

DISCREPANCY BETWEEN NORM AND REALITY: VIOLATIONS OF RELIGIOUS FREEDOM IN INDONESIA

Alya Natasya Setyafadila^{1a*}

¹University of Pasundan, Jl. Dr. Setiabudi No. 193, Bandung, 40116

^aE-mail: alyanatasysf6@gmail.com

(*) Corresponding Author
alyanatasysf6@gmail.com

ARTICLE HISTORY

Received : 20-05-2026

Revised : 15-06-2026

Accepted : 10-08-2026

KEYWORDS

Freedom of Religion and Belief, Violations of Freedom of Religion, The State of Religious Freedom in Indonesia, Discrepancy Between Norms and Reality

ABSTRACT

Freedom of Religion and Belief (FoRB) is a constitutional right guaranteed by the 1945 Constitution of the Republic of Indonesia and should be protected through laws and policies that uphold equality and non-discrimination. However, persistent violations of FoRB indicate a significant gap between constitutional guarantees and their implementation. This article examines how inconsistencies in government practices create normative contradictions that contribute to the degradation of religious freedom in Indonesia. Employing a normative legal method combined with an empirical sociological approach, the study analyzes constitutional and statutory provisions concerning FoRB and compares them with patterns of violations occurring in society. The findings reveal that although the constitutional framework provides strong protection for FoRB, contradictory government actions, inconsistent law enforcement, and regulations that are not fully aligned with human rights principles have weakened its implementation. These conditions have enabled discriminatory practices, restrictions on religious activities, and unequal treatment of minority religious groups. The study highlights that the persistence of such normative contradictions not only undermines constitutional supremacy but also threatens social cohesion and democratic governance. This article contributes to the discourse on religious freedom by demonstrating how the gap between legal norms and state practices functions as a structural factor in the continuing decline of FoRB protection in Indonesia.

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INTRODUCTION

The United Nations (UN) formulated a set of rights instruments that until now have been universally enforced by countries in other parts of the world. This right is currently referred to as Human Rights (HAM) which basically applies from the time a human being is in the womb until he dies, human rights will continue to be attached. However, basically humans have rights because of their own nature as humans, not because they are given and designed by a party. In fulfilling these

rights, the government of each country is obliged to fulfill every part of the human rights inherent in its citizens, including the Indonesian government. Moreover, constitutionally, Indonesia also provides guarantees such as welfare, freedom, decent education, and other constitutional guarantees for its citizens. The State has a constitutional responsibility in a democratic system to formulate and establish various legal and other regulations to ensure the effective protection and fulfillment of human rights, in accordance with democratic principles and applicable legal provisions.

One of the guarantees of rights provided by the state is the right to Freedom of Religion and Belief (KBB). According to Omar Seno Adji, one of the characteristics of the State of Law in Indonesia lies in the existence of a strong relationship between religion and the state, so that the relationship between the two is not rigidly or absolutely separate. Freedom of religion is an important aspect in building a balanced and peaceful society in diversity. Everyone has the right to determine, embrace, practice, and express their religious beliefs without fear of violence or unfair treatment. The government is constitutionally responsible for ensuring and maintaining these freedoms, while creating a social atmosphere that supports respect for religious and belief diversity. However, from the past until now, there are still many cases of violations that are not in accordance with the rights guaranteed by the state. These inconsistencies are no longer a secret to society. A phenomenon that often occurs in human rights violations in Indonesia is in the form of acts of intolerance against community groups that have different religions or beliefs. According to Bukert, religious conflicts are often rooted in differences in the way individuals understand moral and legal values that are relative. Controversies between religious groups often arise due to ideological superiority, where one group rejects the legitimacy of the teachings or concept of 'truth' from other religions.

Indonesia as a country based on Pancasila, should uphold the values listed in every precept in it. Pancasila in the first precept states "The One Godhead", so this clearly shows that Indonesia is a country that has a close relationship with religion. When viewed from the perspective of the census divinitatis, the first precept of Pancasila, namely the One Godhead, does not solely represent monotheism, but also includes the concept of divinity and transcendental beliefs more broadly. Thus, this precept not only accommodates religions based on belief in the One God, such as Judaism, Christianity, and Islam, but also includes other forms of spirituality such as mysticism, animism, and dynamism. Furthermore, based on the 'two kingdoms' theory, the first precept also reflects an explicit recognition of God's sovereignty. In this context, the recognition of divine sovereignty does not simply guarantee religious freedom, since it is also supported by other precepts, such as the second precept which emphasizes respect for human rights. However, the state's recognition of the state's official religions shows state interference in the internal affairs of religion and this cannot be justified. Currently. The official religions recognized by the state are Buddhism, Hinduism, Christianity, Catholicism, Islam, and Confucianism. The state's policy of recognizing certain religions as 'official' or 'recognized' religions has led to a tendency to discriminate and intolerant treatment of groups of adherents of religions or beliefs that fall outside that category. This reflects inequalities in the protection of the rights to religion and belief, which should be guaranteed equally regardless of the status of recognition by the state.

