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Do discriminatory laws have societal origins? The diffusion of anti-Ahmadiyah regulations in Indonesia

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Abstract

Government laws and regulations discriminating against religious minorities are on the rise worldwide. Scholars have debated whether or not society-based discrimination is a pre-condition for government-based discrimination. Examining an original dataset of regulations discriminating against the Ahmadiyah community in Indonesia, this article argues that calls from within society to restrict the freedom of religious minorities are neither a sufficient nor a necessary condition for the rise of discriminatory government regulations. Instead, governments may emulate other governments and adopt laws and regulations discriminating against religious minorities without any immediate societal pressure preceding it. Hence, future research needs to consider the *interdependence* between jurisdictions as an important driver of laws and regulations discriminating against religious minorities.

Keywords: Ahmadiyah; discrimination; Indonesia; politics; religion

Introduction

After Indonesia became a democracy in 1998, the number of government laws and regulations discriminating against religious minorities increased. Most accounts of this development argue that government-based discrimination against religious minorities (GRD) is rooted in society-based discrimination against religious minorities (SRD). Laws and regulations discriminating against religious minorities adopted after 1998 are either the result of tensions that built up during three decades of authoritarian rule under President Suharto; new societal cleavages that broke open after 1998; or a combination of both. Critically examining this literature, several recent studies have argued that societal demand for the discrimination against religious minorities is not always met with government supply. Instead, the state adopts discriminatory laws and regulations only when certain “triggers” and “focusing events”

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are present. In short, SRD is not a *sufficient* condition for GRD to emerge. This paper wants to introduce a third possibility to this debate, namely that SRD is not a *necessary* condition for GRD to emerge either. Instead, GRD may drive SRD as governments emulate each other. Hence, future research needs to consider the *interdependence* between jurisdictions as an important driver of laws and regulations discriminating against religious minorities in Indonesia and elsewhere.

Literature review

The following section will provide a brief overview of the broader theoretical debate about the relationship between SRD and GRD.

Situating the Indonesian case in the broader literature

The number of “restrictions placed by *governments* or their agents on the religious practices or institutions of religious minorities that are not placed on the majority religion” (GRD) (Fox, 2020, 3) has increased “substantially” (Fox, 2020, 20) around the globe since the 1990s.¹

This rise in GRD has triggered a debate about the causes behind this trend (Cesari, 2013, 84–85; Fox *et al.*, 2019, 10). Several studies have argued that SRD, namely “societal actions taken against religious minorities by members of a country’s religious majority who do not represent the government” (Fox, 2020, 4), is a precondition for GRD (Finke, 1990; Brustein, 2003; Gill, 2005; Grim and Finke, 2007, 2011; Ben-Nun Bloom, 2015, 18; Chebel d’Appollonia, 2016).

Grim and Finke have argued most decisively that SRD causes GRD (Grim and Finke, 2006, 637, 647, 651; 2007, 637; 2011, 9). They claim that there is “a strong relationship between social and government restrictions of religious freedoms. When the social attitudes toward other religions become more negative and social and religious movements are organized against alternative religions, the government’s interference with an individual’s right to worship rises sharply... Social restrictions [are] the most powerful predictor of government restrictions” (Grim and Finke, 2011, 79–80). In other words, “[l]egal restrictions on religion arise from social origins” (Grim and Finke, 2011, 9).

More recent studies have questioned the “universality” of such claims and pointed to the “unexamined complexities in the relationship between SRD and GRD” (Fox *et al.*, 2019, 22). Some studies found that the “causes of GRD and SRD do not greatly overlap” (Fox, 2020, 266). Other studies found that SRD caused GRD only in *some* countries (Ben-Nun Bloom, 2015, 18), with regard to *certain* religious minorities (Fox *et al.*, 2019, 22; Fox, 2020, 4, 10, 263) and during *specific periods* (Grim and Finke, 2011, 171). Overall, it has become increasingly clear that current theories present an incomplete picture of the situation on the ground as “[t]he summary measures used in previous studies mask important differences and findings...” with regard to the potential relationship between SRD and GRD (Fox *et al.*, 2019, 22).

The debate about the SRD–GRD relationship in Indonesian studies

Both SRD and GRD have increased in Indonesia since 1998. The rise in SRD has manifested itself in various ways, ranging from places of worship being ransacked

to followers of minority religions being attacked or killed (Beatty, 2009; HRW, 2013, 1; Fealy, 2019, 129; Fealy and Ricci, 2019, 2; Power and Warburton, 2020, 8–15). GRD too has increased in Indonesia over the past two decades. National and subnational governments have issued laws and regulations that restrict the practices of religious minorities in ways that do not apply to the majority religion (Hurriyah, 2020). A considerable literature has tried to identify the causes of both SRD and GRD in Indonesia, although rarely explicitly differentiating between the two types of discrimination. Since this article wants to contribute to the debate whether SRD *causes* GRD, the following paragraphs will concentrate on the literature that has (implicitly) examined this relationship in the case of Indonesia.

Much like in the broader theoretical debate, there is no consensus in Indonesian studies whether SRD is a precondition for GRD. Several scholars have argued that in Indonesia, “societal pressures” (Grim and Finke, 2011, 85), which originate in a “creeping religious and political conservatism” (Setiawan, 2020, 268), within society (Assyaukanie, 2017, 6–9; Hamid, 2018; Bayuni, 2020, xv) and declining levels of tolerance vis-à-vis other religions (Hamid, 2018, 5; Warburton and Aspinall, 2019, 273) have led to an increase in both SRD (Hamid, 2018, 11) and subsequently GRD (Hamid, 2018, 13; Lindsey, 2018, 228; Sebastian and Arifianto, 2020, 1). Other studies have cautioned against drawing a connection between mass attitudes and the rise of discriminatory government laws and regulations in Indonesia (Warburton and Aspinall, 2019, 273). Some have even claimed that in Indonesia “Islamic populism has never been an important driver of policy change” (Mudhoffir, 2020, 130) and “[p]ublic opinion may have no causal impact on policy outcomes at all” (Pepinsky *et al.*, 2018, 22). In response, some scholars have defined “society” in narrower terms. According to these accounts, religious groups situated in Indonesian society, which do not necessarily represent the ideological inclinations of the majority population, have acquired disproportionate political clout after 1998. The democratization of politics that followed the collapse of the centralized New Order dictatorship in 1998 not only fragmented the political arena (Aspinall, 2013) but also deregulated this tightly constricted marketplace for religion (Sidel, 2007, 174; Fealy, 2019, 125; Sebastian and Arifianto, 2020, 3; Pelletier, 2021). The increased competition for a share of Indonesia’s religious marketplace brought identity politics to the fore (van Bruinessen, 2013; Hefner, 2019, 17; Arifianto, 2020a, 27), as both old and new players resorted to increasingly extreme views and activities to stand out in the cacophony of voices now claiming to speak in the name of religion (Damanik, 2002; Sidel, 2007; Wilson, 2008; Hasani and Naipospos, 2010; Kloos, 2014, 76–89; Assyaukanie, 2017, 6–9; Pelletier, 2021; Permana, 2021, 6). Concretely, long, established, mainstream religious organizations such as Nahdlatul Ulama (NU) and Muhammadiyah “remain pillars of Indonesian democracy and associational life” (Hefner, 2019, 13), but have passively watched from the sidelines as SRD and GRD increased (HRW, 2013, 19; Arifianto, 2020a, 2020b, 2). In fact, conservative elements within these organizations have actively encouraged the discrimination against religious minorities, either through direct measures to exclude them from the public sphere (Fealy, 2018; Mietzner and Muhtadi, 2018, 75; Nuraniyah, 2020, 81) or by lending support for various government regulations discriminating against religious minorities (HRW, 2013, 19; Menchik, 2016, 1). Likewise, MUI’s national leadership issued several

