

# The Right to Freedom of Religion for Followers of Religions Outside the Six Recognized Religions in Indonesia

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**Abstract:** Religious diversity often leads to the view that a particular religious community is the most correct. Although Indonesia recognizes the principle of plurality, it only acknowledges six official religions. In this context, religious plurality becomes complex, with non-official religions facing challenges. Some religious followers also encounter administrative obstacles, such as identity cards and passports. This study employs a qualitative method, utilizing a descriptive-analytic research design. The data types used include primary data, namely interviews, and secondary data from various relevant literature. The results of this study indicate that the implementation of religious freedom in Indonesia is complex, influenced by ethnic, religious, and cultural factors within a diverse population. Although guaranteed in the constitution, followers of minority religions such as Baha'i, Sikh, Tao, and Jewish still face challenges and discrimination. This encourages efforts by religious minorities to ensure their rights are respected. They often face rejection of permits for places of worship, physical or verbal attacks, and discrimination in daily life, including in employment and education. Other challenges include limited access to religious facilities and population administration.

**Keywords:** Freedom; Religion in Indonesia; Rights

## Introduction

Following a logical path, any faith will always hold its adherents in the highest regard. This justification of truthful religious belief is an example of the right to religious liberty and the legitimacy of religious practice. This phenomenon is due to the fact that religious traditions vary greatly from one another, with each faith using its own distinctive symbols to entice adherents, encourage personal faith, and solidify the place of its adherents in society (Kahmad & Majid, 2004).

Practicing one's religious beliefs is an action in and of itself. Religion allows people to rise above the mundane (Ali, 2004). This is why religious liberty must be safeguarded. As subjects who put the idea of religiousness into reality, they play a crucial role as motivators for fostering bonds amongst religious communities. Given the potential for human mistake in the establishment of interfaith connections, this necessitates the attainment of harmony. Challenges stemming from the human aspect in relation to the socio-cultural component. Religion should have a good impact on its adherents and always serve as a benchmark for all faiths; this is the essence of interfaith relations, which revolve around this understanding of fundamental religious principles. Given the prevalence of cynicism, unfairness, unbelief, and moral decay in today's social and cultural climate, it is crucial that we become more self-aware and critical (Dadang & Ruslana, 2013).

There has been a supernatural belief system in Indonesia since ancient times. Certain tribes still follow the old ancestor religion, which serves as the very foundation of plurality. The freedom to freely exercise one's religion or philosophical convictions is explicitly guaranteed by law. Every citizen is guaranteed the freedom to practice their own religion and beliefs according to the language of this legislation. But the truth is that Indonesia officially recognizes just six faiths.

Multiple factors contribute to the complexity of Indonesia's religious plurality. Religion, on the one hand, places an emphasis on ultimate truth, while on the other, religion is flawed due to the large number of faiths. From relatively uncomplicated political shifts, a paradigm has arisen, and with it, several disputes. There has been constant change in the historical approach, which has progressed through holism and finally to monotheism. No one can get away from human notions, according to anthropologists. The evolutionary idea of supernatural powers provides evidence for this development. At the same time, modern people want beliefs that are both reasonable and practical. Therefore, the beliefs held by prehistoric cultures differed from those of contemporary cultures (Bakhtiar, 2007).

After all, this need arises from a religious perspective. Society, cultural variety, and even multiplicity itself are gifts that need comprehension. For instance, according to Islamic doctrine,

a person's status as a noble is predetermined by God. The multitude of religious differences is managed by this divine rule, which does not require striving for. "Made into various groups so that you may know one another." (Surah 49:13) Allah SWT makes it very plain that every human being is uniquely and particularly formed (Dadang & Rusliana, 2013).

Even though it is a religiously diverse nation, Indonesia values human dignity and respects diversity more than unification. Thus, this is the cause that ultimately resulted in the openness and freedom of expression of Indonesia's diversified social life (Dadang & Rusliana, 2013). But by being open and free to express themselves, religious activities became more standardized. Even today, there are social and personal ideas that hold that certain people's religious practices should be limited while others are free to practice what they believe. According to this fact, Sunda Wiwitan, Kejawen, Bahai, and Prasa adherents, among others, are facing evident societal conflicts, indicating that the religion that will be embraced in Indonesia has not yet reached its height. As a result, they may share knowledge and work together to strengthen religious tolerance and understanding in the future, which will benefit all citizens and the nation as a whole. Therefore, no religion can give up its claim to an objective, natural truth, and all people, regardless of where they live, must feel compelled to proclaim the greatness and power of their faith.