Constitutionally, Indonesia clearly guarantees the right of freedom of people to embrace their respective religions and beliefs. This is stated in Article 28E paragraph (1) of the 1945 Constitution which affirms that everyone has the right to embrace religion and worship according to their religion, while Article 29 paragraph (2) of the 1945 Constitution ensures that the state guarantees the freedom of every citizen to embrace religion and worship according to his religion and belief. This guarantee is the main thing that should be obtained by the community. The right to freedom of religion and belief guaranteed by the constitution is the strongest basis for the people to obtain their rights absolutely. The right to freedom of religion and belief includes the protection of individuals who embrace, believe, or practice religious teachings, whether they are long-standing religions, new religions, or religions that have historical roots in a particular region. This protection also applies universally to various other forms of belief, regardless of social status, history, or formal recognition by the state. The 1945 Constitution is the highest hierarchy of laws and regulations, so in essence there should be no other laws under the 1945 Constitution that are contradictory. However, in fact, there are still regulations that are contrary to the hierarchy by being

discriminatory and not reflecting the right to freedom itself. So, it is still questionable, whether the state has really guaranteed and protected every religion?

Freedom of Religion and Belief is one of the fundamental rights guaranteed in the Universal Declaration of Human Rights (DUHAM), a rights instrument established by the United Nations. As stated in Article 18 of the DUHAM, everyone has the right to freedom of thought, belief, and religion. In addition, Article 22 of Law Number 39 of 1999 concerning Human Rights guarantees freedom of religion and worship as a right that cannot be reduced under any circumstances. This strengthens the guarantees in the 1945 Constitution, therefore the state needs to fulfill the rights of the people that have been included in the constitution. However, in reality, even though the state has constitutionally provided guarantees, the fact is that there are still many groups that cannot freely carry out their religious orders and beliefs. Violations of freedom of religion and belief are not solely caused by horizontal conflicts between members of society, but are also influenced by the gap between applicable legal norms and the practical realities on the ground. Regulations issued by the state have a strategic role in shaping patterns of social interaction between religious groups. In the Indonesian context, the state's position on these regulations is reflected in various events that show that there is still weak protection for freedom of religion and belief.

Research on religious freedom has indeed become the subject of many discussions that have been poured into a scientific writing. This is because religious freedom is not just a boast that does not have to be guaranteed by the state. The right to freedom of religion exists because it is triggered directly by the state in the guarantee of the constitution. The research in this article is needed to look in detail at the root of the problem of violations of religious freedom that not only originate from society, but also originate from inappropriate regulations that affect society. In addition, it also aims to make the community and the government together again see this problem as a serious matter that needs to be observed and corrected for the sake of harmonizing every society in every religion. Research on KBB has become increasingly serious with the incompatibility of norms with reality, namely violations of religious freedom. However, the discussion of violations of religious freedom is not enough to reach the basic cause and effect. There needs to be further research on the root of the problem of violations of religious freedom. This research will discuss the condition of freedom of religion and belief in Indonesia. Furthermore, this study will also analyze how the causes of KBB violations occur from the perspective of norms and also the role of the state. Finally, this study will explain the implications for allowing KBB violations.

METHOD

This research method uses normative legal research, by conducting analysis, interpretation, and assessment of controversial norms that have been issued by the government. The author conducted an analysis of whether the legal norms made did not contradict the 1945 Constitution. In the phenomenon of violations of religious freedom, there are regional regulations and policies that do not reflect the right to freedom guaranteed by the constitution. This research focuses on analyzing how the government plays a role in violating the right to freedom of religion through the formation of legal norms that do not reflect constitutional guarantees. Furthermore, this study will discuss how the impact of religious freedom violations on certain communities. Therefore, to find out this, a sociological-empirical approach is needed, namely comparing existing legal norms with the social reality of society. Referring to the progressive legal theory given by Satjipto Rahardjo, that the law was formed to achieve justice and the welfare of the community. Thus, this approach is used to see whether the legal norm provides justice for the community or actually has a negative impact on norms that are contrary to the rights of the community.

This research uses primary sources in the form of constitutional provisions, laws and regulations, and other related norms or policies. These sources are reinforced with secondary materials consisting of the opinions of figures/experts, articles, and reports based on credible sources. The author processes the data by reading and reviewing the legal norms in question, examining social events related to the violation of religious freedom, and writing the results of the analysis that have been obtained through this research.

