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Submission date: 18-Jan-2023 01:20AM (UTC+0700)

Submission ID: 1994269201

File name: licy_for_the_Establishment_of_Houses_of_Worship_in_Indonesia.pdf (344.69K)

Word count: 6042

Character count: 33383

Deconstruction of the Policy for the Establishment of Houses of Worship in Indonesia

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Received: 2022-11-25; Accepted: 2022-12-20; Published: 2022-08-29

Abstract: This study examines the conflict in establishing houses of worship in Indonesia and the problems faced with PBM policies No. 9 and 8 of 2006. This research is purely a literature study using a qualitative approach. The government guarantees freedom of religion and performs worship according to their religion. Unfortunately, in PBM Numbers 13 and 8 of 2006, the policy of establishing houses of worship in its implementation takes work. The problem of establishing places of worship occurs due to the government's need for more socialization with the public regarding policies for the establishment of houses of worship, bureaucratic policies that tend to be discriminatory, and local religious leaders. Its are not involved in Such policies can potentially lead to the dualism of authority, unclear policies can lead to multiple interpretations, and in the perspective of human rights, these policies ignore human rights. Therefore, the government needs to reorganize or deconstruct the policy for establishing houses of worship in PBM Numbers 9 and 8 of 2006 so that there will be no conflict over establishing places of worship in the future.

Keywords: Government policy; home of worship; PBM Number 9 and 8 of 2006.

Abstrak: Penelitian ini mengkaji konflik pendirian rumah ibadah di Indonesia dan permasalahan yang dihadapi dalam pendirian rumah ibadah dengan adanya kebijakan PBM Nomor 9 dan 8 Tahun 2006. Penelitian ini terdiri dari studi kepustakaan dengan menggunakan pendekatan kualitatif. Pemerintah menjamin kebebasan beragama dan menjalankan ibadah sesuai agama yang dianutnya. Sayangnya, dalam PBM Nomor 9 dan 8 Tahun 2006 kebijakan pendirian rumah ibadah dalam implementasinya tidaklah mudah, permasalahan pendirian rumah ibadah terjadi disebabkan kurangnya pemerintah dalam melakukan sosialisasi kepada masyarakat terkait kebijakan pendirian rumah ibadah, kebijakan yang birokratis cenderung diskriminatif, tidak dilibatkannya tokoh agama setempat dalam kebijakan tersebut sehingga dapat berpotensi menimbulkan dualisme otoritas, kebijakan yang kurang jelas dapat menimbulkan multitafsir, dan dalam perspektif HAM kebijakan tersebut mengabaikan hak asasi manusia. Oleh karena itu, pemerintah perlu melakukan tata ulang atau dekonstruksi terhadap kebijakan pendirian rumah ibadah dalam PBM Nomor 9 dan 8 Tahun 2006 agar tidak terjadinya konflik pendirian rumah ibadah dikemudian hari.

Kata Kunci: PBM No. 9 dan 8 Tahun 2006; rumah ibadah; Kebijakan Pemerintah.

²¹ 1. Introduction

Indonesia is a heterogeneous country consisting of various tribes, cultures, customs, and religions. The diversity of Indonesian society is reflected in the motto *Bhinneka Tunggal Ika* in Pancasila; in Indonesia, there are six religions recognized by the government, namely Islam, Christianity, Catholicism, Hinduism, Buddhism, and Confucianism. Interreligious relations are one of the essential themes in every religion. The birth of faith is always in debate with the previous religion (R. Ahmad, 2016; Lövheim & Lynch, 2011; Lund, 2017). Religious differences happen naturally, so people with different backgrounds should mingle. Humans as social beings are a nature that must be

carried out responsibly, live side by side, and love one another, not the other way around to conflict with each other because humans are created with a mind that can distinguish good and bad things.

However, in practice, humans often ignore nature as social beings, so what dominates in people's thinking is the notion of self or individualism, which, within certain limits, can lead to truth claims and salvation claims. In turn, it can ravage the joints of human life due to conflict. One of the potential divisions or conflicts between religious adherents is the establishment of houses of worship (Adawiyah, 2015; Afandi & Zulkifli, 2021; Ansor, 2016; Romdi, 2014). Even though the government has guaranteed freedom of religion to its people, including in the establishment of houses of worship for religious people.

