



TABLE OF CONTENTS

TITLE PAGE	i
ENDORSEMENT	ii
APPROVAL	iii
DISCLAIMER	iv
PREFACE	v
TABLE OF CONTENTS	vi
ABSTRACT	viii
INTISARI	ix
CHAPTER I: INTRODUCTION	1
A. Background.....	1
B. Research Questions.....	2
C. Research Goals	3
D. Originality of Research.....	3
E. Benefits	7
CHAPTER II: THEORETICAL REVIEW	9
I. Freedom of Religion as a Codified Fundamental Right within the 1945 Constitution	9
a. The Codification of Freedom of Religion within the 1945 Constitution	9
b. The Status of Freedom of Religion as a Fundamental Right within the 1945 Constitution	10
II. Pancasila as the Basis of the 1945 Constitution and its Relations with its Religion-related Clauses.....	12
III. Juridical Legality of Blasphemy Laws	18
IV. The Blasphemy Law and the Criminal Code	19
CHAPTER III: RESEARCH METHOD	20
1. Type of Research	20
2. Types of Data	20
3. Data Collection Method	21
4. Data Analysis	21
CHAPTER IV: RESEARCH FINDINGS AND LEGAL ANALYSIS	23
1. The Broad Nature of the 1945 Constitution on Religious Freedom.....	23
2. The Conundrum on the Interpretations of the First Principle of Pancasila and its Inclusion within the 1945 Constitution which Led to the Inception of Blasphemy Laws...	27
3. The Historical and Political Background of the Inception of Blasphemy Laws	29



The Constitutionality Question of Blasphemy Laws

Naryantama Faza Dhafianto, Dr. Mahaarum Kusuma Pertiwi S.H., M.A., M.Phil.

Universitas Gadjah Mada, 2023 | Diunduh dari <http://etd.repository.ugm.ac.id/>

UNIVERSITAS
GADJAH MADA

a. The Political Turmoil of the 1950s and 1960s.....	29
b. The Enactment of the 1960 Basic Agrarian Act and the Clash between the Communists and the Clericalist Masses.....	30
c. The Kanigoro Affair as a <i>Cause Célèbre</i> and Catalyst for the Enactment of the Blasphemy Law	34
4. The Practises of Blasphemy Laws Throughout History, and its Implications to Religious Freedom	36
5. The Constitutionality Questions of Blasphemy Laws in various Case Law	51
1. The 2009 Case	51
2. The 2012 Shia Case.....	54
3. The 2017 Ahmadiyya Case	55
4. The University of Indonesia Law Students Cases	58
CHAPTER V: CLOSURE	71
1. Conclusion	71
2. Recommendations	75
BIBLIOGRAPHY	80