



## Freedom of Religion: An Intersection Between Rights or Obligations?

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### Information article

Received: 24/12/2024;

Revised: 13/02/2025;

Accepted: 04/15/2025

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### Keywords:

Freedom of Religion and  
Belief;

Human Rights;

Religious Recognition;

Pancasila;

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### : ABSTRACT

The intersection of religious freedom as a right or obligation still requires in-depth study, where the state should be present in providing certainty regarding this matter. The formulation of the problem of this research is first, whether religious freedom also includes the freedom not to be religious. Second, how is the positioning of religious freedom in Indonesia according to Pancasila and the constitution? The research method used in this study is descriptive qualitative, based on post-positivism, and is used to examine the intersection of religious freedom in real conditions using literature studies such as books, scientific journals and scientific articles. This study concludes that religious freedom is a basic right that cannot be reduced under any circumstances, especially in the internal forum. However, its validity in Indonesia becomes an obligation when it is based on Pancasila and the constitution of laws that indicate that Indonesia is a Godfearing country. Thus, a middle ground can be taken regarding the placement of religious freedom based on the principles of justice and applicable positive law.

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How to Cite : Widiанти, Alifia, Purba, Iman, Pasu, Marganda, Yani, Muhammad, Turhan. (2025). Freedom Of Religion: An Intersection Between Rights and Obligations?. *Journal of Civic and Moral Studies*, Vol. 9(1), Page 37-47. DOI 10.26740/jcms.v9n1.p37-47



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## Introduction

As a country with a vast diversity of ethnicities, tribes and cultures, this also leads to a very diverse religious diversity in Indonesia. In Indonesia itself, there are more than 300 ethnic groups with diverse cultures and various religions and beliefs that are adhered to. Several religions, such as Islam, Christianity, Hinduism, Buddhism, Catholicism and Confucianism, have been mentioned in Law Number 1/PNPS/1965 concerning the Prevention of Abuse and/or Blasphemy of Religion. While other beliefs outside the six religions mentioned in the Law are a manifestation of socio-religious diversity that originates from ancestral values and norms. Outside of the concept of freedom of religion and belief that exists, in fact, for a small number of people, they still think that religion and God are two concepts that do not exist in human life. This belief then gives rise to a sceptical attitude towards the practice and existence of religion that exists and is developing in Indonesia (Habibah 2023). The existence of agnostic groups (do not believe in religion) and atheists (do not believe in God) is still widely debated and difficult to accept for some Indonesian people, the majority of whom believe in God. Based on these real conditions, the role of the constitution as an effort to provide legal protection is necessary to achieve legal certainty and justice for all citizens, despite the various diversities that exist.

Indonesia, as a democratic state of law, implies that everything in the actions and decisions of state administrators must be based on applicable laws. The concept of a state of law emphasises that the state must be regulated by positive law that is coercive, has strict sanctions, and is equally applicable to everyone and considers the law as the peak or main guideline in all national and state life. The concept of a state based on law has consequences for Indonesia to regulate all aspects of community life with law to create order, certainty and justice (Habibah 2023). As a state of law (*Rechtsstaat*), Indonesia has several principles and characteristics that underlie the governance of its government. Among them are the supremacy of law, legal certainty and the division of power in the government system which is divided into executive, legislative and judiciary as well as the protection of human rights. In the concept of a state of law, guarantees regarding the protection of Human Rights are considered an absolute characteristic and must exist in every state of law. This shows that the relationship between Human Rights and the state of law is very close and cannot be separated.

As a state based on law that is based on the nation's philosophy, in Indonesia it is represented through the state ideology, namely Pancasila, which is the basic norm (*grundnorm*) that is the source of all sources of law. Based on Von Savigny's theory of the soul of the nation, in the context of Indonesia, Pancasila is the soul, namely the source of all sources of legal order, where Pancasila is the foundation of the state (Aulia 2020). As the foundation of the state, Pancasila becomes the *grund norm/staats fundamental norm* for the birth of legal regulations in Indonesia. Pancasila is the legal ideal (*rechtidee/ future legal framework*) which makes it the source of all sources of legal order in Indonesia (Nabih Amer, 2024). As a state of law, Pancasila is the paradigm of legal policy in Indonesia, where government policies, both legal and political, must be based on Pancasila (Shaleh and Wisnaeni 2019). The consequences of Indonesia being based on Pancasila lead to the validity of basic values derived from the five principles of Pancasila, namely the values divinity, human values, unity values, people's values and justice values as the main foundation fundamental and implemented as a way of life in various fields including moral, religious and social spheres in the state.