The occurrence of conflicts in the establishment of houses of worship was one of the causes of the strengthening of a sense of individuality or egoism. Which culminated in people who felt that their religion was the majority, for example, the dispute over the establishment of the Bethel Indonesia Church in Pamulang District, South Tangerang City, Banten Province. Which was established in the middle people of other religions who feared apostasy (Asry, 2012), then in 2010 there was a dispute over the establishment of the Al-Mawaddah Mosque, Jayapura Regency, Papua Province, which was established amid a Christian community (H. Ahmad, 2012). At the end of 2021, there was also a rejection of the establishment of a church in the Lakarsantri Subdistrict, Surabaya City, by a group of residents and several mass organizations (Gunawan, 2021).

The cases surrounding places of worship above are just a few examples of the many issues in Indonesia. Cases of building houses of worship often happen along with the dynamics of religious life in the plurality of Indonesian society. Symbolically, a place of worship also shows a particular religious community's presence in contesting religious demography in that area. Religious intolerance is often accused of being the cause of disputes or objections related to the construction of houses of worship and not being able to accept the presence of places of worship of other religious communities in the vicinity (Ekanem & Ekefre, 2013; George, 2014; Ngwoke & Ituma, 2020).

It gives the potential for disruption of inter-religious harmony caused by problems with the construction of houses of worship. The government plays a vital role as a policy maker by carrying out its duties to maintain peace and public order by making regulations Joint Minister of Religion and Minister of Home Affairs Regulation Number 9 and 8 of 2006, dated March 21, 2006. It concerns Guidelines for the Implementation of Regional Heads/Deputy Regional Heads in Maintaining Religious Harmony, Empowering Religious Harmony Forums (FKUB) and Establishing Houses of Worship signed by Minister of Religion Muhammad Maftuh Basyuni and Minister of Home Affairs Moh. Ma'ruf. For this reason, in the realm of policy, it is essential to see the fulfilment of the conditions as stipulated, namely related to administrative, technical, and unique requirements.

Majority-minority religious relations have yet to be effective and efficient (Putra & Wagner, 2017; Ruane, 2006; Yang & Ebaugh, 2001). It is evidenced by conflicts over houses of worship in several areas. Openness between religious adherents is still hindered by suspicion in knitting religious differences, especially in the construction of places of worship (Zada, 2014). PBM Numbers 9 and 8 of 2006 are the government's efforts to create a harmonious community life (Farida, 2017; Noorbani, 2015; Wahab, 2015). However, the policies for building houses of worship that have been regulated in PBM Numbers 9 and 8 of 2006 experienced many obstacles. They impacted their implementation, and there needed to be more relevant institutions' involvement and stakeholders in constructing these places of worship. It must be admitted that PBM has several weaknesses, making it very difficult for certain groups to build houses of worship. So that in this case, writing offers a change or deconstruction of the policy for building places of worship in PBM Numbers 9 and 8 of 2006.

The issue of building houses of worship has also become a topic of discussion among academics and has been extensively researched before. Binsar A. Hutabarat has carried out previous research with the results of a study that PBM Numbers 9 and 8 of 2006 concerning the Establishment of Houses of Worship. It is not yet the model for formulating two policies in a democratic country, which results in their implementation, not the expected goals. It can hurt harmony between religions in Indonesia (Hutabarat, 2017). Furthermore, research by Edmond Leonardo Siahaan explains that the

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Regulations for the Establishment of Houses of Worship which contain procedures for establishment 2
constitute state discrimination against minorities in Indonesia. Furthermore, a strict definition of
Houses of Worship is in PBM Numbers 9 and 8 of 2006 so that they do not cause multiple
interpretations and lead to pro-long cons (Siahaan, 2020). Then, the research states that in practice, the
establishment of houses of worship in Indonesia is rigid, even though freedom of religion is
inseparable from houses of worship, and carrying out their worship from a human rights perspective
is a human right (Johanis, 2014).