RESULT AND DISCUSSION

Conditions of Freedom of Religion and Belief in Indonesia: Rampant Violations

Currently, the condition of religious freedom in Indonesia cannot be said to be in the category of good. Violations of KBB still occur in several regions, inter-religious conflicts are still a problem that has not been solved by the state. Conflicts where there are still relatively minimal interreligious harmony, especially for minority religions that have not been officially recognized by the state. The reason is, there are many religions and beliefs in Indonesia that have not received recognition from the state, for example, Ahmadiyah, Shia, Religious Belief, Sunda Wiwitan, Kejawen, and many more religions that have not received official recognition from the state. In addition to the six recognized religions, the government designated other religions as religious or animism. The determination of religion as a school of belief is considered a degradation or degradation by some groups of society.

Looking at the conditions in Indonesia, religious minorities are still in the category of not fully getting their right to freedom of religion and belief. The reason is that discrimination against minority religions still occurs. Such as bad stereotypes, difficulty in accessing worship spaces, dissolution, and burning of worship spaces. This is one of the worst examples of the lack of safe space for minority religions. In fact, if we reflect on the constitution, it is clearly stated how the state guarantees the independence of every religion without exception. However, religious conflicts still often occur, between one religion and another, religious believers and apparatus, to religious believers and the state. Conflicts regarding KBB are endless, various discriminations and violations occur in various regions with various causes.

In Indonesia, the issue of Freedom of Religion and Belief has only begun to gain attention since entering the Reform era. However, the implementation of KBB still faces various problems. This is reflected in a number of cases of KBB violations that occurred in various regions. Some examples include the ban on worship activities of the Pentecostal Church in Indonesia (GPdI) in Sumedang in 2012. In addition, there was the burning of the Sapta Dharma place of worship in Rembang by a group of people, as well as the prohibition of worship accompanied by acts of violence against the Indonesian Ahmadiyya Jamaat (JAI) in Subang. Outside Subang, there was also the destruction of the Al-Kautsar mosque owned by JAI in Kendal on May 22 to 23, 2016. This situation is in line with a 2015 report from the Wahid Institute, which documented various violations of religious freedom in several regions in Indonesia. West Java and Aceh provinces recorded the highest number of violations, with 46 and 36 incidents, respectively. Meanwhile, DKI Jakarta recorded 23 events, and Yogyakarta as many as 10 events.

In 2011, the violent incident in Cikeusik became one of the clear examples of the increasing symptoms of intolerance and religion-based violence in Indonesia. The targets of this action include religious groups such as Ahmadiyya, Baha'is, Christians, and Shia. On the other hand, there are also cases in Christian-majority areas, where locals have refused to build mosques for Sunni Muslims. People who are victims of violations of the right to KBB come from various backgrounds, ranging from those who only want to get permission to establish places of worship, individuals who want recognition of their beliefs in their identity cards (KTP), to children who experience bullying or harassment from teachers and peers in the school environment. In reality, victims of KBB violations often experience discriminatory treatment. It is not uncommon for them to have to bear the social burden in the form of negative stigmas from society, such as the assumption that the Ahmadiyya and Shia groups are "heretical." In addition, faith groups and those who are considered atheists also often experience similar stigmatization because they are perceived to have no religion. Beliefs or beliefs that are not in accordance with the official religions according to state law and the views of intolerant groups are often considered a form of "blasphemy".

Data collected by Komnas HAM and non-governmental organizations show that violations of freedom of religion or belief continue after 2015 with significant numbers. For example, Komnas HAM reported that in 2016 there were 97 complaints regarding alleged violations of religious freedom, the most in the form of restrictions, bans, and destruction of places of worship; restrictions or prohibitions of religious activities; and threats or intimidation against religious groups. The

National Human Rights Commission of the Republic of Indonesia reported that between 2008 and 2018, there were 2,453 cases of violations of the right to religious freedom in Indonesia; Of these, 1,033 occurred due to state actions, while another 1,420 came from individual or civilian actions. This confirms that the right to freedom of religion in Indonesia is still far from being fulfilled and adequately protected. On the other hand, the Wahid Foundation recorded 213 incidents that showed violations of the right to freedom of religion throughout 2017, which included criminalization on the basis of religion; discrimination, restrictions, prohibitions, and closures of places of worship, as well as intimidation. The Setara Institute noted that in the first year of 2018 there were 109 incidents of KBB violations which included criminalization, discrimination, and intolerance.

