



THE CONSTITUTIONAL APPROACH AND HISTORY OF ISLAMIC POLITICAL TO VIOLATIONS OF THE RIGHTS TO RELIGIOUS FREEDOM IN INDONESIA

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Abstract

Religious freedom in Indonesia has not been fully respected by every party. There are still a number of parties who address or treat adherents of other religions as individuals or religious groups that deserve to be disturbed in harmony and even if necessary do not have a place to carry out their religious activities. The attitude and behavior of those who are intolerant of disharmony are unconstitutional, which in the study of the history of religious politics in Islam is also contradictory. This unconstitutionality cannot be separated from his feelings and beliefs, which puts parties outside of himself as a lost party or group

Keywords: history, politics. constitution, freedom, religion

A. Introduction

In the midst of this social and state life, there are still many fundamental problems that occur. Until now, for example, it can be read that the state has not been able to guarantee freedom of religion and belief (KBB) in Indonesia. On the other hand, at least based on the 2016 Wahid Foundation survey, the state is the party that has the most violations against the practice of freedom of religion and belief in society.

The Wahid Foundation revealed that there were 204 incidents and 313 violations of KBB throughout 2016. These KBB violations were committed by state actors (law enforcement) and non-state actors. The most violations were committed by the state as

many as 159 acts or 50.5 percent. While the remaining 156 actions or 49.5 percent were carried out by non-state actors. The number of violations increased (7.0%) seven percent compared to 2015 which recorded 190 incidents and 249 KBB violations. According to Yenny, the increasing climate of intolerance and violations of the KBB was also caused by the implementation of Law No. 1/PNPS/1965 on Blasphemy of Religion and Article 156a of the Criminal Code (Yenny Wahid : 2017)

Regarding the root of the problem, there is a thought that states that as a pluralistic nation with the diversity of entities in it, Indonesia is still often colored by the potential for communal and sectarian conflicts in the name of religion. The existence of religion in Indonesia still occupies an important position for citizens. Because, as a belief system, religion can be said to have a concrete meaning when a religion is lived by its adherents with a system of teachings, moral norms, institutions, rites, symbols and leaders. All the elements that give a concrete face to religion can at any time crystallize in the form of denial of others, so that it often triggers the vulnerability of conflicts between religions (Haryatmoko : 2010)

The SETARA Institute also states that the Report on the Condition of Freedom/Belief produced by the SETARA Institute is the 10th report written since 2007, which is motivated by the condition of freedom of religion/belief which has not been fully guaranteed by the state and the practice of intolerance, discrimination, and violence. which is still happening. Whereas normatively the state has confirmed its commitment through Article 28E Paragraphs (1 and 2), and Article 29 Paragraph (2) of the 1945 Constitution of the Republic of Indonesia, Law no. 39/1999 on Human Rights, and Law no. 12/2005 on Ratification of the International Convention on Civil and Political Rights.

This problem shows that various forms of violations of the constitutionality of citizens in the religious field are still often found, such as radicalism, obstruction, interference, or taking actions that are detrimental to adherents of other religions. The religious field is not only a matter of practicing religion or beliefs or rituals, but also about establishing places/houses of worship, and protecting places of worship. The findings of several survey institutions that care about the issue of religious rights show that there are still serious problems related to freedom of religion, including the freedom to build (establish) and use places/houses of worship.

Seeing such a position and urgency, then the application for the protection of religious freedom is not only logical, but also constitutional. Because of this, we often see various forms of practice carried out by a person or group of people who violate religious freedom.

The Indonesian government is considered to have failed to maintain tolerance between religious communities, when cases of violence in the name of religion continue to this day. "We bless FPI for committing violence against us, Lord..." This part of the prayer was said by a mother among a hundred members of the Bekasi HKBP Church, when they held a service in front of the Merdeka Palace. . This action of concern is a form of protest against the powerlessness of the government in front of various groups in the name of religion. In December last year, when most of the world's Christians celebrated Christmas in church, the Yasmin Indonesian Christian Church (GKI) congregation, Bogor, had to "lose" their place of worship. Overshadowed by the terror of violence by their opposing groups, they finally held worship on the sidewalk, not far from their church building which was sealed by the Bogor local government, at the urging of several religious organizations.

