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A Comparative Normative Study of MK Decision No. 140/PUU-VII/2009 and Ahmadiyyah Exegesis of Qur'ān 2:256

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Article Information	Abstract
Received: 10 Maret 2026 Accepted: 3 Juni 2026 Published: 30 Juni 2026 Keywords: Constitutional Court; blasphemy law; Ahmadiyyah exegesis How to cite: Arifin, M., & Maram, A. N. (2026). A comparative normative study of MK Decision No. 140/PUU-VII/2009 and Ahmadiyyah exegesis of Qur'ān 2:256. <i>Al-Ulum</i>, 26(1), 33-47. https://10.30603/au.v26i1.7766 Corresponding authors email: masgunarifin032@gmail.com	This article aims to examine the tension between state regulation of religious order and the principle of non-compulsion in Indonesian religious governance. Using a normative legal approach, this study compares Constitutional Court Decision No. 140/PUU-VII/2009 which upheld the Blasphemy Law based on public order and the protection of religion (ḥifẓ al-dīn) with Ahmadiyyah exegesis of Qur'ān 2:256 in Mirzā Bashīruddīn Maḥmūd Aḥmad's Tafsīr-e-Kabīr. The analysis demonstrates that while the Court enforces public order through state supervision, the Ahmadiyyah exegesis frames lā ikrahā fī al-dīn as a theological foundation for religious freedom, where Truth (al-rushd) is inherently distinct from Error (al-ghayy). Consequently, ḥifẓ al-dīn must inextricably align with preserving life (ḥifẓ al-nafs) and freedom of conscience (ḥurriyyat al-i'tiqād). Religious order in plural societies is best maintained by protecting equal citizenship rather than policing orthodoxy.

INTRODUCTION

The governance of religion in Indonesia is characterized by a fundamental paradox: the state declares itself a guardian of religious harmony, yet some legal instruments used to maintain that harmony may also intensify the very tensions they seek to prevent. This paradox appears clearly in the Constitutional Court (Mahkamah Konstitusi, hereafter MK) Decision No. 140/PUU-VII/2009, which upheld the constitutionality of Law No. 1/PNPS/1965 on the Prevention of Misuse and/or Desecration of Religion, commonly known as the Blasphemy Law. In its ratio

decidendi, the Court argued that state restrictions on religious interpretations deemed deviant from the basic teachings of recognized religions may be justified to maintain public order (*ketertiban umum*) and protect religious values (*hifz al-din*) (Mahkamah Konstitusi Republik Indonesia, 2010). The decision, therefore, links religious deviation, public anxiety, and state intervention within one constitutional argument.

This issue is not merely theoretical. In social life, the legal designation of a religious group as deviant can affect how minority communities are treated by state institutions and wider society. The Ahmadiyyah community has repeatedly experienced this problem in Indonesia. The restrictions following the 2008 Joint Ministerial Decree, the social stigma attached to the label of deviance, and violent incidents such as Cikeusik in 2011 and Sintang in 2021 show that legal and theological categories may have concrete consequences for religious minorities (Wiradinata et al., 2025). These events indicate that the relationship between public order, religious protection, and minority freedom requires closer academic attention. The main question is not only whether the state may regulate religion, but also how such regulation shapes the meaning of order and affects the safety and freedom of minority believers.

Scholarly engagement with this landmark decision has predominantly operated within secular legal frameworks, leaving the Court's religious and theological logic less examined on its own terms. The existing body of literature can be categorized into three primary streams. First, and most voluminous, are the constitutional and human rights critiques. Scholars such as Pratiwi, Hasani, and Halili argue that the decision affirms a "religious constitution" model that weakens protections for *the forum internum*, thereby violating core international standards, including non-discrimination and the ICCPR (Hasani & Halili, 2022; Pratiwi, 2021a). Similarly, Rofii and Hosen (2022) situate the decision within broader patterns of "religious deference," where the judiciary yields to majoritarian religious sentiment rather than upholding rigid constitutionalism. While robust, these critiques often stand outside the internal religious vocabulary used to justify restrictions. The Court explicitly prioritizes "religious values" within the framework of Article 28J of the 1945 Constitution, necessitating an examination not only of the decision's human rights dimension but also of the religious reasoning that underpins it.

