

Between Divinity and Liberty: Rethinking Religious Freedom under Indonesia's Constitution

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Abstract: This study examines the implementation of religious freedom in Indonesia through the lens of constitutionalism, focusing on the interpretive ambiguity between the foundational state principle of *Ketuhanan Yang Maha Esa* (Belief in the One and Only God) and the constitutional guarantee of religious freedom set out in Article 29(2) of the 1945 Constitution. This tension becomes particularly apparent when Article 28E, which affirms individual religious freedom, is curtailed by Article 28J, which allows the state to impose limitations on the public interest. Using a juridical-normative approach, this research investigates how *Ketuhanan Yang Maha Esa* is embedded within Indonesia's legal framework and how varying constitutional interpretations influence the realisation of religious freedom. The findings reveal that, although the 1945 Constitution formally guarantees religious freedom, its implementation is often obstructed by administrative requirements, such as the mandatory declaration of religion in official identification documents, that fall short of international human rights standards. The study argues that this inconsistency stems from restrictive legal interpretations and the lack of coherent implementation. It calls for a more inclusive and balanced interpretative framework that upholds both constitutional principles and international human rights norms. The study's key academic contribution lies in elucidating the complex relationship between *Ketuhanan Yang Maha Esa* and religious freedom, offering critical insights into the broader application of human rights within Indonesia's constitutional order.

Keywords: Constitutionalism; Freedom of Religion; Human Rights; *Ketuhanan Yang Maha Esa*.

1. Introduction

Indonesia, as a state founded on the philosophical basis of *Pancasila* (The Five Principles) (Chandranegara, 2014), recognises the central importance of the principle of *Ketuhanan Yang Maha Esa* (Belief in the One and Only God) in national and civic life (Nafisah & Dewi, 2024; Syafitri & Dewi, 2022). This principle is explicitly stated in the Preamble of the 1945 Constitution, which affirms that the independence and welfare of the Indonesian people must be grounded in Belief in the One and Only God. This concept is further articulated in Article 29(1) of the 1945 Constitution, which affirms that the Indonesian state is founded upon *Ketuhanan Yang Maha Esa*, and in Article 29(2), which guarantees every citizen the freedom to adhere to and practise their religion in accordance with their beliefs (Indonesia, 1945). These provisions reflect the state's commitment to religious freedom as an integral aspect of human rights (Santika & Fajrinur, 2022).

However, earlier research, including that done by Syafi'ie, identifies a significant ambiguity in the constitutional protection of religious freedom following the constitutional amendments, particularly in the relationship between Article 28E and Article 28J. Article 28E(1) and (2) explicitly guarantee every individual the right to follow and practise their religion and to uphold their beliefs according to their conscience. These guarantees reinforce that religious freedom is a non-derogable right, meaning a right that cannot be

revoked under any circumstances, as further affirmed in Article 28I(1). Yet this clarity is complicated by Article 28J(2), which allows for limitations on those rights in order to respect the rights and freedoms of others, and to meet requirements of morality, religious values, public order, and the security of a democratic society. These limitations create a degree of constitutional vagueness: while religious freedom is guaranteed, the potential for restrictions, especially those based on religious or moral grounds, opens the door to tighter or more selective regulation. According to Syafi'ie (2016), this ambiguity illustrates the lack of clarity in the constitutional framework surrounding human rights protection, particularly regarding freedom of religion, as it reveals an underlying tension between universally guaranteed rights and state-imposed limitations.

Constitutionalism, as explained by Jimly Asshiddiqie, offers a framework for understanding this tension. It refers to a system that regulates and limits government power through mutually agreed rules to ensure the protection of citizens' rights, including religious freedom. In Indonesia, this vision is embodied in Pancasila as the nation's filosofische grondslag (philosophical foundation), which incorporates both the principle of *Ketuhanan Yang Maha Esa* and the guarantee of religious freedom. Modern constitutionalism, as Asshiddiqie explains, requires consensus on shared national goals, the rule of law, and a clearly defined governmental structure. He emphasises that the essence of constitutionalism lies in a "general agreement". In his words, "if the general agreement collapses, the legitimacy of state power also collapses, ultimately leading to civil war" (Asshiddiqie, 2017).

Within the Indonesian context, constitutionalism has evolved as a national consensus around the state's foundational principles. This consensus provides the state with a legitimate basis to place certain limits on religious freedom, so long as such restrictions uphold the foundational values of *Ketuhanan Yang Maha Esa* and promote national unity and social harmony. Consequently, although religious freedom is formally protected by the Constitution, the state retains the authority to regulate this freedom in ways that align with the nation's philosophical and constitutional values. This regulatory authority, however, often manifests in a manner that leans towards majoritarian interests. As analysed by Lindsey and Pausacker (2021), while *Ketuhanan Yang Maha Esa* is philosophically intended to be inclusive, in Indonesia's legal and political reality, it is frequently operationalized to reinforce the dominance of the majority religion and restrict the religious expressions of minority groups and indigenous belief systems.

