

**HIZB UT-TAHRIR`S FIGHT BACK:
THE RESPONSES OF HIZB UT-TAHRIR INDONESIA
TO THE STATE REPRESSION**

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Abstract: Islamic political movements in the world politics are mostly responded by the state through repressive policies. Those groups are banned; their members are arrested, and even killed. Hizb ut-Tahrir is one example of an Islamic political movement that has gone through many kinds of state repression. In Indonesia, even though this group has for a long time enjoyed an open political space to work, it changed significantly after the state issued a policy to resolve this movement in Indonesia. This article aims to discuss the impact of the state policy to hizb ut-tahrir Indonesia by using a social movement approach on the impact of state repression to social movement. This paper argues that HTI responds to state policy by countering the state policy through political and legal strategy.

Keywords: The Impact of State Repression; Hizb-Tahrir; Indonesia

Introduction

Since the early 2000s, HTI has enjoyed opened political opportunities to conduct its political activities and to disseminate its political ideas. It also got legal acknowledge from the state which gave this group broader spaces to engage more people to involve in HTI's agendas and to become the part of its struggle either as the member or sympathizer (member). As a result, the familiarity of HTI's ideas in Indonesian people increased and make the political leverage of this group increase as well. For HTI's this is a good story but for the government and other groups in Indonesia, this would be a threat to their political interests or against their political beliefs. As a result, the conflict between the government, Indonesian Muslim groups, and HTI are becoming inevitable.

The logic of threat then used by the state to issue a regulation in lieu of law (Perppu Ormas 2017) to dissolve Hizb ut-Tahrir Indonesia followed by many policies to contain the Islamic radical ideas (HTI's ideas). The state wished that this policy could stop or at least significantly reduce the mobilization of the political Islamic movement that seemed enhanced since 2016. This article attempts to discuss the impact of the state repression on Hizb ut-Tahrir Indonesia. It argues that repressing social movement does not necessarily end a movement rather it can change a movement political actions. Responding the state policy, Hizb ut-Tahrir responded it by countering the narrative of state and fight the state through political and legal strategy.

The Impact of The State Repression on Social Movement: Theoretical Framework

In responding to a social movement, the state has two options either to accommodate or to repress the movement. Both strategies' main goal is basically to change the behavior of the movement so as not to become a threat to the state. When a state chooses to repress a movement, the state can use many methods or tactics that include direct or indirect punishment to the movement such as issuing a policy, arresting, killing, intimidating, and stigmatizing. In some cases, the repressive action was successful which

causes the demobilization of a movement but sometimes it also fails. Repression does not necessarily demobilize movement; repression could even change the behavior of the movement to be more aggressive or militant, or else the movement changes its strategy to be adaptive in the repressive situation. Thus, the result of state repression does not necessarily demobilize social movement; in contrast, repression could trigger the increase of social movement mobilization.

Another impact of oppression is that instead of increasing or reducing mobilization, a social movement can choose to change its strategy or mode of resistance to adapt from repressive state policies; This can be either violent or nonviolent activity. This mode of resistance will always change to adapt to the changing state repression strategy.¹

Some strategies or tactics of resistance can be chosen by social movements to respond to the state repression: it could be changing arenas of resistance, changing issues or demands, and changing identities or duplicitous groups. The main idea of resisting the state repression is that social movements will adapt their tactics to continue their mobilization under the repressive regime. On the other hand, the changing strategy of social movement is a way to save from state control. Whatever the forms of state repression imposed upon social movement, a social movement will adapt to new forms of resistance.²

Changing tactics means that a movement carries out its political activities through other methods, violent, nonviolent, or underground. It can also change the arena or place of resistance such as through the Internet, in court, prison, underground, exile, or in places that could be effective for the movement's political activities and hard to be controlled by the state.

