

Constitutional Religious Tolerance in Realizing the Protection of Human Rights in Indonesia



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ABSTRACT

Tolerance in the dynamic of Indonesian society and socio-cultural diversity is necessary. It is crucial to examine constitutional regulations as the highest fundamental law. The government has issued various regulations, but the critical question is whether these regulations protect religious freedom. This study aims to figure out how the law of religious tolerance ruled in the Constitution of the Republic of Indonesia/ Undang-Undang Dasar Negara Republik Indonesia Tahun 1945. This research is a type of normative research by describing, analyzing, and describing the constitutional arrangement of religious tolerance as a form of protection of human rights in Indonesia. The approach used is legal by tracing all relevant laws and regulations. The data collection technique used in this study is a library research technique, which is a data collection technique by reviewing journals, rules, regulations, and other related materials related to the law of religious tolerance in Indonesia. The results showed that religious tolerance is a form of protection for human rights recognized in Indonesia as a country with diversity. Tolerance is one of the keys to religious harmony based on mutual understanding and respect as human beings.



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1. Introduction

Indonesia has a vast diversity of ethnicities, religions, languages, and cultures. However, diversity may become a threat if it is not fostered and used as social capital to build the integrity of the Republic of Indonesia.¹ Radicalism appears with its characteristic that constantly contradicts values we believe that already established in Indonesia. The value system that existed in Indonesia, such as Pancasila and the 1945 Constitution, is considered inappropriate. Radicalism is not

¹ Abdul Muhid, 'Religious Tolerance among College Students: How It's Influenced by Religious Orientation and Personality Traits?', *HUMANITAS: Indonesian Psychological Journal*, 17.1 (2020), 55 <https://doi.org/10.26555/humanitas.v17i1.12222>

emerging spontaneously, but it is strongly influenced by the previous way of life of the people.² The concept of Indonesian pluralism is an essential part of establishing tolerance between religious communities.³ Indonesia's diverse pluralism must be understood as something that guides Indonesia to tread peacefully and not monotonous diversity so that it adds color to the life of society, nation, state, and of course in religion. However, it is not uncommon for pluralism in Indonesia to cause various kinds of conflicts, one of which is a conflict based on religious differences, which may also be driven by other interests such as political interests in the name of belief. This is very dangerous because Indonesia is a very diverse country with diverse religions, ethnicities, groups, cultures, so everyone's awareness is needed of the urgency of tolerant attitudes among pluralistic people.

The ideology of Pancasila contains five principles, and the first principle is Belief in One Supreme God; the second principle is Just and civilized humanity; the third principle is Unity of Indonesia; the fourth principle is Democracy led by wisdom in deliberation/representation, and the fifth principle is social justice for all Indonesian people. The ideology of Pancasila contains substantive sharia values, which are included in every principle and follow the vision of Indonesian nationhood.⁴ The Pancasila values can unite, collaborate with all the elements to achieve and realize the goals of the State of Indonesia.⁵ The five principles in Pancasila are guidelines for the social life of people who recognize the unity of God, realize that justice and civilized attitudes are a reflection of the human person, the plurality of Indonesian society from Sabang to Merauke with all differences in ethnicity, religion, language, culture does not become a split because of the existence of the 3rd principle of Indonesian unity.

Furthermore, the presence of deliberation/representation in the Indonesian constitutional system is a manifestation of the principle of people's sovereignty so that representatives of the people who come from all over Indonesia with different backgrounds become the path of people's appreciation, one of which is in terms of religious tolerance. People's representatives who are in legislative positions, namely the People's Representative Council (DPR) and the Regional

² Arief Rifkiawan Hamzah, 'Radikalisme Dan Toleransi Berbasis Islam Nusantara', *Sosiologi Reflektif*, 13.1 (2018), 19–35 <http://ejournal.uin-suka.ac.id/isoshum/sosiologireflektif/article/view/131-03/1297>

³ Nathanael Bagas Setyawan, 'Analisis Perlindungan Terhadap Toleransi Kebebasan Beragama Di Indonesia Dalam Perspektif Hak Asasi Manusia', *Nurani*, 19.1 (2019), 27–34 <https://doi.org/http://dx.doi.org/10.19109/nurani.v19i1.3100>

⁴ Lufaei Lufaei, 'Celebrating Sharia Indonesia: Islamic Harmony and Pancasila in the Vision of Indonesian Nationality', *Jurnal Ilmiah Al-Syir'ah*, 17.2 (2019), 106 <https://doi.org/10.30984/jis.v17i2.951>

