

ESENSIA

Jurnal Ilmu-Ilmu Ushuluddin

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Haji in Sasak Community, Lombok, NTB**

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Religious Freedom in Indonesia: An Islamic Human Right Perspective

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Abstract

Everyone has the right of religious freedom or belief which becomes one of important parts of Human Rights (HAM/Hak Asasi Manusia). Thus, no one can be subjected to coercion that can interfere his freedom to adopt or embrace a religion or belief of his choice. The main characteristic of modern constitutional state is the guarantee of human rights in its constitution. In the Constitution NKRI 1945 has set human rights and the rights of citizens in the form of guarantees freedom for each citizen to embrace religion and worship according to their religion or belief. A state guarantees the freedom of each citizen to adopt a religion or belief, but the state (the government) must regulate the freedom in implementing and practicing a religion or belief so that the government can respect, protect, enforce and promote Human Right (HAM) and conserving security, order, health or public morals. Speaking of human rights in Islam is not an historical product arising from human ideology, a concept that has a theological dimension and will be accountable to God. Freedom of thought, conscience, religion and belief is part of the most important human rights, even have status as a right that should not be reduced and violated under any circumstances. On the other hand, religious freedom protects the phenomenon that can be controversial and dangerous for human existence, because religion and systems of ideological belief can be misused to trigger intolerance, discrimination, prejudice, hatred, and violence.

Keywords: *human rights in Islam, religious freedom in Indonesia, guarantee of religious freedom*

Abstrak

Setiap orang berhak atas kebebasan beragama atau kepercayaan yang menjadi salah satu bagian penting Hak Asasi Manusia. Dengan demikian, tidak ada yang bisa terkena paksaan yang bisa mengganggu kebebasannya untuk mengadopsi atau menganut agama atau kepercayaan pilihannya. Karakteristik utama negara konstitusional modern adalah jaminan hak asasi manusia dalam konstitusinya. Dalam Konstitusi NKRI 1945 telah menetapkan hak asasi manusia dan hak warga negara dalam bentuk jaminan kebebasan bagi setiap warga negara untuk merangkul agama dan ibadah sesuai agama atau kepercayaan mereka. Sebuah negara menjamin kebebasan setiap warga negara untuk mengadopsi agama atau kepercayaan, namun negara (pemerintah) harus mengatur kebebasan dalam melaksanakan dan mempraktikkan agama atau kepercayaan sehingga pemerintah dapat menghormati, melindungi, menerapkan dan mempromosikan Hak Asasi Manusia (HAM). Dan melestarikan keamanan, ketertiban, kesehatan atau moral publik. Berbicara tentang hak asasi manusia dalam Islam bukanlah produk historis yang muncul dari ideologi manusia, sebuah konsep yang memiliki dimensi teologis dan akan bertanggung jawab kepada Tuhan. Kebebasan berpikir, hati nurani, agama dan kepercayaan adalah bagian dari hak asasi manusia yang paling penting, bahkan memiliki status sebagai hak yang tidak boleh dikurangi dan dilanggar dalam kondisi apapun. Di sisi lain, kebebasan beragama melindungi fenomena yang bisa kontroversial dan berbahaya bagi eksistensi manusia, karena agama dan sistem kepercayaan ideologis dapat disalahgunakan untuk memicu intoleransi, diskriminasi, prasangka, kebencian, dan kekerasan.

Kata Kunci: *hak asasi, kebebasan beragama, garansi, indonesia dan Islam*

Introduction

Human Right (*Hak Asasi Manusia/HAM*) is a right inherent in human beings which are the natural and fundamental protected and respected by every individual, community, and country. The nature of human right protection is to maintain the safety of human existence as a whole as a human noble (human dignity). However, due to the diversity of community characteristics, ideology, and religion, this will find a difference between one to another. Some people argue that it is a fact used as an argument emergence of particularistic concept in the history of human right formulation.