Furthermore, issues advocated by the social movements can change as a response to state repression but still to get broader support from the public and continue its resistance to the state or regime. Lastly, duplication strategies or duplicitous organization (duplicate groups or de-identification) can be an alternative for the repressed social movements to survive. A movement can form many duplicate groups such as churches and religious groups, social and recreational groups, and intellectual and cultural groups.³

To dissolve Hizb ut-Tahrir Indonesia, the government used the security narratives or framings that placed HTI as the main threat to Indonesian politics. Hizb ut-Tahrir is said to contribute to the increase of the horizontal conflict within Indonesian people, also HTI's ideology is against Indonesian ideology even can inflict to the political disunity in Indonesia. The narratives of Khilafah, Shariah, anti-democracy, and anti-nationalism that according to the Indonesian government imminently threatens Indonesian politics that is why the state should contain and end the growth of this movement before it becomes much more endangered. Not only dissolving HTI, but the state also tried to keep Indonesian away from HTI's political ideologies.

The state policy, however, seems is not successful enough to end this group's activities including to garner Indonesian people in supporting the state policy. In contrast, the state policy even caused many critics from pro-democracy activists, political observers, domestically or internationally, including critics from the Muslim groups and Muslim activists. Indeed, this policy did not end the HTI's works Indonesia even HTI arranged its strategy to confront the state policy through political and legal resistance.

The State Repression on Hizb ut-Tahrir in Indonesia

Hizb ut-Tahrir or party of liberation has now been a global Islamic political movement, seen from its existence in more than 40 states. This movement was firstly Hizb ut-Tahrir was firstly founded in Jerusalem by a jurist and an Islamic scholar, Sheikh Taqiuddin an-Nabahani (1909-1977) in 1952 and declared officially as a legal political party in 1953 after submitting its application letter in Jordan (Rodhi, 2012). Since its inception until the 2000s, it has established its chapter in almost all of the world continents, Australia, Asia, America, Europe, and Africa with estimated millions of members all over the world.⁴

As the Islamic political movement, Hizb ut-Tahrir shares the same vision with other Islamists and jihadists groups that pursue to transform the modern political system to the Islamic political system, Khilafah. Hizb ut-Tahrir constructs its arguments on the need of Khilafah based on the traditionalist methodology that refers from the Fiqh or Ushul fiqh

perspective that all things including political discourses should be referred to the Quran, prophet tradition and the *ijma* or prophet companion's consensus.⁵

Hizb ut-Tahrir argues that Khilafah is the obligation from God Allah Almighty to Muslims as the only method to implement all the sharia law and protecting Islam and Muslims from their enemies. Ignoring this obligation, according to Hizb, is considered as a violation of Islamic law, even the bad condition of the current Muslim ummah, is because of the carelessness of Muslim in establishing Khilafah state. As a result, secular ideology and thoughts are now dominating Muslim thoughts, capitalism, liberalism, democracy, human rights, and socialism.

This narrative is becoming the main narrative of Hizb ut-Tahrir in its political activities. It then became a weapon for regimes in the many states to criminalize or repress Hizb ut-Tahrir. Since its declaration in 1953, in the same year, this group also was banned in Jordan, the leaders of this group were arrested deemed to violate the Jordan law and against the state ideology. It was also followed by other states like Iraq, Syria, and Libya.⁶

HT started to work in Indonesian beginning in the 1980s brought by Abdurrahman al-Baghdadi. During the 1980s and 1990s, Hizb activists worked mainly in Indonesian universities through Islamic student organizations; it then helped this group to expand to engage with the wider Indonesian public. By 2000, HT started to openly declare its work and ideas in Indonesia by holding the first International Khilafah Conference that attended around 2000 people. It then followed by a massive engagement to the Indonesian public through continuous contact with figures; producing media, talk show, demonstration, and international conferences. These events become a tool for Hizb to engage with Indonesian people and to introduce the idea of shariah and Khilafah.⁷

The ability to make many agendas in Indonesia is not only because of the militancy of Hizb ut-Tahrir's members but also thanks to Indonesian political democracy that created the political opportunity for this group. HTI has got a legal acknowledgment by the government through Certification of Registration from the Indonesian Ministry of Internal Affairs (Kementerian Dalam Negeri). Also, in 2014, HTI got legal status from the Indonesian

Ministry of Law and Human Rights.⁸ Also, HTI was welcomed by the Indonesian Islamic groups through the acceptance of HTI's figures to the Indonesian Ulema Council for the period 2005-2010.⁹

