

# Substantive Justice and Justification for Faith Community Intervention in Law Enforcement: The Case for Indonesia

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**Abstract:** Whether the concept of substantive justice can be used as a justification for the faith community intervention in law enforcement of blasphemy cases in Indonesia after the collapse of the New Order regime is the focus analysis of this article. This legal issue has not yet been studied in various literatures. The discussion related to the proliferation of religious community intervention in the process of law enforcement in the perspective of justice is still rare. This article develops the unity concept of substantive and procedural justice. This article argues that the proliferation of faith community intervention in law enforcement undermines the independency of law as the basic notion of rule of law. The process of democracy after the ruin of the New Order regime in Indonesia needs a better understanding of the rule of law concept comprising of substantive and procedural justice. The emergence of social disorder and violence launched by faith community in blasphemy allegations demonstrates the negation of procedural justice i.e. legitimacy crisis.

## 1 INTRODUCTION

Indonesia is a country with the largest Muslim population in the world. If viewed from the existing data, Muslims in Indonesia reach 85% of the entire population of Indonesia. Although the role of Muslims community with regard to law and politics still cannot be considered as at a premium level, it is undeniable that in some cases their roles in the law enforcement are very dominant. This reality has begun since the collapse of a new order under Suharto's leadership which at the time was more applying 'politic patronage' seeks to reduce mass criticism. For example, the establishment of ICMI (Indonesian Muslim Intellectual Association) comprised of critical Islamic leaders with Islamic intellectuals. This is intended to reduce the criticism of the Muslim community. However, in line with the destruction of the Suharto regime (New Order) then there is a shift in political development in Indonesia towards democracy during the reign of President Yudhoyono to this day. ICMI membership combined with Muslim leaders and scholars who sit in this cabinet is aimed at one of them so that Muslims are meant to provide a place for Muslims to give their opinions ICMI was founded more as a venue for voicing input from Muslims for public policy rather than a mass-based political organization. Its

membership includes critical and non-governmental Islamic leaders, as well as cabinet ministers. All these combined efforts did work to slightly reduce the criticism of the Muslim community. Although the role of Muslims in the field of law and politics still cannot be categorized at a premium level, it is undeniable that in some cases the role of the Muslim community as dominant group in Indonesia's pluralist society is very dominant in the framework of law enforcement process.

The most landmark issues on how the mass of Islam can strongly influence the law enforcement in Indonesia can be scrutinized in the case of blasphemy allegation charged against *Basuki Cahya Purnama (Ahok)*. In this case, a series of demonstration of the Front of Islamic Defenders (*Front Pembela Islam/FPI*) and the Indonesian Council of Ulama (MUI) fatwa have successfully pushed the judiciary and government to prosecute and jail *Ahok*. In March 2018, thousands of Muslims take action on Islamic Defence demanding to capture *Sukmawati* at the Police Criminal Investigation office. Muslim mass requested polices to immediately arrest *Sukmawati Soekarnoputri* for accusation of blasphemy through poetry entitled '*Ibu Indonesia*.' Another case relates to *Habib Rizieq*, in which case the Muslims mass under the FPI forced

the police to release him from his accusation on criminal case. All of these legal phenomena illustrate the existence of faith community intervention in the law enforcement process. This legal phenomenon raises ambiguity: on the one hand, the intervention is considered as a social control while on the other hand it is in-conflict with the notion of independency of judiciary system in Indonesia. Instead of

The growing justifications for this legal phenomenon demonstrate that justice shall not be based solely on procedural but implies equitable justice that considers humanistic justice, democratic, nationalistic and social justice.<sup>1</sup> It is also claimed that legal scholarship cannot be detached from realm since it has close interconnection with the social discipline and humanities. This means that justice is upheld not just formal or procedural justice, but substantive justice. From this perspective, the notion of justice cannot be detached from values and substantive justice. Justice is not only determined by fair procedure, but it has to be fair outcome. That is, justice not only concerns the results obtained but the results must be obtained through just and fair process. From the perspective of substantive justice, law cannot be separated from society or reality. Or in other words, law as a field of science closely interconnected with social sciences and humanity.<sup>2</sup> This view is influenced by legal sociologists seeking to integrate various intellectual perspectives. The concept of substantive justice theory is also a movement against the positivist who only based strictly on the rule of law solely regardless of the values that live in society. The concept of substantive justice seeks to integrate various intellectual fundamentals including sociology. Similarly, the responsive law theory proposed by Nonet and Selznick (1978) also claims that the law including law enforcement – is strongly influenced by political and social system. The dominant group in a pluralist state plays a major role in law enforcement process. Some case models will also be examined to find out the extent of Muslim community influence on some law enforcement cases in Indonesia.

