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**The Effectiveness of Law Enforcement in
Accountability for Blasphemy Crimes
(Study Decision Number: 365/Pid.Sus/2023/PN
Idm)**

Abstract

Religious blasphemy is an act of insulting or demeaning religious beliefs. In such cases, law enforcement must apply the law and take action against violations through both litigation and non-litigation. However, in Decision 365/Pid.Sus/2023/PN IDM, the legal measures were deemed insufficient to create a deterrent effect, as they only imposed criminal responsibility on the perpetrator. To address this, an ultra petita decision is necessary, where the judge imposes a stronger sentence to prevent future offenses. Judge Panji Gumilang, in handling a similar case, can refer to the jurisprudence from the Ahok blasphemy case as a legal basis, ensuring that the verdict carries a stronger deterrent effect and upholds justice more firmly.

Keywords: Blasphemy, Judge's Considerations, Law Enforcement.

I. Introduction

The problem in guaranteeing and enforcing the principles of religious rights and freedom in Indonesia shows that the legal norms that govern religious life and belief still need improvement. Freedom of religion includes various aspects such as the freedom to establish places of worship, gather for worship, carry out worship according to the teachings of their respective religions, preach or publish, and communicate in finding solutions when facing problems related to religion. Crimes against religion is a term used to describe crimes related to faith or religion (Auli, 2023)

In a country that is multicultural and has diverse religions, the issue of insults is very vulnerable (Rahma et al., 2022). Based on the nature of religion, a person's belief in something can differ from the beliefs of others, and may even consider other people's beliefs to be wrong. This difference can be seen as an insult to other religions (Bernard & Tobing, 2023; Putri & Tim LBH Bandung, 2017). Blasphemy in Indonesia often occurs such as inter-religious wars, burning houses of worship. As technology advances, blasphemy also occurs in social media, such as giving arguments for spreading hatred against a religion so as to cause insults to each other's religions (Tamba, 2024).

However, why blasphemy has always occurred from ancient times to the present, what is the difficulty of reducing blasphemy, therefore the author wants to research related to the effectiveness of law enforcement in accountability for blasphemy. In this study, the author uses the theory of legal certainty. The theory of legal certainty is one of the main goals of the legal system (Anjarwati et al., 2023), and it can be said that legal certainty is an important element in realizing justice in society (Nur, 2023). According to Utrecht, legal certainty contains two meanings, namely first, the existence of general rules that make individuals know what actions are allowed or not to be done (Halilah & Arif, 2021), and second, in the form of legal security for individuals from government arbitrariness because with the existence of general rules,

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individuals can know what the state can impose or do on individuals (Sudrajat et al., 2023; Syahrani, 2008).

Previous research related to blasphemy has been carried out, including in research by Devit and Zuhdi Arman with the title “Criminal Liability of Blasphemy Perpetrators Reviewed from Social Media Reviewed from the Law on Information and Electronic Transactions”. Furthermore, there is a study by Abdul Bari, Azed and Sarbaini entitled “Criminal Policy for Countering the Crime of Blasphemy” (Azed & Sarbaini, 2022). In addition, there is also research from Syawal Amirul Syah, Muhammad Fachri Said, and Muhammad Fauzi Ramadhan with the title “The Effectiveness of Law Enforcement Against Blasphemy Through Social Media”.

The difference between the author's research and the previous research lies in the more specific approach and focus on the case study of the verdict. The author focuses on the study of Decision Number: 365/Pid.Sus/2023/PNIIdm. Judgment research tends to focus more on analyzing how the law is applied in practice in court, as well as considering fairness and effectiveness from a practical perspective. In addition, the scope of the law taken is also more focused on the concrete application of the articles in the Electronic Information and Transaction Law (UU ITE) in the context of blasphemy cases.