⁵ Sulistyorini Sulistyorini, 'Pancasila as a Paradigm for Modern Indonesia Defense', *Social Sciences, Humanities and Education Journal (SHE Journal)*, 1.1 (2020), 32 <https://doi.org/10.25273/she.v1i1.5856>

Representatives Council (DPD), when joined in carrying out their duties and functions, will become the People's Consultative Assembly (MPR) which has the authority to intervene in the constitutional regulation of religious tolerance. The following interpretation of the 5th principle is that all Indonesian people have the right to get social justice in various forms, one of which is the freedom to adhere to religion according to their beliefs without being subject to social sanctions/exclusion.

Article 1, paragraph 3 of the Constitution of the Republic of Indonesia mandates that the State of Indonesia is a state of law. One of the characteristics of the rule of law is the protection of human rights for all people in the country without exception, which are recognized and protected by the state so that no one has the right to deprive other people of the freedom of human rights. The deprivation of the freedom of human rights of others is a form of denial of the law, so it is a crime that must be fought. The government has issued various regulations, but the critical question is whether these regulations protect religious freedom. The second amendment to the 1945 Constitution in Article 28E mandates the freedom for everyone to embrace their religion. This freedom is a human right guaranteed by the Constitution, which is the Indonesian state's highest basic law/constitution. Freedom to believe in religion for everyone without exception is the main point of awareness of tolerance among religious believers without causing coercion, conflict, or even war between brothers of different beliefs because Indonesia is a pluralistic country.

Tolerance is the will to coexist peacefully, built on love which is the nature of every human being. That attitude of tolerance, in general, is used as the adhesive for harmonious relations between religious believers⁶. The glue for the harmony of inter-religious life in the frame of tolerance can create the life of the community, nation, and state that can peacefully connect with mutual love and respect as fellow human beings. Tolerance can also be interpreted as an attitude of letting others do things according to their will/interests. When it is called inter-religious tolerance, each religious community allows and maintains a conducive atmosphere for people of other religions to carry out their worship and spiritual teachings without being hindered. Implementing prayer and education for each religion in a conducive atmosphere is crucial in understanding the essence of tolerance in the plurality of life among people.⁷

The urgency of inter-religious life is to create a harmonious community living in peace, mutual help, and avoid hostility so that diverse religions can unite the Indonesian nation and realize the stability and progress of the country. The unity of the government is in line with the mandate of the 3rd principle, namely the

⁶ Ahmad Izzan, 'Menumbuhkan Nilai Toleransi Dalam Keragaman Beragama', *Kalam*, 11.1 (2017) <https://doi.org/10.21831/dinamika.v2i2.16036>

⁷ Kazuya Masuda and Muhammad Halley Yudhistira, 'Does Education Secularize the Islamic Population? The Effect of Years of Schooling on Religiosity, Voting, and Pluralism in Indonesia', *World Development*, 130 (2020), 104915 <https://doi.org/10.1016/j.worlddev.2020.104915>

Unity of Indonesia, which can be a supporter of Indonesia's stability and progress. The strength and improvement of a heterogeneous nation and state like Indonesia need to be instilled that the mutual respect between religious believers needs attention from every party and all walks of life. An attitude of religious tolerance can be achieved if each group is open-minded to maintain mutual peace.⁸ This can give meaning to the progress and energy of a plural society⁹. It supports the advancement of plural society life because it provides peace for all people who maintain a tolerant attitude towards existing differences.

Furthermore, the essence of tolerance is by showing an open-minded attitude, respecting each other both directly related to the religion adopted and in all other social activities¹⁰. Community social activities do not only involve one group/religion, but interactions can occur with other groups/religions that live side-by-side with one another. Tolerance is like water in the desert, which is very valuable because it will lead to mutually dangerous and useless conditions without tolerance between religious believers. Then six strategies can be taken to build religious harmony: internalizing tolerance, maintaining brotherhood (ukhuwah), mutual respect, mutual trust and not prejudice, clarifying and confirming information, and being fair. Overall, It can be understood that the strategic key to religious harmony is the acceptance/tolerance of fellow human beings and getting rid of negative attitudes that can be the seeds for the outbreak of conflicts between people.

