

**CIRCULATING
LETTER
3 MINISTERS JOINT
DECREE**

UNOFFICIAL TRANSLATION

JOINT DECREE OF
THE MINISTER OF RELIGION OF THE REPUBLIC INDONESIA
THE ATTORNEY GENERAL OF THE REPUBLIC INDONESIA
THE MINISTER OF HOME AFFAIRS OF THE REPUBLIC INDONESIA

NUMBER: 93 Year 2016

NUMBER: KEP-043/A/JA/02/2016

NUMBER: 223 – 865 Year 2016

REGARDING THE ORDERS AND WARNINGS TO THE FORMER BOARDS, FORMER MEMBERS, FOLLOWERS AND/OR SYMPATHIZERS OF THE SOCIAL ORGANIZATION GERAKAN FAJAR NUSANTARA OR IN ANY OTHER FORMS TO DISCONTINUE THE SPREADING OF ANY RELIGIOUS ACTIVITIES THAT DEVIATE FROM THE BASIC TEACHINGS OF ISLAM

THE MINISTER OF RELIGION OF THE REPUBLIC INDONESIA
THE ATTORNEY GENERAL OF THE REPUBLIC INDONESIA
THE MINISTER OF HOME AFFAIRS OF THE REPUBLIC INDONESIA

Viewing:

- a. That freedom of religion is a human right that can not be reduced under any circumstances, everyone is free to profess his own religion and to worship according to their religion or belief, the state guarantees the freedom of each citizen to profess his/her own religion and to worship according to his/her religion and belief it and it is the rights and freedom of everyone shall respect the rights of others in the orderly life of society, nation and state, and subject to the restrictions set forth by the Law;
- b. That everyone is prohibited deliberately publicly speaking, advocating or seek public supports, for an interpretation of a religion that adopted in Indonesia or conduct any religious activities that resemble the activities of such a religion, interpretations and activities which deviate from the principals of that religion;
- c. That the community organization Fajar Nusantara (GAFATAR) is a metamorphosis of the Community Millah Abraham (Komar) previously also known as the Al-Qiyadah Al-Islamiyah which has been prohibited by the Decree of the General Attorney of the Republic of Indonesia Number: KEP-116/A/JA/11/2007 dated November 9, 2007 on the Prohibition of the sect's activity and doctrine of the Al-Qiyadah Al-Islamiyah in Indonesia, which considered in banning the activities of the sect and the teachings of Al-Qiyadah Al-Islamiyah one of them is with the Fatwa from the Indonesian Ulema Council, Number 04 Year 2007 about the Qiyadah Al-Al-Islamiyah Sect;

- d. That the existence of the social organization Gerakan Fajar Nusantara (GAFATAR), which has been growing in Indonesia, its activities have been causing a disturbance in society for spreading religious activities which deviate from the principal teachings of Islam;
- e. That the existence of the GAFATAR organization, which is a metamorphosis of the Millah Abraham Community (Komar) previously is also a metamorphosis of the Al-Qiyadah Al-Islamiyah that has been disturbing the religious society, especially for the Muslims that are recognized in the country of Indonesia, hence it could influence and cause a disruption of public peace and order;
- f. That citizens shall keep and maintain harmony among religions to create peace and order in society, in order to achieve national unity;
- g. That based on the Fatwa of the Indonesian Ulema Council No. 6 of 2016 dated February 3, 2016 regarding the sect of Gerakan Fajar Nusantara (GAFATAR), which stipulates that the GAFATAR is misguided and misleading sect;
- h. That with a view to maintaining and fostering peace of religion and orderly community life, as well as the considerations referred to in letters a through g, needs to set a joint decree of the Minister of Religious Affairs, Attorney General and Minister of Home Affairs of the Republic of Indonesia on Command and Warning to the Former Managements, Former Members, Followers and/or sympathizers of the community organization Gerakan Fajar Nusantara (GAFATAR) or in any other forms to stop the spread of religious activities that deviate from the principal teachings of Islam.