The high number of violations of freedom of religion/belief in 2016 is linearly proportional to the condition of religious minorities in Indonesia. Of the four categories of religious minorities used by the SETARA Institute, there are several minority groups who are objects of violation of their constitutional rights, namely Gafatar, the Ahmadiyya Congregation, Christians, Shiites, religious sects, and local beliefs of the archipelago. These religious minority groups have patternedly experienced several violations, the dominant ones include: (1) intolerance, (2) heresy, (3) coercion of belief, (4) expulsion, (5) hate speech.), (6) acts of terror, (7) condoning, (8) forced cessation and prohibition of worship/religious activities, (9) threats against children of minority groups, (10) discrimination, (11) omission, (12) criminalization , (13) rejection and forced cessation of construction and/or renovation of places of worship, (14) intimidation, (15) sealing of places of worship, (16) prohibition of scientific activities, (17) disbandment and rejection of religious activities, (18) destruction of houses minority groups, (19) extortion, and (20) coercion to wear religious attributes outside of the belief in question.

Ucok Unpad said that the socio-religious problems of the Indonesian people are increasingly diverse. Religion, which is supposed to be a way of life and a doctrine that solves problems, must actually be faced with its own internal problems, namely the community of its adherents. Evidently, society is not facing the latent danger of communism. Society is facing the latent danger of inter-religious violence. Recent incidents of conflict with religious symbols have made us ask again, who does this republic of Indonesia belong to? Indonesia was built based on the agreement of all parties. The land of the building stretches from the tip of Aceh to Merauke. Its foundation is made of five precepts extracted from the nation's history. Meanwhile, bricks are various tribes, ethnicities, cultures and religions with all their plurality coated with cement, the desire or

feeling of the same fate as a result of colonialism to live together as a nation. This means that Indonesia is not good if it is said to be one-sided. Indonesia is “one for all and all for one)”.

This case or problem shows that religious freedom has not been implemented in accordance with constitutional norms and laws and regulations in Indonesia. Provisions for building and protecting houses of worship have been regulated, but a group of people or the authorities (local government) do not always implement them.

Research Methodology

This research uses normative legal research methods. The normative legal research method is a method or method used in legal research which is carried out by examining existing library materials (Soerjono Soekanto : 2010). Normative legal research uses a statutory approach and a conceptual approach. In this study, the authors use legal interpretation analysis techniques, namely legal materials obtained, then compiled systematically, thoroughly and completely and then interpreted to achieve clarity of the problems discussed.

B. Discussion

Constitutional Perspective

The struggle to uphold the normative rights of the religious sector includes expensive goods. Evidently, so far (at least for a long time), the fundamental issue that is closely related to the right to freedom of religion has never entered the realm of constitutionality testing. Is the Constitutional Court Decision No. 12/PUU-V/2007 which opened the gate for constitutional activism to apply for the protection of freedom to practice religious practices as a fundamental right of every Indonesian citizen.

The right of a person to embrace religion is recognized as part of human rights that are guaranteed by law, both national and international law, as a basic natural right that is inherent in humans since they are in the womb as a gift from God Almighty. Normatively, human rights are defined as a set of rights that are inherent in the nature and existence of every human being as a creature of God Almighty and is His gift that must be respected, upheld, and protected by the laws of the state, government, and everyone, for the sake of honor and protection of dignity. and human dignity.

In principle, human rights are rights inherent in every human person that must be protected so that human rights are always the core material of a modern state constitution (Jimly Asshiddiqie : 2007).

Now the Indonesian people, whether we realize it or not, have started a new chapter in the practice of fighting for basic rights in the sphere of freedom of religion. These basic rights have been explicitly regulated in Article 28B Paragraph (1), Article 28I Paragraph (1), and Article 29 of the 1945 Constitution which are also in line with international human rights instruments, particularly Article 18 of the UDHR and Article 18 of the ICCPR.

The legal basis is clear, that what guarantees freedom of religion in Indonesia is in our constitution, namely Article 28E paragraph (1) of the 1945 Constitution of the Republic of Indonesia ("UUD 1945") which states that everyone is free to embrace religion and worship according to their religion, choose education and teaching, choose a job, choose a nationality, choose a place to live in the territory of the country and leave it, and have the right to return. Article 28E paragraph (2) of the 1945 Constitution also states that everyone has the right to freedom of belief. In addition, freedom of religion is also regulated in Article 29 paragraph (2) that, "The state guarantees the freedom of each resident to embrace his own religion and to worship according to his religion and belief."