II. Research Method

In this study, the type of research used is normative legal research or library research. According to Soerjono Soekanto, the normative juridical approach is legal research conducted by examining various secondary data that are available (Diantha, 2016). From the point of view of its nature, this research is included in the category of analytical descriptive research. Analytical descriptive research is a type of research that aims to provide a clear and detailed picture of the object being studied. Research is carried out by explaining various aspects or matters related to the object of research, as well as describing the existing facts in a systematic manner. These facts are revealed based on accurate and relevant data, and describe the characteristics of certain populations or phenomena in the field being studied (Azwar, 2009). This research is descriptive because its main purpose is to describe or factually explain an object of research (Hadi, 1984).

In the process of collecting legal materials for this research, the author uses a technique known as literature studies. Literature studies are a data collection method that focuses on reviewing various literature and references relevant to the research topic. This process involves the theoretical study of a variety of written sources, including books, journals, scientific articles, and other documents related to aspects of values, cultures, and norms that develop in the social context being studied. Literature studies also have a significant influence on the credibility of research results. By relying on references from reliable and relevant sources, research results become more accountable and have a strong foundation.

Then the data collection tools used in this study consist of a trusted legal database, a digital library that has access to various journals and other legal publications, and the official website of government agencies that provide other state laws and regulations. In this study, the author applies a qualitative analysis model as the main method for processing and analyzing data. Qualitative analysis is an analysis that is carried out not in the form of numbers or using statistical formulas, but examining laws and regulations, opinions or views of legal experts, and other legal materials that will provide an accurate picture of the legal issues raised.

III. Result and Discussion

This research is based on the Decision of the First Instance of the Indramayu District Court Number: 365/Pid.Sus/2023/PN. IDM which has been decided on March 7, 2024. The applicant with full name, Abdussalam Panji Gumilang alias A.S. Panji Gumilang alias Abdussalam R.

Panji Gumilang alias Abu Ma'arik alias H. Abu Maarik. Place of birth in Gresik, 77 years old, male, Indonesian nationality, residence at Al-Zaytun Islamic Boarding School, Mekarjaya Village, Rt/Rw. 032/019, Ganntar District, Indramayu Regency, West Java Province, Islamic Religion, Self-Employed Work. With a Legal Attorney named Yudhiyanto, SH., MH., C.L.A., C.P.L., and other colleagues, each of them acted as Advocates, Lawyers, and Legal Consultants who are members of the Hade Indonesia Raya Legal Aid Institute (LBH-HIR). At the office located at Jalan Raya Haji Naman/Swakarsa III No. 03, RT/RW 11/03, Pondok Kelapa Village, Duren Sawit District, East Jakarta City.

On Friday, March 18, 2016, Friday, May 20, 2016, and Tuesday, April 21, 2020, or on various occasions between 2016 and 2020, at Al-Zaytun Islamic Boarding School, Mekarjaya Village, RT/RW 032/019, Ganntar District, Indramayu Regency, West Java Province, or in any other area included in the jurisdiction of the Indramayu District Court. Deliberately and without rights has disseminated information aimed at triggering hatred or hostility against certain individuals and groups of society based on ethnicity, religion, race, and intergroup (SARA).

Starting from a leader of the Al-Zaytun Islamic boarding school who delivered a lecture was considered to have reaped controversy among the community, especially Muslims. It started on Friday, March 18, 2016, then Friday, May 20, 2016, and Tuesday, April 21, 2020. Panji Gumilang delivered his lecture in a video on the Al-Zaytun youtube channel which in the main content of the lecture conveyed first, "The Qur'an is not Kalamullah but the kalam of the prophet Muhammad", second, Sermons with female sermons, third, mosques are places where people are desperate, fourth, "You don't have to want to die in the holy land far in Indonesia live and die in Indonesia, the holy land". From the lecture, there was turmoil in Indonesian society. The police received many reports related to alleged blasphemy, publishing very sharp pros and cons in the community due to fake news or notifications; and many Islamic organizations from various regions held a large demonstration in front of Al-Zaytun demanding accountability for Panji Gumilang's lecture.

In this case there are several indictments, the first indictment is threatened in Article 14 paragraph (1) of Law Number 1 of 1946 concerning Criminal Law Regulations, the second indictment is threatened in Article 156a of the Criminal Code, the third indictment is threatened with Article 45a paragraph (2) Jo Article 28 paragraph (2) of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions.