Tolerance comes from an understanding of religion, humans, and the universe. Humans are not viewed based on social backgrounds because humans are creatures of God¹¹. As a creature of God who is all-powerful, nothing should intervene in the relationship between the servant and his Lord (God). Everyone is obliged to have a tolerant attitude towards others who believe in a different religion. Tolerance in religious life is carried out both for social and spiritual interests to create harmony. Social and religious interests are inseparable because, in religion, everyone is also social, so it is appropriate if tolerance becomes a pillar for social unity. Therefore, understanding the constitutional arrangements in

⁸ Mona AlSheddi, 'Humility and Bridging Differences: A Systematic Literature Review of Humility in Relation to Diversity', *International Journal of Intercultural Relations*, 79, June (2020), 36–45 <https://doi.org/10.1016/j.ijintrel.2020.06.002>

⁹ Eko Digdoyo, 'Kajian Isu Toleransi Beragama, Budaya, Dan Tanggung Jawab Sosial Media', *Jurnal Pancasila Dan Kewarganegaraan*, 3.1 (2018), 42–59 <https://doi.org/10.24269/jpk.v3.n1.2018.pp42-59>

¹⁰ Lars Unstad and Henning Fjørtoft, 'Texts, Readers, and Positions: Developing a Conceptual Tool for Teaching Disciplinary Reading in Religious Education', *Learning and Instruction*, 73 (2021) <https://doi.org/10.1016/j.learninstruc.2020.101431>

¹¹ Sudipta Roy, Samia Huq, and Aisha Binte Abdur Rob, 'Faith and Education in Bangladesh: A Review of the Contemporary Landscape and Challenges', *International Journal of Educational Development*, 79 (2020), 102290 <https://doi.org/10.1016/j.ijedudev.2020.102290>

religious tolerance between diverse communities becomes very important to realize the protection of human rights.

2. Research Method

This research is a type of normative research by describing, analyzing, and describing the constitutional arrangement of religious tolerance as a form of protection of human rights in Indonesia. Normative research/ doctrinal analysis provides a systematic exposition of the rules governing a particular legal category, analyzes the relationship between regulations, explains areas of diversity, and, perhaps, predicts future development. The research focuses on policies or regulations (laws and regulations) on the constitutional principle of religious tolerance to protect human rights in Indonesia. The location of study was carried out in libraries and online portals in accessing library resources considering that the form of this research was library research. The approach used is a legal approach by tracing all laws and regulations related to policies or regulations (laws and regulations) on the constitutional regulation of religious tolerance as a form of protection of human rights in Indonesia.

The data collection technique used in this study is a library research technique, which is a data collection technique by reviewing scientific works, laws, regulations, books, reports, and other related materials related to the issues raised. In analyzing the data, the method used is a qualitative method that is juridical normative by managing, analyzing, and describing the results and discussion of research by providing an overview or explanation of the problems closely related to the topic of this research. Then, data interpretation is carried out by concluding the phenomena that occur. The arrangement of the data is related to the laws and regulations, the opinions of experts, and legal theories.

3. Results and Discussion

3.1. Constitutional Arrangements for Religious Tolerance in Indonesia

According to the Kamus Besar Bahasa Indonesia (KBBI), tolerance is a nature or attitude (tolerance, generous, gentle, patient); openness; forgiveness; reception; definition; tolerance. The nature or attitude of tolerance is tolerant to accept and tolerate all differences that become variety in the social interactions of diverse communities. The urgency of tolerance for a pluralistic of the plural country is very significant for the process of development and progress of society, nation, and state. Religious tolerance can consist of people with different beliefs or between people of different religions. Indonesia is a country with a large population and even a country that can be categorized as having a population density above the average of other countries. The presence of differences in ethnicity, religion, race, class, culture, language is unavoidable. Therefore, it is necessary to have a constitutional regulation of religious tolerance in Indonesia to guarantee freedom of belief for everyone without any coercion from anyone and

anything. The rules for being tolerant of others mandated directly by the highest fundamental law/ the Constitution are expected to be guidelines obeyed by all parties in the territory of the Unitary State of the Republic of Indonesia.¹²

The relationship between religious values and Pancasila cannot be separated. Pancasila was made based on spiritual matters that exist in Indonesia. Religion is not the enemy of Pancasila because the importance of goodness in each religion has been mixed into one with the first principle of "Belief in One Supreme God"¹³. Freedom of religion is always built into state constitutional instruments so that the overall attitude of the diversity of citizens can be oriented to freedom of religion. Without the freedom for people to practice their religion according to their beliefs, the state's role in ensuring this is flawed. The order to recognize the freedom to embrace one's religion has been contained and mandated in Indonesia's highest basic law/constitution. The constitutional regulation of religious tolerance in Indonesia is included directly in the Constitution of the Republic of Indonesia of 1945/ Undang-Undang Dasar Negara Republik Indonesia Tahun 1945. Article 28E of the 1945 Constitution states that (1). Everyone is free to embrace religion and worship according to his religion, choose education and teaching, choose work, choose citizenship, choose a place of residence in the country's territory and leave it, and have the right to return; (2). Everyone has the right to freedom to believe in beliefs, to express thoughts and attitudes according to his conscience. (3) Everyone has the right to freedom of association, assembly, and expression.

