

Is the Freedom to Establish Places of Worship Already Protected?

Reflecting From Bekasi City

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Indonesia is a pluralistic nation, consisted of various ethnicities, religions, races, and culture. The total population of Indonesia is 237 million People (BPS, 2010), which is spread across 17,508 islands from Sabang to Merauke. These conditions would make Indonesia to have a very high potential for conflict, one of them is inter-religious conflict.

Based on data from Setara Institute, 222 violations of freedom of religion/belief with 292 forms of action spread across 20 provinces.¹ Then it is said that there were 43 places of worship were being targeted by the offenders. Disruption to places of worship in the incidents documented in 2013 largely led to the churches, as many as 27 incidents. Mosques were targeted for disruption in 17 incidents. The rest, the monastery became the object of an interruption in 2 incidents and places of worship for *Aliran Kepercayaan* in two incidents, while a temple in one incident.²

While the Report on the Independence to Religion/Belief in 2013 from The Wahid Institute stated that during the period of January to December 2013, the number of violations or intolerance incidents found in Indonesia was 245 cases or incidents.³ Forms of violations or intolerance committed by state actors, the act of inhibiting/ blocking/ sealing of places of worship was the most widely committed act (28 cases) in 2013.⁴ Then most casualties suffered by the Church (15 institutions), followed by Mosque JAI (12 institutions).⁵

Therefore, in order to create religious harmony, the government issued a Joint Decree of the Minister of Religious Affair and the Minister of Internal Affair Number 8 and 9 Year 2006 regarding Regulation of Duties of Regional Head and Deputy in Maintaining Religious Harmony, Empowering the Forum of Religious Harmony, and Establishing Places

¹ Setara Institute, *Kondisi Kebebasan Beragama/Berkeyakinan di Indonesia*, 2013, Jakarta, p 4.

² *Ibid.*, p 14.

³ The Wahid Institute, *Laporan Kemerdekaan Beragama/Berkeyakinan* , 2013, Jakarta, p 23.

⁴ *Ibid.*, p 24.

⁵ *Ibid.*, p 27.

of Worship or also known as PBM 2006. PBM 2006 was the result of a compromise on various elements of the acknowledged religions in Indonesia. However, the problem of religious harmony in Indonesia is still a challenge in Indonesia, where one of them is related to conflict on constructing the places of worship.

Looking at the above conditions, conflicts with religious background is still in high intensity. This becomes a concern and quite alarming to Indonesian's journey as a nation. Meanwhile, the freedom and harmony in religion in Indonesia has been regulated in the Constitution of Indonesia 1945 (*Undang-Undang Dasar Republik Indonesia*, UUD 1945). It is as regulated in Article 28 E of UUD 1945 regarding the freedom of religion and worship; Article 28 J which regulates the limitation of worship for each person to create public order; and Article 29 which protects the practice of religion and belief. As a state constitution, UUD 1945 ordered to recognize, respect, and maintain the religious diversity in order to create inter-religion harmony.

PBM 2006 is a derivative of UUD 1945, and the position of this PBM is regulated in Law Number 10 Year 2004 regarding the Formulation of Laws and Regulations and revised by Law Number 12 Year 2011. Basically this PBM is a Ministerial Decree and its existence is recognized and also has a binding legal force as long as ordered by the higher Legislation or established pursuant to the authority. By its nature, PBM 2006 is categorized as *regeling*. *Regeling* is an act of government in public law in the form of a general regulation. The word "general" in the sense of *regeling* means an effort to regulate all citizens without exception, or in other words, this regulation is addressed to all citizens without exception, and not for special circumstances.