The political opportunity to Hizb ut-Tahrir changed in 2017 after the state issued a policy to revoke the legal status of Hizb ut-Tahrir Indonesia. This policy was made under the worse relation between state and Islamic political movements in Indonesia since 2016 where the coalition of the Islamic movement, called 212 movements succeeded to put the Jakarta governor, Basuki Tjahaja Purnama (Ahok) in jail due to the issue of religious blasphemy as well as defeat Ahok in the gubernatorial election.¹⁰

The state issued the policy after some demand from some Islamic groups including Nahdlatul Ulama to dissolve HTI. On 19 July 2017, the Indonesian Ministry of Law and Human Rights declared to revoke the legal status of HTI based on the Perppu Ormas 2017. HTI was considered to not carry out a positive role to take part in the development process to achieve national goals. HTI's ideology also is strongly indicated to have been contrary to Indonesian ideology, Pancasila and the 1945 Constitution of the Republic of Indonesia. The activities carried out by HTI as well are considered to invoke conflicts that can threaten the security and order of the Indonesian politics, as well as endanger the Unity of Republic of Indonesia.¹¹

HTI Political Resistance: Countering the State's Negative Framings

In countering the negative framing and stigmatization of the state to Hizb –ut Tahrir, HTI's reacted and criticized the government severely. These counter-narratives were spoken and written in Hizb's media, including in Indonesian media interviews. The main narrative of the state to dissolve HTI was that HTI does not contribute to the Indonesian development; HTI has a political ideology that is against Pancasila and the Indonesian 1945 constitution, and the HTI's activities trigger clashes within Indonesian society.

Answering the state narratives, HTI responded that, HTI is a legal organization in Indonesian which means that it has the right to carry out its da'wa activities in Indonesia to contribute to Indonesian better life. This

group argued that it has contributed to the development of Indonesian human resources by teaching them Islam to establish an Islamic character or personality. Besides, HTI also actively involved correcting the Indonesian government through objecting many liberal state regulations such as The Law of Oil and Gas (UU Migas), The Law of Capital Investment (UU Penanaman Modal), and the law of National Education System (UU Sisdiknas), HTI also rejected separatism and political disintegration, and in many natural disasters occurred in Indonesia, HTI involved to help the victims.¹²

Replying as the anti-Pancasila group and threatening Indonesian life, HTI contended, Hizb ut-Tahrir only call for Islam to be implemented in every part of the human life, including in governing state. Khilafah is the part of Islam, and in Indonesia law of social organization, Islam is not mentioned as the kind of doctrines that against Pancasila. So, HTI argued, accusing that Khilafah is against Pancasila is a violation of the social organization law (UU Ormas, 17/ 2013). Even, according to HTI, it has not mentioned any single word regarding the rejection of Pancasila in its publications: books, talks, and media. In terms of the call for political change, HTI contended, the change of Indonesian constitution is not an unlawful thing because in the constitution itself mentioned that there is a feasibility to change, indeed Indonesian constitution has changed four times.¹³

The allegation that HTI can cause the political division in Indonesia is also rejected by HTI. One of the main objectives of Khilafah, according to HTI, is the unity of the ummah whereas the idea of political disintegration for HTI is automatically considered as an illegal (*haram*). HTI even opposed the idea of the political disintegration of East Timor to be an independent state when the regime back then proposed to give referendum to the province of East Timor.¹⁴ The real threat to Indonesia according to HTI is not HTI or the idea of sharia and Khilafah but the adoption of secularism and neo-imperialism which both bring Indonesian to the edge of destruction.

According to HTI, since the independence of Indonesia, secularism has been used to regulate Indonesian life in politics, economy, law, education,

and social relations either in socialist form or capitalistic and neo-liberal. As a result, since then those systems only contributed to the never-ending crisis in Indonesian society: widespread poverty, unemployment, and inflation. This economic problem then inflicted on the increase of social problems or crimes such as robbery, thief, murder, and immoral actions – sexual abuse and rape, including the decline of Indonesian morality. Another threat according to HTI is neo-imperialism, which is used by the superpower states to control Indonesia for their economic interests through the debt instruments and global regulations. This neo-imperial strategy caused the loss of Indonesian political independence and weakened the government's capabilities to manage Indonesian material and human resources.