Freedom of religion is a Human Right that allows every individual to embrace, practice and carry out a religion and/or belief voluntarily without any coercion or discrimination from their environment. The relationship between the concept of religious freedom and Human

Rights can be reviewed through a philosophical basis that is divided into 3 theories regarding Human Rights. First, the theory of natural rights which states that religious freedom is a natural right that is inherent in each individual as a human being. Second, the theory of positivistic rights which states that the right to religious freedom is determined by positive law that is made and enforced in a country through legislation or the constitution. The concept of a state based on law has consequences for Indonesia to regulate all aspects of community life with law in order to create order, certainty and justice (Habibah 2023). As a state based on law that is based on the nation's philosophy, in Indonesia, it is represented through the state ideology, namely Pancasila, which is the fundamental norm (*grundnorm*) that is the source of all sources of law. Indonesia, as a democratic state of law, implies that everything in the actions and decisions of state administrators must be based on applicable laws. The concept of a state of law emphasises that the state must be regulated by positive law that is coercive, has strict sanctions, and is equally applicable to everyone and considers the law as the peak or main guideline in all national and state life. Based on these real conditions, the role of the constitution as an effort to provide legal protection is undoubtedly very necessary to achieve legal certainty and justice for all citizens, despite the various diversities that exist. Fundamental and implemented as a way of life in multiple fields including the state's moral, religious and social spheres. Third, the theory of cultural relativism which argues that the concept of the right to religious freedom must be understood through the context of local culture, so this theory rejects the existence of universal standards and emphasizes that each society has its own unique way through its culture, social values, and customs (Razak, A. Sakti R.S. Rakia, and A. Darmawansya 2022).

In the international scope, religious freedom is regulated in Article 18 of the ICCPR (International Covenant on Civil and Political Rights) which is part of the main international human rights instrument established in the UN forum after World War II as a form of commitment to advancing and supporting respect for human rights and fundamental freedoms. The article stipulates that everyone has the right to freedom of thought, belief and religion which includes the freedom to adhere to their own religion or beliefs and no one can force them. Indonesia itself has ratified the ICCPR through the Law (UU) Number 12 of 2005 which has the consequence of giving birth to Indonesia's obligation to guarantee religious freedom according to international standards by making certain adjustments. In the national scope, in reality Indonesia has had a norm of religious freedom contained in the Constitution of the Republic of Indonesia in 1945 starting from Article 28E paragraph (1) and (2), and Article 29E paragraph (2) the meaning of which is related to the freedom and rights for every person to embrace a religion, believe in beliefs and the state guarantees the freedom of every citizen to embrace their own religion and beliefs (Indonesia n.d.). In the ICCPR, the guarantee of protection provided is very broad, where the meaning of protection of religious freedom is not limited to religious adherents alone, but but also includes protection for adherents of theistic, non-theistic and atheistic beliefs (United Nations Human Rights 1976) .

Meanwhile, in Indonesia itself, religious freedom as stated in Article 29E paragraph (2) is guaranteed for every religious adherent to adhere to their religion and worship according to their religion. With the differences in the scope guaranteed and protected based on both, it is necessary to have adjustments based on positive state law through Pancasila as the basis of the state. The first principle "Belief in the One Almighty God" can be interpreted as a form of Indonesian society's belief in the One Almighty God, which then seems to give rise to an understanding of the nature of religion in Indonesia that tends to be theistic (belief in God). The strong theistic impression has led to a general perception in society that atheism (no belief in God) is considered taboo and goes against Indonesia's values as a religious country. However, on the other hand, atheism in Indonesia has received support from several parties

based on international human rights which considers religious freedom to include the freedom not to choose an existing religion and/or belief (Cliteur 2009). So, based on this mandate which can also be an unwritten law, it can be interpreted that Indonesia as a godly country in accordance with the divine values in the first principle, does not want its people to embrace atheism but rather to embrace the religion and beliefs they believe in without coercion from other parties. From the various descriptions that have been written, a problem has emerged regarding religious freedom in Indonesia itself, related to its position in society, whether it is a right as regulated by law. international and national, or as an obligation in accordance with positive legal provisions in Indonesia.

