prof. Abdullah A’la who is the rector of IAIN Surabaya running slowly, and without a clear scheme. Dialogue on the community level, between Syiah and Sunni never be run by the government. Meanwhile, the initiatives initiated by civil society groups suspected it as an attempt worsen the situation. East Java Governor stated that in December 2013 it has allocated Rp 2.5 billion from the budget in East Java to build about 150 houses for the relocation of the Jamaah Syiah in Sampang, but up to this writing not yet clear when the governor’s promise will be realized.

Conflict Resolution in the case of Sampang seems still to not find clarity when it will be achieved. From the beginning, the main cause of the protracted resolution of this case is due to lack of commitment by the state to protect the minority of Syiah in Sampang. As long as the government has not changed his attitude, then the suffering of the victims seems will not be ended yet. Advocacy efforts of civil society groups are still very necessary to put pressure on the State to be more committed to Constitution promises.

B. Dissolution of Ahmadiyah in Bekasi

The Plurality of citizens in Indonesia is a social fact that must be accepted, recognized at once requires serious treatment mechanism by the state at the central and local governments. The diversity of cultural background, ethnicity, race, political orientation and religious beliefs as well as other differences are that the situation could not be avoided even become a necessity in the archipelago. The presence of the government’s role in dispensing the formulation synergy of diversity is in the strategic position.

Heterogeneity is a right that is nonderogable in perspective of human rights and constitutional rights as affirmed as in the Constitution, the UUD NKRI 1945. Diversity that has become the reality of Indonesian nationality atmosphere long before the independence containing of social and political risk load heavier than the burden that must be faced multisector homogeneous society.

The nation construction consisting of clavages or clustered on the
basis of religious, ethnic, regional and primordial social strata are not a single, possible threat to be destructed and broken easily.22

Anti-diversity attitudes and denying religious interpretation beyond belief as fact the majority of the social dynamics that have constitutional guaranteed tend to have “special position” of public space in Bekasi. Stakeholders ranging from local government, police, parliament Bekasi, religious leaders and other instruments as well as the community together demonstrate the intolerant actions. Stakeholders from local government, police, regional-representatives of Bekasi, religious leaders and other instruments as well as the community are together to perform the intolerant actions.

Chief of Pondok Gede Police Office, Bekasi, West Java, Kombes Dedy Tabrani seems talking to a member of Ahmadiyah from behind the gate of Al-Misbah Mosque which was sealed from outside on April 5. Officers tried to persuade the members to leave mosque. (Antara/Widodo S. Jusuf)

[a] The Discrimination Target: Minority

The minority group of religious/beliefs in Bekasi get discriminative attitude and often become the target of violence in the name of religion. Ahmadiyah community and the Christian pilgrims become vulnerable groups that mostly often the victims of anti-diversity attitudes and expressions of the religious practices
of the majority interpretation. Intolerant group received the full support of local stakeholders in Bekasi.

The presence of the Ahmadiyah community in Indonesia, especially in Bekasi is still not treated as fellow citizens surrounding who have the the equivalent rightst to run for their religion/belief. A series of discriminatory treatment and intolerant actions become that never ended burden. Moreover, the anti-diversity in Bekasi gets the formal “permit” from local government. It was proven on February 14, 2013 at the Masjid Al-Misbah on Jalan Pangrango Terusan No. 44 RT 001/RW 004, New Jatibening, Pondok Gede, Bekasi, forbidden to be a place of worship. Prohibition is done because there is a threat of intolerant groups that plans to close the town by force if the government does not act.

Related the banning of Ahmadiyah religious activity and sealing this mosque, Bekasi mayor, Rahmat Effendi does argue that what he was done in order to create and maintain a social life in the region conducivity and guide people to worship according to the law correctly. The statement of Rahmat clearly seems about his subjective preference is not to dissolve in the authority and function as state officials are supposed to cover, to protect, and to serve protection for all citizens. Besides that, it looks at all the mayor’s inability to implement the provisions of the state constitution, and prefer to defer to the interests and willingness of the majority. In addition, the state is represented by local government leaders in Bekasi chose to homogenize religious/belief to the niche very deep and personal (internum forums).

[b] The Sealing of Ahmadiyah Mosque

Sealing executions of the mosque carried out by the joint personnel of Polsek of Pondok Gede and the Public Order Agency. When this occured, there are some representative elements of Pemkot Bekasi and the Inter-Religious Harmony Forum (FKUB) of Bekasi.