Hence, according to HTI, the existence of HTI and its call for shariah and Khilafah is the counter-movement to the neo-imperialism invasion and as the alternative to the secular-liberal system. Hence, instead of becoming a threat, shariah and Khilafah is a solution for all Indonesian problems. Struggling to establish the Islamic system in Indonesia, for HTI, is the symbol or the form of the love and care of HTI to Indonesia.

Concerning the argument of the clash within Indonesian society that caused by HTI, HTI stated, this group has existed for more than 20 years and never before it created any disturbance in the society except that happened in 2017. Furthermore, HTI also has a good relationship with all Islamic social organizations in Indonesia, including Nahdlatul Ulama and Muhammadiyah.¹⁵ Thus, according to HTI, the conflict that happened in 2017 was not perpetrated by HTI but by the provocateurs. HTI claimed that it has valid information that there is an organized plan and action that tried to create and provoke a clash between HTI and other Islamic groups.

Tidak tabu saya. Kemarin-kemarin tidak pernah ada yang beginian. Dugaan saya, ada yang salah paham atau ada pihak-pihak tertentu yang sengaja mengompori dan mengadu domba antara HTI dan ormas atau kelompok Islam lain. Kemungkinan yang terakhir, kita mendapatkan informasi valid dari pihak-pihak yang kompeten.

"I do not know. There was never anything like this in the past. I guess that there is a misunderstanding or there are certain parties who deliberately provoke and pit sheep between HTI and other mass organizations or Islamic

groups. The last possibility, we get valid information from the competent parties".¹⁶

The spokesperson of HTI, Ismail Yusanto stated that he has the authentic data to prove that the state has systematically asked all the state apparatus from national to local government to ban all activities HTI in all places in Indonesia. It was a letter made by the Ministry of Internal Affairs dated 09 May 2017 that instructed all governors, Regencies to be more aware of HTI. As a result, Yusanto expressed that he got many cancellations of his preaching schedule in some places, mosques, and universities.¹⁷

The political motive behind the state policy, in HTI's point of view, is more to the anger of the regime to its loss in the 2017 gubernatorial election of Jakarta and also the fear of the anti-Islamic ideology of the rise of political Islamic mobilization in Indonesian. HTI argued that the main challenger of the neo-imperial states today is Islam. So, if Muslim unites politically then it would be a nightmare for the neo-imperialist powers. That is why, they try to contain the growth of political Islamic movements through all means, including stigmatizing them as radical, terrorist, and fundamentalist.¹⁸ Thus, for HTI, the regime's policy to HTI thing is considered to be highly political then a real legal reason as always reproduced and propagated by the regime and its supporters.

According to Ismail Yusanto, the defeat of Ahok and the political revenge of the regime to the Muslim groups and activists is the only rational reason for the current state political repression/state policy. Never before, did this thing happen except after the rise of the Islamic activism's wave on the issue of religious blasphemy done by Ahok in 2016 then put him in jail and defeated as well in the 2017 gubernatorial election. And all the figures who were criminalized was that those who represented the Muslim opposition movement of anti-Ahok or 212 (GNPF-MUI) Movement.¹⁹ Furthermore, Yusanto argued that there was a fear of certain political interests that they will lose again in the 2018 regional elections (Pilkada - Pemilihan Kepala Daerah) and the coming of the legislative and presidential election in 2019.²⁰

To counter the stigmatization by the regime, Hizb ut-Tahrir labeled the state policy to HTI as "*the anti-Islamic repressive regime*" or "*Rezim Represif Anti*

Islam". This is so, HTI argued that in reality, the regime used only the law to repress Muslim activists and figures, but at the same time protecting "the perpetrator of religious blasphemy" or Ahok, and groups who arbitrarily and freely dissolve *da'wa* activities of HTI, FPI and anti-regime Muslim activists in many places.²¹ These counter state narratives are mentioned and become the main discourse in Hizb ut-Tahrir's media particularly in Media Umat, and al-Waie.

