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SIYASAH DUSTURIYAH AND THE PROTECTION GAP: CONSTITUTIONAL REMEDIES FOR THE AHMADIYYA MINORITY IN MAKASSAR

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ABSTRACT
This article critically examines state policies that restrict the religious freedom of the Ahmadiyya minority in Makassar City, Indonesia, particularly those implemented with reference to the 2008 Joint Decree of the Three Ministers. The study aims to examine the constitutional implications of these restrictions and develop a siyasah dusturiyah–based framework for evaluating their legitimacy within the Pancasila rule of law. Using a qualitative descriptive design with normative shar'i and socio-empirical approaches, Data were collected through observation, in-depth interviews, and and analysis of statutory and policy documents. The empirical component examines how restrictive policies are experienced and implemented, while the normative component evaluates those practices through siyasah dusturiyah and maqasid al-shariah. The findings indicate that reliance on formal policy instruments and public-order considerations has been accompanied by experiences of stigmatization, social exclusion, and restrictions on religious activities among Ahmadiyya community members. At the same time, the study identifies limitations in the available mechanisms for challenging restrictions affecting constitutional rights, raising a broader question about the adequacy of constitutional protection. This article argues that a maqasid al-shariah–based ethical legal framework can provide normative criteria for evaluating whether restrictions on religious freedom are justified by legitimate public interests, proportionate, non-discriminatory, and consistent with the protection of religion and life (hifz al-din and hifz al-nafs). It concludes that the restrictions examined in this study reveal a tension between administrative implementation, public-order rationales, and constitutional guarantees of religious freedom. From a siyasah dusturiyah perspective, such restrictions require substantive justification, proportionality, and effective accountability rather than reliance on formal legal authorization alone. The study therefore calls for a rights-based reassessment of policies affecting the Ahmadiyya community.

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INTRODUCTION

Indonesia is widely recognized as a country with a high degree of religious, ethnic, and cultural diversity, positioning it as one of the most pluralistic societies in Southeast Asia. This pluralism constitutes both a constitutional asset and a persistent challenge in the development of a democratic legal order grounded in the protection of human rights.[1] Freedom of religion occupies a central place within this framework.[2] It is explicitly guaranteed by the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), particularly Articles 28E and 29, which affirm the right of every individual to adhere to a religion, to worship according to their beliefs, and to enjoy equal protection before the law.[3] Normatively, these provisions reflect Indonesia's commitment to the Pancasila rule of law (Negara Hukum Pancasila).[4] However, the practical realization of religious freedom remains contested, particularly when constitutional guarantees encounter administrative policies and practices affecting religious minority groups.

One important manifestation of this constitutional tension concerns restrictions affecting the Indonesian Ahmadiyya Community (Jemaat Ahmadiyya Indonesia-JAI), including those implemented with reference to the 2008 Joint Decree of the Three Ministers.[5] Although the policy instrument was framed in terms of maintaining public order and religious harmony,[6] its implementation has raised questions concerning the relationship between administrative

[1] Dedah Jubaedah et al., "Beyond the Six Recognized Religions: Comparative Madhhab Perspectives on Religious Freedom and Indonesian Constitutionalism," *Mazahibuna: Jurnal Perbandingan Mazhab* 8, no. 2 (2026): 351–68, https://doi.org/10.24252/mazahibuna.vi.66738.

[2] M. M. F. Akbar, "Legal Protection for Tolerance and Freedom among Religious People in Indonesia," *Contemporary Issues on Interfaith Law and Society* 1, no. 1 (2022): 39–58, https://doi.org/10.15294/ciils.v1i1.56712.

[3] Imam Safawi and Adrial Adam Prasetyo, "Application of Legal Aid for Marginalized Communities," *Shautuna Jurnal Ilmiah Mahasiswa Perbandingan Mazhab 5*, no. 1 (2024): 113–30, https://doi.org/10.24252/shautuna.v5i1.43192.

[4] St. Nasriah et al., "Reconstructing Fiqh Al-Aqalliyyāt for Muslim Minorities in Europe," *Parewa Saraq: Journal of Islamic Law and Fatwa Review 5*, no. 2 (2026): 188–98, https://doi.org/10.64016/parewasaraq.v5i2.91.

[5] - Mochamad Sodik et al., *The Inceptioan of SKB in Ahmadiyya: From State of Power to State of Law*, 2022.

[6] M Abd Aziz et al., "Islamic Legal Pluralism and Localized Ijtihad in Rural Indonesia," *Mazahibuna: Jurnal Perbandingan Mazhab* 8, no. 1 (April 30, 2026): 92–111, https://doi.org/10.24252/mazahibuna.vi.65263.

regulation and constitutional guarantees of religious freedom.[7] In Makassar City, this tension is particularly significant because restrictions on religious activities may affect not only the formal exercise of religious freedom but also the everyday position of a religious minority within the local social and administrative environment.[8] Rather than assuming that such restrictions are inherently unconstitutional, this study examines how they are implemented, justified, and experienced, and whether their application is consistent with the requirements of constitutional protection, proportionality, and nondiscrimination.

From a comparative and theoretical perspective, policies restricting religious freedom can also be examined through the concept of securitization. Yilmaz (2023) conceptualizes securitization as a process through which particular groups or issues are constructed as threats requiring exceptional or restrictive state responses.[9] Applied cautiously to the Ahmadiyya case, this perspective helps explain how concerns relating to public order, religious harmony, or social stability may influence the administrative treatment of a minority community. Fox (2023), meanwhile, emphasizes the protection of religious minorities as an important dimension of substantive democracy.[10] These perspectives are complementary rather than constitutive of the study's primary theoretical framework: securitization is used to explain the political and administrative construction of religious threat, while constitutionalism addresses the limits of state power and the protection of fundamental rights. The study subsequently brings these insights into dialogue with *siyāsah dusturiyah* to evaluate whether state responses remain consistent with justice, public welfare, and rights protection.

The situation in Makassar City, therefore, provides a concrete setting in which the relationship between constitutional guarantees and administrative implementation can be examined. Indonesia is constitutionally established as a rule-of-law state under Article 1 paragraph (3) of the 1945 Constitution, while the protection of religious freedom is also guaranteed by constitutional provisions concerning freedom of religion and belief. Reports by the National Human Rights Commission (Komnas HAM 2022) have documented concerns regarding violations of religious freedom affecting minority groups, including Ahmadiyya communities. The central issue is consequently not merely whether constitutional rights are

[7] Slamet Imam Faizin et al., "Reconstructing Islamic Legal Reasoning from Classical Fiqh to the Digital Context: The Comparative Mazhab Approach As the Basis for Religious Moderation," *Shautuna: Jurnal Ilmiah Mahasiswa Perbandingan Mazhab* 7, no. 1 (2026): 55–73, https://doi.org/10.24252/shautuna.v7i1.63443.