This procedure paved the way for certain groups to thoughtfully contemplate a political choice that appeared to unite or even restrict the number of legally recognized faiths practiced by Indonesian residents to a maximum of six. To be tolerant of many religions and ideologies is the foundation of religious radicalism and religious democratization. As a result, radicalism might be stoked if the legislation is not put into action, as it will cause extreme irritation for certain members of minority faiths (Dadang & Rusliana, 2013). The idea of human rights has evolved considerably throughout the years. For that reason, it may be utilized to ensnare an individual. Similarly, the concept of human rights has been reduced, and its meaning has been derived. Properly embodying humanism on the one hand and being a scary instrument for tyrants on the other, human rights are portrayed as a double-edged sword. This declaration arose from the recognition that, at their core, people enjoy inherent freedoms that can pave the way to mutual liberty and fair treatment (Atqiya, 2014).

In light of this, human rights were established to permit and support the free exercise of religion or belief by all people, as stated in Article 28E and Law 29 of 1999. Nonetheless, these regulations notwithstanding, it appears that Indonesia only recognizes six religions and belief systems, and that individuals who practice beliefs and religions apart from these six are essentially coerced into converting to one of them. Because every region of Indonesia has its own local beliefs, they cannot be said to be relevant to the law. This process thus produced varied perspectives regarding the presence of religious freedom in Indonesia. Taking into account human rights pertaining to the right to freedom of religion, this research aims to ascertain the efficacy of the right to religious freedom in Indonesia. It will also investigate the challenges encountered by adherents of faiths other than the six officially recognized faiths in carrying out their religious practices.

What makes this study unique is that it seeks to solve problems with population administration and the many obstacles encountered by adherents of religions other than Indonesia's officially recognized religions. Qualitative analysis will be employed in the first stage of the research to fully grasp the lived realities and perspectives of the people and communities. This research will delve into the effects of population administration policies on religion adherents' daily lives outside of the official framework through in-depth interviews. Therefore, the purpose of this research is to provide a platform for individual stories that are often silenced in debates about public policy.

Next, this research will primarily concentrate on administrative restrictions, especially those related to the population. This research will investigate problems with registering, establishing one's identification, and gaining entry to public services. This study aims to shed light on the actual challenges faced by religious organizations outside the official system. To better comprehend the current regulatory framework, this research model will include legal analysis. It will then search for any gaps or policies that might worsen imbalances. The purpose of this

research is to provide light on how administrative procedures affect religious freedom by integrating qualitative data with legal analysis.

### **Methods**

This study framework uses a qualitative approach, drawing on descriptive-analytic research, to examine the right to religious freedom in Indonesia as it pertains to the six recognized faiths. The data utilized for this analysis comes from a combination of primary data collected through in-depth interviews and secondary data culled from various relevant literature sources. This project will collect data using a combination of questionnaire construction approaches and field observation.

### **Results and Discussion**

#### **Effectiveness of Implementing the Right to Freedom of Religion in Indonesia**

A varied population with different nationalities, faiths, and customs makes the enjoyment of religious freedom a difficult matter based on its execution. The Indonesian constitution guarantees fundamental human rights, which the country's national basis upholds. Political, societal, cultural, and religious considerations are only a few of the variables that can affect how this freedom is actually exercised.

There is a correlation between societal concord and the efficacy of religious freedom. Tolerance and peace in Indonesia may be strengthened via interfaith dialogue, constructive engagement among religious communities, and interfaith collaboration. The government actually has a heavy burden when it comes to making sure religious freedom is actually practiced. Enforcing the law, encouraging religious tolerance, and safeguarding religious minorities are all part of this. The success of human rights groups and the international community's efforts to have Indonesians exercise their right to religious freedom is another factor to consider.

