

Judgment No. 24/PID.B/2010/PN.SEL

For Justice Based on the Will of Almighty God

The Selong District Court, with jurisdiction to hear criminal cases at first instance using the regular procedure, hereby enters judgment in the case against the Defendant:

Name: Abdullah a.k.a. Amaq Bakri

Please of Birth: Apitaik

Age/Date of Birth: 70 / 1939

Sex: Male

Nationality: Indonesian

Religion: Muslim

Place of Residence: Dasan Tinggi, Desa Sambelia, Kecamatan Sambelia, Kabupaten Lombok Timur/East Lombok¹.

Occupation: Farmer

Education: Elementary School (SR)

That the Defendant has been detained in a Detention Center based on:

1. Investigative Detention Order, dated 04 November 2009, No. Pol: Sp.Han /85/XI/2009, Criminal Investigation, from 4 November 2009 to 23 November 2009;
2. Detention Extension Order, issued by the Head of the Selong Prosecutor's Office, dated 18 November 2009, No. 152/P.2.12/EPP.1/11/2009, from 24 November 2009 to 02 January 2010;
3. Public Prosecutor's Order, dated 31 December 2009, No: PRINT-1208/P.2.12/Ep.1/12/2009, from 31 December 2009 to 19 January 2010;

¹Administrative units: Desa/ village; Kecamatan/ Sub-District; Kabupaten/ District.

4. Selong District Court Chairman's Extension Order, dated 15 January 2010, No. 08/Pen.Pid/2010/PN.SEL, from 20 January 2010 to 18 February 2010;
5. Selong District Court Judge's Extension Order, dated 10 February 2010 No. 08/Pen.Pid/2010/PN.SEL, from 10 February 2010 to 11 March 2010;
6. Selong District Court Chairman's Extension Order, dated 04 March 2010, No. 08/Pen.Pid/2010/PN.SEL, from 12 March 2010 to 10 May 2010;

That during the trial process, the Defendant was represented by legal counsel / Tamrin, SH., Advocate;

The District Court, having received and read the Defendant's dossier;

Having considered all of the documents related to the case against the Defendant;

Having heard the Public Prosecutor's indictment during the trial;

Having listened to the testimony of witnesses and the Defendant during the trial;

Having considered the evidence;

And having heard the Public Prosecutor's summing up (*Requisitoir*) during the trial, which, in essence, asked the Judicial Panel to rule as follows:

1. To find the Defendant Abdullah a.k.a. Amaq Bakri guilty beyond all reasonable doubt of having committed the crime of "Insulting a Religion" (*penodaan terhadap agama*) in contravention of Article 156a of the Criminal Code (KUHP);
2. To sentence the Defendant, Abdullah a.k.a. Amaq Bakri, to a term of imprisonment of 1 (one) year and 6 (six) months, less time already spent in detention pursuant to the detention orders;
3. To order evidence in the form of:
 - One Tiger Head Brand flashlight (4 batteries) to be forfeited and destroyed;
 - 1 (one) letter from the Religious Affairs Office of Kecamatan Sambelia, dated 19 March 2008;
 - 2 (two) declarations by Abdullah a.k.a. Amaq Bakri that he will desist from propagating heretical teachings (*ajaran sesat*) and return to the true path shown by the Prophet;

- 1 (one) sheet of paper containing writing in Arabic and drawings, dated 27 Muharram, Tuesday evening, 1997, be retained in the dossier;
4. To order the Defendant Abdullah a.k.a. Amaq Bakri to pay court costs of Rp 2,500 (two thousand five hundred rupiah);

Whereas, in response to this criminal prosecution, Counsel for the Defendant, in his oral Defense Statement, averred as follows:

1. That in accordance with the legal facts revealed during the trial based on both the testimony of the witnesses and the testimony of the Defendant, the Defendant did nothing more than relate the contents of dreams that he had and that these were related solely to family members of the Defendant:
2. That the contents of the dreams had been related repeatedly by the Defendant and had drawn the attention of his family members and other persons who heard about the dreams, as described during the trial, so that a document in the form of a sheet of paper was produced based on the Defendant's dreams, which diverged from Islamic teachings, and that this was reported in newspapers so that the public at large became aware of the dreams in a way that was far removed from the actual facts;
3. That the Defendant, in reflecting on the dreams, had done something that was excessive, something that could be said to diverge from the fundamental teachings of Islam, as described during the trial, and which could be said to amount to "Insulting the Muslim Religion." However, if we consider the person and status of the Defendant, there was no potential or influence and/or opportunity for the perpetrating of acts that could be considered blasphemous so as to influence or mislead other persons or the public at large as regards their faith (Aqidah) in their religion.
4. That in the Prosecution Indictment, it is stated that a compounding consideration in this case was that "the Defendant's actions could cause public unrest." The Defense strongly disagrees with this as what happened need never have transpired should the Defendant have received proper guidance and warnings / reprimands, and also adequate advice from the Village Head, Sub-District Head (Camat) and local religious leaders. The Defense is strongly of this view based on the facts.

5. That the Prosecution Indictment recommends a term of imprisonment of 1 (one) year and 6 (six) months, less time spent in detention. The Defense believes that this is too heavy having regard to what was done by the Defendant as based on the facts revealed during the trial. If we study the excessive actions taken by the Defendant when reflecting on his dreams, actions that could give rise to misinterpretations and misunderstandings on the part of others, the Prosecution should have sought a lighter sentence for the Defendant;

In the light of the above, and while the Defendant needs to be punished so as to provide both him and others with a valuable lesson and guidance, the punishment imposed should be commensurate with what was done by the Defendant so as to fulfill the public sense of justice and legal propriety. Accordingly, the Defense asked the Judicial panel to impose the lightest possible sentence on the Defendant.