Topic of freedom and human right is a universal topic, but it does not mean neutral. It is because a discussion of freedom and human rights in the human perspective of Western civilization has been formed in the humanism doctrines. Freedom is a basic human right to everyone who has the right to gain and defend the wanted freedom. Furthermore, the struggle for their rights cannot ignore the obligations. That is why the jargon of the French Revolution (1789) was the freedom (*liberte*), equality (*egalite*) and fraternity (*fraternite*). Freedom and equality are rights, while fraternity demanding fulfillment is obligation. So, the freedom that we must strive and defense is to respect the rights to others.¹

Freedom of religion is an important issue that causes polemic in socio-political life in Indonesia, especially the last few years. Activists and academics highlight the problem of religious freedom and underline the level of intolerance in the community religious interaction. On the other hand, many government officials and some community leaders feel that the religious freedom in Indonesia has been very great.

Discourse of religious freedom actually has been growing since this nation was proclaimed

¹ Jeffrie Geovanie, *Membela Akal Sehat: Upaya Menyelaraskan Politik, Agama, dan Budaya dengan Akal Sehat* (Jakarta: Rakyat Merdeka Group), 3.

in 1945 ago, even before that. Through the *Badan Penyelidik Usaha Persiapan Kemerdekaan Indonesia/BPUPKI* (Committee for Preparatory Work for Indonesian Independence), this discourse was hotly debated by the founding fathers, especially in the formulation of the Constitution 1945 section 29. Everyone has the right to freedom of religion and belief which becomes one important part of Human Rights (*HAM/Hak Asasi Manusia*).² Thus, no one can be subjected to coercion that can interfere his freedom to adopt or embrace a religion or belief of his choice. The main characteristic of modern constitutional state is the guarantee of human rights in its constitution. The Constitution NKRI 1945 has set human rights and the rights of citizens in the form of guarantees freedom for each citizen to embrace religion and worship according to their religion or belief.³

State guarantees the freedom of each citizen to adopt a religion or belief, but the state (in this case, the government) must regulate the freedom in the implementation and practice a religion or belief so that the government can respect, protect, enforce and promote Human Rights conserving security, public order, public health or morals. Freedom of thought, conscience, religion and belief is the part of the most important rights, even have status as a right that should not be reduced and violated under any circumstances. On the other hand, religious freedom protects the phenomenon which may be controversial and dangerous for human existence, because religion and systems of ideological belief can be misused to trigger intolerance, discrimination, prejudice, hatred, and violence.⁴

² Tore Lindholm, et al (ed.), *Kebebasan Beragama atau Berkeyakinan: Seberapa Jauh? Sebuah Referensi Tentang Prinsip-Prinsip dan Praktek* (Yogyakarta: Kanisius, 2010), xv.

³ Adam Muhshi, *Teologi Konstitusi (Hukum Hak Asasi Manusia Atas Kebebasan Beragama di Indonesia)* (Yogyakarta: LKiS, 2015), 1.

⁴ Manfred Nowak dan Tanja Vospernik. "Pembatasan-pembatasan yang diperbolehkan terhadap Kebebasan Beragama atau Berkeyakinan" dalam Tore Lindholm, et al (ed.), *Kebebasan Beragama atau Berkeyakinan*, 201.

Religious freedom is an important part of human rights. It is because the religious right in its principle is to see how people treat each other in carrying out the religious right and other rights. It is an imperative moral regulated by law. Arrangements, recognition, security, and legal protection of human rights are recognized not only normative but also theologically. All religions teach the importance of human rights. Islam also responds the problems of Human Rights. Islam has been used to teach mankind about the concept of egalitarian, universal and democratic. The concept was allegedly adopted by the West through the appearance of universal ideas standardized in the conventions of the *Universal Declaration of Human Rights*.⁵

Based on these descriptions, this paper will attempt to examine the religious freedom in Indonesia -human right perspective in Islam which includes: Human Rights in Islam, Religious Freedom in Islam; a valid guarantee for religious freedom and human right restrictions.

