

# ESENSIA

Jurnal Ilmu-Ilmu Ushuluddin

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*Rahmadi Agus Setiawan*

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*Umma Farida*

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# ESENSIA

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## DAFTAR ISI

<b>Understanding the Contestation of Multi Political Parties in Indonesia Through Nietzsche’s Conflictive-Agonistic Power and Elias’s Figurative Power Conception</b> <i>Alim Roswanto</i> .....	1
<b>Analyzing the Concept of Tawakal in Al-Palimbani’s Paradigm of Tasawuf</b> <i>Pirhat Abbas</i> .....	17
<b>Coherence Method in Matan Criticism</b> <i>Ahmad Musyafiq</i> .....	37
<b>Aids as God’s Punishment: Examining Ibn Majah’s Sexual Ethics and Implication of Transgression</b> <i>Maufur &amp; Saifuddin Zuhri</i> .....	51
<b>Extraordinary Women (Harmony of <i>Ibadah</i> and <i>Aqidah</i> in Inventing the Perfection of Ramadan at the <i>Salat Empat Puluh</i> in Sijunjung)</b> <i>Salma Salma, Jarudin Jarudin</i> .....	61
<b>Building an Islamic Feminist Liberation Theology For Women in Prostitution Investigating Women’s Liberation of Prostitution at Pasar Kembang, Yogyakarta</b> <i>Rahmadi Agus Setiawan</i> .....	73
<b>Religious Tolerance in the Quran and Sunnah and the Importance of Its Application in Indonesia</b> التسامح الديني في ضوء القرآن والسنة وأهمية تطبيقه في اندونيسيا <i>Umma Farida</i> .....	95
<b>Observing HTI’s Da’wah Movement Following Perppu Number 2 of 2017 Concerning Community Organizations</b> <i>Fatmawati, Kalsum Minangsih, Siti Mahmudah Noorhayati</i> .....	119

## Observing HTI's Da'wah Movement Following Perppu Number 2 of 2017 Concerning Community Organizations

Fatmawati<sup>1</sup>, Kalsum Minangsih<sup>2</sup>, Siti Mahmudah Noorhayati<sup>3</sup>

<sup>1,2</sup>UIN Syarif Hidayatullah Jakarta, <sup>3</sup>Institut Agama Islam Sahid Bogor  
E-mail: <sup>1</sup>fatmawati@uinjkt.ac.id, <sup>2</sup>kalsumminangsih@uinjkt.ac.id, <sup>3</sup>noorhayatimahmudah@gmail.com

### Abstract

*This research was based on an academic concern regarding the dissolution of Hizbut Tahrir Indonesia (HTI) on July 19, 2017 through Perppu (Enactment of Government Regulation in Lieu of Law) Number 2 of 2017 concerning Community Organizations. This Perppu has changed the map of the HTI's da'wah and political movements which were previously massive and dominant in various media and became silent at once. Previously known as the 411, the 212, and the 505 Muslim Movements which were led HTI people, then after the HTI dissolution, this organization seemed to be in suspended animation and vanished without a trace. Even HTI's preaching movements on various online media under the organization's guidance have been difficult to find. Based on this concern, the formulation of the problem in this study is as follows: first, what is the doctrine and anatomy of the HTI movement? Second, how was the HTI da'wah movement since the New Order until the issuance of Perppu Number 2 of 2017? Third, what strategies are used by Hizbut Tahrir after the enactment of Perppu Number 2 of 2017? Fourth, what Counter Narrative reveals the HTI's inconsistencies after the enactment of Perppu Number 2 of 2017 concerning Community Organizations? These questions will be answered qualitatively through descriptive explanation of the object being studied as behavior and an event with the main location in Indonesia with its information from actors and documents scattered in the electronic and print media, so that the data source is mostly literature and does not rule out the possible data from informants. In conclusion, the HTI movement as a da'wah and political organization will continue to exist despite being banned institutionally. Based on observation and discussion with several community leaders, HTI is continues recruiting new members, especially on public campuses which have become its hub, even though it is done with silent operations. In addition, national political contestation ahead of the 2019 presidential election is also very vulnerable to being ridden by HTI, either by continuing to spread propaganda or raise the issues of government failure in alleviating poverty, securing domestic assets, and the rule of law.*