fatwas, religious edicts that are non-binding, against religious minorities (Schäfer, 2018, 4). However, it is mostly comparatively small conservative religious groups with mainly a local presence that have been most vocal about curbing or banning the religious practices of religious minorities in Indonesia (Mudzakir, 2012; Simanjuntak, 2021, 2, 10). Many of these groups also called for more government laws and regulations discriminating against religious minorities (Facal, 2020, 2). Consequently, numerous studies (Hamid, 2018, 2; Arifianto, 2020a, 2020b, 9) have attributed the rise of government laws and regulations discriminating against religious minorities to the fact that “hardline civil society groups operating outside the political system have grown in size, number, and sophistication” (HRW, 2013, 14) after 1998. While some scholars claim that such hardline groups have gained enough “power to deploy the state apparatus in the service of their goals” (Jaffrey, 2020, 304) and that particularly subnational governments are “unable to act independently from the influence ... of traditionalist [groups]” (Permana, 2021, 9), others have cautioned against such arguments of “state capture” by conservative interests situated in society. Rather, they argue, the government is susceptible to societal pressure *only* if specific “triggers” are in place (Ahnaf and Lussier, 2019, 277). Elections at both the national (Nuraniyah, 2020, 85; Simanjuntak, 2021, 8) and subnational level (Bush, 2008; Buehler, 2016, 184; Pisani and Buehler, 2016; Soedirgo, 2018, 194) have been identified as important “triggers” for government regulations discriminating against religious minorities (Setara, 2017, 19).²

To summarize, some scholars have claimed that deep societal transformations in Indonesia that began during the New Order regime, but which became more consequential once political competition increased after the collapse of the dictatorship in 1998, explain why societal discrimination against religious minorities has become more pronounced and why it has increasingly been enshrined in laws and regulations at both the national and subnational level. Other scholars have used a narrower understanding of “society.” They have argued that hardline groups situated in society have gained influence over the policymaking process in newly democratic Indonesia. Finally, some scholars have argued that societal pressure, broadly or narrowly defined, is not a sufficient condition for GRD. Instead, the state mediates the influence of society in the lawmaking process as it becomes susceptible to societal pressure only in the context of “trigger” events such as elections.

The remainder of the article will critically examine these different arguments about the SRD–GRD nexus by analyzing the diffusion of government regulations discriminating against the Ahmadiyah community in Indonesia.³

Case selection: government regulations discriminating against the Ahmadiyah

Ahmadiyah is an Islamic revival movement that was founded in India in 1889. Since then, the movement has established a presence across the globe. Most followers reside in South Asia, East, and West Africa as well as Indonesia. Ahmadiyah has been present in Indonesia since 1924 (Budiwanti, 2009, 12; Crouch, 2009, 5). At the time of writing this article, there were between 100,000 and 500,000 Ahmadi living in Indonesia. However, precise figures are unavailable (Crouch, 2011, 56, 2012, 553; Suryana, 2019, 3).

The regulations discriminating against Ahmadiyah in Indonesia provide an ideal vantage point from which to examine the relationship between SRD and GRD. This is for several reasons: One, the Ahmadiyah are one of the most persecuted religious minorities in Indonesia. The group has been at the receiving end of both SRD (Grim and Finke, 2011, 187; Formichi, 2014, 26; Soedirgo, 2018, 195) and GRD (Crouch, 2012). Hence, there are several dozen regulations discriminating against the Ahmadiyah that can be examined for whether or not they have societal origins. Two, since Ahmadiyah has been present in Indonesia for several decades, it is possible to study how the group has been treated over time. Three, scholars have argued that many existing studies are unable to provide a more nuanced account of the relationship between SRD and GRD because they focus on *national* politics (Grim and Finke, 2011, 162) through *cross-country* comparisons and rely on *aggregate* data (Grim and Finke, 2007, 652, 2011, 77). A focus on a single group within the same country is more likely to reveal the “microprocesses” that lead to the politicization of religion (Moaddel, 2002, 374) as it avoids some of the aforementioned pitfalls in cross-country studies (Fox *et al.*, 2019, 22). Four, Ahmadiyah are a target of discrimination around the world because most mainstream Muslim regard Ahmadii as heretics (Grim and Finke, 2011, 19; Qasmi, 2014).⁴ Studying the process through which regulations discriminating against the Ahmadiyah spread across space and time in Indonesia may therefore provide important insights into the discrimination against Ahmadiyah communities elsewhere.

Methodology: establishing diffusion and text reuse patterns

To examine whether GRD is rooted in SRD, this article analyzes anti-Ahmadiyah regulations with regard to both diffusion- and text reuse patterns.

Diffusion patterns

Research on the spread of laws in consolidated democracies has shown that laws which enjoy widespread popular support spread differently within a country than unpopular laws (Mooney and Lee, 2001, 173–178). Diffusion patterns reveal information about the drivers of the diffusion process, in other words. Such patterns may therefore offer insights into whether the discrimination against religious minorities is the result of societal pressure. To interpret these diffusion patterns correctly, one first needs to understand that there are different types of laws and policies. Most public policies are fairly technical and complex. Such *ordinary policies* diffuse across space and time in a way that is best depicted as an S-shaped curve of the kind shown in Figure 1 (Mooney and Lee, 2001, 172; Rogers, 2003, 273). This particular diffusion pattern emerges for the following reason: Initially, a new policy is adopted in only a few jurisdictions. These jurisdictions may be home to an innovative parliament or a government head who is a “political entrepreneur.” Most other jurisdictions may be unaware or disinterested in the new policy at this point in time. However, as awareness of the new policy spreads, a learning process occurs. Slowly, a growing number of jurisdictions embraces the new policy. Eventually, the cumulative number of jurisdictions that embraces the new policy plateaus as there is only a

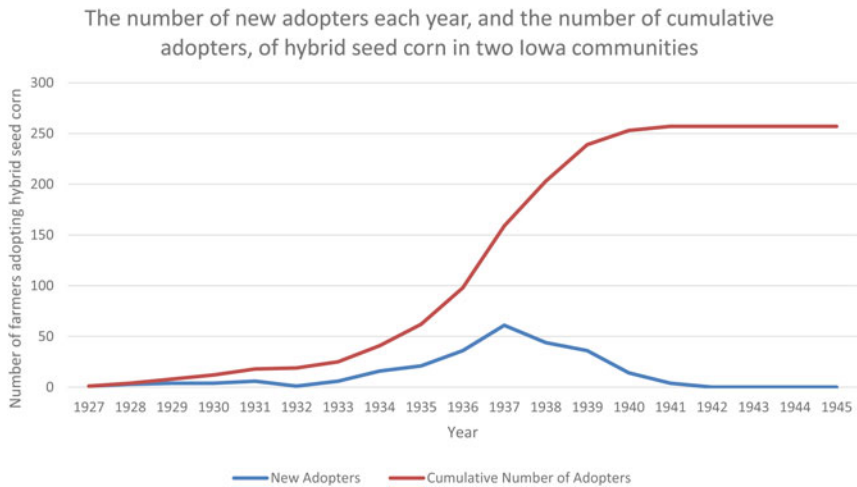


Figure 1. Diffusion pattern of ordinary policies.