Whereas, upon hearing the Defense Statement, the Prosecution responded orally by stating that it stood by its recommendation. In response, the Defense stated that it stood by its Defense Statement;

Whereas, the Defendant was present in court and was indicated on one charge, namely:

That the Defendant, Abdullah a.k.a. Amaq Bakri, on indeterminate days and dates from 2007 until the month of October 2009, or at least between 2007 and 2009, in Dasan Tinggi, Desa Sambelia, Sambelia sub-district, East Lombok, or at least in a place that lies within the jurisdiction of the Selong District Court, deliberately and in public expressed sentiments or committed acts that in essence expressed enmity, misuse or sully of a religion that is adhered to in Indonesia. The acts of the Defendant were committed in the following ways:

- That at the start of the 1970s when the Defendant was in the “gawah leteng tedes” forest in Sambelia, at around Magrib and Isya,² he felt called upon by a man to ascend (Mi’raj) to the seventh heaven. In the seventh heaven, the Defendant was cleansed from sin and a light appeared. From the light, a voice emerged, stating “Aku, Nabi Muhammad si sahang si teredak isi Allah, nengka arak enam perkara, si meterima jari hakme masak,”³ meaning “I,

² Magrib and Isya refer to two obligatory Muslim prayer times.

³ The quote is in the local Sasak language.

Allah's Prophet, Muhammad, hereby give you six gifts. The six gifts given to the Defendant were:

1. "alam akhirat" (everlasting life);
2. Transfiguration into light;
3. Acceptance into heaven (*surga*);
4. Wisdom and the right to lead human beings;
5. The ability to lead human beings to heaven;
6. The ability to give true instructions.

After the Defendant received these six rights or blessings, the light spoke again: "sini arena ilmu sanggar putung," meaning "this is called the "sanggar putung teachings" and then at around 04.00 Central Indonesian Time, the Defendant returned to earth;

- In 1975, at around 22:00 Central Indonesian Time on an indeterminate date, the Defendant, who was in his house, heard a voice instructing him to enter the "hijab" well. He did so and found himself in the seventh layer of the underworld. There, the Defendant found glittering spirits such as animals, who said repeatedly, "Bapak is here."⁴ The Defendant then spoke to the spirits, "Do not address me as 'Bapak'", to which the spirits replied, "There is no other way we can address you as you are the wisest";
- At the end of 1997, at around 22:00 Central Indonesian Time, the Defendant, who was in his house, heard a voice instructing him to ascend to the seventh heaven. When he arrived there, the Defendant saw the image of an "ijazah" (diploma/certificate) emerge from the ground, accompanied by a voice that said, "This is your diploma of graduation from the Istijenar Raksa Gunung Rinjani school." After returning to earth, the Defendant showed the Istijenar Raksa Gunung Rinjani diploma to his family and disciples, namely, Bakri (Defendant's son), Suamiat a.k.a. Masu'ut a.k.a. Amaq Suut, Mustar a.k.a. Amaq Bian a.k.a. Biong, Cacih a.k.a. Amaq Rohasih, in the Defendant's home located in Dasan Tinggi, Desa Sambelia, Kecamatan

⁴ Bapak means Mr. in Bahasa Indonesia, the national language. For the Defendant, a farmer who mainly speaks the Sasak language, this term is associated with authority figures and respect.

Sambelia, East Lombok, as proof that he had been blessed with supernatural insights (“Ilmu Sanggar Putung”);

- After Defendant conducted his second Mi’raj (ascent into heaven) in 1975, he became convinced that what he had learned was correct. He first began to teach what he had learned to his family members, and then in 1997 he began to teach others at their request. Before he would do so, those who wished to receive his teachings had to present him with a flashlight and take an oath while sitting face-to-face and repeating Istighfar (asking Allah for mercy) three times, state the confession of faith (*sahadat*) and declare: “demi Allah, dendeq ku licik leq diriku, dendeq ku nungkulang leq diriku”, which according to the Defendant means; “For the sake of ALLAH, do not let me be dishonest to myself, do not let me lie to myself.” The Defendant would then switch on the flashlight brought by the new follower to express the idea that the light within the person is as bright as the light shining into them. Besides family members of the Defendant, other disciples included Amaq Rahaman, Mustar a.k.a. Bapak Biung, Marwan, Dedi, Amaq Suud, Papuq Akim, and Amaq Ami, all of whom were from Desa Sambelia, Kecamatan Sambelia, East Lombok. As part of the process of imparting the Defendant’s teachings to his disciples, they would conduct study sessions three evenings a week, namely, on Saturdays, Tuesdays and Thursdays.

As the number of disciples grew between 2007 and 2009, the schedule for religious study sessions changed to Sundays (at the house of Amaq Rohasih), Tuesdays (at the house of Amaq Masu’ut) and Thursdays (at the house of Amaq Hamidah). All these people resided in Desa Sambelia, Kecamatan Sambelia, East Lombok.

- Besides conducting study sessions and dzikir (recitations), the Defendant taught his disciples about the Koran. According to Defendant, there were actually two Korans, namely:
 1. A Koran inside every human being. To get to know this Koran, the disciple needed to consult with the Defendant and undergo a process of initiation.
 2. The physical and tangible Koran, which was found in this world and contained instructions on the regulation of worldly matters. As regards the Hadiths⁵, according to Defendant the word “hadith” was an Arabic word and that whatever the Defendant did

⁵ Hadiths refers to collections of sayings attributed to the Prophet Muhammad.

was a hadith as he had ascended to the seventh heaven, entered the Hijab well and obtained his “diploma” in 1997.

- On 18 March 2006, the Defendant’s teachings were proscribed under Sambelia Religious Affairs Office Directive No. KK.19.03.10/BA.00/38/2008, dated 19 March 2008 (signed by the witness, Kasri, S.Hi). On 18 March 2008, the Defendant made a declaration in which he essentially stated that he was now aware that his teachings were deviant (*sesat*) and pledged to recant. The said declaration was acknowledged by the Head of the Sambelia Religious Affairs Office, Kasri, S.Hi, and witnessed by H. Ahkam Aspari and Ridwan Husain. However, subsequent to the issuing of the declaration, the Defendant once again began to spread his teachings. On Tuesday, 13 October 2009, as the Defendant’s teachings were causing unease among people in Sambelia, who subsequently requested the Sub-district and Village authorities to put an end to Defendant’s teachings. This led to the convening of a hearing in the meeting hall in Sambelia between the Defendant, representatives of the Kecamatan Sambelia Muspika (Sub-district Leaders’ Forum) , the First Assistant to the Government of East Lombok, and the Head of the Religious Affairs Office in East Lombok. The purpose of the meeting was to seek repentance from the Defendant;
- Based on the outcome of the meeting, the Sambelia Sub-District head, the representatives of the local Muspika and the Village head of Sambelia sent Letter No. 300/151/Trantib/2009 to the Head of the MUI branch in East Lombok, requesting him to put a halt to the teachings of the Defendant, known as Istijenar Raksa Gunung Rinjani. Subsequently, the MUI in East Lombok issued Fatwa No. 11/DP-K/MUI-KLT/X/2009, dated 29 October 2009 (signed by TGH. Drs. Abd. Hanan, General Chairman, and Drs. Lalu Abd. Hamid, SH, General Secretary), which declared as follows:
 - a. That belief in the Angel Jibril (Gabriel), both as regards his nature and work, must be based on divine revelation (the Koran and Hadiths).
 - b. That there are no verses or hadiths to the effect that the Angel Jibril is still charged by Allah with handing down teachings to mankind, whether in the form of new teachings or teachings that further explain existing religious teachings as the religion that has been imparted by Allah is already perfect.