After sealing execution, the Pemkot of Bekasi tried to solve that religious conflict in his region through dialogue way. In that meeting, are attended by representatives of FKUB of Kota Bekasi, Section of Kesbangpolinmas, Indonesia Ulema Council of Kota Bekasi and Public Order Agency and also representative from
Ahmadiyah. However, a forum initiated by the Pemkot Bekasi not find an agreement, even Ahmadiyah representatives is cornered and got the “punishment” unilaterally. Half-hearted dialogue is then followed by the sealing action of the Ahmadiyah mosque again, on March 8, 2013. Like the previous sealing execution, mosques marked with boards to ban Ahmadiyah activities to include “the harmony regulatory”. Dissatisfied with the sealing and therefore still used by Ahmadiyah mosque for worship, on April 4, 2013 Pemkot Bekasi decided to permanently seal the ring-fence around the mosque using zinc. As a result, 36 Ahmadiyah who were in the mosque could not get out.

Meanwhile, outside the church do not have access to freely use the mosque. The situation of religious restrictions experienced Ahmadiyah Bekasi also felt when they wanted to carry out the Friday prayers, the mosque used for no longer allowed to be used.

[c] The Legal Framework of Intolerance

Intolerance and abuses acts committed by local government, police, regional-parliament of Bekasi, religious leaders and other instruments as well as communities in the affiliated intolerant movement claimed by them is appropriate with the law. They get justification and “contribute to enforce” mandate of existing laws.

Official legislation that consistently became the reference and basic by state actors and non-state actors are:

1) Joint Decree of the Minister of Religious Affairs and Minister of Internal Affairs (PBM) No. 9/2006, No. 8/2006 about the Task Guidelines of Regional Head/Deputy Head of the Maintenance of Religious Harmony and Empowerment Forum for Religious Harmony,

2) Joint Decree of 3 Ministries No. 3. 3/2008, No.199 and Verdict-033/A/JA/6/2008 about Warning and Command to the Believers, Members and/or member of the board members of Jamaah Ahmadiyah Indonesia (JAI) and Public Citizen,

3) The Governor’s Decree of West Java Governor number 12/2011 about warning, ban the teachings and activities of members of the Ahmadiyah,

They continually make these discriminatory rules as the main reference and formal legal foundation in performing acts of intolerance and in obscuring conception of the constitutional guarantee of freedom of religion/belief for all citizens, including for the people in Bekasi.

[d] The Performance of Intolerance by Municipal Government

In addition to forced disallowing to carry out the worship of the Ahmadiyah community by sealing the mosque, discriminatory practices by Pemkot of Bekasi also performed through publishing a book aimed at streamlining the creed and faith awareness that will be distributed to 100 Ahmadiyah Church and the wider community. Rahmat Effendi seriousness cares of this matter, and it is characterized by a proposal to the central government to act. He argued that the decisiveness of Yudhoyono's policy will provide legal clarity positions of Ahmadiyah community in Indonesia. Dissolution of Ahmadiyah insistence by the Bekasi municipal government poured through the delivery of a letter dated June 26, 2013.

As known, in response to the letter, the Central Government through the Coordinating Minister for Politics, Legal and Security, Djoko Suyanto, inviting Bekasi Mayor, City Council Chairman MUI Bekasi and stakeholders will discuss about problem in the city which as the Jakarta buffer. In a discussion meeting about the Ahmadiyah dissolution was also attended by of Ditjen Kesbangpol, Ministry of Internal Affairs, Directorate General of Islamic Guidance Ministry of Religious Affairs, elements of the Attorney General, Criminal Investigation Police, military representatives and BIN.

Construction of houses of worship and religious practice implementation in accordance to his/her belief is inherent rights on freedom of religion/belief. But in the name of harmony, orderliness, Joint Decree of Ministry of Religious Affairs and Ministry of Internal Affairs No.9/2006, No.8/2006 about Task Guidelines of
Regional Head/Deputy Head of the Maintenance of Religious Harmony, Empowerment Forum for Religious Harmony and Perwali Bekasi No.40/2011 regarding the prohibition of activities of Ahmadiyah in Bekasi, which is used to be guidance of house of worship establishment and religious practice restriction is precisely to institutionalize discrimination against citizens elements to build a house of worship and agree to justify the slaughter ideology.