Musdah Mulia is of the opinion that normatively freedom of religion contains eight elements. First, the freedom for everyone to adopt a religion or belief on the basis of free choice, including freedom to change religion or belief. Second, freedom to manifest religion or belief in the form of rituals and worship. Third, freedom from all forms of coercion. Fourth, freedom from all forms of discrimination. The state is obliged to respect and guarantee the freedom of religion or belief of all individuals within its territory without distinction of ethnicity, skin color, gender, gender, political choice, and so on. Fifth, freedom that recognizes the rights of parents or guardians. The state is obliged to respect the freedom of parents and guardians to ensure that the religious and moral education of their children is in accordance with their religious understanding. Sixth, freedom for every religious community to organize or associate. Seventh, the freedom for everyone to manifest religious teachings can only be limited by law. Laws are made in the interest of protecting public safety and order, public health or morals or the basic rights of others. Eighth, the state guarantees the fulfillment of internal freedom rights for everyone, and it is non-derogable.

These eight elements, if implemented properly in people's lives, will create an atmosphere of peace full of tolerance. Each religious community will respect the other community, and they can communicate and work together in an atmosphere of mutual understanding, full of love. In the context of multi-religious Indonesia, the principle of religious freedom not only has a foundation in the constitution and national legal instruments, but is also firmly rooted in the traditions of various religions and beliefs that have lived for thousands of years in this archipelago.

The right to religion, including the right to build a house/place of worship and carry out religious teachings in accordance with their respective beliefs, is a constitutional right or based on laws and regulations for every Indonesian citizen, apart from the teachings of Islam itself, which are strictly regulated. regarding the prohibition of disturbing, especially to the point of thwarting and hindering the establishment of houses/places of worship for adherents of other religions. The Indonesian state has firmly guaranteed this in the constitution. The existence of constitutional guarantees for human rights is seen by A.V Dicey as an indicator that the country is a rule of law.

However, these human rights are not without restrictions, so there is no such thing as absolute freedom. Article 28J paragraph (1) of the 1945 Constitution stipulates that everyone is obliged to respect the human rights of others. Article 28J paragraph (2) of the 1945 Constitution further stipulates that the exercise of these rights must be subject to limitations in the law. On this basis, in practice, these human rights remain obedient or follow the normative line on the limitations stipulated in the law, on the basis of fulfilling fair demands in accordance with considerations of morals, religious values, security, and public order in a society. democratic society.

As material for reflection, for example, Lukman Hakim Saifuddin and Patrialis Akbar, when both of them were still members of the Ad Hoc Committee I of the MPR Working Body, in the trial at the Constitutional Court had told the chronology of the inclusion of 10 new articles governing human rights in the second amendment of the 1945 Constitution, including among others: the articles we mentioned above. According to both, the provisions on human rights from Article 28A to 28I of the 1945 Constitution have been restricted or "locked" by Article 28J of the 1945 Constitution.

This restriction on the implementation of human rights was also confirmed by Maria Farida Indrati, an expert in legislation from the Faculty of Law, University of Indonesia. Maria, who is also a constitutional judge, stated that human rights can be limited, as long as it is regulated by law. Maria's full opinion on this matter can be that the

Joint Decree ("SKB") which is often used as a technical basis for religious freedom is the Decree of the Minister of Religion, the Attorney General and the Minister of Home Affairs No. 03 of 2008, No. KEP-033/A/JA/6/2008 and No. 199 of 2008 concerning Warnings and Orders to Adherents, Members and/or Management of JAI and Community Members ("Three Ministerial Decrees").

The legal basis for the issuance of the Decree of the Three Ministers includes:

1) Article 28E, Article 28I paragraph (1), Article 28J, and Article 29 of the 1945 Constitution of the Republic of Indonesia;

2) the Criminal Code (KUHP) Article 156 and Article 156a;

3) Law Number 1/PNPS/1965 concerning Prevention of Abuse and/or Blasphemy of Religion jo. Law Number 5 of 1969 concerning Statements of Various Presidential Stipulations and Presidential Regulations as Laws (hereinafter read the Blasphemy Law).

In Article 2 paragraph (1) of the Blasphemy Law it is stated that, in the event that someone violates the prohibition on the abuse and/or blasphemy of religion, a strong order and warning will be given to stop the act in a joint decision of the Minister of Religion, the Attorney General and the Minister of Home Affairs. An example is the SKB "Order to Adherents and Management of the Indonesian Ahmadiyya Congregation" which was issued on June 9, 2008.