Human Rights in Islamic Perspective

Etymologically, the word "rights" in Islam is equivalent to Arabic vocabulary, *al-ḥaqq* (singular form) and *al-ḥuqūq* (plural form). The word *ḥaqq* comes from the verb *ḥaqqqa-yahiqqu-ḥaqqan* which means true, real, definite, fixed, or a truth and reality. The word *ḥaqq* also means *kitābullāh* (al-Qur'an), legal, human responsibility in front of the God and His law, and also the rights and human demand. Meanwhile, the word "human" etymologically means to build, set up and put down. Thus, the human shows the meaning of anything that is basic, fundamental principle and always attached to the object. The human word is also called human or person and is understood as being prudent.⁶

⁵ Ismail, "Hak Asasi Manusia dalam Perspektif Islam", *Jurnal Asy-Syir'ah*, vol. 43, no. 1, (2009), 111.

⁶ Sayyed Hossein Nasr, *The Heart of Islam: Pesan-Pesan Universal Islam Untuk Kemanusiaan*, trans. Nurashiah Fakhri Sutan Harahap (Bandung: PT Mizan Pustaka, 2003), 343.

In general, the term "human right" in Islam is known as *ḥuqūq al-insān*.⁷ This term is the new and popular formulation in Islamic societies. Human right in Islam is rights which are not solely formed of rules created by humans to maintain public order to be fair and humane, but more than that; human right in Islam is something inherent in human beings since they were born as a gift from Allah SWT. Human right in Islam is not an historical product arising from human ideology, but a concept that has a theological dimension and will be accountable to God.⁸

According to Islam, humans have rights directly relating to the responsibility they receive as waiters (*'abd*) and also the representative of God on earth (*al-khalīfah fi al-arḍi*). These rights are involved in various aspects, ranging from the religious rights, the private rights to family life, the legal rights, and social and politic rights.⁹

According to Harun Nasution, the idea of human rights in Islam can be seen in the theological teachings which contains that only one creator (God) for the universe and all its contents, including humans, animals, plants and the other lifeless objects.¹⁰ According to him, the theological teachings contain the idea of equality and brotherhood throughout human beings as God's creation. It shows that in Islam there is not only humanitarian idea, but also the creationary idea. The creationary idea can be seen from the prohibition for people to not be arbitrary toward other creatures.

Human rights in the Islamic perspective is also mentioned in the Quran which includes

⁷ Masykuri Abdillah, *Demokrasi di Persimpangan Makna: Respon Intelektual Muslim Indonesia Terhadap Konsep Demokrasi (1966-1993)*, trans. Wahib Wahab (Yogyakarta: Tiara Wacana, 1999), 97.

⁸ Luqman Hakim, *Deklarasi Islam Tentang HAM* (Surabaya: Risalah Gusti, 1993), 12.

⁹ Sayyed Hossein Nasr, *The Heart of Islam*, 344.

¹⁰ Harun Nasution dan Bachtiar Effendi, *Hak Asasi Manusia dalam Islam* (Jakarta: Yayasan Obor Indonesia, 1987), 120-126.

the right to life (al-Isrā' [17]: 33, al-An'ām [6]: 151), the right of honour protection (al-Ḥujurāt [49]: 11-12), the right of security protection (al-Nūr [24]: 27), the right to freedom of expression (al-Taubah [9]: 71), the right to freedom of association (Āli Imrān [2]: 104-105), the right to obtain justice (al-Syūrā [42]: 15) and many others.¹¹

The aims of human rights in Islamic perspective can be traced by examining how Islam respects and upholds human dignity as God's creatures. In Islam, there are three glories (*karāmah*) conferred by Allah to all mankind, regardless of ethnic background, religion and socio-political. These glories are:¹² *Karāmah fardiyyah* (individual glory) which means that Islam protects the aspects of individual human life both of spiritual and material aspects. *Karāmah ijtimā'iyah* (communal glory) which means that Islam fully guarantees the equality among individuals in society, between one group to another group. *Karāmah siyāsiyyah* (political glory), which means that Islam gives the political right to individuals to choose and be chosen on political positions because human is the representative of Allah in this world.

From the explanation above, it can be seen that Islam has positioned human in a high position as individuals, communities, and as a leader for the creation of justice. The upright and preservation of human rights in Islam are for the goodness of human beings as a whole. Realizing the public interest through the protection and guarantee of basic needs (*al-umūr al-ḍarūriyyah*) is the intention and purpose of Islamic law (*maqāṣid al-syarī'ah*).