**Keywords:** HTI, Da'wah Movement, State Hegemony.

### Abstrak

Penelitian ini didasarkan pada pertimbangan akademis mengenai pembubaran Hizbut Tahrir Indonesia (HTI) pada 19 Juli 2017 melalui Perppu (Pengesahan Peraturan Pemerintah Pengganti Undang-Undang) Nomor 2 tahun 2017 tentang Organisasi Masyarakat. Perppu ini telah mengubah peta dakwah dan gerakan politik HTI yang sebelumnya masif dan dominan di berbagai media, menjadi gerakan yang hening seketika. Setelah sebelumnya dikenal melalui Gerakan Muslim 411, 212, dan 505 yang dipimpin orang-orang HTI, kemudian setelah pembubaran HTI, organisasi ini tampaknya mati suri dan menghilang tanpa jejak. Gerakan dakwah HTI di berbagai media online di bawah naungan organisasi tersebut juga sulit untuk ditemukan. Berdasarkan persoalan ini, rumusan masalah dalam penelitian ini adalah sebagai berikut; pertama, apa doktrin dan anatomi gerakan HTI? Kedua, bagaimana gerakan dakwah HTI sejak Orde Baru hingga terbitnya Perppu Nomor 2 tahun 2017? Ketiga, strategi apa yang digunakan oleh Hizbut Tahrir setelah berlakunya Perppu Nomor 2 tahun 2017? Keempat, Kontra Narasi apa yang mengungkapkan inkonsistensi HTI setelah berlakunya Perppu Nomor 2 tahun 2017 tentang Organisasi Masyarakat? Pertanyaan-pertanyaan ini akan dijawab secara kualitatif melalui penjelasan deskriptif tentang objek yang dikaji sebagai

perilaku dan peristiwa dengan lokasi utama di Indonesia dengan informasi dari aktor dan dokumen yang tersebar di media elektronik dan cetak, sehingga sumber data sebagian besar literatur dan tidak keluar dari penanggalan waktu dari informan. Sebagai kesimpulan, gerakan HTI sebagai dakwah dan organisasi politik akan terus ada meskipun dilarang secara kelembagaan. Berdasarkan pengamatan dan diskusi dengan beberapa tokoh masyarakat, HTI terus merekrut anggota baru, terutama di kampus-kampus umum yang telah menjadi pusatnya, meskipun itu dilakukan dengan operasi hening. Selain itu, kontestasi politik nasional menjelang pemilihan presiden 2019 juga sangat rentan ditunggangi oleh HTI, baik dengan terus menyebarkan propaganda atau mengangkat masalah kegagalan pemerintah dalam mengentaskan kemiskinan, mengamankan aset domestik, dan supremasi hukum.

**Kata kunci:** HTI, Gerakan Dakwah, Hegemoni Negara.

## A. Background

When doing a simple search of Hizbut Tahrir Indonesia (hereafter referred to as HTI) in online media, the wikipedia page will appear at the top of the line to provide full description of this organization. Next comes a line of sub discussion explaining HTI's dissolution in Indonesia. The reviews are presented normatively using several quotes as follows:

"The Indonesian government officially dissolved Hizbut Tahrir Indonesia on July 19, 2017 based on the Decree of the Minister of Law and Human Rights Number AHU-30.AH.01.08 in 2017 which is based on Government Regulation in Lieu of Law (Perppu) Number 2 of 2017 concerning Community Organizations. The HTI's dissolution was based on the ideology they spread, the establishment of a sharia state, regarded as being against the mandate of the Pancasila and the 1945 Constitution. Radical organizations, like HTI, are considered to threaten the existence of democracy that has been enjoyed by Indonesia since the collapse of the New Order. For this reason, the government dissolved HTI."<sup>1</sup>

The dissolution of HTI was immediately recorded in Wikipedia as the initial information about the existence of HTI which has been dissolved by the government through Government Regulation in Lieu of Law Number 2 of 2017 concerning Community Organizations

<sup>1</sup> [https://id.wikipedia.org/wiki/Hizbut\\_Tahrir](https://id.wikipedia.org/wiki/Hizbut_Tahrir) accessed on 8 Oktober 2017.

which was ratified on July 19, 2017. Even print and electronic media quickly reported it massively. Not only was HTI dissolved through the Perppu, it turned out that the government has also blocked its official website that it can no longer be accessed by the public. In its reporting, an online media carried the head line as follows:

"The Hizbut Tahrir Indonesia (HTI) site has been blocked by the government through the Ministry of Communication and Information (Kominfo). The blocking of the site was carried out on Saturday July 22 2017."<sup>2</sup>

Ironically, the HTI movement seemed shocked and did not expect that the government through its power hegemony took a firm stand and dissolved the organization that had existed for twenty-five years. Uniquely, the government's attitude was based on input from various community groups, both civilian and military, one of which was through the Indonesian Ulema Council (MUI).<sup>3</sup>

Along with the dissolution of HTI through Perppu Number 2 of 2017 concerning Community Organizations, the HTI movement which was previously very massive and dominated various media through da'wah

<sup>2</sup> <https://news.okezone.com/read/2017/07/24/337/1742611/pemerintah-blokir-situs-hizbut-tahrir-indonesia> accessed on 8 October 2017.