By considering these social phenomenon, thus discussing the substantive justice as the justification

for religious mass intervention in law enforcement is very essential to the functioning the concept of rule of law and the independency of judiciary system. Therefore, this study will examine the basic concept of substantive justice and to what extent it justifies the social intervention in the law enforcement. It analyses whether the concept of substantive justice can be used as a basis to justify the eradication of the independence of law enforcement in Indonesia. The extent to which the influence of the Muslim community in Indonesia affects the independency of law enforcement in Indonesia will also be examined. The periodization of political shift strengthening religious community intervention in law enforcement in Indonesia will be explored. Some related cases will also be discussed in this article. Finally, conclusion and recommendation are provided.

The purpose of this study is to critically analyse the extent to which the influence of the religious community on law enforcement in Indonesia. It analyzes how faith communities, law and justice all interact that lead to procedural discourses. Further, it also demonstrates the extent to which religious community element have influenced emergent practices affecting independency of judiciary system. The proliferation of religious community in some cases is also caused by the recurring of the position of the majority faith community in Indonesia's pluralistic society after the fall of New Order regime in 1998. As is known, the legal system in Indonesia adopts the separation of powers between the executive, legislative and judicial. In this context, whether the influence of the religious community on law enforcement may affect the principle of independency of the judiciary system also appears to be an issue. Some cases will be presented in this study demonstrating this phenomenon. This study provides an advance contribution to the literature by demonstrating that, the conception of substantive justice cannot be deviated from procedural justice. The substantive justice and procedural justice must be parallel. The dichotomy between substantive justice and procedural justice is still a prominent legal issue in the practice of law enforcement in Indonesia. The justification of faith community intervention in law enforcement under the basis of the notion of substantive justice solely has negated the justice itself. It is basically the legal authority of the state to enforce substantive law in accordance with valid legal procedures. In the absence of procedural law in law enforcement, the existence of the state and its legal authorities are meaningless. The non-

<sup>1</sup> This concept is also promoted by John Rawls through the concept of justice and fairness.

<sup>2</sup> This concept is influenced by the sociology of law perspective. There is a strong correlation between the law and social system.

functioning of the state will result in any particular person or society freely enforcing substantive justice in their own way. This is also known as a legitimacy crisis on legal institutions (the fading of institutional trust of an authority). People who feel their interests or rights are violated but they are not maximally protected, thus depriving them of trust in the law enforcement authorities.

## 2 DISCUSSION

In principle, the correlation between Islam and the state of Indonesia is not stagnant, but it is dynamic (Ibid, p. 27.) The development of democracy in Indonesia can be divided into 3 general phases, namely: (1) in 1946-1960 (*Soekarno* Period); (2) period 1966-1998 (authoritarianism period); (3) 1998-current period (reform period). The development of Islam in these three periods is varies. During the Sukarno era, a multiparty system was adopted which involved the two largest Islamic parties, *Masyumi* and *Nahdlatul Ulama* (NU), which in turn NU joined PPP (United Development Party). However, the two Islamic parties were still struggling in realizing the agenda to realize the Islam agenda in political framework in Indonesia. In the New Order era, in order to realize political stability, *Suharto* carried out a simplification of the party or known as political fusion in order to simplify the party system. The development of Islam in this period was also very limited, followed by the simplification of the Islamic party PPP (United Development Party). Although PPP parties based on Islam can still play a role in election, they are struggling to develop Islamic ideology. In the New Order period, Islamic parties must be based on national ideology (Pancasila) and secularity. The authoritative system adopted by the New Order regime has suppressed the development of democracy and freedom so that there are those who call it a pseudo democracy in order to realize national political stability. The establishment of ICMI (Indonesian Muslim Intellectuals) is principally aimed at suppressing mass Islamic intervention in the political arena to ensure national stability. This condition has changed since Suharto resigned in 1998 which was followed by the destruction of the new order regime. Although there are those who argue that the New Order regime has not been destroyed due to the existence of the political cartel of the new order regime. In the period after 1998, the reform period was marked by the emergence of democracy which was followed by the revitalization of Islamic ideology.