The freedom to embrace religion and worship before God Almighty freedom to believe in beliefs that follow the wishes/conscience of each individual has been explicitly stated in Article 28E of the 1945 Indonesian Constitution so that everyone has the right to determine their freedom without coercion. Even the threat that leads to the deprivation of his liberty. At the same time, matters of belief in certain religions are not matters that can be intervened as long as the existence of that religion is recognized by the authorized government and does not have strange doctrine/ heretical doctrine that may conflict with the original faith. As an example of a case in Indonesia, there are Ahmadiyah beliefs that recognize their sect as believing in Islam and believe that there are prophets after the Prophet Muhammad, which is not valid.¹⁴

¹² Viivi Eskelinen and others, 'Exploring Religiosity and Attitudes towards Christians and Non-Believers among Recent Muslim Refugees to Finland', *International Journal of Intercultural Relations*, 80.October 2020 (2021), 206–16 <https://doi.org/10.1016/j.ijintrel.2020.10.007>

¹³ Muhammad Hoiru Nail and Made Arya Utama, 'Pancasila and Religious Values in Establishment of Legal Regulations', *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)*, 9.2 (2020), 295 <https://doi.org/10.24843/jmhu.2020.v09.i02.p06>

¹⁴ Andi Akbar Herman and Muhammad Jihadul Hayat, 'Management of High Secondary Education After Regional Government Law', *Journal of Human Rights, Culture and Legal System*, 1.2 (2021), 2807–12 <https://doi.org/10.53955/jhcls.v1i2.11>

Article 28G paragraph (1) states that everyone has the right to personal protection, family, honor, dignity, and property under his control and has the right to a sense of security and safety from the threat of fear to do or not do something which is a human right. The human right to obtain protection for a sense of security and to be free from threats to act, in this case, to believe in a particular religion, is strengthened by the mandate of Article 28G paragraph (1). Every person/human has the dignity of belief, so a tolerant attitude in the life of society, nation, and state must be upheld unconditionally. Religious tolerance provides security and protection for all parties because it creates peace in social life.

Furthermore, Article 28I (1), the right to life, the right not to be tortured, the right to freedom of thought and conscience, the right to religion, the right not to be enslaved, the right to be recognized as a person before the law, and the right not to be prosecuted on a legal basis retroactive effect is a human right that cannot be reduced under any circumstances. (2). Everyone has the right to be free from discriminatory treatment and is entitled to protection against such discriminatory treatment. (3). The cultural identity and rights of traditional communities are respected in line with the development of the times and civilization. (4). Protection, promotion, enforcement, and fulfillment of human rights are the state's responsibility, especially the government. (5). To uphold and protect human rights with the principle of a democratic rule of law, the implementation of human rights is guaranteed, regulated, and set forth in-laws and regulations. There are four paragraphs in the mandate of Article 28I which contain the rights to religion, the right not to be discriminated against, respect for identity, and the fulfillment of all human rights, which are the responsibility of the government, which can be understood as a manifestation of the importance of tolerance for inter-faith and religious groups.¹⁵

Before entering the particular chapter on religion, the Indonesian constitution (UUD) 1945 has regulated religious freedom for everyone, which is a fundamental right in several articles, so this reflects that Indonesia, which is a sovereign legal state, gives sovereignty/freedom to its people as well. A particular chapter on religion was then included in the constitution, namely in Chapter XI, Article 29 (1). The state is based on the One Godhead. (2) The state guarantees the freedom of each resident to embrace his religion and to worship according to his religion and belief. That the only divinity is one of the contents of Pancasila, namely the 1st principle, which is then repeated in the content of Article 29 paragraph (1) so that it shows that the right to believe in certain religions/beliefs is a matter that must not be intervened considering that God is one so that Humans/servants in dealing with their God should not be under the pressure of others. God/religion is a matter

