

Hudud In Indonesia: Advancing Enforcement or Concluding the Debate?

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ABSTRACT: *Hudud*, as one pillar of Islamic criminal law, has long provoked legal, political and societal debate in Indonesia, the world's largest Muslim-majority nation. Although some believe that such measures are necessary to ensure the protection of religious and moral values, others say it contradicts Indonesia's pluralistic legal framework and the constitutional principles of equality and justice. The research investigates the dialogue regarding the implementation of *Hudud* in Indonesia and whether it was compatible with the hybrid legal system in Indonesia that embraces customary (*adat*), Islamic, and civil law. Using a doctrinal approach and qualitative analysis, the study employs secondary data such as legal statutes, case law, and academic literature. It fills a lacuna in legal literature that lies at the intersection of *Hudud* and Indonesia's wider legal and sociopolitical landscape. As the findings suggest, *Hudud* is viewed as a religious obligation, the dynamics of its legal and practical realization point towards several challenges, especially human rights issues, procedural fairness and public acceptance. It thus concludes that the discourse surrounding *Hudud* is symptomatic of a more cavernous ideological tension between religious identities and the ideology of the state and emphasize the need to exercise caution in balancing Indonesia's plural character. Moreover, it urges scholars to engage in analysis beyond the legal recognition of faith communities to navigate the delicate balancing act required for constitutional compliance while ensuring the exercise of the freedom of worship.

KEYWORDS: Hudud, Islamic law, legal system, religious freedom

I. INTRODUCTION

Hudud laws are derived from Islamic jurisprudence (*fiqh*), and they involve the specific punishments given for crimes that violate Shariah law. The term "hudud" in Arabic refers to boundaries or restrictions, indicating that these laws set the limits of acceptable behavior in a Muslim community. Islamic law's *Hudud* laws focus on offenses such as theft, adultery, apostasy (*qazf*), and false accusation of adulterousness, which are considered the most severe penalties. The enforcement of hudud laws has been a hotly debated topic in many Islamic countries, intertwined with political, social and religious debates over the relationship between religion and statehood.

The political and legal structure of Indonesia, which is grounded in Pancasila as the fundamental state philosophy, has been a key driver of discussions on *hudud* laws (Solikhudin & Rohman, 2023). The majority of Indonesians are Muslim, but the country's constitution is secular and comprises a combination of civil law traditions that were shaped by Dutch colonial, Islamic, and customary law. Nevertheless, various districts in Aceh, Indonesia have made efforts to incorporate Shariah-related principles into their local legal frameworks (Judijanto et al., 2024). While Aceh, the sole province with exclusive jurisdiction over certain regions, has made progress in introducing penalties for *hudud* violations (Mann & Afrianty, 2020), they have not been fully implemented. A discussion on the relevance and suitability of *hudud* laws to Indonesian law has arisen due to the fact that Islamic law is only partially established within the wider legal framework.

The development of *Hudud* laws in Indonesia has been influenced by both local religious traditions and national debates over the application of Islam in public life. The Indonesian Ulama Council (MUI) is a significant body in Islamic law that has supported the implementation of Shariah law, particularly *hudud*. Even so, the broader Indonesian political establishment (government and secular political parties) has opposed full implementation of such laws (Ulum, 2020). The opposition is based on the fact that Indonesia is multi-ethnic, multireligious, and diverse, with many fearing that the implementation of *hudud* laws would marginalize religious minorities and create social division. Furthermore, there is a legal issue regarding whether the proposed *hudud* laws are compatible with the constitutional framework that guarantees religious freedom and equal status before the law (pasal 28E UUD 1945).