In the reform era, the participation of Muslim as majority religion in Indonesia does not only relates to the Muslim participation in political parties, but it also involves the role of Islamic organizations in the public sphere. Many religions-based parties grow rapidly, this includes PPP, PKS (*Partai Kesejahteraan Sosial/Prosperous Justice Party*) and PAN (*Partai Amanat Nasional*). The reform era was also marked as an era of revitalization of the adoption of a religious ideology for Muslims in Indonesia (Hasyim 2013, p. 23). The collapse of the New Order regime in 1999 has given a new nuance in the development of democracy in Indonesia. However, it should be noted that democracy in Indonesia has not yet reached the stage of consolidation (democratic consolidation). As described by Liddle, a democratic regime is consolidated when governmental and non-governmental forces alike become subject to, as well as habituated to, the resolution of conflict within the bounds of the specific laws, procedures, and institution that are sanctioned by new democratic process..." (Luthfi WE, in Liddle 2001, p.28). The transition of democracy in Indonesia is also fall into a gray area of democracy (Diamond 2000, p. 414). There has been a question whether elections are truly free and fair, the lack of accountability and rampant corruption also lead to the crisis of legitimacy of judicial, legislative and executive institutions.

Compared to the Suharto' authoritative New Order regime (1966-1998), however, religious community were now allowed to freely express their aspiration both politically and socially (Ibid, p. 34). This includes the fact that the majority Muslim community in Indonesia has truly waned and remains a strong political and cultural force, despite the fact that Islamic parties failed to gain popular support in elections. The strong influence of Islam as the majority religious community in Indonesia is exemplified form the adoption of *Shariah* based laws in the local and national level such as blasphemy. Several MUI fatwas that adopt sharia or Islamic law norms are accommodated in national law and law enforcement processes in Indonesia. For example, in the *Ahok* case, the MUI affirmed the existence of blasphemy in an effort to reinforce the need for law enforcement on the *Ahok* case. It also includes sharia law arrangements in banking and halal certification. The promulgation of Marriage Law 1970 also exemplified the reception of Sharia norms. In order to uphold Sharia laws, the Religion Court had been established through the enactment of the Law No. 7 of 1989. These demonstrate the

reception of the Islamic legal norms in the national legal system. The implementation of these *Sharia* laws are not localized and incidental, rather, districts that have adopted *Shariah* by laws are located in most of Indonesia's provinces, thus the tendency of growing intervention of faith community is not concentrated in any single region of the country (Ibid, p. 34). This shows that the influence of religious ideology is very much significant in Indonesia after the reform era. It is argued that the political circumstance in the post of New Order regime does not only demonstrate openness era but it also portrays the awakening of religion or ideology for the Muslim groups in Indonesia (hasyim, p. 23). The appearance of Islamic organizations that are contending for radical Islamic ideology such as the FPI (Front *Pembela Indonesia/Indonesia Defender Front*), MMI (*Majelis Mujahidin Indonesia/Council of Indonesian Mujahidin*), HTI (*Hizbut Tahrir Indonesia/Islamic Liberation Parties*) etc (Ibid). These Islamic organizations are not easy to be controlled compared to Islamic parties because they are not competing in public politics. Often, their movements are ridden by political elites. Huge influence of these organizations to some extent took over the role of state or judicial power either formally or informally, particularly in blasphemy case (Ibid). A non-elected Islamic organizations, they could raise their order and control in the public sphere (Ibid). Therefore, it is argued that those Islamic organizations play a huge role as 'moral police' in terms of policing and ordering morality in the public sphere that can undermine the law enforcement authorities. This phenomenon is considered as the new threat of the democracy of Indonesia. It further exemplifies the growing challenge for the democratic and harmonious inter-correlation between the state and religion, especially the Muslim majority.

Faith community interventions more or less basically undermine the supremacy of law and the independence as well as integrity of legal authorities.

The general argument is that the rule of law discourse (Ngugi 2014, p. 514-597) by the religious majority groups uses the concept of rule of law to justify substantive fairness to provide control over religion deviation in the public sphere while simultaneously undermining the supremacy of law. The rule of law discourse justifies community intervention on law enforcement in terms of the rule of law being a neutral mechanism that secure substantive fairness and equality before the law against blasphemy allegation. Based on this

conception, rule of law is deviated from procedural fairness or due process of law and only ensure the integrity of the substantive fairness allowing faith community or individual actors to seek justice outside the applicable legal procedures. Religious majority groups exploit the state to control religious practice and expressions in the public