The division of *maqāṣid al-syarī'ah* is a core aspect of central analysis, because the first aspect relates to the nature of law application by the

¹¹ Makhrur Adam Maulana, *Konsep HAM dalam Islam: Antara Universalitas dan Partikularitas* (Yogyakarta: Pustaka Ilmu, 2015), 31.

¹² Masykuri Abdillah, *Demokrasi di Persimpangan Makna*, 99.

God, which is to realize human benevolence. It can be realized if the five basic elements (*al-uṣūl al-khamsah*) can be maintained. These five basic elements according to al-Syāṭibī are *dīn* (religion), *nafs* (soul), *nasl* (offspring), *'aql* (intellect), *māl* (wealth).¹³ In fact, Jasser Auda adds other elements, namely *'Irḍ* (honour). The five elements are fundamental and essential in human life, in terms of social, economic, political, and cultural aspects. In general, this indicates that the ultimate goal of Islamic law is to realize goodness (*maṣlahah*) and justice for mankind in this world and in hereafter.¹⁴

Thus, all the issues, including provisions on human rights in Islam are always theocentric, putting Allah through His sharia as a benchmark in all aspects of human life, both in human life as individual and nation.¹⁵

Religious Freedom of in Islam

Human values considered by Islam are freedom which can save people from any pressure, coercion, dictatorship and occupation. Freedom in this case is freedom of religion, freedom of thought, political freedom, freedom of residence, and all forms of freedom that are essential to the truth.¹⁶ Islam has established four principles of religious freedom which is important, produced by legislation. The four principles of religious freedom include: freedom of religious belief and the prohibition of coercion, freedom of exchange thoughts on religious issues, convinced and sincere as the legitimate requirement of faith, doing *ijtihād*

¹³ La Jamaa, "Dimensi Ilahi dan Dimensi Insani dalam *Maqasid al-Syariah*", 1257. See also Abū Ishāq al-Syāṭibī, *al-Muwāfaqāt fī Uṣūl al-Syarī'ah*, vol. 2 (Beirut: Dar Kutub al-Ilmiyyah), 10.

¹⁴ Agus Moh. Najib, "Maqasid al-Syari'ah". *Mazhabuna*, vol. 21, no. 2, (2003), 28.

¹⁵ Dede Rosyada dkk, *Pendidikan Kewarganegaraan (Civic Education): Demokrasi, HAM dan Masyarakat Madani*, edisi revisi (Jakarta: Prenada Media, 2003), 219.

¹⁶ Yusuf Qardhawi, *Sistem Masyarakat dalam Al-Qur'an dan Sunnah*, trans. Salam Masykur (Solo: Cita Islami Press, 1997), 128.

in term of *furū'* for those who can afford, the messages regarding freedom of religious belief are universal done consciously and responsibly, and are not backed by betrayal tendency. The verse clearly stipulates freedom of belief (religion) is mentioned in Q.S. al-Baqarah [2]: 256.

لَا إِكْرَاهَ فِي الدِّينِ قَدْ تَبَيَّنَ الرُّشْدُ مِنَ الْغَيِّ فَمَنْ
يَكْفُرْ بِالطَّاغُوتِ وَيُؤْمِنَ بِاللَّهِ فَقَدِ اسْتَمْسَكَ
بِالْعُرْوَةِ الْوُثْقَى لَا انْفِصَامَ لَهَا وَاللَّهُ سَمِيعٌ عَلِيمٌ

There is no compulsion in religion. Verily, the Right Path has become distinct from the wrong path. Whoever disbelieves in ṭāghūt and believes in Allah, then he grasped and the most trustworthy handhold that will never break. And Allah is All-Hearer, All-Knower.

In essence, Islam does not contradict with Human Rights, even it respects human rights and freedom. If the principles of the Qur'an are abstracted, there are many points that strongly support the universal principle of human rights. These principles have been set in various meetings of Muslims. Universal Islamic Declaration of Right is organized by a group of scholars and Muslim leaders in a conference in London in 1981 which formally professed by UNESCO in Paris. London Declaration was followed by the Cairo Declaration issued by the Organization of Islamic Conference (OIC), 1990. From the introduction of the Declaration, it can be summarized into several points i.e. 1) Islam recognizes the equality of all people without distinction of origin, race, sex, skin colour, and language, 2) The equation is the basis for obtaining the rights and obligations of human rights, 3) Human freedom in Islamic society is consistent with the essence of life, because human beings are born free and free from pressure and slavery, 4) Islam recognizes the similarities between the rulers and the people who must obey the God's law without

discrimination, 5) Citizens are members of society and have the right to prosecute those who disturb public tranquillity.