Throughout history, Indonesia's internal conflict regarding hudud laws has been ongoing since the country gained independence and faced challenges in establishing its national identity. In the initial years of Indonesia's independence, its founding fathers, including Sukarno, emphasized the importance of a national ideology that transcended religious beliefs. The formulation of Pancasila, which is the basis of Indonesia's national philosophy and legal system, was based on this vision. While Islam remains

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the most prevalent religion in Indonesia, the country has managed to maintain a secular legal system that is not heavily influenced by any other religion. The integration of Islamic law, particularly *hudud*, into the nation's legal system has been a subject of disagreement among various political and religious groups (Nasrullah, Novendra & Reyhan, 2024).

The debate over *hudud* laws in Indonesia is intertwined with the political and ideological dynamics within the country. Conservative Islamic parties, including the PKS, have urged for a more Islamic legal system, such as that of *hudud*. According to them, the implementation of these laws would promote moral values, decrease corruption, and provide a more transparent moral framework for Indonesian society (Akhmad, Fernando & Teeraphan, 2023). On the contrary, more moderate and secular political factions have opposed the implementation of *hudud* laws, contending that it would contravene democratic principles, human rights, and religious freedom as outlined in the Indonesian Constitution. Indonesia's struggle for balance between Islamic values and its commitment to democracy and pluralism is reflected in the political division that exist.

Public discussion of *hudud* laws can result in significant disagreement. Why? Supporters of the jihadist ideology assert that these laws must be put in place to protect Muslims from discrimination and corruption, as they are necessary for the survival of Islam (Prayogo & Ruwaida, 2018). Their *hudud* punishments are often based on the Quranic teaching, which stresses the importance of having a rigorous legal system to prevent crime and maintain social order. The advocates frequently perceive the implementation of *hudud* as an attempt to restore the authenticity of Islamic law in today's world. Even so, those who oppose the implementation of *hudud* laws in Indonesia, including many human rights activists, view them as being at variance with the country's democratic principles and its dedication to human dignity. *Hudud* laws, which include amputation for theft and stoning for adultery, are considered to be excessively harsh and contrary to international human rights norms, according to their argument.

Indonesia's legal and political system is also impacted by global discussions on the significance of *hudud* laws. The implementation of *hudud* laws in certain countries has been complete, while Malaysia and Pakistan have embraced Shariah law in more restricted form. Additionally, Saudi Arabia and Iran have implemented both legal and illegal aspects of the constitution (Glenn, 2016). Indonesia's religious diversity is a fundamental aspect of the country's national identity, but the enforcement and validity of *hudud* laws are highly debated. International legal bodies and human rights organisations have often criticized the enforcement of *hudud* laws in other countries, questioning their ability to protect individual rights, especially those of women and religious minorities. Indonesia's conflict with other countries is exacerbated by the ongoing global discussions, which necessitated the integration of international human rights obligations and the advocacy of traditional Islamic law among its Muslim populace.

While Indonesians are still debating whether to pass *hudud* laws, the ongoing discussions underscore how much religious conservatism is at odds with the country's secular, pluralistic ideals (Brown, 2016). The political and legal arguments presented by the matter are a manifestation of larger issues in Indonesian society, where questions about identity, religion, and governance still hold significance for the nation's future. As the nation grapples with these intricate issues, the question of whether Indonesia will enforce *hudud* laws remains a significant concern, and its fate will be determined by how effectively it will implement them.

II. LEGAL AND RELIGIOUS FOUNDATION OF HUDUD

Islamic law (Sharia) regards *Hudud* punishments as fixed, divinely prescribed, and unchanging. These penalties are intended to punish specific acts that are considered crimes against both the lawful and the criminal, and are based on primary sources of Islamic law, specifically the Quran and Hadith (Heradhyaksa & Jamal, 2021). *Hudud's* religious principles are rooted in Islamic theology, which emphasizes that punishments can serve as both a deterrent and retribution for moral and social order. Under *Hudud* law, serious crimes such as stealing (*sariqah*), adultery (*zina*), apostasy (*ridda*) and false accusation of adulterating (*qaddaf*) are covered (Alfitri, 2021). All crimes are punishable by a specific penalty, which is typically considered severe in accordance with Islamic teachings. Depending on the interpretation of Islamic texts, adultery can be punished with stoning or flogging, while theft may result in amputation of the hand.

