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Respect, Protection, and Fulfillment of the Right to Freedom of Religion in a Pancasila-based Legal System

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Original Article

Abstract

The significance of this research stems from the prevalence of religious freedom violations in Indonesia, indicative of the inadequate level of respect, protection, and fulfillment of this entitlement within the framework of the Pancasila legal system. This study aims to ascertain how to effectively uphold, safeguard, and fulfill the right to freedom of religion within the Pancasila Rule of Law. Utilizing normative juridical research methods, the findings reveal a discrepancy within the legal norms governing religious rights in the Constitution. While Article 28I, paragraph (1) of the 1945 Constitution unequivocally affirms the inviolability of the right to religion under any circumstances, Article 28J, paragraph (2) of the same Constitution delineates that this right is subject to limitations regulated by law. The research concludes that, despite its normative recognition as an inherent entitlement, numerous violations of religious freedom persist in Indonesia in practical application.

Keywords: *Freedom of religion, Law State, Pancasila*

Abstrak

Urgensi penelitian ini mengemuka karena tingginya angka pelanggaran terhadap kebebasan beragama di Indonesia, menandakan rendahnya penghormatan, perlindungan, dan pemenuhan hak tersebut dalam konteks Negara Hukum Pancasila. Penelitian ini menitikberatkan pada pemahaman tentang bagaimana sebenarnya penghormatan, perlindungan, dan pemenuhan hak atas kebebasan beragama di dalam kerangka Negara Hukum Pancasila. Dengan menggunakan metode penelitian yuridis normatif, hasil studi menggambarkan adanya ambiguitas di antara norma-norma hukum yang mengatur hak beragama dalam Konstitusi. Pasal 28I ayat (1) UUD 1945 menegaskan bahwa hak beragama tidak bisa dikurangi dalam keadaan apapun, sementara Pasal 28J ayat (2) UUD 1945 menetapkan bahwa hak tersebut tunduk pada pembatasan yang diatur oleh undang-undang. Kesimpulan penelitian menyoroti bahwa, meskipun secara normatif diakui sebagai hak yang tidak dapat dikurangi, praktiknya masih terdapat banyak pelanggaran terhadap kebebasan beragama di Indonesia.

Kata kunci: *Kebebasan beragama, Negara Hukum, Pancasila*

1. INTRODUCTION

Arbitrary curbs on religious freedom in Indonesia continue to trend, seemingly necessitating urgent and determined action. The Indonesian Legal Aid Foundation (YLBHI) recorded a large number of cases of violence, discrimination, and criminal violations of freedom of religion and belief (a total of 81 cases) in 2023. These include the rejection of the permission to build the Jawi Wetan Christian Church (GKJW) in Malang Regency, East Java, in 2023; the permanent closure of Simalugan Protestant Christian Church (GKPS) House of Worship in Purwakarta, West Java, in 2023; the temporary closure of the Javanese Christian Church in Banjarsari, Solo, Central Java, in 2023; the rejection of the permission to build a monastery in Cimacan, Cianjur, West Java, in 2023; and the rejection of the permission to build the Taqwa Muhammadiyah Mosque in Bireun Regency, Aceh Darussalam, in 2023.¹

The armed forces have received not only a rebel warning but also a number of indictments made in the past that remain unresolved, despite being taken to a mediation forum by the National Human Rights Commission (Komnas HAM). Some noted cases are the stalled fate of several churches in Aceh Singkil Regency of Aceh Darussalam Province and the building of the Imam Ahmad bin Hanbal Mosque in Bogor City of West Java Province as well as mosques of the Indonesian Ahmadiyah Congregation (JAI) in some regions.² It exposes the hollowness of the legal system and state institutions to address concerns around religious liberty.

The Setara Institute also issued a report to show that violations of religious freedom in Indonesia increased from 90 cases from January to June 2022 to 155 cases during the same period in 2023.³ This increase is dire and it drives home the fact that data must be accessed, studied to find the root causes, and thus effective strategies to handle this growing concern.

