



Freedom of Religious Belief

Indonesia's Ministry of Religious Affairs affirms the constitutional right to freedom of conscience

JAKARTA, Indonesia: In July of 2021, Indonesia's Minister of Religious Affairs responded to harsh Islamist criticism of a video address — in which he warmly conveyed a New Year's greeting to Indonesia's miniscule Baha'i minority — by affirming that every Indonesian citizen has a constitutional right to religious freedom, and to practice the teachings of his or her faith.

A government regulation dating from the mid-1960s provides official recognition to only six religious communities in Indonesia: Islam, Hinduism, Buddhism, Roman Catholicism, Protestantism, and Confucianism.

Muslim extremists were swift to condemn Minister Qoumas for acknowledging and greeting members of Indonesia's Baha'i community. Despite the viral nature of the controversy that exploded in print, broadcast and social media, the Minister did not apologize for his action. Demonstrating the strength of his convictions — and widespread popular support for his position — the Honorable Minister of Religious Affairs simply instructed officials within his Ministry to explain the constitutional, legal and regulatory framework that guarantees freedom of conscience to every Indonesian.

A [document](#) posted on the Ministry's website and widely distributed by Indonesian media quoted Deputy Minister of Religious Affairs KH. Zainut Tauhid Sa'adi as stating that the actions of the Minister of Religious Affairs were an integral part of fulfilling his constitutional duties.

“I see what he said as consistent with his constitutional responsibility as a state official tasked with serving all Indonesian citizens, without exception,” the Deputy Minister of Religious Affairs explained in Jakarta on Saturday (31/07/2021).

The Deputy Minister also explained that the Ministry of Religious Affairs is constantly developing and socializing mechanisms to strengthen religious moderation, whose aim is nothing less than manifesting harmony throughout our nation and all areas of civic life.

“Religious moderation cannot be created without [acting in accord with] fair and balanced principles,” explained the Deputy Minister.

According to the Deputy Minister, strengthening religious moderation is essential, as part of our cultural strategy to nurture an inclusive sense of “Indonesianness.”

“Indonesia is an extremely heterogeneous nation. From its inception, our founding fathers successfully established and bequeathed a national consensus regarding the structure of our nation state — namely, *Pancasila* and the Unitary State of the Republic of Indonesia [i.e., a multi-religious and pluralistic nation state] — which has succeeded in uniting all of its religious, ethnic, linguistic and cultural groups.”

In [another document](#) posted on the Ministry of Religious Affairs' website, Ministry official Abdul Jamil Wahab stated that:

All religions in Indonesia are guaranteed and protected by the state. Article 28 E, Paragraph (1) of the 1945 Constitution states that everyone is free to embrace religion and to worship in accordance with the teachings of his or her faith. Article 28 I, Paragraph (2) of the Constitution states that the right to embrace and practice religion is a human right. Furthermore, Article 29, Paragraph (2) emphasizes that the state guarantees the right of each resident to embrace a religion. These articles of the Constitution clearly guarantee the religious rights and freedom of every Indonesian citizen.

In the accompanying text that explains Article 1 of Law No. 1 PNPS 1965, it is stated that the religions embraced by the Indonesian people are Islam, Protestantism, Catholicism, Hinduism, Buddhism, and Confucianism, and that all of these religions shall receive government protection and assistance. Furthermore, the accompanying text that explains Article 1 of the Law, also states that religions other than the six (6) religions identified above shall nonetheless receive protection by the state and be allowed to exist, provided they do not violate the nation's laws and regulations.

The terms "recognized religion" and "unrecognized religion" do not appear anywhere in the 1945 Constitution (UUD-45). The term "recognized religion" *does* appear in Law No. 23 of 2006 concerning civil registration. However, Articles 61 and 64 of the Civil Registration Law have been subject to judicial review by the Constitutional Court. In its decision regarding this matter, the Constitutional Court stated that these two articles were contrary to the Constitution, which guarantees freedom of religion. Articles 61 and 64 were ruled to discriminate against adherents of certain religions and beliefs.

Thus, according to the Indonesian constitution, laws and regulations referenced above, Baha'is and adherents of other faiths, including Sikhism, Taoism, Judaism, [and indigenous religions such as] Aluktodolo, Merapu, Sunda Wiwitan, and others, have the right to live freely in Indonesia. The state must respect, protect, and serve the members of all these faith communities by ensuring that their civil rights are both acknowledged and respected [emphasis added].