Considering:

1. Article 28E, Article 28I paragraph (1), Article 28J, and Article 29 the 1945 Constitution of the Republic Indonesia;
2. The Indonesian Criminal Code (KUHP);
3. The Law Number 1/PnPs/1965 about the Prevention of Abuse and/or Desecration of Religion (Gazetted Republic Indonesia Year 1965 Number 3, Additional Gazetted Republic Indonesia Number 2726) jo. Law Number 5 Year 1969 about Various Determination Presidential Statement and Presidential Decree as Law (Gazetted Republic Indonesia Year 1969 Number 36);
4. The Law Number 39 Year 1999 about Human Rights (Gazetted of the Republic Indonesia Year 1999 Number 165, Additional Gazetted of the Republic Indonesia Number 3886);
5. The Law Number 16 Year 2004 about Republic Indonesia Attorney (Gazetted Republic Indonesia Year 2004 Number 67, Additional Gazetted Republic Indonesia Number 4401);

6. The Law Number 12 Year 2005 about the Validation of International Covenant On Civil and Political Rights (Gazetted of the Republic Indonesia Year 2005 Number 119, Additional Gazetted of the Republic Indonesia Number 4558);
7. The Law Number 17 Year 2013 regrading Community Organization (Gazetted of the Republic Indonesia Year 2013 Number 116, Additional Gazetted of the Republic Indonesia Number 5430);
8. The Law Number 23 Year 2014 regarding Local Governance (Gazetted the Republic Indonesia Year 2014 Number 224, Additional Gazetted Number 5597) as several times be modified recently with Law Number 9 Year 2015 about the Second Amendment on top of Law Number 23 Year 2014 about the Local Governance (Gazetted of the Republic Indonesia Year 2015 Number 58, Additional Gazetted of the Republic Indonesia Number 5679);
9. The Constitutional Court Decision, Number: 82/PUU-XI/2013 dated 23 of December 2014 about Examination PUU Number: 17 Year 2013 about Community Organization;
10. The Presidential Decree, Number 38 Year 2010 regarding organization and working procedures of the Minister of Justice of the Republic Indonesia;
11. The Presidential Decree Number 7 Year 2015 regarding the Organization of the State Ministries;
12. The Ministerial Joint Decree of the Minister of Religion and Minister of Home Affairs Number 1 Year 1979 about Religious Broadcasting Implementation Procedures and Foreign Aid to Religious Institution in Indonesia;
13. The Attorney General Regulation Number: PER-009/A/JA/01/2011 regarding organization and working procedures of the Attorney General of the Republic Indonesia, as it has been modified by the Attorney General Regulation Number: PER-006/A/JA/3/2014 about changes on the Attorney General Regulation Number: PER-009/A/JA/01/2011 regarding organization and working procedures of the Attorney General of the Republic Indonesia;
14. The Minister of Home Affairs Number 43 Year 2015 regarding the organization and working procedures of the Ministry of Home Affairs;
15. The Minister of Religion Regulation Number 10 Year 2010 about Organization and Working Procedures of the Ministry of Religion, as it has been modified for several times recently by the Minister of Religion, Regulation Number 16 Year 2015 regarding the Fourth Change on top of the Minister of Religion Regulation Number 10 Year 2010 regarding the Organization and Working Procedures of the Ministry of Religion;
16. The Attorney General Regulation Number: PER-019/A/JA/09/2015 about the Coordinator Team to Monitor Belief and Religious Sects in the Community;
17. The Attorney General Decree Number: KEP-116/A/JA/11/2007 about the Prohibition of Activities and the Teachings of Al-Qiyadah Al-Islamiyah through out Indonesia;

18. The Attorney General Decree Number: KEP-146/A/JA/09/2015 about the Formation of the Coordinator Team to Monitor Belief and Religious Sects (PAKEM) in the Community at the Central Level.