Many works have discussed the legal and constitutional perspective on this issue in Indonesia. The guarantee of the right of religious freedom as a human right in the 1945 UUD Constitution of the Republic of Indonesia is therefore very centralized and most often faces various obstacles and violations in its implementation.⁴ Despite the state's

¹ Sekretariat Bersama Koalisi Advokasi Kebebasan Beragama atau Berkeyakinan (KKB) Indonesia, "Catatan Dan Refleksi Akhir Tahun: Kebebasan Beragama Atau Berkeyakinan Di Indonesia 2023" (Jakarta Pusat, 2023), <https://ylbhi.or.id/bibliografi/laporan-tahunan/catatan-dan-refleksi-akhir-tahun-kebebasan-beragama-atau-berkeyakinan-di-indonesia-2023/>.

² Sekretariat Bersama Koalisi Advokasi Kebebasan Beragama atau Berkeyakinan (KKB) Indonesia.

³ Adi Ahdiat, "Setara Institute: Indeks HAM Indonesia 2023 Turun," Databoks Katadata, 2023, <https://databoks.katadata.co.id/datapublish/2023/12/11/setara-institute-indeks-ham-indonesia-2023-turun>.

⁴ Martin P Siringoringo, "Pengaturan Dan Penerapan Jaminan Kebebasan Beragama Sebagai Hak Asasi Manusia Dalam Perspektif UUD 1945 Sebagai Hukum Dasar Negara," *Nommensen Journal of Legal Opinion* 3, no. 1 (2022): 111–24, <https://doi.org/10.51622/njlo.v3i1.618>.

guarantee of religious freedom, there are still ongoing violations, especially against religions not officially recognized by the state.⁵

The Constitutional Court has shielded the constitutional rights of the citizens. However, as mentioned that Law No.1/PNPS/1965 was used as a justification for the exercise of violence in the name of religion.⁶ In light of the many legal cases of violation of religious freedom and the vacuum of respect, protection, and fulfillment of this right in Indonesia, this research explores the state of the art of the problem and efforts made within the domain of Pancasila Law state enshrined in the 1945 Constitution.⁷

From the description above, the study aims to answer: How to respect, protect, and fulfill the right to freedom of religion in the Pancasila legal state? This study aims to find out, analyze, and propose efforts to respect, protect, and fulfill the right to religious freedom in a Pancasila legal state. It is expected that this research will largely help improve the safeguarding of human rights in Indonesia, particularly religious freedom.

2. RESEARCH METHODOLOGY

This research employs a normative juridical approach, which examines law as a collection of norms or rules regulating human behavior in society. This approach emphasizes the analysis of regulations, legal documents, and other legal literature to understand and interpret the law.⁸ The methodology applied in this research is the statutory regulations approach. This involves the analysis and study of various regulations relevant to the research topic. Through this approach, researchers can identify, study, and interpret applicable legal rules to obtain a clear understanding of the existing legal framework.⁹

Data collection for this research was conducted through literature review. This involves examining various written sources, such as books, journals, articles, official documents, and other relevant literature. This technique allows researchers to gather in-depth and comprehensive information concerning the legal issue under investigation. The data utilized in this research is secondary data, which consists of primary, secondary, and tertiary legal materials. Primary legal materials include regulations, court decisions, and other official documents with binding legal force. Secondary legal materials encompass legal literature, commentaries, analyses, and explanations by legal experts. Tertiary legal

⁵ Andrew Shandy Utama and Toni Toni, "Perlindungan Negara Terhadap Kebebasan Beragama Di Indonesia Menurut Undang-Undang Dasar 1945," *Civitas: Jurnal Pembelajaran Dan Ilmu Civic* 6, no. 2 (2020): 12–24, <https://doi.org/10.36987/civitas.v2i1.1072>.

⁶ Maya Cristiana, "Hak Konstitusional: Politik Hukum Kebebasan Beragama Di Indonesia," *Progresif: Jurnal Hukum* 16, no. 2 (2022): 234–54, <https://doi.org/10.33019/progresif.v16i2.3419>.

⁷ I Gede Yuliartha, "Lembaga Praperadilan Dalam Perspektif Kini Dan Masa Mendatang Dalam Hubungannya Dengan Hak Asasi Manusia," *Law Reform* 5, no. 1 (2010): 1–24, <https://doi.org/10.14710/lr.v5i1.667>.

⁸ Peter Mahmud Marzuki, *Penelitian Hukum*, 19th ed. (Jakarta: Prenada Media Group, 2019), <https://prenadamedia.com/product/penelitian-hukum-edisi-revisi/>.