PBM 2006 is in the *regeling* category. This is because of its general nature (intended for everyone), abstract (contains norms that still need to be elaborated further) and not final (cannot be directly executed). This PBM is also a derivative of the higher laws, which is Law Number 32 Year 2004 regarding Local Government and in hierarchical manner also contained in the Law Number 10 Year 2004, and Law Number 12 Year 2011 regarding Establishment of Laws and Regulations, one of which is a Ministerial Decree.⁶

PBM 2006 is different from the Joint Decree of the Minister of Religious Affairs Number 3 Year 2008, the Attorney General Number Kep-033/A/JA/6/2008 and the Minister of Home Affairs of The Republic of

⁶ Suherman Toha, *Eksistensi Surat Keputusan Bersama Dalam Penyelesaian Konflik Antar dan Intern Agama*, Jakarta, Kementerian Hukum Dan HAM, 2011, p 98.

Indonesia Number 199 Year 2008 regarding A Warning and Order to the followers, members, and/or leading members of the Indonesian Ahmadiyya Jama'at (JAI) and to the General Public. This Joint Decree is categorized as *beschikking* because of its individual nature (addressed to adherents, members, or administrators of JAI), concrete (related to the prohibition of certain activities), and final (directly executable). This Decree was possibly made as a derivative of Law Number 1/PNPS/1965 which is still valid today.

Evaluation of PBM 2006 Implementation

Formation of Joint Decree of the Minister of Religious Affair and the Minister of Internal Affair Number 8 and 9 Year 2006 regarding Regulation of Duties of Regional Head and Deputy in Maintaining Religious Harmony, Empowering the Forum of Religious Harmony, and Establishing Places of Worship (PBM 2006) should be recognized as one of a participatory legislation products. This is reflected in the 11 meetings from October 2005 to March 2006 by the government together with religious leaders who come from the councils. Discussions for the formation process of PBM 2006 was running intensively and openly, resulting in a formula by mutual agreement of all the religious leaders representing religious councils.⁷

Publication of PBM 2006 was made to respond to developments in society, where there was an increase in conflicts based on religious sentiment, and this would disturb the religious harmony. PBM 2006 revised the Joint Decree of the Ministry of Religious Affairs and the Ministry of Internal Affairs Number 01/BER/Mdn-Mag/1969 regarding Rule of State Office in Maintaining Order and Stipulating Harmonious Religious Life and Worship Among the Adherents, which was deemed to have multiple interpretations.

PBM 2006 regulates three main topics, which are the task of Regional Head, Empowerment Forum for Religious Harmony (*Pemberdayaan Forum Kerukunan Umat Beragama*, FKUB), and the Establishment of Places of Worship. The author will describe further about the evaluation of the implementation of the above three aspects in Bekasi, West Java as a case study of this research.

The author chose the study to take place in Bekasi because *firstly*, it is associated with several incidents such as the case of the Catholic

⁷ *Sambutan Menteri Agama Republik Indonesia, Peraturan Bersama Menteri Agama Nomor : 9 Tahun 2006 Dan Menteri Dalam Negeri Nomor : 8 Tahun 2006 Tentang Pedoman Pelaksanaan Tugas Kepala Daerah/Wakil Kepala Daerah Dalam Pemeliharaan Kerukunan Umat Beragama, Pemberdayaan Forum Kerukunan Umat Beragama, Dan Pendirian Rumah Ibadat*, p 5.

Church Paroki Santo Stanislaus Kostka in Jatisampurna District; *Horia Kristen Batak Protestan* (HKBP) in Ciketing Village in Mustikajaya Subdistrict; Pantecosta and *Gereja Kristen Rahani Indonesia* (GKRI) in North Bekasi; as well as the Indonesian Christian Church (*Gereja Kristen Indonesia*, GKI) Gembrong in Pondok Gede District. *Secondly*, the escalation of conflicts with religious background in Bekasi is high enough resulting in loss of life such as stabbings of two people at HKBP Church in Ciketing Village.

1. Implementation of Duties of Regional Head in Maintaining Religious Harmony

Regional Head task which is mentioned in Article 2 of PBM 2006 is that the maintenance of religious harmony becomes a shared responsibility of religious communities, local governments, and central government. This means that the central government and local government as well as religious leaders are obliged to carry out the functions and roles to maintain religious harmony.