Some of the studies above are on places of worship with different focuses. In this study, the
authors offer the government to rearrange (deconstruction) PBM Numbers 9 and 8 of 2006. It is
because PBM Numbers 9 and 8 of 2006 has many shortcomings on various sides that have the
potential to cause conflict between religious believers. This research focuses on studying the problem
of the construction of places of worship in Indonesia and the problems encountered in the
construction of places of worship related to PBM policies No. 9 and 8 of 2006.

2. Research Methods

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The method used in this research is a literature study with a qualitative approach. This type of
literature study is an analysis of regulatory texts. The primary source of the literature study used is
the Joint Regulations of the Minister of Religion and the Minister of Home Affairs Number 9 and 8 of
2006, which are accompanied by secondary and tertiary sources consisting of books, journals, news,
and reports that support them. A literature study using PBM Numbers 9 and 8 of 2006 is needed to
analyze the text and context the regulation creates after its issuing it. This method is used to see the
law's impact on majority-minority and domination-subordination relations. The collected data were
analyzed using a phenomenological and sociological perspective to answer the interfaith dynamics in
the construction of houses of worship in various regions in Indonesia and the need to rearrange or
deconstruct the Policy for the Establishment of Houses of Worship.

3. Discussion and Research Results

The discourse on the study of religions in Indonesia is an important theme that has no end; the
dynamics of religion in Indonesia are a unique attraction in academic studies. Indonesia consists of
various tribes, religions, cultures, and customs united by Pancasila's ideology. However, the conflicts
that occur are currently motivated by differences, including differences in religion. Interreligious
conflicts often arise due to mutual suspicion that the existence of other faiths can compete with the
belief they embrace. It is usually felt by followers of minority religions in an area.

Interreligious conflicts are still common today. For example, the dispute over the establishment
of the Bethel Indonesia Church in Pamulang District, South Tangerang City, Banten Province, which
members of other religions established, is feared to have led to apostasy (Asry, 2012). In 2010 there
was a dispute over the establishment of the Al-Mawaddah Mosque, Jayapura Regency, Papua
Province. Which was established amid a Christian community (muchtar) rejection of the
establishment of a place of worship for the Pentecostal Church in Indonesia (GPdI) in Sumedang
(Ruswanda, 2017) at the end of 2021. A group of residents and several mass organizations also
rejected the establishment of a church in the Lakarsantri Subdistrict, Surabaya City (Gunawan, 2021).
Conflicts over the construction of places of worship still occur today. Sofjan said that conflicts over
places of worship have contributed to increasing intolerance in Indonesia for decades. The three
leading causes of conflicts over places of worship are the complex and bureaucratic requests for
permits from local authorities, the illegal holding of worship in public facilities, and the local
community's refusal to build houses of worship for adherents of other religions (Sofjan, 2016).

The leading cause of the conflicts over places of worship mentioned above is government
policies aimed at increasing harmony between religious adherents, which have multiple
interpretations, are bureaucratic, and tend to be discriminatory. Therefore, the policy on building
houses of worship should be reorganized (deconstructed) on this policy so that the goal of increasing
inter-religious harmony is genuinely realized.

Definition of House of Worship

Religion in human life is a universal element. Every human being on earth is almost familiar with the existence of religion. Religion is very closely related to human belief in supernatural beliefs. This belief is then manifested in various forms of symbols and also in multiple activities. In addition, religion is then able to move the human mindset, can control human behavior, and is also able to change human life.

Religion is closely related to houses of worship. It is because the emergence of houses of worship is due to the presence of faith in human life. PBM No. 9 and 8 of 2006 define a house of prayer as a building with specific characteristics that are specifically used for worship for followers of each religion permanently, not including family places of worship (PKUB Kemenag, 2015), explained more clearly that houses of worship are essential religious facilities for adherents of religions in a particular place. Apart from functioning as a place for broadcasting religion and as a place for worship, a house of worship is also a symbol of the existence of religious adherents (Hakim & Isre, 2004).