The second stream focuses on the interplay between Islamic law and the state, often through the lens of *Maqāṣid al-Sharī'ah*. Research by Syafei highlights how institutions like the Indonesian Ulema Council (MUI) employ a classical and exclusionary reading of *hifz al-din* to police orthodoxy, a logic that mirrors part of the defense of the Blasphemy Law (Syafei, 2017). Conversely, recent Indonesian scholars have tried to connect *maqāṣid al-sharī'ah* with the context of the Indonesian state. Muzammil et al. argue that Islamic objectives can be aligned with Pancasila to support religious moderation and social harmony (Muzammil et al., 2023). Likewise, Siddiq explains that *maqāṣid* can be understood in a way that fits Indonesia's pluralistic society and constitutional system. Yet these studies remain largely normative or generalist (Siddiq, 2022). While Mahfudz, Yuspiani, and Mubaroq use *Maqāṣid* to argue for minority

protection and conflict prevention, they do not offer a focused analysis of the specific legal arguments used in MK Decision No. 140/PUU-VII/2009 (Mahfudz & Yuspiani, 2023; Mubaroq, 2024). As a result, the relationship between public order, *ḥifẓ al-dīn*, and state restriction still requires deeper examination.

The third stream examines the Ahmadiyyah community itself. Literature in this area is divided between studies that document religious xenophobia and state discrimination, and studies that analyze Ahmadiyyah theology as a subject of deviance, reform, or intra-Muslim difference. Crucially, while scholars acknowledge the Ahmadiyyah commitment to peace and non-compulsion, the community is often portrayed as an object of law or a victim of politics, but less often as a producer of normative reasoning. This creates a significant research gap. Few studies place the MK's reasoning on public order and religious protection in dialogue with the internal exegesis (*tafsīr*) of the community affected by such restrictions. The conflict is usually framed as "state versus rights," while the comparison between "state construction of order" and "minority construction of non-compulsion" remains underdeveloped.

This article addresses that gap by comparing two different normative constructions. It does not place the Constitutional Court and Ahmadiyyah religious leaders as equal institutional authorities. Rather, it compares the concepts produced by two different texts: MK Decision No. 140/PUU-VII/2009, a state legal text, and the Ahmadiyyah exegesis of Qur'ān 2:256 (*lā ikrāha fī al-dīn*), a religious-normative text of a minority community. This distinction is important because the Court has constitutional authority, while the Ahmadiyyah *tafsīr* functions as an internal theological interpretation. The comparison is therefore conducted at the conceptual level, particularly with respect to how each text understands public order, religious protection, and freedom of belief.

The main objective of this research is to analyze how MK Decision No. 140/PUU-VII/2009 constructs the relationship between religious deviation, public order, and *ḥifẓ al-dīn*, and how this construction can be compared with the Ahmadiyyah interpretation of Qur'ān 2:256. The study asks three questions. First, how does the MK justify restrictions on religious deviation in the name of public order and religious protection? Second, how does the Ahmadiyyah exegesis understand the Qur'ānic principle of non-compulsion in religion? Third, what are the implications of this comparison for understanding *ḥifẓ al-dīn*, *ḥifẓ al-nafs*, and freedom of conscience in Indonesia's plural society?

This article lies in its attempt to read the debate on the Blasphemy Law through a comparative normative framework. Existing studies have criticized MK Decision No. 140/PUU-VII/2009 through constitutional law, international human rights, and general *Maqāṣid* approaches. This article contributes by adding the Ahmadiyyah exegesis of Qur'ān 2:256 as a minority normative perspective that challenges coercive understandings of religious order from within Islamic discourse itself. Through this comparison, the article argues that the protection of religion (*ḥifẓ al-dīn*) should not be isolated from the protection of life (*ḥifẓ al-nafs*) and freedom of conscience (*ḥurriyyat al-*

i'tiqād). In a plural society, public order is more sustainable when the state prevents violence and protects equal citizenship rather than when it polices theological difference.