This study aims to contribute to a deeper understanding of how Indonesia balances individual rights with foundational state principles in the context of religious freedom. It addresses the legal ambiguity highlighted in previous research concerning the interpretation and application of constitutional guarantees of religious freedom. As Syafi'ie (2016) and other scholars have noted, tensions often arise between individual rights to religious belief and the limitations imposed by the state, frequently leading to conflicting interpretations. Accordingly, this research not only explores religious freedom as a fundamental human right but also examines how the principle of *Ketuhanan Yang Maha Esa* can continue to serve as the state's philosophical foundation without undermining the exercise of religious freedom. A more nuanced understanding of this relationship is vital for preserving harmony in Indonesia's pluralistic society and reinforcing the state's commitment to human rights, especially the freedom of religion, which remains a cornerstone of democratic citizenship and civic life.

2. Method

This study employs a juridical-normative approach, with a particular emphasis on doctrinal legal study, to explore the philosophical foundations of the First Principle of Pancasila in relation to religious freedom. The juridical-normative method focuses on the analysis of legal norms as found in legislation and other relevant legal documents, including the 1945 Constitution, Law No. 39 of 1999 on Human Rights, and international instruments such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR). However, given the study's focus on a deeper understanding of the principle of *Ketuhanan Yang Maha Esa* within Pancasila, the doctrinal legal approach is employed to examine the underlying legal and philosophical doctrines that inform this principle, particularly in the context of religious freedom.

The research relies on secondary data, comprising primary and secondary legal materials. Primary legal materials include binding legal norms and international human rights instruments, while secondary legal materials consist of commentaries on primary sources drawn from legal literature, prior research, and doctrinal writings relevant to the theme of religious freedom.

For data analysis, the study uses both descriptive and normative methods. The descriptive method serves to present in detail the data concerning the principle of *Ketuhanan Yang Maha Esa* and its relation to religious freedom. Meanwhile, the normative method is employed to conduct legal analysis based on existing Indonesian laws and relevant legal doctrines. This combined approach aims to offer a comprehensive understanding of the philosophical and normative dimensions of religious freedom within Indonesia's constitutional framework.

3. Discussion

3.1. Freedom of Religion in the 1945 Constitution

Since the early days of independence, Pancasila has been a political compromise that reflects the national aspirations and cultural-religious diversity of Indonesian society and has formed the ideological basis of the 1945 Constitution (Ismail, 2024). The formation of Indonesia's state principles is deeply rooted in the nation's historical journey and political dynamics, which have shaped the constitutional order. As the supreme legal framework, the 1945 Constitution has laid the groundwork for Indonesia's political and social transformation (Adnan, 2023). Fundamentally, the religious freedom in Indonesia requires a balance between cultural values, international human rights principles, and modern democratic aspirations (Bagir, Asfinawati, Suhadi, & Arianingtyas, 2020).

The principle of religion and human rights is reflected in the fourth paragraph of the Preamble to the 1945 Constitution, which also includes Pancasila (Indonesia, 1945): "And then, in order to form a nation Indonesian and to promote the general welfare, educate the nation, and contribute to the establishment of a world order based on freedom, lasting peace and social justice, the independence of Indonesia shall be laid down in a Constitution of the Republic of Indonesia, established as a sovereign state based on Belief in the One and Only God, Just and Civilized Humanity, The Unity of Indonesia, Democracy Guided by the Inner Wisdom in the Unanimity Arising from Deliberations Amongst Representatives, and Social Justice for the Entire People of Indonesia"

This paragraph carries philosophical, normative, and sociological meaning that underpins the nation's constitutional identity. It outlines the goals of the Indonesian state and reaffirms its commitment to core values. Moreover, Belief in the One and Only God serves as a spiritual foundation that integrates religious values into the life of the state.

Sastrapratedja interprets *Ketuhanan Yang Maha Esa* as a recognition of religious freedom, respect for followers of various religions, and the promotion of tolerance, creating conditions that enable individuals to exercise their freedom of religion (Sastrapratedja in Nurwardani et al., 2016). Article 29 of the 1945 Constitution provides a strong constitutional basis for religious principles and religious freedom. Article 29(1) declares that “the state is based on the Belief in the One and Only God” (1945), reaffirming the state’s spiritual and religious commitment as part of its philosophical foundation. This reflects the integration of religious values into the state system, consistent with the fourth paragraph of the Preamble and Sastrapratedja’s interpretation of *Ketuhanan Yang Maha Esa*. Article 29(2), which states, “the state guarantees the freedom of each citizen to embrace a religion and to worship according to their religion,” reinforces the constitutional right to religious freedom and belief. This aligns with the state’s obligation to protect this right from any form of restriction.