Furthermore, as part of political activity to counter the state framing on HTI, immediately after the state announced its plan to revoke the legal status of HTI, this group held a Press Conference that was attended by Indonesian media. In this conference, the representatives of HTI: Ismail Yusanto, Yahya Abdurrahman, And Rohmat S Labib rejected all the state indictments to HTI. In this conference, HTI expounded that Khilafah is a historical fact and not a new within Muslim discourses, even this political system has ever been existed for about 14 centuries. Again, Khilafah as the part of Islamic system has been admitted by the authoritative Muslim scholars for the four most authoritative Islamic jurisprudence schools (Shafii, Maliki, Hanbali, and Hanafi).²²

Mobilizing Members and Supporters

Other political actions by HTI through its members and its supporters was that the increase of national and regional mobilization to oppose state policy and narratives through demonstration, political declaration, and forum by students and Muslim preachers, including Ulama, and Muslim lawyers.

Ulama and Muslim preachers mobilized nationally with almost the same objective that was rejection of the state's effort to dissolve Hizbut Tahrir Indonesia such as in Banjar (West Java province), Karawang (West Java), Tangerang (Banten Province), Depok (West Java), Yogyakarta, Banjar (West Java), Ciamis (West Java), Surabaya (East Java), Semarang, Jakarta, Bogor, Bekasi, Bandung, and Madura. In those forums, many Islamic figures from many organizations came and gave support to HTI, like Dewan Masjid Indonesian (DMI), Syarikat Islam, Muhammadiyah, the retired Indonesian

Military soldier, DDII (Dewan Dakwah Islam Indonesia), and Hidayatullah.²³

On the one hand, Students and Muslim youth also mobilized nationally through demonstration to reject the state policy of criminalizing Muslim activists, ulema, and Hizb ut-Tahrir. Those young activists came with many different names and alliances: *Forum Pemuda dan Mahasiswa Islam Bersatu*, Jember, Province of East Java; *Forum Pemuda Mahasiswa Islam* (FPMI), *Aliansi Pemuda dan Mahasiswa Makassar Bela Rakyat* (APMMBR), and *Aliansi Pemuda dan Mahasiswa Indonesia* (APMI) Jakarta, *Badan Koordinasi Lembaga Dakwah Kampus*, Solo.²⁴

The mobilization of HTI members and supporters in Indonesia showed the aggressive and massive effort of HTI to contain the state stigmatization and to prove that the Indonesian people accepted HTI. This kind of action, politically, is a message to the government that HTI has got many supports from Indonesian people, especially from Muslim scholars (ulema). Also for the Indonesian people, the message was that HTI is not a dangerous group and to show that the Indonesian government has treated HTI arbitrarily.

Social Media Resistance “Twitter”

Mobilization of HTI members and supporters occurred in social media particularly in Twitter by creating a twitter trending topic in Indonesia that aims to counter the state's massive narratives and stigmatization on HTI. For instance, in May 9/2017, after the state initiated to dissolve HTI, hashtag #KamiBersamaHTI (#We are with HTI) had been trending on Twitter with 23.200 tweets.²⁵

Again, in the morning of 7, May 2018 before the court (PTUN) decided the HTI appeal, hashtags that supported HTI were on top: #HTILanjutkanPerjuangan (90.900 tweets); #7MeiHTIMenang (72,700 tweets); #HTILayakMenang (239.000 tweets), #UmatBersamaHTI, (27,200 Tweets), #IslamSelamatkanNegeri, (71.800 tweets) ("No Title," 2017). In the afternoon after PTUN decided to reject the HTI's appeal, HTI then again became top trending with hashtags #AllahBersamaHTI (#GodIsWithHTI) that became the nation's twitter trending topics with

156,000 tweets and #HTISiapBanding (#HTIReadyToAppeal), which was used over 19,300 times.²⁶ One day before the decision, on 6 May 2018, three topics on HTI became top trending, #KhilafahAjaranIslam, 117.000 Tweets #HTIdiHati, 116.000 Tweets, and #AdvokatBelaHTI 111.000 tweets.²⁷ These hashtags on HTI seemed to be organized systematically and well planned. The ability of HTI members to create trending topics on Twitter got responded by some people, who mentioned HTI used twitter bots to get top trending on twitter.