The Baha'i Faith has been present in Indonesia since the 19th century, when it arrived via commerce with India, according to Rina, a Baha'i believer in Jakarta, and the efficacy of worship is intimately tied to this. This faith has grown organically in Indonesia and attracted successive waves of adherents, who did not come via religious missionaries but rather via chance encounters. The greatest kind of worship, according to Bahaullah, is labor performed with selflessness and dedication. Hence, each and every Bahá'í who is employed has a certain occupation, and it is through this occupation that they assist the general public. Many religious doctors who identified as Bahá'í were eager to devote their lives to serving in Indonesia during the subsequent wave, when the country had a scarcity of doctors. Dr. Asani is one of them; he arrived in Indonesia in 1950, only five years after the country gained its independence. The Bahá'í Faith started spreading in Indonesia after that (Interview with Rina, a Baha'i Follower in Jakarta, on August 2, 2023, at 12:07 PM WIB., 2023).

Religious liberty is guaranteed by Indonesia's 1945 Constitution. Furthermore, this is also regulated by a number of other statutes, most notably Law 39 of 1999. Respect for and adherence to the law are, nevertheless, prerequisites for its successful implementation. Sadly, religious minorities in Indonesia continue to face prejudice in the form of persecution, rejection of building permissions, and acts of violence, such as the burning of churches. This shows that there are still obstacles to ensuring that all citizens may practice their faith freely. Hence, for this right to be effectively enforced, a just and impartial court system is essential. One key element in supporting religious freedom is increasing knowledge of religious tolerance and pluralism via education. Lessening religious strife is one goal of interfaith education (Interview with Prem Singh, a Sikh Follower from Ciputat, Tangerang, on August 22, 2023, at 5:36 PM WIB., 2023).

Then, Taoists in Bandung claim that, administratively speaking, in terms of population, Taoism rides on Buddhism's coattails; thus, the practice of worship does not confront problems comparable to those Sikhs experience. For Taoists, "the right to religion does not encounter difficulties because we piggyback on Buddhism," said Agung, a Bandung resident and adherent of Taoism. No issues arise with administrative matters such as ID cards. The contrasts between

Confucianism and Indonesian thought are obvious, yet we are not one. The distinctions in Buddhism, however, are more permanent when it comes to religious practice. As an example, acupuncture is really derived from Taoism, yet many people believe it originated with Confucius. Being a part of an established Buddhist sect is enough for us; therefore, we aren't striving to establish ourselves as a separate religion (Interview with Agung, a Taoist in Bandung, on August 22, 2023, at 09:55 WIB., 2023).

There is an administrative connection between Taoism and Buddhism, according to Herianto, a Taoist believer in Semarang. On the other hand, they are actively working toward the goal of becoming an autonomous religion when asked about it. But all the administration is done in Jakarta's central office; the rest of the country just follows orders. It should be mentioned that there are distinct distinctions among Taoism, Buddhism, and Confucianism; nonetheless, they might still practice worship even if they took elements from Buddhism. Herianto claims that there are more prophets in Taoism than Confucianism, but that Taoist thought has not yet grown to the same level of prominence as that of Buddhism or Confucianism. Because of the long-established connection between Taoism and Buddhism, they decided to become Buddhists (Interview with Harianto, a Taoist Follower in Semarang, on September 3, 2023, at 10:47 WIB., 2023).

Regarding Judaism, its presence in Indonesia started to be noticeable. "Many Dutch and Iraqi Jews left Indonesia since Indonesia gained independence because there were objections from white people at that time," he said. Even murders of Jewish people occurred in Indonesia in the past. What we have here now are only remnants. Thus, our might is severely lacking in our endeavors to survive in Indonesia. There is no way out of this but to depend on government programs (Interview with Radit, a Cirebon Jew, on September 3, 2023, at 4:06 PM WIB., 2023).

### **Human Rights Review on the Right to Freedom of Religion**

Human rights in Indonesia include the freedom to believe what one wants, how one wants to believe it, and how one wants to express one's religious views. The constitution and laws of Indonesia provide this right. Every person has the inherent right to freely choose and practice their religion, refrain from coercion or persecution regarding their religious affiliation, freely express their religious views without interference from the state, and freely engage in all religious activities (including but not limited to worship, celebrations, and ceremonies).