Databoks reported that there were 422 acts of religious freedom violations in Indonesia in 2020. Of these, 184 actions were carried out by non-state actors, such as citizen groups, individuals, and civil society organizations (CSOs). The 2021 Christmas celebration was also marked by acts of persecution, when a number of people broke into Christmas worship at the Indonesian Pentecostal Church (GPI) in Banjar Agung Village, Banjar Agung District, Tulang Bawang Regency, Lampung. The persecution occurred on Saturday, December 25. The Setara Institute for Democracy and Peace reported 333 cases of religious freedom violations throughout 2022. The highest incidence of religious intolerance was found in East Java. The report noted that non-state actors committed 175 acts that violated religious freedom during the year, up from the previous 171 cases in 2021. The total incidents included 19 cases of blasphemy, 13 cases of obstructing the construction of houses of worship, 15 cases of prohibiting worship, and seven cases of destruction of houses of worship. The Setara Institute also reported 217 incidents with 329 violations related to KBB during 2023. This number has increased considerably compared to last year which recorded 175 incidents with 333 actions. The Executive Director of SETARA Institute, Halili Hasan, stated that of the 329 acts of violation, 114 of them were committed by the state, while the other 215 were committed by non-state parties. Throughout 2024, the SETARA Institute recorded 260 incidents and 402 acts of KBB violations, this number has increased significantly compared to the previous year. Meanwhile, Imparsial recorded at least 23 incidents of violations of freedom of religion and belief that occurred in Indonesia throughout 2024. The cases of violations occurred in various provinces, including West Java, Banten, DKI Jakarta, East Java, Aceh, Riau Islands, Bengkulu, South Sulawesi, and Papua. The perpetrators of violations come from state and non-state actors, including religious leaders, citizens, and community organizations. These data show that the KBB guarantee written in the 1945 Constitution is still not enough to overcome various related problems.

Causes of Violations of Religious and Belief Rights

A. Legal Norms and Constitutional Guarantees

In Indonesia, the right to embrace religion and belief for every citizen is listed in the ideology of Pancasila and the applicable constitutional regulations. Based on deep thought, the founders of the Indonesian nation agreed not to make certain religions the basis of the nation and state. This shows that freedom to choose religion and belief in Indonesia is a right owned by each individual and cannot be ignored. Religious rights have been well regulated in the constitution and laws in Indonesia, but in reality there are still many cases of human rights violations caused by restrictions on freedom of religion and belief, both by the government and non-government.

Guarantees for the right to freedom of religion or belief in Indonesia still face at least three types of challenges: conceptual, social, and legal. At the conceptual level, some people consider that this concept comes from western traditions so that it is not in line with the culture of Indonesian society which is very religious. Religious freedom is often seen as an idea that encourages unlimited freedom, which is contrary to local values. In the social aspect, many people are not ready to accept and interact with differences in religion and belief. Although history shows that Indonesian society is a diverse society, in practice there is no guarantee that respect for differences is done in an appropriate and non-violent manner. At the legal

level, enforcement of acts of violation of religious freedom is still far from optimal. Often, victims from minority groups face criminalization on charges of blasphemy or disturbing public order.

In article 28 E of the 1945 Constitution Paragraph (1) states "Everyone is free to embrace religion and worship according to his religion, choose education and teaching, choose a job, choose citizenship, choose a place of residence in the territory of the state and leave it, and has the right to return." Furthermore, it is followed by paragraph (2) which clearly provides freedom for the community to have beliefs "Everyone has the right to freedom to believe in belief, express thoughts and attitudes, in accordance with his conscience." In addition, Article 29 Paragraph (2) states, "The State guarantees the freedom of each citizen to embrace his or her own religion and to worship according to his religion and belief". However, the reading of the article does not now have a good reflection of the existing factual conditions. Regulations under the 1945 Constitution are often contrary to and not in accordance with the mandate of the constitution. This clearly harms existing legal guarantees, as well as harms the community.

In addition to being guaranteed by the state in the 1945 Constitution, KBB has also become part of the human rights guarantee in international law. The guarantee of KBB in international law that has been accepted by many countries in the world is Article 18 of the International Covenant on Civil and Political Rights (ICCPR) (United Nations Treaty Collection). ICCPR is part of The International Bill of Human Rights which consists of the Universal Declaration of Human Rights, the International Covenant on Economic, Social, and Cultural Rights (ICESCR) and the ICCPR itself as the main international human rights instrument. Furthermore, it is also explained in ICCPR Article 20 Paragraph (2) concerning KBB, this paragraph reads, "Any act that advocates hatred on the basis of nationality, race or religion that is incitement to discrimination, hostility or violence, must be prohibited by law". A few years later, precisely in 1981, a consensus was held which gave birth to the Declaration on the elimination of All Forms of Intolerance and Discrimination Based Religion or Belief. These consensus are the basis for countries in the world to pay attention to the KBB for citizens.