RESEARCH METHODS

This study uses normative legal research, employing a comparative-conceptual approach, to examine the relationship between state legal reasoning and minority theological interpretation. Normative legal research is used because the study focuses on legal norms, court reasoning, and authoritative texts rather than field-based measurement of social behavior (Marzuki, 2017; Soekanto & Mamudji, 2015). Unlike a purely doctrinal reading that isolates legal texts from broader normative debates, this approach places the Constitutional Court's reasoning in dialogue with a minority exegetical perspective. The comparison is conducted at the conceptual level, not at the level of institutional authority. Thus, the study does not treat the Constitutional Court and Ahmadiyyah religious authorities as equal legal actors. Instead, it compares how each text constructs the meanings of public order, religious protection, and non-compulsion in religion.

The primary materials for this analysis are derived from two types of normative texts. The first is the state's legal text, represented by the Ruling of the Constitutional Court (*Putusan Mahkamah Konstitusi*) No. 140/PUU-VII/2009. The analysis specifically targets the Court's *ratio decidendi*, particularly its interpretation of Article 28J of the 1945 Constitution and its understanding of religious protection (*ḥifẓ al-dīn*) as part of public order. The second is the minority religious-normative text, represented by Mirzā Bashīruddīn Maḥmūd Aḥmad's *Tafsīr-e-Kabīr*, specifically the exegesis of Qur'ān 2:256 (al-Baqarah) (Aḥmad, 2006). The Court decision is analyzed as a constitutional legal source, while the Ahmadiyyah exegesis is analyzed as an internal theological source that articulates a minority interpretation of non-compulsion in religion. Where relevant, this textual data is supplemented by official sermons or addresses of Mirza Masroor Ahmad, the Fifth Khalifah of the Ahmadiyyah Muslim Community, to show the contemporary application of these theological principles (Al Islam, n.d.-a, n.d.-b).

The analytical procedure consists of three stages. First, the study identifies the main legal reasoning in MK Decision No. 140/PUU-VII/2009, especially the relationship between religious deviation, public order, Article 28J of the 1945 Constitution, and *ḥifẓ al-dīn*. Second, the study identifies the main exegetical reasoning in the Ahmadiyyah interpretation of Qur'ān 2:256, especially the relationship between *lā ikrāha fī al-dīn*, *al-rushd*, *al-ghayy*, and freedom of conscience (Klimenko, 2024). Third, the study compares these two constructions across four analytical categories: the source of authority, the definition of public order, the role of the state, and the relationship between *ḥifẓ al-dīn* and *ḥifẓ al-nafs*. These categories provide a framework for examining how legal and theological texts produce different understandings of religious order (Igboin, 2025; Schaaf, 2021).

This research is normative, textual, and conceptual. It does not employ quantitative

sociological methods to measure the prevalence of these theological views among the general Ahmadiyyah population, nor does it evaluate the political effectiveness of the community's legal defense strategy in court. The social incidents discussed in the article, including Cikeusik and Sintang, function as contextual illustrations of the practical relevance of legal and theological labeling, not as statistical evidence of direct causality. The scope is therefore limited to comparing legal and theological constructions of religious order and assessing their implications for *Maqāṣid al-Sharī'ah*, especially the relationship between *ḥifẓ al-dīn*, *ḥifẓ al-nafs*, and freedom of conscience.

FINDINGS AND DISCUSSION

This study was guided by three research questions. The first research question (RQ1) asked how the Constitutional Court justifies restrictions on religious deviation in the name of public order and religious protection. The second (RQ2) asked how the Ahmadiyyah exegesis understands the Qur'anic principle of non-compulsion in religion. The third (RQ3) asked what the implications of this comparison are for understanding *ḥifẓ al-dīn*, *ḥifẓ al-nafs*, and freedom of conscience in Indonesia's plural society. The findings and their discussion are presented below in the order of these questions.