## Method

In this study, the author uses a descriptive qualitative approach, namely an approach that is used in researching research objects in society related to real and natural social phenomena and is not set up like an experiment. This approach is used because it is considered appropriate to the objectives of this study itself to study and analyze in more depth the positioning of the research topic of religious freedom in Indonesia. The research method used is a literature review, a method that studies and examines findings in literature such as books, scientific journals and scientific articles. This type of research uses a literature study (library research) through documentation data collection techniques which are carried out by collecting and analyzing primary and secondary legal materials that discuss and relate to the research topic in order to answer the existing problem formulation (Abdi 2020).

The steps taken by the author in conducting this research include: first, choosing the main research topic that is in accordance with the author's interests or focus; second, searching for and collecting literature relevant to the research topic as the main material; third, getting an overview of the research topic based on the literature; fourth, the author compiles notes on the findings of previous research, fifth, the author compiles the research results according to the problems that have been created. By following these steps, the author can obtain research results on the implementation of religious freedom in Indonesia.

## Results and Discussion

### Freedom of Religion

Human rights that is included in the human rights that need to receive legal protection and whose implementation cannot be limited is the right to freedom of religion, which in the constitution is regulated through Article 28E paragraph (1) which states that "Everyone is free to embrace a religion and worship according to their respective religions and beliefs". Furthermore, Article 29 paragraph (2) states that "The State guarantees the freedom of every citizen to embrace their respective religions and worship according to their respective religions and beliefs"(Indonesia 1945).

regulates the fulfillment of human rights related to the right to freedom of religion of its citizens constitutionally. Even in the contents of the 1945 Constitution of the Republic of Indonesia there is a special chapter, precisely in Chapter XI concerning Religion, where in the chapter it is stated that the State of Indonesia is based on the Almighty God. The inclusion of the phrase "God Almighty" has a deep meaning and is important in relation to guaranteeing freedom of religion. This phrase shows that the State of Indonesia is rooted in fundamental religious values and beliefs and is directly related to the first principle of Pancasila as the basis of the state which then also has implications for the moral values adopted by the Indonesian people. In essence, the state through its constitution which regulates religion based on the Almighty God, can guarantee freedom of religion and respect the diversity of religions and beliefs that exist. A deeper implication can be interpreted that atheism or similar teachings

that believe in the absence of God have clashed and are not in accordance with the foundation of the state and the nation's constitution (Asy'ari 2014).

In accordance with the foundation of the state and the constitution of the Indonesian nation which emphasizes that religion is based on the concept of the Almighty God, it can be stated that the state implicitly does not provide a place for citizens who do not believe in God or are godless and/or atheists. In the context of Article 29 paragraph (2), it is stated that the state only provides guarantees to all citizens to freely practice their respective religions and beliefs. The guarantee referred to in the clause means that it is only limited to the guarantee of being religious and having beliefs. So the meaning is that every religious adherent is given the freedom to embrace their religion and beliefs independently, and the state is obliged to protect religious values without discrimination against either minority religions or local religions. The particularism adopted by Indonesia is the basis for the recognition and implementation of the right to freedom of religion. Where based on the history and culture of Indonesia as a religious country, then in the foundation of the state and the constitution there is nothing that can be used as a basis for recognition for citizens who are not religious (atheists) (Sobari 2020).

Pancasila is the philosophical basis of the nation (*filosofische grondslag*) and also has several roles, one of which is as the national identity which contains noble values in its five principles as a reflection of national identity. As the identity of the Indonesian nation, the implication is that the values of Pancasila exist and developed in various practices of Indonesian society and took root over time. Basically, national identity is an institutionalized personality identity in the country and exists in the minds and consciences of humans. The noble values of Pancasila that exist in the hearts of each citizen become a characteristic as a national identity that will distinguish it from other nations. The regulation of every aspect of community life must be based on Pancasila and every clear sign is regulated in the 1945 Constitution of the Republic of Indonesia.