Human Rights have a universal nature in Indonesia which can be seen from the protection of religious freedom as stated in the 1945 Constitution and Law No. 39 of 1999 concerning Human Rights. However, the understanding of intolerance and radicalism that has emerged in Indonesia is quite high and it can be a threat to the diversity of Indonesian society. Clauses related to religious harmony also appear in various pluralistic policies: Law No. 7 of 2012 concerning the Handling of Social Conflicts which seeks to encourage tolerance and respect for harmony to maintain peace; Law No. 24 of 2007 concerning Disaster Management which regulates the prohibition of discrimination based on religion in the distribution of aid for disaster victims. In this context, Indonesia's steps in formulating a policy of religious harmony are very appropriate and progressive, because the policy is in line with the pluralistic condition of Indonesia and democracy as a political system. In addition to adopting an international consensus, the agenda for the formulation of religious harmony policies in Indonesia is very relevant to regulate religious diversity in the country, considering that religion has an influence and until now plays an important role in the life of society and the state. However, the implementation of norms is still a major weakness that makes the state less attentive to the fulfillment of rights and guarantees that should be given.

B. The Role of the State in the Violation of Freedom of Religion and Belief

Discrimination is not only motivated by cultural factors, but also structural factors. Cultural factors are seen in the values, attitudes, and outlooks on life that dominate people's lives. This is significantly influenced by the extent to which social bonds are formed in inter-ethnic societies. Meanwhile, structural factors are directly related to infrastructure factors. This means that the government's political policies will have an impact on the extent to which public infrastructure or facilities support the creation of equal access to a plural society. A state that is supposed to protect and protect its population, is found at a certain moment to be caught off guard where a discrimination that exists in society is ignored.

The state has made a significant contribution to discrimination against freedom of religion and belief through the issuance of Joint Regulations (Perber) of the Minister of Religion and the Minister of Home Affairs Number 09 of 2006 and

Number 08 of 2006 concerning Implementation Guidelines for Regional Heads and Deputy Regional Heads. The difficulty of maintaining Religious Harmony, the increase of the Religious Harmony Forum, and the construction of Houses of Worship are negative impacts of the existence of the PNPS Law. Thus, the state seems to be trapped in a condition of active human rights violations (by commission). In addition to the Perber, active violations are also seen in the Joint Decree between the Minister of Religious Affairs, the Attorney General, and the Minister of Home Affairs of the Republic of Indonesia Number 3 of 2008, Number Kep 033/A/JA/6/2008 and Number 199 of 2008 which contains Warnings and Directions for Adherents, Members, and/or Administrators of the Indonesian Ahmadiyya Community (JAI) and Citizens. Violations of the right to freedom of belief (KBB) do not only occur in the implementation of laws and regulations, but are also caused by norms contained in various laws and regulations themselves.

One of the government's goals for making Law Number 1 of 2023 concerning the Criminal Code is to increase protection for freedom of religion and belief. This national Criminal Code includes changes to the blasphemy article, which was previously regulated in Article 156a of the Criminal Code of colonial heritage, as a result of Law Number 1 of PNPS of 1965. This reformulation was carried out to produce a clearer definition and punishment of the crime of blasphemy. In addition, this reformulation also aims to align Indonesia's criminal law framework with contemporary human rights standards. Historically, however, blasphemy articles have been used to restrict religious minority groups and opinions that differ from the majority religion. This raises concerns about the possibility of continued discrimination based on the National Criminal Code. The application and enforcement of criminal law related to the blasphemy article has problems if the application of the law is inconsistent and subject to political influence, so that the protection of religious freedom will be weakened and lead to human rights violations.

According to the view of intolerance between religious people, the prohibition, sealing, and even revocation of the IMB in houses of worship is a form of violation of freedom of religion and belief. In each region, the majority has the power to ban minority religions or even the same religion simply because they belong to a different group. The GKI Yasmin Church in Bogor is one of the real examples of the intolerance shown by the state. It has permanent legal force after the Supreme Court's ruling that overturned the Mayor's Decree on the revocation of the IMB of the GKI Yasmin Church. However, after 15 years, the Bogor City government only followed up on this decision in 2021. Another thing that must be considered is about licensing in the establishment of houses of worship. Because according to researchers from human rights monitoring groups, mass organizations have extorted church permits in the past. The Joint Regulation of the Minister of Religion and the Minister of Home Affairs Number 8 and 9 of 2006 concerning the Development of Places of Worship is very bureaucratic so it is difficult and strict so that there is a possibility that other parties will intervene at a certain level. This illegal levy practice may be motivated by this rule. In fact, as an important part of democracy, the state should protect religious freedom.