Garnering Political Supports

For the executive members of HTI, their political effort is coming to visit and lobby the parties in the house of Representatives to reject the Perppu 2017 to be legalized by the legislators. For example, HTI and around 10 Islamic groups visited Fadli Zon, the vice chairman of the legislative to speak against the state policy on HTI and call the legislative members to also object to the so-called repressive regulation.²⁸ This strategy also followed in the regional level where many Muslim alliances came to regional legislative to support HTI and spoke against the state policy such as Tangerang Muslim Alliance in Tangerang city, west java province, Forum Kyai dan Ustadz (Fokus) Jember, East Java Province, and Ciamis using the name, Forum Ukhuwah Tokoh, Ulama dan Umat Islam (FUTUUI).²⁹

When the legislative started to discuss the Perppu 2/2017, HTI was also invited by the legislative members as one of the Muslim groups to hear the responses of those groups on the Perppu 2/2017. In the legislative hearing, HTI explained the need to understand the political struggle of HTI to establish Khilafah state. Ismail Yusanto expounded that Khilafah is the part of Islam that must be believed to bring goodness to Indonesia. If just considered to be contrasted with the current laws and regulations does not necessarily mean that it must be wrong and should be rejected. According to Yusanto, so many Islamic traditions and laws, where before were incompatible with the existing laws but then adopted because of the good values within it, such as Islamic finance or banking, and the hijab tradition. In this forum also, HTI challenged the state accusation to HTI as an anti-

Pancasila group that, according to HTI, is never clarified. Then it is said as unfair treatment and policy to the Indonesian people and proved that the regime showed that the regime by itself is the true anti-Pancasila. Moreover, before being dissolved, HTI had sent a letter to the Ministry of Coordinator of Politics, Law, and Security but it is never replied. In this forum, HTI asserted that nothing can stop the da`wa activity of HTI as its obligatory to Muslims and the great consequence in the hereafter to leave it.³⁰

Legal Resistance

Regarding the struggle in the legal field, in 23 of May 2017, HTI declared the lawyer team for HTI (TP-HTI) with the tagline “1000 lawyers for defending HTI” or “*Deklarasi Tim Pembela HTI (TP-HTI): 1000 Advokat Bela HTI*”. This was declared in the Yusril Ihza Mahendra`s Law Firm with Yusril as the head of this lawyer team at once. This TP-HTI was established to protect the constitutional rights; to support the resistance and legal defense of HTI and its members from any intimidations and interferences in all regions in Indonesia.³¹ It was also followed by the same declarations in many cities in Indonesia with the same tagline in Makassar, Solo, Bogor, Bandung, Medan, Surabaya.³²

To challenge the Perppu 2/2017, HTI and its lawyers proposed to appeal judicial review in the constitutional court with Yuzril Ihza Mahendra as the lawyer. Some points were challenged including the point that an organization is forbidden to adhere to the anti-Pancasila doctrines, which is considered as a very loose interpretation. It was submitted on 18 July 2017. On 12 December 2017, the judges rejected this appeal after the legislative (24 October 2017) in the plenary meeting agreed on the transformation of the regulation in lieu of law Number 2 of 2017, (Perppu Ormas, 2/2017) into law. The judge argued that the provisions of the Perppu on Mass Organizations had been approved and ratified as the law so that the petitioners lost the object of the request.³³

On the other hand, HTI challenged the state administrative process, which revoked the legal status of HTI in the Jakarta Administrative Court (PTUN). In the case file, HTI appealed to the court to cancel the Decree of

the Minister of Law and Human Rights concerning the revocation of the legal status of HTI; and to order the ministry to return the legal status of HTI by revoking the former ministerial decree. The trial process has been held around more than 15 times with both HTI and The Ministry of Law and Human Rights presented many fact witnesses and experts as well as evidence that corroborate each argument. But then HTI in this judicial struggle failed to convince the court to return the legal status of HTI. On 07 May 2018, the judge decided to approve the dissolution of HTI and considered that the state step was right and not against the law.³⁴

HTI responded to this decision as an unfair to Hizb ut-Tahrir, even called as a strange thing, because the administrative court the decision did not decide based on the main issue brought by HTI concerning the administrative case, the process of revoking HTI legal status without the clarity of HTI mistakes. The court even decided the case concerning the substantive issue (Khilafah), which according to HTI, was out of the court's authority as the administrative court. The court also was considered to be biased where only the state expert arguments were accepted while ignoring HTI experts. All the state experts, according to HTI, only tried to stigmatize, and criminalize HTI and the notion of Khilafah, though those arguments failed and no empirical proof. HTI then accused the administrative court was in part in criminalizing the idea of Khilafah.³⁵