[8] Melissa A. Crouch, "Law and Religion in Indonesia: The Constitutional Court and the Blasphemy Law," *Asian Journal of Comparative Law* 7, no. 1 (2012), https://doi.org/10.1515/1932-0205.1391.

[9] I. Yilmaz et al., "Authoritarian Use of Religion to Delegitimize and Securitize the Opposition," *Religions* 14, no. 5 (2023), https://doi.org/10.3390/rel14050596.

[10] J. Fox, "Do Religion Clauses in Constitutions Predict Government-Based Discrimination against Religious Minorities?," *Religions* 14, no. 1 (2023), https://doi.org/10.3390/rel14010092.

formally recognized,[11] but whether the institutional and administrative mechanisms through which those rights are implemented provide effective protection when minority religious activities are restricted. This raises an additional remedial question concerning the adequacy of existing legal mechanisms for challenging state action that allegedly interferes with constitutional rights.[12]

Existing scholarship on Ahmadiyya-related policies in Indonesia has primarily drawn on sociological, political, human-rights, or positive-legal approaches. These studies have made important contributions by documenting patterns of restriction, institutional responses, and the social consequences experienced by minority communities.[13] Nevertheless, the relationship between these empirical findings and an explicitly Islamic constitutional framework remains underdeveloped.[14] In particular, existing approaches do not sufficiently explain how *siyāsah dusturiyah* can function as an analytical framework for assessing the exercise of public authority when state policies affect religious freedom. The gap is therefore not simply the absence of another description of Ahmadiyya discrimination, but the absence of an integrated framework that connects empirical patterns of policy implementation with constitutional limits on state power and substantive Islamic principles of governance.

This article addresses this gap by employing *siyāsah dusturiyah* as its primary Islamic constitutional framework, with *maqāṣid al-sharīʿah* providing its substantive normative foundation. Within Islamic constitutional thought, *siyāsah dusturiyah* concerns the exercise of public authority in accordance with principles such as justice, public welfare (*maṣlaḥah*), accountability, and the protection of fundamental interests. L. M. Susana et al (2025)[15] argue that *maqāṣid al-sharīʿah* can provide a normative basis for evaluating public policies in modern legal states, while M. Amezzian (2023) highlights its relevance to assessing state actions affecting religious freedom.[16] The distinctive contribution of the present study is to operationalize these

[11] Aswan and Abdul Hayyaqdhan Ashufah, "Fatwa Authority of the Indonesian Ulema Council on the Formation of Religious Regulations in Indonesia," *Parewa Saraq: Journal of Islamic Law and Fatwa Review* 2, no. 1 (May 30, 2023): 50–58, https://doi.org/10.64016/parewasaraq.v2i1.18.

[12] Kristin Henrard, "The European Court of Human Rights, Ethnic and Religious Minorities and the Two Dimensions of the Right to Equal Treatment: Jurisprudence at Different Speeds?," *Nordic Journal of Human Rights* 34, no. 3 (2016): 157–77.

[13] I. Hasani, "Human Rights and Constitutionality Issues of Blasphemy Law in Indonesia," *Jurnal Konstitusi* 19, no. 2 (2022): 406–30, https://doi.org/10.31078/jk1927.

[14] Fox, "Do Religion Clauses in Constitutions Predict Government-Based Discrimination against Religious Minorities?"

[15] L. M. Susana et al., "Reconstructing Islamic Legal Norms in Environmental Governance: A Maqasid-Based Legal Critique of Indonesia's Resource Policies," *Al-Istinbath: Jurnal Hukum Islam* 10, no. 2 (2025): 650–70, https://doi.org/10.29240/jhi.v10i2.13038.

[16] M. Amezzian, "RELIGION AND THE STATE: THE FUNCTIONAL PURPOSES AND THE ISSUE OF LEGITIMACY," *Hamdard Islamicus* 46, no. 4 (2023): 99–116, https://doi.org/10.57144/hi.v46i4.852.

principles rather than invoke them merely as theological justification. *Siyāsah dusturiyah* is used to evaluate the exercise of public authority, while *maqāṣid al-sharīʿah* provides substantive criteria for assessing whether restrictions pursue a legitimate public interest, are necessary and proportionate, operate without unjustified discrimination, and protect both religious practice (*ḥifẓ al-dīn*) and human life and security (*ḥifẓ al-nafs*).[17]

Accordingly, this study addresses two interrelated research questions: (1) How do policies and administrative practices affecting the religious activities of the Ahmadiyya community in Makassar operate in relation to constitutional guarantees of religious freedom? And (2) How can *siyāsah dusturiyah*, through the normative objectives of *maqāṣid al-sharīʿah*, be used to evaluate the constitutional and normative legitimacy of such restrictions? The study does not assume in advance that every restriction constitutes a violation of constitutional or Islamic principles. Instead, it develops an evaluative framework in which public-order and social-harmony objectives are considered alongside the requirements of legitimate purpose, necessity, proportionality, nondiscrimination, accountability, and the protection of fundamental interests. In this framework, *ḥifẓ al-dīn* concerns the protection of lawful religious practice, while *ḥifẓ al-nafs* concerns the state's responsibility to protect persons from violence, intimidation, and other threats to physical security.[18] These principles are examined in conjunction with the constitutional commitments of the Pancasila rule of law.

Methodologically, the study adopts an integrative normative-empirical design combining normative *sharʿī* analysis with qualitative socio-empirical research. The empirical component identifies how restrictive policies are interpreted and implemented by relevant actors and how they are experienced by members of the JAI community. The normative component then evaluates those findings through *siyāsah dusturiyah* and *maqāṣid al-sharīʿah*, while constitutional and legal materials are examined to determine the relationship between administrative implementation and constitutional guarantees. The two dimensions are therefore analytically sequenced rather than treated as separate inquiries: empirical findings identify the practices requiring evaluation; constitutional and legal analysis establishes the relevant legal standards; and *siyāsah dusturiyah* and *maqāṣid al-sharīʿah* provide the substantive ethical criteria through which those practices are assessed. This interdisciplinary strategy is consistent with calls for more

[17] A. S. Baharuddin et al., "An Appraisal of Maqāsid Al-Shariʿah Classic and Recent Literature: Systematic Analysis," *Library Philosophy and Practice* 2019 (2019).