The Islamic principle has been clear to give freedom to its citizens to embrace each religion and not allowed to impose beliefs to others (al-Baqarah [2]: 256). If in a community or an Islamic government there are non-Muslims, they are given the freedom to profess their respective religion. They are well respected and will not get the slightest political pressures or others.¹⁷ In the Cairo Declaration stated in Section 10 shows that: Islam is a religion of nature. No coercion is allowed against everyone. Exploitation of poverty and human folly moving from one religion to another religion is forbidden. In Section 18: "Every person has the right to keep himself, his religion, his family honour and property".

Authorized Guarantee for Religious Freedom in Indonesia

Indonesia proclaimed its independence on August 17, 1945. One day later, on August 18, 1945 the country adopted the first constitution. The Constitution consists of basic references for religious freedom. The Constitution stipulates that "The State guarantees the freedom of people to adopt and apply their own religion". It was proclaimed to all the people in Indonesia that Pancasila is as the foundation of the nation and the state philosophy.

The attitude of the Indonesian lies on the importance of inter-religious dialogue which the tolerance culture has developed thoroughly and became the ideology of the nation and the constitution. The motto of this nation is known for its unity in diversity based on a historical heritage, different ethnic, religious and racial backgrounds, should ideally live in harmony in the plural society. Indonesia is a country based

¹⁷ Abu al-A'la al-Maududi, *Islam and Human Right*, cited from http://www.witness-pioneer.org/vil/Books/M_hri/index.htm

on the five principles of Pancasila; belief in one God, humanity, unity, democracy and social justice. The philosophy of Pancasila shows the relationship of religious beliefs as a harmony and tolerance.¹⁸

In carrying out the constitutional government, since proclaimed as republic, this nation has various efforts to serve and develop the religious life through religious activities by the ministry. Government provides a facilitator without interfering the internal religious activities. All religions are given security and assurance to be able to worship freely. Internal problems within the religion, especially the direct relationship to the theological principles, teachings, doctrines or ideologies, become the responsibility of religious leaders and organizations.

Freedom of religion is a human right that is most fundamental, issued in 1648 when the Westphalia peace agreement ended the wars of religion between Catholics and Protestants in the European empires. Ten years ago, human rights to freedom of religion had not been the centre of attention or ruled out. The prohibition of torture or banned slavery and discrimination, has been debated. Recently, attention to human rights and democracy have grown and rediscovered. American sociologist Casanova said that, "without religious freedom, there will be no democracy".

Internationally, the right to religious freedom get recognized in the Universal Declaration of Human Rights in 1948 Section 18:

"Everyone has the right to freedom of thought, conscience and religion (in this case, including the freedom to change religion or belief) and the freedom to express religion or belief by teaching,

¹⁸ Lidya K. Tandirerung, "Religious Freedom and Religious Neutrality of the State in Indonesia: Some Remarks and Reflections From a Christian Perspective", in Stefan Hammer and Fatimah Husein (eds.), *Religious Pluralism and Religious Freedom: Religions, Society and the State in Dialogue* (Yogyakarta & Vienna: CRCS and Universitas Wien, 2013), 46.

practice, conduct worship and obey it, either alone or jointly with others, in public as well as its own".

International Covenant on Civil and Political Rights (ICCPR) in 1966 describes these rights more in detail. In Section 18 of the ICCPR:¹⁹

Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to have or follow a religion or belief based of his own choice, and freedom, either individually or jointly with others, either in public or closed, to run his religion or belief in worship activities, piety, experience and teaching, No one can be compelled that disturbs his freedom to have or embrace a religion or belief of his choice, Freedom manifests one's religion or belief which is only restricted by legal regulations, and necessary to protect public safety, order, health, or public morals or the rights and fundamental freedoms of others, States side with the Covenant undertakes to respect the freedom of parents and, when applicable, the legal guardians ensure that the religious and moral education for their children is in accordance with their own convictions.