Islamic scholars and scholars have long discussed the harshness of *Hudud* punishments. Verses in the Quran indicate how punishment is given for offenses such as theft, adultery, and apostasy (Okbelbab, 2024). The Quran (Surah Al-Ma'idah, 5:38) mentions punishment for theft by amputating the hands of thieves as a form of revenge from Allah. According to classical Islamic law, renunciation of Islam (*Alhafi*) is a grave offense punishable by death, imprisonment, or exile (Muhyidin, Adhi & Triyono, 2022). In the past, the justification for these severe punishments was that they were necessary to uphold the community's moral values and maintain its stability.

The *Hudud* laws' interpretation and application differ across Muslim-majority nations, reflecting variations in theological and legal schools of thought as well as socio-political conditions. The harsh and uncompromising application of *Hudud* punishments in Saudi Arabia and Iran conforms to strict interpretations of Sharia. These countries have laws that limit the risk of theft, adultery (amputation) or stoning, and prohibit apostasy with death (Mumisa, 2015). In contrast, other countries with a Muslim majority, like Malaysia and Indonesia, have shown more flexibility in their approach to dealing with specific situations, using *Hudud* laws or them as merely symbolic legal guidelines rather than actual methods of punishing individuals (Madhani, Maulina, Wildan & Sukti, 2024). In Malaysia, *Hudud* laws have been the subject of extensive debate, but they are not commonly enforced due to constitutional and practical considerations (Muhammad & Shafy, 2020). Indonesia, a predominantly Muslim country with secular

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laws, lacks *Hudud* law within the national system, although some regional governments have tried to implement them within their area of control.

Unlike other countries, Indonesia is predominantly secular with its constitution which guarantees equal rights before the law and religious freedom. Although most Indonesians are Muslims, the country has a very diverse population with significant religious minorities and the law is civil rather than fundamental. As a result, there are significant difficulties in making *Hudud* legal in Indonesia. *Hudud* supporters in Indonesia maintain that the incorporation of Islamic law would enhance societal morality, decrease corruption, and provide a sense of justice to the Muslim population. Nevertheless, opponents assert that the implementation of *Hudud* laws would weaken Indonesia's pluralistic beliefs and infringe on human rights while also creating a hazardous precedent for the treatment of religious minorities and women (Orien, 2024).

For the implementation of *Hudud* in Indonesia, it would also require respect for Sharia law and its current legal system - heavily influenced by Dutch colonial rule - as well as modern human rights standards. Despite the fact that Islamic law is present in Indonesia's legal system, particularly in family law and Islamic banking (Wahyuni, 2023), it is mainly used for certain areas, such as the administration of personal status laws for Muslims. Introducing more *Hudud* legislation would require significant changes to the national constitution, judicial system, and law enforcement agencies. However, they are not universal. In a country that is known for its diversity and religious tolerance, the role of religion in public life and government would be called into question.

Hudud laws have been impacted by various factors across the Muslim world, including Islamic political movements, the quest for an Islamic identity, and the larger challenges of modernity. Some Islamic scholars, particularly those from the *Salafi* and *Wahhabi* traditions, believe that strict adherence to *Hudud* is necessary for maintaining Islam as a moral order and safeguarding against corruption and secularism. On the other hand, some scholars adopt a more contextualized and humane perspective on *Hudud*, emphasizing the significance of repentance, rehabilitation, and mercy in Islamic justice (Nabeel, 2024).

Discussions about the implementation of *Hudud* laws, particularly their potential application in a country like Indonesia, highlight the intricate connection between religion and law in predominantly Muslim nations. Although the harshness of *Hudud* punishments may be considered an essential aspect of maintaining moral discipline in Islamic society, their compatibility with Indonesia's secular legal system is a matter of debate. It requires a thorough examination of the constitutional rights of citizens, the country's varied religious landscape, and the potential impact on social stability. Furthermore, it prompts inquiries into the significance of Islamic law in modern legal systems and its ability to cope with contemporary governance and human rights protection (Feener, 2013).