DECIDING:

SET: A JOINT DECREE BY THE MINISTER OF RELIGION OF REPUBLIC INDONESIA, THE ATTORNEY GENERAL OF REPUBLIC INDONESIA, THE MINISTER OF HOME AFFAIRS OF REPUBLIC INDONESIA REGARDING THE COMMAND AND WARNING TO THE FORMER BOARDS, FORMER MEMBERS, FOLLOWERS AND / OR THE SYMPATHIZERS OF THE SOCIAL ORGANIZATION GERAKAN FAJAR NUSANTARA OR IN ANY OTHER FORMS TO DISCONTINUE THE SPREADING OF ANY RELIGIOUS ACTIVITIES THAT DEVIATE FROM THE BASIC TEACHINGS OF ISLAM

FIRST: Giving orders and warnings to the former boards, former members, followers and / or sympathizers of the social organization Gerakan Fajar Nusantara (GAFATAR) or in any other forms, prohibit them from deliberately publicly speaking, advocating or seek public supports in interpreting a religious affiliations in Indonesia or conduct any religious activities that resemble the activities of a certain religion, interpret and conducting activities that digress from the principal teachings of that religion.

SECOND: Giving orders and warnings to the former boards, former members, followers and / or sympathizers of the community organization Gerakan Fajar Nusantara (GAFATAR) or in any other forms to discontinue the spread, interpret and conduct any activity that deviates from the principal teachings of Islam.

THIRD: The former boards, former members, followers and/or sympathizers of the social organization Gerakan Fajar Nusantara (GAFATAR) or in any other forms, which does not heed orders and warnings referred to in the first and second dictums can be sanctioned in accordance with the provisions of the legislation, including the organization and its legal entities

FOURTH: Giving orders and warnings to the other citizens to keep control and maintaining the religious harmony, peace and orderly life of society by not doing the deeds and/or actions against the former boards, former members, followers and/or sympathizers of the social organization Gerakan Fajar Nusantara (GAFATAR) or in any other forms.

- FIFTH: For the citizen who does not heed the warnings and orders as referred to in the fourth dictum can be sanctioned in accordance with the provisions of the laws and regulations.
- SIXTH: Giving an order to the Authorities and Regional Governments to take the guidance steps for security and surveillance of the implementation of this joint decree
- SEVENTH: This Joint Decree applies since the date that set.

Set at : Jakarta.

Date : 29 February 2016

Minister of Religion RI

Attorney General of RI

Minister of Home Affairs of RI

LUKMAN HAKIM SIFUDDIN

H.M PRASETYO

TJAHJO KUMOLO

**CIRCULATING LETTER
OF THE
3 MINISTERS
JOINT DECREE**

Jakarta, 3 March 2016

Your Honoured:

1. Governor
2. Chief of Public Prosecutor
3. Chief of Regional Office Province Religious Ministry
4. Regent / Mayor

Upon –

Throughout Indonesia

**DISTRIBUTION LETTER OF
THE GENERAL SECRETARY OF THE MINISTRY OF RELIGION OF THE
REPUBLIC INDONESIA, DEPUTY ATTORNEY GENERAL FOR INTELLIGENCE,
AND DIRECTOR GENERAL OF POLITICS AND PUBLIC ADMINISTRATION OF
THE MINISTRY OF HOME AFFAIRS OF THE REPUBLIC INDONESIA**

NUMBER: SE/SJ/06/2016

NUMBER: SE/B-264/D/DSP.2/03/2016

NUMBER: 410/921/POLPUM

**REGARDING
THE GUIDELINES FOR THE JOINT DECREE OF THE MINISTER OF RELIGION
OF REPUBLIC INDONESIA, ATTORNEY GENERAL OF THE REPUBLIC
INDONESIA, THE MINISTER OF HOME AFFAIRS OF THE REPUBLIC INDONESIA
NUMBER: 93 YEAR 2016; NUMBER: KEP-043/A/JA/02/2016; NUMBER: 223 – 865
YEAR 2016**

**REGARDING
ORDERS AND WARNINGS FOR THE FORMER BOARDS, FORMER MEMBERS,
FOLLOWERS AND/OR SYMPATHIZERS OF THE SOCIAL ORGANIZATION
GERAKAN FAJAR NUSANTARA OR IN ANY OTHER FORMS
TO
STOP THE SPREAD OF ANY RELIGIOUS ACTIVITY THAT DEVIATES FROM THE
BASIC TEACHINGS OF ISLAM**