Source: Based on Rogers (2003, 273).

limited number of jurisdictions left to which the policy can spread (Mooney and Lee, 2001, 172; Rogers, 2003, 273).

However, *morality* policies usually diffuse in a different manner. This is because they have different characteristics than ordinary policies: One, morality policies are regulations about “first principles.” Questions morality policies raise are “not questions about which policy might best achieve a commonly held goal, but they are debates over basic policy goals themselves” (Mooney and Lee, 2001, 172). The saliency of morality policies is therefore high. Two, morality policies are usually simple, which is why people are “less confused by technicalities” (Mooney and Lee, 2001, 173) compared to ordinary policies. In short, morality policies usually figure prominently in public discussions and most people easily form an opinion about such policies. The following insights from existing research on the spread of morality policies deserve being quoted in full, as they show how patterns in the diffusion of such policies can shed light on the driving forces behind it.

Given that morality policy involves the redistribution of values through simple and potentially salient public policy, what patterns of decision making, and temporal diffusion can we expect to see associated with it? An important consideration here is the distribution of the values among the citizens. We expect a very different type of diffusion pattern when the status quo policy reflects the values of the minority than when it reflects the values of the majority. When the majority of citizens disagree with the values represented by the currently enacted morality policy, there is little political risk for policymakers to pursue a new policy; indeed, there is great incentive to do so. This simple and salient reform can easily be communicated to a receptive public with great political advantage accruing to its advocates. This situation will yield high-speed entrepreneurial

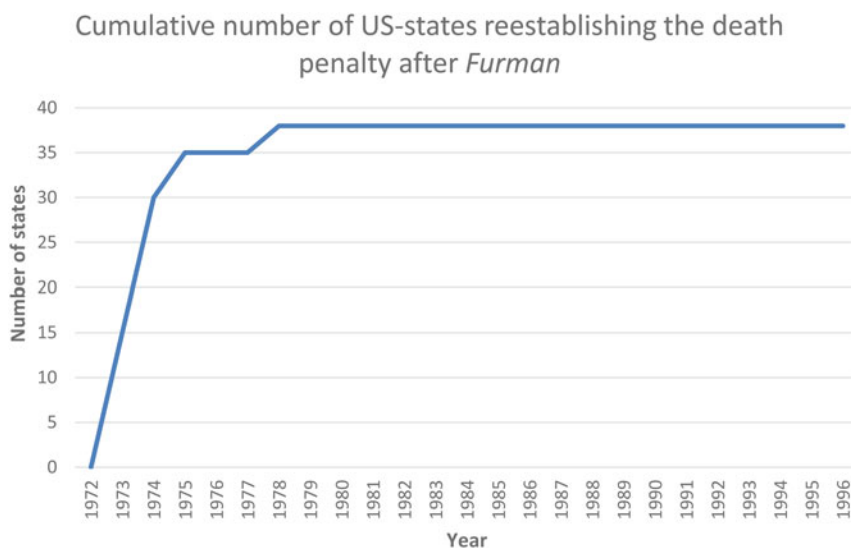


Figure 2. Diffusion pattern of *popular* morality policies.

Source: Based on Mooney and Lee (2001, 179).

politics as individual politicians and parties compete for public favor by promoting popular reforms of this sort... The decision-making process is therefore not one of incremental learning, but it is one of competition to validate majority values. [Therefore], [t]he pattern of temporal diffusion for majority-favored morality policy will be one of swift adoption with little or no introductory learning period... [W]hen a change in morality policy is favored by a majority of citizens, it will diffuse rapidly without the slow introductory phase indicative of learning. This is the type of opportunity that entrepreneurial politicians, demagogue or democrat, should be able to exploit effectively.... (Mooney and Lee, 2001, 173–178)

Hence, morality policies that address issues of concern to *the majority of citizens* are likely to diffuse across time and space in a way shown in [Figure 2](#).

If most of society does *not* support a morality policy, norm entrepreneurs, namely “people interested in changing social norms” (Sunstein, 1996, 909), have two options: One, they can abandon the issue. Two, they can try to “demoralize” an issue by portraying it as technically complex and of low saliency to the general public (Mooney and Lee, 2001, 175; Hollander and Patapan, 2017, 19). If successful, the diffusion of such a “demoralized” policy will then resemble the S-shaped curve shown in [Figure 1](#). In contrast, if norm entrepreneurs fail to “demoralize” a morality policy that the majority of society does not support, the diffusion pattern will resemble the sawtooth pattern shown in [Figure 3](#).

This sawtooth pattern emerges because periods during which there is no interest in, or strong resistance to, a morality policy follow periods in which such policies are enacted. Policies may even get revoked in-between spikes, as the “dips” in the

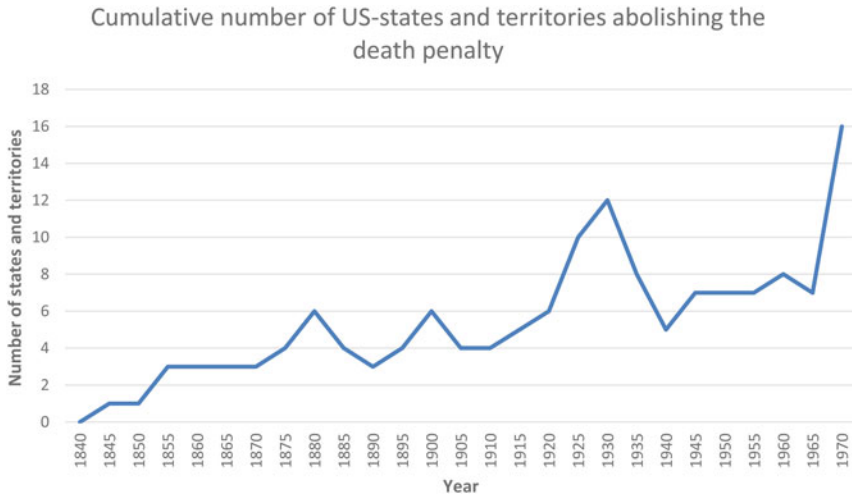


Figure 3. Diffusion pattern of *unpopular* morality policies.
 Source: Based on Mooney and Lee (2001, 181).

cumulative number of policies in Figure 3. The diffusion process comes full circle when “focusing events” (Termeer *et al.*, x, 34) trigger a renewed interest in the policy, as a consequence of which additional jurisdictions may adopt the policy. Overall, however, the policy diffuses only with great difficulty across both space and time as a majority of society has either no interest in the policy or does not support it (Mooney and Lee, 2001, 81).

To summarize, the temporal and spatial variance in the diffusion of policies reveals important information about the *forces* driving the process. Hence, a diffusion curve analysis can not only reveal whether a “particular policy looks more regulatory or morality” (Fulwider, 2011, 13), but also whether or not a morality policy enjoys widespread popular support. Studying the diffusion patterns of GRD may therefore provide information about whether SRD is a driving force behind the dissemination of discriminatory regulations.

Text reuse patterns

A small number of studies in the policy diffusion literature has tried to understand the way laws come into existence by studying how “ideas” travel between legislative documents (Fulwider, 2011; Wilkerson *et al.*, 2015; Gilardi and Wüest, 2018; Linder *et al.*, 2020). To this end, they have examined text reuse between different laws. Studying how text is being reused between laws allows scholars to better understand the flow of “ideas” and the actors involved in formulating a law.