Furthermore, ideally according to M. Ridwan Lubis, a house of worship is a place where every religious adherent gets the feel of a peaceful and harmonious life. Because a house of worship is the area of everyone's life to get closer to God and escape worldly life's pressures (H. Ahmad, 2012). Meanwhile, according to Machasin, a house of worship for each religion is a place or even a center for religious, social, and cultural ritual activities. Meanwhile, a house of worship or a church in a Christian sense is defined as, first, a Christian community or association. Second, an assembly or meeting of Christian worship. Third, sects (sects) or denominations within Christianity. Fourth, the institution (administrative) of a Christian sect. Finally, a Christian "house of worship" where people can pray or worship (Atmaja, 2009). Therefore, a house of worship is necessary for every religion (Machasin, 2012). Based on some of the definitions above, a house of worship is a place where religious people carry out worship and religious rituals, individually and in groups (jama'ah). Houses of worship also have social functions such as holding religious meetings, as a place for celebrating religious holidays, and as a place for religious studies for its adherents.

Policy on the Establishment of Houses of Worship in Indonesia

Tolerance and harmony between religious adherents have always been the focus of the government's attention. Policies and various efforts continue to be implemented by the government to manage interfaith relations. It is in order to create dynamic and stable tolerance, peace, and harmony (Ismail, 2014, hlm. 40). Ironically, what is happening is that the potential for inter-religious conflict escalates. Alternatively, it at least continues to exist in line with the government's efforts to increase harmony and harmony in the social life of religious communities (Hayat, 2013).

The government's efforts to improve harmony and harmony in inter-religious life by establishing religious policies. What is meant by religious policies are all the treatment and practices of the state or apparatus towards religious communities, religious beliefs, or religious symbolism in particular nation-states based on a determined legal system. It is about the policies or actions of government agencies in recognizing, managing, and carrying out spiritual life as part of service in the administration of good governance (Rahmat, 2017).

The policy of establishing houses of worship was one of the government's policies in increasing the harmony of life among religious adherents, in 1969 the government, through the Minister of Home Affairs (Mendagri) and the Minister of Religion (Menag), issued a Joint Decree (SKB) Number 01/Ber/Mdn-Mag/1969. The critical content of the decree is about procedures for building houses of worship. The SKB is motivated by phenomena and cases in the field, namely the construction of several churches in Muslim-majority areas, which have caused sporadic conflicts on the outskirts of Jakarta. This SKB is, of course, the guideline and rule of the game for all religious communities in planning the construction of houses of worship (Ismail, 2014).

In line with the implementation of regional autonomy, SKB Number 01/Ber/Mdn-Mag/1969 was revoked and replaced with the Joint Regulation of the Minister of Religion and Minister of Home Affairs Number 9 of 2006, dated March 21, 2006, concerning Guidelines for the Implementation of the Duties of Regional Heads/Deputy Regional Heads in Maintaining Harmony Religious Community, Empowerment of Inter-Religious Harmony Forum (FKUB) and Establishment of Houses of Worship. This regulation was signed by Minister of Religion Muhammad Maftuh Basyuni and Minister of Home Affairs Moh. Ma'ruf is still valid today (PKUB Kemenag, 2015).

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Freedom of religion is a principle adhered to by the Indonesian state. At the same time, the constitutional basis regarding the right to religious life for each resident (citizen) is contained in Article 29, paragraph 2 as follows: The state guarantees the independence of each resident to embrace their religion and to worship according to their faith and beliefs. Article 29 is an original article since the ratification of the 1945 Constitution, so freedom of faith can be said to be the idea of the founding fathers of the Republic of Indonesia (Mubarok, 2016).

A house of worship for adherents of religion is a place to obtain peace of life and harmony of life and, simultaneously, a holy (sacred) place, both about God and fellow human beings. However, it sometimes encounters difficulties and obstacles in implementing and establishing or revitalizing and implementing its functions. Cases occurred due to rejection by the community, closure, and control by the government (Asry, 2012). Rejecting, controlling. Closing houses of worship is very much against the principle of freedom of religion because apart from its function as a place to serve His God. every religious community certainly wants a house of worship that can be reached not far from the area where they live. Let alone the rejection, what happens is often unfounded, simply because religious minorities whose existence is considered a threat to the future of the more majority religious community.