### 3 COMPETING RELIGIOUS TRADITIONS, POLITICS AND LAW

The intersection of law, politics and religion dimensions are often like an endless circle. Most scholars argue that the failure to provide neutrality between those dimensions tend to be problematic. It is argued in this paper that the strong receptiveness of sharia law in many legislations in Indonesia advocates a greater role for religion in public sphere. These laws are applicable in both local and national levels. This condition is quite reasonable considering that most of the Indonesian population are Muslim. Muslims constitute the largest majority of the population in Indonesia. Accordingly, the neutrality of religion and law as well as politic is questionable. Some argues that religion should be distinguished from politics and law. In order to separate religion from law and politics, Conkle proposes a distinction between privatization of religion and the secularization of public discourse (Conckle, 1994). It is claimed that religion should be private and politics sphere. However, these precepts secure only the impartial and substantive notion of rules without considering the procedural fairness thus it is incompatible with justice. The law enforcement and case investigation is influenced by pressure from the majority group which inconsistent with principle of due process of law. In Blasphemy case involving *Basuki Tjahaya Purnama* – also known as *Ahok* case – some violation of due process of law or procedural injustice can be identified. This includes the violation of the principle of presumption of innocent and the concept of rule of law as well as state law; (Crouch, 2018) the contravention of independency/neutrality of law and legal institutions; the misuse of law institutions to implement rule of law that is backed by violence, intimidation and coercion should be secular (Gedick, 1990). This concept is largely influenced by the emergence of liberal democracy theory considering that religion confines to private goods that lacks public significance. In the context of the intervention of religious communities in the process of law enforcement in Indonesia, especially in cases of

blasphemy, it is one manifestation of the non-neutrality of elements of religion with law and politics. Thus, in the intervention of Muslim groups in the form of mass demonstrations in blasphemy case shows that religion does influence public policy. This also indicates that Indonesia is not purely a secular country that is fully based on liberal democracy. The adoption of religious values on national legislations also provides the path to bring religion back to the public domain. Some theories about the relationship between religion and politics as well as law were raised by several scholars such as Stephen L Carter (1993), Professor Frederick Mark Gedicks (1990) who stated that there is a strict separation or dichotomy between religious privatization and secularization of public affairs (politics and law). However, those theories do not fully applicable in Indonesia. The role of religion in Indonesian law is prominent, thus it strongly deviates from the strong cultural assumption in liberal democracy providing that religion should be private and politics should be secular. The adoption of blasphemy in several Indonesian laws has brought back the private domain of religion into the public domain. Does this phenomenon is irrelevant with democracy and religion freedom? In principle, there is no country that adheres to a strict dichotomy between political and religious elements. What distinguishes is the degree to which a country adheres to this distinction. In the United States that embraces liberal democracy may be more modest in considering the dichotomy compared to Indonesia.

Intervention of religious community on blasphemy trials does not necessarily confines to the failure of the democracy state to distinguish religion and politics. Despite some deviations, Indonesian pluralist legal traditions principally secure religious freedom and religion equality. However, since most of Indonesian people is Muslim, it seems that Islam has become the state religion or generic religion. This general views are basically misleading. In fact, there are 5 (five) religions that had been legally recognized in Indonesia. Religious community intervention in the law enforcement on blasphemy case demonstrates the impact of religion on public policy. The existing pattern of privatization and secularization does not seem relevant in Indonesian politics and law. This is mainly because of the unique characteristic of Indonesia as a pluralist state that has abundant religious traditions. This characteristic also portrays that Indonesia more likely adopts a compromise of secular state and Islamic state (Crouch 2012, p. 40). Thus, the reception of Islamic values in many legislation in Indonesia also demonstrates that there is no strict dichotomy between state and religion (Ibid). This, of

course, potentially lead to the emergence of public role of religion. One of which is the proliferation of religious community intervention in blasphemy trials. Since there is no strict differentiation between state and religion, the vague concept of blasphemy allegation opens wide opportunity to be misused and exploited by the political elites to achieve their political goals. The failure to distinguish between religion and law opens wide opportunity to be misused for the achievement of political elites' goals – which is also known as *lawfare*. The frequent emergence of religious mass movements that demand a trial related to allege religious blasphemy is case is often associated with suspicion related to political ride or the exploitation of the applicable law (Telle 2018, p. 374).