Repeatedly sealing against the Al-Misbah mosque owned by Ahmadiyah Pondok Gede, Bekasi founded on the basis of Task Order Letter No. 800/422-Kesbangpolinmas / III/2013 dated March 8, 2013 from the Mayor of Bekasi. There was no denying the instruction letter becomes lighter trigger of discrimination and violence that experienced by Ahmadiyah community in Bekasi.

This letter file then created as an object of administrative lawsuit action undertaken by the Ahmadiyah community. Advocacy team filed a lawsuit with the Administrative Court enroll in Bandung, dated June 5, 2013. Material lawsuit related to the mosque's zinc fencing, locking and mounting boards seal in the mosque. After going through the trial process, Bandung State Administrative Court decided that the fencing of the mosque with zinc null and void, while others demands are rejected.

A series of intolerance demonstrations towards minorities as like as the Ahmadiyah in Bekasi, are difficult to be accepted rationally through the constitutional democracy. The prohibition to worship according to the trust and confidence that performed by Pemok Bekasi reflects the weakness of constitutional commitments. Prohibition of worship run by the trust and trust of citizens is an act of deprivation of constitutional rights of citizens without exception who should get a protected place, fulfillment and promotion of government.

The Pemkot Bekasi has ignored its functions and responsibilities in implementing regional autonomy. First, the creation of local governments to protect the public, maintain unity and harmony, Article 22 of Law No. 32/2004 on local government. Second, regional autonomy optimalization prepared to improve ease of access to services citizens. However, sealing the Al-Misbah
mosque owned Ahmadiyah community in Bekasi describes a real lack of commitment of local governments to achieve the ideals of autonomy and defiance on the values of the constitution.

C. The Tragedy of Cult in Aceh

[a] Phase I: The Rampage of Mass

Mass rampage was going on at home Tgk. Aiyub Bin Syakubat, 46 years old, in Desa Jambo, Kecamatan Peulimbang, Bireun on Sunday, March 20, 2011. The incident began from the arrival of Fauzi Bin Muslem, 35 years old, resident of Alue Bie, Kecamatan Jangka, Bireun Regency, along with relatives to house Aiyub around 17:00 pm with a borrowed Isuzu Panther car owned Imran, a resident of Desa Sawang, Kecamatan Sawang, Kabupaten North Aceh. They intend to hospitality, was visiting Al Nur Khalisi Fi Alikhlasi (20 days) was born by Wardiah (32 years), wife of Tgk. Aiyub. In the house there were about 10 adults and three children Tgk. Aiyub. The names of the 10 persons, namely: Tgk. Aiyub, Fauzi, Bukhari, Zulkifli, Azhari, Nabhani, Wardiah (wife Tgk. Aiyub), Mukhtar, Edy, Abdul Muttalib, Al Mujani (11 years), Nailul Muna (8 years), Al Fazal (5 years), and Al Nurkhalisi Fi Alikhlasi (20 days).

But at 21:00 pm, Syarifuddin come, 35 years old, and Sekdes Jambo Dalam Tgk. Roiyani M, 55 years old, the village priest, they claimed to have received reports that residents Tgk. Aiyub guest arrival. Both the village insisted that the decision by the village meeting Wednesday, on March 16, 2011, no person may see him unless the permission of the village, because he was punished as a person who spreading defiant faith.

Syarifuddin was demanding Fauzi to leave home. The request was fulfilled, but only briefly. He just moved the car to the house Tgk Aiyub followers within 200 meters from the house. Meanwhile, around at 10:00 am the yard of Tgk. Aiyub's house started crowded by the masses that came, at the same time also police officers also arrived in the location. Around 01.00 am, Monday, March 21, 2011, the rampage of the mass which led to burning and destruction of property could not be avoided, the existed police then provide
protection to Tgk. Aiyub, cs. That was in order to prevent them to become the target of mass fury. Tgk. Aiyub, cs then taken to the police station of Bireun.

At least almost for three days the community is led by Tgk. Aiyub that amount about 24 persons are in Polres Bireun to follow the inspection and to be secured from the raging mass. On March 23, 2011, Tgk. Aiyub, cs, followed the inspection process that performed by MPU Bireun, Plt. MPU. Tgk. Hanafiah who states that they cannot decide about the teachings of Tgk. Aiyub is misguided or not. This matter is based on the absence of concrete evidences that state that Tgk. Aiyub, cs misguided. The police as the investigator said that from the inspected evidences, such as the holy books or another reading references that owned by Tgk. Aiyub, cs not indicated that his teachings is misguided or deviate from the general habits of society.