However, in the issue of religious freedom, if it is associated with Pancasila, specifically the first principle "Belief in the One Almighty God", in fact, until now there are still many problems ranging from discrimination, intolerance and restrictions related to religious freedom itself which then become the estuary of violations of rights by the state. A country based on Belief in the One Almighty God according to the first principle of Pancasila does not mean that Indonesia is a religious country so that it is based on one religion, but the meaning is religion as a moral value and recognition of the people's conscience of the grace of Almighty God, so that this country exists and is formed. In other words, it can be said that Indonesia is a secular state that is not secularistic, which means it is not based on one particular religion or all religions but has a national perspective (Rahmat 2021).

The relationship between religion and state adopted by Indonesia tends towards a symbiotic pattern where religion and state complement each other while carrying out their respective roles. In practice, Pancasila is used as the basis of the state which is adjusted to the existing religious teachings and is embraced by the Indonesian people without exception so that religious interests are guaranteed and facilitated by the state and vice versa, the state is supported and fostered on the basis of religion by prioritizing good teachings as all religions believe in it. With a tendency towards symbiotic relations, conceptually it should be able to make Indonesia more harmonious and become a country with a world prototype that upholds tolerance in diversity.

In general, Pancasila has been present in the relationship between religion and state which is manifested in the life of the nation and state. This can be seen through the first principle of Pancasila which reads "Belief in the One Almighty God". As a consequence of the inclusion of the value of divinity in the foundation of the Indonesian state, therefore the



relationship between religion and state. which exists in Indonesia is clarified in several articles in the legislation (UUD NRI 1945), namely:

- 1) Article 28E of the UUD states: "Everyone is free to embrace religion and worship according to their religion."
- 2) Article 29 Paragraph (1) of the Constitution states: "The state is based on the One Almighty God."
- 3) Article 29 Paragraph (2) of the UUD states: "The state guarantees the freedom of every citizen to embrace and his religion and his belief"

Based on various regulations stating the freedom of religion above, it can be said that religion for Indonesian society is a necessity or obligation and as something sacred. Religion is also a manifestation of obeying the constitution and social norms as part of legal acts. Although conceptually freedom of religion also includes the freedom not to have a religion, it cannot be translated rawly. Various in-depth analyses and adjustments are needed with the human rights values adopted in Indonesia.

### **Freedom of Religion from the Pancasila Perspective and Constitution**

Freedom of religion itself has become part of the guarantee of human rights (HAM) in international law that has been accepted by almost all countries in the world through Article 18 of the ICCPR. The article consists of four paragraphs which affirm a number of provisions, namely the right to freedom of thought, conscience and religion; the right to be free from coercion; the right to freely manifest religious teachings and beliefs, and restrictions on such freedom; and the right of parents or guardians to ensure religious and moral education for their children. Even the validity of the four components of rights in Article 18 of the ICCPR above, was explained again by the UN Human Rights Committee through General Comment Number 22. The ratification process carried out by the Indonesian government against the international norm Article 18 of the ICCPR occurred during the reform government, where the conditions at that time even though various legal instruments supporting human rights were available and in effect, there were still many human rights violations and legal problems that were contrary to reality. This was because Indonesia's attitude towards the international regime still showed resistance and various adjustments to national values and norms.

Talking about religious freedom, it can be seen from two scopes, namely international through the western concept of human rights based on the UN (United Nations) Convention and national through the Pancasila human rights concept as the basis of the Indonesian state. Talking about religious freedom, it can be seen from two scopes, namely international through Freedom of religion is seen in the international scope, meaning it provides a very broad guarantee, not even limited to adherents of any religion, and also includes groups who do not adhere to a religion or do not believe in the existence of God. This is in accordance with General Comment number 22 of the Human Rights Committee (HRC) which states that protection of religious freedom includes protection for groups of adherents of theistic, non-theistic and atheistic beliefs, and even protects the right not to adhere to any religion or belief in the world (Féron, 2014).