Article 10 paragraph 3 of Law Number 32 Year 2004 regarding Local Government stated that religious affairs are the domain of the central government, but the problem of maintaining religious harmony in order to maintain peace and public order may be delegated to local government. This refers to Article 10 paragraph 4 which stated that in the conduct of government affairs referred to in paragraph (3), the government organizes itself or may delegate part of government affairs to the government officials or a government representative in the region or can be assigned to local governments and/or the village administration. Thus, it is clear that the implementation of PBM 2006 was a business of delegating powers from the central government to local government.

Muhammad Bin Saudy, Head of Religion and Belief Subdirector, Ministry of Internal Affairs said that what has been written in PBM 2006 is the duty and authority of the local government, unless there are problems that cannot be solved by the local government then the central government can help to solve the problems. If the local government is not capable, then the central government's role is to facilitate and mediate to resolve the problems. Furthermore Saudy said the role of the head of the region as mandated in the PBM 2006 is to regulate the construction of places of worship, for example by issuing building permits (*izin mendirikan bangunan*, IMB). The head of the region is also mandated to consider the Spatial Plan in the area.

In Bekasi, PBM 2006 is conducted under the Board of National Unity, Politics, And Public (*Badan Kesatuan Bangsa, Politik dan Perlindungan Masyarakat*, Kesbangpolinmas). Kesbangpolinmas is assigned to assist the Mayor in maintaining religious harmony, facilitate the Forum for Religious Harmony, and give input to the Mayor on the construction of places of worship.

Dian Hariani, Head of Religious Harmony Subdivision at Religious Harmony and Social Affairs Division, Kesbangpolinmas, Bekasi, conveyed in giving considerations to the Mayor, Kesbangpolinmas would present a mechanism of considerations. These considerations include the support in the village and sub-district levels. Furthermore Dian said that so far in the effort to maintain religious harmony, Local Government of Bekasi City has no partiality, and does not discriminate any groups. Local government is trying to stand in the middle of all parties. However, these efforts are often challenged by intolerant groups. The groups urged the Mayor not to give permission to the establishment of places of worship for minorities. Indecisive head of region would become a problem in implementing the PBM 2006.

It is different from what happened in North Sulawesi. The role of Head of Region is very strong and intensive to implement PBM 2006 which led to harmonious relations between religious communities in North Sulawesi. So the cases of rejection of the establishment of places of worship did not happen.⁸ This is also confirmed by the statement of the Minister of Religious Affairs which stated that concord and harmony among religious believers who live in North Sulawesi is very strong and needs to become an example for other regions.⁹

Dian Harini said that if this PBM was made into law, then the people or groups who are acting disruptive could be handled by the security forces. Currently this PBM is felt not strong enough. A conflict with religious background is vulnerable because the public is easily ignited. By looking at this kind of conflict the PBM should be made into law, where there are sanctions, and this law must be unequivocal. Then the head of the region should strictly enforce the law. This firmness has not been seen in the implementation of PBM 2006.

Paulus Tasik Galle of the Center of Religious People's Harmony (*Pusat Kerukunan Umat Beragama*, PKUB), the Ministry of Religious Affairs, declared at the FKUB congress 2 years ago that he actually

⁸ <http://www.manadokota.go.id/berita-712-fkubpemkot-manado-sosialisasi-peraturan-bersama-menteri-agamamenteri-dalam-negeri.html>

⁹ <http://www.antaraneews.com/berita/489672/menag-puji-kerukunan-umat-beragama-di-sulawesi-utara>

recommended that the PBM should be upgraded to a presidential decree which authority is stronger when it is made under the president, so inevitably the regions should stick to it. In addition, Romo Benny Susetyo agrees that enforcement issues become problems in the implementation of PBM 2006. Romo Benny pointed out even the Supreme Court decision could eventually be defeated by people pressure. The local government, when faced with people pressure, cannot act fair. Thus, the law is controlled by the people pressure.