Data collection and findings

To study the diffusion curve of anti-Ahmadiyah regulations, I have collected these regulations from the Ministry of Home Affairs (MoHA), local government offices, and

non-governmental organizations through field research in Indonesia since 2005. In addition, I searched the existing literature for references to anti-Ahmadiyah regulations. This approach allowed me to compile the most comprehensive dataset of anti-Ahmadiyah regulations in Indonesia currently available (see Appendix 1). The last page of these regulations shows the location and date on which they were issued. I was therefore able to chart the diffusion of these documents across time and space.

Not a single anti-Ahmadiyah regulation was adopted between 1949 when Indonesia became independent and 1976. Between 1976 and 1998, anti-Ahmadiyah regulations were adopted in relatively short “bursts,” followed by long periods during which the issue lay dormant.⁵ After the collapse of the New Order dictatorship in 1998, there was a slow but gradual increase in the number of regulations discriminating against Ahmadiyah until 2005. There was then a sudden spurt in the adoption of anti-Ahmadiyah regulations between 2005 and 2012. However, the demise of the Suharto regime has not led to sustained discrimination through regulations, as is shown by the fact that the number of anti-Ahmadiyah regulations plateaued in the year in 2012. In the decade between 2012 and 2022, only three anti-Ahmadiyah regulations were adopted, as shown in [Figure 4](#).

To examine text reuse patterns between government regulations discriminating against the Ahmadiyah in Indonesia, I first had to establish a corpus of full-text regulations. Sixty-two anti-Ahmadiyah regulations were adopted between 1976 and 2020. I managed to obtain the full-text version of 43 anti-Ahmadiyah regulations. I then compared the content of these regulations using WCopyfind, a dedicated plagiarism software. The text reuse percentages between different regulations discriminating against the Ahmadiyah are visualized in a Sankey Chart, shown in [Figure 5](#). The regulations are depicted as nodes. If text from a regulation has been reused in another regulation, this is shown as a line connecting the nodes. The thickness of the line is proportional to the percentage of text in a regulation that has been copied from a previous regulation. For instance, 66% of the text in Regulation No. 40/2011 adopted in Bekasi City on October 13, 2011 has been copied verbatim from Regulation No. 5/2011 adopted in Pandeglang District on February 21, 2011. A list of all percentage figures on which the Sankey chart is based is provided in Appendix 2, which also explains the text reuse analysis in more detail.

Analysis of findings

Diffusion curve analysis

There are two different ways to interpret the diffusion curve in [Figure 4](#). However, both interpretations suggest that dynamics at the government level, not society, are the dominant driver behind the diffusion of anti-Ahmadiyah regulations. The starting point for the first interpretation of the diffusion curve is the studies that have argued how anti-Ahmadiyah sentiments in Indonesian society have deep historical roots, dating back to the colonial period. During the 1930s when the archipelago was still under Dutch colonial rule, groups at the fringes of the political system such as the Islamic Union (Persis—Persatuan Islam), but also mass organizations such as NU

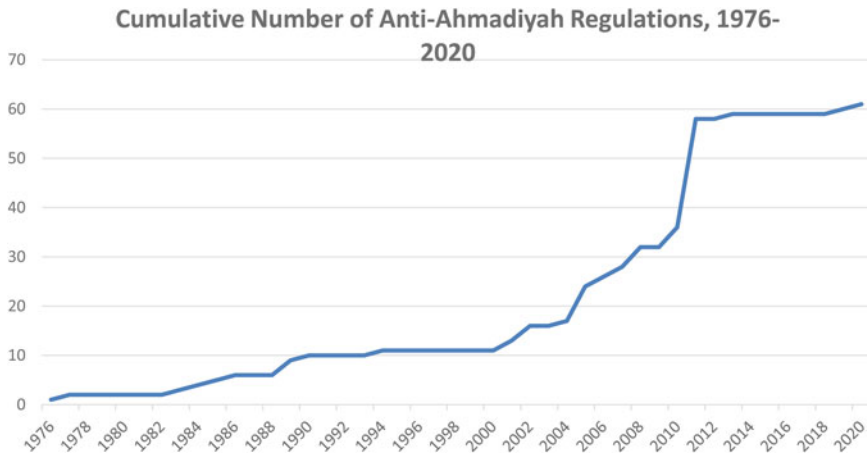


Figure 4. Diffusion pattern of anti-Ahmadiyah regulations in Indonesia.

Source: Data in Appendix 1.

and Muhammadiyah began to condemn Ahmadiyah after they had initially tolerated, even collaborated, with the group (Menchik, 2016, 67). Intolerance against the Ahmadiyah among Islamic organizations continued after Indonesia had become an independent democracy in 1949. Eventually, “opposition to Ahmadiyah ... stretched across theological and political cleavages in Muslim civil society” (Menchik, 2016, 79). Indonesia’s post-independence experiment with democracy came to an end in 1957, with General Suharto installing a full-fledged dictatorship in 1965. Once Suharto had consolidated power, political parties were prohibited from using religious platforms to campaign in the (rigged) elections that were held every 5 years. In addition, mainstream Islamic organizations of the kind described above were co-opted, while hardline Islamic groups were driven underground. Even though the Suharto regime tightly controlled the role of religion in both the political and public sphere, intolerance toward the Ahmadiyah remained prevalent throughout the New Order (Menchik, 2016, 82). It resurfaced after Indonesia transitioned toward a democracy in 1998. For instance, the Islamic Defenders Front (FPI—Forum Pembela Islam), one of the most notorious vigilante groups in Indonesia, began to pursue a very aggressive course against the Ahmadiyah immediately after the collapse of the New Order dictatorship. In 2008, FPI’s general secretary Sobri Lubis even “called upon his followers to murder Ahmadis” (Facal, 2020, 14). This is not mere talk. Groups such as FPI, the Islamic Reform Movement (GARIS—Gerakan Reformasi Islam) and the People’s Movement Against Ahmadiyah (GERAM—Gerakan Rakyat Anti-Ahmadiyah) assaulted Ahmadiyah facilities, including an orphanage, in several jurisdictions across Indonesia (Mudzakkir, 2012). Several of these groups also called for government regulations curtailing the religious freedom of the Ahmadiyah community (Facal, 2020, 2). The literature has also used data from various surveys to support claims about widespread anti-Ahmadiyah sentiment in Indonesian society. For instance, in a survey conducted among Mosque officials in Jakarta in 2009, 57% of respondents wanted to ban Ahmadi from practicing their faith (Tanuwidjaja, 2010, 39). Similarly,