The main problems of democracy in the Indonesian context are the majority and minorities; religious minorities are often marginalized and only considered complementary in people's lives (Hikmawan, 2017). The state guarantees equal rights as citizens. Discrimination and religious intolerance recently strengthened in Indonesia can occur for various reasons. It can occur due to social problems, cultural friction, or. However, one thing that is rarely noticed is that intolerance is often triggered by laws and policies issued by the government (Assyaukanie, 2018).

The challenges and dynamics of building houses of worship are faced with discrimination in decisions made by the government. Several incidents of rejection and destruction of places of worship are facts of the height of acts of intolerance in Indonesia. Although PBM Numbers 9 and 8 of 2006 are intended to advocate for one of them, the establishment of houses of worship is instead used as a tool of legitimacy to limit religious freedom. This policy has triggered inter-religious conflict in establishing places of worship in Indonesia (Afandi & Zulkifli, 2021).

PBM Numbers 9 and 8 of 2006 have the potential to cause conflicts in the construction of houses of worship because there are points in several articles that are considered not firm. Hence, they lead to multiple interpretations of understanding. Some points discriminate against adherents of minority religions in an area, and still much more (PKUB Kemenag, 2015). Hence the importance of efforts to deconstruct the policy of building houses of worship in PBM Numbers 9 and 8 of 2006 so that the government's goal of creating a life of harmony amid a pluralistic Indonesian society can be realized.

One of the reasons for the conflict over the construction of houses of worship in various regions in Indonesia is that the public needs to understand PBM Numbers 9 and 8 of 2006, even though this policy existed more or less 15 years ago. It is due to the lack of dissemination of PBM Numbers 9 and 8 of 2006 by the government to religious leaders, and the community, especially in rural communities. Socialization of PBM Numbers 9 and 8 of 2006 can be carried out by religious instructors under the Ministry of Religion at the sub-district level to conduct counseling or outreach in sub-districts or villages.

In addition to socialization by religious instructors, it is better to teach an understanding of the equal rights of religious adherents, including the construction of houses of worship from an early age in educational institutions. It is because the issue of establishing a place of prayer and the problem of considering one's religion to be the truest is often one package that cannot be separated. Therefore the need for a moderate understanding and understanding of the right to faith and worship can be taught in schools and madrasas because educational institutions are the most appropriate place to transfer. Alternatively, instill values in students who will later become the nation's successors. It will be better if in the regulation the Joint Ministerial Regulation (PBM)/Joint Decree (SKB) also cooperates with the Ministry of Education and Culture so that in the future, it can be massively implemented in educational institutions.

The Ministry of Religion is actively strengthening religious moderation in educational institutions from the Madrasah Ibtidaiyah level to Higher Education (Irham, 2021). Religious moderation is a religious understanding of tolerance and differences between one religion and another. However, it cannot be denied that between these religions, there are often striking similarities (Ardiansyah, 2012). The dimension of the harmony of religious life. It is included in the universality of religious values, in essence, teaches a concern for humanity that is full of wisdom in seeing every problem faced by religious people. Therefore, even though people's beliefs are different, they can be reconciled to the reality of the teachings of every religion, which advocates for glorifying humans. Religious experts such as Nurcholish Madjid often refer to it as "kalimatun sawaa". Every religion has teachings like this (Hayat, 2013).

Developing tolerance, empathy, and sympathy is an essential requirement in a multi-religious environment (Baidhawiy, 2007). The importance of providing a moderate understanding in formal educational institutions. It is because the level and quality of religious understanding in society cannot be separated from religious education in formal institutions. After all, religious education is given at all levels of formal education, from elementary to tertiary levels. Thus, people who have attended formal education more or less have received touch, guidance, and religious education (Ismail, 2014). In addition, education is one of the essential facilities provided by the state to the people in order to promote the general welfare and educate the nation's life. Education is a vehicle for developing students' potential in various domains, including the religious and ethical domains (Mubarok, 2016). Strengthening religious moderation can also be used as a package in providing for students. With an understanding that the establishment of houses of worship is part of the freedom of religion that the government gives to every citizen.