<sup>3</sup> <https://www.voaindonesia.com/a/mui-dukung-pembubaran-hizbut-tahrir-indonesia/3951718.html>. Accessed on 8 October 2017.

movements and its politics became silent at once. So, after the dissolution, HTI seemed to go through apparent death and vanished without a trace. Even the da'wah movement in various online media under the guidance of HTI is difficult to find. The question is, where is the direction of the HTI movement after July 19, 2017, when Perppu Number 2 of 2017 concerning Community Organizations was enacted?

At least, the HTI movement since that day, has been a veiled movement for their helplessness on the one hand against government hegemony and the interests of political da'wah on the other. In this case, they realized that the situation and the da'wah field were in an emergency under government hegemony. The phenomena of the propaganda movement and the political movement of Hizbut Tahrir Indonesia toward state hegemony which was carried out quietly after Perppu Number 2 of 2017 concerning Community Organizations then enacted as a government regulation are interesting to study. Therefore, this study found its relevance.

Based on the background above, the formulation of the problems in this study is as follows: First, what is the doctrine and anatomy of the movement built by HTI? Second, how was the HTI's da'wah movement since the New Order until the enactment of Perppu Number 2 of 2017 concerning Community Organizations? Third, what da'wah strategies are used by HTI after the enactment of Perppu Number 2 of 2017 concerning Community Organizations? Fourth, what is the counter narrative to uncover the inconsistencies of HTI after the enactment of Perppu Number 2 of 2017 concerning Community Organizations?

## B. Discussion

### 1. Doctrine and Anatomy of the HTI Movement in Fighting against Oppositionalism

As a da'wah and political movement, the anatomy of the Hizbut Tahrir movement is very similar to that of the sects in the early days of Islam, namely the Khawarij, mostly from Bedouin tribes in the interior of the Arabian Peninsula. This can be seen in three main reasons. *First*, the similarity between them is a resistance movement against oppositionalism. While classical Khawarij was born as a form of resistance to the oppositionalism of two hostile Muslim poles during the leadership 'Ali ibn Abi Talib as the fourth caliph<sup>4</sup>, HTI is slightly different in which it resists due to external factors of Muslims, namely the Western hegemony on cultural, political, social and economic aspects. *Second*, the equality in rejecting the interpretation of the corpus syariah text (anti-hermeneutics), including efforts to understand the text according to the context, aim and purpose (*maqashid as-shari'ah*). *Third*, there is fanaticism and is not blind to the teachings in the sect. Hizbut Tahrir believes in the truth as the only thing that surrounds its group without opening up to sects, groups or religious understanding outside its group and is reluctant to engage in an open and critical dialog.<sup>5</sup>

Based on this perspective, it is clear that the anatomy of the HTI movement can be viewed in two perspectives, which on the one hand can be categorized as a political movement (*al-harakah al-siyasiyyah*) and a religious sect movement (*al-harakah al-diniyyah*). The interpretation of this perspective refers to the statement put forward by Muhammad Abu Zahrah, who sees Islamic

<sup>4</sup> Muhammad Abu Zahrah, *Tarikh al-Madzaahib al-Islamiyyah* (Cairo: Dar al-Fikr al-'Araby, t.th), 56-57.

<sup>5</sup> Syamsul Rijal, "Radikalisme Islam Klasik dan Kontemporer: Membanding Khawarij dan Hizbut Tahrir", *Jurnal al-Fikr*, Vol. 14, No. 2 (2010), 225-226.

sects in the past as not being religious sects, but some of them were purely political movements such as the Khawarij case.<sup>6</sup>

## 2. HTI Da'wah Movement from the New Order to the Enactment of Perppu Number 2 of 2017 concerning Community Organizations

Based on four stages of the traveling theory proposed by Edward Said, the development of HTI in Indonesia is quite successful and very fast because there are similarities in identity, culture, and background with HT's in other countries.<sup>7</sup> HT ideology first has gone through a configuration from its place of origin, traveling to various countries, experiencing interaction and dialectic stages with culture and locus of local communities to then sublimate, adjust or reconfigure itself in the final objective. During the span of the decade from 1980 to 1990, the HTI's ideology found momentum to be marketed easily because at that time Indonesia was being hit by a multidimensional crisis. But due to the strong influence of the New Order, HTI recruited members and their da'wah activities through underground movements. All da'wah and political activities were then carried out in secret. The term taqiyah also appears as an embodiment of the way and behavior of HTI members when hiding their identities. At this time, HTI members could not know directly

<sup>6</sup> When describing the similarities and differences of each existing Islamic sects, Abu Zahrah argued that not all of these sects were religious, each of which had a fundamental difference in the subject of religion (ushuluddin). In the Khawarij sect, for example, there are some groups which, in fact, are Sunnis, but in a political perspective, some of these groups or individuals belong to the *Khawarij fis-siyasah* group, as in the case of the Mu'awiyah and Sayyidina 'Aisyah ra. Both can be categorized as the Khawarij group because both of them resisted the leadership of 'Ali as the legitimate fourth Caliph. Explanation of each political and religious sect in Islam, see: Muhammad Abu Zahrah, *Tarikh al-Madzahib*, 70.