III. POLITICAL AND SOCIAL PERSPECTIVES ON HUDUD IN INDONESIA

The political dynamics surrounding the enforcement of *Hudud* laws, a set of Islamic penal laws in Indonesia, are shaped by the ongoing tension between different political parties, religious movements, and social stratification. A fusion of religious convictions, political attitudes and cultural heritage shapes this discourse with deeply felt differences between conservatives and liberals. Indonesia, the world's largest Muslim-majority nation, maintains a system of secular law but acknowledges Islamic principles, particularly in areas like Aceh, where Sharia law is enforced in certain aspects (Faisal, 2023). The controversy surrounding *Hudud* laws is broad and touches on issues of justice, ethics or the role of religion in public life.

Hudud is the subject of a wide range of political parties in Indonesia, with some being more conservative Islamic while others are more secular. One of the most influential Islamic political parties in Indonesia is the *Partai Keadilan Sejahtera* (PKS), which advocates for Islamic law but doesn't endorse the implementation of *Hudud* laws across their nation. Although Sharia law is already partially enforced in Aceh, PKS has expressed its strong support for its implementation. The party deems Sharia as an essential component of the nation', and although it supports moderation, it wants "more respect" for Islamic principles in public (Machmudi, 2006). On the other hand, *Partai Demokrasi Indonesia Perjuangan* (PDI-P), the party traditionally associated with Indonesia's secular nationalism, has opposed the idea of *Hudud* on the grounds that it undermines the secular foundation of the state and could lead to increased division among Indonesia's diverse population (Ali-Fauzi, 2009).

Hudud is a subject of considerable influence for Islamic groups in Indonesian politics and law. Certain organizations, including the *Majelis Ulama Indonesia* (MUI), have expressed skepticism about introducing *Hudud* throughout the nation. Despite its support for Islam, MUI's leadership has prioritized social morality and national unity over the enforcement of *Hudud*. However, some smaller conservative groups such as the *Front Pembela Islam* (FPI) strongly support *Hudud* as an integral part of Islam and one that should be fully integrated into Indonesian society. The groups contend that *Hudud* can boost social order, justice and morality in a society that they say is becoming increasingly corrupt (Hosen, 2020). Conversely, *Nahdlatul Ulama* (NU) and other liberal Islamic groups prioritize religious tolerance and pluralism, arguing that the incorporation of *Hudud* would alienate non-Muslim peoples as well as subvert Indonesia's multicultural identity.

Government officials are frequently caught between the pressure of political action and their obligation to maintain Indonesia's constitutional secularism. Why is this so? Despite President Joko Widodo's unwavering support for the implementation of *Hudud* laws in Indonesia, his administration has granted regional autonomy in areas like Aceh, where Sharia law is already being enforced. The pragmatic approach of Widodo's leadership reflects his commitment to the interests of both

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conservative Islamic parties and groups, while also upholding national unity and secularism (Kim, 2024). However, this cautious approach also reflects the central government's fear that introduction of strict *Hudud* laws could lead to division, particularly in areas with large non-Muslim communities such as Bali and Papua. The political issue of allowing local autonomy and preventing the incorporation of religious law into national governance is still a major concern in the *Hudud* dispute.