RQ1: Public Order and Religious Protection in MK Decision No. 140/PUU-VII/2009

The Constitutional Court (Mahkamah Konstitusi, hereafter MK) Decision No. 140/PUU-VII/2009 links constitutional reasoning with the regulation of religious life in Indonesia's Pancasila-based legal order. To examine the underlying logic of this decision, one must first isolate the Court's *ratio decidendi*, specifically how it constructs the causal link between "doctrinal deviation" and "social unrest." The Court's reasoning reveals a specific functional definition of *ḥifẓ al-dīn* that relies heavily on state intervention.

The core of the MK's argument rests on the premise that religious interpretation is not a private matter of conscience (*forum internum*) once it enters the public sphere (*forum externum*), particularly if it contradicts the "basic teachings" (*pokok-pokok ajaran*) of recognized religions. The Court explicitly argues that deviation can be treated as a precursor to social unrest. In a pivotal section of the ruling, the judges state:

"When a person performs an interpretation and activities deemed deviant by 'ulamā' who possess authority and intentionally seeks public support for such deviant interpretation, it will clearly disturb the religious tranquility (mengusik ketentraman beragama) of the respective community, causing a reaction which will ultimately result in social unrest (kerusuhan sosial), because the community feels their religion has been desecrated and insulted by said deviant interpretation" (Mahkamah Konstitusi Republik Indonesia, 2010).

The Court's reasoning follows a linear conception of public order, in which doctrinal deviation is treated as capable of provoking religious offense, social reaction, and

eventually public disorder. Within this framework, minority religious expression is placed within a broader calculation of social risk. A community's reaction is therefore presented as an expected consequence of doctrinal deviation, rather than being discussed primarily as an independent legal problem that requires minority protection and law enforcement. This perspective places a considerable burden on minority groups in maintaining public order. As a result, the "religious peace" of the majority receives stronger legal emphasis than the constitutional rights of minorities to freedom of expression and belief.

The Court further solidifies this logic by arguing that the state has a positive obligation to intervene to prevent this sequence of events. The decision asserts:

"If the state allows the situation described above [unchecked deviation], it means the state is not fulfilling its obligation to realize security and order in society. Therefore, it is appropriate for the state to form the Law on the Prevention of Religious Desecration... to prevent deviations from basic teachings, and to protect religious tranquility" (Mahkamah Konstitusi Republik Indonesia, 2010).

While the decision does not explicitly use the term "fragility," its reasoning presents religious harmony as a condition that requires state regulation when interpretations considered deviant enter public life. As noted by Pratiwi, the Court assumes that revoking the law would create a "dangerous legal vacuum," leading to unregulated conflict (Pratiwi, 2021a). Similarly, Aditya observes that the Court treats the restriction of rights under Article 28J of the 1945 Constitution as a necessary tool to manage this perceived volatility (Aditya et al., 2023). The Court's reasoning, therefore, operationalizes a specific vision of public order: one that is closely connected to the state's management of religious difference. The preservation of "basic teachings" is not merely a theological concern but is elevated to a public-order concern. In this framework, the state assumes a role in determining the limits of religious expression when such expression is considered to disturb religious harmony.

This judicial reasoning does not exist in a vacuum; it reflects a broader bureaucratic operationalization of *Maqāṣid al-Sharī'ah* where the state assumes the role of primary guardian. Recent scholarship confirms that Indonesian state institutions increasingly interpret *ḥifẓ al-dīn* as a mandate for active intervention, whether through the regulation of Islamic boarding schools (Wardhana, 2023), the management of Hajj funds (Aripin, 2025), or the supervision of marriage norms (Rani et al., 2025). In these contexts, the state positions itself as the *wakīl* (representative) and *nāẓir* of religious life, viewing regulatory control as the mechanism to ensure *al-uṣūl al-khamsah* (Al Jufri et al., 2021; Tohari et al., 2022). These examples show that the language of religious protection has become an important part of state regulation in various domains of religious life. The MK's decision may therefore be situated within a broader state-centered model of religious governance, where maintaining religious order is treated as part of maintaining public order.