Since the decision of the MUI Fatwa was issued on the heretical sect believed by the Indonesian Ahmadiyya Jamaat (JAI). This has become a spectacle of the wider community related to the fact that it is not like JAI in carrying out its trust in the midst of the lives of the Indonesian people at large. Even with this decision, the Indonesian Ahmadiyya Jamaat is not considered a community organization, as well as the consequences of its appearance. This is used as a reference for the community in committing various acts of violence against the JAI community. Fatwa is considered a fatwa that tends to "legalize" acts of violence against Ahmadiyya worshippers in Indonesia. Although the chairman of the MUI has stated that he does not direct and commit acts of violence against Ahmadiyah, in fact on the ground shows the opposite practice. This problem is certainly a challenge or the duty of religious institutions such as the MUI to clarify to the public regarding the decisions they issue. As is well known, the verdict has a very negative impact and danger to the survival of individual Ahmadiyya adherents and the Ahmadiyya institution itself. Discrimination is not only experienced by Muslim religious groups, there was an incident of sealing the Pentecostal Church in Indonesia (GPDI) in Pangukan, Sleman Regency, Yogyakarta which was caused by the regulation of the 2 Ministers' Decree on the Establishment of Houses of Worship which was seen as discriminatory, no political communication, the active involvement of the Yogyakarta Islamic Jihad Front (FJI)

and weak law enforcement by the local police. Social actions carried out by local governments fall into the categories of traditional actions and affective actions. This traditional act is rooted in the traditions of a society. In carrying out these actions, the government does it because it has become a habit and does not consider the goals and ways to achieve them.

Another example of the government's negligence in protecting people's rights is also shown in one case when a community group held a protest in front of a church with the aim of questioning the permission to establish the Batak Karo Protestant Church (GBKP) in Bandung, West Java. Then Komnas HAM held a meeting with the parties concerned. From the meeting, some information was obtained, namely that the church admitted that it had received a permit since four years ago and admitted that it was demonstrated by a number of people who accused the church of building permits, which caused the church to often not be used. They also admitted that at the end of 2015, a group of people came and asked for Rp. 200 million to be able to operate the church again. The West Java Police asked Komnas HAM and church leaders to report the case so that it could be followed up immediately. But they rejected it because East Bandung church leaders admitted that it was difficult for them to report the case due to the lack of available evidence. In addition, the commissioner of Komnas HAM said that their important problem was not the extortion case, but rather the lack or absence of government firmness in dealing with the self-play by intolerant groups, with the abuse of power. There should be law enforcement implemented by the government or the authorities to prevent this from happening again.

C. Implications for Allowing Violations of Freedom of Religion and Belief

In Indonesia, although freedom of religion and belief is guaranteed in the constitution and other human rights legal instruments, the neglect of these rights has brought serious implications for legal justice, social cohesion, and the stability of national life. Many perpetrators of religious freedom violations are not adequately sanctioned or are not treated fairly, which then creates an effect of impunity in society. Allowing violations of freedom of religion/belief means that the state, apparatus, or social actors are not firm in taking preventive measures, law enforcement, or redress when discrimination, intimidation, restrictions on worship practices, or violence against religious/religious groups occur. The consequences of this neglect are multi-dimensional, namely legal, political, social, economic, security, and even psychological. Allowing it to nourish impunity means that perpetrators of discrimination or violence feel safe because there are no sanctions or serious investigations. This undermines the protection of human rights in general and lowers public confidence in the justice system. When the state allows violations of the KBB (including discriminatory government rhetoric), democratic institutions lose credibility; The majority group can take political advantage, while the minority is alienated. This can encourage selective legalism, abuse of authority, and silencing criticism.

The difficulty of establishing houses of worship and sealing churches or other places of worship still often occurs because local pressure and identity politics are more dominant than adherence to the principle of non-discrimination. The implications of this condition are the disruption of harmony between religious communities, the emergence of social distrust in local governments that are considered unfair, and the emergence of social segregation based on beliefs. In addition, the restriction of practice and recognition of ancestral religions or beliefs that are not included in the six religions officially recognized by the state shows that religious freedom is not only about the practice of worship but also the recognition of religious or cultural identity. pluralism in Indonesia experiences "limited pluralism" due to narrow official recognition of religion and belief, resulting in structural discrimination against minority groups. In these conditions, people of traditional or local religious beliefs feel marginalized and lose access to social rights, such as the right to establish places of worship or legal recognition of their religious identity.

Religious harmony is a state of relations between religious people based on tolerance, mutual understanding, mutual respect, respect for equality in the practice of their religious teachings, and cooperation in the life of the society of the nation and state in the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution. The maintenance of religious harmony is an effort to serve, regulate, and empower religious people. The direct implication of the achievement of

the right to religious freedom of each individual is the realization of harmony between religious communities. Peace and harmony between religious communities can only be achieved if each religious group, in addition to maintaining their own identity, also maintains respect for the identity of other groups (respecting religious freedom). So on the contrary, if harmony is not achieved, then destruction will occur between one society and another, even the relationship between society and the state. In this case, the government has a very big role in not allowing all forms of violations of religious freedom to be committed by the community, mass organizations, and the government itself. As a guarantor of freedom of religion and belief, the state is obliged to take actions that can handle all cases of KBB violations both that have occurred and that are likely to occur.