The concept of freedom of religion in the international scope is certainly different when compared to the national scope which is based on positive law, namely Pancasila and the Constitution. Pancasila as the foundation of the state, the philosophy of the nation, and national identity implies that all provisions and products of legislation must be based on the five values of its principles, where related to freedom of religion is mentioned in the first principle, namely the One Almighty God. Derivatives of the first principle can then be found in Article 29 of the 1945 Constitution of the Republic of Indonesia which contains religious freedom in Indonesia, precisely in paragraph (1) which reads "The state is based on the One

Almighty God". From the values of the Pancasila principles and the text of the article, it can be said that Indonesia is a godly or godly country by believing in the existence of God in its state practices. The concept of "divinity" in the life of the nation and state in Indonesia has existed since the beginning, even during the trials in the BPUPKI and PPKI forums, which continued until the Constituent Assembly forum. This shows that regardless of all the debates that occurred at that time, in essence the majority, even all Indonesians, agreed to form a state with the element of "God" which was then reflected in the foundation of the state, namely Pancasila in the first article. The first principle of Pancasila itself, based on the history of its formulation process, can be seen as a form of accommodation between Nationalist and Islamic understandings, precisely at the Jakarta Charter discussion session. This also indicates a theistic character in the practice of religious freedom in Indonesia.

The first principle regarding the value of divinity also has implications as a basis for controlling and even strictly and firmly rejecting the existence of certain religions and beliefs which are manifested through laws. Number 1/PNPS/1965 about Prevention Abuse and Blasphemy of Religion (Safa'at, 2019). The existence of the PNPS Law has then in practice caused a long problem related to the emergence of religions that are "recognized" and "unrecognized" by the state, as stated in the explanation of the Law. Religions that are justified in obtaining 'recognition' are Islam, Christianity, Catholicism, Hinduism, Buddhism and Confucianism. Thus, the existence of other religions such as Taoism, Sighism, Judaism and local religions of belief that exist and do not rule out the possibility of existing in Indonesia receive various discrimination and violations of rights by the state. These things finally give rise to the understanding that in positive Indonesian law, non-theistic, atheistic and even non-belief in the existence of God religions do not receive recognition and protection of the guarantee of religious freedom. In fact, local religions and beliefs that are theistic in nature but are outside the six local religions that are 'recognized', still receive the risk of discrimination in practice. Generally, the rights that are then violated are the lack of recognition of equal standing before the law and government, discrimination in public services, education, restrictions on religious rights, and even encouraging intolerance in the midst of society.

The existence of religious freedom in Indonesia can be classified into two, namely forum internum and forum externum. If forum internum means a personal confession of religion and belief, then forum externum is active and collective in nature related to practicing religion and belief related to the public. Regarding its scope, it can be seen in the following table.

Table 1 Coverage of Religious Freedom in Indonesia

Freedom of Religion	
External Forum	Internum Forum
The right to practice one's religion and beliefs in worship activities	The right to own or adhere to religion and beliefs according to one's own choice without coercion from other parties
Right to own place of worship, using symbols-symbol religion and morals for their children commemorate religious holidays religion	The right to change religion or belief of one's own choice without coercion from other parties
The right to appoint or leaders	protect trust monotheism recognized by country
The right to assemble, communicate and coordinate on religious matters both at the national and international levels.	

The right to establish and operate humanitarian institutions and to collect and receive funding in accordance with statutory regulations.	
The right for parents to ensure Right to own Education The right to change religion or belief of one's own choice without coercion from other parties place of worship, using symbolssymbol religion and morals for their children	

The validity of religious freedom in Indonesia in the external scope can be limited because it relates to the rights of others in the public sphere related to practicing religion and belief. This is in accordance with Article 28J of the 1945 Constitution of the Republic of Indonesia and Article 70 of Law No 39 of 1999 concerning Human Rights, which implies that in exercising their rights and freedoms related to human rights, everyone must be subject to restrictions set by the state through legislation in order to fulfill just demands in accordance with moral considerations, security, and public order in a democratic society. So in terms of religious freedom, it can be emphasized that restrictions on the right to religious freedom can be carried out by the state with several requirements, namely: 1) must be determined by law with a Law or constitutionality; 2) determined through a democratic mechanism; 3) is needed to protect the rights and freedoms of others, fulfill the demands of justice according to moral considerations, security, and public order and is comparable (Wahab 2020). The existence of religious freedom in the external forum in Indonesia is very vulnerable to violations in society through discriminatory treatment by a party against individuals or groups. This is mainly supported by the condition of minorities related to religion or beliefs in the surrounding community. For example, the establishment of houses of worship often creates tension and even ends in conflict between communities of different religions and ultimately leads to criminal acts or violence against certain religious groups, such as in the case of the conflict over the establishment of the GKI Yasmin house of worship, HKBP Filadelfia, the rejection of the renovation of the Al Aqsa Mosque in Sentani, Papua, and the rejection of the establishment of a temple in Sukaurip Village, Bekasi Regency.