- c. That the Defendant's assertion that he met with and received religious teachings from the Angel Jibril is a violation of the Koran and Hadiths and is therefore heretical and misleading to believers⁶.
- d. That the Defendant's activities in spreading his teachings had disturbed internal religious harmony among believers and relations between believers and the Government:

Whereas, the Defense has presented no Objections to the Court's jurisdiction ("Eksepsi") and has not denied the charge against the Defendant.

Whereas, to prove the charge against the Defendant as laid in the Indictment, the Prosecution presented witnesses whose testimony was heard under oath by the Court. In their testimony, the witnesses essentially averred as follows:

1. Bakri

- That it is true that the witness personally knows the Defendant as a relative / family member of Defendant;
- That it is true that the witness and his family were followers of the teachings of the Defendant, known as Istijenar Raksa Gunung Rinjani;
- That it is true that the witness started to follow these teachings in 1994 of his own volition and without compulsion from any party;
- That it is true that to become a disciple, a person must first be anointed by uttering an affirmation of belief ("sahadat") and prayer for mercy from God ("istiqfar") three times, and by pronouncing the following oath, "In the name of God, I accept the truth within myself, I may not lie to myself"⁷ The disciple must then shine the flashlight into the palm of his hand;

⁶ The Indonesian terms are: "SESAT dan MENYESATKAN UMMAT."

⁷ The oath is stated in the Sasak language, "Demi Allah, aku nerima kebenaran lek diriku, endekku kanggo licik lek diriku." The transcription of Sasak words and expressions in the judgment is often inaccurate or involves a mix of Sasak and Indonesian.

- That it is true that the Defendant taught his disciples that he had ascended to the seventh heaven in 1971 and been told he was the Father of all the spirits, which had increased the Defendant's faith in the knowledge he had received;
- That it is true that the Defendant orally recounted what he had learned to those who visited his home or while in the fields;
- That it is true that the teachings of the Defendant related to a sense of inner truth, which he called "ilmu sanggar putung";
- That it is true that the Defendant taught that the Koran could be found within each human being;
- That it is true that the Defendant's teachings were propagated at meetings that were held three times a week on Sundays, Tuesdays and Thursdays;
- That it is true that after the witness and the other disciples became followers of Defendant, the people of Sambelia became aware of his teachings and viewed them as being heretical (*sesat*);
- That it is true that the Defendant was summoned in 1997 or 1998 to the Headman's office and was asked to recant his teachings as they were viewed as being heretical. However, the Defendant did not believe his teachings were heretical and so continued to propagate them to his followers until he was summoned by the Sub-District Office and processed by the Police in 2009;

The witness's testimony was confirmed by the Defendant.

2. Sumi'at a.k.a. Amaq Su'ut

- That it is true that witness became a follower of the Defendant's teachings, referred to by Defendant as Istijenar Raksa Gunung Rinjani;
- That it is true that the witness started to follow the said teachings in 1994 of her own volition and without compulsion from any party;
- That it is true that the witness came to believe in the Defendant's teachings after the witness and the Defendant discussed the said teachings in the fields on a number of occasions;

- That it is true that the Defendant, as the Leader of the Istijenar Raksa Gungung Rinjani and possessor of knowledge (“Ilmu Sanggar Putung”) had approximately 29 followers, including the witness. The Defendant also had followers in Pringgabaya and Sikur;
- That it is true that the followers of the Defendant’s teachings have their fields located near the farm belonging to the Defendant;
- That it is true that the teachings of the Defendant in essence concerned inner truth and are referred to as “Ilmu Sanggar Putung”;
- That it is true that the Defendant propagated his teachings in his house in Dusun Gubuk Lauk, Desa Sambelia, Sambelia Sub-District in East Lombok;
- That it is true that a prospective student must first state an affirmation of belief (“sahadat”) and prayer for mercy from God (“istiqfar”) three times, and pronounce the following oath, “In the name of God, I accept the truth *le diriku endekku kanggo licik le diriku.*” The disciple must then shine the flashlight into the palm of his hand;
- That it is true that the Defendant taught his disciples that he had ascended to the seventh heaven in 1971 and been told he was the Father of all the spirits;
- That it is true that as part of the propagation of his teachings, they recited 1,000 dzikir, with such sessions being held 3 times per week, on Sundays, Tuesdays and Thursdays;
- That it is true that such sessions were first held in the Defendant’s house. Then, at the request of Amaq Rohasih in 2007, the sessions were held in Amaq Rohasih’s house on Sunday evenings, in the witness’s house on Tuesday evenings and subsequently in the house of the witness’s son Amaq Dedi and in Amaq Hamidah’s house on Thursday evenings;
- That it is true that the prayers (“do’a dzikir”) recited by witness and the other disciples were the same as the dzikir recited by other Muslims;
- That it is true that the study sessions that were originally held in witness’s house were later held on a rotating basis in the houses of other disciples of the Defendant;
- That it is true that during such study and prayer meetings, the Defendant propagated his teachings;

- That it is true that while many people regarded the teachings of the Defendant as heretical (*sesat*), the witness continued to believe in them;

The testimony of the witness was confirmed by the Defendant;