For European countries, the European Convention for the Protection of Human Rights and Fundamental Freedoms, ECHR (1950), the rights contained in Section 9 are: "Freedom of thought, conscience and religion". Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change his religion or belief and freedom, either himself or together with others, in public or in private, to manifest religion or belief in worship, teaching, practice, and obedience, Freedom to manifest one's religion or belief can only be subjected to restrictions that have been prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of

¹⁹ Irmgard, Marboe. *The Role Of The State To Protect the Freedom of Religion* dalam Stefan Hammer and Fatimah Husein (eds.), *Religious Pluralism and Religious Freedom: Religions, Society and the State in Dialogue*, (Yogyakarta & Vienna: CRCS and Universitas Wien, 2013), 63.

public order, public health or morals or for the protection of the rights and freedoms of others.

In the Constitution 1945 expressly guarantees the right to freedom of religion and belief. The opening section called the first principle of Pancasila is "Almighty God". With this principle, Indonesia has been described as a country that is not secular but as a country that has religious basic and characteristic.²⁰ Section 28 E states that "everyone is free to embrace religion and to worship according to their own religion and everyone is deserved to freedom of belief to believe". In this case, the state (government) is the first institution obliged to guarantee freedom of religion and belief, and everything derivatives, such as the recognition of the civil rights of others.

Restrictions of Rights and Religious Freedom

Everyone has the freedom, either individually or community, in public or in private to manifest his religion or belief in teaching and worship. However, the right and freedom are not absolute, because there are obligations and restrictions on human right itself.

In Islam, more detailed restrictions on the rights and freedom of religion, thought and spoke in the London Declaration are described below: Everyone has the right to express their thoughts and beliefs so far within the scope set in the law. But no one has the right to spread the fake or spread the words that might disturb public tranquility or harass the esteem of others. Looking for science and search for truth is not only a right but an obligation for Muslims. Rights and obligations of Muslims are protesting and fighting against oppression, although in this case should be against the rulers of the country. There is no limitation in disseminating information which does not jeopardize the security of society and the state, and still within

the scope permitted by law. No one has the right to insult or harass other religious beliefs or provoke public hostility; respect the beliefs of other religions is an obligation for Muslims.²¹

Although the London Declaration has been quite clear, but the breadth and freedom in expressing human rights institutions should be limited. The things that can restrict none are the law provisions. Section 28 J of the Constitution 1945 states that: Every person must respect the rights of others in an orderly society, nation, and state; In implementing the rights and freedoms, everyone must obey the restrictions set by the law with the purpose to secure the recognition and respect the rights and freedoms of others appropriate considerations of morality, religious values, security, and order public in a democratic society. The human rights principles of order right to religious freedom have entered the realm of civil rights and political rights. It means that the setting of religious freedom becomes part of the state authority; the state has the legitimacy to regulate religious issues including religious freedom.

Western or secular countries still need to regulate religious freedom. However, there are some differences between Indonesia and the secular Western countries. In the West, religion is not set to the public, but in Indonesia religion enters the public sphere. Muslims are the largest population in Indonesia, they practice their religion in social life, politics, economics and culture. When Muslims establish Sharia Bank, for example, the country is forced to regulate and to discipline it. On the other side, Indonesian rights to regulate religion can be traced from the Indonesian State philosophy which the foundation of the nation is the Almighty God (First section of Pancasila). The principle of justice, humanity, prosperity and others are back to the principle of divinity

²⁰ "Almighty God" is the result of agreement between secular nationalists and group who wanted Islam as the state foundation.

²¹ Quoted from Muddathir Abd al-Rahim, dalam *The Human Rights Tradition in Islam* (Praeger, Westport, Connecticut, London, 2005), 170-171.

that exist in Indonesia. That is the point that our constitutional system is different from the Western secular system distancing religious elements from power.