In response to the desire to upgrade the status of PBM 2006 to be included in the Religious Protection Bill (*Rancangan Undang-Undang Perlindungan Umat Beragama*, RUU PUB), the author agrees with the opinion from Romo Benny Susetyo that the government should provide enough protection for freedom. Then set out three things, for example the one who ruined worship ceremony must be punished; disturbing public order must also be given a penalty. However, of all the above, the most important is the law would be useless if there is no political will and decisiveness of the government who run it.

Both central and local governments should be aware that the omission of the issue on religious harmony will disturb peace and order. When peace and order is disrupted then public service and development will be delayed, and the people will become victims. Dissatisfaction of citizens on the delay of public service and development can reduce the legitimacy of the power and jeopardize the power of a governmental regime.¹⁰

Supposedly the head of the region that holds the authority have to enforce the law firmly. Then, as a public servant, the head of the region must also be able to provide services in a non-discriminatory way. The relationship between bureaucrats and society should be impersonal, for the avoidance of nepotism and primordialism.

2. Forum for Religious People's Harmony (*Forum Kerukunan Umat Beragama*, FKUB)

One of the contents of PBM 2006 is to set up the formation and empowering Forum for Religious People's Harmony (*Forum Kerukunan Umat Beragama*, FKUB). As stipulated in PBM 2006, Article 8, FKUB is established in provinces and district/city. Today, nearly every Province and District and also City in Indonesia has formed FKUB, except in the Provinces of Papua and West Papua which are still limited. FKUB formation is conducted by the community and facilitated by local

¹⁰ *Ibid.*, Dwiyanto, Agus (Ed).

government. The relationship between FKUB with Local Government is consultative.

Table 1. Number of FKUB in the Provinces and Districts/Cities¹¹

Year	2007	2008	2009	2010	2011	2012	2013
FKUB in Provinces	10	29	31	33	33	33	33
FKUB in Districts/Cities	36	274	306	402	409	420	428

Source: Center for Religious Life, *Annual Report on Religious Life in Indonesia 2001*.

In Bekasi, as mentioned by Dian Hariani, Kesbangpolinmas, Bekasi City, FKUB was formed and facilitated by Kesbangpolinmas in 2006. Formation FKUB included all the religious elements and adjusted to the composition of the population. Although at the beginning of the formation process FKUB was quite tough because of the conflict of interests. But then finally a collective agreement was made and it formed the FKUB.

For FKUB budget in Bekasi City initially the budget for FKUB was a grant. Finally in 2014 Bekasi City government provided a budget to Facilitate FKUB Activities in the Local Government Budget in 2014. The budget is earmarked for operational activities, such as rental for office space, payment for members, stationaries, et cetera. The budget to Facilitate FKUB Bekasi City Activities in 2014 was 440 million rupiah. One of the activities at FKUB Bekasi, is the socialization of PBM 2006. Socialization is done through village level by distributing manuals on PBM 2006. In addition, Bekasi City is also conducting Focus Group Discussion (FGD) for the Religious Leaders and Local Government, and the budget for this FGD activity was 250 million rupiah. The FGD successfully brought together religious leaders with the local government so that the process of socializing PBM 2006 is effective. Good process that has been done in Bekasi City has yet to be fully implemented in other areas in Indonesia. Therefore socialization of PBM 2006, which was conducted by FKUB with budgetary support from the local government, is still an issue.

Muhammad Bin Saudy, Head of Religion and Belief Subdirector, Ministry of Internal Affairs said that socialization problems in the region are due to budget problems. Budgeting requires a good planning, so the funding does not necessarily flows down easily. This is why not all regions are able to socialize PBM 2006 in a massive way.

¹¹ Puslitbang Kehidupan Keagamaan, *Laporan Tahunan Kehidupan Keagamaan di Indonesia Tahun 2001*, Ed. II, April 2014, Jakarta, p 16.