However, critical dialogue with empirical sociological-legal literature reveals a significant tension in the Court's reasoning. The Court assumes that heterodox speech

can disrupt stability because doctrinal deviation is viewed as a potential source of social reaction. Contrary to this assumption, several studies suggest that threats to public order are not produced by religious difference alone. Instability may also be shaped by political mobilization, vigilante networks, and organized anger (Pratiwi, 2021b).

Tyson characterizes the prosecution of blasphemy as resting on the “fallacy that religious offense threatens public order,” arguing instead that conflict is amplified by mass organizations that instrumentalize these laws (Tyson, 2020). Similarly, Peterson provides evidence that vigilantism, not merely the speech act, is a primary driver of instability (Peterson, 2024). By accepting the “potential for unrest” as a legal ground for restriction, the MK allows hostile social reaction to influence the scope of religious freedom. The Court’s logic implies that because a majority might react strongly to a difference of opinion, the difference itself may be restricted. This creates a problematic incentive structure: stronger hostile reactions can make restrictions appear more necessary in the name of public order. Far from fully resolving disorder, this model of legal reasoning may reproduce the conditions that allow intolerance to shape the boundaries of lawful religious expression.

RQ2: Al-Rushd as Self-Evidence: The Ahmadiyyah Constitutional Alternative

In direct contrast to the State’s anxiety about the fragility of religious order, the Ahmadiyyah exegesis offers a paradigm grounded in the ontological robustness of Truth. While the MK presupposes that the absence of regulation leads to chaos, the Counter-Text, represented by the Tafsīr-e-Kabīr and the sermons of the Ahmadiyyah Caliphate, argues that the clarity of guidance renders coercion not only unethical but also logically redundant.

The Tafsīr-e-Kabīr deconstructs the Qur’ānic axiom *Lā ikrāha fī al-dīn* (No compulsion in religion) by analyzing its immediate syntactic successor: *qad tabayyana al-rushd min al-ghayy* (Truth stands clear from Error) (Aḥmad, 2006). Aḥmad posits that this phrasing provides the causal rationale (*ta’līl*) for the prohibition of force (Aḥmad, 2006). The exegesis addresses an implied question: “If religion is a singular blessing, why are human beings not compelled into it for their own benefit?” The text answers that coercion is the resort of those who lack evidence or of those who deal with those incapable of discernment. However, because *al-rushd* (defined as “steadfastness on the path of truth” or doctrinal maturity) has become distinct from *al-ghayy* (defined as “error,” “destruction,” or “failure”), the intellect can naturally distinguish between them. Within this framework, Islam claims to have provided sufficient proofs (*ta’aqquḥ wa-rawīyah*); therefore, to force acceptance is to implicitly admit that the proofs are insufficient. The Tafsīr-e-Kabīr argues that compulsion validates hypocrisy, citing the *Munāfiqūn* (hypocrites) as evidence that faith born of fear is structurally invalid. Thus, the text reframes “No Compulsion” not merely as a rule of tolerance, but as a statement on the self-evident power of Truth (Aḥmad, 2006).

To safeguard the principle of religious non-compulsion from jurisprudential

erosion, the Ahmadiyyah theological framework categorically rejects the classical doctrine of *naskh* (abrogation). Specifically, this counter-narrative dismisses the assertion that the so-called "Sword Verses" (such as Qur'ān 9:5) invalidated the mandate of tolerance established in verse 2:256. This interpretative stance diverges sharply from the classical consensus championed by scholars such as Al-Suyūṭī, who posited that verses on warfare abrogated dozens of earlier peaceful injunctions. Significantly, this classical logic of abrogation often implicitly underpins modern state justifications for prioritizing public security over religious liberty (Adhani et al., 2025; Wardani, 2010).