<sup>7</sup> Masdar Hilmy, "Akar-akar Transnasionalisme Islam Hizbut Tahrir Indonesia", *Jurnal Islamica*, Vol. 6, No.1 (2011): 4-7.

who the leader of the organization was.

In order to carry out its mission to establish a caliphate in Indonesia, there are three stages in HTI's da'wah strategies. *First*, the *tathqif* stage (coaching and kaderization), i.e. by inviting people to come to the house as a model of da'wah taught by the Prophet. This stage focuses on recruiting members and building the militancy of cadres. This stage is carried out by holding *halaqah* which is guided by several senior members. In the context of higher education, usually cadres who have already been in HTI will target new students and then invite them to have discussion. Students who are interested in such discussion are then intensely involved in various *halaqah* activities to be given a dogmatic understanding of caliphate as an obligation that must be enforced in order to realize *amar makruf nahi munkar* (promotion of virtues and prevention of vice) in the community. *Second*, the *al-tafa'ul* (interaction) stage, i.e. the interaction that HTI militants build with the community. At this stage, HTI focuses on efforts to provide awareness to the community that something is wrong with the system adopted by the government. They begin to introduce the concept of caliphate widely by building public opinion about the necessity of upholding the law of Allah Almighty, rejecting the *thaghut* system and spreading various propaganda that Muslims were in oppression. The third stage is the *taslim* stage (accepting power as a whole through the support of the *ummah*). At this stage, HTI will declare itself as a party (*hizb*) and will further do various things to stage a coup. This last stage is actually the main objective of HTI in order to seize power.<sup>8</sup>

In the context of politics in Indonesia, from the beginning HTI tried to be consistent with its neutrality in politics. HTI's rejection of democracy was embodied in its organizational

<sup>8</sup> Sudarno Shobron, "Model Dakwah Hizbut Tahrir Indonesia", *Profetika: Jurnal Studi Islam*, Vol. 15, No. 1 (2014): 52-54.

policies that prohibit its activists from being involved in party politics as an active member of the executive board and a campaigner, both Islamic and secular parties, even though this organization did not stop activists from playing active roles in democratic parties, namely voting in elections. At the organizational level - and not at the individual, HTI tries to keep its distance from political parties because it considers Indonesia's political fundamentals to be un-Islamic, dilapidated and in the process of moral decay.

This involvement in political parties means that HTI justifies the "un-Islamic" practices in Indonesian politics which is therefore sinful, except the political reality that is truly "Islamized". HTI maintains its image as an extra-parliamentary organization that provides moral advice to the public in general. As a result, this organization does not have any formal affiliation with certain Islamic political parties, nor does it encourage its members to channel their votes to certain political parties. Throughout 2004, for example, HTI did not encourage its activists to elect a certain presidential candidate.

According to Maghfur Wahid, a member of HTI national executive board, the activists of this organization were given the freedom to elect whoever they wanted. HTI itself did not issue an official announcement regarding the 2004 presidential election. However, the HTI Lampung Branch advised its members and supporters to abstain since none of the candidates who ran in the election met the requirements set by HTI.<sup>9</sup>

To a certain degree, HTI practices an ambiguous policy that leads to a double standard approach to politics. An interpretation of this trend is the adoption of "camouflage politics" (*taqiyyu*) by a number of HTI activists and they will make their choices when deemed appropriate.

<sup>9</sup> "Aktivis Hizbut Tahrir Pilih Golput," *Gatra* 26 April 2004.

Along with the reform that allows for the freedom of expression, HTI began to take its momentum. The da'wah movement is carried out openly. Print and electronic media as an extension of its da'wah and political movements are often found. HTI also has an official website at [www.hizbuttahrir.go.id](http://www.hizbuttahrir.go.id) as the official information dissemination media of the organization. Its flag bearing *lafdzul-jalalah* is clearly displayed on the front page of the website.