Furthermore, looking at the 8 years of FKUB progress, Romo Benny Susetyo mentioned many problems that still hamper the work of FKUB. The *first* problem, there is ignorance of local authorities and administrators of FKUB. In fact there is a FKUB that made their own rules which clearly in contrary to the PBM, and therefore in practice it becomes chaotic, for example in Jakarta. The technicalities are provided in the PBM. Several FKUB in some regions created additional rules that exceed the requirements of the PBM, for example in Bali and it has now been evaluated. FKUB Jakarta made some technical rules. This should not be allowed and it is against the supreme rules.

The *second* is, the establishment of FKUB considered as formality. This is because the deputy head of region as a counselor for FKUB is not working as it is supposed to be, so FKUB itself does not really work. If in any case it is working, its function was only to attract the people for the sake of political interests. Also interesting to see in the local elections when the current head of regional and its deputy are running for the next government period, they are also competing for influence by using FKUB as a political tool, causing a split in FKUB.

Third problem is the recruitment of FKUB members. One of the problems with the recruitment of FKUB members is in regards to Article 10 paragraph 3 which stated that the composition of FKUB in a province and district/city is determined based on the comparison of the local's religions with representation of at least 1 (one) person of any religion that exist in that province and district/city.

According to the author, it is obviously going to bring up the differences between the majority and minority. The meeting of the majority and the minority, at the ideal level would produce a compromise. In this case, the principle of a compromise is a settlement of the problem (conflict) by means of a norm that is not entirely in accordance with the interests of either party, and also not entirely in the contrary to the interests of other parties. With such a trend, it needs a more democratic approach to the creation of the compromise.¹²

However, the problem is that if a compromise is not created because of the dominance of the majority, therefore there is no guarantee of equality between religious communities in making a deal to create religious harmony. This leads to a forced religious harmony. Religious harmony should be built by the collective consciousness in accordance with Constitution of Indonesia 1945, which guarantees equality among

¹² HM. Thalbah, *Teori Demokrasi dalam Wacana Ketatanegaraan Perspektif Pemikiran Hans Kelsen*, Jurnal Hukum No. 3 Vol. 16 July 2009, p. 417.

the followers of religions that exist regardless of the majority and minority status.

3. Establishment of Places of Worship

Regulations for the establishment of places of worship are also one of the mandates from PBM 2006. Until today, the issue about the rules on the establishment of places of worship still exists up to the most delicate issues and potentially disrupts religious harmony in Indonesia.

Looking at this problem, Paulus Tasik Galle from Ministry of Religious Affairs PKUB stated that the issue about places of worship must be solved. The issue about places of worship cannot be interpreted as a prohibition in worship. But the issue is about the establishment of places of worship. This of course shows different problems between to worship and to establish places of worship. Furthermore, Paulus Tasik Galle also said that the problem exists because the people do not know each other and the places of worship of each religion. This has become a source of conflict in the society. One example is the Moslems do not know about the church, the Christians do not know what a mosque is. Multicultural education for our nation is very weak. The public does not know the characteristics of each religion, which also has denominations in it. This problem is because we have never given a comparative study of religions, so we do not know each other between the religions.

Table 2. Total of Places of Worship in Indonesia in 2013¹³

No	Province	Mosque* Islam	Church Christian	Church Catholic	Temple* Hindi	Monastery** Buddhist	Confucius Temple Confucianism	Total
1	Aceh	6.137	171	17	2	15	1	6.343
2	Sumatera Utara	11.932	12.235	2.289	67	370	135	27.028
3	Sumatera Barat	6.567	256	127	1	7	1	6.959
4	Riau	6.777	1.237	186	9	250	27	8.486
5	Jambi	4.103	301	50	3	32	29	4.518
6	Sumatera Selatan	10.039	545	175	105	96	1	10.961
7	Bengkulu	2.321	106	16	55	11	12	2.521

¹³ Puslitbang Kehidupan Keagamaan, *Laporan Tahunan Kehidupan Keagamaan di Indonesia Tahun 2013*, Ed. II, April 2014, Jakarta, p 14.