[18] Nurbaeti, Muammar Bakry, and Abdul Syatar, "Digital Transformation of Fatwa Authorities: Comparative Analysis of MUI, Bahtsul Masail, and Muhammadiyah Tarjih," *Parewa Saraq: Journal of Islamic Law and Fatwa Review* 4, no. 2 (2025): 82–100, https://doi.org/10.64016/parewasaraq.v4i2.58.

holistic approaches to religion–state relations in Indonesia, particularly in contexts characterized by legal pluralism.[19]

The contribution of this research is twofold. *First*, it develops an integrated model of policy evaluation that moves beyond purely formal juridical analysis by connecting empirical evidence concerning religious restrictions with Indonesian constitutional principles and Islamic constitutional ethics. *Second*, it contributes conceptually to debates on effective constitutional protection for religious minorities by identifying the relationship between substantive rights protection and the availability of effective remedies. The discussion of a constitutional complaint mechanism is therefore presented not as a predetermined institutional solution, but as a possible response to a protection gap identified through the empirical and legal analysis. The article's principal contribution lies in demonstrating how *siyāsah dusturiyah* and *maqāṣid al-sharīʿah* can operate as an evaluative framework for examining public authority, religious freedom, proportionality, nondiscrimination, and accountability within the Pancasila constitutional order.[20] By situating the Ahmadiyya case within this ethical-constitutional framework, the study seeks to contribute to broader debates on religion, state power, and minority rights in pluralistic constitutional democracies.

METHODS

This study employs a qualitative socio-legal research design that integrates socio-empirical inquiry with normative *sharʿī* and constitutional analysis to examine policies affecting the Indonesian Ahmadiyya Community (JAI) in Makassar City. The socio-empirical component focuses on how relevant policies are interpreted, implemented, and experienced within the local administrative and social context. Empirical data are used to identify patterns in policy implementation, institutional responses, restrictions on religious activities, and the lived experiences of the affected community. The normative component, meanwhile, evaluates the legitimacy, proportionality, non-discrimination, and rights implications of these practices by reference to the constitutional framework, relevant legislation, *siyāsah dusturiyah*, and *maqāṣid al-sharīʿah*.[21] Rather than treating the empirical and normative components as separate

[19] Masitha Tismananda Kumala et al., "Fishermen Human Rights Protection and Sustainable Development in the Indonesian Marine Sector," *Lex Portus* 9, no. 4 (2023): 16–27, https://doi.org/10.26886/2524-101X.9.4.2023.2.

[20] M. Gouda and J. Gutmann, "Islamic Constitutions and Religious Minorities," *Public Choice* 186, nos. 3–4 (2021): 243–65, https://doi.org/10.1007/s11127-019-00748-7.

[21] Ikhwan Fikri and Triono, "Substantive Legitimacy over Symbolic Formalism: A Maqāṣid-Based Framework for Religion State Relations," *Gender, Islamic Law, and Sustainability* 1, no. 1 (2026): 48–59, https://doi.org/10.70211/gils.v1i1.387.

methodological exercises, the study integrates them analytically so that empirical findings inform the identification of legal and constitutional issues, while normative analysis provides the framework for evaluating the exercise of public authority.

Data were collected through observation, in-depth interviews, and analysis of statutory and policy documents. The study involved 13 key informants, selected purposively on the basis of their direct knowledge of, involvement in, or experience with policies and practices affecting the Ahmadiyya community. The informants comprised three government officials, three members of JAI, two representatives of the Forum for Religious Harmony (Forum Kerukunan Umat Beragama, FKUB), two academics, and three community members. Fieldwork was conducted from April to June 2025. The interviews focused on the interpretation and implementation of relevant policies, institutional responses, experiences of restrictions on religious activities, and perceptions of constitutional protection. Observation was used to complement the interview data by capturing relevant social and institutional practices in their local context. Documentary analysis examined relevant legislation and policy instruments to identify their legal basis, scope, normative position, and administrative implications, with particular attention to the 2008 Joint Decree concerning the Ahmadiyya Community, as well as relevant constitutional provisions and statutory regulations.

The qualitative data were analyzed through successive stages of data reduction, thematic categorization, interpretation, and triangulation. The analysis began by identifying recurring themes emerging from observations, interviews, and documentary materials, including policy implementation, public-order rationales, restrictions on religious activities, institutional responses, experiences of stigmatization or exclusion, and access to legal protection. These themes were subsequently compared across sources to identify areas of convergence and divergence between institutional accounts, community experiences, and documentary evidence. Triangulation was employed to enhance the credibility of the findings by comparing interview accounts with observational evidence and relevant documentary materials.[22] This process enabled the study to distinguish between documented legal or administrative practices, reported community experiences, and the researchers' normative interpretations of those practices.

The normative analysis was subsequently conducted and integrated with the empirical findings. It assessed the identified practices against constitutional guarantees of religious freedom

[22] K. Buckler and E. L. Gilmore, "Sociocultural Artifacts as Data in Criminology and Criminal Justice (CCJ): Using the Trustworthiness Framework to Map a Path toward Transparent, Methodologically and Analytically Sound Qualitative Artifact Collection and Analysis (QACA)," *Criminal Justice Studies* 39, no. 1 (2026): 1–26, Scopus, https://doi.org/10.1080/1478601X.2026.2613784.

and the principles of *siyāsah dusturiyah* and *maqāṣid al-sharīʿah*, particularly justice (*al-ʿadl*), public welfare (*al-maṣlaḥah*), *ḥifẓ al-dīn* (protection of religion), *ḥifẓ al-nafs* (protection of life and personal security), proportionality, non-discrimination, and accountability. Within this framework, *siyāsah dusturiyah* functions as the principal Islamic constitutional framework for assessing the legitimate exercise of public authority, while *maqāṣid al-sharīʿah* provides substantive normative criteria for determining whether restrictions are compatible with the protection of fundamental interests. Constitutionalism provides the broader framework for examining the limitation of governmental power and the protection of constitutional rights, whereas securitization is employed, where relevant, as an explanatory concept for understanding how particular religious practices or communities may be constructed as matters of public order or security.

The integration of the empirical and normative components proceeded through five analytical stages. First, the study mapped the relevant policies and administrative practices affecting JAI in Makassar City. Second, it examined the constitutional and legal framework governing freedom of religion and the authority, scope, and normative position of the relevant policy instruments. Third, the empirical findings were interpreted through the concepts of constitutionalism and securitization, where appropriate, to explain the relationship between governmental authority, public-order rationales, and minority protection. Fourth, the identified restrictions were evaluated through *siyāsah dusturiyah* and *maqāṣid al-sharīʿah* by asking whether they pursued a legitimate public interest, were necessary and proportionate to the stated objective, were applied without unjustified discrimination, and protected rather than undermined fundamental interests. Finally, the findings from these stages were synthesized to assess the adequacy of constitutional protection and the availability and effectiveness of legal remedies for addressing rights-restrictive practices.