Section XA of the 1945 Constitution recognises the right to religious freedom as an integral part of human rights (Ramadhan & Faozi, 2023). Article 28E(1) states: “Every person shall be free to adhere to a religion and to worship according to their religion, to choose education and teaching, to choose occupation, to choose citizenship, and to choose a place to live within the territory of the state and to leave it, and shall have the right to return.” This article affirms multiple individual rights, including the freedom to practise religion, and expresses the constitutional embodiment of religious freedom. It also encompasses rights related to education, employment, nationality, and residence which illustrates broad individual autonomy in various domains of life (Agustinus, 2022).

Further, Article 28E(2) of the Constitution states: “Every person shall have the right to the freedom to believe in their convictions, to express thoughts and attitudes, in accordance with their conscience” (Indonesia, 1945). This provision expands the scope of individual freedom by protecting the right to hold beliefs and to express one’s thoughts and attitudes according to conscience (Naefi, 2021). It highlights freedom of thought and expression as fundamental rights, closely tied to religious freedom. This interpretation suggests that the Constitution not only protects the right to practise a chosen religion but also the right to form and articulate beliefs which demonstrating the state’s broader commitment to democracy and human rights.

However, the core challenge lies not in the constitutional text itself, which explicitly protects religious freedom, but in how its spirit is implemented in Indonesia’s social and political reality (Marzuki, 2019). Although Article 28E(1) affirms the freedom to follow and practise religion, and Article 28I(1) states that certain rights are non-derogable under any circumstances, practical implementation often reveals discrepancies between constitutional guarantees and what occurs on the ground. In many cases, the implementation of religious freedom in Indonesia is influenced by broader political and social interests, resulting in tensions between individual rights and state principles.

Mubarok (2016) believed the spirit of religious freedom through a historical lens, particularly during the drafting of Article 29 of the Constitution, which was shaped by compromise between nationalist and religious groups. Despite the majority of Indonesians being Muslim, the Constitution guarantees freedom of religion without restricting the rights of individuals to embrace any faith. This indicates that the constitutional spirit promotes freedom of religion and worship according to one’s beliefs, while implicitly restricting atheism or anti-religious propaganda, thereby limiting the freedom not to believe.

From this same historical perspective, the Indonesian Constitution affirms a commitment to pluralism by recognising and protecting the country’s religious diversity. For example, the phrase “to embrace religion and belief” in Article 29(2) demonstrates a

positive affirmation of religious freedom, guaranteeing every citizen the right to worship in accordance with their faith. This reflects the understanding that religious freedom in Indonesia goes beyond merely choosing a religion. It encompasses the right to worship in accordance with one's religious or spiritual beliefs. This interpretation was further strengthened by the amendment that introduced Article 28E(1) into the Constitution (Mubarok, 2016).

Jimly Asshiddiqie (2017) warns that such interpretations risk "falling into the trap of secularist logic, which seeks a strict separation between religious and state affairs," potentially undermining a holistic accommodation of religion in the public sphere. While many secular states advocate for this separation, in practice, most modern states, including those that identify as secular but remain engaged with religious matters. This occurs because state officials, as members of society, are themselves subject to prevailing social norms, including religious values. Countries such as the United States of America, the United Kingdom, Germany, France, and the Netherlands, though formally secular, have historically maintained various degrees of involvement with religion in public life (Asshiddiqie, 2017).

3.2. National and International Human Rights Instruments

The concept of freedom of religion can be effectively understood by examining how national and international human rights instruments define this freedom (Hasanuddin, 2017). National instruments such as Law No. 39 of 1999 on Human Rights and international instruments like the Universal Declaration of Human Rights (UDHR) and General Comment adopted by the Human Rights Committee on Article 18 of the International Covenant on Civil and Political Rights (ICCPR) offer key insights (Martin, 2006).

Article 22(1) of Indonesian Human Rights Law states: "Every person is free to embrace their respective religion and to worship according to their religion and belief" (Indonesia, 1999). This affirms the fundamental right of every individual to adopt a religion and practise their worship in line with their beliefs. According to Adam J. Fenton, this freedom includes two dimensions: first, internal freedom (*forum internum*), which is the right to choose, adopt, and hold beliefs without coercion; second, external freedom (*forum externum*), which is the right to express religious beliefs through worship, rituals, or other religious activities in both public and private settings (J. Fenton, 2016). Furthermore, Article 22(2) states, "The State guarantees the independence of each person to embrace their religion and belief," which affirms the role of the state as a protector of individual religious freedom and its responsibility in preventing and addressing intolerance and religion-based violence (Anwar, 2021).