Conclusion

Religious freedom in human right perspective²² is on two levels. *The first* is the non-derogable character, it means that rights cannot be suspended and revoked by any kind, under any circumstances, whenever and wherever. These non-derogable rights include freedom of religion; the benchmark is each person. If a person does not feel afraid in stating his religion, then religious freedom has been reached. If a person feels afraid toward the consequence if he does not embrace his religion; it signifies that he has not yet felt the religious freedom and freedom has not been internalized on him. Thus, religious freedom is considered successfully achieved if everyone has no fear at all in stating the religion.

Second is the freedom to express religious teachings, the freedom to broadcast religion, and the freedom to build houses of worship. This freedom is *derogable* or can be suspended and regulated by the State. Therefore, freedom to broadcast religion and establish places to worship can indeed be governed by the law because it involves others.

It can be concluded that the first category of internal religious freedom is the benchmarks from themselves, while the second is religious freedom that is expressive. It cannot violate the rights of others, should not be detrimental to public order and the rights of the public, and does not interfere with the rights and freedoms of others.

Rights and Freedom of religion must be interpreted in the context of religion and the

state respectively and cannot be interpreted as an absolute without limitation. To resolve the protracted conflict between the UDHR (Universal Declaration of Human Rights) and religions, it needs an explanation more in detail by each religion on the principles of humanity and freedom. On the other hand, UDHR needs to accommodate the specificity of the states and religious institutions in interpreting the principles of human rights and freedoms. By this way, one does not sacrifice the others. In this case, the role of institutions and religious authorities is very central. If there is a conflict between the demands of human rights and religious groups, or among religious adherents or between followers in one religion, the State is obliged to organize and reconcile them with the collaboration of official institutions in these religions.

Although some important progress in religious freedom issues are successfully achieved throughout the reformation era, the problems become a chore that should be quickly resolved, ranging from regulatory issues to the escalating violence. This means that the issue of religious freedom is not only a state problem but for all citizens. There is no single solution to get out of this complex problem.

There are many religious groups or other beliefs (local religions) who complain discrimination when Confucianism has not been recognized as a religion by the state bureaucracy, for example: *Tolotang* groups in South Sulawesi, *Sapta Darma* in Java, *Sunda Wiwitan* in West Java and *Kaharingan* in Kalimantan. The position of the state that is not clear can split identity of the adherents. In one side, they can run their rites, but on the other hand, to get their civil rights regarding marriage, death, identity card and so on, they should pretend to affiliate to one of the six religions administratively recognized by the State, in this case is the Ministry of Religious Affairs.

²² Suhadi Cholil (ed). *Resonansi Dialog Agama dan Budaya: Dari Kebebasan Beragama, Pendidikan Multikultural, Sampai RUU Anti Pornografi* (Yogyakarta: CRCS UGM, 2013), 194.

In the present context, the signs of religious freedom can be felt. Practicing their religion and the teachings of their respective religions (beliefs or local religion) are the rights and freedom of adherents in living. However, if the groups want to be recognized as a religion by the public and civil registries, they need to do research and study in advance of the extent to which religion and belief which completely lives and thrives in the community. Nevertheless, the possibility of the emergence of diverse beliefs or local religions demanding similar rights as granted to the Confucianism will be a new issue for the management of the bureaucracy on religious diversity in Indonesia. Indonesia is deeply rooted in religious belief system and, if not accommodated by the government, it is a betrayal committed by the State to its citizens. Constitution 1945 expressly guarantees the right to freedom of religion and belief. The opening section mentions the first principle of Pancasila "Almighty God". With this principle, Indonesia has been described as a country that is not secular but as a country that has religious characteristics. In this case, the state (government) is the first institution obliged to guarantee freedom of religion and belief, and everything derivatives, such as the recognition of the civil rights of others.

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2. Muhammad Alfatih Suryadilaga, *Metodologi Syarah Hadis Era Klasik Hingga Kontemporer (Potret Konstruksi Metodologi Syarah Hadis)* (Yogyakarta: Suka Press, 2012), 20.
3. Saifuddin Zuhri Qudsy, "Living Hadith in a Family: Reinventing Model of Research in Hadith Using Etnografi Research", *Proceeding International Seminar on Sunnah Nabawiyah and its Contemporary Challenges*, 10-11 September 2014, Brunei Darussalam.
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