The study also applied ethical safeguards throughout the fieldwork process. Participation was voluntary, and informed consent was obtained from the research participants before interviews were conducted. Confidentiality and anonymization were maintained where necessary to protect participants' identities and the sensitivity of the information provided. Interview data and other research materials were handled in a manner intended to preserve participants' privacy and the integrity of the research process.

RESULTS AND DISCUSSION

Dominance of Formalistic Legal Policy

The results of the study indicate that the constitutional protection of the Ahmadiyya religious minority in Makassar is affected by the way government policies are interpreted and implemented through a formalistic legal approach. The 2008 Joint Decree of the Three Ministers (SKB Tiga Menteri Tahun 2008) appears in the empirical material as an important administrative reference in regulating Ahmadiyya-related activities. Rather than treating the Decree itself as automatically determinative of the constitutionality of restrictions, the findings focus on how local authorities interpret and apply the instrument in practice and how that implementation affects the exercise of religious freedom. Based on interviews with informants:

> "*The Makassar City Government considers the 2008 Three Ministerial Decree to be final and based on national consensus. Our focus as a government is more on social stability than on the protection of the constitutional rights of minorities. We have also not proposed that the policy be evaluated substantively" (interview, 2025)*

Based on the government informant's account and the documentary materials examined, the policy is treated locally as an established reference for maintaining social stability. The official documents obtained in this study indicate that the *SKB Tiga Menteri Tahun 2008* functions as an administrative reference in letters concerning the termination or restriction of Ahmadiyya religious activities. Hasani (2022) argues that this policy is legitimized on the grounds of social stability, although in practice it may increase horizontal tensions.[23] The finding, therefore, points to a distinction between the formal invocation of public order and the substantive consequences of its implementation.

A similar orientation was reflected in the account of the Ministry of Religious Affairs informant, although the interview material does not by itself establish the absence of policy evaluation at the national level. The informant described the institutional approach as follows:

> *"We from the Ministry of Religion always maintain neutrality and focus on strengthening religious moderation. The 2008 Decree on the restriction of the Ahmadiyya Jama'ah is used as a reference in providing supervision to their activities so that there is no noise in the community" (Interview, 2025).*

The interview material suggests that the 2008 Decree is used as a reference for supervising Ahmadiyya activities, particularly where authorities perceive a potential disturbance to social harmony. The narrative of public stability and accommodation of majority concerns, therefore, appears as an important justification for restrictions. Jusuf Harsono and Abubakar Eby Hara (2025) similarly argue that religious policy in Indonesia can be influenced by political pressures and security narratives rather than solely by considerations of constitutional rights

[23] Hasani, "Human Rights and Constitutionality Issues of Blasphemy Law in Indonesia."

protection.[24] Tampubolon (2021) likewise identifies the influence of conservative Muslim political actors and hardline Islamic groups in shaping Indonesia's political landscape.[25] State monopolization of religious authority to maintain public order, as seen in Morocco, often silences alternative voices and curtails interpretive pluralism among minority groups.[26] These studies provide a broader interpretive context for the present finding, but the Makassar evidence specifically demonstrates the local institutional importance of public-order and social-harmony rationales rather than establishing that political pressure alone caused the restrictions.

The broader literature also indicates that religious populism and majoritarian political pressures can shape debates concerning religion, law, and public policy in Indonesia.[27] However, the present study does not provide sufficient empirical evidence to conclude that such pressures directly determined judicial decision-making or weakened the independence of the Constitutional Court in the Ahmadiyya case.[28] What can be established from the present findings is that the constitutional guarantees of religious freedom coexist with local policy practices in which the preservation of social stability and accommodation of majority concerns may receive substantial institutional weight. This creates a potential tension within the Pancasila Rule of Law framework between formal constitutional guarantees and the manner in which those guarantees are implemented in practice.

The analysis indicates a relationship between the construction of perceived social or security threats and the justification of restrictions on religious freedom. Nyman (2023) explains securitization as a political process through which governments or dominant actors frame particular groups or issues as threats requiring heightened intervention.[29] In the present case, the empirical material suggests that references to social disturbance, religious difference, and public

[24] Jusuf Harsono and Abubakar Eby Hara, "From Reaction to Renewal: Civil Islam and the Moral Resilience of Moderate Muslims in Post-212 Indonesia," *The Review of Faith & International Affairs*, December 4, 2025, 1–19, https://doi.org/10.1080/15570274.2025.2589040.

[25] M. Tampubolon, "Violating Christian Minority Freedom of Religion in Indonesia," *International Journal of Religion and Spirituality in Society* 11, no. 1 (2021): 235–53, https://doi.org/10.18848/2154-8633/CGP/V11I01/235-253.

[26] Abdul Hayyaqdhan Ashufah et al., "Dilemmas of Fatwas Freedom in Morocco: Between Diversity of Religious Perspectives or National Stability," *Mazahibuna: Jurnal Perbandingan Mazhab*, no. SE-Articles (October 9, 2025): 228–43, https://doi.org/10.24252/mazahibuna.vi.58090.

[27] A. Sugirman et al., "Integration of Constitutional Law and Human Rights: A Comparative Study between Indonesia and South Africa," *Jurnal Suara Hukum* 7, no. 1 (2025): 274–97, https://doi.org/10.26740/jsh.v7n1.p274-297.

[28] C. S. Pratiwi, "Threat to Indonesia's Constitutional Court Independence Posed by Religious Populist Movements and Its Implication Towards Human Rights," *Constitutional Review* 10, no. 2 (2024): 307–39, https://doi.org/10.31078/consrev1022.

[29] J. Nyman, "Securitization," in *Security Studies an Introduction: 4th Edition* (2023), https://doi.org/10.4324/9781003247821-9.

stability contribute to the justification of administrative supervision and restrictions.[30] Where media narratives also describe Ahmadiyya in terms such as "heresy," they may reinforce an existing threat construction. Fox (2023) emphasizes that restrictions based on threat construction require careful consideration of the legal limits imposed on state power.[31] This perspective is analytically useful because it connects the empirical finding to constitutionalism: a public-order justification does not, by itself, determine the legitimacy of a restriction; the state must also demonstrate a legally grounded and proportionate relationship between the perceived risk and the measure adopted.