Eventually the HTI movement rapidly increased by the end of 2016. This is evidenced by the political mass mobilization of Hizbut Tahrir called the 411 Muslim movement, the 212 Muslim movement, and the 505 Muslim movement. The momentum of this mass-mobilization made HTI the forefront of driving forces with its political goals in the 2017 Jakarta gubernatorial election. Mobilization and call for radical propaganda through the events of the Muslim movements were also inseparable from the role of online media, both news media and social media such as twitter, Facebook, YouTube, blogs and WhatsApp applications on a large scale as a radical propaganda to attract sympathy from Muslims. In this case, Tri Pujiati considered social media propaganda a profitable means of radical da'wah. Open propaganda was designed to recruit as many new members as possible face to face. As a result, a large number of new recruits were teens who happened to be active users of social media. Those whose age is between 15 and 25 are prone to get influenced in the way they think, and swayed to show self-existence.<sup>10</sup>

HTI's success in the Muslim movements and the succession of the 2017 Jakarta gubernatorial

<sup>10</sup> Tri Pujiati, "Dakwah Radikal dan Propaganda Media Sosial," in <http://jalandamai.org/dakwah-radikal-dan-propaganda-media-sosial.html>. See also Fatmawati et al., "Jihad penista agama jihad NKRI; Analisa Teori Hegemoni Antonio Gramsci terhadap Fenomena Dakwah Radikal di Media Online," *Research Report* (UIN Syarif Hidayatullah Jakarta, 2017). 2.



Election had tremendously increased the popularity of this community organization until the emergence of Perppu Number 2 of 2017 concerning Amendments to Law Number 17 of 2013 concerning Community Organizations which culminated on the dissolution of HTI. Despite the rejection and resistance from two members of the HTI executive board, Wiranto as a representative of the government stressed that the dissolution of HTI referred to three reasons. *First*, as a legal community organization, HTI does not carry out a positive role to take part in the development process in order to achieve national goals. *Second*, the activities carried out by HTI strongly have contradicted the objectives, principles and characteristics based on Pancasila and the 1945 Constitution of the Republic of Indonesia as stipulated in Law Number 17 of 2013 concerning Mass Organizations. *Third*, the activities carried out by HTI are considered to have caused clashes in the community which could possibly threaten public security and order, and endanger the integrity of the Unitary State of the Republic of Indonesia (NKRI).<sup>11</sup>

The HTI movement during the the New Order era, the Reform and after the enactment of Perppu Number 2 of 2017 had a major impact on the sustainability of this community organization. This is evidenced by the presence of Yusril Ihza Mahenda as a lawyer who filed a lawsuit to the State Administrative Court (PTUN) to sue the State for the enactment of Perppu Number 2 of 2017 concerning the Dissolution of HTI.

However, HTI's other da'wah movements continued to take place to maintain its existence. Some actions ranging from mass mobilization to the electronic and print media movements, hearings and live broadcasts on television were carried out. Hizbut Tahrir Indonesia considered that this Government Regulation in Lieu of Law

<sup>11</sup> Ambaranie Nadia Kemala Movanita, "HTI Resmi Dibubarkan Pemerintah", at <https://nasional.kompas.com>.

(Perppu) was issued as a shortcut to dissolve HTI. Previously, the government had openly stated its intention to dissolve HTI because this organization's principles are contrary to Pancasila and the 1945 Constitution. In fact, this Perppu indicated the government's intention to dissolve certain mass organizations, not to deal with emergencies.<sup>12</sup>

### 3. HTI's Strategies in Da'wah Movement following the Enactment of Perppu Number 2 of 2017 concerning Community Organizations

After Perppu No. 2 of 2017 concerning Community Organizations was passed into Law Number 16 of 2017 on November 22, 2017, HTI regreted the government's attitude which is considered arrogant. HTI argued that so far it has carried out and organized da'wah in an orderly, polite and peaceful manner. There has never been a record of anarchism at all. So, HTI tried to find where the fault is. The first and foremost of HTI's internal response to the Perppu was to ensure that no HTI members would be arrested. Should that happen, it is, in fact, a violation of civil rights and freedom of assembly.

Solahuddin, a researcher at the University of Indonesia raised questions and made statements related to the Perppu on Community Organizations. After the Perppu is enacted, will HTI with its caliphate concept really disappear on Indonesian soil? The answer is that to date, HTI still enjoys the freedom to change it with the Caliphate ideology.

Following the issuance of the Perppu, the dissolution of HTI has greatly influenced the Organization's freedom of da'wah movement. Yet, this situation can be well handled as HTI has the experience as an underground (hidden) movement. HTI has the ability to adapt to any

<sup>12</sup> Ayomi Amindoni, "Perlawanan Politik Hizbut Tahrir Indonesia untuk Batalkan Perrpu Ormas," at <https://www.bbc.com>

situation, whatever the current situation. The government's decision to dissolve (repress) it, does not necessarily eliminate its movements and threats to the country's ideology.