After weighing with several pieces of evidence, the prosecutor has chosen one of the charges to be used as a charge, namely Article 156a of the Criminal Code as in the second indictment, with a prison sentence of 1 (one) year and 6 (six) months reduced while the defendant is in custody, with an order that the defendant remain in custody. Then the judge weighed the public prosecutor's demands with several pieces of evidence, the judge sentenced the defendant Abdussalam Panji Gumilang alias A.S. Panji Gumilang alias Abdussalam Panji Gumilang alias Abdussalam R. Panji Gumilang alias Abu Ma'arik alias H. Abu Ma'arik therefore with a prison sentence of one year.

Considering the elements in Article 156a of the Criminal Code, there is an element of "who's who", and "deliberately in public expressing feelings or committing acts that are essentially hostile, abusive or blasphemous against a religion practiced in Indonesia".

Considering that what is meant by who is the subject of the law who committed a criminal act, based on the facts revealed at the trial that the defendant Abdussalam Panji Gumilang Alias A.S. Panji Gumilang alias Abdussalam R. Panji Gumilang alias Abu Ma'arik alias H. Abu Maarik whose identity is proven to be in good physical and spiritual health and can answer the questions of the Panel of Judges properly and clearly and based on the testimony of witnesses and the testimony of the Defendant that the Defendant is the perpetrator or legal subject who committed a criminal act so that there is no error in persona in the case, thus the Panel of Judges

is of the opinion that the Defendant can be held responsible for his actions, so that thus the element of who has been legally and convincingly fulfilled according to the law.

Considering that the intentional intent here is the intention/intention of the Defendant to attack the honor or good name of a person by accusing a thing/deed of that person. Considering, that what is meant by public according to the Great Dictionary of the Indonesian Language (KBBI) is in front of a crowd, or other people also in a place that can be visited and or seen by everyone and what is meant by religion in a general sense there is a component of religious emotions, a system of belief/faith, a system of rituals/worship, and its adherents (religious people), which is a unit.

A. Law Enforcement of Blasphemy Perpetrators Committed by Panji Gumilang Reviewed Based on Positive Law in Indonesia

The law cannot realize its own end, because the law is only a set of rules. Therefore, the presence of humans (law enforcement officials) is needed to implement and carry out the will of the law. Law enforcement is not only limited to the implementation of formal procedures of a rule of law, but also seeks to realize the virtue values contained in the rule of law. In law enforcement against blasphemy cases committed by Panji Gumilang as the leader of the Islamic boarding school, it is based on the existing positive legal framework. Regulations related to blasphemy offenses in Indonesia are contained in Article 156a of the Criminal Code which is sourced from the Presidential Decree Number 1 of 1965 concerning the Prevention of Abuse and/or Blasphemy (Rumadi, 2007).

The crime of blasphemy is not only contained in the Criminal Code, it is also contained in Article 28 paragraph (2) jo Article 45A paragraph (2) of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions, which regulates related to the crime of blasphemy that occurs on social media. These articles provide criminal sanctions for perpetrators who are proven to have committed the crime of blasphemy as referred to in the legal regulation. The law enforcement process against perpetrators of blasphemy must be carried out in accordance with the legal rules that govern the criminal act and the levels of the law enforcement process, namely: (Ahdad et al., 2023)

1. Investigation Level

Investigation is a series of efforts made by investigators to identify and find an event that is suspected of being a criminal act, with the aim of assessing whether or not the investigation can be continued based on the applicable legal provisions (Husein, 1991). In the case of blasphemy that is being investigated, research actions can only be carried out by researchers. Based on the provisions of Article 1 number 4 of the Criminal Procedure Code, "Investigators are officials of the National Police of the Republic of Indonesia who are authorized by this law to carry out investigations."