The societal differences between conservative and liberal factions are crucial factors that influence debate on *Hudud*. The conservatives maintain that the government should align more closely with Islamic principles, arguing that *Hudud* is a means to purify society and align the country's legal system with religious beliefs. Such groups view the lack of implementation of *Hudud* as a sign of moral decay and blatant disregard for the genuine path of Islam. In contrast, liberal groups, including progressive Muslim intellectuals and human rights activists, contend that *Hudud* would only strengthen patriarchy by limiting individual freedoms while marginalizing the non-Muslim population (Fuad, Arbaiyah, Mughni & Jainuri, 2007). The societal debate is greatly affected by this separation. The demands for *Hudud* are perceived by secularists as a potential threat to Indonesia's pluralistic culture, where people of different religions coexist and identify with their own country. In this view, the implementation of religious laws such as *Hudud* would not only undermine societal harmony but also pose a significant threat to the democratic foundations of the Indonesian state. *Hudud*'s emphasis on physical punishments such as stoning and amputation is considered illegitimate by liberals. These punishments are seen as a necessary evil measure to discourage criminal activity and part of sanctimonious divine justice, according to the view of Islamic conservatives. They believe that the secular state violates religious freedom by not enforcing religious law (Salim, Simbuka & Luntajo, 2023).

IV. CASE STUDIES AND PRECEDENTS ON HUDUD

Hudud laws, which are the punishments in Islamic criminal law that target specific offenses like theft, adultery, apostasy, and robbery have been subject of debate and controversy in various countries. The implementation of these laws has caused concern among some groups. Saudi Arabia, Pakistan, and Malaysia have all tried to introduce *Hudud* laws into their respective legal systems, but each country has faced different obstacles, criticisms, or outcomes in the process. The impact of these laws on governance, social justice, and human rights can be effectively understood through these examples.

The implementation of *Hudud* laws in Saudi Arabia is a component of the "Shari'ah" law, which involves strict enforcement of Islamic principles on criminal offenses. Because the country's law combines civil and criminal matters within the scope of Islamic law, it has been subject to severe punishments, including stoning for adultery (amputation) and corporal punishment for drinking alcohol. Although these penalties are believed to uphold public morality and discourage criminal behavior, their implementation has been the subject of much debate, especially among nations. The kingdom has been subject to frequent criticism from human rights organizations, including Amnesty International, for violating laws such as these, with instances where people were found guilty without a fair trial, inadequate legal representation, or clear evidence (Amnesty International UK, 2024).

During the 1980s, Pakistan's legal system was Islamized under the leadership of General Zia-ul-Haq, who introduced *Hudud* laws to regulate the country. In Pakistan, the Hudood Ordinances were a significant chapter in the history of *Hudud* laws, which included provisions on the punishment of theft, adultery, and alcohol consumption. The purpose of these regulations was to enforce strict penalties in accordance with Islamic law, including flogging and amputation for specific offenses. *Hudud* laws have had a mixed impact on Pakistan's experience. While the laws were designed to align with Islamic law, they caused widespread criticism. The ordinance regarding adultery mandated the presence of four witnesses, making it difficult to convict individuals and leading frequently to victimize women who were often accused of *zina* (fornication) but could not prove their innocence (Khan, 2006). In actuality, the laws were challenged by both secular and Islamic groups in Pakistan, leading to their revision and dilution in the 1990s. Political and social factors, along with legal changes, can impede the full implementation of *Hudud* laws, leading to legal ambiguity and inconsistencies in the protection of rights.

In the country of Malaysia, which has a hybrid legal system consisting of both civil and Islamic law, *Hudud* laws were experimented on, especially in Kelantan (North) and Terengganu. The *Hudud* laws have been made more challenging to enforce in Malaysia due to the country's multi-ethnic environment, which has a significant non-Muslim population and Muslim majority. This is seen as problematic. In the early 1990s, Kelantan's state government, under the leadership of the Pan-Malaysian Islamic Party (PAS), aimed to implement *Hudud* laws as part of its wider Islamic governance agenda. The federal government, led by UMNO, opposed the full implementation of *Hudud* despite PAS's legal and political pressure (Musa, 2023). They claimed that this could lead to social unrest and complicated legal consequences for non-Muslim populations. The introduction of *Hudud* laws was met with strong public opposition, as the penalties associated with these laws were viewed as inconsistent with current human rights norms. This situation highlights the difficulties in Malaysia balancing various religious laws with a diverse society, particularly in countries with diverse ethnicities and religious beliefs. The challenge lies in maintaining legal uniformity. In addition, the political opposition to these laws has resulted in *Hudud* being more of a political figure than enforceable law itself. In contrast to Saudi Arabia, Pakistan, and Malaysia, Indonesia's perspective on the potential application of *Hudud* laws is markedly distinct. Indonesia, the world's largest Muslim-majority country with a predominantly Buddhist population, has largely