⁹ Anwarul Yaqin, *Legal Research and Writing* (Bangsar South City: LexisNexis, 2007); Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tujuan Singkat* (Jakarta: PT.Raja Grafindo Persada, 2003).

materials provide additional information or further explanations regarding primary and secondary legal materials, such as legal encyclopedias and legal dictionaries. This research aims to provide a thorough explanation of the legal aspects under investigation by utilizing various legal sources. Consequently, this research can produce a comprehensive and relevant analysis to address the formulated research questions.

3. RESEARCH RESULTS AND DISCUSSION

3.1 Regulations Regarding the Respect, Protection, and Fulfillment of the Right to Freedom of Religion in a Pancasila Legal Framework

The stipulations outlined in Article 28E, paragraph (1) of the 1945 Constitution explicitly assert that every individual is entitled to freedom of worship according to their religion. The term “every individual” encompasses the notion of nondiscrimination based on race, ethnicity, citizenship, or any other primordial affiliations. Meanwhile, paragraph (2) articulates that every individual has the right to freedom of belief, expression of thoughts, and attitudes in accordance with their conscience. This provision firmly asserts that freedom of religion is inseparable from the freedom to hold beliefs, express thoughts, and exhibit attitudes in alignment with one’s conscience. Hence, Article 28E of the 1945 Constitution embodies the essence of safeguarding the most fundamental human rights, universally applicable across territorial boundaries, customs, cultures, and other socio-political disparities.

Conversely, Article 29, paragraphs (1) and (2) of the 1945 Constitution state that the State is founded on the belief in One Almighty God. The state ensures the freedom of each citizen to adopt their own religion and engage in worship according to their religious convictions. Thus, the state is not predicated upon any particular religion but rather on the belief in a Supreme Being.

In practice within Indonesia, recognized religions include Islam, Protestant Christianity, Catholic Christianity, Hinduism, Buddhism, and Confucianism. Additionally, indigenous Indonesian religions or traditional beliefs, which predate the introduction of foreign religions to Indonesia, persist. Several indigenous religions endure, either in their original form or through syncretism with foreign religions, such as Balinese Hinduism, Javanese, and Masade (Old Islam). Nevertheless, lost original beliefs may persist as folk religions among adherents of Islam or Christianity through customary practices outside official religious structures, such as Malay shamanism and the beliefs of the Javanese Abangan.¹⁰

In the elucidation of Article 1 of Law no. 1/PNPS/1965 concerning the Prevention of Abuse and/or Blasphemy of Religion, there exists no explicit prohibition against differing religions or beliefs like Zoroastrianism, Shinto, Taoism, Sundanese Wiwitan

¹⁰ Sumanto Al Qurtuby and Tedi Kholiludin, eds., *Agama Dan Kepercayaan Nusantara* (Semarang: Lembaga Studi Sosial dan Agama (eLSA) Press, 2019).

beliefs, the Samin Community, and others. However, the law solely recognizes the legitimacy of the six aforementioned religions.¹¹

The provisions delineated in Article 28E, paragraphs (1) and (2) of the 1945 Constitution articulate:

“Every individual is entitled to the freedom to adopt a religion and engage in worship according to their religious convictions...” and “Every individual possesses the right to freedom of belief, expression of thoughts, and conduct in accordance with their conscience.”

The import of this formulation underscores that the right to adopt a religion and engage in worship is a fundamental human right, alongside the right to freedom of belief, comprising non-derogable rights that are immune to reduction under any circumstances. This is underscored by the absence of discrimination, as stipulated in Article 28I, paragraph (1) of the 1945 Constitution:

“The rights to life, freedom from torture, freedom of thought and conscience, religious freedom, freedom from enslavement, recognition as a person before the law, and freedom from retroactive prosecution are inviolable human rights.”

Paragraph 2 further asserts:

“Every individual possesses the right to be shielded against discriminatory treatment on any basis and to receive protection against such discrimination.”

However, the freedom of religious rights delineated above is circumscribed by the norms delineated in Article 28J, paragraph (2) of the 1945 Constitution:

“In exercising their rights and liberties, every individual is obligated to adhere to restrictions prescribed by law, aimed solely at upholding recognition and respect for the rights and liberties of others, and fulfilling just demands consistent with moral and religious considerations, as well as ensuring the safety and public order within a democratic society.”

In light of Article 28I, paragraph (1) of the 1945 Constitution, to what extent are freedoms subject to constraints within societal frameworks? The sole valid rationale for curbing individual freedoms is that only mature individuals possess the liberty to act as long as it does not infringe upon others. Consequently, unabridged freedom is solely accorded to individuals capable of agency and receptive to religious freedom.