The investigation process was carried out, investigators had collected statements from witnesses, complainants, suspects, and experts with certain facts or events. The results of the investigation also found that it was true that the leader of the Al-Zaytun Islamic boarding school, Abdussalam Panji Gumilang, had committed a crime of blasphemy against Islam, this was proven from the statements of witnesses, whistleblowers, suspects and experts, as well as some video evidence uploaded on the Al-Zaytun youtube channel.

After the investigation was carried out, the investigator, namely the police, prepared the case file to be submitted to the prosecutor's office, after the preparation of the case file was completed and it was submitted, in the case that the author researched, the prosecutor gave the P-19 code, namely that the case file did not meet the formal and material elements. Then the prosecutor will return the case file to the investigator to immediately complete the case file according to the direction of the investigating prosecutor. After completing the case file, the investigator again submitted the case file to the prosecutor's office and the prosecutor has

provided a P-21 code or the file is declared complete to meet the formal and material elements. After that, the suspect, Panji Gumilang, was handed over to the public prosecutor along with evidence.

2. Prosecution and Trial Levels

This level is the act of the public prosecutor after the investigation is completed, based on the available evidence, the public prosecutor will determine whether to file charges against the perpetrators of blasphemy to the court (Hartono, 2012). In the case that the author researched, the public prosecutor had enough evidence to file charges against blasphemy suspects in court. After considering the indictment, the chairman of the panel stated that the trial was opened, then sent a notice to the defendant about the provisions of the trial day and time.

After several trial hearings on the case, the public prosecutor prosecuted the defendant, Abdussalam Panji Gumilang. Furthermore, the panel of judges gives the defendant or the defendant's legal counsel the opportunity to submit a plea. The content of the plea, which essentially states that the Defendant Abdussalam Panji Gumilang is not legally and convincingly proven according to the law to commit a criminal act as charged by the Public Prosecutor, acquitting the Defendant from all charges and demands of the Public Prosecutor (*vrijspraak*).

After seeing the results of the memorandum of defense from the defendant and the defendant's legal counsel, related to postulating the indictment filed by the public prosecutor for the acts committed by the defendant cannot be legally and convincingly proven. The Panel of Judges disagreed with the defendant's defense memorandum because it had considered all the elements contained in Article 156a of the Criminal Code. The Panel of Judges was of the opinion that the defendant's actions had fulfilled all the elements of the second alternative charge filed by the prosecutor, namely Article 156a of the Criminal Code.

3. Execution Rate

It is the level of implementation of the imposition of court decisions that already have permanent legal force (*inkracht*) which is punitive in nature that is carried out forcefully, if necessary with the help of legal force (Pattipawae, 2019). The imposition of criminal penalties on blasphemers, especially those regulated in Article 156a of the Criminal Code, is the heaviest crime of five years in prison. It depends on the aggravating circumstances or the mitigating circumstances. Criminal acts are not necessarily punished by imprisonment, the imposition of criminal penalties can also be carried out alternatively, namely criminal fines such as several minor crimes regulated in the Criminal Code. However, in the case of blasphemy, a fine cannot be committed, only a prison sentence can be imposed.

In this case, the defendant Abdussalam Panji Gumilang has fulfilled the elements of Article 156a of the Criminal Code, and is stated to have been legally and convincingly proven to have committed a criminal act as charged in the second alternative indictment of the Public Prosecutor. In the author's opinion, the judge in imposing a sentence on the convict was unfair for several reasons, namely the first was convicted as the leader of the Al-Zaytun Islamic boarding school not only once but often committed deviations from Islamic teachings that were not justified in Islam to his students and students, the second was that the convict deliberately and consciously committed it, and the third was that the convict's actions disturbed Indonesian society in general and Indonesian Muslims In particular, the fourth defendant has been convicted.

The injustice here is the imposition of a sentence that is too short. Imprisonment for one year minus the period of temporary detention, does not have a deterrent effect on the convict. According to the author, imposing a prison sentence of one year on the Convicted is only a form of criminal responsibility but does not provide a deterrent effect to the Convict. There are ballast reasons that should be more than one year in prison with proven several times the

Convict has committed blasphemy and previously the Convict has been sentenced, but only one year of prison sentence was given by the Panel of Judges.