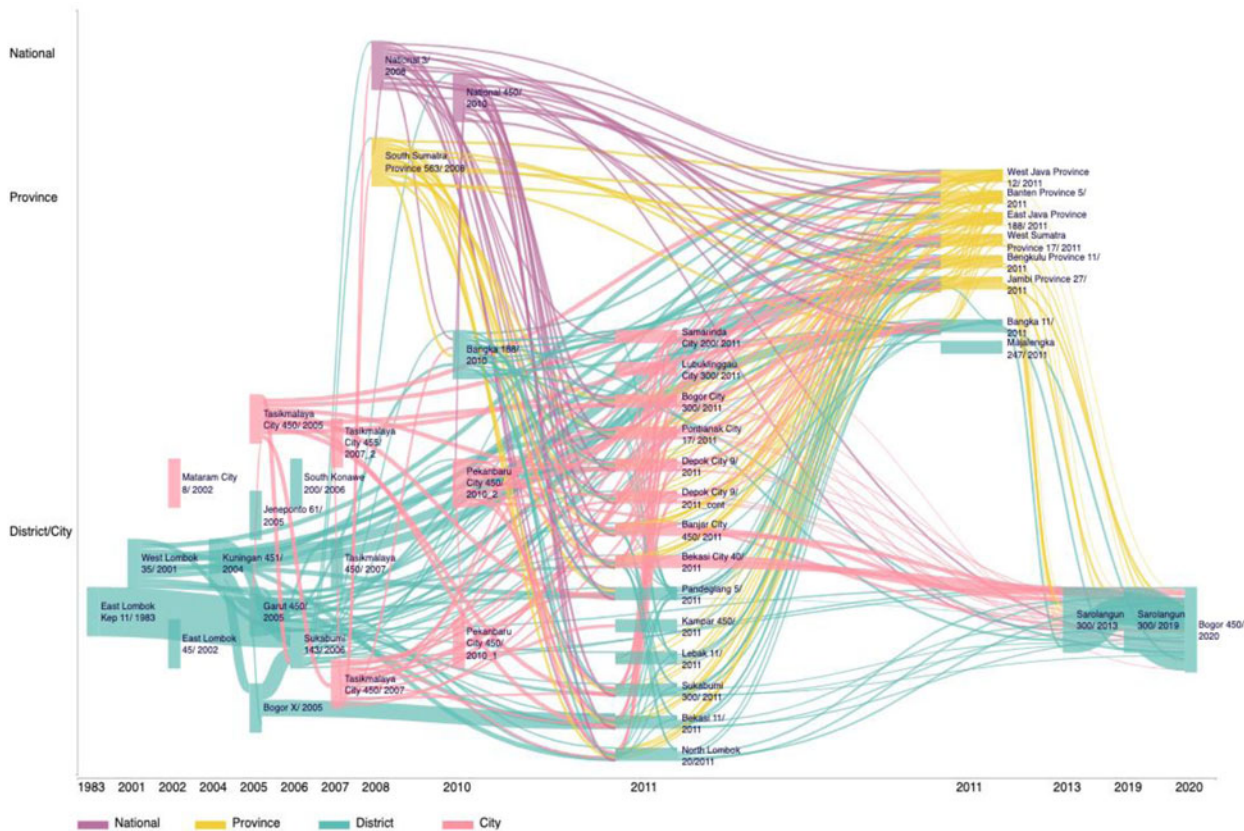


Figure 5. Text reuse between anti-Ahmadiyah regulations in Indonesia.

a survey conducted among Muhammadiyah and NU leaders in 2010 claimed that a large majority of respondents supported restrictions against Ahmadiyah (Menchik, 2019, 424). A survey conducted in 2017 among 1859 students revealed that 86.6% of respondents agreed that the government should ban groups that mainstream Muslim consider heretics, including Ahmadiyah (Syafuruddin and Ropi, 2018, 9; Yusuf *et al.*, 2019, 5). There are also surveys that examined the attitude of Indonesian society at large toward Ahmadiyah. For instance, in a survey of ordinary Indonesians conducted by Indonesia's Centre for Strategic and International Studies (CSIS) in 2009, 70% of respondents said that they wanted the government to ban Ahmadiyah (Tanuwidjaja, 2010, 39).

If aforementioned historical accounts and surveys accurately capture the views of ordinary Indonesians and their religious leaders vis-à-vis Ahmadiyah, it raises the question why despite an alleged 100 years of widespread anti-Ahmadiyah sentiment throughout Indonesian society, anti-Ahmadiyah regulations have not been adopted in higher numbers and more frequently? The uneven adoption of anti-Ahmadiyah regulations across both space and time since 1949 suggests, at the very least, that SRD is not a *sufficient* condition for GRD to emerge. Instead, the state mediates the influence of society. The following paragraphs provide a sketch of this mediation process, drawing on several studies that have described, if not necessarily explained, this process in more detail.

The first anti-Ahmadiyah regulation in Indonesia was adopted in Subang district in West Java province in 1976 by the local branch of the national government Coordinating Body to Monitor Indigenous Beliefs (Bakor Pakem—Badan Koordinasi Pengawasan Aliran Kepercayaan Masyarakat). Over the next 22 years, an additional 10 anti-Ahmadiyah regulations were adopted across Indonesia. Two of these regulations were adopted at the provincial level, seven at the district level, and one at the national level, as shown in Appendix 1. Most regulations were adopted by either local branches of Pakor Bakem or the local branch of the Attorney General's Office, in which Bakor Pakem is embedded.⁶ The existing literature does not offer any explanation for why anti-Ahmadiyah regulations suddenly began to emerge during the New Order dictatorship in the mid-1970s and why they appeared in only a few districts in a small number of provinces scattered across the archipelago (Hicks, 2014, 326; Soedirgo, 2020, 76–81). There is anecdotal evidence, however, that the state-mediated societal pressure, thereby shaping the diffusion of anti-Ahmadiyah regulations in the peculiar way shown in Figure 4. For instance, one study mentions that the Institute of Islamic Studies and Research (LPPI—Lembaga Pengkajian dan Penelitian Islam), a conservative religious group, “put pressure on different government bodies to act against [Ahmadiyah] ... throughout the 1980s and 1990s.” However, “LPPI's lobbying efforts were ineffective due to the institutional context” (Soedirgo, 2020, 90). MUI is another lobbying group frequently mentioned as putting pressure on the government to ban Ahmadiyah. The group was established in West Java in 1958, but the Suharto regime turned it into a national organization in 1975 in an attempt to co-opt growing Islamic piety in Indonesian society (Crouch, 2009, 7). The MUI issued its first anti-Ahmadiyah fatwa in 1980. It also urged the Indonesian Ministry of Religious Affairs to ban Ahmadiyah. However, “the outcome the MUI desired was not achieved at this time” (Crouch, 2009, 7), as the Ministry of

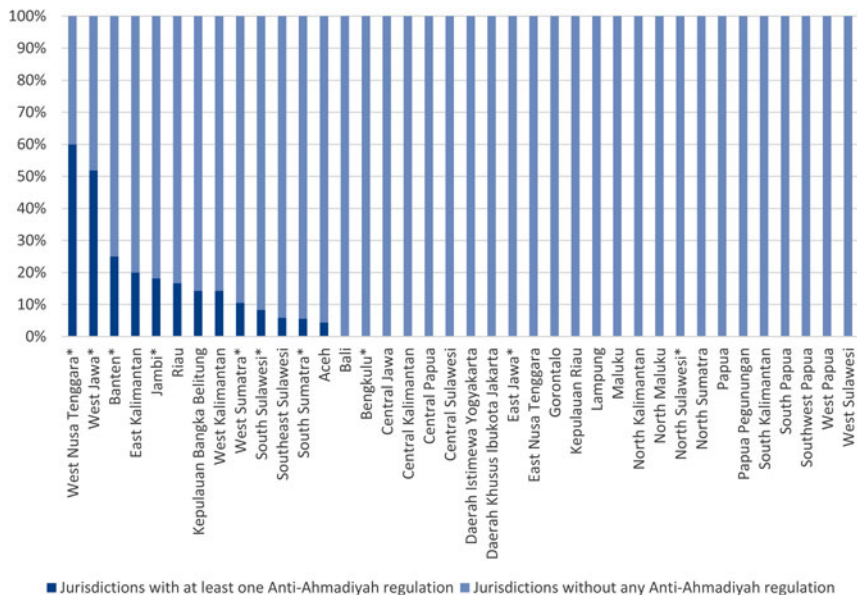


Figure 6. Percentage of jurisdictions that adopted at least one anti-Ahmadiyah regulation 1949–2022, per province. *Anti-Ahmadiyah regulation also adopted at the provincial level. Source: Author’s calculation based on Appendix 1.