3. Darmawan a.k.a. Amaq Suparman

- That the witness is familiar with and a follower of the Defendant's teachings known as Ilmu Sanggar Putung Istijenar Raksa Gunung Rinjani;
- That the said teachings are Shariah teachings that focus on the goodness within oneself and other people;
- That the witness started to follow the Defendant's teachings in 1997 but had ceased to follow them by the end of 1997;
- That it is true that the witness no longer follows the teachings of the Defendant as witness is no longer convinced of their truth as they are not founded on the true teachings of Islam;
- That it is true that the Defendant dreamed he had ascended to the seventh heaven ("Mi'raj") and had related the dreams he had experienced to his followers;
- That it is true that the witness had drawn the diploma ("Ijazah") based on the dreams that had been experienced by the Defendant;
- That it is true that the said diploma was written on HVS paper in Arabic and Latin characters, featuring the words "EMERGE, EMERGE on 27 Muharam, a Tuesday evening, in 1997, and depicts a human being;
- That it is true that a prospective disciple of the Defendant was required to be initiated in a ceremony in which the prospective follower brought along a flashlight and swore an oath by saying "demi Allah, aku nerima keberadaan lek diriku endek licik de diriku," while shining the said flashlight;
- That it is true that the Defendant had approximately 20 disciples;
- That it is true that in the propagation of the Defendant's teachings, study sessions were held 3 (three) times per week;

The witness's testimony was confirmed by the Defendant;

4. Cacih a.k.a. Amaq Rahasih

- That it is true that the witness started to follow the said teachings in 1997 of his own volition and without compulsion from any party;
- That the witness is familiar with and followed the Defendant's teachings known as Ilmu Sanggar Putung Istijenar Raksa Gunung Rinjani;
- That it is true that the teachings of the Defendant related to inner truth, which he called "ilmu Sanggar Putung";
- That it is true that the Defendant propagated his teachings in his house in Dusun Gubuk Lauk, Desa Sambelia, Kecamatan Sambelia, East Lombok;
- That it is true that the Defendant's disciples were persons whose homes were near the Defendant's so that when they saw the prayer meetings being held in his house, they also became followers of the Defendant;
- That it is true that to become a follower, a person must first state the affirmation of belief ("sahadat") and prayer for mercy from God ("istiqfar") three times, and pronounce the following oath, "In the name of God, I accept the truth *le diriku endekku kanggo licik le diriku.*" The disciple must then shine the flashlight into the palm of his hand;
- That it is true that the Defendant stated that he had ascended to the seventh heaven ("Isra'j") in 1971, where he was told that he was the Father of all the spirits;
- That it is true that the Defendant taught that there were two Korans, namely, the written Koran and another Koran to be found inside each human being;
- That it is true that as part of the propagation of his teachings, they would meet and recite dzikir minimally 1,000 times, 3 times per week, on Sundays, Tuesdays and Thursdays;
- That it is true that such meetings were first held in the Defendant's house. Then, at the request of Amaq Rohasih in 2007, the sessions were held in witness's house on Sunday evenings, in the witness's house on Tuesday evenings and subsequently in the house of the witness's child, Amaq Dedi, and in Amaq Hamidah's house on Thursday evenings;

- That it is true that the prayers (“do’a dzikir”) recited by witness and the other disciples were the same as the prayers recited by Muslims;
- That it is true that the religious study sessions that were originally held in witness’s house were later held on a rotating basis in the houses of other disciples of the Defendant;
- That it is true that during such study and prayer meetings, the Defendant propagated his teachings;
- That it is true that a prospective follower of the Defendant was required to take an oath and must bring a flashlight and recite the formula “demi Allah aku nerima keberadaan⁸ lek dirik endek licik de diriku,” while shining the said flashlight;
- That it is true that the Defendant had approximately 20 disciples;

Witness’s testimony was confirmed by the Defendant;

5. Mustar a.k.a. Amaq Bian a.k.a. Biong

- That it is true that the witness started to follow the said teachings in 1997 of his own volition and without compulsion from any party;
- That witness is familiar with and followed the Defendant’s teachings known as Ilmu Sanggar Putung Istijenar Raksa Gunung Rinjani;
- That it is true that the teachings of the Defendant related to inner truth, which he called “ilmu sanggar putung”;
- That it is true that the Defendant propagated his teachings in his house in Dusun Gubuk Lauk, Desa Sambelia, Kecamatan Sambeila, East Lombok;
- That it is true that to become a student, a person must first utter an affirmation of belief (“sahadad”) and prayer for mercy from God (“istiqfar”) three times, and pronounce the following oath, “In the name of God, I accept the truth *le diriku endekku kanggo licik le diriku*” while shining the flashlight he has brought ;
- That it is true that the Defendant told his followers that he had ascended to the seventh heaven (“Isra’j”) in 1971, and claimed to be the Father of all the spirits;

⁸ The Indonesian word keberaadan (existence) in this and the next witness testimony appears mistaken.

- That it is true that the Defendant taught that there were two Korans, namely, the written Koran and another Koran to be found inside each human being;
- That it is true that as part of the propagation of his teachings, he held study session that involved at least 1,000 dzikir, with such sessions being held 3 times per week, on Sundays, Tuesdays and Thursdays;
- That it is true that such religious study sessions were held in Amaq Rohasih's house on Sundays, in the witness's house on Tuesday evenings and subsequently in the house of the witness's son, Amaq Dedi, and in Amaq Hamidah's house on Thursday evenings;
- That it is true that the prayers ("do'a and dzikir") recited by the witness and the other followers were the same as the dzikir recited by other Muslims;
- That it is true that the religious study sessions were originally held in the Defendant's house and were later held on a rotating basis in the homes of the Defendant's followers;
- That it is true that during such prayer and dzikir sessions, the Defendant talked about his teachings;
- That it is true that a prospective follower of the Defendant was required to take an oath, and must bring a flashlight and recite the formula "demi Allah aku terima keberadaan lek diriku endek licik de diriku," while shining the said flashlight;
- That it is true that the Defendant had approximately 20 followers;

The Witness testimony was confirmed by the Defendant;

6. Drs. Mohammad Takdir⁹

- That the Defendant was a resident in the Sub-District of Sambelia and one of the residents suspected of having propagated heretical teachings (*aliran sesat*);
- That it is true that the witness met with the Defendant at the Sub-district Head's Office on 13 October 2009 to clarify the suspicions of propagating heretical teachings;
- That during the meeting, which was also attended by representatives of the Sub-district Leaders' Forum (Muspika) and members of the 'Faith and Beliefs Supervision

⁹ The Drs. title indicates that he holds a BA degree. The witness is the Sub-district head (*Camat*) in Sambelia.