CONCLUSION

Freedom of religion and belief is recognized as an essential element necessary to strengthen Human Rights and democracy. Freedom of religion is not limited to the right to choose a particular religion, but also includes the right to practice the beliefs and practices of that religion without fear of discrimination or harassment. Every individual has the right to determine the religion or belief they believe and follow, as well as carry out worship in accordance with the teachings of that religion. It reflects respect for diversity and plurality in Indonesian society, where differences of faith are seen as part of cultural and social wealth. However, currently in Indonesia, violations of the rights of KBB are an example of an acute problem that is not easy to solve. There are many factors that cause this problem to occur, the most dominant factor being homework for the state to find an entrance in overcoming and solving the problem. The state is obliged to fulfill and protect the right to religious freedom of every citizen. If there is a violation of this right, the state is obliged to address and resolve all problems that cause the violation of these rights, either by issuing appropriate policies or taking action against the perpetrators of the violation of these rights through existing laws.

However, currently the state has issued policies that are precisely one of the factors why violations continue to occur. Discriminatory policies issued by the government have a bad impact on certain religions, including damaging the harmony of the surrounding social community. In terms of norms, Indonesia shows a paradoxical attitude of the state because it protects freedom but on the other hand also limits freedom. In addition, the existence of norms that are contrary to the constitution actually worsens the situation as if legalizing acts of violation against minority religions that are not recognized. Norms formed by the state should have a good impact on society in terms of interreligious harmony, not the other way around. The state tends to only protect citizens who are registered as followers of official religion, not for religious believers outside of it. The many phenomena of cases that occur make people further reduce their trust in the government in terms of law enforcement and justice.

The constitutional guarantee provided by the government should be the main guideline for every element of the government and society in acting. KBB is not just a right that needs to be known, but is also implemented in every element that is part of the state, especially the government as the main reflection that has a considerable influence. The state must not tolerate every case of discrimination against KBB. Such neglect will have a great impact on the order of society. Strictly speaking, the state needs to follow up on all cases of violations of religious freedom. If the state does not immediately solve this problem, it is likely that similar cases will continue to occur. Therefore, as a constitutional guarantor who is responsible for every right of society, the state must be present behind as a protector of every element of society without exception. The legal system that is unfair and does not protect the rights of victims of violations needs to be corrected immediately. in order to create an anti-discriminatory democratic state.

REFERENCES

CNN Indonesia. (2025, May 26). *Setara catat 402 tindakan pelanggaran kebebasan beragama di 2024*. [CNN Indonesia](#)