After that inspection process, then Pemkab Bireun asked the priest of Jami’ Mosque of Biruen, Tgk. M. Ishak to accommodate Tgk. Aiyub, cs to live there and at once give them advice as stated as by the Regent of Bireun, Nurdin Abdul Rahman to the public which than seems like confirming that the teaching spreaded by Tgk. Aiyub, cs, is misguided.

The message that delivered by MPU and police is clear, that the society or everyone cannot do the right claim with punishing someone or certain group of doing heresy. That labeling also can
be performed in permitting ourselves to do anarchy acts, when it is so contrary to the values that embraced by the Moslem who loves peaceful, and compassionate each other. This is same with what is talked strictly by Tgk. Hanafiah, that to accuse someone is misguided, should be proven by the concrete and clear evidence and not accuse carelessly.

On April 5 and 6, 2011, Tgk. Aiyub, cs repeat to follow the inspecting process for the second time, and on Thursday, April 7, 2001, the Ulema Representatives Council (MPU) issued a decision letter Number 451.5/002/2011, the contents is to determine that the teachings of Tgk. Aiyub tend to be misguided. The activities should be stopped in throughout Bireun. That verdict becomes polemic. Muspika pushed MPU to be strictly state that the teachings of Tgk. Aiyub is misguided. Tgk. M. Ishak, the member of MPU and at once being the priest of Jami’ Mosque of Bireun, stated that the decision is impossible to be revoked.

MPU pushed the Muspida to take an action. On Tuesday, April 19, 2011, Tgk. Aiyub and his followers asked to sign on the statement letter to accept or to refuse the decision of MPU. Even Tgk. Aiyub agreed, but Dra. Anisah, the Camat of Peulimbang said that people refuse him to get back village. Except if he revokes his report on burning incident case that done by the mass which submitted in police office.

On Friday, April 29, 2011, Muspida hold a meeting which attended by Muspika from four sub-districts. The result is, all of village instrument must accept the decision of MPU. Meanwhile, Tgk. Aiyub and followers, at that day, suppressed to confess that they have appears the unrest and presumption among society. Besides to apologize to the society, he also must confess that will be back to the teachings which is commonly embraced by the people.

But Saturday, April 30, 2011, a number of village officials issued a denial of the return of followers of Tgk. Aiyub namely Fauzi, Muslem and Imran. On May 1, 2011 all three were required to leave their villages. The three men said they were forced to admit about recitation activities and the teachings of Tgk. Aiyub is misguided and mislead. Aiyub was false and misleading and could
then plunge the other community. Due to this, to this day those three men should not be returned to the village.

The verdict of reading the pledge in Jami’ Mosque Bireun and before the community elements and the appearance of rejection which also performed by the people, at least make it into a question mark with our own society.

The arised question, about how can the public with his figures who are beginning to send that problem to MPU to be solved and then request that the decision be replaced by a decision issued by public figures who may not necessarily have the same capacity as the MPU as the party that initiated the problem race or religion? The figures were also later urged the Pemkab Bireun to solve that problem and to make it too long to be resolved. This obviously raises the answers or speculation that the possibilities are the actors represented by community leaders or districts ask indirectly their cases to do not be reprocessed to legal recourse.

If the answers are true, then the Pemkab Bireun seems rather slow to address the problem and solve it immediately. It should bring up the active role that is needed to resolve the issue. If there is a village that refuses the return of Tgk. Aiyub’s students, the government should immediately handle it. Deservedly, the government then facilitates community and followers of Tgk. Aiyub to find a way out. With that wise-action, maybe Pemkab Bireun urged the police to not process anarchists, but on the contrary, that demand is not as if to blessing the perpetrators to do anarchy and then to make it the reason of rejecting Tgk. Aiyub’s disciples to go back the village. That wise action indemnifies entire the burned possessions and destroyed by the victim. There is no reason to good justify the violence, moreover the decision of MPU clearly does not mention Tgk. Aiyub is misguided.