No	Province	Mosque*	Church Christia	Churc h Catholi	Temple* Hindi	Monastery** Buddhist	Confucius Temple Confucianis	Total
8	Lampung	1.514	816	320	540	88	26	11.991
9	Bangka Belitung	1.514	161	60	14	74	113	1.936
10	Kepulauan Riau	1.853	397	72	4	178	22	2.526
11	DKI Jakarta	11.405	1.064	80	23	363	5	12.940
12	Jawa Barat	58.080	698	48	35	186	38	59.085
13	Jawa Tengah	43.981	3.073	116	167	564	38	47.939
14	DI Yogyakarta	4.421	191	59	35	24	2	4.732
15	Jawa Timur	50.222	2.587	70	365	180	30	53.454
16	Banten	13.998	798	14	12	83	9	14.914
17	Bali	723	247	51	21.428	48	19	22.516
18	Nusa Tenggara Barat	6.037	87	17	405	49	1	6.596
19	Nusa Tenggara Timur	590	5.181	1.684	28	-	-	7.483
20	Kalimantan Barat	3.620	2.914	577	18	431	112	7.672
21	Kalimantan Tengah	2.286	1.570	197	335	6	2	4.396
22	Kalimantan Selatan	4.876	147	9	170	25	3	5.230
23	Kalimantan Timur	4.219	1.884	378	45	41	4	6.571
24	Sulawesi Utara	976	6.068	105	74	30	6	7.259
25	Sulawesi Tengah	2.848	1.565	148	273	15	-	4.849
26	Sulawesi Selatan	10.014	2.096	191	255	38	5	12.599
27	Sulawesi Tenggara	3.236	264	56	220	9	1	3.786
28	Gorontalo	1.781	136	20	5	4	2	1.948
29	Sulawesi Barat	2.018	887	133	43	3	1	3.085
30	Maluku	1.079	2.252	291	16	7	2	3.647
31	Maluku Utara	1.072	834	47	12	1	1	1.967
32	Papua Barat	497	2.080	212	10	5	-	2.804
33	Papua	626	8.948	92	27	13	1	9.707
Total		289.951	61.796	7.907	24.801	3.342	651	388.448
%		74,64%	15,91%	2,04%	6,38%	0,86%	0,17%	100,00%

Notes: * does not include langgar and mushola, ** does not include sanggah, *** does not include cetya

Source: PINMAS Ministry of Religious Affairs, 2013.

From the data of religions and the number of places of worship, we can formulate the ratio on the use of places of worship by the respective religion. It can indicate the level of fulfillment of religion against the number of places of worship for each religion.

Table 3. Ratio/Comparison between Total of Places of Worship and Its Users¹⁴

Religion	Islam	Christian	Catholic	Hindi	Buddhist	Confucianism
	207.176.162	16.528.513	6.907.873	4.012.116	1.703.254	117.091

¹⁴ *Ibid.*, p 15.

Number of Citizens						
Number of places of worship	289.951	61.796	7.907	24.801	3.342	651
Ratio	1 : 715	1 : 267	1 : 874	1 : 162	1 : 510	1 : 180

Notes: The data of number of citizens was taken from the Results of Census BPS 2010, while the data on the number of places of worship was taken from PINMAS 2013.

From the table above it appears that all religions have gained fulfillment of the number of places of worship, though in varying ratios. 715 Muslims, for example, in average use one mosque,, while the Christian church serves 267 Christians, and one temple used by 162 Hindoo. And so on.

However, there are differences in the use of the places of worship by religious communities. In Islam, a mosque can be used and can serve any Muslims. While for the Christian Protestant religion, the church serves people who are registered as members/same denomination, and can not be used by other denominations. As a result, in some districts, for example, it is possible to have many denominational churches because of its diversity.

Paulus Tasik Galle mentioned that the issue of the construction of places of worship cannot be only seen as affecting just one religion, but almost all religions in Indonesia are experiencing similar problems. But the cases that most afflict many are related to the construction of church, such as in West Java. However, there are also cases about mosques (as in Manokwari, Bali and Kupang) and also a temple. That means the issue on places of worship does not only affect one religion (only Christians).