Religious Affairs did not ban Ahmadiyah. In short, existing studies agree that the institutional context during the New Order dictatorship was not receptive to calls from within society to discriminate against Ahmadiyah through regulations. This still leaves the question why not a single anti-Ahmadiyah regulation was adopted from 1949 until 1976, even though Indonesia was a democracy between 1949 and 1957, with elections being held in 1955, an event that temporarily increased the influence of “society” in Indonesian politics to a great degree (Anderson, 1983, 482–483)?

The post-1998 period presents a similar puzzle. If anti-Ahmadiyah sentiments are prevalent in Indonesian society to the degree claimed in the anecdotal accounts and surveys mentioned above, why did this not translate into a multitude of such regulations being adopted in a large number of jurisdictions in quick succession immediately after the demise of the New Order dictatorship?⁷ At the time of writing this article, anti-Ahmadiyah regulations had been adopted in only 23.7% (9/38) of all provinces, 5.3% (22/416) of all districts, and 15.3% (15/98) of all municipalities in Indonesia. Moreover, there are only two provinces where a majority of jurisdictions adopted at least one anti-Ahmadiyah regulation since 1998, as shown in Figure 6.⁸

In addition to this spatial variance, there is also considerable temporal variance in the adoption of anti-Ahmadiyah regulations after 1998. As mentioned above, in the immediate aftermath of the political opening in 1998, there was a slow but gradual incline in the number of anti-Ahmadiyah regulations. The number of anti-Ahmadiyah regulations increased sharply between 2005 and 2012. From 2012 to 2022, only three anti-Ahmadiyah regulations have been adopted, compared to 46 anti-Ahmadiyah regulations during the decade before.

Several studies have argued that the state mediates the influence of society in the policymaking process in post-New Order Indonesia too. The state becomes receptive to calls from within society to discriminate against Ahmadiyah only when certain “triggers” or “focusing events” are present. For instance, the uptick of anti-Ahmadiyah regulations after 2005 is the result of changes in state society dynamics related to events that year, scholars have claimed. Direct elections for governors, district heads, and mayors were introduced in 2005. The same year, the MUI issued another fatwa against Ahmadiyah. It was this combination of subnational government heads having to win direct elections to gain or maintain power and renewed societal pressure to ban Ahmadiyah that resulted in a spike of anti-Ahmadiyah regulations from 2005 onwards, the argument goes (Crouch, 2012, 562; Hicks, 2014, 327).

However, even claims that the state only becomes receptive to societal pressures when certain triggers and focusing events are in place struggle to explain the diffusion pattern of anti-Ahmadiyah regulations in Indonesia. This is because the overwhelming majority of anti-Ahmadiyah regulations adopted after 2005 were not adopted during election years. Only four out of 45 anti-Ahmadiyah regulations that have been adopted between 2005 and 2022 were adopted during an election year, as shown in Appendix 1.⁹ In short, if one assumes that aforementioned surveys accurately capture the prevalence of anti-Ahmadiyah sentiment in post-1998 Indonesian society, it remains unclear how exactly public sentiment shapes the diffusion of anti-Ahmadiyah regulations in Indonesia. There is no immediate connection between popular elections being held and anti-Ahmadiyah regulations being adopted. Overall, there is then considerable evidence that SRD is not a sufficient condition for GRD to emerge even in an environment such as newly democratic Indonesia whose government is seemingly more exposed to participatory politics and pressure from within society.

Text reuse analysis

The difficulties of existing studies to explain the spread of anti-Ahmadiyah regulations suggest a second interpretation of the diffusion curve shown in Figure 4, namely that SRD is not a *necessary* condition for GRD to emerge either. Discriminatory laws and regulations may inspire other discriminatory laws and regulations without any direct pressure from society. Text reuse patterns between anti-Ahmadiyah regulations provide evidence in support of this argument.

Text from existing anti-Ahmadiyah regulations is frequently reused in subsequent regulations, as the numerous links between nodes in Figure 5 indicate. Furthermore, text reuse between anti-Ahmadiyah regulations goes beyond referencing, as the thickness of the links between nodes, depicting the percentage of text copied from a previous regulation, shows. For instance, 71% of the anti-Ahmadiyah regulation adopted in West Sumatra province on March 24, 2011 was copied verbatim from the anti-Ahmadiyah regulation adopted in West Java province on March 2, 2011, as shown in Appendix 2. The text reuse analysis also shows that the diffusion of discriminatory content seems to occur mainly within administrative layers. Links between nodes situated within the same layer of Indonesia’s administrative hierarchy are both more numerous and thicker than links between nodes situated at different layers

of Indonesia's state apparatus. Provinces copy mostly from other provinces, while districts and municipalities copy mostly from each other. The vertical diffusion of discriminatory content is much less pronounced. This is shown by a lack of thick lines between nodes from different administrative layers. Furthermore, if text reuse occurs along vertical lines, it occurs mainly in a top-down fashion. The bottom-up diffusion of text between administrative layers barely exists, as shown in Figure 4. Finally, to examine the aforementioned claim that pressure from societal groups has paved the way for the diffusion of discriminatory government regulations, I compared the content of anti-Ahmadiyah regulations with the MUI fatwa against Ahmadiyah issued in 2005. Comparing the content of the MUI fatwa with government regulations discriminating against the Ahmadiyah shows that text reuse is absent. While this may have to do with the brevity of the 2005 fatwa—the MUI needed only five pages to condemn the religious beliefs of 300,000 people—it suggests that the MUI document is unlikely to have served as a blueprint for subsequent government regulations unlike previous scholarship has claimed (HRW, 2013, 36).

Aforementioned text reuse patterns do not establish a direct causal relationship between the adoption of different regulations. However, they suggest that at least some anti-Ahmadiyah regulations may result from the interdependence between jurisdictions, and not because of demand from within society. The literature provides anecdotal evidence in support of the argument that GRD may result in GRD without any direct societal pressure. For instance, Crouch mentions how the anti-Ahmadiyah regulation adopted in Banten province in 2011 was inspired by a regulation the government of East Java province had adopted earlier that year. An anti-Ahmadiyah regulation the West Java provincial government adopted the same year even “borrowed some key provisions from the *East Java Regulation* and extended its scope further” (Crouch, 2012, 560).¹⁰ To provide another example, Pontianak City, the capital of West Kalimantan province, issued an anti-Ahmadiyah regulation in 2011. Although conflicts between religious groups are common in West Kalimantan province, in Pontianak City neither the broader population nor hardline groups situated in society called for a ban of Ahmadiyah prior to the adoption of Regulation No. 17/2011. The regulation seems to have been inspired mainly by the presence of similar regulations elsewhere in Indonesia. Regulation No. 17/2011 adopted in Pontianak City on March 11, 2011 copied 59% of its text from Regulation No. 12/2011 adopted in West Java Province on March 2, 2011. Even in areas of Indonesia with no prior societal tensions between the majority Sunni population and the Ahmadiyah such as East Java Province, anti-Ahmadiyah regulations have been adopted (Soedirgo, 2020, 43). In 2011, Soekarwo, then East Java governor, adopted Regulation No. 188/2011, which banned Ahmadiyah in the entire province. Again, this seems to have occurred without any apparent societal pressure, both broadly and narrowly understood, to do so.¹¹ While the provincial parliament in East Java had issued a letter earlier in 2011 that called for a government regulation against Ahmadiyah, “[i]t is unclear why the legislature did not pass a regulation itself, although there may *not have been sufficient support* for such a regulation” (Crouch, 2012, 559). Again, the availability of similar regulations seems to have inspired the regulation in East Java Province. Thirty-six percent of the Regulation's text was copied from Regulation No. 143/2006 adopted in Sukabumi District in West Java province years earlier on March 20, 2006.