From the perspective of *maqāṣid al-sharīʿah*, the findings raise a normative concern regarding whether restrictions on Ahmadiyya religious activities are consistent with the objectives of protecting religion (*ḥifẓ al-dīn*) and protecting life and personal security (*ḥifẓ al-nafs*). Helmy (2021) emphasizes that *maqāṣid al-sharīʿah* can function as an instrument for evaluating public policy rather than merely as an abstract set of values.[32] Accordingly, the relevant question is not whether the state may regulate religious activities at all, but whether a particular restriction pursues a legitimate public interest, is necessary to achieve that interest, is proportionate to the identified risk, and is applied without unjustified discrimination. The empirical findings concerning restrictions and reported threats therefore provide grounds for normative scrutiny rather than an automatic conclusion of incompatibility with *maqāṣid*. This assessment is also relevant to the constitutional guarantees contained in the 1945 Constitution (UUD NRI 1945) and the human rights framework established through Law Number 39 of 1999 concerning Human Rights (Undang-Undang R.I. No. 39 Tahun 1999 tentang Hak Asasi Manusia), as well as Indonesia's ratification of the International Covenant on Economic, Social and Cultural Rights through Law Number 11 of 2005 (Undang-Undang R.I. No. 11 Tahun 2011) and the International Covenant on Civil and Political Rights through Law Number 12 of 2005 (Undang-Undang R.I. No. 12 Tahun 2011) . The combined framework strengthens the basis for examining whether administrative restrictions satisfy requirements of legality, necessity, proportionality, and nondiscrimination.

[30] Mayyadah et al., "Digital Fatwas and the Reproduction of Salafi Authority: Islamic Legal Reasoning on Women in Indonesia," *Journal of Islamic Law* 7, no. 2 (2026): 304–28, https://doi.org/10.24260/jil.v7i2.4471.

[31] Fox, "Do Religion Clauses in Constitutions Predict Government-Based Discrimination against Religious Minorities?"

[32] Y. Helmy, "From Islamic Modernism to Theorizing Authoritarianism: Bin Bayyah and the Politicization of the Maqāṣid Discourse," *American Journal of Islam and Society* 38, nos. 3–4 (2021): 36–70, https://doi.org/10.35632/ajis.v38i3-4.2934.

Stigmatization and Symbolic Violence

The second empirical theme concerns experiences of stigmatization, social exclusion, and symbolic violence reported by members of the Ahmadiyya community. The interview material indicates that participants described experiences including social exclusion, verbal intimidation, restrictions concerning religious facilities, and, in some accounts, physical threats. These experiences should be distinguished from the legal characterization of state policy itself: they demonstrate the social consequences reported by community members but do not, without further evidence, establish that every such incident was directly caused by government policy. One JAI informant stated:

> *"Yes, it is true that the followers of the teachings that we believe in in Ahmadiyya sometimes experience intimidation, exclusion, and restrictions on worship facilities. Even in 2011, we were bullied by the mob on behalf of the community by trying to close the mosque, which was a place of worship" (Interview, 2025).*

The interview material indicates that community members perceive restrictions and social pressure as extending beyond individual incidents. Informants reported pressure to sign statements discouraging the dissemination of Ahmadiyya teachings. They also described difficulties in accessing public facilities, including meeting halls and places used for worship. These accounts suggest a recurring experience of exclusion, but the available evidence does not by itself establish that all reported incidents were uniformly caused by the 2008 Decree or constituted a coordinated pattern of state discrimination. The finding is therefore more appropriately understood as evidence of a protection and implementation problem at the intersection of administrative regulation and local social relations.

Field observations at the Da'wah Center and Ahmadiyya Jamaah Mosque in Makassar City provided additional contextual evidence. The researcher observed that Ahmadiyya religious activities appeared to be conducted within a relatively restricted community setting and that worshippers primarily consisted of members of the Ahmadiyya community. The observations also indicated the presence of surrounding residents moving through the area toward other mosques. These observations should not be interpreted by themselves as evidence of legal discrimination; rather, they provide contextual information concerning the social visibility and spatial conditions under which Ahmadiyya religious activities take place. The observations are consistent with Makin's (2019) argument that negative narratives concerning Ahmadiyya can be reproduced through media and educational discourse, thereby contributing to social conditions

in which exclusionary attitudes may become normalized.[33]

Mass media constitute another contextual factor in the construction of public perceptions concerning the Ahmadiyya community. The present study suggests that media representations can contribute to the reproduction of narratives in which Ahmadiyya is portrayed primarily through the categories of religious difference, heresy, or social controversy.[34] However, claims concerning specific media outlets require analysis of the relevant reporting rather than generalization from the existence of conflict coverage. The representation of Ahmadiyya in public discourse may also interact with positions expressed by influential religious and governmental institutions. This interaction is significant for the present analysis because social stigmatization can affect the environment in which administrative decisions are made: when a minority is publicly constructed as problematic, restrictions may appear socially necessary even when their constitutional justification remains contested.

The findings concerning stigmatization and symbolic violence provide important context for assessing the substantive consequences of restrictions on religious minorities. Makin's analysis suggests that negative narratives reproduced through educational and media environments can create social conditions favorable to exclusionary measures.[35] In the present study, Ahmadiyya informants reported experiences of exclusion, intimidation, and threats that they associated with their position as a religious minority. These accounts indicate that the consequences of religious restrictions may extend beyond the formal limitation of religious activities to questions of dignity, security, and social participation. Fox (2023) similarly argues that state-based discrimination can affect civil rights and increase the social vulnerability of religious minorities.[36] This finding connects directly to the *maqāṣid* framework: protection of religion (*ḥifẓ al-dīn*) cannot be considered in isolation from protection of persons (*ḥifẓ al-nafs*), because the ability to practice one's religion is difficult to regard as effectively protected where members of a minority remain exposed to intimidation or violence without adequate institutional protection.

Constitutional Protection Gap

The results of the study also indicate a gap between the formal constitutional guarantee

[33] Al Makin, "'Not a Religious State' A Study of Three Indonesian Religious Leaders on the Relation of State and Religion," *Indonesia and the Malay World* 46, no. 135 (2018): 95–116.

[34] E. Dulwahab et al., "Media Strategy in Covering Religious Conflicts: A Case Study of Ahmadiyah Conflict in West Java, Indonesia," *Jurnal Komunikasi Malaysian Journal of Communication* 37, no. 2 (2021): 98–110, https://doi.org/10.17576/JKMJC-2021-3702-07.

[35] Makin, "'Not a Religious State' A Study of Three Indonesian Religious Leaders on the Relation of State and Religion."