- Faturohman, A. N. F., & Hidayah, J. (2024). Kebebasan beragama sebagai bagian dari hak asasi manusia. *Aliansi: Jurnal Hukum, Pendidikan dan Sosial Humaniora*, 1(3), 312–323. <https://doi.org/10.62383/aliansi.v1i3.229>
- Gorokhovskaia, Y., Shahbaz, A., & Slipowitz, A. (2023). *Marking 50 years in the struggle for democracy*. Freedom House. [Freedom House](https://www.freedomhouse.org)
- Intan, B. F. (2024). Reinterpretasi sila pertama Pancasila melalui pemikiran politik John Calvin. *Societas Dei: Jurnal Agama dan Masyarakat*, 11(1). <https://doi.org/10.33550/sd.v1i1.457>
- Jahamou, J. (2020). Pelanggaran hak asasi manusia terhadap kelompok agama dan penganut kepercayaan di Indonesia. *Dinamika Hukum*, 11(2), 130–145.
- Jehanu, V. B. (2021). Kebebasan beragama atau berkeyakinan di Indonesia. *Jurnal LBH Pengayoman*.
- Komnas HAM. (2020). *Laporan tahunan Komisi Nasional Hak Asasi Manusia 2019*. Komisi Nasional Hak Asasi Manusia.
- Lidwina, A. (2021). *Intoleransi, pelanggaran kebebasan beragama terbanyak dilakukan aktor non-negara*. Databoks. [Databoks](https://databoks.kemendagri.go.id)
- Manese, R. M. (2021). Pembatasan kebebasan beragama dan berkeyakinan di Indonesia serta implikasinya. *Societas Dei: Jurnal Agama dan Masyarakat*, 8(1), 85–107. <https://doi.org/10.33550/sd.v8i1.209>
- Mantalean, V., & Santosa, B. (2024, December 10). *Imparsial temukan 23 pelanggaran kebebasan beragama selama 2024*. Kompas.com. [Kompas.com](https://www.kompas.com)
- Novianto, R. (2021). *Refleksi 2021, ironi kebebasan beragama dan berkeyakinan di Indonesia*. KBR. [KBR](https://www.kbr.id)
- Padang, K., & Surajiman. (2025). Penegakan hukum pelanggaran hak asasi manusia kebebasan beragama dan berkeyakinan (Studi kasus: Perusakan Masjid Ahmadiyah di Kab. Sintang, Prov. Kalimantan Barat). *Journal of Islamic and Law Studies*, 6(1), 54–69. <https://doi.org/10.18592/jils.v5i2.5796>
- Pattiserlihun, S. C., Ahnaf, M. I., & Hasaniy, N. R. (2024). Narasi diskriminatif pascakonflik pada masyarakat Kristen: 20 tahun pengalaman pengungsi Kayeli di Ambon, Maluku. *Societas Dei: Jurnal Agama dan Masyarakat*, 11(1), 76–96. <https://doi.org/10.33550/sd.v1i1.421>
- Pradana, M. Y. A., Mansur, M., Noviantoro, F. D., & Anggito, A. (2023). The relation of community values and norms to the practice of pilgrimage in Mount Kawi, Indonesia. *BELIEF: Sociology of Religion Journal*, 1(1).
- Putra, D. M. (2019). *Perlindungan hak kebebasan beragama dan berkeyakinan di Indonesia menurut Universal Declaration of Human Rights tahun 1948* [Skripsi, Universitas Islam Riau]. Repository Universitas Islam Riau. [Repository Universitas Islam Riau](https://repository.uin-riau.ac.id)
- Ramadani, R. Y. (2020). Diskriminasi kaum Muslim di India menurut Konvensi Hak Asasi Manusia. *Jurnal Hukum Inicio Legis*, 1(1). <https://doi.org/10.21107/il.v1i1.8823>
- Rismawati, S. D., Amanah, R., & Wahyuningsih, Y. Y. (2023). Pelanggaran hak asasi manusia (HAM) terhadap penganut keyakinan dan keagamaan. *Jurnal Bela Negara*, 1(1), 1–7. <https://doi.org/10.70377/jbn.v1i1.5197>
- Setara Institute. (2018). *Laporan tengah tahun kondisi kebebasan beragama/berkeyakinan dan minoritas keagamaan di Indonesia 2018*. Setara Institute for Democracy and Peace. [Setara Institute](https://www.setarainstitute.org)
- Setara Institute. (2023). *Setara Institute catat 329 pelanggaran KBB sepanjang 2023*. Setara Institute for Democracy and Peace. [Setara Institute](https://www.setarainstitute.org)
- Setiawan, T., Mughits, M. H., & Indrawardana, I. (2025). Implikasi reformulasi delik penodaan agama terhadap kebebasan beragama dan berkeyakinan dalam Undang-Undang Nomor 1 Tahun 2023. *Nomos: Jurnal Penelitian Ilmu Hukum*, 5(1), 62–72. <https://doi.org/10.56393/nomos.v5i1.3023>
- UCAN Indonesia. (2016, July 13). *8 agama asli Indonesia ini tak pernah diakui oleh pemerintah sejak dulu*. UCA News Indonesia. [UCA News Indonesia](https://www.uca-news.com)

- U.S. Commission on International Religious Freedom. (2025). *Annual report of the U.S. Commission on International Religious Freedom*. U.S. Commission on International Religious Freedom.
- U.S. Embassy Jakarta. (2022). *Laporan kebebasan beragama internasional 2022*. Kedutaan Besar dan Konsulat AS di Indonesia. [U.S. Embassy Jakarta](https://www.usembassyjakarta.org/)
- Wahid Foundation. (2019). *Wahid Foundation rilis temuan pelanggaran kemerdekaan beragama sepanjang 2018*. Wahid Foundation. [Wahid Foundation](https://www.wahidfoundation.org/)
- Wijayanti, T. Y. (2016). Konsep kebebasan beragama dalam Islam dan Kristen. *Profetika: Jurnal Studi Islam*, 17(1), 16–22. <https://doi.org/10.23917/profetika.v17i01.2097>
- Yayasan Lembaga Bantuan Hukum Indonesia. (2019). *Miskonsepsi pengakuan agama di Indonesia*. YLBHI. [YLBHI](https://www.ylbhi.org/)
- Yunazwardi, M. I., & Nabila, A. (2021). Implementasi norma internasional mengenai kebebasan beragama dan berkeyakinan di Indonesia. *Indonesian Perspective*, 6(1), 1–21. <https://doi.org/10.14710/ip.v6i1.37510>