Furthermore, the requirements for establishing a house of worship in PBM Numbers 9 and 8 of 2006 Article 14, that require a minimum number of users of a house of worship to be 90 people and supported by at least 60 local people (PKUB Kemenag, 2015). These requirements tend to and have the potential to discriminate against religious minorities. If these requirements are not met, there is the potential for the construction of houses of worship that are not licensed, which will impact broader conflicts within the community. So it is not uncommon for us to encounter religious minorities in an area. They must travel far away from their site if they want to worship. It is very far from guaranteeing freedom of religion and worship by the 1945 Constitution Article 29, paragraph 2. The requirements for establishing a house of prayer should be made about the urgency of the place of worship, not even referring to bureaucratic regulations.

Then, the implementation of the policy on building houses of worship in PBM No. 9 and 8 also 2006 has the potential for the dualism of authority, in this case, the government and local religious leaders. It is because PBM No. 9 and 8 of 2006 did not even involve local religious leaders where the house of worship was to be built, only FKUB at the district/city level (PKUB Kemenag, 2015). Those who understand and understand the local community's religious life are the village's religious leaders, so if only FKUB at the district/city level were involved, it would be inappropriate. It must be said that they represent something other than local religious leaders.

Disputes, contradictions, and disputes arise if the rules of the game or points regarding provisions and procedures for establishing a house of worship. Alternatively, the use of a non-house

of worship building as a place of worship does not meet the requirements or is violated by specific religious communities, causing reactions from religious groups other. However, in the implementation of the construction of places of worship, it is tough to avoid disputes, conflicts, and disagreements if the government's policy on the construction of places of worship. It has multiple interpretations and is discriminatory. There is the potential for inter-religious conflict to occur in the building of places of worship.

Governments tend to emphasize the positive aspects of their governance. In contrast, human rights defenders tend to be much more critical (Marshall, 2018). PBM Numbers 9 and 8 of 2006, from a human rights perspective. These are considered to violate human rights because freedom of religion, including worship according to the faith adhered to, is the right of every religious community; in this case, a house of prayer is where adherents of religion perform religious rituals as a form of servitude to His God. However, several regulations in PBM Numbers 9 and 8 of 2006 limit these rights.

All religions are treated the same before the state and in constructing places of worship. If one is assisted or not, the other is also the same. Do not let officials adhere to a particular religion. Adherents of other faiths or beliefs are discriminated against, which results in disharmonious interfaith life and can hinder development (Mas' udi, 2010). Conditions for ideal religious harmony in life manifested in mutual respect and cooperation between religious adherents play a massive role in building social integration and national unity. For this reason, it is necessary to deconstruct the policy of building houses that must be able to cover all religions. Moreover, be by the principles of freedom of religion and human rights increase the sense of security and peace in the community, increase social resilience in the community, strengthen a sense of nationality, increase national dignity, and increase a conducive atmosphere for the development of various fields.

4. Conclusion

Inter-religious relations have always been the focus of the government's attention in carrying out its duties to create a harmonious society amid a plural society. Conflicts between religious adherents caused by the construction of places of worship occur in several regions in Indonesia. The government has made various efforts and policies to guarantee freedom of religion in Indonesia, especially establishing houses of worship as stated in PBM Numbers 9 and 8 of 2006. The PBM aims to advocate for establishing places of worship but instead becomes a legitimate tool to limit religious freedom. Which can lead to conflict between religious adherents caused by government policies that are not widely socialized, tend to be discriminatory and bureaucratic, violate human rights, and lack firmness, giving rise to multiple interpretations. So it is necessary to deconstruct PBM Numbers 9 and 8 of 2009 so that the government's goal of guaranteeing religious life and creating a harmonious life can be realized. Furthermore, the government can concretely revise PBM Numbers 9 and 8 of 2009 or issue laws that are far more accommodating to freedom of religion by the mandate of the Constitution.

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