In Bekasi City, Dian Hariani, Kesbangpolinmas, Bekasi Municipality said that prior to the establishment of places of worship permit from the Mayor, Kesbangpolinmas will give considerations to the discharge of permit. Mechanism of considerations given by Kesbangpolinmas: firstly, verified by villages, secondly, given a letter from the village, which was also noted by the district head.

Thirdly, proceed to the Regional Office of the Ministry of Religious Affairs in Bekasi City, and to issue a recommendation. *Fourthly*, issuing of FKUB recommendation. *Fifth*, Kesbangpolinmas will check to the field on whether the field conditions is conducive or not and what the administrative requirements that are to be completed yet. Afterwards

Kesbangpolinmas issued a judgment for the Mayor to issue an establishment permit for the places of worship.

On the issue of the establishment of places of worship, Dian Hariani mentioned that in Bekasi City as a port of entry, there is an opportunity to create a conflict between local residents and migrants. The most widespread conflict is a religious conflict. This is because, *firstly*, the influence of public figures to the locals is still very strong. *Secondly*, the immigrants are who lack of understanding of the community culture in Bekasi. *Thirdly*, there is lack of socialization of PBM 2006, which led to inequality PBM 2006 implementation.

Dian Hariani gave an example of this inequality view on the implementation of PBM 2006 between the Bekasi City Government and committee of the establishment of places of worship. One of them is about the duty of Bekasi City Government in facilitating if there are problems in the process of the construction of places of worship. In PBM 2006, Article 17, stated that the local government facilitates the provision of a new location for establishing places of worship that has had their IMB displaced due to changes in spatial plans.

Bekasi City Government interprets the word "facilitating" as to find alternative location, not buying the land on behalf of a party. While the desire of the founding committee of the places of worship, interprets the word "facilitating" as that the land is bought by the Local Government. Finally, when there is no common view then the Local Government is considered as violating PBM 2006.

Furthermore, *fourthly*, there is an issue on administrative requirements for the establishment of places of worship. The issue of administrative requirements will usually bring up the problems that led to a conflict in the future. As written in the PBM 2006, Article 14, paragraph 2 (a) List of the names and citizen ID of the user of the place of worship of at least 90 people authorized by the local authorities in accordance with the level of boundaries and (b) Support from local community of at least 60 people authorized by the village chief / village head.

According to Dian Hariani, there are often prevalent problems on the field. Problems that are found are; *firstly*, many people who are bribed to get support to gain support. *Secondly*, the people do not recognize the given support. *Thirdly*, the establishment permit is complete but later protested by the public through demonstration and intimidation.

For the latter problem, Dian said, usually the people who do the demonstration came from outside the region. They join the demonstration and then the people around the region that had already

allowed the establishment of the place of worship changed their mind because of this pressure. However, not all places of worship (especially churches) in Bekasi are problematic; there is a church that has existed for tens of years and there are no problems with the local residents. This is due to good communication, understanding the culture, and understanding the existing rules, so these problems can be avoided. This is particularly important, given the problems of the church in Bekasi also often politicized both from outside and inside the Bekasi City itself.

In line with the experience in Bekasi, Paulus Tasik Galle from Ministry of Religious Affairs PKUB, said one of the problems of rejection on the establishment of places of worship is lack of communication or relationship with the community leaders and surrounding communities. There is a case in Bogor, where there is a Catholic church that has obtained their recommendation, and they are asked whether they are familiar with its FKUB chairman? Turns out that the establishment committee are not familiar with their head of FKUB. This indicates that they do not maintain a relationship with the local community. No wonders there are difficulties. Then Paulus also cited a case in Ciketing, where there was actually no question of banning worship, but the problem is a problem of communication. There is one person who Paulus met said that they did not like the arrogance and the absence of a relationship.