Moreover, the constraints mandated by law in accordance with Article 28J, paragraph (2) of the 1945 Constitution must not contravene the 1945 Constitution’s explicit assertion that the right to religion is an inviolable right under any circumstance (non-derogable

¹¹ Muhammad Syafrīe, “Ambiguitas Hak Kebebasan Beragama Di Indonesia Dan Posisinya Pasca Putusan Mahkamah Konstitusi,” *Jurnal Konstitusi* 8, no. 5 (2011): 675–706, <https://doi.org/10.31078/jk853>.

rights)¹², as stipulated in Article 28I, paragraph (1). Consequently, legislative enactments must fortify the right to freedom of religion, ensuring their substance does not diminish this fundamental right.

Subsequently, the government promulgated a new policy bolstering religious freedom through the Decree of the People's Consultative Assembly (TAP MPR) of 1998 No. XVII concerning Human Rights, which affirms the right to religion as a human right, articulated in Article 13:

“Every individual is at liberty to adopt their own religion and engage in worship according to their religious convictions.”

This provision aligns with the formulation articulated in the 1945 Constitution. Furthermore, Article 37 of the Decree of the People's Consultative Assembly (TAP MPR) No. XVII of 1998 asserts:

“The right not to be prosecuted based on laws that apply retroactively is an inalienable human right that cannot be reduced under any circumstance (non-derogable).”

Article 44 of the Decree of the People's Consultative Assembly (TAP MPR) No. XVII of 1998 underscores:

“To uphold and safeguard human rights in accordance with the principles of democratic governance, the implementation of human rights is assured, regulated, and delineated in statutory regulations.”

Consequently, Law no. 39 of 1999 concerning Human Rights (UU HAM) serves as the implementation of Article 44 of the Decree of the People's Consultative Assembly (TAP MPR) No. XVII of 1998. One of the provisions governing the religious rights of citizens is enshrined in Article 4 of the Human Rights Law, which states:

“The rights to life, freedom from torture, personal freedom, thought and conscience, religious freedom, freedom from enslavement, recognition as an individual and equality before the law, and freedom from prosecution based on laws that apply retroactively are human rights that are non-derogable under any circumstance and by anyone.”

The essence conveyed in Article 4 of the human rights law affirms that upholding, safeguarding, and fulfilling the right to freedom of religion is an inviolable right under all circumstances. Additionally, the provisions articulated in Article 4 of the human rights law encapsulate the universal concept of human rights, closely aligning with the assurance of protection outlined in international human rights conventions. Nevertheless, it is

¹² Utama and Toni, “Perlindungan Negara Terhadap Kebebasan Beragama Di Indonesia Menurut Undang-Undang Dasar 1945.”

imperative to acknowledge the limitations imposed on human rights, as delineated in Article 73 of the human rights law:

“The rights and freedoms outlined in this Law may only be curtailed by and grounded in legislation, solely to ensure the acknowledgment and reverence for human rights and the fundamental freedoms of others, moral principles, public order, and the nation’s interests.”

Further provisions specifically addressing human rights are found in Article 22, paragraphs (1) and (2) of the human rights law:

“Every individual possesses the freedom to adopt their own religion and engage in worship according to their religious convictions,” and “The state guarantees the freedom of each person to adopt their religion and engage in worship according to their religious convictions.”

The elucidation of Article 22, paragraph (1) of the human rights law clarifies that the right to freely adopt one’s religion and convictions denotes an individual’s entitlement to practice their religion in accordance with their beliefs, free from coercion. Fundamentally, this signifies that the right to religion is an immutable human right, categorically non-derogable under any circumstances.

“Consequently, in accordance with Article 29, paragraph (2) of the 1945 Constitution: “The freedom to adopt a religion or belief is inherent to every citizen, and the state pledges to safeguard the freedom of each resident to adopt their religion and engage in worship according to their religious convictions.”