As an organization capable of surviving in various political situations, HTI changes its movement map into several strategies. While previously HTI had the *Al-Islam* bulletin which was usually distributed to mosques during Friday prayers, now they have replaced it with the *Kaffah* da'wah bulletin. It is seaily predictable because the identity politics as they have been running so far has been consistently used, including naming to the bulletin. In its Edition 001 16 Dhul Qa'dah 1438 H / 11 August 2017, it is mentioned,

"...it is therefore forbidden for Muslims to deny or get rid of part of Islamic sharia from the reality of life by following the principle of secularism (separating religion from life) as currently practiced by the state."

Changes in identity have also occurred in some of its organizational wings that recruit secondary school students. Some sources said that the HTI movement is increasingly massive to attract school-age children by establishing a very identical organization named *Karim* (Community of Royatul Islam) because at this school age the students do not know much about cadre-based Islamic organizations such as IPNU and IPPNU, as in the case of PMII and HMI in universities which were later considered effective enough to counter HTI movements in several Islamic and public campuses.

In the political context, there has been a change in the fundamental thought pattern of the HTI group, where most of them had been encouraged to participate politically by directing support to one of the presidential and vice-presidential pairs. Some HTI figures were also seen campaigning to ensure victory of certain candidates, such as Ismail Yusanto's support as HTI's spokesman for movement

#2019changethepresident<sup>13</sup> which then allegedly contained a rebellion movement even though Ismail stated openly that it was meant to replace the incumbent with a new president (Prabowo) and the presence of Al-Khaththath in the implementation of the great campaign Prabowo-Sandi at Gelora Istora Senayan on Sunday 7 April 2019.<sup>14</sup>

Political parties that supported the Community Organizations Perppu were marked by HTI so as not to give them a vote. The factions supporting the Perppu included PPP, PKB, Democrats, etc. There were assumptions that the dissolution of this mass organization would only increase influence of the HTI movement in resisting the government so that HTI would not give up its actions that had been developed so far. For example, "the assumptions that they built as a marginalized community, tyrannized by the ruling government, denied of its right, have become a powerful weapon to attract sympathy from many people". At least, da'wah activities remain a strategy that continues to take place, because for them as a group that preaches Islam, da'wah does not require permission from the government. Islam is preaching, for anyone who has declared a *shahada*. The dissolution of HTI certainly will not affect its spirit of da'wah.

HTI's political awareness is interesting because this Organization has indirectly violated its own doctrine, namely forbidding democracy and things related to it, including general elections. A series of epistemologies of Islamic law need to be explored to understand HTI's inconsistencies, namely the urgent situation that requires someone to take something that was previously forbidden.<sup>15</sup>

<sup>13</sup> <https://nasional.tempo.co/read/1121414/hti-mengaku-dukung-gerakan-2019gantipresiden>.

<sup>14</sup> <https://www.merdeka.com/politik/di-kampanye-prabowo-al-khaththath-serukan-putihkan-tps-dan-baca-fatwa-mui-di-masjid.html>.

<sup>15</sup> Rules of declaring, *الضرورات تبيح المحظورات*, Tajuddin as-Subki, *al-Asybah wan-Nazhair* (Beirut: Darul Kutub 'Ilmiyyah, 1991), 55.

There are allegations where to get the legality back after the Government banned it through the Community Organizations Perppu, they had no choice but to support one of the presidential candidate pairs and to participate in using their voting rights in the presidential and legislative elections this time.

#### 4. Counter Narration in Revealing the Inconsistency of HTI following the Enactment of Community Organizations Perppu

There is a quite interesting counter narrative that can be explored from the enacted Community Organizations Perppu considering substantively that inconsistencies have occurred within the body of HTI's ideology itself. The narrative constructed by the government by dissolving HTI through the Perppu is not without consideration. The government has heard advice and absorbed the aspirations of various parties in the society and those who are known for their reputation in maintaining tolerance, nationality and diversity. Several mass organizations have carried out various acts of radicalism (including terrorism), intolerance and anti-diversity which have not only contradicted the spirit of the Pancasila and the 1945 Constitution but also endangered the Unitary State of the Republic of Indonesia (NKRI).

The HTI's ideology also has ideological weaknesses as stated by Muhammad Sofi Mubarak. He revealed a number of weaknesses in the ideology of the movement which carried caliphate as part of religious dogma. Sofi argued that the interpretation of sharia texts related to the state law must be based on three main paradigms.<sup>16</sup> *First*, the text of the sharia corpus as a source of law (*al-nasyi'*) which gave birth to various aspects of life to answer various legal problems, including constitutional law

<sup>16</sup> For more information, see the conclusion of the study by Mohammed Sofi Mubarak in his book, *Kontroversi Dalil-dalil Khilafah* (Jakarta: Pustaka Harakatuna, 2017).