¹⁵ Dr Sofia Lampropoulou and Dr Paul Cooper, 'The "Grammar School Pressure": From Tolerance to Distance, to Rejection of "Scouse" in Middle-Class Merseyside Schools', *Linguistics and Education*, 66 (2021), 100996 <https://doi.org/10.1016/j.linged.2021.100996>

of freedom of belief for everyone. The state guarantees the freedom to embrace and worship according to their respective religions. The existence of this guarantee of freedom of belief is an implementation of the need for a tolerant attitude to religious tolerate interfaith.¹⁶

Apart from the constitution, religious matters are also regulated in several Indonesian legal regulations, such as Presidential Decree No. 1/1965, Law No. 7/2012, and the Criminal Code. Presidential Decree No. 1/1965 concerning Prevention of the Abuse and Blasphemy of Religion stipulated that everyone is prohibited from causing hostility, abuse, or blasphemy against a religion professed in Indonesia. The prohibition not causing enmity in faith requires awareness of tolerance. Religious tolerance can prevent, minimize, and even eliminate social conflicts. As social conflicts raise religious issues that cause chaos and loss not only for the parties to the war but can also impact all parties, a conducive and peaceful situation is necessary to protect all Indonesian people, as stated in the state objectives/preamble to the 1945 Constitution.¹⁷

Efforts to resolve conflicts are carried out with Law Number 7 of 2012 concerning the Handling of Social Conflicts. In Law 7 of 2012, it is stated that to maintain peaceful conditions in society; everyone is obliged to: develop an attitude of tolerance and mutual respect for freedom of worship following their religion and beliefs; respect the differences in ethnicity, language, and customs of others; recognize and treat human beings according to their dignity and worth; recognize equality and equality of rights and obligations of every human being without distinction of ethnicity, ancestry, religion, belief, gender, social position, and skin color; developing Indonesian unity based on diversity; and respect the opinions and freedoms of others. The attitude of tolerance and mutual respect in religion is the main driving force for maintaining peaceful conditions between believers and religious groups. All existing differences are not a stimulant of conflict but a reminder that diversity requires mutual respect. Everyone has fundamental rights and obligations regardless of ethnicity, ancestry, religion, belief, gender, social position, skin color, culture, or language. The concept of single diversity in advancing the unity of Indonesia is an absolute obligation for all parties.¹⁸

¹⁶ Landon Schnabel, 'More Religious, Less Dogmatic: Toward a General Framework for Gender Differences in Religion', *Social Science Research*, 75.April (2018), 58–72 <https://doi.org/10.1016/j.ssresearch.2018.06.010>

¹⁷ Syahlan Syahlan, 'Effective and Efficient Synchronization in Harmonization of Regulations Indonesia', *Journal of Human Rights, Culture and Legal System*, 1.1 (2021), 2807–12 <https://doi.org/10.53955/jhcls.v1i1.7>

¹⁸ E. Ram-Tiktin, 'Universal Principles of Justice and Respect for Cultural and Religious Diversity in the Capability Approach', *Ethics, Medicine and Public Health*, 5 (2018), 35–46 <https://doi.org/10.1016/j.jemep.2018.03.011>

Then, the Criminal Code (KUHP) contains threats of punishment for Anyone who injures Indonesian unity by fostering hatred/hostility between groups, committing religious abuse/blasphemy, which can also override the mandate of the Pancasila, the 1st principle, namely Belief in One God. Article 156 "Anyone who publicly expresses feelings of hostility, hatred or contempt towards one or several groups of the Indonesian people, is threatened with a maximum imprisonment of four years or a maximum fine of four thousand five hundred rupiahs. The word group in this article and the following article means each part of the Indonesian people is different from one or more parts because of race, country of origin, religion, place, origin, descent, nationality, or position according to constitutional law.¹⁹ Article 156a, which is "Shared with imprisonment for a maximum of five years whoever deliberately publicly expresses feelings or commits the following actions: a. which in essence is hostility, abuse or blasphemy against a religion professed in Indonesia; b. with the intention that people do not adhere to any religion, which is based on the belief in the One Supreme God. The existence of rules that can be imposed on criminals/punishments for Anyone who commits prohibited acts or does not perform the recommended actions is expected to be an encouragement for the community to continue to maintain the Pancasila ideology and the concept of Unity in Diversity as well as the mandate of the constitution/Basic Constitution of 1945.