In this study, the author applies the theory of legal certainty as one of the main foundations. According to Utrecht, the theory of legal certainty includes two important aspects. First, this theory refers to the existence of general rules that allow individuals to know clearly what actions are allowed or prohibited in society (Lesmana, 2019). This means that through these rules, individuals can understand the applicable legal limitations and avoid unlawful actions (Alam et al., 2023). Second, the theory of legal certainty also includes legal protection for individuals from arbitrary actions that may be taken by the government (Lesmana & Husna, 2020).

If this theory is associated with a case that the author researches, then legal certainty has been achieved because there are general rules that make individuals know what acts are and are not allowed, which are contained in the legal basis or articles related to blasphemy charged against the perpetrator. In addition, the theory of legal certainty also provides legal security guarantees for individuals from potential arbitrariness that may be carried out by the government. With general regulations, individuals can gain a clear understanding of the limits of their rights and obligations in a legal context.

This means that individuals not only know what is allowed and prohibited, but also have certainty about what the state can impose or do to them. This is assessed from Article 156a which has expressly provided provisions for acts that are included in the elements of the criminal act and the provisions of the threat of punishment for the perpetrator. So the government cannot arbitrarily act against blasphemy perpetrators. In this case, legal certainty has been created but has not provided a sense of justice, this can be seen from the Prosecutor who gave too low a charge and the Judge who gave a prison sentence to the perpetrator of one year minus the temporary detention period, According to the author, this decision has not created a sense of effectiveness in providing a deterrent effect to the perpetrator.

B. The Judge's Consideration in Imposing the Punishment of the Crime of Blasphemy Committed by Panji Gumilang as the Leader of the Islamic Boarding School

The judge's consideration is an important element in determining the quality of a judge's decision that reflects justice (*ex aequo et bono*) and legal certainty. In addition, these considerations must also provide benefits for related parties. Therefore, the judge's consideration must be carried out carefully, carefully, and carefully (Arto, 2011). In the case studied by the author, the judge has legal considerations that are the basis for making a decision. These considerations can be seen from a juridical and sociological perspective.

Juridical considerations are considerations made by judges based on legal facts revealed during the trial and regulated by law as elements that must be included in the decision. Juridical considerations contain juridical facts such as the Public Prosecutor's indictment, the defendant's statement, witness statements, evidence, and articles that are used as the legal basis in the trial. In addition, there are also sociological considerations that consider the defendant's background, the consequences of the defendant's actions, the defendant's personal condition, the defendant's socio-economic condition, and the defendant's religious factors.

The judge's consideration in deciding a case whether or not a person is fit to be sentenced by a judge is based on the judge's conviction and not only based on existing evidence. Therefore, the judge also makes sociological considerations, which in its content consider the defendant's background, the consequences of the defendant's actions, the defendant's personal condition, and the defendant's socio-economic circumstances.

Considering, that based on the description of the considerations mentioned above, the Defendant in his lecture uploaded on the youtube accounts Al Zaytun Movie and Al Zaytun Official, the Defendant has demeaned religious symbols in this case the mosque which is a

place of worship for Muslims/Muslims by describing it as a place of desperation, as well as the management of the funds of the mosque ummah by comparing those in the Vatican church, and comparing the holy land for Muslims with Indonesia, the holy land in the context of the spirit of nationality as a citizen of the nation to know the vision and mission of the nation about understanding the national anthem of Indonesia Raya 3 (three) stanzas and the statement of the Defendant stating that when he met the people of Indramayu, Allah SWT did not understand.

In the lecture delivered by the defendant, he revealed statements in front of a number of employees, teachers, and students of the Al-Zaytun Islamic Boarding School. In addition, the lecture was also uploaded to youTube accounts such as Al-Zaytun Movie and Al-Zaytun Official. Since the youTube accounts are widely accessible to the public, everyone has the opportunity to view and rate the video of the defendant's lectures that have been posted on the platform. Therefore, the Panel of Judges is of the opinion that the defendant's actions fall into the category of "intentionally in public" expressing feelings or committing acts that are blasphemous against the religion recognized in Indonesia. In this context, the definition of "in public" includes the delivery of statements in front of the public and through media that can be freely accessed by the public. Based on this, the Panel of Judges believes that the second element of the article imposed on the defendant has been legally and convincingly proven according to the law.