(*al-ahkam al-dawliyyah*). The constitutional law found in legal sources is normative, abstract as well as general in nature, so the application requires contextual interpretation according to socio-cultural changes in society and a shift in its purpose. *Second*, constitutional issues must be subject to the *muamalah* legal category which must be seen as a *wasail* context, namely that constitutional law is an instrument (*wasilah*) to realize religious and humanitarian interests. Verses and hadiths of leadership, jihad, *baiat*, and criminal law (*jinayah*) must be placed in their context as a means, not a goal in itself. Based on the rules agreed upon by Islamic jurists, the constitutional construct follows the rules of *al-aslu fil-mu'amalat al-iltifat ila al-ma'ani duna al-ta'abbud* (the basis of *muamalah* law should consider its substance and not a mere format). For this reason, classical Islamic jurists such as al-Shafi'i (150–204 AH) or Ibn Khaldun for example, did not question the royal system because basically religion does not denounce any government system, including the kingdom. *Third*, the main rules in constitutional law aim to create the benefit of humanity. That means, what is standard in the system of government is the goals of the state itself which Muslim intellectuals such as al-Mawardi (died in 450 H), al-Ghazali (450 - 505 AH) and Ibn Taymiyyah (661 - 728 AH) divided into in two aspects, namely creating benefit and preventing destruction, both in religious and worldly contexts. The format of constitutional law returns to the definition of politics (*siyasa*) itself as an activity that leads to benefit and counteracts the destruction of humanity even though it is not mentioned directly in the revelation or prophetic texts.<sup>17</sup>

<sup>17</sup> This definition was put forward by Ibn 'Aqil al-Hanbali sebagai berikut: السياسة هي ما كان فعلا يكون معه الناس أقرب إلى الصلاح وأبعد عن الفساد وإن لم يضعه الرسول ولا نزل به وحى أو نص قرآني. See: Ibnu Hazm, *al-Thuruq al-Hukmiyyah fi al-Siyasah al-Shar'iyyah* (Beirut: Darul Jil, First Edition, 1418 H/1998 M), 17. See also: Abdul Karim Al-'Ānī, *al-*

The very dynamic construct of constitutional law indicates that since its inception, HTI did not have a scientific tendency and put more emphasis on political motives in carrying out its mission. Interpretation of the corpus texts that are in line with the mission of muamalah laws which is very dynamic causes the text that is actually open for interpretations to be interpreted and applied in various formats in accordance with the shift in value and purpose which makes it very rigid. In various seminars over the span of several months before the issuance of Perppu Number 2 of 2017 until it was enacted, HTI activists insisted on their stand around the format of caliphate as the only standard system recognized by Islam. They also continued to view the government as ignoring the fundamental rights in the nation's life by ignoring the freedom of opinion and expression. Moreover, Muslims throughout the world experience oppression, castration of rights and therefore caliphate is the only solution necessary to get out of adversity.<sup>18</sup> Based on the anthropological approach of Ja'far Subhani, HTI activists did not want to grasp Islamic political theories holistically. Various studies have shown that the doctrinal concepts offered by HTI contradict each other, including in the succession of leadership that states that which clans are most entitled to serve as caliphs and other aspects concerning diplomatic relations with countries that they claim to be infidel states.

Other inconsistencies of HTI are the

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*Dhawabith al-Ushuliyah lil-Ijtihad fi al-Siyasah al-Syar'iyah* (Beirut: Dar al-Kutub al-'Ilmiyyah, 1434 H/2013 M), 74.

<sup>18</sup> Discussion with Mohammed Sofi Mubarak, author of the book "*Kontroversi Dali-dalil Khilafah*" which on several occasions was presented as a comparative speaker along with several HTI figures, namely the National Seminar at Airlangga University on September 29, 2017, Cirebon GP Ansor Branch Executive Board Public Discussion entitled "HTI's Movement following the Perppu "on 6 October 2017, and National *Halaqah*" Students in the Middle of Radicalism and the Challenge of Transnational Ideology "at the University of North Sumatra - Medan on 26 October 2017.