[36] Fox, "Do Religion Clauses in Constitutions Predict Government-Based Discrimination against Religious Minorities?"

of religious freedom and the availability and effectiveness of mechanisms for protecting that guarantee in practice. Although Articles 28E and 29 of the 1945 Constitution (UUD NRI 1945) guarantee freedom of religion and worship, the Indonesian constitutional framework does not currently provide a general constitutional complaint mechanism through which individuals can directly challenge alleged violations of constitutional rights in the manner available in some constitutional systems. The significance of this issue emerged in interviews with academic informants, one of whom stated:

> *"As an academic who has been in consensus on constitutional Protection, it is deplorable that a constitutional complaint mechanism is absent. We have witnessed how many citizens have become victims of repressive state policies against their fundamental rights. These include Ahmadiyya religious minorities who claim to be a state of law as affirmed in our Constitution" (interview, 2025)*

A state that adheres to the rule-of-law principle is expected to provide effective protection for fundamental rights, including mechanisms capable of addressing alleged violations arising from the exercise of public authority. The FGD findings in this study indicate support for reconsidering the architecture of constitutional remedies in Indonesia, particularly in situations where administrative or governmental measures have a direct impact on constitutionally protected rights. Rather than presenting constitutional complaint as an automatic solution, the findings suggest that its relevance should be assessed in relation to the limitations of existing remedies and the specific nature of rights violations experienced by minorities. From the perspective of this study, the principles of *siyāsah dustur*iyah and *maqāṣid al-sharīʿah* can contribute to this discussion by providing ethical criteria concerning justice, public welfare, protection of religion, protection of life, and accountability. The interviews and FGD also indicate that limited legal access, perceived political risks, and concerns about institutional responsiveness can constrain formal legal resistance by minority groups.

Sefriani et al (2022) identify limitations in the substantive scrutiny of the 2008 Joint Decree despite its significant implications for religious minorities.[37] In the present study, interview data indicate that advocacy concerning the Ahmadiyya community has frequently relied on social dialogue, institutional engagement, and media campaigns rather than formal litigation. This pattern is significant because it suggests that the availability of a formal legal framework does not necessarily translate into an accessible or effective remedial pathway for minority communities. The finding is consistent with Fox (2023), who emphasizes the difficulty that religious minorities

[37] S. Sefriani et al., "The Conundrum to Wear Religious Uniform in Indonesia: International Human Rights Law and Islamic Law Perspective," *Journal of Indonesian Legal Studies* 9, no. 1 (2024): 31–62, https://doi.org/10.15294/jils.vol9i1.4532.

may encounter in obtaining effective legal protection against discriminatory state practices.[38]

The constitutional protection gap identified in the field therefore concerns not only the absence of a general constitutional complaint mechanism but also the practical accessibility and adequacy of existing legal remedies. Asfa Widiyanto et al. (2024) underline limitations in efforts to substantively challenge the 2008 Joint Decree.[39] Interview data in the present study likewise indicate that political concerns, perceptions of institutional bias, and limited access to legal resources may discourage or constrain litigation by minority groups. These findings underscore the relevance of a more substantive approach to public authority. Hakimi et al (2024) argue that *siyāsah dusturiyah* places responsibility on state leaders to protect fundamental rights without discrimination.[40] In this study, that principle is used not merely as a moral proposition but as a normative criterion for assessing whether state institutions provide meaningful protection and accountability when exercising regulatory authority over religious minorities.

Although Indonesia's Constitution guarantees freedom of religion, the legal and administrative position of the Ahmadiyya community is characterized by a complex regulatory environment in which certain state policies distinguish Ahmadiyya religious activities from those of other religious communities. The present study does not treat the absence of formal recognition as sufficient evidence that the community lacks all constitutional protection, nor does it establish that such regulatory distinctions automatically authorize persecution. Rather, the relevant issue is how these regulatory arrangements are interpreted and applied by local authorities and how they affect the practical exercise of religious freedom.[41] Statements by public officials and other influential actors that characterize Ahmadiyya in terms of religious deviation, social disturbance, or threats to religious harmony may contribute to a restrictive institutional and social environment.[42] Where such narratives are accompanied by inadequate protection against intimidation or violence, they raise concerns regarding the state's positive obligation to protect minority members and maintain equal protection before the law.

[38] Fox, "Do Religion Clauses in Constitutions Predict Government-Based Discrimination against Religious Minorities?"

[39] Asfa Widiyanto et al., "Religious Minority and Peaceful Coexistence: The Dynamics of the Ahmadiyya Community in Malang, Indonesia," *Ulumuna* 28, no. 1 (2024): 50–80, https://doi.org/10.20414/ujis.v28i1.671.

[40] A. R. Hakimi et al., "LEGAL POLICY FOR WOMEN WORKERS IN INDONESIA: A REVIEW OF CONTEMPORARY ISLAMIC LAW," *Milrev Metro Islamic Law Review* 3, no. 1 (2024): 66–94, https://doi.org/10.32332/milrev.v3i1.9023.

[41] A. Lathifah, "Distributing Rights, Social Justice, and Managing Conflict of Ahmadis," *De Jure Jurnal Hukum Dan Syari'ah* 14, no. 2 (2022): 317–33, https://doi.org/10.18860/j-fsh.v14i2.18289.

[42] M. Ali Rusdi et al., "Reconfiguring Islamic Criminal Law in Contemporary Indonesia: A Socio-Legal Analysis Through the Maqāṣid Al-Sharīʿah Framework," *Otoritas : Jurnal Ilmu Pemerintahan* 16, no. 2 (2026): 369–85, https://doi.org/10.26618/ojip.v16i2.21613.

Normative Resistance Based on *Siyāsah Dusturiyah*

A further finding concerns the emergence of normative resistance articulated through *siyāsah dusturiyah*. Interviews with community administrators and Islamic law academics indicate that *maqāṣid al-sharīʿah* has begun to be used as a basis for questioning restrictive policies and articulating an alternative understanding of the state's responsibilities. Informants emphasized the protection of religion (*ḥifẓ al-dīn*) and the protection of life and personal security (*ḥifẓ al-nafs*) as important state obligations. Philona (2025) emphasizes that *siyāsah dusturiyah* incorporates substantive justice and the protection of fundamental rights.[43] Gani et al (2024) likewise suggest that engagement between Islamic legal principles and the Indonesian Constitution can strengthen normative criticism of public policies.[44] In the present study, this normative discourse appeared in internal community forums and cross-organizational discussions, indicating an emerging effort to reinterpret religious freedom not merely as an individual claim but as a question of responsible public governance. However, the interviews also suggest that the wider acceptance of this normative framework remains limited in an environment where security and social-harmony narratives are more readily understood as grounds for restricting religious activities.