So the rejection by the community against those three persons to return back their village will disappear itself. The same thing also expressed by the MPU Bireun and Police Bireun. However, it has not been running and in accordance with the expectations of the parties that this issue should be resolved wisely and do not need to appear the victim, both property and life.
The Second Phase Violence: The Cruelty of Mass and Inability of Apparatus

One year and six months after masses clash occurred on March 2011, the bloody incident rehappened, while the house of Aiyub visited by a guess riding Kijang Innova. They take off the car wore the black robe dresscode on Friday (16/11/2012), at 15.00, WIB. According to the witness, about at 21.30 WIB, mass had come by riding the motorcycle and Panter car owned by the Police and Kapolsek Peulimbang, the police stand by in front of the mass. But unfortunately the mass rudi forward then finally the police were behind the mass.

Before arrinving at the house of Tgk. Aiyub, the mass intercepted by around 6 six of police personnels at the roadside nearby Aiyub's house. Police gave short speech. Part of the people I saw stands behind the police so that resulting the debate between police and mass, the finally the police give up and let them free. While that debate occurred, the Panter car of police was in the middle of the street to blockade the people. Then the mass which are about 1500 persons cannot be unstopabled so move toward the house of Tgk. Aiyub.

The unstopabled mass fury, make the mass from Tgk. Aiyub's side became rampage. About 20 persons from Tgk. Aiyub's side blockade the mass using swords. In the dark situation because the electricity was turned off, the mass from those two groups became rampage, the eachpther stab was inevitable, then there are many people injured. The mass from those two sides were emotional and suppressed the police to get in the yard of Tgk. Aiyub's house. At that time 10 times the gunshot sound was heard which suspected from Tgk. Aiyub's house.

Then police get in together with a white robe wear tengku to show the situation inside the house. Several times later, Tgk. Aiyub and Muntasir brought out by the police from the house. The emotional mass threw stones to Tgk. Aiyub in the facedown condition after being shoted in the groin. Then, the mass asked Tgk. Aiyub given to them, but the police tried to restrain and hit by the thrown stone also. Then finally Tgk. Aiyub and Muntasir were taken by the mass.
The condition of Muntasir at that time was powerless with
the head dropping not moving at all and Tgk. Aiyub was tense and
breathing. The tight escord performed by the police personnels.
Police could get Tgk. Aiyub and Muntasir back then brought them
to terrace, but the mass continue to pelt the stones.

Massa asked the police to the victim handed over to them,
the police insisted restrain the victim, then the police would like
to take the victim to the Reo Brimob trucks, Reo truck originally
seen in front of the houses brought up to the front of the house
Tgk. Aiyub. Emotions of mass became peaked, that Reo truck was
arrested by the mass by shaing it, then the mass burned the truck
in front of the house Tgk. Aiyub.

Situation of the rampage continued until 03.00 am in the
early morning, the thrown stones by the masses could not be
unstopable again, so make polisi dodged a stone's throw from
the masses. At that time, the mass tried to blockade the police
simultaneously, then the mass destroyed the wall near the position
of Aiyub and Muntasir. They continued to beat up Tgk. Aiyub and
Muntasir. A young man ejected a sharp weapon from the edge of
his cloth and stabbed Tgk. Aiyub in 5 times on his chest, cut off
the ears and cut his neck Tgk Aiyub but not break up. So also with
Muntasir, he got five times stabs the on his chest.

At that time, most of the masses turn on the fire, when the
fire has been enlarged, the fire was directed to Tgk. Aiyub and
Muntasir who were already powerless to be burned, but Tgk.
Aiyub condition at that time was still breathing. Not only that, the
house and its contents Tgk Aiyub also burned and an Innova car
which was originally located next to the house Tgk. Aiyub, pushed
forward of Aiyub's home to be burned together. At the location of
incident, look very tight guard, seen three members of the military,
Danramil Jeunib, 15 Brimob and 20 policemen. But state officials,
can not do anything about the time of the burning of the masses
against Tgk. Aiyub.

About 5 minutes after burning incident, then the entourage
of Police came to identify and to evacuate victims, next the police
set up police line. At that time also, the people dispersed leaving
the house of Tgk. Aiyub. In that situation, an issue from on of
the masses, about the follower of Tgk. Aiyub will burn the house of Tgk. Imum, because being caught, that follower of Tgk Aiyub escape.

The incident of mass rampage, cause three people died, they are Mansur (35) resident of Semet, Peulimbang—passed away because of stab injured from the back penetrating to the stomach, Tgk Aiyub (47), the residents of Desa Jambo Dalam—the accused person to bring the misguided cult, burned to death, and Tgk Muntasir (30), also burned to death. There are nine persons in critical condition because of the sword stab and thrown stones, who are treated in hospital Dr. Fauziah Bireun, namely Syukri (42) Azhari (25), Misbaruddin (18), Bahani, Hasan (61), M Rizal (30), Iskandar (37), Samsul Bahri (26), Irwan (37), Azhari (25).