Legal Basis

Joint Decree of the Minister of Religion of Republic Indonesia, the Minister of Justice of Republic Indonesia and the Minister of Internal Affairs of Republic Indonesia, Number: 93 Year 2016; Number: KEP-043/ A/ JA/ 02/ 2016; Number: 223 – 865 Year 2016 dated 29 February 2016 about the orders and the warnings to the former boards, former members, followers and/or

the sympathizers of the social organisation Gerakan Fajar Nusantara or in any other forms to stop the spreading of any religious activities that deviate from basic teachings of Islam. Following up the decree as mentioned above, we request that you to conduct the socialization, coaching, security, monitoring, coordination and report as follows:

A. Socialization.

1. The Legal Standing of the Decree

- a. The decree is in accordance with Article 2 (1) of Law Number: 1/ PnPS/ 1965 on the Prevention of Abuse and/or Religious Desecration, as amended by Law No. 5 of 1969, and Article 7, paragraph (4) of Law Number 10 year 2004 about Regulation on the Establishment of Legislation, thus this decree has a legal force.
 - b. The decree is in accordance with Article 28 E, Article 28 I, Article 28 J and Article 29 of the Constitution of the Republic of Indonesia 1945; Article 22, Article 70 and Article 73 of Law Number: 39 of 1999 on Human Rights; and Article 18 paragraph (1), paragraph (2), and paragraph (3) of Law Number: 12 year 2005 about the verification of the International Covenant on Civil and Political Rights (International Covenant on Civil and Political Rights).
 - c. The Decree is not a Government intervention against one's convictions, however it is the Government's attempt that in accordance with authority as stipulated by the constitution to maintain and nourish the religious tranquillity and an orderly society life that has been disturbed due to the presence of conflict in society from the spread of deviant religious understanding.
2. The socialization for the former boards, former members, followers and/or the sympathizers of the social organisation of Gerakan Fajar Nusantara (GAFATAR) or in any other form. This socialization is intended to provide an understanding of the content and purpose of the Joint Decree by the Minister of Religion of the Republic Indonesia, the Attorney General of the Republic Indonesia and the Minister of Home Affairs the Republic of Indonesia Number: 93 Year 2016; No. KEP-043/A/JA/02/2016; Number: 223-865 2016, dated 29 February 2016 about the orders and the warnings to the former boards, former members, followers and/or sympathizers of the social organization Gerakan Fajar Nusantara or in any other forms to discontinue the spreading of any religious activities that deviate from the basic teachings of Islam, particularly mentioned on the First, Second and Third Dictums.

The First Dictum reads:

“Giving orders and the warnings to the former boards, former members, followers and/or sympathizers of the social organization Gerakan Fajar Nusantara (GAFATAR) or in any other forms, prohibit them from deliberately speaking on public, advocate and seek for public supports, interpret any religions that existed in Indonesia or conduct any religious activities that resemble any of those religions, interpret and perform activities that deviate from the basic teachings of those religions.”

What it meant by deliberately speaking on public, advocate and seek for public supports, is all efforts, intentions, activities or acts of deployment by a person to others, either in a public place or specific places such as synagogues and other buildings.

The Second Dictum reads:

“Giving orders and the warnings to the former boards, former members, followers and/or sympathizers of the social organization Gerakan Fajar Nusantara (GAFATAR) or in any other forms to stop the spread of any religious activity that deviates from basic teachings of Islam.”

The meaning of this dictum is that:

- a. The warnings and orders are addressed to the former boards, former members, followers and/or sympathizers of the social organization Gerakan Fajar Nusantara or in any other forms. It means that that subjects of the law of this decree are the former boards, former members, followers and/or sympathizers of the social organization Gerakan Fajar Nusantara or in any other forms to stop the spread of any the religious activity that digresses from the basic teachings of Islam.
- b. What it meant by the orders and warnings to stop the spread, interpret and conduct any activities that deviate from the basic teachings of Islam is that any activity of spreading the ideology and beliefs of the Millah Abraham and other similar ideologies and beliefs, which is deviant and misleading as it is an incorporation between the teachings of Islam, Christianity, and Judaism, which is interpreting the verses of the Quran that does not comply with the *tafsir* (Interpretation).

The deeds or activities such as speeches, lectures, sermons, prayers, inaugurations, seminars, workshops and other activities, either in verbals or writings, in the form of books, organization documents, printed and electronic medias containing the teachings and are intended for the dissemination of ideology and belief of the Millah Abraham, as well as other similar ideologies and beliefs, all are included as subjects of being warned and ordered.