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followed purely Islamic civil law, although much of personal matters (e.g, marriage, inheritance, family law) is subject to Islamic law (Otto, 2010). Some Islamic political parties and groups in Indonesia have advocated for stricter interpretations of Islamic law, including *Hudud* laws, particularly in areas like Aceh, where Shari'ah law has already been put into practice to some extent. However, these proposals have been met with strong resistance from secular and non-Muslim groups as well as civil society organisations concerned about the risk of human rights violations. Unlike Saudi Arabia and Pakistan, the implementation of *Hudud* laws would be more challenging in Indonesia due to its wider legal system and political landscape (Depuydt, n.d.).

Indonesia can learn important lessons from the *Hudud* laws in Saudi Arabia, Pakistan and Malaysia. *Hudud* laws have encountered significant obstacles in these countries, particularly due to the conflict between old Islamic and newer legal frameworks. The harsh penalties enforced by *Hudud* laws in Saudi Arabia have been criticized by human rights groups who argue that they go against the notions of justice and fairness in today's world. In Pakistan, the implementation of *Hudud* laws can be challenging due to political dynamics and public opposition. Malaysia's challenge with enforcing *Hudud* laws in a pluralistic society is that the country has always prioritize not being predominantly Muslim, but rather non-Muslim. The Indonesian examples imply that any attempt to introduce *Hudud* laws would have to take into account the heterogeneity of its society and the constitutional structure, which safeguards religious freedom and human rights.

However, lessons learned from these countries do not lead to positive outcomes for *Hudud* laws in Indonesia. Despite the presence of freedom of religion and human rights safeguards in the country's constitution, it is probable that such laws will be widely accepted. In addition, the legal system of Indonesia based on civil law would need to be changed significantly to allow *Hudud*-ruled laws, which raises questions as to whether Islamic law is compatible with country's existing legal and political systems. Indonesia's political environment also holds significance, as any attempt to enact *Hudud* legislation would probably encounter significant resistance from secular and non-Muslim groups, in addition to civil society. In a limited context, Indonesia has demonstrated that it is not dissatisfied with religious law, as evidenced by its local implementation of Shari'ah law in Aceh (Siregar, 2008). In light of recent developments, one can only assume that the future of Indonesian religious law is uncertain and may require reform.

The experiences of Saudi Arabia, Pakistan, and Malaysia offer crucial insights into the obstacles and effects of implementing *Hudud* legislation. These countries have experienced significant political, legal, and social obstacles in enforcing such laws, particularly with regards to human rights, public perception, or legal diversity. Indonesia would face difficulties in implementing *Hudud* laws due to its diverse population, constitutional structure, and current legal system. Although there are some commonalities between the experiences of these countries and Indonesia, the latter's situation presents distinct obstacles that could result from attempting to enforce *Hudud* laws.

