

Statement of Hizb ut Tahrir Indonesia

Public Hearing Session of Commission 2 on Perppu Ormas

On Thursday, 19th of October 2017, Hizb ut Tahrir Indonesia (HTI) together with the representatives from MUI, FPI, AI Washliah, Ikadi, LBH Jakarta and Alumni Presidium 212, conveyed their views and opinions related to Perppu Ormas No. 02/2017 before the leaders and the members of the Commission 2 House of Representatives of Republic of Indonesia.

On that occasion, besides talking about the issue of Perppu Ormas, HTI also conveyed its opinion about the revocation of its status of BHP (a legal entity of association - Badan Hukum Perkumpulan) conducted by the government on 19th of July 2017. HTI firmly rejects the revocation. The government's decision proves that the Perppu Ormas has obviously opened the chances for the Government to become a dictator. The Government unilaterally dissolved a mass organization without giving them right to defend themselves and without "due process of law" or a fair and correct law enforcement process according to the principles of the rule of law.

Regarding Perppu, HTI argues that formally there is no acceptable reason for the issuance of the Perppu. According to the provisions of the Perppu itself, it is issued in a state of compelling crisis, then, in fact, there is no such crisis. It is proven by the fact that 10 days after the issuance of the Perppu, no single action was taken by the government based on the Perppu. Only on the 10th day, the Perppu was used to dissolve HTI with no clear reasons.

Judging from its content, Perppu Ormas have obviously wiped out the judicial powers, which is contrary to the principles of legal justice which should always be the goal of the legislation. The existence of an Administrative Court (PTUN) to whom a dissolved organization may file a claim for its dissolution does not indicate the existence of judicial power since the lawsuit for dissolution in the court is different from the lawsuit in the Administrative Court. The file for dissolution in court is adjudicating the substance of the problem, while the Administrative Court is adjudicating the administration or the procedure of dissolution, not the substance.

Perppu Ormas also give birth to legal uncertainties, especially regarding the notion of ideology that contradicts Pancasila. The explanation of an ideology that contradicts Pancasila from Article 59 paragraph 4 letter c regarding the prohibition for the mass organizations to embrace, disseminate and teach a notion contrary to Pancasila, precisely leads to multiple interpretations. This is very dangerous because Perppu can be a means of repressive rulers in which the rulers become the sole interpreter of what is meant by a notion contradicting Pancasila, thus creating a vandalistic and extractive institution. And even if based on the Perppu, the government dissolved a mass organization that embraces or disseminates the teachings of the political system and the government that has a religious basis in the Quran and As-Sunnah, and once practiced by the Prophet Muhammad (saw) and followed by the Companions, then the Perppu, according to an expert, Dr. Abdul Chair Ramadan, could result in tarnishing or criminalizing the teachings of Islam.

Related to the idea of Khilafah (Caliphate), HTI conveyed the notion that Khilafah is a part of Islamic teachings, in which the mandatory application of sharia in totality and the enforcement of Khilafah is the opinion of all ulamas from various schools of thoughts, especially

within the scope of four schools of thoughts of Ahlus Sunnah, as mentioned by Shaykh Abdurrahman Al Jaziri. Therefore, the Muslims should no longer debate whether the Sharia and the Khilafah are obligatory or not, since the case is *ma'lumun minad diin bidz dzarurah* (something that its obligations is already known) based on the Qur'an, As-Sunnah, Ijma 'Sahabah, and Qaidah Shar'iyah.

It is inappropriate for Muslims to deny that obligation, because it means against the command of Allah and His Messenger (saw), let alone criminalize or dissolve an organization that preaches it. The Muslims, especially those with a certain position and political authority and those who have scientific knowledge and other resources should take a role in this struggle. They should not act contrary and assume that it is a threat to the nation and the country. How could the teachings of Islam that Allah (swt) reveals as a mercy to all universe be considered as a threat and would destroy the country that once became independent due to the spirit of jihad among the independence fighters?

In fact, there are actually two major threats to this country, namely secularism and neoliberalism, and neoimperialism. Since Indonesia's independence, more than 70 years that this country has been governed by the secular system, both socialistic style during the era of Old Order and capitalistic style during the era of New Order and neo-liberal during the era of reform. In the secular system, there are various forms of orders which are far from Islamic values. They are the capitalistic economic order, opportunistic and machiavellistic political behavior, amoralistic and hedonistic culture, egoistic and individualistic social life, syncretistic religious attitude and materialistic educational system.

The second threat is neoimperialism. Indeed, Indonesia has been independent. However, colonization does not end. Through the instruments of debt and global policy, world institutions such as IMF, World Bank and WTO created by the Western countries as a way to legitimize their imperialistic steps.

Neoimperialism is also done through the so-called modern war scenario, in which hard power (military and weapons) is not used instead they use soft power and smart power. The actors are multinational corporations, international agencies, and big countries.

Apart from secularism, neoliberalism and neoimperialism, which should be regarded as a threat to this nation and the state are the ideology of communism and atheism. This is what is happening now, and this is the real threat to our country. Not the teachings of Islam.

Therefore, to accuse sharia and Khilafah as a threat, and to criminalize the Islamic mass organization, while turning a blind eye to capitalism, secularism, neoliberalism and neoimperialism and groups of adherents, this is a person who is afflicted with various diseases, but drugs are thrown out and the doctor who is about to heal the disease is kicked out. Then, surely the diseases are getting worse.

On that occasion, HTI also reminded all members of the House of Representatives to make correct decisions, especially regarding the Perppu Ormas and ensure that the decision does not become a way to obstruct da'wah, criminalize the teachings of Islam and dawah carriers because later those things will be held accountable before Allah (swt).

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