Romo Benny Susetyo said the spirit of PBM 2006 was a compromise from the assemblies of scholars. If we look at the problems in Articles 13 and 14 on those requirements it should be from people from the surrounding village or district and up to the level of a district and a province. If the requirements of 90 people have not been met they can apply for a temporary permit for two years. The requirement of 60 people was not absolute. Then there is a government's obligation to provide the facilities, but they never did it. There is a temporary permit, and a mechanism to obtain it. However, all was not going well. So if PBM is not being complied to, then its existence becomes useless.

Furthermore, conflict resolution on the establishment of places of worship also still becomes the factor to impeding the implementation of PBM 2006. Paulus Tasik Galle from Ministry of Religious Affairs PKUB said that conflict resolution should be conducted through a discussion with an objective view at the issue. If there is a case, Ministry of Religious Affairs will firstly be looking for information from regional offices and the head of FKUB. In conflict resolution according the PBM it is recommended to go through with a discussion for a consensus and if not finished by going through the court.

Seeing this problem, Romo Benny Susetyo said that the conflict on the establishment of places of worship is because there is no credible figure to solve this problem. FKUB cannot even solve the problem. FKUB supposed to solve this problem by finding a consensus. However, many FKUB administrators become a part of the conflict, for example a case where the board of FKUB provoked to close a place of worship, such as in West Java. According to Romo Benny, the government must play a role, such as providing facilities, in accordance with the spatial plan. However, the most important thing is the firmness and compliance in applying PBM 2006.

Romo Benny added that most of the heads of regions when faced with mass actions did not dare to uphold the constitution. Today, many heads of regions do not obey the constitution. They are more subject to the people pressure in the name of religion, so that they become subjective. So it is still difficult to uphold the constitution. The society itself is easily provoked because there is no figure or figures as role model, so they are easily provoked. This is because the people are not getting the education on diversity.

The author thinks that the policies related to the establishment of places of worship are still loaded with discriminatory practices. When it should be a form of public service, policies on the establishment of places of worship should be non-discriminatory. It is intended by the theory of democracy, which guarantees the equality of citizens without differentiating their origins, races, cultures, religions, and political parties. This means that every citizen is treated equally when dealing with public bureaucracy in receiving the services as long as the requirements are met.¹⁵

Discriminatory practice in policies of the construction of places of worship, among others, is caused by the lack of understanding of the diversity on both of the executive apparatus and in the community. It also led to mutual suspicion between religious communities in our society and posed a threat to the diversity of this nation.

Recommendations

1) Encouraging Ratification of Religious Protection Bill

The rise of violent cases with religious backgrounds requires serious attention from the government and parliament. Implementation of the PBM 2006 felt less effective, requiring an upgrade of its legal status to

¹⁵ *Ibid.*, Dwiyanto, Agus (Ed).

become law. Religious Protection Bill that was initiated by the government is expected to answer the problems that developed at this time. The bill is expected to provide a clear legal basis for both central and local government to regulate religious harmony (especially regarding rules on the construction of places of worship) with non-discriminatory manner.

2) Urging the Government to Enforce the Law

We need to urge the government to strictly enforce the law in accordance with the principles of fairness, diversity, and equality. Law enforcement aimed at anyone who commits an offense regardless of their religions and beliefs. There should also be firmness against intolerant groups who commit violence in the name of religion.

3) Improving Socialization of Related Legislation

Improve socialization of PBM to the structure of the lower level (the level of RT and RW), so that people can understand PBM 2006. Socialization is also needed massively to the bottom of the local government apparatus as in the Subdistrict/Village, District, as well as law enforcement agencies (such as police and prosecutor), so it has a similar understanding related to PBM 2006. The government is also expected to make an effective message dissemination method (in this case the content of PBM 2006), which is to be delivered to the people.

4) Encouraging Multicultural Education

Indonesia is a diverse nation, composed of various ethnicities, religious, racial, and culture. Therefore, it is important to provide education that respects and upholds the diversity of culture, ethnicity, race and religion. Respect and appreciation as such is an attitude that is very important to be spread out to the bureaucratic apparatus, religious leaders, and the public especially the younger generation.

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