3.2. Protection of Human Rights in Religious Tolerance

Human rights are essentially inherent in every human being to maintain their life, nature, and dignity²⁰. The essence and dignity of human beings, in this case, is the freedom to believe in religion, which is understood as a form of right for everyone without exception in living life as a sovereign human being to think without threats and coercion that can injure his sovereignty. Recognition and protection of human rights follow the fundamental rights of human dignity without exception to avoid discrimination, violence, and oppression. Discriminatory behavior, violence, and intimidation in groups different from other groups constitute persecution of human rights, which are the basis for the nature of human existence who are free and sovereign to determine their respective desires/beliefs.

Religious tolerance can maintain inter-religious harmony and inter-religious people. Spiritual harmony, as stated in the guidelines for the implementation of maintaining religious harmony, is defined as a condition of relations between religious communities based on tolerance, mutual understanding, mutual respect, respect for equality in the practice of their spiritual teachings, and

¹⁹ P. Łuków, 'Bioethics, Policy Compromise, and Religious Pluralism', *Ethics, Medicine and Public Health*, 5 (2018), 99–109 <https://doi.org/10.1016/j.jemep.2018.03.004>

²⁰ Jennifer Altamuro and others, 'Does It Pay to Pray? Religious Nonprofits and Funding', *Journal of Accounting and Public Policy*, xxxx, 2021, 106858 <https://doi.org/10.1016/j.jaccpubpol.2021.106858>

cooperation in social, national and state life within the Unitary State of the Republic of Indonesia. Based on Pancasila and the 1945 Constitution of the Republic of Indonesia, religious tolerance is a form of protection and recognition of human rights as stated in the constitution. Indonesian Constitution, Article 22 (1) Everyone is free to embrace their religion and worship according to their religion and beliefs. (2) The state guarantees the freedom of everyone to embrace their religion and to worship according to their religion and beliefs. There is a guarantee and protection from the state for everyone to obtain the freedom of religion by their beliefs.²¹

Article 28J (1) Everyone is obliged to respect the human rights of others in the orderly life of society, nation, and state; (2) In exercising his rights and freedoms, everyone is obliged to comply with the limitations stipulated by law for the sole purpose of guaranteeing the recognition and respect for the rights and freedoms of others and to fulfill fair demands following considerations of morals, values, and principles. Religious values, security, and public order in a democratic society.²² Respect for the human rights of others is the embodiment of social order and peace in society. The restrictions regulated by positive law/statutory regulations ensure that conflicts over the rights and freedoms of others do not occur to create conducive situations and conditions for all Indonesian people. In addition to the constitution, the regulation of religious tolerance is also contained in several laws and rules which can be interpreted as further arrangements for the protection and guarantee of human rights, such as in Law Number 39 of 1999 and Law Number 12 of 2005.

Law Number 39 of 1999 concerning Human Rights contains a prohibition on discrimination/restrictions, harassment, or exclusion based on differences in religion, ethnicity, race, ethnicity, group, class, social status, economic status, gender, language, political belief, which results in the reduction, deviation or elimination of the recognition, implementation or use of human rights and fundamental freedoms in both individual and communal life in the political, economic, legal, social, cultural and other aspects of life. Then Article 4 of the Human Rights Law stipulates that "The right to life, the right not to be tortured, the right to personal freedom, thought and conscience, the right to religion, the right not to be enslaved, the right to be recognized as a person and equal before the law, and the right to not being prosecuted based on retroactive law is a

²¹ Katherine Marshall, 'Global Education Challenges: Exploring Religious Dimensions', *International Journal of Educational Development*, 62, April (2018), 184-91 <https://doi.org/10.1016/j.ijedudev.2018.04.005>

²² Maurice Gesthuizen, Michael Savelkoul, and Peer Scheepers, 'Patterns of Exclusion of Ethno-Religious Minorities: The Ethno-Religious Hierarchy across European Countries and Social Categories within These Countries', *International Journal of Intercultural Relations*, 82, May 2020 (2021), 12-24 <https://doi.org/10.1016/j.ijintrel.2021.03.001>

human right that cannot be reduced under any circumstances and by anyone." The right to embrace religion according to one's beliefs is also contained in the law on human rights, which no one can violate because it is a fundamental right that everyone has since his birth as a human being which can be understood as a gift from God Almighty so that other human beings do not have the power to take away these rights.