There is also anecdotal evidence in support of the argument that top-down pressure emanating entirely from within the government triggers anti-Ahmadiyah regulations. In 2008, the Minister of Religion, Attorney General, and the Minister of Home Affairs issued Joint Decision No. 3/2008 against Ahmadiyah. Scholars have argued that this joint decision was the main driver for the subsequent spike in anti-Ahmadiyah regulations in 2011 (Crouch, 2009, 2012; Schäfer, 2018, 5). This is because the joint decision “is being used as justification by local government authorities to ban the activities of Ahmadiyah at the regional level” (Crouch, 2012, 556). Figure 5 shows that there are indeed many lines between the Joint Decision No. 3/2008 and subsequent regulations, indicating text reuse between these documents. A final example for GRD potentially causing GRD in a top-down fashion comes from Depok City in West Java province. There, the municipal government adopted an anti-Ahmadiyah regulation after the national Ministry of Religion and the National Intelligence Agency, in collaboration with MUI, had begun to investigate Ahmadiyah in the city (Crouch, 2012, 561–562).

Conclusion

Previous studies based on anecdotal evidence and opinion polls have argued that anti-Ahmadiyah sentiments have been prevalent in Indonesian society for a long time. Politicians adopting anti-Ahmadiyah regulations frequently claim that they are merely enacting the will of the people (Crouch, 2012, 558). However, during Indonesia’s democratic period between 1949 and 1957 when the government was theoretically receptive to societal pressure, not a single anti-Ahmadiyah regulation was adopted. Anti-Ahmadiyah regulations only began to emerge at the height of the authoritarian New Order regime, which was much more resistant to pressure from below. Finally, after Indonesia had again become a democracy in 1998, anti-Ahmadiyah regulations spread across time and space in ways out of line with assumptions that widespread societal pressure, amplified by “triggers” and “focus events,” drives the adoption of anti-Ahmadiyah regulations. Rather than spreading quickly to many jurisdictions across Indonesia, particularly during election years, anti-Ahmadiyah regulations have been adopted in a relatively small number of jurisdictions during certain periods only, almost none of which align with election cycles. Overall, the diffusion curve of anti-Ahmadiyah regulations from 1949 to 2022 does neither resemble the S-shaped curve for technically complex policies, nor the diffusion curve of *popular* morality policies. It most closely resembles the stop-and-go diffusion pattern of elite-driven, unpopular morality policies of the kind introduced in Figure 3 above.¹²

Existing studies struggle to explain the temporal and spatial variance in the adoption of anti-Ahmadiyah regulations because they assume that the diffusion of these discriminatory documents is solely driven by factors internal to jurisdictions, such as the presence of hardline religious groups and/or whether elections are held. Since studies with a focus on determinants internal to jurisdictions struggle to explain the spatial and temporal variance in the diffusion of anti-Ahmadiyah regulations between 1949 and 2022, this paper hypothesized that the interdependence between jurisdictions is a potential driver behind the spread of anti-Ahmadiyah regulations.

Avenues for future research

The hypothesis put forward in this paper suggests several avenues for future research. One, regarding the argument that GRD drives GRD, the first question to explore is why and how governments decide to emulate other governments when it comes to adopting regulations discriminating against religious minorities. Future research will therefore need to identify the “epistemic communities” and “norm entrepreneurs” that craft discriminatory regulations, as well as the networks between such nodal points that facilitate or obstruct the spread of discriminatory ideas from one jurisdiction to another. In Indonesia, a promising case to examine in more detail in this respect is the spike in anti-Ahmadiyah regulations in 2011. Both anecdotal evidence from previous studies and the text reuse analysis presented in this article suggest that the sharp increase in anti-Ahmadiyah regulations in 2011 is the result of an emulation between jurisdictions rather than local societal dynamics. Furthermore, future research will have to examine why the interdependence between jurisdictions not only varies within but also between government layers. The literature on policy diffusion has shown that the most innovative policies tend to emerge at the subnational level. Hence, subnational jurisdictions have often been called “laboratories” for national politics (Piattoni, 2010, 48; Grim and Finke, 2011, 201; Hollander and Patapan, 2017, 1–5). However, unlike subnational governments in democracies such as the USA, districts and municipalities in Indonesia do not seem to act as laboratories for national-level politics to the same degree. Subnational jurisdictions in Indonesia have indeed “innovated” government discrimination against the Ahmadiyah community. The majority of government documents against the Ahmadiyah since 1976 are regulations issued by local government units, as presented in this paper. This is in line with the findings from the broader literature, which have shown that religious intolerance is more pronounced in subnational politics (Grim and Finke, 2011, 71; Fox, 2016, 15). However, the text reuse analysis showed that content diffused mainly *within* government layers. The bottom-up diffusion of anti-Ahmadiyah content in local-level regulations to the national level is almost nonexistent,¹³ while the content of national and provincial regulations rarely trickled down to districts and municipalities. Future research needs to examine why neither bottom-up diffusion nor top-down diffusion of content plays much of a role in the diffusion of government regulations discriminating against the Ahmadiyah community in Indonesia.

Moreover, comparing *only* the jurisdictions to which discriminatory regulations have spread, the text reuse analysis showed that there is great variance in the diffusion of the *content* of these discriminatory regulations. Figure 4 shows that arrows between regulations adopted within a comparatively short period of time are thicker than arrows between regulations that were adopted years apart. For example, Regulation No. X/2005 adopted in Bogor District on July 14, 2005 influenced several anti-Ahmadiyah regulations adopted in other districts that very year. However, Regulation No. X/2005 seems to have become less of an inspiration for regulations in other jurisdictions as time passed on. Yet, there are also discriminatory regulations that remain highly influential over time. For example, there are numerous thick lines between Regulation No. 451/2004 adopted in Kuningan district in 2004 and

subsequent regulations adopted years later, as seen in [Figure 4](#). This raises the question why a high percentage of the content of some anti-Ahmadiyah regulations travels to a high number of other jurisdictions, while the content of other anti-Ahmadiyah regulations is barely copied, and if so, only by a small number of jurisdictions? Does the content of a regulation affect its diffusion, or does the diffusion of a regulation affect its content? In other words, does the content of a regulation facilitate or obstruct its diffusion? Do regulations become more intolerant as they spread or is their content watered down?