Who concludes that certain sects are heretical? According to Article 2 paragraph (2) of the Blasphemy Law, the authority to declare an organization/cult of belief that violates the prohibition on abuse and/or blasphemy of religion as a prohibited organization/cult rests with the President, after receiving consideration from the Minister of Religion, the Attorney General and the Minister of Home Affairs. In practice, there is a Coordinating Board for Supervision of Public Trust or commonly abbreviated as Bakor Pakem. Actually what Bakor Pakem meant was the Trust Monitoring Coordination Team which was formed based on the Decree of the Attorney General of the Republic of Indonesia No.: KEP004/J.A/01/1994 dated January 15, 1994 concerning the Establishment of the Coordination Team for Supervision of Community Beliefs (PAKEM).

The PAKEM team is in charge of supervising the currents of belief that grow and live in the community. The PAKEM team will then produce a letter of recommendation to the Minister of Religion, the Attorney General and the Minister of Home Affairs, what action to take. In the case of the Indonesian Ahmadiyah Congregation ("JAI"), for example,

the PAKEM Team recommended that JAI be given a stern warning as well as an order to stop its activities.

Is there a legal basis that asserts that there are only six religions in Indonesia? In the Elucidation of Article 1 of the Blasphemy Law it is stated that the religions embraced by the majority of the Indonesian population are Islam, Christianity, Catholicism, Hinduism, Buddhism and Confucianism. However, this does not mean that other religions are prohibited in Indonesia. Adherents of religions other than the six religions above receive full guarantees as provided for in Article 29 paragraph (2) of the 1945 Constitution and they are allowed to exist, as long as they do not violate the laws and regulations in Indonesia (Ghufron Alaina : 2012).

In the context of human rights, the guarantee of the right to freedom of religion and belief is contained in Article 18 paragraph (1) of the International Covenant on Civil and Political Rights (ICCPR), Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching (Every people have the right to freedom of thought, conscience and religion. This right includes freedom to have or to adhere to a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to practice their religion or belief in worship, obedience, practice and teaching).

Indonesia has ratified the ICCPR through the ratification of Law No. 12 of 2005 concerning the Ratification of the Convention on Civil and Political Rights. The basic right to freedom of religion which is known as human rights is inherent in every human being which cannot be eliminated (inalienable right). Human rights are legal rights granted by the state for respect for independent human dignity. In such a human rights perspective, the state only has obligations, and has no rights.

As a consequence, the state has an obligation to protect human rights, which means that the state must guarantee human rights, and there is a negative burden on the state which means that the state must respect individual freedoms and rights. In the context of civil and political rights, the positive obligation of the state is to create conditions that support the right of everyone to fully enjoy rights and freedoms, while the negative obligation of the state is to respect the exercise of individual rights and freedoms. The positive obligation of the state must be realized maximally by utilizing all resources of political power, starting from the legislature, executive and judiciary. The state is obliged

to provide remedies for individuals whose civil and political rights have been violated, including judicial action to provide effective judicial remedies for victims of civil rights violations.

Some of the grounds/stipulations indicate that religious freedom has been guaranteed legally or constitutionally. Every citizen has the right to embrace and worship according to their respective beliefs.

The constitution as the supreme law of a country (supreme law of the land) is the basic foundation of a nation's constitutional system. Between one country and another country, of course, has a constitution with different characteristics and characteristics that can affect the formation of the concept of a state. In relation to religious freedom, we often hear the distinction between the concepts of a religious state, a secular state, and so on. In contrast to the 46th amendment to the Indian Constitution which includes the word "secular" in the Preamble to the Constitution, it further emphasizes that India is a secular country with an emphasis on the values of respect for freedom and religious tolerance.

It is different with the results of the first amendment to the United States Constitution which guarantees freedom of religion for every citizen, but does not provide space for the legislature to form laws that regulate religious practices. This was confirmed in the decision of the United States Supreme Court in the *Everson v. Board of Education* (1947) and *Engel v. Vitale* (1962) which essentially states that the provisions of the constitution have created a wall of separation between the state and religion.

Tad Stahnke and Robert C. Blitt (2005) in their research on the relationship and role of the constitution on freedom of religion, have divided the Muslim-majority countries in the world into four categories. The four categories of countries are: (1) countries that declare themselves as Islamic countries, such as Afghanistan, Iran, and Saudi Arabia; (2) countries that declare Islam as the official state religion, for example Iraq, Malaysia, and Egypt; (3) countries that declare themselves as secular countries, such as Senegal, Tajikistan, and Turkey; and (4) those who do not have any declaration in their Constitution, such as Indonesia, Sudan, and Syria.

