
Freedom Of Religion And Belief In The Human Rights Framework

*Farikh Marzuqi Ammar*¹, Khizanatul Hikmah²*
Universitas Muhammadiyah Sidoarjo

Abstract: In the context of state life, freedom of religion and belief is an important and fundamental aspect of human rights that is protected by the law of the State. So freedom here has the meaning of freedom to embrace and run the religion based on their beliefs and follow the rules and religious law that is believed. This is affirmed in the 1999 human rights law article 22 on the right to personal freedom : "Everyone is free to embrace his or her own religion and to worship according to his religion and belief".

Keywords : Freedom of Religion, Belief, Human Rights..

INTRODUCTION

The Commission for Disappeared Persons and Victims of Violence (Kontra) documented many violations of religious freedom during the four-year tenure of Joko Widodo or Jokowi and Yusuf Kalla. Between 2014 and 2018, they recorded at least 488 cases of violations of freedom of religion or religion that were deemed inconsistent with their commitment to upholding human rights. The following is a list of instances of violations of religious freedom during the Jokowi-JK era: (1) the attack on the Church of St. Lidwina in Yogyakarta; (2) the demolition of Gafatar in Kalimantan; (3) the attack, destruction and expulsion of Ahmadiyah in East Lombok; (4) the destruction of two monasteries and five temples in Medan; destruction [1]. The above is contrary to Law no. 39 of 1999 concerning Human Rights. Letter part (b) states: Letter D reads, "As a member country of the United Nations, Indonesian citizens have moral and legal responsibilities to uphold and implement the Universal Declaration of Human Rights stipulated by the United Nations. The Republic

of Indonesia has ratified various other international instruments. [2].

Violation of religious freedom is also not contrary to Article 22(1) of Law no. 39 of 1999, which states: Judge Sardi Isla of the Constitutional Court (MK) also gives legal opinions. Sardi Isla, when reading the decision on the application for review of Article 61 (1) and (2) Number 23 of 2006 concerning Population Control. Law Number 23 of 2006 concerning Population Control at the Constitutional Court, Central Jakarta. Sardi said that the provisions of Article 28E paragraphs 1 and 2 of the 1945 Constitution recognize the right of everyone to freedom of religion or belief. Meanwhile, Article 29 of the 1945 Constitution of the Republic of Indonesia emphasizes the state's role in ensuring that all citizens are free to adhere to their religion and beliefs [3]. On the other hand, according to Sardi, the fundamental right to embrace faith, including the right to believe in God Almighty, is part of the human rights of civil and political rights groups [4].

There have also been incidents of interference with religious freedom or other forms of intolerance in Medan. Sunday

Worship at the Bethel Indonesian Church (GBI) of the Philadelphia Congregation, located at Jalan Permai 4, Block 8, Griya Martubun, No. 31, Kampung Besar, Medan Labhan District, Medan City, North Sumatra, was filled with chaos. A group of residents came to a house used as a place of worship on Sunday. Residents protested the presence of prayer in their respective homes. Based on the information obtained, the rioting of the protest quickly went viral on social media. In a video uploaded by account owner Eunice Julia, she wrote: "On Sunday, January 13 2019, when we were about to start our morning service, our church We were attacked by people of different faiths and forced to close the church. They stormed to disrupt our worship. We are Jalan Inda, Bethel Church of Indonesia 4 Block 8 Griya Martubun No. 31 Kerlahan Besar, Medan Labhan District, Bethel Church of the Christian Congregation of Philadelphia, North Sumatra.[5].

With this background, according to the author, the issue of freedom of religion and belief about human rights in Indonesia is essential to raise

MATERIALS AND METHODS

This study uses a qualitative approach, namely the normative juridical method, by collecting and using information relevant to the problems of this research. The essence of this research is a descriptive analysis that explains and analyzes how freedom of religion is part of human rights. In this case, the role and synergy between relevant national institutions lie in protecting these human rights. The data sources of this research are secondary data from books, literature, laws and regulations, print media, and the internet, which are undoubtedly relevant to the problems discussed in this study. The analytical method in this study uses the theory of Miles and Huberman; there are three methods of data analysis in qualitative research: data reduction, data presentation, and inference. This process continued throughout the study, even before data collection. Data reduction is one of the qualitative data analysis techniques.

It is a form of analysis that sharpens, classifies, guides, discards, and organizes data so that definite conclusions. Of course, among these variables, it can be concluded that there are inconsistent conditions between these variables

RESULT AND DISCUSSION

Humans have freedoms that are protected within the framework of guaranteeing human rights. However, human history records that the deprivation of human rights has brought a long humanitarian conflict and has resulted in many casualties. Generally, this occurs because of dictatorial leaders, political victims, and victims of sectarian conflicts and poverty. For example, Hitler, with his dictatorship, terrorized society and caused the deaths of millions of people, and slavery became a common thing that occurred as a result of war. In other words, humans become the masters of humans themselves [6].

This is what requires that humans must forward. As for the formulation of human rights, there are several fundamental rights or human rights "among others: 1) The right to life, 2) The right to have a family and continue the lineage, 3) The right to self-development, 4) The right to obtain justice, 5) The right to personal liberty, 6) The right to security, 7) Right to welfare, 8) The right to participate in government, 9) Women's rights, and 10) Children's rights

The fundamental rights above are then included in state law to maintain real human rights; each of the above rights has been in the spotlight of many thinkers, including the right to personal freedom, which means that everyone is free to make their own choices of life as enshrined in the human rights law. 1999 article 22 concerning the right to personal freedom: "Everyone is free to embrace his religion and to worship according to his religion and belief".