In contrast, Tafsīr-e-Kabīr maintains that the Qur'ān's inherent perfection precludes any possibility of internal contradiction. Mirzā Bashīruddīn Maḥmūd Aḥmad asserts that the injunction against compulsion (*lā ikrāha*) and the conditional commands to fight remain simultaneously valid because they operate within distinct, non-overlapping domains. The former exclusively governs matters of personal faith, which inherently necessitate freedom of conscience, whereas the latter regulates the political necessity of defense against physical aggression (Aḥmad, 2006).

By identifying the enduring clarity of truth (*qad tabayyana al-rushd*) as the underlying legal rationale (*ratio legis*) for non-compulsion, the exegesis establishes the prohibition of religious coercion as an eternal mandate. Consequently, the text argues that asserting verse 2:256 has been abrogated is tantamount to claiming that divine truth is no longer distinguishable from error, a proposition framed as a theological impossibility.

The theological abstraction mentioned above finds its practical expression in the contemporary socio-political discourse of the Fifth Caliph of Ahmadiyyah, Mirzā Bashīruddīn Maḥmūd Aḥmad. Responding to the social instability feared by the Constitutional Court, such as violent public reactions to blasphemous provocations like *The Innocence of Muslims*, the Caliph put forward a doctrine of intellectual defense called "Jihad with the Pen" (*Jihād bi al-qalam*). He explicitly condemned vigilante violence, including attacks on diplomatic missions, as a fundamental violation of Islamic teachings. He argued that such violent responses cause greater damage to the Prophet's reputation than the initial provocation itself. Therefore, the Ahmadiyyah leadership opposes the state paradigm of "Order through Restriction" in favor of an alternative model of "Order through Engagement." Within this framework, preserving the honor of Islam requires strong intellectual advocacy that persuades rather than coerces. Furthermore, military *jihad* is strictly defined as a defensive mechanism to guarantee universal religious freedom. It functions not as a tool to impose doctrine, but as a protector (*shāhid muḥāfiẓ*) of all places of worship from aggressive destruction (Ahmad, 2013; Janbah, 2018).

However, the discrepancy between this theological ideal and the reality of society remains striking. Various sources describe the "sadistic dilemma" imposed by state laws (such as Article 295-C of the Pakistani Penal Code, which is similar to the logic of Indonesia's Blasphemy Law), in which Ahmadis are caught in a legal trap: rejecting

Islamic terms violates their conscience (forum internum), while using them invites criminal charges of blasphemy. This creates a state-imposed “identity compulsion,” in which subjects are criminalized for their own concept of self. Furthermore, the discourse of “freedom of conscience” is not immune to internal debate. Contradictory narratives, such as those presented by Janbah, accuse the Caliphate of a contradiction between its external advocacy for freedom and its internal administrative discipline. Critics argue that the threat of exclusion (*nizām*) for ideological differences constitutes a form of “imprisoned conscience,” akin to the coercion condemned in the state. Although Tafsīr presents an ideal epistemology of non-coercion, these internal frictions highlight the complexity of applying *Lā ikrāha* within a structured religious hierarchy.

RQ3: Inverting the Maqāṣid

The conflict between the State’s ratio decidendi and the Minority’s tafsīr is not merely a theoretical dispute. When the MK’s logic that restriction is necessary for order is tested against empirical reality, a disturbing pattern, emerges the state’s pursuit of a restrictive *ḥifẓ al-dīn* does not preserve public order, but actively generates structural violence. Empirical data from human rights investigations reveal that the legal instruments upheld by MK Decision No. 140/PUU-VII/2009 serve as the primary enabling factors for the violation of *ḥifẓ al-naḥs* and *ḥifẓ al-māl*.