Of the mass rampage cases that resulted the loss of life was obtained inference; that the MPU should clarify the status of teaching activity of Tgk. Aiyub, the decision to punishing about the teaching of Tgk. Aiyub as “the lead to cult” make multiple interpretations among citizens, even encourage people to assume that the study conducted by Teungku Aiyub, is misguided. The incident also shows that the Pemkab Bireun also negligent and slow in addressing and resolving the case. In fact, even if the recitation of Tgk. Aiyub considered heretical by mainstream, violence is never justified as the right one under Indonesian law states.

Pemkab Bireun did not learn from the raging mass that occurred in 2011, so as a result of negligence and inaction in facilitating the dialogue to find a way out. The situation recurred repeatedly and the government’s failure to deal with the cases are similar to the way of solving the attacks case against the Syi‘ah in Sampang.

That deadly mass rampage case shows that law enforcement officers have lost control in performing the law enforcement, so the mass rampage took place freely among society. In fact, in that such situation, law enforcement officers are conducting the tight cordon against the masses. But law enforcement officials still can not do anything, that led to the burning of the Tgk. Aiyub, Muntasir, and Mansur conducted by the masses. []
Endnotes

1 Most of the basic data and if the data in this section is done by investigators of SETARA Institute for Syiah Sampang case Mr. Andy Irfan Junaidi, SH and the supervisor of SETARA Institute for violation on Freedom of Religion/Belief in East Java, Mr. Akhol Firdaus.

2 Tempo.co/read/news/2012/09/02/078426965/Berapa-Populasi-Syia-di-Indonesia

3 Aboebakar Atjeh, *Aliran Syiah di Nusantara* (Jakarta: Islamic Research Institute, 1977)

4 Zulkifli, *The Struggle of the Shi’is in Indonesia.* (Canberra Australia: ANU Press, 2013)

5 Interview with Jamaah Syiah Residents, Tajul Muluk, dan Rudi - Wawancara dengan warga jamaah Syiah, Tajul Muluk, dan Rudi - Chairman of Bakesbang Kab. Sampang

6 Interview with Tajul Muluk

7 Kabupaten Malang was chosen by Tajul because he has many relatives there.

8 Pemkab Sampang gives donation Rp 10.000.000,- that was given on August 8, 2011 and Pemprop of East Java that gives Rp 50.000.000,- which was given on August 15, 2011.

9 Interview with Tajul Muluk

10 According to Tajul’s family, during live in evacuation, house and pesantren have continuous monitoring from intelligent police.

11 Interview with Kapolres on January 13, 2011

12 The eyewitness testimony

13 The eyewitness testimony

14 *Taqiyah* adalah merahasiakan sesuatu, berbohong, atau berbuat pura-pura sesuai yang diinginkan penguasa atau orang lain
karena keselamatan yang bersangkutan terancam.


16 The Chronology of Forced Eviction of Jamaah Syiah from GOR of Sampang cab be red from the release that published by Pokja AKBB of East Java on June 20, 2013.


19 This good news will rediscussed at another part of this book, the Chapter IV.

20 Data-data pokok pada bagian ini berdasarkan hasil investigasi khusus oleh peneliti SETARA Institute, sdr. Abul Khoir

21 Clifford Geertz, ilmuan sosial Indonesianis, dalam bukunya The Interpretation of Culture, (New York: Basic Books, 1973) mengelompokkan ikatan primordial ke dalam 6 (enam) jenis, (1) ikatan darah, relasi ketersambungan berdasarkan garis keturunan berupa keluarga besar yang membentuk suku, (2) ikatan ras, (3) primordialitas berbasis bahasa, (4) ikatan berdasarkan daerah yang terintegrasikan dalam batas geografis dan teritorial, (5) ikatan bersentimen agama dan sebuah kepercayaan dan terakhir (6) hubungan keterikatan atas nama adat istiadat atau kebasan.


23 Data and chronology on this part are supplied by the investigators
of SETARA Institute for the case of Attack on Religious Faith in Aceh, and the Investigator Team of KontraS Aceh that contains: Adelia Syahfitri Hasibuan, Destika Gilang Lestari, and Edy Syahputra