The emergence of *siyāsah dusturiyah* as a language of normative resistance is significant because it demonstrates how members and advocates of the Ahmadiyya community seek to respond to restrictive policies through an ethical conception of public authority. Ahmadiyya's normative resistance can be understood through dramaturgical adaptation, where minorities present inclusive messages publicly (frontstage) while reinforcing identity internally (backstage).[45] Yet in Makassar, this performative negotiation is severely constrained by formalistic legal policies that already frame the community as a threat. *Maqāṣid al-sharīʿah* is adopted as a basis for evaluating whether state action promotes justice and public welfare while protecting fundamental interests. Yazid (2022) similarly emphasizes that engagement between Islamic law and the Indonesian Constitution can strengthen criticism of public policy.[46] The distinctive analytical

[43] R. Philona, "Constitutional Values and Restorative Justice: A Critical Analysis in the Indonesian Context," *KARSA* 33, no. 1 (2025): 241–71, https://doi.org/10.19105/karsa.v33i1.20264.

[44] I. A. Gani et al., "The Constitutional Court's Protection and Fulfilment of the Citizens' Rights: Constitutional and Islamic Law Perspectives," *Samarah* 8, no. 1 (2024): 317–38, https://doi.org/10.22373/sjhk.v8i1.22215.

[45] Wakidul Kohar et al., "The Dramaturgy of Da'wah for Religious Communicatorsin Muslim Minority Communities," *Jurnal Ilmiah Peuradeun* 13, no. 3 SE-Articles (n.d.): 1747–74, https://doi.org/10.26811/peuradeun.v13i3.1998.

[46] Mhd Yazid, "The Ambiguity of Indonesian Constitutional Court Decisions Concerning Islamic Family Law Cases," *JISRAH: Jurnal Integrasi Ilmu Syariah* 3 (December 2022): 551, https://doi.org/10.31958/jisrah.v3i3.9147.

value of this approach, however, lies not simply in adding an Islamic vocabulary to constitutional rights discourse. *Siyāsah dusturiyah* provides a conception of legitimate governance in which the exercise of state power is itself subject to substantive ethical constraints, while *maqāṣid* supplies criteria for assessing the consequences and justification of that power. The wider acceptance of this paradigm remains constrained by the dominance of securitization narratives, which can frame minority religious practices primarily as questions of social stability rather than constitutional rights.

Additional Findings: The Role of Media and Public Opinion

Observation and document analysis indicate that local media constitute an important contextual factor in shaping public perceptions of Ahmadiyya. Some of the materials examined used terms such as "heresy" in discussing the community, while similar narratives also appeared in statements attributed to public officials and other influential actors. Fox (2023) argues that media-generated threat narratives can contribute to public support for restrictive approaches toward religious minorities.[47] In the present study, media discourse is therefore understood not as an independent cause of state restriction but as part of a broader discursive environment in which perceptions of religious threat may be constructed and reproduced.

This interpretation was reinforced by an interview with a member of the JAI community, who described the perceived consequences of intimidation and attempts to restrict their place of worship:

> *"We, as the administrators of the Ahmadiyya congregation, cannot do much about the various intimidation and bullying from certain groups. I still remember and was a bit traumatized when I was a few years ago, after the 2008 Decree, a group of masses visited us to close our place of worship. Even though we only want to follow the religious teachings we believe in" (Interview, 2025)*

The interview material suggests that negative representations may also influence everyday social relations between Ahmadiyya members and surrounding communities. Participants described reluctance among some members of the surrounding community to interact with the Ahmadiyya minority. Nyman's (2023) discussion of securitization provides an interpretive framework for this finding by showing how threat narratives can contribute to public acceptance of restrictive responses.[48] The present findings therefore suggest an interaction between discursive stigmatization and policy implementation: public narratives may strengthen the perceived

[47] Fox, "Do Religion Clauses in Constitutions Predict Government-Based Discrimination against Religious Minorities?"

[48] Nyman, "Securitization."

legitimacy of restrictions, while restrictive policies can in turn reinforce the social perception that the minority constitutes a problem requiring regulation.

The additional findings concerning local media therefore indicate that public opinion concerning Ahmadiyya can be shaped through selective representations that emphasize religious difference and perceived social threat. This finding complements Fox's (2023) argument concerning the role of public discourse in the political legitimation of restrictive approaches.[49] However, the evidence in this study supports describing the media as a contributing discursive actor rather than as the sole determinant of discriminatory policy. The reported social consequences nevertheless demonstrate why policy evaluation should extend beyond formal legality to include the practical effects of regulation on dignity, security, social participation, and the effective exercise of religious freedom.

Integrated Discussion: *Siyāsah Dusturiyah, Maqāṣid,* and Constitutional Protection

Taken together, the findings indicate that restrictions affecting JAI activities in Makassar have consequences extending beyond administrative regulation to the practical enjoyment of religious freedom. The 2008 Joint Decree provides an important regulatory reference, but the empirical evidence shows that the consequences of its implementation must be assessed in relation to the manner in which local authorities interpret and apply it, the social narratives surrounding Ahmadiyya, and the availability of effective protection. The findings are consistent with the broader argument that political or social consensus cannot by itself determine the legitimacy of restrictions on fundamental rights.[50] From a constitutional perspective, the relevant question is whether the restriction satisfies the requirements of legality, legitimate purpose, necessity, proportionality, and nondiscrimination. From the perspective of *siyāsah dusturiyah*, the corresponding question is whether the exercise of public authority remains consistent with justice, *maṣlaḥah*, accountability, and protection of fundamental interests.

This discussion demonstrates that an evaluation of religious-restriction policies based solely on social stability or political consensus is insufficient. Uthman Mehdad Al-Turabi and Jasser Auda emphasize the orientation of *maqāṣid al-sharīʿah* toward human dignity and the realization of substantive welfare.[51] Applied to the present case, *maqāṣid* does not prohibit all

[49] Fox, "Do Religion Clauses in Constitutions Predict Government-Based Discrimination against Religious Minorities?"

[50] N. Guessous, "Non-Discrimination and Stigmatization," in *Handbook of Global Bioethics* (2014), https://doi.org/10.1007/978-94-007-2512-6_74.