Moreover, constitutionally, this entitlement for citizens constitutes a mandate for the state, represented by the government, to ensure, uphold, protect, and fulfill citizens’ rights to adopt religion or belief. While the provisions of Article 73 of the human rights law introduce limitations, they do not mirror those articulated in Article 28J, paragraph (2) of the 1945 Constitution, which, among other things, cites religious rationale as grounds for restrictions. In the explication of Article 73 of the human rights law, it is elucidated that restrictions may solely be imposed on rights that are non-derogable. Hence, Article 73 of the human rights law and its explication do not contradict Article 4 of the human rights law, which explicitly declares the right to religion as a class of rights that are non-derogable under any circumstances.¹³

The stipulations outlined in the Attachment to Law Number 12 of 2005 regarding the Ratification of the International Covenant on Civil and Political Rights affirm:

“Upholds the right of every individual to freedom of thought, belief, and religion, along with the protection of those rights.”

¹³ Serlika Aprita and Yonani Hasyim, *Hukum Dan Hak Asasi Manusia*, 1st ed. (Bogor: Mitra Wacana Media, 2020), <https://www.mitrawacanamedia.com/hukum-dan-hak-asasi-manusia>.

This provision underscores that the right to freedom of religion and belief is universal, and the state party, in this instance the Indonesian government, is obligated to ensure its safeguarding, respect, and fulfillment.¹⁴ Furthermore, the state party must legislate against all forms of discrimination and actions that propagate hatred in the guise of religion.

Another legislative enactment reinforcing religious freedom in Indonesia is Law Number 29 of 1999 pertaining to the Elimination of All Forms of Discrimination. Although Law Number 29 of 1999 does not explicitly target religious discrimination, its content advocates for the eradication of discrimination against the right to freedom of religion and belief. Nonetheless, there exists ambiguity in the ratification and implementation of this law in Indonesia, as the Indonesian government to date only recognizes a limited number of religions and beliefs.

The regulations encapsulated in the Joint Regulation of the Minister of Religion and the Minister of Home Affairs Number 9 of 2006 and Number 8 of 2006 concerning Guidelines for the Execution of the Duties of Regional Heads/Deputy Regional Heads in Preserving Religious Harmony, Empowering Religious Community Forums, and Establishing Places of Worship essentially grant freedom to religion in terms of erecting places of worship based on genuine needs and the demographic makeup of the population, serving the religious community within the sub-district or village area.

3.2 Legal Precedents on Religious Freedom

The decision by the Constitutional Court affirming the equality of adherents to various beliefs and religions is documented in MK Decision No. 140/PUU-VII/2009 concerning the Law on the Prevention of Blasphemy (No. 1/PNPS/1965). While rejecting the plea for a judicial review of the law, the ruling underscored that the state lacks authority to selectively recognize certain religions, such as limiting recognition to only six religions, as religion constitutes an inherent right for every citizen.¹⁵

Furthermore, the decision delineates two forms of internal forums, encompassing freedom of religion and passive belief, and freedom of religion and active belief. Initially, freedom of religion and passive belief pertains to an individual's entitlement to choose a religion or belief, including the freedom to change religions. The state is barred from dictating or proscribing an individual's profession of faith or belief, membership in a religion or belief system, renunciation of their religion or belief, or their decision to convert. Conversely, active freedom of religion and belief involves the external exercise of one's right to freedom of religion or belief, which interacts with the external world. When an

¹⁴ Bambang Heri Supriyanto, "Penegakan Hukum Mengenai Hak Asasi Manusia (HAM) Menurut Hukum Positif Di Indonesia," *Jurnal Al-Azhar Indonesia Seri Pranata Sosial* 2, no. 2 (2014): 151–68, <https://jurnal.uai.ac.id/index.php/SPS/article/viewFile/167>; Andi Muhammad Asrun, "Hak Asasi Manusia Dalam Kerangka Negara Hukum: Catatan Perjuangan Di Mahkamah Konstitusi," *Jurnal Cita Hukum* 4, no. 1 (2016): 133–54, <http://dx.doi.org/10.15408/jch.v4i1.3200>.