Coordinating Board' (Bakorpakem), consisting of the Head of the Ministry of Religious Affairs Office in East Lombok, First Assistant for Governance in East Lombok, Head of the Local Government Police in East Lombok, Head of the National and Political Unity Board (Bakesbangkpol Dagri) in East Lombok, and the Head of the Religious Affairs Office in Sambelia Sub-district;

- That the said meeting was convened due to the unease caused in the community by the Defendant's activities and their potential to undermine the faith (*aqidah*) of the people of Sambelia, as a result of which the public urged the Sub-district and Village authorities to put an end to the Defendant's teachings;
- That it is true that witness was informed by Mr. Ishak, SH, in his capacity as Head of the Sambelia Public Welfare Office in 1997, that the Defendant had been prohibited from propagating his teachings by local religious leaders and the people of Sambelia Village. However, the Defendant had persisted with his activities;
- That it is true that the beliefs expressed by the Defendant during the said meeting were unorthodox, namely:
 - the Defendant stated that he had ascended to heaven ("Mi'raj") three times, namely, in 1970, 1975 and 1997;
 - the Defendant stated that there were two Korans, one written by clerics that is focused on worldly matters, and a second Koran that exists in the Defendant's inner self and is related to the hereafter (*akhirat*);
 - That the Hadiths are whatever we have discovered;
 - That there is no difference between the first and the last prophet;
 - The Defendant claimed to have been separated from evil (*Iblis*);
 - To fast (*puasa*) means to be satisfied (*puas*)
 - Friday signified "bejulu" (Sasak: before)
 - The belief the Defendant adhered to was called Ilmu Sanggar Putung. Title: Macan Putik (Sasak: white tiger)
 - One of the requirements for becoming a follower was to bring along a flashlight.

- That it is true that the Defendant adhered to these beliefs, accordingly the witness and members of Muspika Sambelia sent a letter (No. 300/151/Tranrip/2009) to the East Lombok branch of the MUI to put a stop to the new teachings, Istijenar Raksa Gunung Rinjani;
- That it is true that the teachings propagated by Defendant deviated from and blasphemed the Muslim religion, as stated in the fatwa issued by the East Lombok branch of the MUI;¹⁰

The testimony of witness was confirmed by the Defendant;

7. Kasri, SH;

- That it is true that the witness knows the Defendant and that the witness, who is the Head of the Religious Affairs Office in Sambelia Sub-district, is related to the Defendant;
- That it is true that by 2008 the Defendant had developed his teachings, which he called Istijenar Raksa Gunung Rinjani;
- That it is true that the Defendant made a declaration in which he stated that he would refrain from propagating his teachings. This was done on 8 March 2008;
- That it is true that in October 2009 the Defendant's teachings once again became a source of controversy in the community and that the witness, in his capacity as Head of the Religious Affairs Office, urged the Defendant to return to the true path ("bertaubat");
- That it is true that a meeting was held at the Sambelia Sub-district Head's Office on 13 October 2009 to clarify suspicions that the Defendant was propagating heretical teachings;
- That the said meeting was attended by representatives of the Sambelia Kecamatan Leaders' Forum (Muspika) and members of the Faith and Beliefs Supervision Coordinating Board (Bakorpakem), consisting of the Head of the Ministry of Religious Affairs Office in East Lombok, First Assistant for Governance in East Lombok, Head of the Local Government Police in East Lombok, and Head of the National and Political Unity Board (Bakesbangkpol Dagri) in East Lombok;

¹⁰ A fatwa is an Islamic legal opinion.

- That it is true that at the said meeting the Defendant claimed he had ascended to heaven (“Mi’raj”) on three occasions, namely, in 1970, 1975 and 1997;
- That it is true that the Defendant stated that there were two Korans, one written by clerics that is focused on worldly matters, and a second Koran that exists in the Defendant’s inner self and is related to the hereafter, and that the Hadiths are whatever we have discovered;
- That it is true that that a prospective follower of the Defendant must first be initiated and bring along a flashlight, and that religious study sessions were held three times per week;
- That it is true that the teachings of the Defendant deviated from and blasphemed the Muslim religion, and that based on the outcome of the said meeting, the MUI in East Lombok issued a fatwa on the Defendant’s teachings, which stated that such teachings were DEVIANT and MISLEADING TO BELIEVERS;
- That as a result of the Defendant’s activities, the Sambelia community was greatly concerned that teachings propagated by the Defendant could undermine the faith (*aqidah*) of people in Sambelia.

The witness’s testimony was confirmed by the Defendant;

8. Expert Witness: Drs. Lalu Abd. Hamid, SH:

- That it is true that the witness has been the Secretary of the MUI in East Lombok from 1999 to date;
- That it is true that one of the functions of the MUI is to issue Fatwa to determine if belief streams (*aliran*) that emerge in the community are deviant or not, and whether such beliefs constitute part of mainstream Islamic teachings or whether they have been imported from outside Islam;
- That it is true that the MUI in East Lombok issued a Fatwa (No. 11/DP-K/MUI-KLT/X/2009, dated 10 Dzuldqaidah 1430 H, 29 October 2009) pursuant to a referral from the Sub-District Head of Sambelia;