[51] Uthman Mehdad Al-Turabi and Jasser Auda, "Toward a Maqāṣid-Based Legal Reform: Systemic Thinking for Social Transformation in the Modern Muslim World," *Indonesian Journal of Islamic Law* 8, no. 2 (2025): 209–28, https://doi.org/10.35719/FHW10V84.

state regulation of religious activity. Instead, it requires the justification of restrictions through an evaluative test: whether the objective is legitimate, whether the measure is necessary, whether a less restrictive alternative is available, whether the burden imposed is proportionate, and whether the measure discriminates unjustifiably against a religious minority. The findings concerning restrictions on religious activity and reported intimidation therefore raise substantial concerns under *ḥifẓ al-dīn* and *ḥifẓ al-nafs*, particularly where regulation does not appear to be accompanied by adequate protection of the community from threats or exclusion.

The weakness or limited accessibility of corrective mechanisms also raises questions about the effectiveness of constitutional protection within the Pancasila Rule of Law. Weber (2024) argues for strengthening constitutional complaint mechanisms as a means of addressing rights violations.[52] The present study supports the broader concern underlying this argument, but it does not establish that a constitutional complaint is the only or necessarily the most appropriate remedy. Rather, the findings identify a remedial gap that warrants consideration of multiple mechanisms, including rights-based administrative review, judicial remedies, institutional oversight, proportionality review, and, as a possible constitutional reform, a mechanism for individual constitutional complaints.

The analysis further demonstrates the potential of integrating *siyāsah dusturiyah* , *maqāṣid al-sharīʿah*, constitutionalism, and the principle of pluralism within the Indonesian constitutional context. The proposed framework does not replace positive law; rather, it adds a substantive ethical dimension to the evaluation of how positive law is exercised by public authorities. *Siyāsah dusturiyah* provides the governing principle that public authority must be exercised justly and for public welfare; *maqāṣid* provides substantive objectives and evaluative criteria; constitutionalism establishes limits on state power; and the Pancasila Rule of Law framework situates these principles within Indonesia's constitutional order. Scott Gustafson et al (2025) emphasize constitutional pluralism as a potential bridge between religious norms and national law.[53] The contribution of this study is to specify how such a bridge can operate analytically in a concrete case involving a religious minority.

Taken together, the findings indicate a persistent tension between administrative regulation, public-order rationales, social perceptions of religious threat, and the constitutional

[52] A. Weber, *Judicial Protection of Fundamental Rights*, in *Writing Constitutions Volume 2 Fundamental Rights* (2024), https://doi.org/10.1007/978-3-031-39622-9_18.

[53] Scott Gustafson et al., "State of Play: Religious Freedom and Security, Extremism, and Terrorism," *Review of Faith and International Affairs* 23, no. 4 (2025): 76–92, https://doi.org/10.1080/15570274.2025.2545131;ISSUE:ISSUE:DOI.

protection of religious freedom in the Ahmadiyya case in Makassar. The study does not conclude that every restriction is inherently illegitimate; rather, it demonstrates that restrictions require substantive justification and must be evaluated against constitutional and *maqāṣid-based* criteria of legality, necessity, proportionality, nondiscrimination, protection of religion, protection of life, and accountability. Normative reasoning grounded in *maqāṣid al-sharīʿah* therefore represents a potential form of ethical advocacy, although the empirical findings suggest that its broader public acceptance remains limited. The principal conceptual contribution of the study is an integrated policy-evaluation model in which *siyāsah dusturiyah* functions as the primary framework for evaluating public authority, *maqāṣid al-sharīʿah* supplies substantive evaluative criteria, constitutionalism establishes rights-based constraints, and the Pancasila rule-of-law framework provides the Indonesian constitutional setting. This framework provides a basis for reconsidering policies affecting religious minorities and for developing more effective mechanisms of constitutional protection.

CONCLUSION

This study finds that the implementation of policies affecting the religious activities of the Indonesian Ahmadiyya Community (JAI) in Makassar, including measures taken with reference to the 2008 Joint Decree of the Three Ministers, has created a significant tension between administrative regulation, public-order rationales, and the constitutional protection of religious freedom. The empirical findings indicate that JAI members have experienced restrictions, social exclusion, stigmatization, and reported threats, while local institutional practices have tended to give substantial weight to social stability and religious-harmony considerations. In answer to the first research question, the study therefore demonstrates that the constitutional protection gap arises not simply from the existence of a restrictive legal instrument, but from the way such an instrument is interpreted, implemented, and situated within a broader social discourse concerning religious threat.

In answer to the second research question, the study demonstrates that *siyāsah dusturiyah* can function as an independent evaluative framework for assessing the exercise of public authority rather than merely as a theological justification for contemporary human rights principles. Through *maqāṣid al-sharīʿah*, the framework evaluates restrictions according to legitimate public purpose, necessity, proportionality, nondiscrimination, protection of religion

(*ḥifẓ al-dīn*), protection of life and personal security (*ḥifẓ al-nafs*), and accountability. On this basis, the findings raise substantive concerns where restrictions on religious activity are not demonstrably necessary or proportionate to an objectively established public-order interest, particularly where minority members remain insufficiently protected from intimidation or exclusion.

The principal theoretical contribution of this study is the development of an integrated Islamic constitutional policy-evaluation framework that connects *siyāsah dusturiyah*, *maqāṣid al-sharīʿah*, constitutionalism, and the Pancasila Rule of Law Framework. In this model, *siyāsah dusturiyah* establishes substantive requirements for the legitimate exercise of public authority, *maqāṣid al-sharīʿah* provides criteria for evaluating the protection of fundamental interests, constitutionalism constrains state power, and the Pancasila constitutional order provides the Indonesian legal context. The practical implication is not limited to establishing a constitutional complaint mechanism. Rather, the findings support a broader reform agenda involving rights-based administrative decision-making, proportionality review of restrictions, nondiscriminatory implementation of religious regulations, effective protection against intimidation and violence, institutional accountability, and improved access to legal remedies. A constitutional complaint mechanism may constitute one possible institutional reform for addressing individual constitutional-rights violations, but its relevance should be assessed alongside existing judicial and administrative remedies.

The study has several limitations. Its qualitative case study design focuses on Makassar City and therefore does not permit statistical generalization to all Ahmadiyya communities or other religious minorities in Indonesia. The normative conclusions are likewise dependent on the specific constitutional, legal, and empirical materials examined in this case. Future research should therefore test the proposed framework through comparative studies across Indonesian regions, examine how local governments interpret and implement religious-restriction policies under different social conditions, and investigate the effectiveness of alternative legal and constitutional remedies. Further research could also operationalize the proposed *maqāṣid*-based evaluative criteria comparatively to determine whether they produce consistent assessments across different cases of religious-freedom restriction.

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