Rina maintains that the regulations rest on a lower foundation than the 1945 Constitution. Regrettably, Indonesian legislation concerning religious freedom still cites PNPS 1965. To stabilize society, PNPS 1965 arose in reaction to the upheaval caused by the G-30 PKI revolt. Upon closer inspection, the provisions of PNPS 1965 discriminate against the main faiths in Indonesia—Islam, Hinduism, Buddhism, Christianity, and Confucianism. On the other hand, the law treats other religions as if they do not violate it. Nevertheless, the inclusion of the phrases "recognized and unrecognized" throughout its implementation, particularly in the creation of regulations pertaining to population administration, introduced detrimental uncertainty for religious minorities (Interview with Rina, a Baha'i Believer in Jakarta, on August 2, 2023, at 12:07 PM WIB., 2023). Despite constitutional and legal protections, religious freedom in Indonesia faces obstacles in practice. Efforts must be sustained to guarantee that all Indonesian citizens are able to fully enjoy this right without facing discrimination, as there are still instances of religious prejudice against minority groups or faiths that are not officially recognized.

That being the case, Indonesia is currently free of problems related to religion recognition. Religion, whether practiced by a minority or the majority, is frequently overlooked in favor of more pressing issues. Why? When a religion is recognized, concerns about fully acknowledging it arise. Despite several initiatives aimed at the Ministry of Religious Affairs since 2020, Indonesia's religious landscape has unexpectedly expanded to six faiths. Sikhs, Baha'is, Taoists, Jews, and Zoroastrians are among the faiths represented at a meeting of the National Commission on Women (Komnas Perempuan) to address this matter. Nevertheless, the legislation went unanswered.

The Jewish people, however, are still actively fighting for religious freedom and maintaining contact with the administration. The administration, though, appears to be terrified. Take last

year's Eid festivities as an example. The Minister of Religious Affairs sent an invitation to the Jewish community, promising them an opportunity to debate Judaism and its rights. There was a weeklong period of silence for the Jewish community upon their arrival in Jakarta, accompanied by Rabbi Yakub of Manado. Despite a scheduled meeting at either the Ministry of Religious Affairs or Gus Yakut's residence to address matters pertaining to Indonesia's Jewish population, we arrived in Jakarta ill-prepared for what lay ahead. The discussions did not progress, leading the Jewish community to conclude that the government might be hesitant to engage because talking about Jews remained socially unacceptable (Interview with Radit, a Cirebon Jew, on September 3, 2023, at 4:06 PM WIB., 2023).

### **Challenges Faced by Followers of Religions Not Officially Recognized in Indonesia**

Many people, including members of the government, display intolerance and bigotry toward members of religious minorities. These behaviors can take many forms, such as the withholding of building permits for houses of worship, verbal or physical assaults, and bias in the workplace or classroom. There may be legal discrimination against some minority religions. There are additional barriers to religious facilities and population administration that religious minorities must overcome. This can be because of governmental interference or variations in the methods used to build houses of worship.

By now, religious freedom should be very obvious thanks to the norms that have arisen from academic circles and the Ministry of Religious Affairs. The government is aware of the problem, yet there are still problems, especially with population control. The Baha'i Faith and other faiths outside of the six will benefit from a resolution to this problem. There are still obstacles to achieving the Indonesian government's commitment to fostering religious tolerance and the right to freedom of religion nationwide. In order to overcome these challenges, it is crucial to continuously work to strengthen the protection of religious minority rights and to foster interfaith tolerance. To further alleviate tensions and promote interfaith understanding in Indonesia, interfaith education and dialogue can be highly effective.

According to Prem Singh, a Sikh adherent, Sikhs often face challenges when trying to obtain identification documents and passports because the religion column does not include any faiths other than the six main ones. He had no choice but to use an automobile for his transportation needs. The Sikh faith forbids cutting hair at any point in a person's life, making this a difficult situation to navigate (Interview with Prem Singh, a Sikh Follower in Cipurat, Tangerang, on August 22, 2023, at 5:36 PM WIB., 2023). The four cardinal sins in Sikh doctrine are indiscriminate meat eating, smoking, drug use, and alcohol consumption. On top of that, they have to consume meat that they kill by themselves. Taoist from Bandung Agung said, "We don't have that problem, even though we are Taoists, because we are borrowing from Buddhism." Hence, all Taoist adherents are not required to temporarily add the aforementioned letter on a stamp. The guy is expected to become a Taoist before being married to a Taoist woman, for instance. He is free to either continue practicing Taoism after the wedding or seek a more fitting faith (Interview with Agung, a Taoist in Bandung, on August 22, 2023, at 09:55 WIB., 2023).