The author argues that the decision taken by the prosecutor and judge at the Indramayu District Court shows the lack of legal firmness necessary to effectively enforce the law against the perpetrators. The verdict is considered not to provide a punishment severe enough to really ensnare the perpetrator, so it does not provide the expected deterrent effect. The punishment imposed was considered too light and inadequate to prevent the perpetrator from possibly repeating similar acts in the future. Reviewed based on several teachings of deviant perpetrators who are included in blasphemy of Islam, and the perpetrators have previously been punished, it should be used as a reason for the prosecutor to give a higher charge than the charges in this verdict.

If the judge wants to enforce the law as fairly as possible according to the author, the judge can provide the principle of *ultra petitem* in decision-making. In the principle of *ultra petitem* it is possible to impose a verdict that exceeds what is requested or grant things that are not demanded. According to the author's analysis, the law enforcement in this decision is ineffective because the punishment is only a form of criminal responsibility but does not provide a deterrent effect to the perpetrator.

The application of the *ultra petita* decision by the judge must be based on a clear legal basis. Although normatively there is no provision in the Criminal Code that requires judges to issue a criminal verdict that fully follows the demands of the Public Prosecutor. The judge has the authority to determine a criminal verdict based on legal considerations and his conscience beliefs, including imposing a heavier sentence than the charges filed. Under certain conditions, if the facts of the trial reveal an aggravating circumstance and the judge believes that a heavier punishment is necessary, then the verdict is still valid and does not contradict the provisions of the criminal procedure law. Jurisprudence is one of the sources of law and also as a legal basis in making *ultra petita* decisions by judges.

In this case, the author argues that for the sake of justice, the judge should have handed down an *ultra petita* verdict for the convicted Panji Gumilang. Because the author is based on a comparison of the blasphemy case committed by Panji Gumilang and the blasphemy case committed by Basuki Tjahaja Purnama or Ahok. In the judge's decision in handling Ahok's case, the judge used *ultra petita* as seen from the judge who still chose article 156a of the Criminal Code which had been removed from the letter of demand or exceeded the letter of demand. Initially, the prosecutor only demanded that Ahok be sentenced to one year in prison, but the judge decided that Ahok was sentenced to 1 year 8 months and 15 days in prison. The

judge's reason in Ahok's case to use *ultra petita* refers to the facts of the trial that have been proven in court where the Defendant as a public figure and very influential in Jakarta should not have made a speech in front of the public by including surah Al-Maidah verse 55 in the speech (Marwandana, 2019)

The author argues that the judge in the case that the author is researching, should be able to use the jurisprudence of Ahok's verdict because in this case there are ballast reasons that the convict Panji Gumilang should have been sentenced to more than one year minus the period of temporary detention. One of the ballast reasons according to the author is that in his actions there are several times that Panji Gumilang has committed blasphemy against Islam and is considered more degrading and harassing than Ahok. The second reason is to meet the interests of the wider community, especially those who are Muslim, because criminal law is a public law where the interests that are always put forward are the interests of the state and the public.

Although there is freedom and independence of judges in making decisions, there are also limitations, namely, the decision must not exceed the maximum limit of punishment stipulated in the article charged. For example, Article 156a of the Criminal Code sets a maximum penalty of five years in prison. It is not allowed to impose a criminal verdict whose type of punishment is not regulated in the Criminal Code or other criminal regulations outside the Criminal Code. Lack of adequate consideration based on evidence, such as in the case of the high court increasing the defendant's sentence from a court of first instance decision, but is not accompanied by a clear and sufficient reason for the increase in the sentence. Such a decision may be annulled because it does not meet the requirements for proper legal consideration.