On the day where the decision of the administrative court was issued, HTI mobilized its supporters to wait for the last session of the judicial process outside the court building. Hundreds of people gathered waiting for the final decision of the court. After listening to the decision, the participants shouted "*Allahu Akbar*" or God is the Greatest, and did the prostration of gratitude while the HTI leaders speech in front of its members. HTI contended that this kind of thankfulness because HTI was criminalized not because of the real crimes but because of doing *da'wa* for *Khilafah* as the Islamic obligation.³⁶

HTI did not accept that decision and brought it to the higher administrative court (*PT TUN – Pengadilan Tinggi Tata Usaha Negara*) but again was rejected by this court on 19 September 2018. The court confirmed that HTI is proven aiming to transform Indonesia to be a Khilafah state,

including the Indonesian ideology, which means to bring a threat to Indonesian unity and integrity. Still not satisfied, HTI brought the case to the Supreme Court (*Mahkamah Agung*) but again rejected by the court on 14 February 2019.³⁷

After the Supreme Court issued the decision, HTI responded that this was not a surprise if those courts did not accept HTI's appeal, under the current political atmosphere and legal culture which was very discriminatory and political. Besides, the decision of the courts on HTI's appeal did not mean that HTI is a forbidden group or "illegal" in Indonesia.³⁸ Because, the reality is that HTI has only been revoked its legal status by the government as mentioned in the decree, which means that HTI is a non-legal status organization but still has a legal right as a group as mentioned in the social organization law article 10, 17/2013 (Yusanto, I, personal interview, 2020, January 01).³⁹

HTI also re-emphasized that the state policy to criminalize HTI and the idea of Khilafah increasingly proved the repressive and the anti-Islamic character of the regime. Hence, this kind of regime cannot be allowed to be again in power. Furthermore, *da'wa* activity, according to HTI, is the obligation of God therefore none can prevent HTI to carry out its *da'wa*; HTI will never step back and will always go forward to fulfill the obligation of *da'wa*. HTI also warned that all things concerning the men: live, death, sustenance, and harm are in the hand of God, not in the people's hand.⁴⁰

This statement of HTI was posted on Youtube channel, 20 Feb 2019, two months before the presidential election in Indonesia. This statement contained some political points: first, objecting the regime and courts decision to HTI; second, framing the state as the repressive and anti-Islamic regime; third, therefore, calling the Indonesian people not to vote the incumbent candidate (*Joko Widodo*) for the second term; challenging the state and those who are anti-HTI parties, that they can never stop HTI whatever their strategy to repress it.

Conclusion

In response to the Hizb ut-Tahrir political activities in Indonesia, the state created a repressive approach namely by issuing an extraordinary law, and producing negative framing to this Islamic political movement. This policy is undertaken by the regime to contain the influence of HTI that has been considered to increase the radicalism in Indonesia. HTI was dissolved because of its ideas that were perceived against Pancasila, as Indonesian ideology and 1945 Constitution. It was undertaken by the state, after HTI worked over 20 years in Indonesia.

The steps that the state chose to respond to HTI, in reality, did not make this group to stop or to end its activities, even HTI rejected all the state allegations and counter the state back as an anti-Islamic regime, or lawless regime. There are two strategies used by this group to fight against the state policies, namely political and legal resistance. Through political strategy, HTI denied all the state narratives to hizb ut-tahrir by mobilizing its resources, such as members, sympathizers and media. Whereas through the legal strategy, HTI confronted the state in court to delegitimize the state policy. HTI brought the case to constitutional court, administrative court, higher administrative court and Supreme Court. Unfortunately, HTI never wins any one of the courts.

After all, the state repression to a social movement does not necessarily end the movement, but it can change its mode of action by using many channels or strategies. HTI in Indonesia has proven that, rather than stop its actions due to the state policy; it continues to work particularly to counter the state repressive policy.

Endnotes

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