Faith community exertion in influencing the process of law enforcement often occurs in the safeguard of blasphemy cases. Unfortunately, it is not solely directed to give effect to the process of investigation or law enforcement, but that intervention is often also ridden by political interest group. Therefore, some scholars argue that the proliferation of blasphemy trials comprises the fusion of religion and politics. Whether or not those interventions actually affect the course of an investigation process, they basically demonstrate three important issues: firstly, faith community intervention in blasphemy trials is suspiciously considered as the object of politics. Since Muslim is a major society in Indonesian pluralism, these forces are usually misused by certain elite politics. Beyers argues that the engagement between religion and politics can be identified in three forms: (1) political authorities control religious institution; (2) religious leaders prescribe to political authorities or (3) a symbiotic co-existence of politics and religion (Beyers, 2015). The receptiveness of faith community or society to religious denotations expand their influences on the political situation.

The adoption of blasphemy in several Indonesian laws also demonstrates the strong relationship between religion politics/law. Straus calls it as the Theologico-Political problem. He further argues that the relationship between religion, politics and law is closely related to political authority (Strauss 1997). The adoption of blasphemy in several legislations shows that religious reasons play a major role in justifying state coercion. Indonesia as a country with a belief in God (*negara berketuhanan*), religious reasons sufficient to justify a coercive law rather than secular state. This demonstrates the intersection amongst religion, politics and law.

#### 4 PLURALISTIC LEGAL TRADITIONS AND SUBSTANTIVE JUSTICE

The dichotomy of the concept of substantive justice and procedural justice is very emerging since there has not been common opinion with regard to this issue. This study provides the conception that procedural justice and substantive justice interact with each other and play a major role in law enforcement process. In other words, procedural and substantive justice is not exclusionary to each other because they are complementary to each other. Cohen argues that procedural and substantive values are parts of package (Cohen). Similarly, Rawls' theory of justice i.e. liberty and equality also comprises to both procedural and substantive notion of justice by accommodating the moral pluralism (Ibid) Instead of interpreting procedural justice solely in the context of positivist theory, this study defines procedural justice closely relates to legitimacy. It is argued that legitimacy has been conceptualized in the procedural justice (Tyler, 2007). Procedural justice as the conceptualization of legitimacy can promote community's willingness to cooperate with authorities in law enforcement process (Murphy) The crisis of legitimacy may lead to institutional mistrust leading to society control in order to respond to justice concerns. This also demonstrates the correlation between justice, law and society. The existence of just treatment from legal authorities communicate to people that authorities protect their rights and treat them as worthwhile member of the community (Ibid).

The concept of natural justice or fairness comprises three dimension of justice, that is structural, procedural and normative. This shows that justice does not only refer to normative elements, but also procedural. The emerging of faith community intervention in the law enforcement has been significantly correlated to two notions of justice, namely authoritative and substantive. The authoritative confines to the legitimacy of legal authority, whereas substantive justice refers to moral, political, economic and social considerations. This latter concept is more likely emerging in pluralist society. Gledhill argues that economic and social conflicts can be reconciled through the adoption of reasonable principle of justice and consistent adoption of those principles by legal institutions (Gledhill). This also demonstrates a parallel adoption of both procedural and substantive justice. Rawls promotes the public reason theory

where the pluralism society can be reconciled through the reconciliation public reason process. The notion of substantive justice is also significantly related to the natural justice involving a duty to act fairly.

Can substantive justice serve as a legal basis for justifying the intervention of religious communities in law enforcement in Indonesia? To address this problem, it is interesting to note Rawls theory of justice. Rawls theory on 'reconciliation by public reason' provides reasonable principles of justice that can be applied to reconcile the existence of pluralist society (Ibid). The legal pluralism traditions confines to the presence of multiple legal systems in a sovereign state and it is often emerged in the pre-colonial country. State embodying pluralist legal traditions comprises a justice system derived from two or more normative traditions. This includes the formal justice mechanism that is derived from the colonial powers, and traditional justice system which is rooted from customary law. In Indonesia, for instance, the pluralist legal traditions comprise more normative traditions. This includes the Dutch law, customary law and Islamic Sharia law. This legal pluralism raises a very complicated issue related to law enforcement. Justice is not only judged from the formal law, but also by considering the traditional legal system and sharia law that coexist side by side. However, it is not an easy way to reconcile those legal pluralisms because it is often considered as a dichotomy between national law, customary law as well as Sharia Law. Despite the fact that pluralist legal system accepts a range of diverse and equally legitimate normative choices, but it is still based on the concept a universal system. In other words, it remains committed to the existence universal or common basic standard (White 2018, p. 997). Pluralist legal tradition does not only confine to fragmentation, but it also promote interconnection and coherence (Ibid). This involved a conflicting political priorities. Therefore, the concept of 'well-ordered society' (Sensat 2016) or 'civic friendship' (Ibid) provides the need to establish a shared conception of justice in heterogeneous society in order to reconcile the cultural heterogeneity. In this perspective, the intervention of faith community in law enforcement shall be based not only on the interests of dominant member of society, but it is based on a general concept of justice acceptable to all levels of society or social institutions. The concept of justice that is generally accepted by community members (shared or public conception of justice) will be able to form bonds among members of the community or known as civic friendship.