- That it is true that in the referral from the Sub-District Head of Sambelia, the Defendant had stated that:
 - He had ascended to the seventh heaven (“Mi’raj”) on three occasions, namely, in 1970, 1975 and 1997;
 - that there were two Korans, one written by clerics that is focused on worldly matters, and a second Koran that exists in the Defendant’s inner self and is related to the hereafter;
 - That the hadiths are *pendait* (whatever we have discovered);
 - That fasting means fulfillment;
 - That worship (“sembahyang”) means ‘ingat lek penungguk’ (Sasak: to remember the creator), while formal prayers (“sholat”) serve to cleanse oneself;
- That it is true that the teachings of the Defendant, which he called Istijenar Raksa Gunung Rinjani, were heretical and misleading;
- That it is true that his claim that he ascended into heaven (“Mi’raj”) meant that he was placing himself on the same level as the Prophet Muhammad and was not a mere mortal;
- That the Defendant’s statements about the Koran were greatly in contravention of Islamic teachings;
- That there is only one holy book in Islam, the Koran, which was handed down by the Angel Jibril (Gabriel) to the Prophet and is not the work of clerics, as shown by the word of God as revealed in the Koran, Al-Baqorah verse 185, which reads as follows: “the month of Ramadan is the month in which the Koran was handed down to serve as a guide for mankind and to explain the difference between righteousness and vanity;
- That it is true that the statements of the Defendant concerning the Koran blasphemed the holy teachings of Islam as the Defendant claimed that his own teachings were Islamic teachings;
- That it is true that the teachings of the Defendant were based on nothing more than his own thinking and were without any basis or foundation in the Koran, the Hadiths or clerical consensus (“Ijma’ Ulama”);

- That it is true that the Defendant's teachings were greatly in contravention of Islamic teachings and were an affront to Islamic teachings;

The witness's testimony was confirmed by the Defendant;

9. Expert Witness: Drs H. Syarif Waliyullah:

- That it is true that the witness met with the Defendant during a meeting at the Sambelia Sub-District Office on 13 October 2009 to clarify suspicions that the Defendant was propagating heretical teachings;
- That it is true that the witness is a member of the Faith and Beliefs Supervision Coordinating Board (Bakorpakem) in East Lombok;
- That it is true that during the meeting the Defendant gave the following clarifications concerning his teachings:
 - the Defendant stated that he had ascended to heaven ("Mi'raj") three times, namely, in 1970, 1975 and 1997;
 - the Defendant stated that there were two Korans, one written by clerics that is focused on worldly matters, and a second Koran that exists in the Defendant's inner self and is related to the hereafter;
 - That the hadiths are whatever we have discovered;
 - That there is no difference between the first and the last prophet;
 - The Defendant claimed to have been cleansed of evil;
 - Fasting means fulfillment;
 - Friday signified "bejulu" (Sasak: before)
 - The belief the Defendant adhered to was called Ilmu Sanggar Putung. Its title: Macan Putik (white tiger);
 - One of the requirements for becoming a follower was to bring along a flashlight;
- That it is true that the teachings of the Defendant deviated from Islamic teachings and were an affront to Islam;

- That the Defendant propagated his teachings among his family members and neighbors;
- That as part of the propagation of the said teachings, prospective followers were required to take an oath;

The witness's testimony was confirmed by the Defendant;

10. Expert Witness: Toni Syamsul Hidayat, S.Pd:

- That it is true that witness is an official in the research section of the West Nusa Tenggara Provincial Language Office;
- That the duties of the witness are to conduct research on language and literature, the Indonesian language, foreign languages and local languages in West Nusa Tenggara;
- That it is true that the Defendant's claim that he had ascended into heaven ("Mi'raj") constituted an affront to Islam as it is beyond doubt that in Islam only the Prophet Muhammad can ascend into heaven;
- That it is true that, from the contextual perspective, what was claimed by the Defendant deviated from the true beliefs of the Muslim people, both socio-linguistically (socio-linguistics: a branch of linguistics that studies language and society) and from the perspective of pragmatics (pragmatics: a branch of linguistics that studies speech and meaning);

The witness's testimony was confirmed by the Defendant;

Whereas, the substance of the Defendant's testimony during the trial was as follows:

- That the Defendant was questioned and that the evidence contained in the investigator's case file is correct and the Defendant does not deny it;
- That at the outset, the Defendant was summoned by the Sambelia Sub-District Leaders Meeting (Muspika) and explained his dreams:
- that the Defendant's dreams started in 1970 and that essentially the dreams came to the Defendant while was sleeping in the Gawah Tenteng Tedes forest between Magrib and Isya, and that he awoke at dawn. In his dreams, he received an instruction from a supernatural voice that told him, in essence, to get on a chair and ascend to heaven

(“Mi’raj”). In his dreams, the Defendant was shown around heaven and received instructions to cleanse his spirit and other teachings, among other things:

- To accept the existence of hereafter (*akherat*);
- To accept transfiguration into light;
- To become a dweller in heaven;
- To receive the right to lead/guide humanity (S: *pandai*: clever/ blacksmith) ;
- To bring people to heaven (S. *jawak*: monitor lizard);
- To serve as a propagator of the right path;
- That these teachings / instructions were conveyed to the Defendant by means of a radio that he had with him;
- That these teachings were referred to as Ilmu Sanggar Putung by a spirit speaking through the radio;
- That the Defendant related what he had dreamed to his wife and children, and to other people in his neighborhood;
- That in 1975 during the night, the Defendant received instructions in his home from a voice, the origins of which the Defendant was unaware. He was instructed to enter the Hijab well, which the Defendant did, and there he met a spirit;
- That the Defendant recounted his meeting with the spirit to his children and in-laws;
- That the Defendant’s wife and children were soon joined by other people wishing to learn about the teachings the Defendant had received in 1970 and 1975, so that the number of his followers eventually increased to approximately 30;
- That in 1997 the Defendant received a diploma titled “Istijenar Raksa Gunung Rinjani”;
- That the process of receiving this diploma started with an instruction from a supernatural source that essentially instructed the Defendant to close his eyes and ascend to the seventh heaven. Upon reaching the seventh heaven, the Defendant opened his eyes and saw the diploma emerging from the ground, as contained in the evidentiary exhibits.