After that, Radit laid forth the problems that Jewish adherents encounter, saying, "Regarding our existence and the rights we receive from the government, they are actually still very limited, especially in terms of population administration." Religion is still not allowed on our identification cards. Most of us still use our official religion as shown on our IDs. I am Muslim, according to my ID card. While the majority of North Sulawesi's synagogues are Christian, the majority of Javanese, particularly those living in North Sulawesi, have Islam stated on their ID cards. Therefore, if it is absolutely impossible to include it on the ID card, perhaps you can specify your religious affiliation or go as far as the sub-district. We honor God, the Almighty (Interview with Radit, a Cirebon Jew, on September 3, 2023, at 4:06 PM WIB., 2023).

Religious variety in Indonesia is a perennial topic of controversy, both theoretically and practically, due to the country's exceptional diversity. When concepts like pluralism and inclusivism, which deal with religiousness and beliefs, are at odds with one another for an extended period of time, the conversation surrounding religion hits a breaking point from a conceptual standpoint. From their own perspectives and beliefs, some religious organizations are

attempting to oppose religious diversity. For these communities, religious diversity and tolerance represent a challenge to the concept of a monotheistic god, exemplifying religious behavior that deviates from the norm (Elhamid, 2023).

However, when seen through a social lens, religious growth might take the form of name restrictions or violent acts, both of which can exacerbate the problem of violence toward adherents of other religions. Problems arise in Indonesia due to violent activities, certain organizations' interference with religious freedom, and other related practices. These organizations engage in a wide range of activities meant to stifle religious expression, control who can enter houses of worship, and otherwise meddle with people's religious lives. Certain organizations' interference with religious freedom is commonplace and persistent in Indonesia. A contentious issue is the question of whether religious groups deserve major recognition (Hannan, 2022). Essentially, a belief system is deemed to have the same legal standing as the state's official religion when the state recognizes it. A number of these statutes acknowledge the common understanding and practice of religion and belief systems as one and the same. The concept of divinity that citizens are entitled to acknowledge is included by religion and belief systems. Thus, for its application to be based on the rule of law and freedom, a state must adhere to current constitutional ideas (Jufi, 2020).

This acknowledgement is made possible by the state's created legal tools in different forms of law. The constitutional guarantee and acknowledgment of religion and belief rights is one example of this, as are some legislative requirements enshrined in the constitution. The right to freely practice one's religion is one of the many protections guaranteed by the United States Constitution. Such belief systems are acknowledged by Indonesian society, particularly in rural regions like Kejawen, as stated in Article 28E, paragraph (2) of the 1945 Constitution of the Republic of Indonesia. These belief systems are widespread across the archipelago (Jufi, 2020).

Article 29, paragraph (2) of the Republic of Indonesia Constitution of 1945 also regulates the state's guarantee of religion and belief rights. As this article makes clear, one of the rights guaranteed by the Constitution is the freedom to believe and practice one's religion. Therefore, it's not acceptable to try to limit people's rights guaranteed by the constitution, such as their freedom to believe and practice religion. Law 39 of 1999, which deals with human rights, also explains the rights of adherents of religious organizations. This legislation emphasizes many key aspects, one of which is the freedom to select, believe, and practice one's own belief system. Another is the state's promise to safeguard the rights of belief system adherents to believe and practice their belief system (Jufi, 2020).

### **Conclusion**

Ethnic, religious, and cultural backgrounds impact Indonesia's diverse population, making the application of the right to freedom of religion challenging. Despite constitutional protections, minority religious groups continue to confront obstacles when it comes to carrying out their worship, including Baha'is, Sikhs, Taoists, and Jews. Discriminatory practices do persist, albeit they are less common. Nonetheless, prejudice does happen on occasion. In their fight for religious freedom, members of religious minorities frequently encounter several challenges. Physical or verbal assaults, discrimination in the workplace and schools, and the denial of religious building licenses are common experiences for these people. Population management and restricted access to religious institutions are additional challenges.

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