This issue also closely relates to integrate notion of judicial justification comprising two basic reasons: (1) legitimacy (authoritative) and substantive (Summers). The procedural reasons mainly appeal to legal authority whereas substantive notion comprises of moral, political, economic or other social considerations (ibid). The strong judicial or even political interference of faith community in the law enforcement process should also be analyzed through the concept of natural justice and fairness. The notion of natural justice embedded two basic points: it is the right for all parties to have the same right to be heard and it is injustice and unfair to judge their own cause (Ibid). The latter element embodies procedural due process of law. This also means that justice and fairness are not only concerns with substantive due process. There are three types of substantive justification, such as goal reasons, rightness reasons and institutional reasons. Substantive reasons usually derive from a moral, economic, political, institutional, or other social considerations (Summers, 78). The Substantive justification looks to whether there is a sufficient substantive justification, a good enough reason for such deprivation. The use of substantive justice is to safeguard rights that are not otherwise enumerated in the existing law. The notion of rule of law, however, comprises both procedural and substantive due process of law. The absence of the consideration of procedural notion of justice also means the concept of rule of law is differentiated from law in the wider context of a unity of procedure and substance leading to injustice (Hermann, 1974). This concept also consistent with the concept of fairness consisting of three dimensions of justice such as structural, procedural and normative.

## **5 FAITH COMMUNITY INTERVENTION AND LEGITIMACY CRISIS**

The proliferation of faith community intervention in blasphemy allegation and religion deviant raises issues on the concept of legitimacy. not only relates to issues of the interrelation between religion of politics, but also the role of legal institution authority as the and for trust in government more generally. These challenges to legitimacy raise serious questions not only about the role of criminal law and legal institutions to maintain social norms and express fundamental principles of justice, but in

general it also includes issue of trust in the government.

The challenges to legitimacy have important implications for the viability of the law and the legal system. Based on the perspective legitimacy proposed by Habermas, legitimacy is embedded by legal institutions by communities' acceptance of socio political norms (Abu, p. 42). From this point, the acceptance of society has a significant correlation with their supportive level for government. The lack of public trust also triggers mass intervention in the law enforcement process. Mass demonstration is considered as the decrease of community support for the existing legal procedures or the presence of mistrust against law enforcement officials (Beetham, 2013). Legitimacy reflects the interaction between authorities and society. It is also argued that legitimacy is formed if it is based on a general assumption that there is harmony between law enforcement agencies and socially constructed systems of norms, values, beliefs and definitions (Jara 2014, p. 25-50). Legitimacy crisis basically comprises three dimensions which includes perceptual, behavioral and structural.

In terms of perceptual dimension, it relates to the lack of trust in the legal authorities and the emergence of public cynicism (Ibid, p.27). The low level of legal authorities performance in approaching blasphemy allegation triggered society pressure and tensions. The structural factor involves the religion values, the existing performance of the institutions and political practices. There is no question that mass intervention of religious communities is basically derived from the intersection between religion, law and politics. The religion, Islam in particular, plays a major role in Indonesia and this situation is more compounded by the involvement of political practices. The legitimacy crisis on blasphemy trials also correlates with the degradation of sovereign state's authority. Community intervention in law enforcement process undermines the legal authority of states as a sovereign political organization. Legitimacy of legal institutions or authorities will also depend on the level of good governance and rule of law (Barton). This may include fairness, transparency, participation, accountability and responsibility of the whole elements of legal authorities. In addition to this, the concept of rule of law comprising of substantive and procedural justice and fairness would also important element to enhance legitimacy of law enforcement apparatus.

## 6 CONCLUSION

The concept of rule of law comprises both substantive and procedural fairness/justice. The strict dichotomy between substantive and procedural justice may undermine the principle of justice itself. The faith community intervention on blasphemy allegation demonstrates the violation of the supremacy of law and the integrity of legal authorities. This legal issue has a multidimensional phenomenon that has injustice dimensions. This includes rule of law discourses, legitimacy crisis of legal authorities, non-neutrality of religion, law and politics.

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