

Statement of Hizb ut Tahrir Indonesia

The Enactment of Perppu Ormas

Despite the pressure, protest and rejection from many circles, through a vote held on Tuesday, October 24, the House of Representatives finally approved Perppu No. 2, 2017 on mass organizations into Law.

The enactment of Perppu Ormas into Law shows the realization of politics of bargaining, eliminating rational politics. It ignores all rational arguments that see the weaknesses of the Perppu both formally and materially. Formally, there is no acceptable reason for the issuance of the Perppu because there is no compelling crisis that actually takes place. The proof is, 10 days after the issuance of the Perppu, no single action was taken by the government based on the Perppu. Just on the 10th day, the Perppu was used to dissolve Hizb ut Tahrir Indonesia (HTI) for no clear reason.

In material terms, Perppu Ormas also contains many problems. Among these, the Perppu obviously eliminate judicial power, 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), in which a dissolved Organization may file a claim for the dissolution, can not indicate the existence of judicial power, as the lawsuit for dissolution is different from that of a lawsuit filed in the Administrative Court. The lawsuit for the dissolution is adjudicating the substance, while the lawsuit filed in the Administrative Court is adjudicating the administration or procedure of dissolution, not the substance.

Perppu Ormas also gives rise to legal uncertainties, especially regarding the beliefs of an ideology that contradicts Pancasila. The explanation of the ideology that contradicts Pancasila from Article 59 paragraph 4 letter c regarding the prohibition of mass organizations to embrace, disseminate and teach something contradictory to Pancasila, precisely causing multiple interpretations. This is very dangerous because Perppu can be a means for a repressive ruler especially because the ruler becomes the sole interpreter of what is meant beliefs that contradict 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 teaches about the political system and 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, the Perppu, according to expert, Dr. Abdul Chair Ramadan, could result in desecrating or criminalizing the teachings of Islam.

The current politics of bargaining, in fact, have neglected rationality, common sense, conscience and even neglect faith or belief, merely for the sake of power. As a result, although the Perppu itself is irrational, some of its articles can even threaten Islamic dakwah and its activists, it is still supported.

Thus, the enactment of the Perppu Ormas will further open the door wide for a repressive regime. The dissolution of HTI has proven this fact. Then, there could be any other mass organizations that will soon be dissolved. All on these are done on behalf of 'taking care of diversity'. Isn't it the existence of mass organizations also a part of diversity? If it is true, then the House of Representatives has contributed to rising of such a regime.

By still passing the Perppu into Law, it is worth questioning who the House of Representatives is representing. Out of 22 mass organizations invited in the Public Hearing in the Commission 2 of the House of Representative, among them are Muhammadiyah, Persis, al Washliyah, Ikadi, FPI and others, the majority refused the Perppu. It means that people refuse it. But still, the factions of the House of Representatives approved it. So, who do they exactly represent?

After this, HTI will continue its effort of testing the material of the Perppu in Constitutional Court. We remind the government and all parties concerned in this matters not to make the Perppu that has been passed into the Law as a way to obstruct Islamic dawah, criminalize the teachings of Islam and its dawah carriers because all of those will be held accountable in the presence of Allah (swt).

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