Freedom of religion in the forum internum is basically a right that cannot be limited because it is part of the rights that are universally recognized and protected by various international human rights instruments. In Indonesia itself, the implications can be found in Article 29 paragraph (2) of the 1945 Constitution of the Republic of Indonesia which states "The state guarantees the freedom of every citizen to embrace a religion and worship according to their respective religions and beliefs". From the text of the article, it can be interpreted that Indonesia guarantees the full rights of its citizens to embrace a religion and practice worship according to the religion and beliefs they adhere to, so it can also be interpreted that the state recommends through this article to its citizens to practice religion. In the positive legal constitution that touches on religious freedom in Indonesia, there is not a single clause that mentions atheism and its existence in Indonesia. In fact, if we look at the concept of international human rights, atheism as a belief in not believing in the existence of God and not adhering to any religion is included in the protected guarantee because it is considered a form of freedom and human rights that cannot be limited and is a personal right that concerns a person's inner self.

In Indonesia, atheism is a very sensitive and controversial topic due to various factors, including the inconsistency with the constitution and positive law, specifically in Article 29



paragraph (2) of the 1945 Constitution of the Republic of Indonesia and the sociocultural situation that has a social stigma regarding atheism as something negative. This social stigma then creates challenges and resistance in the majority to individuals who openly admit that they are atheists or do not recognize the existence of God. So it can be clearly said that atheism in Indonesia is a complex issue and controversy both legally and socially, even though it has been guaranteed by international human rights instruments (Ramadani 2018). Based on existing positive law, the existence of atheism itself is not appropriate and not appropriate in Indonesia considering that Indonesia is a country based on the values of Pancasila as its foundation. This then brings up new questions regarding the position of religious freedom in Indonesia, which is conceptually a citizen's right or obligation.

It is said to be a right because from the beginning, freedom of religion has been clearly and obviously stated in international and national human rights instruments owned by each individual as part of non -derogable rights. However, in the implementation of freedom of religion in Indonesia, its position tends to be an obligation because it is supported by the state foundation and the constitution of related laws which clearly guarantee freedom of religion to embrace and practice their respective religions. So that the meaning is that every individual or citizen is required to be religious and believe in God as a practice of implementing Pancasila values and to obtain guarantees and protection from the state. The reality of the problems in the field, especially related to the fulfillment of administrative rights, is very common when asked to fill out a form for an interest, there is always a mandatory religion column, even some have clearly listed 'recognized' religions and then ask the form filler to circle one of them. There is never an option to skip this section, even on more urgent occasions when the form filler is a follower of a religion outside the six existing religions, they are often asked to fill in one of the religions as part of the formality for filling out the form, this also includes the atheism group for those who do not believe in God.

The reality of another problem is in the social sphere of society, where adherents of religions and beliefs outside the 'recognized' religion in several cases in regions of Indonesia have had their bodies refused to be buried in public cemeteries. The existence of theistic, non-theistic and atheistic religions as a whole that receive human rights guarantees in the international scope has finally become a problem and a long-lasting social issue when internalized in the national scope. Finally, various clear restrictions are needed through the constitution of legislation to maintain the basic values of Pancasila as the basis of the state. The sovereignty of the Indonesian people which is sourced from Pancasila is a sovereignty inspired and encompassed by the Almighty God and the principles of Pancasila. One related theory is the concentric circle theory by Friederich Julius Stahl and Hazairin. The concentric circle theory shows how close the relationship is between religion, law and state (Durham, Richards, and Thayer 2013). The connection is, Indonesia with its citizens who are predominantly Muslim, so this can be used as a parameter regarding how the prospects of the Indonesian state are in future legal development, especially related to efforts to fulfill the right to freedom of religion. The state in practice must be able to protect religion, religious adherents, and even combine religious teachings and national law as long as it does not violate the provisions of the laws and norms that apply in society.