V. HUDUD IMPLICATIONS ON HUMAN RIGHTS

The enforcement of *Hudud* laws, which refer to the specific punishments for certain crimes in Islamic law, is a significant issue with respect to human rights. In Muslim-majority countries, including Nigerian, Pakistani, and some parts of Indonesia, these laws are established based on the Quran and Hadiths (Robinson, 2021). The *Hudud* system of punishment involves harsh penalties like amputation, flogging, and stoning, which have led to discussions about their suitability for human rights. *Hudud* laws have raised concerns about the impact they may have on human rights, with fairness, gender equality, and safeguarding religious minorities being key areas of focus. The essay will extensively examine the specific effects of these changes, examining how the enforcement of *Hudud* laws intersects with Indonesia's obligations under global human rights conventions and potential conflicts. Furthermore, the matter of equity is a significant element in *Hudud* laws. The purpose of these laws is to systematically discourage crime, particularly against crimes such as theft, adultery and apostasy. The implementation of *Hudud* laws often fails to meet global standards of fairness and due process. UDHR and ICCPR treaties state that individuals have the right to a fair trial, competent legal representation, and the chance to challenge charges. In contrast, *Hudud* punishments have been criticized for not providing due process. The burden of proof in *Hudud* cases often falls on the accused, making it extremely challenging to meet the evidence requirements. Despite circumstantial or incomplete evidence, the accused may still be subject to amputation in cases of theft, raising concerns about the fairness of such trials and potential miscarriage of justice (Stanford Law School, 2012).

In addition to concerns about fairness, the enforcement of *Hudud* laws has been criticized for perpetuating gender inequality. In *Hudud* law, men and women are often treated differently, especially in cases of adultery and fornication. Among the punishments for adultery in jurisdictions that follow *Hudud* laws, women are subject to stoning and men are given lesser penalties like flogging (Ngema & Iyer, 2022). In *Hudud* laws, men and women are treated differently, which goes against the principles of gender equality set forth in international human rights instruments like CEDAW. Article 2 of CEDAW mandates state parties to eliminate discrimination against women in all aspects of life, including the legal system.

Another important point of discussion is the rights of religious minorities when it comes to enforcing *Hudud* laws. In a country where religious pluralism is prevalent, *Hudud* laws could potentially marginalize non-Muslims who are among the religious minorities in Indonesia. The enforcement of *Hudud* laws may lead to the exclusion of religious groups that violate Islamic law, which could impede their rightful freedom of expression (United States Department of State, Office of International

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Religious Freedom, 2023). ICCPR Article 18, specifically states the protection of the right to freely practice his religion. Furthermore, the Indonesian constitution guarantees freedom of religion, but this would clash with enforcement of *Hudud* laws due to rights of non-Muslims which could lead to persecution (Indonesian Constitution, Article 29).

Another significant human rights issue is the connection between the enforcement of *Hudud* laws and torture and cruel, inhuman, or degrading treatment (U.S. Department of State, 2023). Such practices are specifically prohibited by international human rights law (CAT, Article 1). Inhumane and cruel punishments like flogging, amputation, and stoning can be considered harsh because they cause severe bodily harm to the people subjected to *Hududic* acts (Alfitri, 2021). These practices are infringing on the right of individuals to be free from torture or ill-treatment. If *Hudud* laws are to become mandatory in line with Indonesia's CAT obligations, the state will be left in a precarious position as it must balance its efforts to prevent abuses of authority and compliance with religious regulations. International human rights standards are directly contradicted by domestic religious practices.

International human rights law places significant emphasis on the right to life, but it is often challenged when *Hudud* laws are implemented. The Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) both acknowledge the right to life as a fundamental human right (Article 3; UDHR, Article 6). There is a debate about whether Indonesia's implementation of the death penalty and other *Hudud* laws, such as stoning for adultery or apostate disbelief, aligned with these practices. Indonesia has a long-standing commitment to abolishing capital punishment, but the United Nations and other international organizations have called for its removal on various grounds, including the belief that it violates human rights and can be degrading (United Nations). This is in contrast to other countries. The death penalty is still in place in Indonesia, but the introduction of capital punishment under *Hudud* laws would undermine Indonesia's obligations to uphold its right to life.