¹⁵ Sekretariat Bersama Koalisi Advokasi Kebebasan Beragama atau Berkeyakinan (KKB) Indonesia, "Catatan Dan Refleksi Akhir Tahun: Kebebasan Beragama Atau Berkeyakinan Di Indonesia 2023."

individual privately engages in worship at home or in a communal place of worship, neither the state nor third parties possess the authority to intervene.¹⁶

Meanwhile, external forums represent visible religious rights, serving as a tangible expression of these beliefs. Additionally, Article 18 of the Universal Declaration of Human Rights (UDHR) and Article 18, paragraph (1) of the International Covenant on Civil and Political Rights serve as the foundation, affirming that all individuals possess the right to manifest their religion through teaching, practice, ritual, or other forms of worship. Consequently, the manifestations of religious practice vary significantly. External forums may manifest in the form of positive freedom, wherein individuals may openly display or exhibit religious symbols.¹⁷

Manifestations of belief, whether conducted privately or publicly, intersect with public life or other communities. When such manifestations interact with public spheres, it becomes imperative for the state to regulate these expressions through legislation.¹⁸ This implies that in external domains, the state holds the authority to constrain human actions that express their beliefs in tangible activities. This regulation is outlined in Article 18, paragraph (3) of the International Covenant on Civil and Political Rights, which stipulates:

“The freedom to manifest one’s religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals, or the fundamental rights and freedoms of others.”

Article 18, paragraph (3) of the International Covenant on Civil and Political Rights serves as a restriction on the freedom to manifest religion, aimed at safeguarding public safety, law, morality, or the fundamental rights of others. Consequently, the state possesses the prerogative to intervene in individuals’ freedom of worship. Nevertheless, despite granting the state leeway to limit freedom of worship, these restrictions must not be enforced in a discriminatory manner or with discriminatory intent.

In light of the foregoing elucidation, it becomes apparent that religious freedom encompasses the liberty of worship, whether conducted individually or collectively, in private or public arenas. When worship is conducted in public spaces, the state may impose restrictions under two conditions: firstly, these restrictions must be enacted through legislation, such as laws democratically determined by parliament; secondly, these

¹⁶ Siringoringo, “Pengaturan Dan Penerapan Jaminan Kebebasan Beragama Sebagai Hak Asasi Manusia Dalam Perspektif UUD 1945 Sebagai Hukum Dasar Negara.”

¹⁷ Al Khanif Al Khanif, *Religious Minorities, Islam and the Law: International Human Rights and Islamic Law in Indonesia*, 1st ed. (London: Routledge, 2020), <https://doi.org/10.4324/9781003048695>.

¹⁸ Elenie Poulos, “The Turn to Belief and How the Discourse of Religious Freedom Marginalises Minority Religions in Australia,” in *Freedom of Religion and Religious Pluralism*, ed. Md Jahid Hossain Bhuiyan and Carla M. Zoethout (Leiden: Brill-Nijhoff, 2023), 123–46, https://doi.org/10.1163/9789004504967_008.

limitations must aim to uphold public safety, order, morality, health, and the fundamental rights of others.¹⁹

Constitutional Court Decision No. 97/PUU-XIV/2016 concerning the omission of the religion column on Identification Cards (KTPs) determined that the contested article lacks binding legal force as long as religion is not construed to encompass belief. Concerning statutory regulations, the question of whether beliefs are akin to or distinct from religion, inclusive of the right to freedom of religion and belief (KBB) attached thereto, remains ambiguously answered. Consequently, the protection and realization of KBB rights for believers continue to provoke controversy among state officials and the public.

CONCLUSION

Based on the foregoing exposition, it can be deduced that, normatively, the right to freedom of religion in the Pancasila Law State is inherently non-derogable, meaning it cannot be diminished under any circumstances. However, in practice, numerous instances of religious freedom violations persist in Indonesia. The findings or research outcomes reveal a discrepancy between the provisions of Article 28I, paragraph (1) of the 1945 Constitution, which unequivocally asserts that religious rights that cannot be reduced under any circumstances, and the stipulations of Article 28J, paragraph (2) of the 1945 Constitution, which mandate that everyone is obligated to adhere to restrictions imposed by law solely to ensure recognition and respect for the rights and freedoms of others, and to fulfill legitimate demands in accordance with moral, religious, security, and public order considerations in a democratic society. In light of the aforementioned conclusions and findings, it is recommended that interested parties undertake a more comprehensive examination concerning the discrepancy between the norms of Article 28I, paragraph (1) of the 1945 Constitution and Article 28J, paragraph (2) of the same, which carries implications for legal uncertainty regarding the determination of which provisions will serve as a reference in implementing the law.

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¹⁹ Ian McGregor, Joseph Hayes, and Mike Prentice, "Motivation for Aggressive Religious Radicalization: Goal Regulation Theory and A Personality × Threat × Affordance Hypothesis," *Frontiers in Psychology* 6 (2015): 1325, <https://doi.org/10.3389/fpsyg.2015.01325>.

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