If it is associated with the theory of legal certainty in this case, legal certainty has been achieved because a prison sentence has been handed to the perpetrator as a form of criminal responsibility. However, the author argues that in his verdict he has not provided justice because he only sentenced him to one year in prison, according to the author if the judge gives an *ultra petita* verdict and sentences a 3-year prison sentence, it will provide more justice in his verdict.

IV. Conclusion

Based on the description above, in positive law, the settlement of this case has passed 3 levels, namely the level of investigation, the level of prosecution and trial, and the level of execution. The fact from the results of the investigation level is that it is true that Abdussalam Panji Gumilang is a perpetrator of blasphemy. After the level of investigation rose to the level of the trial, and the results of the trial there were three articles charged by the Public Prosecutor to the defendant, on his demand the perpetrator had been charged with Article 156a of the Criminal Code as the second indictment. Next at the final level, namely the execution level, the judge gives a sentence of one year in prison minus the period of temporary detention.

In Decision Number: 365/Pid.Sus/2023/PN Idm, according to the author, the decision of the Panel of Judges did not have a deterrent effect on the perpetrator but the punishment was only a form of criminal responsibility that had been committed by the perpetrator. The author has made a case comparison between the blasphemy case committed by Panji Gumilang and the blasphemy case committed by Ahok. The author argues that the judge who handled the Panji Gumilang case should be able to give an *ultra petita* verdict using the jurisprudence of the judge who handled Ahok's case. Because according to the author, in the blasphemy case committed by Panji Gumilang, the author considered it more harassing to Islam than the Ahok case. Both cases are viral, therefore the judge should be able to issue an *ultra petita* verdict.

References

Ahdad, A., Ridwan, & Rofiana, R. (2023). Sanksi Pidana Terhadap Pelaku Penista Agama Studi Kasus Putusan Pengadilan Negeri Pandeglang Nomor: 28/Pid.Sus/2018/PN Pdl.