Two, future research will have to examine whether GRD causes SRD.¹⁴ Scholars have argued that governments discriminating against religious minorities may embolden groups associated with the majority religion to increase their harassment of religious minorities (Wiktorowicz, 2001). GRD may also trigger resistance from discriminated religious minorities (Ben-Nun Bloom, 2015, 2), which themselves may adopt less tolerant views of other religions because they are persecuted (Hafez, 2004, 37). Governments may react to this shift toward more extreme religious views with a new wave of discriminatory regulations (Grim and Finke, 2007, 637). Hence, research will have to examine whether regulations discriminating against Ahmadiyah in Indonesia have normalized the “othering” of religious minorities. Scholars such as Nalle have claimed that in Indonesia “the government’s initiation of intolerance and discrimination has been reproduced within Indonesian society vis-à-vis minority groups” (Nalle, 2021, 17). There is indeed anecdotal evidence in support of her argument. For example, the introduction of a penal code based on Islamic law in Aceh, Indonesia’s Western-most province, in 2006 has led to an increase in society-based discrimination against women (Kloos, 2014, 60). Similar dynamics may have resulted from laws adopted at the national level. In 2008, the GoI adopted Law No. 44/2008 on Pornography, which discriminates against women and sexual minorities.

One of the clauses that attracted much approval from...militant groups was Article 21, which opened the door for ‘society’ to participate in the implementation of the law. For ... [hardline] groups, this translated into legal protection for their routine attacks on bars and other establishments that offered services that could be deemed pornographic (ranging from prostitution to dance performances). Since then, ...gangs have used the law to justify their raids, of which there have been many. (Mietzner and Muhtadi, 2018, 491)

Three, research needs to examine whether SRD causes SRD. In other words, does societal discrimination lead to further societal discrimination without, however, such activities ever becoming enshrined in government laws and regulations? Again, there is anecdotal evidence from across Indonesia that this may indeed be happening. For instance, in Aceh province, religious boarding schools have issued fatwas to outlaw other religious boarding schools against which they are competing for government funding (Permana, 2021, 5). There, societal groups directly discriminate against other societal groups without the direct involvement of the state, in other words. Future research will also have to examine whether *different types of SRD* are interconnected. For instance, does SRD at the elite level influence broader societal norms?

Recent research suggests that “while mobilization by elites is likely a factor in causing violent SRD, societal attitudes and factors likely play an *independent* role” (Fox, 2020, 84).¹⁵

Finally, some scholars have cautioned against conceptualizing simplistic causal relationships between SRD and GRD. Especially in Muslim-majority countries “a dominant focus on the legal particularities of syariah hides from view the ways in which local conflicts about public morality issues are connected to broader contestations about moral authority and public space...” (Kloos, 2014, 61). Arguably, this is even more the case in post-colonial Muslim-majority countries where different legal systems often overlap, including pre-colonial customary law, colonial law, and post-colonial law. What looks like SRD may actually be a set of norms rooted in a legal context that no longer constitutes actual law, but which remains influential in shaping society’s norms and values. Historic remnants of GRD may manifest themselves as SRD, in other words.

Supplementary material. The supplementary material for this article can be found at <https://doi.org/10.1017/S1755048323000081>.

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Notes

1. Emphasis added.

2. This is somewhat in line with claims in the broader literature that governments need a “trigger” to become receptive to SRD and enact GRD (Fox, 2020, 85). The literature says that governments become receptive to SRD if they perceive religious minorities as a threat to the “identity or unity of society” (Sarkissian, 2015, 21). Soedirgo (2020) has shown why and how Indonesian politicians “securitize” the Ahmadiyah community despite the fact that the group constitutes only a minuscule percentage of the Indonesian population.

3. All anti-Ahmadiyah regulations adopted in Indonesia since 1976 are local executive government regulations, which are situated below laws in Indonesia’s legal hierarchy. The remainder of the article will therefore refer to anti-Ahmadiyah regulations.

4. See <https://www.thepersecution.org/> for a dataset on discrimination against the Ahmadiyah in countries around the world until 2012.

5. Figures 1–3 show the cumulative number of *adopters* of hybrid seed corn and the cumulative number of states that reestablished the death penalty after the U.S. Supreme Court’s decision in *Furman v. Georgia*

(1972). **Figure 4**, however, depicts the cumulative number of Anti-Ahmadiyah *regulations* rather than the number of localities that have adopted such a regulation because some localities have adopted more than one Anti-Ahmadiyah regulation since 1976.

6. Bakor Pakem was established in 1952 as a subunit of the Ministry of Religion. It became part of the Attorney Generals' Office in 1961 (Bagir, 2018, 5).

7. There is of course also the possibility that aforementioned surveys reporting long-standing anti-Ahmadiyah sentiments in Indonesian society do not accurately capture the complexities of the relationship between Ahmadiyah communities and their surroundings. The Setara Institute, a watchdog organization monitoring religious freedom in Indonesia, conducted a survey among Ahmadiyah members in 2017. It found that "more than 90% [Ahmadiyah] live harmonious [sic] or very harmonious [sic] with their neighbors" (Setara, 2017, 17).

8. Anti-Ahmadiyah regulations may only be adopted in jurisdictions in which Ahmadiyah communities concentrate. Unfortunately, there is no reliable location data about the residence of Ahmadiyah members in Indonesia (Setara, 2017, 6). However, Anti-Ahmadiyah regulations do not seem to always overlap with accounts of Anti-Ahmadiyah violence (Yaputra, 2023). This suggests that there are areas where Ahmadiyah have been the target of SRD but not GRD and vice versa.

9. One could argue that there is a time-lag between elections and the adoption of anti-Ahmadiyah regulations, as the legislative branch of government is notoriously slow in Indonesia. However, all anti-Ahmadiyah regulations in Indonesia are executive government regulations, as shown in Appendix 1. This means that local government heads issued these regulations without the parliament being involved, a process that is much faster. Local government heads could have issued these regulations during election years if they wanted to, in other words.

10. Emphasis in the original.

11. Emphasis added. Nastiti and Ratri claim that pressure from FPI and other groups "pushed local governments in East Java, West Java and East Kalimantan to issue regulations that banned all Ahmadiyah activities" (2018, 11). They do not provide any evidence for their claim, however.

12. Arguably, one reason the sawtooth pattern in the diffusion of anti-Ahmadiyah regulation is not more pronounced—there are no "dips" in **Figure 4**—is that Indonesia's legal system makes it extraordinarily difficult to revoke local regulations once they have been adopted (Butt, 2010; Crouch, 2012; Nalle, 2021). While human rights activists and lobbying groups have put pressure on governments to strike down anti-Ahmadiyah regulations, they have so far been unsuccessful (Dipa and Arbi, 2019, online). In 2016, the Ministry of Home Affairs (MoHA) released a list of 3143 local regulations that had either been revoked or revised. The list did not contain a single anti-Ahmadiyah regulation (Apindo, 2016).

13. Soedirgo states that "2008 and 2009 are the only two years where district-level actors carried out fewer anti-Ahmadiyah incidents than their national counterparts. During these two years, national level actors were the primary drivers of conflict. 2008 is also the year where provincial actors became involved in managing the Ahmadiyah threat" (Soedirgo, 2020, 46). However, Soedirgo's language is imprecise. It is not clear what "carrying out an incident" means and whether it includes adopting (or implementing) government regulations.

14. I thank Nazia Hussein for reminding me of the difference between laws and norms.

15. Emphasis added.

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