- That the Defendant related the story of the diploma to one of his followers named Herman, who drew the diploma in accordance with the instructions by the Defendant;
- That people became his followers by participating in a ritual which commenced with a prospective follower presenting some cigarettes, money or coffee to be shared jointly. The prospective followers should also bring a flashlight and sit with the Defendant, before asking Allah for forgiveness (“Istighfar”) three times and recite the confession of faith (*dua kalimat shahadat*).¹¹ The defendant would then switch on the flashlight to signify that the follower’s heart was as bright as the flashlight’s beam.
- That besides the Defendant’s wife and children, his first followers were the late Bapak Sanah and the late Bapak Ram. The Defendant did no longer remember the names of other deceased followers. Those who are still alive include Amaq Rohanan, Mustar, Marwan, Dedy, Amaq Suud, Papuk Akim, Amaq Dami, and others;
- That the Defendant propagated his teachings by holding study sessions three times per week;
- That the Defendant received a warning from the Sambelia Muspika in 1997 but he had not complied with it as of October 2009;

Whereas, the Prosecution presented the following evidential exhibits (*barang bukti*):

1. 1 (one) flashlight;
2. 1 (one) letter from the Religious Affairs Office, Sambelia Sub-District;
3. 2 (two) declarations by Amaq Bakri stating that he had renounced his teachings and promised to return to the Islamic teachings;
4. 1 (one) sheet of paper containing Arabic script and a drawing, dated 27 Muharram, Tuesday evening, 1997;

Whereas, the said evidential items were lawfully seized and may accordingly be presented as evidence to assist the court in arriving at its decision;

¹¹ The Islamic declaration of faith: There is no God but Allah, and Muhammad is his Messenger.

Whereas, the witness testimony, the testimony of the Defendant, the evidential documents and the evidential items presented in this case constitute a series of interrelated facts that give rise to the following legal facts:

- That the Defendant, who is of sound body and mind and was educated to Elementary School level, is an adherent of the Muslim faith;
 - That in 1970 the Defendant received a dream while sleeping in the forest, during which dream he ascended into heaven (“Mi’raj”) and received the following instructions from a voice emanating from the radio:
 - To accept the hereafter;
 - To accept transfiguration into light;
 - To become a dweller in heaven;
 - To become a leader of men;
 - To lead men to heaven;
 - To serve as a propagator of the true path;
 - The said teachings were named Ilmu Sanggar Putung;
 - that the Defendant recounted his experiences to his wife and children, and then to his neighbors;
 - That in 1975, the Defendant received instructions in his home from a voice, the origins of which the Defendant was unaware. He was instructed to enter the Hijab well, which the Defendant did. There he met a spirit;
 - That the Defendant recounted his meeting with the spirit to his children and in-laws;
 - That in 1997, the Defendant, in a lucid state and with his eyes closed, ascended to the seventh heaven and received a diploma, as subsequently drawn by his follower, Herman. The diploma authorized the Defendant to establish a school to propagate his teachings, which was named Istijenar Raksa Gunung Rinjani;
 - That his teachings drew followers from the surrounding area, so that eventually he had 20 followers;

- That his teachings were propagated orally by word of mouth;
- That the recruitment method involved initiation whereby a prospective student faced the Defendant and was instructed to recite prayers for forgiveness (“istighfar”), the declaration of faith (“shahadat”) and to switch on a flashlight;
- That the said teachings were banned by the Leader’s Forum (Muspika) in Sambelia Sub-District in 1997;
- That, in the opinion of the MUI in East Lombok, the teachings of the Defendant are heretical as the Defendant had stated, among other things:
 - That he ascended into heaven (Mi’raj) on 3 occasions;
 - That there is no difference between the first and the last prophet;
 - That there are two Scriptures, namely the Al’ Quran and the Qur’an;
 - That fasting means fulfillment;
 - That the hadiths are whatever we have discovered;
 - That he had been cleansed of evil;
 - That in his interpretation of “Bissmillahirrohmanirrohim,” he construed “Rohman” as being male and “Rahim” as being female.

Whereas, having regard to the legal facts set out above, the Judicial Panel considered the Indictment presented by the Prosecution to determine whether the actions of the Defendant fulfilled the elements set out in the said Indictment by comparing the legal facts with the contents of the Indictment;

Whereas, the Defendant was indicted on a sole charge by the Prosecution, namely, having violated article 156 A of the Criminal Code (KUHP), the elements of which are as follows:

1. Whosoever;
2. Deliberately;
3. Publicly misuses or blasphemes a religion;

Element 1: Whosoever;

That the term “Whosoever” in this provision refers to every person who is of sound mind and body, who is a legal subject, and who is suspected of having committed an offense;

Whereas, the Defendant, Abdullah a.k.a. Amaq Bakri, was presented by the Prosecution in court, together with the indictment, and upon perusal of the Defendant’s particulars, it was found that the Defendant’s particulars are the same as those of the person named in the indictment.

Accordingly, there is no error as to the identity of the subject;

Whereas, the Defendant was able to follow the proceedings during the trial and to exercise his rights. Consequently, the Judicial Panel has concluded that the Defendant is of sound mind and body and is thus a competent in law and may be held accountable for his actions;

Accordingly, the Judicial Panel concludes that the “whosoever” element of this provision has been validly satisfied in law;

Element 2: Intent

Whereas, according to MVT (*memory van toelechting*) theory, the term “intent” entails the intended and deliberate commission of an act and its consequences (*willens een wetten*), meaning that a person will have committed an act deliberately if he intended to commit it and was aware of the consequences of that act.

Whereas, there a 3 degrees of “deliberateness”, deliberate with specific intent, deliberate with awareness of a definite outcome, and deliberateness with awareness of a possible outcome (*dolus eventualis*);

Whereas, based on the legal facts, the Defendant stated that he had ascended to heaven (“Mi’raj) in a dream and recounted this to his wife and children, who then recounted it to other people so that the number of the Defendant’s followers grew to 20, and the Defendant failed to do anything to prohibit or prevent other people from following his teachings, which in Islam is heretical;

That the Defendant acknowledged that he propagated his teachings to his followers through Ilmu Sanggar Putung, by means of what he termed Istijenar Raksa Gunung Rinjani;

That the Defendant distorted the meanings of terms from their original sense, including the meaning of “basmallah”, claimed he had met with the Angel Jibril (Gabriel), claimed that he had been cleansed of evil, and claimed he could lead people to heaven;

That in 1997 he received a warning to stop his teachings, but in reality he persisted with his teachings until October 2009;

Whereas, in accordance with the above facts, the Judicial Panel is of the opinion that the Defendant deliberately and knowingly propagated his teachings to others. Consequently, the Judicial Panel holds that the element of intent has been fulfilled in law;

3. Element of publicly misusing or insulting a religion;

Whereas, “public place” means a place which can be seen by others without hindrance or a place that is frequented by the public;

Whereas, based on the legal facts, the Defendant, commencing with his dreams in 1970, 1975 and 1987¹², believed that he had ascended to heaven (Mi’raj), that he had met with the Angel Jibril and other matters that violate the teachings of Islam, the religion to which the Defendant and Muslim people adhere;

Whereas, the defendant believes that he received:

1. “alam akhirat” (everlasting life);
2. Reception into the light;
3. Acceptance into heaven;
4. Wisdom and the right to lead men;
5. The ability to lead men to heaven;
6. The right to instruct men.