contradictions between theory and practice. While in the initial context of its appearance, An-Nabhani as the founder of Hizbut Tahrir had been involved in political discourse in Palestine by running for a judge (*qadli*) in the Sharia Court of al-Quds in Palestine in 1948 and a member of parliament (*majlis niyabi*) in 1950, it indicates that An-Nabhani himself does not consider the system outside the Caliphate to be un-Islamic. HTI took legal action by filing a lawsuit to the Constitutional Court which is actually a product of democracy that they forbid after the enactment of the Perppu. Referring to the Constitutional Court website, there are at least six decisions, namely Constitutional Court Decision Number 38/PUU-XV/2017 of 2017, Constitutional Court Decision Number 39/PUU-XV/2017 of 2017, Constitutional Court Decision Number 41/PUU-XV/2017 of 2017, Constitutional Court Decision Number 48/PUU-XV/2017 of 2017, Constitutional Court Decision Number 52/PUU-XV/2017 of 2017, and Constitutional Court Decision Number 58/PUU-XV/2017 which contains a lawsuit against Perppu Number 2 of 2017 concerning Community Organizations.<sup>19</sup> One of them was directly submitted by the HTI coordinators, namely Ismail Yusanto, through his lawyer, Yusril Ihza Mahendra. However, based on the Constitutional Court Decision Number 39/PUU-XV/2017 of 2017, the lawsuit was declared unacceptable.

After the issuance of the Perppu, Mahfudh MD stated that HTI had never revoked its statement about the importance of replacing the existing system with the caliphate, both concerning Pancasila as a single principle and democracy as an existing system of government.<sup>20</sup> It means that in the legal context, HTI is against the existing Perppu and it clearly has a goal of changing the state philosophy and

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<sup>19</sup> <https://mkri.id/index.php?page=web.Putusan&id=17&kat=1&cari=&menu=5>.

<sup>20</sup> Rosi's Program (Kompas TV), 29 September 2017.

spreads hatred in the community toward the legitimate government.

Therefore, the issuance of the Perppu in this context, has somehow minimized the threat that HTI militant cadres pose against the existence of the NKRI on the one hand, and maintain public order on the other. Based on information obtained from Nuruzzaman, one of the PP Ansor cadres who was heavily involved in research on radicalism and HTI mass organizations, several directors of State-Owned Enterprises (BUMN) have been influenced by HTI ideology so that the country is in a crisis situation because they can mobilize the masses to stage a coup by using policies and the state budget through BUMN.<sup>21</sup> In fact, in the case of various countries for example, the Hizbut Tahrir movement has been declared illegal because dogmatically the caliphate claims are dangerous.<sup>22</sup>

Phrases that appear in Perppu Number 2 Year 2017 are, for example, "Circumstances of compelling crisis", thus, have fulfilled the conditions for dissolving HTI and are relevant to the provisions of the hadith *lâdharara walâdhirara* (not permitted to do something dangerous). The hadith was discussed further by Muslim intellectual of the Hanbali school, Najmuddin at-Thufi in his treatise<sup>23</sup> which was then expanded to include matters that caused damage to the primary principles of religion (*al-kulliyât al-khams*), including religion (*dîn*), soul (*nafs*), reason (*'aql*), lineage (*nasl*), and wealth (*mâl*). HTI's viewpoint is directly related to sensitive issues in the context of nation and state, so it is prone to cause social conflict in the grassroots. Ibn 'Âsyûr argued that social unity (*ijtim'al-ummah*) as a benefit at any time can

take precedence even though in the hierarchy of benefit, maintaining religion is at the top of the hierarchy that must take precedence over seeking other benefits.<sup>24</sup>

### C. Conclusion

It requires a conceptual understanding that this da'wah movement is a resistance that cannot be denied against State hegemony so that academic anxiety will also raise the resistance of Hizbut Tahrir which has variants, strategies, influencing factors and counter narratives revealed through Law No. 16 of 2017 concerning Community organizations to reveal HTI's inconsistencies.

In conclusion, the HTI movement as a da'wah and political organization will continue to exist even though this organization has institutionally been banned. Based on observations made and discussion held with several community leaders, HTI appears to continue its activities in recruiting new members, especially in public campuses which have become the HTI base, even though it is carried silently. In addition, national political contestation ahead of the 2019 Presidential Election is also very vulnerable to being exploited by HTI, either by continuing to spread its propaganda or raising issues of government failure in eradicating poverty, securing domestic assets, and upholding the rule of law.

This study has obstacles in achieving significant results because the the issues covered should more specific and genuine. Therefore, literary data is still very much required, especially about the resistance movement. In addition, the access to mobile information centers, both electronic and printed media could not be made since the Hizbut Tahrir page has been blocked and could not be accessed by the public.

<sup>21</sup> Seminar on Nationality at the Faculty of Social and Political Sciences, Airlangga University on September 29, 2017,

<sup>22</sup> Fatwa No. 34834 and 13372 issued by the Ministry of Waqf and Islamic Affairs, Qatar.

<sup>23</sup> For more detail, see: Najmuddin al-Thufi, *Risalah fi Ri'ayat al-Mashlahah* (Cairo: Dar al-Mishriyyah al-Lubnaniyyah, 1413 AH/1993 AD).

<sup>24</sup> Ibnu 'Ashur, *Tafsir al-Tahrir wa al-Tanwir*, vol. 16 (1997), 291.

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