- YUSTISIA TIRTAYASA: Jurnal Tugas Akhir*, 3(2), 156–174. <https://doi.org/10.51825/yta.v2i1>. Info
- Alam, D., Lesmana, S. J., & Asmarawati, T. (2023). Penyuluhan Hukum Mengenai Penanggulangan Penyakit Masyarakat di Kalangan Remaja di Kelurahan Pakuhaji Kecamatan Pakuhaji Kabupaten Tangerang. *BERNAS: Jurnal Pengabdian Kepada Masyarakat*, 4(1), 684–695. <https://doi.org/10.31949/jb.v4i1.3509>
- Anjarwati, N., Lesmana, S. J., & Lestari, T. A. (2023). Analisis Yuridis Tentang Perlindungan Hukum Terhadap Anak Jalanan di Kabupaten Tangerang. *Jurnal Crepido*, 05(02), 161–173. <https://doi.org/10.14710/crepido.5.2.161-173>
- Arto, M. (2011). *Praktek Perkara Perdata: Pada Pengadilan Agama*. Pustaka Pelajar.
- Auli, R. C. (2023). *Kebebasan Memeluk Agama dan Kepercayaan sebagai Hak Asasi Manusia*. Hukumonline.Com. <https://www.hukumonline.com/klinik/a/kebebasan-memeluk-agama-dan-kepercayaan-sebagai-hak-asasi-manusia-cl6556/>
- Azed, A. B., & Sarbaini. (2022). Kebijakan Kriminal Penanggulangan Kejahatan Penistaan Agama Abdul. *Legalitas: Jurnal Hukum*, 14(1), 122–134. <https://doi.org/10.33087/legalitas.v14i1.319>
- Azwar, S. (2009). *Metode Penelitian*. Pustaka Pelajar.
- Bernard, M., & Tobing, P. L. (2023). Penerapan Pasal 156A KUHP Sebagai Delik Penodaan Agama. *Syntax Literate: Jurnal Ilmiah Indonesia*, 8(9), 4951–4860. <https://doi.org/10.36418/syntax-literate.v8i9.13550>
- Diantha, I. M. P. (2016). *Metodelogi Penelitian Hukum Normatif Dalam Justifikasi Teori Hukum*. Prenada Media.
- Hadi, S. (1984). *Metodologi Research*. Yayasan Penerbitan Fakultas Psikologi UGM.
- Halilah, S., & Arif, M. F. (2021). Asas Kepastian Hukum Menurut Para Ahli. *Siyasah: Jurnal Hukum Tata Negara*, 4(Desember), 56–65.
- Hartono. (2012). *Penyidikan dan Penegakan Hukum Pidana: Melalui Pendekatan Hukum Progresif*. Sinar Grafika.
- Husein, H. M. (1991). *Penyidikan dan Penuntutan Dalam Proses Pidana*. Rineka Cipta.
- Lesmana, S. J. (2019). Kajian Yuridis Atas Pelaksanaan Pengawasan Terhadap Jabatan Notaris Menurut Undang-Undang Nomor 2 Tahun 2014 di Kota Tangerang. *Supremasi Hukum*, 15(1), 32–39. <https://doi.org/10.33592/jsh.v15i1.244>
- Lesmana, S. J., & Husna, N. (2020). Analisis Yuridis Terhadap Sikap Pemerintah Kabupaten Tangerang Dalam Menyikapi Sengketa Lahan. *Supremasi Hukum*, 16(2), 51–57. <https://doi.org/10.33592/jsh.v16i2.743>
- Marwandana, A. Z. (2019). *Analisis Yuridis Ultra Petita Putusan Hakim Terhadap Kasus Penistaan Agama Ir. Basuki Tjahaja Purnama Alias Ahok (Studi Putusan 1537/Pid.B/2016/PN.Jkt.Utr)* (Skripsi).
- Nur, Z. (2023). Keadilan dan Kepastian Hukum (Refleksi Kajian Filsafat Hukum Dalam Pemikiran Hukum Imam Syâtibî). *Misykat Al-Anwar: Jurnal Kajian Islam Dan Masyarakat*, 6(2), 247. <https://doi.org/10.24853/ma.6.2.247-272>
- Pattipawae, D. R. (2019). Pelaksanaan Eksekusi Putusan Pengadilan Tata Usaha Negara di Era Otonomi. *Sasi*, 25(1), 92–106. <https://doi.org/10.47268/sasi.v25i1.151>
- Putri, N. S., & Tim LBH Bandung. (2017). *Analisis Pasal 156 a KUHP dan UU No 1 tahun 1965 terkait tindak pidana penodaan agama yang terjadi di Jawa Barat*. <http://www.lbhbandung.or.id/wp-content/uploads/2017/03/Analisis-Pasal-156-a-KUHP-dan-UU-No-1-tahun-1965-terkait-tindak-pidana-penodaan-agama-yang-terjadi-di-Jawa-Barat.pdf>
- Rahma, T., Lemuel, Y., Fitriana, D., Fanani, T. R. A., & Sekarjati, R. D. L. G. (2022). Intolerance in the Flow of Information in the Era of Globalization: How to Approach the Moral Values of Pancasila and the Constitution? *Indonesian Journal of Pancasila Dan*

- Global Constitutionalism*, 1(1), 33–118. <https://doi.org/10.15294/ijpgc.v1i1.56878>
- Rumadi. (2007). *Delik Penodaan Agama dan Kehidupan Beragama Dalam RUU KUHP*. Yayasan Tifa.
- Sudrajat, H., Shadiq, T. F., & Lesmana, S. J. (2023). State Protection in Intellectual Property Products Research Method. *Pena Justisia: Media Komunikasi Dan Kajian Hukum*, 22(2), 318–329. <https://doi.org/10.31941/pj.v22i2.3209>
- Syahrani, R. (2008). *Rangkuman Intisari Ilmu Hukum*. Citra Aditya Bakti.
- Tamba, I. N. (2024). Penistaan Agama Pada Konten Media Sosial Dalam Perspektif Sila Pertama Pancasila Ketuhanan Yang Maha Esa. *Jurnal Penelitian Pendidikan Indonesia*, 1(4), 146–150. <https://doi.org/10.62017/jppi.v1i4.1437>