The claims of the Defendant were believed by some 20 followers in Dasan Tinggi, Desa Sambelia, Sambelia Sub-District, East Lombok, and this situation persisted until October 2009.

During the trial the Defendant and his follower openly claimed that they were Muslims, while in Islamic teaching it is clearly stated that Mi’raj refers to the journey of the Prophet Muhammad from the Haram Mosque to the Aqsa Mosque (Palestine), on his way to the Sidratul Muntaha, and according to the Koran, such an event shall never be repeated;

¹² The correct year is 1997.

Whereas, the teachings propagated by the Defendant to his followers were referred to as ilmu sangkar puntung¹³, conveyed through the Istijenar Raksa Gunung Rinjani organization, are in conflict with the teachings of Islam based on the pillars of Islam and the faith that is founded upon the Koran and Hadiths;

Whereas, the teachings of the Defendant are clearly in conflict with Islamic teachings – as the Defendant claimed to have received a divine revelation, his followers considered him to be a Prophet (*Nabi*), thus violating the Islamic teaching that Muhammad is the last Prophet and that no prophet shall follow him. Accordingly, it is clear that what the Defendant taught his followers is heretical and blasphemes the true teachings of Islam;

Whereas, the Defendant was warned in 1987¹⁴ to desist from his teachings, the Defendant continued to propagate them;

Whereas, in accordance with article 4 of Presidential Regulation No. 1 of 1965, which complements article 156 of the Criminal Code (KUHP), the Defendant must be issued with a warning to desist from his activities;

Whereas, based on the above description, the Judicial Panel holds that this element has been proven in law;

Whereas, as all of the elements of the charge against the Defendant have been fulfilled, the Prosecution's charge have been proven in law;

Whereas, as the charge laid by the Prosecution has been proved, it now falls to us to determine whether the Defendant should be found guilty in this case. During the proceedings in court, the Defendant was found to be competent in law and to have committed an offense. Accordingly, the Defendant must be found guilty in law of blaspheming religion under Article 156, point a, of the Criminal Code (KUHP), in conjunction with article 4 of Presidential Regulation No. 1 of 1965;

Whereas, as the Defendant has been found guilty and no mitigating or justifying circumstances have been adduced, as provided for by articles 44-51 of the Criminal Code (KUHP), the Defendant must be sentenced to a term of imprisonment in order to atone for his actions in the community;

¹³ This is a misspelling of Ilmu Sanggar Putung.

¹⁴ The correct year is probably 1997.

Whereas, as the Defendant has been found guilty and will receive a term of imprisonment, the time that the Defendant has spent in lawful detention shall be deducted from the term of imprisonment that will be imposed;

Whereas, in order to facilitate the serving of his term of imprisonment, it is hereby ordered that the Defendant continue to be detained until such time as this court's decision achieves final and conclusive effect;

Whereas, the disposition of the evidence shall be determined in the Order of the Court;

Whereas, as the Defendant has been found guilty and will be sentenced, it is hereby ordered that the Defendant pay the costs of this court case;

Whereas, prior to sentencing, it is necessary to consider whether there are any mitigating or compounding factors;

Compounding Factors:

-The Defendant's actions disturbed Muslims in the practice of their faith (syariat Islam);

Mitigating Factors:

- The Defendant is willing to desist from his teachings and activities if his teachings are found to be misguided;

- The Defendant has never previously been convicted of an offense;

- The Defendant is of advanced age;

- The Defendants followers have stated that they have returned to the true Islamic teachings;

Whereas, in general, the purpose of imposing a penal sentence in Indonesia is to ensure that the offense is not repeated and that the offender realizes the error of his ways. It is not a form of retribution by the State, but rather is intended to fulfill the public sense of justice based on the law and the moral and social values prevailing in the society. Thus, it is just that the degree of punishment imposed on the Defendant should be commensurate with his level of culpability;

Whereas, having particular regard to article 156 of the Criminal Code (KUHP) and Presidential Regulation No. 1 of 1965, the provisions of the Criminal Procedures Code (KUHAP) and the other provisions of the laws and regulations in effect:

JUDGMENT

1. The Defendant has been found guilty in law of the offense of INSULTING A RELIGION;
2. The Defendant is hereby sentenced to a term of imprisonment of 1 (one) year;
3. The entire period of time that the Defendant has spent in detention shall be deducted from his term of imprisonment;
4. The Defendant shall remain in detention until such time as this decision achieves final and conclusive effect;
5. The evidential items presented in this case shall be kept in one package, save for the flashlight, which shall be destroyed;
6. The Defendant shall pay the costs of this case amounting to Rp 2,500 (two thousand five hundred rupiah).

So it has been ordered by the Judicial Panel of the Selong District Court on Monday, 3 May 2010, which was presided over by Haryanta, SH, accompanied by I Gusti Ayu Susilawati, SH, MH., and Ni Luh Suantini, SH, MH., as associate judges. This Judgement was pronounced in open court on Thursday, 6 May 2010, by the Judicial Panel, accompanied by Zohdin, SH, Deputy Registrar of the Selong District Court, in the presence of Fahmi, SH, the Public Prosecutor for Selong, the Defendant and his legal counsel.

HAKIM ANGGOTA,

HAKIM KETUA MAJELIS,

1. GUSTI AYU SUSILAWATI SH.MH

HARYANTA, SH.

2. NI LUH SUANTINI, SH.MH

PANITERA PENGGANTI,

ZOHDIN, SH.