The implementation of international human rights norms can actually be used as an analytical tool regarding national norms of freedom of religion and belief and their impact in Indonesia. In its implementation, Indonesia has not been able to maximally build transnational norms of freedom of religion in Indonesia. Where this is indicated by there are still many violations and discrimination in violations of religious rights in various regions in Indonesia. The main challenge in implementing transnational norms of religious freedom in Indonesia is the effort to understand the characteristics of religious behavior and

demographics in society at large. This is a challenge because it is undeniable that the majority group in a region often exerts domestic pressure in the name of implementing a democratic system that is established and has legal standards, thus giving rise to interpretations of how Indonesian society should be religious and have beliefs.

This has consequences for specific rules and norms taking into account the content therein, including the right to freedom of religion. If in the scope of international human rights what is meant by freedom of religion is absolutely part of an individual's human right to have a religion or even no religion, then this cannot simply be applied in Indonesia as a country that believes in God. In the seven points of the first principle it is clearly stated that the Indonesian nation expresses its belief and devotion to God Almighty, in accordance with their respective religions and beliefs based on just and civilized humanity. So the meaning is clear that being religious is something that is absolutely mandatory to do and each citizen must respect and appreciate fellow religious people to carry out their respective worship and beliefs. Then does this indicate that international human rights related to religious freedom as part of international law are not fully adhered to by Indonesia as an independent country? In fact, this can be answered with the theory of dualism, where the meaning is that in implementing international law that protects human rights, ratification is not enough but there must be a transformation of international law into national law in the form of statutes. So in the practice in Indonesia, international rules in Article 18 of the ICCPR are in the process of being readjusted to the values, norms and positive laws applicable in Indonesia. So of course religious freedom is not only a right, but also an obligation of citizens that must be actualized as a form of legal compliance.

The failure to implement international norms related to religious freedom is closely related to the local characteristics of the Indonesian nation itself in viewing the problem of religious freedom. In the national scope, there has been debate in efforts to implement this right, where the role of conservative actors (religious leaders or religious groups, etc.) plays a very important role. In defining the norm of religious freedom, especially in the international scope, it is often considered to be contrary to the basic principles of society which consider the urgency of religion based on individual autonomy and responsibility, and based on individual awareness of the existence of God (Mol 2024). So it can be said that the implementation of the norm of religious freedom in Indonesia is greatly influenced by domestic pressure from within society itself to interpret how Indonesian society should believe and be religious. The universal values of human rights contained in the international norm of religious freedom contain the core objective of upholding the dignity and equality of rights of all human beings. In practice at the national level, this cannot be fully accepted and applied raw, but must be adjusted to the foundation of the state, namely Pancasila, which considers divinity as a basic value.

## Conclusion

Freedom of religion is truly a basic right that cannot be reduced under any circumstances, especially in the internal forum. However, it should be noted that its validity goes hand in hand with the obligation of citizens to comply with the values of Pancasila as the nation's identity as well as agreement to the restrictions that have been set. Thus, a middle ground can be taken in terms of placing religious freedom based on the principles of justice and positive law in force in Indonesia. Not believing in God and not having a religion, constitutionally violates the foundation of the state and related regulations and laws which also harm the spirit of religion in the Indonesian nation. Choosing, having, practicing and obeying one of the teachings of religion and/or belief is something that must be done by Indonesian citizens based on applicable positive law. This is also closely related to the execution of human rights

in the national scope in order to realize a peaceful and serene life in a diverse socio-cultural scope. Although it cannot be denied that atheist groups currently exist and are growing in Indonesia, in reality this will continue to happen considering the majority of the population is religious. Role of conservative actors is very important, especially in this case to define the norms of religious freedom itself so that human rights practices in this case the religious aspect can still be carried out in line with the basic values that exist in the social life of society.

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