Various countries have agreed on international conventions whose contents protect human rights as independent individuals in international relations. One of the international conventions that contain this matter has been adopted by Indonesia through Law Number 12 of 2005 concerning Ratification of the International Covenant on Civil and Political Rights. Article 18 stipulates that: 1) Everyone has the right to freedom of thought, belief, and religion. This right includes freedom to establish a religion or belief of his choice and freedom, either individually or in community with others, either in public or private, to manifest his religion and belief in worship, observance, practice, and doctrine. 2) No one can be forced to interfere with his freedom to have or to adopt a religion or belief of his choice. 3) Freedom to practice and determine one's religion or belief may only be limited by provisions based on law and necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Everyone owns the freedom of belief and religion. It cannot be forced by anyone as long as it does not conflict with positive law that aligns with community morals and aims to create security, peace, order, and the welfare of people's lives. The state is obliged to protect against discrimination based on differences in belief/religion following the concept of human rights mandated by the 1945 Constitution, which is the highest constitution/fundamental law in the Unitary State of the Republic of Indonesia.²³

4. Conclusion

Constitutional arrangements regarding religion are contained in the 1945 Constitution, namely in Chapter XI, Article 29, paragraphs (1) and (2). The right to believe in a particular religion/belief is a matter that should not be intervened, considering that God is only so that humans/servants in dealing with their God should not be under pressure from others. God/religion is a matter of freedom of belief for everyone. The state guarantees the freedom to embrace and worship according to their respective religions. The existence of this guarantee of freedom of faith is an implementation of the need for a tolerant attitude to tolerate religious interfaith. Freedom of belief is owned by everyone and cannot be forced by anyone as long as it does not conflict with positive law, which aligns with community morals and aims to create security, peace, order, and welfare in

²³Avner Seror, 'A Theory on the Evolution of Religious Norms and Economic Prohibition', *Journal of Development Economics*, 134.May 2017 (2018), 416-27
<https://doi.org/10.1016/j.jdeveco.2018.06.011>

people's lives. The state is obliged to protect against discrimination based on differences in belief/religion following the concept of human rights mandated by the Indonesian Constitution 1945, which is the highest rule/fundamental law in the Republic of Indonesia. Furthermore, religious tolerance is a form of protection of human rights that is recognized in Indonesia as a country with diversity that has diversity throughout the region. Tolerance is one of the keys to religious harmony based on mutual understanding and respect as fellow human beings.

References

- AlSheddi, Mona, 'Humility and Bridging Differences: A Systematic Literature Review of Humility in Relation to Diversity', *International Journal of Intercultural Relations*, 79.June (2020), 36–45
<https://doi.org/10.1016/j.ijintrel.2020.06.002>
- Altamuro, Jennifer, James Bierstaker, Lucy Huajing Chen, and Erica Harris, 'Does It Pay to Pray? Religious Nonprofits and Funding', *Journal of Accounting and Public Policy*, xxxx, 2021, 106858
<https://doi.org/10.1016/j.jaccpubpol.2021.106858>
- Eko Digdoyo, 'Kajian Isu Toleransi Beragama, Budaya, Dan Tanggung Jawab Sosial Media', *Jurnal Pancasila Dan Kewarganegaraan*, 3.1 (2018), 42–59
<https://doi.org/10.24269/jpk.v3.n1.2018.pp42-59>
- Eskelinen, Viivi, Teemu Pauha, Jonas Kunst, Antti Räsänen, and Inga Jasinskaja-Lahti, 'Exploring Religiosity and Attitudes towards Christians and Non-Believers among Recent Muslim Refugees to Finland', *International Journal of Intercultural Relations*, 80.October 2020 (2021), 206–16
<https://doi.org/10.1016/j.ijintrel.2020.10.007>
- Gesthuizen, Maurice, Michael Savelkoul, and Peer Scheepers, 'Patterns of Exclusion of Ethno-Religious Minorities: The Ethno-Religious Hierarchy across European Countries and Social Categories within These Countries', *International Journal of Intercultural Relations*, 82.May 2020 (2021), 12–24
<https://doi.org/10.1016/j.ijintrel.2021.03.001>
- Hamzah, Arief Rifkiawan, 'Radikalisme Dan Toleransi Berbasis Islam Nusantara', *Sosiologi Reflektif*, 13.1 (2018), 19–35 <http://ejournal.uin-suka.ac.id/isoshum/sosiologireflektif/article/view/131-03/1297>
- Herman, Andi Akbar, and Muhammad Jihadul Hayat, 'Management of High Secondary Education After Regional Government Law', *Journal of Human Rights, Culture and Legal System*, 1.2 (2021), 2807–12
<https://doi.org/10.53955/jhcls.v1i2.11>
- Hoiru Nail, Muhammad, and Made Arya Utama, 'Pancasila and Religious Values in Establishment of Legal Regulations', *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)*, 9.2 (2020), 295