The Third Dictum reads:

“The former boards, former members, followers and/or sympathizers of the social organization of Gerakan Fajar Nusantara (GAFATAR) or in any other forms who ignore the orders and the warnings as referred in the FIRST and the SECOND Dictums, may be subjected to sanctions in accordance with provisions of the legislation, including the organization and its legal entities.”

This means that if the warnings and orders to stop the spread as mentioned in the first and second dictum is not implemented, then it could be subject to sanctions.

The sanctions stipulated in the dictum is the criminal sanctions associated with the misuse and/or religion desecration, as stipulated in Article 1 in conjunction with Article 3 of Law Number 1/Pnps/1965 and/or Article 156a of the Penal Code, which is punishable by imprisonment for maximum of five years.

Beside the criminal sanctions mentioned as above, for the community organizations Gerakan Fajar Nusantara (GAFATAR) or in any other forms, may be liable to dissolution of the organization and its legal entity through the procedure in accordance with the applicable legislation.

3. Socialization to the Community

Socialization to the Community aims to provide an understanding of the content of the Joint Decree by the Minister of Religion of the Republic Indonesia, the Minister of Justice of the Republic Indonesia and the Minister of Home Affairs of the Republic Indonesia, Number: 93 Year 2016; Number: KEP-043/A/JA/02/2016; Number: 223– 865 Year 2016, dated 29 February 2016 about the orders and warnings to the former boards, former members, followers and / or sympathizers of the social organization Gerakan Fajar Nusantara or in any other forms to stop the spreading of any the religious activity that digresses from the basic teachings of Islam, especially on the Fourth and Fifth Dictums.

The Fourth Dictum reads:

“Giving orders and warnings to the other citizens to keep control and maintaining the religious harmony, peace and orderly life of society by not doing the deeds and/or actions against the former boards, former members, followers and/or sympathizers of the social organization Gerakan Fajar Nusantara (GAFATAR) or in any other forms.”

This means that citizens of the community are given the warnings and orders not to conduct or perform any actions against the former boards, former members, followers and/or sympathizers of the social organisation Gerakan Fajar Nusantara (GAFATAR) or in any other forms, with the purpose to protect the former boards, former members, followers and/or sympathizers of the social organisation Gerakan Fajar Nusantara (GAFATAR) or in any other forms including their properties, in order to maintain religious harmony and peace and orderly social life.

It is intended for people to obey the law by not taking any anarchists action such as sealing, vandalism, arson and other unlawful acts against the former boards, former members, followers and/or sympathizers of the social organization Gerakan Fajar Nusantara (GAFATAR) or in any other forms, which includes their properties.

FIFTH Dictum reads:

“Citizens who ignore the warnings and orders referred to in the FOURTH Dictum can be sanctioned in accordance with the provisions of the legislation.”

This means that citizens that violate the law by conducting vigilante, anarchy and the acts of arbitrarily against the former boards, former members, followers and/or sympathizers of the social organization Gerakan Fajar Nusantara (GAFATAR) or in any other forms may be subject to criminal sanctions in accordance with the laws and regulations, among others, as set forth in the Penal Code (KUHP) Article 156 of spreading hatred and enmity, Article 170 of the acts of violence against persons or goods, Article 187 of arson, Article 351 of torture, Article 335 of unpleasant acts, Article 406 on the destruction of goods and other regulations.

B. Coaching

In accordance with the mandate of the Joint Decree of the SIXTH dictum that reads:

“Giving order to the Government Officials and the Regional Governments to take steps in coaching in regard to the guidance and supervision of the implementation of this Joint Decree”

The coaching would be conducted as follows:

1. Regional Governments

Regional Governments together with PAKEM Team at the Provincial and Regency/City levels are requested to proactively conduct meetings with the former boards, former members, followers and/or sympathizers of the social organization Gerakan Fajar Nusantara (GAFATAR) or in any other forms, also for the society to conduct coaching with the following steps:

- a. Encourage the former boards, former members, followers and/or sympathizers of the social organization Gerakan Fajar Nusantara (GAFATAR) or in any other forms and the community to jointly maintain and nourish the religious tranquillity and orderly society and to implement the applicable legal provisions in order to achieve a harmony and the national unity.
- b. Coaching the former boards, former members, followers and/or sympathizers of the social organization Gerakan Fajar Nusantara (GAFATAR) or in any other forms in their regions, it would be conducted through:
 1. Guidance includes the provision of advice, suggestions, hints, guidance or religious counseling and sermons to refrain from actions or activities such as speeches, lectures, sermons, prayers, inauguration, seminars, workshops, and other activities, either in verbal or writings, in the form of books, documents organizations, printed and electronic medias containing the charge and is intended for the dissemination of ideology and belief of the Millah Abraham or other ideologies and beliefs that are similar, which is deviant and misleading as it is incorporating between the teachings of Islam, Christianity and Judaism by interpreting the verses of the Quran that does not comply with the *tafsir* (interpretation).
 2. Providing protection to the citizens in accordance with legislation;
 3. Giving encouragement to understand, explore and practice the teachings of religion of Islam as its best, hence it would not be deviated from the basic teachings of Islam.
 4. Giving impetus to the implementation of the religious activities to intermingle with other Muslims.

2. Government

- a. The coaching shall be conducted by the Government on the activities the Social Organization of Gerakan Fajar Nusantara (GAFATAR), which is directed to

discontinue the acts or activities such as speeches, lectures, sermons, prayers, inaugurations, seminars, workshops and other activities, either in verbal or writing, in the form of books, document organizations, printed and electronic medias containing the charge and is intended for the dissemination of ideology and belief of the Millah Abraham as well as other similar ideologies and beliefs, which is deviant and misleading as it is incorporating between the teachings of Islam, Christianity, and Judaism by interpreting the verses of the Quran that does not comply with the interpretation.

- b. The coaching shall be conducted by the Government to the former boards, former members, followers and/or sympathizers of the social organization Gerakan Fajar Nusantara (GAFATAR) or in any other forms, citizens and community organizations aimed to strengthen the awareness of the life of society, nation and state, as well as ensuring the national unity and cohesion within the Unitary State of the Republic of Indonesia based on Pancasila and the Constitution of 1945.
- c. The religious guidance shall be conducted by the Minister of Religion of the Republic Indonesia and the rest of the institutions of the Religious Ministry of the Republic of Indonesia, both at the central and the regions levels, in collaboration with the Ulemas, public figures and religious organization committees.

C. Security and Surveillance

1. Regional Governments together with the PAKEM Team at the Provincial and Regency/City levels are requested to proactively conduct meetings with the former boards, former members, followers and/or sympathizers of the social organization Gerakan Fajar Nusantara (GAFATAR) or in any other forms and citizens in implementing the Ministerial Joint Decree in their respective regions.
2. The Government conducts surveillance and control of the implementation of the Ministerial Joint Decree through monitoring, evaluation and supervision of security and surveillance that carry out by the local governments.
3. The community is able to supervise the implementation of the Ministerial Joint Decree by monitoring, observing and reporting to the authorized local officials without committing vigilante, anarchic and arbitrary acts or other unlawful activities.

D. Coordination and Reporting

1. The Governors and Regents/Mayors, together with the PAKEM Team at the provincial, Regency/City levels are coordinating the implementation of the Decree that include the guidance and supervision.
2. The Governors together with the PAKEM Team of Provincial shall report the implementation of the Decree that includes the guidance and supervision to the Minister of Religion of the Republic Indonesia, Attorney General of the Republic Indonesia and Minister of Home Affairs of Republic Indonesia.

3. The Governors together with the PAKEM Team of Provincial shall report the implementation of the Decree that includes the guidance and supervision to the Governors with copies to the Chief of the PAKEM Team of Provincial.
4. Reporting the implementation of the Ministerial Joint Decree that includes the guidance and supervision shall carry out in accordance with the purposes, at least once in every 6 (six) months.
5. Reporting the implementation of the Ministerial Joint Decree that includes the guidance and supervision by the government, local governments and communities that classified as criminal acts shall be forwarded to the Indonesian National Police.

Thus, this distribution letter shall be used appropriately.

Set at : Jakarta.

Date : 03 March 2016