It is further emphasized in "Article 28E paragraph (1) of the 1945 Constitution": "Everyone is free to embrace religion and worship according to his religion, choose

education and teaching, choose work, choose citizenship, choose a place to live in the territory of the country and leave it. And entitled to return."

Looking at the article above, coercion to embrace a religion and belief violates a person's human rights, including inviting them to adopt a religion by force or in exchange for material rewards. For example, if a Muslim is forced to convert to Christianity under pressure or threats, if he does not convert to Christianity, he will be killed or discriminated against. Other similar things, such as an area affected by a disaster such as Aceh, which tsunami, humanitarian institutions owned by Christianity, Judaism, etc. nor should Christians help by expecting something in return. If you convert to Christianity, you will be assisted until life returns to normal. On the other hand, if you refuse the invitation to become a Christian, you will not get any help. A case like this violates human rights regarding freedom to embrace religion because the choice and belief in embracing a religion is the right of every individual who should not be forced or intimidated, so freedom depends on one's beliefs. [1].

Freedom of religion and belief, including the freedom to practice religion and belief. For example, Muslims must be given freedom in carrying out Islamic law. The prohibition on the freedom to practice religion violates human rights. Suppose a rule or an individual is found that prohibits Muslims from praying, calling the call to prayer, wearing the hijab, covering accurate, fasting, and all the rules in Islamic law. In that case, this is a violation of human rights in the field of freedom to practice religion and belief.[7]. This includes a Muslim is not allowed to force a Christian to wear the hijab.

On the other hand, Christians are not allowed to ask Muslims to wear classy clothes under the pretext of tolerance. This kind of attitude is counter-productive because it is included in the freedom to practice religion. In comparison, tolerance means that there is no coercion in practising religion. Freedom of

religion and embracing religion also do not mean freedom in making religious sects that come from the main points of religion. Because religion is not an artificial belief, which is free for everyone to create their sect under the pretext of human rights. For example, Muslims believe that the last Prophet was the Prophet Muhammad SAW, so if someone feels he has a whisper or believes that he is a new Prophet, then teaches and practice their teachings (most of them are Islamic teachings) based on their instincts and argue that human rights guarantee freedom to practice religion. This is said to be contrary to religious freedom, because freedom of religion and the practice of a religion must look at the rules of religion itself[8].

The principle of freedom in all perspectives is not free as freely as possible. However, the freedom of all things is limited to the freedom of others[9]. There is no pure freedom as free as it is without limits. The desire to be free without limits is only a pseudo-desire which is unrealistic, because humans are nothing but social beings who cannot live without help, cooperation and relationships with other people, meaning that humans always live in groups or in a society that demands mutual respect and honor. In other words, human freedom is always tied to the freedom and rights of others [7]. Humans who want pure freedom without rules will actually mess up many things, ranging from unclear rules, norms and even laws, causing various social conflicts that are difficult to resolve. The chaos is difficult to resolve because it departs from the assumption that human freedom is freedom as free as possible. For example, a red light on the road, if the light is red, the driver must stop the vehicle. This is a rule for traffic order and security. But it will be a different problem, if everyone assumes that the freedom of each individual cannot be taken or determined by the government and or other people. So stopping when the red light is on is freedom, so it is the right of everyone to continue the journey or stop when the red light is on. It is inconceivable if an area will live without rules. Thus freedom in

human rights is always tied to the rights of others and other rules [10].

Human rights are bound by other rules. Similarly, people who have embraced a religion are bound by religious rules. He is required to obey and submit to religion and carry out all religious rules. For a Muslim must carry out all the commands of Allah SWT and stay away from all His prohibitions. Often there is an assumption that religion is a personal matter, has nothing to do with other people because religion is a person's relationship with God, so it is not permissible to force someone to practice religion or regulate religious life. Various cases surfaced over this assumption, including protests against the rules of a school that required its students to wear headscarves, rejection of the rule that village heads must be able to read the Qur'an, refusal to teach Islam in public schools with wider content with the assumption that not an Islamic school. In fact, many cases are considered discriminatory if an institution or school requires the practice of religion. This includes the national police level, which prohibits female policewomen from wearing headscarves with the assumption that religion is a private matter [11].

The assumption that religion is a personal matter with belief seems to have not met a common ground. If there are rules that regulate religious life, such as the obligation to wear the hijab, it is considered a violation of human rights on the pretext that religion is a private matter; why is the rule that stopping at a red light when the red light is on is not considered a violation of human rights? Or regulations that require students to wear uniforms every time they go to school [12].

CONCLUSION

Based on the above discussion, it can be concluded that humans have freedoms protected by the State within the framework of guaranteeing and protecting human rights. Among them are the right to individual liberty in determining their life choices, having freedom of religion and belief, which means to have the space and the right to embrace the faith

they believe in without any threat, coercion or intimidation, whether coming from other people or in any direction. This is stated in "Article 28E paragraph (1) of the 1945 Constitution ("UUD 1945"), which reads" "Everyone is free to embrace a religion and worship according to his 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 has the right to return".

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