The adoption of *Hudud* laws in Indonesia raises questions about the impact on civil liberties and the protection of individual rights. The application of *Hudud* laws may result in the violation of fundamental human rights law, including freedom of expression and privacy. The act of apostasy and blasphemy could be considered an Islamic offense as it could prevent individuals from freely exercising their religious freedom or engaging in non-Sikh activities (Rehman, 2010). Such restrictions on freedom of expression would be incompatible with international human rights standards, including those enshrined in Article 19 of the ICCPR. Furthermore, the implementation of *Hudud* legislation could result in the surveillance and monitoring of individuals, potentially limiting their privacy rights. The outcome is a disconcerting impact that undermines fundamental human rights, including freedom of thought, expression, and personal autonomy, as recognized under international human right law. Indonesian authorities' efforts to enforce *Hudud* laws pose a significant challenge to the country's commitment to upholding international human rights norms. Questions of fairness, gender equality, the rights of religious minorities, and prohibition of cruel and inhuman punishments highlight the tensions between religion-based human rights law and international law. The potential for conflicts arises from Indonesia's obligations under international conventions, such as the UDHR, ICCPR, and CEDAW, which apply religious law in ways that may potentially violate individual rights.

CONCLUSIONS

In Indonesia, there is a broad spectrum of legal, cultural, and social issues surrounding the enforcement or rejection of *Hudud* laws. *Hudud* supporters maintain that it's a fundamental aspect of Indonesia's Islamic identity and an essential step towards establishing unbiased and equitable laws. According to them, *Hudud* is founded on religious texts, providing a divine framework that seeks to protect the rights of individuals and maintain public order. Additionally, Defenders claim that enforcing *Hudud* would help to alleviate the perceived issues of corruption, crime, and social discord in Indonesian society, as it is believed to provide an unyielding solution to numerous public problems. *Hudud* has been implemented in other nations, with the belief that it can promote a structured and ethical society. In addition, they often highlight *Hudud's* flexibility and adaptability to modern social realities, highlighting that its application can ensure fairness and justice in contemporary settings. Socially, *Hudud* is seen by some as a crucial tool to restore ethos and moral responsibility in Indonesia's increasingly pluralistic society.

Conversely, opponents of *Hudud* implementation question the suitability of such laws with Indonesia's pluralistic culture and its secular constitution. Some have argued that *Hudud* would weaken the constitutional structure that guarantees religious liberty and equal protection under the law, particularly for Indonesians who are not Muslims and could be unfairly impacted by its provisions. Many believe that the implementation of *Hudud* laws would create a dangerous precedent of religious legal imposition, marginalizing those who are not religious and spreading sectarian divisions. Additionally, there is apprehension about the possibility of legal fragmentation, which could result in parallel laws and undermine national unity and stability. In addition, activists for human rights argue that *Hudud's* severe penalties, which include amputations and stonings, are not in line with current human right standards and could result in punishments that negatively impact vulnerable groups, particularly women and the poor. Potential for power misuse is a concern in light of the lack of judicial independence, which could be undermined by granting religious authorities the authority to interpret and apply laws. Considering the complexity of the issues, it is up to Indonesian

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society to determine whether its internal legal framework can accommodate both fundamental rights and freedoms under secular law.

The discussion of *Hudud* enforcement in Indonesia is likely to remain relevant as society and political developments shift. In the realm of law, the most significant difficulty is to reconcile Islamic principles with constitutional safeguards for human rights and religious freedom. With Indonesia being the world's largest Muslim-majority country, there is a chance for judicious consideration in this debate. Instead of strict regulation, there may be room for dialogue that involves incorporating Islamic law into the wider framework of democratic values. To put an end to this controversy, it may be necessary to reach a consensus that honors the rights of Muslim communities while maintaining the privilege of non-Muslims and marginalized individuals. The growing influence of civil society, combined with the increasing support for individual freedoms and gender equality, may ultimately lead to a dialogue about finding 'an equal relationship between Indonesia's rich religious legacy and its commitment to human dignity. It is time to focus on creating a positive atmosphere where diverse viewpoints are valued and respected, as well as designing policies that promote social harmony in Indonesia and uphold justice for all. This solution lack's immediate resolution.

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