Indonesia is a Pancasila state, meaning that it is not a religious state because a religious state is only based on one particular religion. According to him, the Pancasila state is a religious nation state, namely a religious national state that protects and facilitates the development of all religions embraced by its people regardless of the number of adherents of each.

Conceptually, democracy is a system of governance of power that is run by the government by the majority (majority rule) by guaranteeing the protection of minority rights (minority). y rights). Second, philosophically, the ideals of an independent Indonesia are all for one (Indonesia), one for all. Pancasila and the state motto Bhinneka Tunggal Ika have clearly envisioned a state policy that is open to all elements that make up the nation-state, in large or small units, many or few. Third, at the legal level, Article 27 of the International Covenant on Civil and Political Rights (ICCPR) which has been ratified has become Law no. 12 of 2005, specifically guarantees the rights of minorities. So that the enforcement agenda should be a concern for all parties so that the law also becomes a protector for minorities. Fourth, statistically, referring to the research and monitoring data of the SETARA Institute from 2007 to 2016, religious minorities are the biggest victims in the actions and incidents of KBB violations so far. It is in this realm that the Indonesian constitution, which has provided protection for the right to freedom of religion, is really being tested.

Islamic Political History Perspective

In terms of protecting houses of worship or religious freedom, we need to learn from the political history (Islam) of Caliph Umar Bin Khattab. Caliph Umar was very firm in providing guarantees for the rights of followers of other religions, both in establishing and protecting places of worship.

The famous thinker Bawa Muhayyadin in *Islam for World Peace: Explanations of A Sufi* (1987) narrates, when Caliph Umar entered the city of Jerusalem, the Bishop of the Holy Sepulchre of Christ offered to offer prayers in the church, but Umar chose to pray outside the door. The bishop asked Umar, "why don't you want to come into our church?". "If I had prayed in your holy places, my followers and people who would come here in the future would take over this building and turn it into a mosque. They will destroy your place of worship. To avoid these difficulties and to keep your church awake, I chose to pray outside," explained Umar (Imam Kabul : 2007).

Caliph Umar, who is known as a Sufi and just leader, reminded the Bishop of the meaning of freedom of religion or relationship with God. For the caliph, the place of worship is a sacred and fundamental mirror for the religious community, so that when the bishop offers prayers in the church, the caliph does not only think about the religion he is embracing, but also imposes a wise and clear and prospective religious political attitude, that in in the future, the church will become the object of a religious dispute that is prone to due to the attitude of its leadership that allows prayer in the church.

The decision to refuse Umar's prayers was not meant to be intolerant and moreover to insult the religious democratization offered by the Bishop, but as a form of advocating for the interests of the Christian community to build their divine relationship so that they are protected and can be implemented properly.

This attitude is the same as when a mosque is used for ritual activities for adherents of other religions, which of course (definitely) will invite great anger or mass anger, which is not impossible to trigger the birth of radicalism. Adherents of the Islamic faith may pass a verdict that what is done by other religious communities is an insult to their religion that cannot be forgiven or must be fought. This attitude is a beauty in itself in realizing the right to democratize religion.

There is an educative dimension (attarbiyah) and true democratization taught by Umar, namely respect for followers of other religions by protecting, defending, or advocating for their place of worship. It is not only internal religious communities who are asked to respect their place of worship, but followers of other religions are also required to respect it. In this position of mutual respect, the soul of humanity will come alive and dignify each other, and not kill each other.

Apart from that, what Umar did was a series of strategies to strengthen relations between religious adherents that were harmonious and open. Umar did not want the relationship between religious followers to be damaged because (Umar) chose to pray in the church. By supposing, if Umar at that time made a choice to accept prayers at the church, perhaps an interpretation would emerge that the church could be seized and used for prayer or used to hold Muslim religious activities.

There is a great example built by Umar, that harmonious relations between religious adherents must be prioritized. The interests of adherents of other religions in carrying out their rituals must not only be guarded, protected, and advocated by adherents of other religions themselves, but also must be enforced by adherents of other religions (Islam). Living side by side with adherents of other religions in harmony and love for each other is part of the values of social piety, which must be upheld and made history by every human being on earth.

It is logical if Umar set an example, because the right to freedom in the world itself is a global human rights problem. The formulation of Article 18 of the UN Declaration of Human Rights did not run smoothly, for example, Saudi Arabia abstained because it did not agree with the clause on the right to change religion (Article 18) as part of the right to freedom of religion and the right to marry and form a family (Article 16). Although in the

end the Lebanese Foreign Minister at that time, Charles Malik, was able to convince Islamic countries that the right to freedom of religion was in accordance with the teachings of the Islamic religion. The communist bloc countries also abstained from the Declaration, and only South Africa did not agree with the UN Declaration.

