

Joint Decree of the Minister of Religious Affairs, the Attorney General and the Minister of the Interior of The Republic of Indonesia

NUMBER : 3 YEAR 2008
NUMBER : KEP033/A/JA/6/2008
NUMBER : 199 YEAR 2008

In the matter of

A Warning and Order to the followers, members, and/or leading members of the Indonesian Ahmadiyya Jama'at (JAI) and to the General Public

The Minister of Religious Affairs, the Attorney General and the Minister of the Interior of the Republic of Indonesia

Taking into consideration:

- a. That the right to freedom of religion is a human right that cannot be diminished under any circumstances; that every person has the freedom to hold their religion and to worship according to their religion and faith; that the state guarantees the freedom of every person to hold their religion and to worship according to their religion and faith but in performing their rights and freedoms every person must respect the human rights of others to an orderly life within the community, the nation, and the state, as well as to obey such restrictions that are specified by law;
- b. That every person is prohibited in public from purposely declaring, suggesting or attempting to gain public support for, any interpretation of a religion that is held in Indonesia or to conduct religious activities that resemble religious activities of that religion, in which the interpretation and activities are deviant from the principal teachings of the said religion;
- c. That the government has conducted persuasive attempts by means of a series of activities and dialogues in order to resolve certain issues with the Indonesian Ahmadiyya Jama'at (JAI) in order not to create unrest in religious life nor to disturb the peace and order of community life, and in this regard the Indonesian Ahmadiyya Jama'at (JAI) submitted twelve points of explanation on January 14, 2008;
- d. That based on the results of monitoring the said twelve points of explanation of the Indonesian Ahmadiyya Jama'at (JAI) referred to in paragraph c, the Coordinating Board for Monitoring Religious Faith in Society (PAKEM) concluded that while there were points which had been complied with, there remained other points which had not been adhered to by the followers, members, and/or official members of Indonesian Ahmadiyya Jama'at (JAI) and which could disturb the peace and order of community life;
- e. That members of the public are obliged to protect and maintain harmony among religions to create peace and orderly community life and to establish national unity and solidarity;
- f. That in an attempt to protect and nurture peaceful religious life and orderly community life, and taking into account paragraphs a, b, c, d, and e, above it is necessary for the Minister of Religious Affairs, the Attorney General, the Minister of the Interior of the Republic of Indonesia to make a joint decree in the matter of a warning and order to the followers, members, and/or leading members of the Indonesian Ahmadiyya Jama'at (JAI) and to the general public:

Having regard to:

1. Article 28E, Article 281 Clause (1), Article 28J, and Article 29 of the Constitution of the Republic of Indonesia 1945;
2. The Book of Criminal Laws (KUHP) Article 156 and Article 156a;
3. Law Number 1/PnPs/1965 on The Prevention of Misuse and/or Tainting of Religion and Law Number 5 of 1969 on the Confirmation of Various Presidential Decisions and Regulations as Law;
4. Law Number 8 of 1985 on Community Organisations;

5. Law Number 39 of 1999 on Human Rights;
6. Law Number 16 of 2004 on the Office of the Attorney General of Indonesia;
7. Law Number 32 of 2004 on District Governments as revised by the Law Number 8 of 2005;
8. Law Number 12 of 2005 on Ratification of the International Convention on Civil and Political Rights;
9. Executive Regulation Number 18 of 1986 on the Implementation of Law Number 8 of 1985 on Community Organisations;
10. Presidential Decree Number 86 of 1989 on the Organisational Structure and Working Order of the Office of the Attorney General of Indonesia;
11. Presidential Regulation Number 9 of 2005 on the Status, Tasks Functions, Organisational Structure and Working Order of the Ministries of the Republic of Indonesia as revised by Presidential Regulation Number 62 of 2005;
12. Presidential Regulation Number 10 of 2005 on the Organisation and Tasks of Echelon I of the Ministries of the Republic of Indonesia as revised by Presidential Regulation Number 63 of 2005;
13. Joint Decree of the Ministers of Religion Affairs and the Interior Number 1 of 1979 on Procedural Orders regarding Religious Promulgation and Foreign Aid to Religious Institutions in Indonesia;
14. Decree of Attorney General of the Republic of Indonesia Number KEP004/J.A/01/1994 of January 15, 1994 on the Formation of the Coordinating Board for Monitoring Religious Faith in Society (PAKEM);
15. Decree of Attorney General of the Republic of Indonesia Number KEP115/J.A/10/1999 of October 20, 1999 on the Organisational Structure and Working Orders of the Attorney General Office of the Republic of Indonesia;
16. Decree of the Minister of the Interior Number 130 of 2003 on the Organisation and Working Orders of the Ministry of the Interior;
17. Regulation of the Minister of Religious Affairs of the Republic of Indonesia Number 3 of 2006 on the Organisation and Working Orders of the Ministry of Religious Affairs;

Taking note of:

1. The findings of the Central PAKEM Coordinating Board meeting on May 12, 2005;
2. The findings of the Central PAKEM Coordinating Board meeting on January 15, 2008;
3. The findings of the Central PAKEM Coordinating Board meeting on April 16, 2008;

HEREBY RESOLVE AND MAKE

A Joint Decree of the Minister of Religious Affairs, the Attorney General, and the Minister of the Interior of the Republic of Indonesia to Warn and Order the followers, members, and/or leading members of the Indonesian Ahmadiyya Jama'at (JAI) and the General Public

- FIRST: Members of the public are warned and ordered not to declare, suggest or attempt to gain public support for an interpretation of a religion that is held in Indonesia or to conduct religious activities that resemble the religious activities of that religion which are deviant from the principal teachings of that religion.
- SECOND: The followers, members, and/or leading members of the Indonesian Ahmadiyya Jama'at (JAI) are warned and ordered, as long as they consider themselves to hold to Islam, to discontinue the promulgation of interpretations and activities that are deviant from the principal teachings of Islam, that is to say the promulgation of beliefs that recognise a prophet with all his teachings who comes after the Prophet Muhammad SAW.
- THIRD: Any follower, member, or leading member of the Indonesian Ahmadiyya Jama'at (JAI) who does not comply with this warning and order as specified in the first and second articles shall be liable to penalties as prescribed in regulatory laws and such penalties shall extent to the organisation and legal body.
- FOURTH: All members of the public are warned and ordered to protect and maintain harmonious religious life as well as peaceful and orderly community life by not

conducting unlawful activities and/or actions against the followers, members, and leading members of the Indonesian Ahmadiyya Jama'at (JAI).

FIFTH: Any member of the public who does not comply with this warning and order as specified in the first and fourth articles shall be liable to penalties as prescribed in regulatory laws.

SIXTH: Government and district government officials are ordered to take steps to guide, secure and monitor the implementation of this Joint Decree.

SEVENTH: This Joint Decree comes into effect on the date that it is made.

Made at Jakarta
June 9, 2008

MINISTER OF RELIGIOUS
AFFAIRS Muhammad M. Basyuni

ATTORNEY GENERAL
Hendarman Supandji

MINISTER OF THE
INTERIOR H. Mardiyanto