- <https://doi.org/10.24843/jmhu.2020.v09.i02.p06>
- Izzan, Ahmad, 'Menumbuhkan Nilai Toleransi Dalam Keragaman Beragama', *Kalam*, 11.1 (2017) <https://doi.org/10.21831/dinamika.v2i2.16036>
- Lampropoulou, Dr Sofia, and Dr Paul Cooper, 'The "Grammar School Pressure": From Tolerance to Distance, to Rejection of "Scouse" in Middle-Class Merseyside Schools', *Linguistics and Education*, 66 (2021), 100996 <https://doi.org/10.1016/j.linged.2021.100996>
- Lufaefi, Lufaefi, 'Celebrating Sharia Indonesia: Islamic Harmony and Pancasila in the Vision of Indonesian Nationality', *Jurnal Ilmiah Al-Syir'ah*, 17.2 (2019), 106 <https://doi.org/10.30984/jis.v17i2.951>
- Łuków, P., 'Bioethics, Policy Compromise, and Religious Pluralism', *Ethics, Medicine and Public Health*, 5 (2018), 99–109 <https://doi.org/10.1016/j.jemep.2018.03.004>
- Marshall, Katherine, 'Global Education Challenges: Exploring Religious Dimensions', *International Journal of Educational Development*, 62.April (2018), 184–91 <https://doi.org/10.1016/j.ijedudev.2018.04.005>
- Masuda, Kazuya, and Muhammad Halley Yudhistira, 'Does Education Secularize the Islamic Population? The Effect of Years of Schooling on Religiosity, Voting, and Pluralism in Indonesia', *World Development*, 130 (2020), 104915 <https://doi.org/10.1016/j.worlddev.2020.104915>
- Muhid, Abdul, 'Religious Tolerance among College Students: How It's Influenced by Religious Orientation and Personality Traits?', *HUMANITAS: Indonesian Psychological Journal*, 17.1 (2020), 55 <https://doi.org/10.26555/humanitas.v17i1.12222>
- Ram-Tiktin, E., 'Universal Principles of Justice and Respect for Cultural and Religious Diversity in the Capability Approach', *Ethics, Medicine and Public Health*, 5 (2018), 35–46 <https://doi.org/10.1016/j.jemep.2018.03.011>
- Roy, Sudipta, Samia Huq, and Aisha Binte Abdur Rob, 'Faith and Education in Bangladesh: A Review of the Contemporary Landscape and Challenges', *International Journal of Educational Development*, 79 (2020), 102290 <https://doi.org/10.1016/j.ijedudev.2020.102290>
- Schnabel, Landon, 'More Religious, Less Dogmatic: Toward a General Framework for Gender Differences in Religion', *Social Science Research*, 75.April (2018), 58–72 <https://doi.org/10.1016/j.ssresearch.2018.06.010>
- Seror, Avner, 'A Theory on the Evolution of Religious Norms and Economic Prohibition', *Journal of Development Economics*, 134.May 2017 (2018), 416–27 <https://doi.org/10.1016/j.jdeveco.2018.06.011>
- Setyawan, Nathanael Bagas, 'Analisis Perlindungan Terhadap Toleransi Kebebasan Beragama Di Indonesia Dalam Perspektif Hak Asasi Manusia', *Nurani*, 19.1 (2019), 27–34 <https://doi.org/http://dx.doi.org/10.19109/nurani.v19i1.3100>
- Sulistiyorini, Sulistiyorini, 'Pancasila as a Paradigm for Modern Indonesia Defense', *Social Sciences, Humanities and Education Journal (SHE Journal)*, 1.1 (2020), 32 <https://doi.org/10.25273/she.v1i1.5856>

- Syahlan, Syahlan, 'Effective and Efficient Synchronization in Harmonization of Regulations Indonesia', *Journal of Human Rights, Culture and Legal System*, 1.1 (2021), 2807–12 <https://doi.org/10.53955/jhcls.v1i1.7>
- Unstad, Lars, and Henning Fjørtoft, 'Texts, Readers, and Positions: Developing a Conceptual Tool for Teaching Disciplinary Reading in Religious Education', *Learning and Instruction*, 73 (2021) <https://doi.org/10.1016/j.learninstruc.2020.101431>