The Constitutional Court upheld the Blasphemy Law on the grounds that it serves as a mechanism to “prevent” social conflict. However, the National Human Rights Commission’s findings after 2009 contradict this judicial assumption. In the Cikeusik incident (February 6, 2011), in which three Ahmadiyah people were killed, and two others were seriously injured, the investigation explicitly identified the 2008 Joint Ministerial Decree (SKB 3 Menteri) and the 2005 MUI fatwa as the main triggers of the violence. Instead of suppressing conflict, this regulatory framework legitimized the perception that the Ahmadiyyah community was a “religious threat,” thereby encouraging a group of around 150–200 people to commit crimes (Komnas HAM, 2011). The normative environment created by the state provided “moral justification” for mass mobilization, directly contradicting the Constitutional Court’s claim that such regulations maintain order. This pattern of state-supported violence continued ten years later in Sintang, West Kalimantan (September 3, 2021), where a group of people burned down an Ahmadiyyah mosque after a bureaucratic warning that referred to the state’s label of Ahmadiyyah as “deviant” (Adams, 2021). Far from being a spontaneous reaction to blasphemy, this violence was a structured enforcement of the state’s own exclusive categories.

A structural explanation for this phenomenon can be identified in the interaction between state policy and vigilante activism. The 2008 SKB provided “ideological legitimization” for non-state actors to enforce orthodoxy; when the state legally designates a group as “deviant” to protect *ḥifẓ al-dīn*, it implicitly deputizes civil society groups to act as enforcers. Vigilantes interpret state restrictions not as the final word,

but as a minimum standard that justifies further “rectification” through violence. Consequently, the “preventive function” attributed to the Blasphemy Law by the MK remains a judicial hypothesis unsupported by causal statistics. While comparative cross-national data suggest that restrictive religious regulation predicts higher levels of conflict (Henne & Klocek, 2017), the Indonesian experience specifically demonstrates that the legal validation of a hierarchy of belief creates a culture of impunity. By prioritizing the protection of “basic teachings”, the state has constructed a legal architecture where the violation of *ḥifẓ al-nafs* is treated as a collateral consequence of maintaining *ḥifẓ al-dīn*.

This empirical failure necessitates a theoretical reconstruction of the *Court's Maqāṣid framework*. The Court operates within a rigid pyramidal hierarchy, in which the preservation of religious form (*ḥifẓ al-dīn*) is isolated and prioritized above individual rights. This approach reflects a classical model criticized by contemporary theorists such as Jasser Auda, who argues that such static hierarchies often sacrifice universal values, justice, and freedom in favor of doctrinal replication (Rofi'i & Fata, 2025). By applying a “systems approach,” Auda says that *Maqāṣid* should be redefined not as a pyramid, but as “interconnected circles” characterized by unity and multidimensionality. In this view, *ḥifẓ al-dīn* cannot stand alone; it is structurally dependent on the realization of *ḥifẓ al-nafs* (which now includes psychological and social well-being) and *ḥurriyyah* (freedom) (Anshori, 2020; Tahir & Hamid, 2024). The violence in Cikeusik and Sintang shows that when the state attempts to enforce *dīn* by violating *nafs* and *ḥurriyyah*, the entire system collapses.

The legal debate surrounding “public order” centers on a hermeneutical debate over the concept of *fitnah* in the Qur'ān. In its ruling, the State, as reflected in Constitutional Court Decision No. 140/PUU-VII/2009, implicitly operationalizes *fitnah* as social chaos and instability that allegedly arises from doctrinal deviations. However, this definition is strongly challenged by both classical interpretations and modern Islamic legal studies. Rather than equating *fitnah* with theological differences, these scholars define it primarily as “persecution” (*al-idṭihād*) and religious coercion.

Referring to classical interpretations, such as Ibn 'Umar's reading of Qur'ān 2:193, along with contemporary legal analysis (Farman, 2021; Kamali, 1993), *fitnah* is more accurately understood as a state of systemic coercion that deprives individuals of their fundamental right to worship freely. Viewed through this paradigm, state-sanctioned restrictions and vigilante violence represent the true *fitnah*, while the religious practices of minorities are merely legitimate exercises of freedom of belief (*ḥurriyyat al-i'tiqād*).