Often conflicts with a tone of group egoism (religious) keep the 'fire in the husk' in our journey as a nation. This 'fire in the husk' if it is not or has ever been watered with a good understanding and communication about inclusive religious relations, as educated by Umar, will continue to scratch the dark ink from time to time. In Rumadi's view, religion often has multiple faces, on the one hand religion can be a unifying and a source of inspiration for a civilization, but on other occasions religion also often shows its face as a dividing factor for humans, namely by creating tension and even conflict between religious adherents. . Moreover, if there is a provocation based on hatred, it will be easier to burn aggressive behavior and often lead to violence. According to Azyumardi Azra, religious symbols are indeed a representation of society which is so thick with communal nature and often becomes a crying banner in carrying out various acts of anarchy and violence.

Facts on the ground, most conflicts occur because the state does not dare to enter into conflict areas. Regional heads are trapped in the tyranny of the majority (in the name of the community's pressure) and then make policies that contain double standards. Meanwhile, at a higher level, the president as head of state and head of government seems slow in responding to this case. Compare this with President Obama who immediately spoke firmly about the controversy over the construction of mosques and the burning of the Koran.

Leaders should learn from Umar by rereading the purpose of the state being formed to protect the entire Indonesian nation. This means that the state must have the political will to act decisively to protect each and all of its citizens from threats and acts of violence from other individuals or groups of citizens. If the state cannot play its role as protector, we will slip into a failed state. You can imagine what the life of the nation and state would be if the state did not have the power to regulate. This is where the loophole of anarchism enters as a monopoly of truth.

The meaning of reality is still weak understanding of some parties in fostering harmonious relations between fellow or between (followers of) religions, making education as a tool for inculcating values that are expected to shape behavior that is expected to stick out as a way out. The discourse on understanding multicultural life or plurality which is expected to be able to bridge this issue deserves to be studied critically

by trying to compare it with the experiences of other countries such as America, Canada and Australia. These countries are examples of countries that have succeeded in developing multicultural societies and they can build their national identity, with or without losing their religious identity.

In terms of historical politics, which was constructed by Umar, it means that it is no longer time for religion and state to be opposed. Because the existence of the state as stated in the constitution is partly intended to maintain the religious beliefs of its own people. The right to religion is a right that can bring peace in differences when anyone who feels different does not treat himself as a 'thorn' in diversity and religiosity.

Freedom of religion and belief is also based on the principle of tolerance. John Locke, in his letter on tolerance in 1689, asserted: "If solemn assembly, religious celebrations, worship in public places are permitted to certain religious groups, then these must also be permitted to other religious groups. According to Locke, tolerance is defined as equality of treatment among religious/belief groups, or in other words providing opportunities for religious groups to carry out their worship.

Prohibiting or destroying places/houses of worship of adherents of other religions is an unconstitutional act and is prohibited by Islam. Every religious adherent is required to respect the right to freedom of religion, including in building a house or place of worship.

The description shows that both in the realm of constitution and Islam, respect for the reality of multiculturalism or plurality is very high, so that every religious adherent is obliged to respect and protect each other for the freedom to carry out their respective rituals.

Religious freedom in Indonesia has not been fully respected by every party. There are still a number of parties who address or treat adherents of other religions as individuals or religious groups who deserve to be disturbed in harmony and even if necessary do not have a place to carry out their religious activities. The attitude and behavior of intolerant parties disharmony them is a serious violation of democratization and egalitarian rights in religion.

C. Conclusion

The right to freedom of religion has been guaranteed constitutionally and religiously (Islam). Whether starting from establishing a place of worship to carrying out

religious teachings or beliefs, there should be no violence or coercive treatment. Each religious adherent has an obligation to respect or protect followers of other religions. Followers of other religions have constitutional rights, so that anyone who practices unconstitutional patterns or acts must be stopped. This termination is not only because of constitutional orders, but also religion and international community instruments (systems) respecting religious freedom, unless there are special cases that legally prohibit or exclude it.

Every religious subject has the obligation to stop acts or actions that have a pattern of disturbing or dehumanizing followers of other religions. Disturbances, including the establishment of houses of worship for adherents of other religions, are unconstitutional patterns that should not be continued, let alone developed in a democratic nation state.

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