This conceptual paradigm shift is further supported by contemporary discourses in Fiqh of Minorities (*Fiqh al-Aqalliyyāt*) and Fiqh of Crisis (*Fiqh al-Azmah*). These modern legal frameworks separate the concept of “public order” from the enforcement of a single orthodoxy. Instead, they redefine public order as the protection of equal citizenship (*muwāṭanah*) and the maintenance of peaceful coexistence (Fadhil, 2024; Zaripov, 2024). The Ahmadiyyah emphasis on non-coercion (*al-rushd*) provides a far

more sustainable and robust foundation for public order, one firmly rooted in the public interest (*maṣlaḥah*) and the law than the fragile state's reliance on enforced orthodoxy.

CONCLUSION

MK Decision No. 140/PUU-VII/2009 shows how the protection of religion and public order are closely connected in Indonesia's constitutional reasoning on the Blasphemy Law. The Court does not merely validate the existence of the law; it also constructs a legal argument under which religious interpretations deemed deviant may be restricted when viewed as capable of disturbing social harmony. This reasoning places *ḥifẓ al-dīn* within a state-centered model of religious governance, where the state assumes a role in maintaining the boundaries of acceptable religious expression. However, the analysis in this article shows that such an approach can create tension between the protection of religion and the protection of minority believers, especially when the prevention of doctrinal deviation is prioritized over the protection of life, security, and freedom of conscience.

This study has demonstrated that the Ahmadiyyah exegesis of Qur'ān 2:256 offers a minority normative perspective on religious non-compulsion. By defining *al-rushd* as clear guidance and distinguishing it from *al-ghayy*, this tafsīr presents freedom of conscience not merely as a modern liberal value, but as a principle rooted in the Qur'ānic text itself. As a minority theological source, this exegesis enriches the discussion by showing how religious freedom can be defended from within Islamic discourse. The comparison between the Court's reasoning and the Ahmadiyyah interpretation therefore reveals two different constructions of religious order: one emphasizes state regulation to prevent social unrest, while the other emphasizes the theological invalidity of coercion in matters of faith.

The main contribution of this article lies in showing that debates on the Blasphemy Law should not be limited to a binary opposition between state authority and secular human rights. The internal Islamic argument for non-compulsion is also important for reassessing the meaning of public order, *ḥifẓ al-dīn*, and minority protection in Indonesia. In this framework, *fitnah* should not be understood simply as the existence of religious difference, but as conditions of coercion, persecution, and violence that prevent individuals and communities from practicing their beliefs safely. A *Maqāṣid*-based approach to religious governance, therefore, needs to read *ḥifẓ al-dīn* together with *ḥifẓ al-naḥs* and freedom of conscience. No claim to protect religion can be fully persuasive if it undermines the safety and dignity of religious adherents.

This article concludes that sustainable public order in a plural society cannot depend solely on the policing of orthodoxy. It requires a legal and ethical framework that protects religious communities from violence, prevents the misuse of deviance labels, and recognizes equal citizenship. Future research may develop this argument through empirical studies of how Ahmadiyyah communities understand non-compulsion in daily life, how state officials interpret religious harmony, and how local regulations

shape the actual protection of minority believers.

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Authors' Contribution

Masgun Arifin [conceptualized the study, analyzed the Constitutional Court decision and the Ahmadiyyah exegesis, and drafted the manuscript]. Ahmad Nabilul Maram [contributed to the maqāsid-based analytical framework and the interpretation of findings, and critically revised the manuscript]. Both authors read and approved the final manuscript. [Please revise to reflect each author's actual contribution.]

AI Generative Statement

The authors declare that generative AI tools were used solely for language refinement, grammar checking, and improving the clarity of expression during the preparation of this manuscript. All core academic activities, including research conceptualization, collection of legal and religious sources, analysis, interpretation of findings, and final academic decisions, were conducted independently by the authors. The authors take full responsibility for the originality, accuracy, and integrity of the entire content of this article.

Statement of Conflict of Interest

The authors declare that there is no conflict of interest that could have influenced the research, authorship, or publication of this article.

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