This provision is in line with the Universal Declaration of Human Rights (UDHR), particularly Article 2 (United Nations, 1948): "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty".

Article 3 (United Nations, 1948): "Everyone has the right to life, liberty and the security of person" and Pasal 18, "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either

alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance”.

Those articles reaffirm that freedom of religion is inseparable from human dignity. Article 2 emphasises that everyone is entitled to rights and freedoms without discrimination based on religion or belief, signifying the inclusive nature of human rights principles. Article 3 provides a universal foundation for the right to life, liberty, and personal security, which includes protection from threats to religious freedom. Article 18 specifically guarantees freedom of thought, conscience, and religion-including the right to change religion or belief and to manifest it individually or collectively in public or private (United Nations, 1948). This interpretation confirms that religious freedom is not only an individual right but also a collective and transformative one, internationally recognised as part of the human rights framework (Bielefeldt, 2012). The UDHR also stresses the state's role in maintaining neutrality and tolerance to ensure these rights are not violated by either the state or society.

Article 18 of the UDHR is further elaborated in the ICCPR, Article 18 (United Nations General Assembly, 1966): (1) “Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.” (2) “No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.” (3) “Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.”

General Comment No. 22 of the Human Rights Committee reinforces that Article 18 of the ICCPR offers comprehensive protection of religious freedom by recognising both *forum internum* and *forum externum*, protecting the right to choose and practise one's beliefs privately and publicly (Bielefeldt, 2012). This includes the freedom to choose, adopt, and change one's religion or belief without coercion, as emphasised in paragraph 5 of the General Comment (Human Rights Committee, 1993):

“The Committee observes that the freedom to “have or to adopt” a religion or belief necessarily entails the freedom to choose a religion or belief, including the right to replace one's current religion or belief with another or to adopt atheistic views, as well as the right to retain one's religion or belief. Article 18.2 bars coercion that would impair the right to have or adopt a religion or belief, including the use of threat of physical force or penal sanctions to compel believers or non-believers to adhere to their religious beliefs and congregations, to recant their religion or belief or to convert. Policies or practices having the same intention or effect, such as, for example, those restricting access to education, medical care, employment or the rights guaranteed by article 25 and other provisions of the Covenant, are similarly inconsistent with article 18.2. The same protection is enjoyed by holders of all beliefs of a non-religious nature.”

This highlights that coercion includes legal and social pressure (Carpenter, 2017). The protection covers all beliefs whether theistic, non-theistic, or atheistic, without discrimination against traditional or newly established religions, as stated in paragraph 2 (Human Rights Committee, 1993):

“Article 18 protects theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief. The terms “belief” and “religion” are to be broadly construed. Article 18 is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions. The Committee therefore views with concern any tendency to discriminate against any religion

or belief for any reason, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility on the part of a predominant religious community.”

This paragraph underscores the importance of inclusivity in pluralistic societies (Rieffer-Flanagan, 2019). The Indonesian state's requirement for a belief system to be officially 'recognized' as a religion contradicts this inclusive spirit. As Gunn (2021) argues, the definition of 'religion' in international human rights law is intended to be functional and expansive, protecting theistic, non-theistic, and atheistic beliefs without requiring formal state endorsement. Indonesia's formalistic approach risks failing to protect individual and communal beliefs that are not institutionalized in a form recognized by the state. Furthermore, restrictions on manifesting beliefs must serve legitimate purposes such as public order or the rights of others, as explained in paragraph 3:

“Article 18 distinguishes the freedom of thought, conscience, religion or belief from the freedom to manifest religion or belief. It does not permit any limitations whatsoever on the freedom of thought and conscience or on the freedom to have or adopt a religion or belief of one's choice. These freedoms are protected unconditionally, as is the right of everyone to hold opinions without interference in article 19.1. In accordance with articles 18.2 and 17, no one can be compelled to reveal his thoughts or adherence to a religion or belief.”

Thus, any restriction must meet proportionality and legal prudence (Eltayeb, 2010). This affirms that coercion, through physical threat or denial of basic rights, is incompatible with Article 18, which is recognised as one of the non-derogable core rights (Little, 2001). The General Comment broadens the operational scope of Article 18 to ensure protection not only of internal belief but also its public manifestation (Smith, 1999).

It is therefore evident that religious freedom is clearly regulated. However, the main issue lies in how this freedom is interpreted, especially when faced with administrative constraints imposed by the state. For example, the electronic ID card (e-KTP) that requires a religion to be specified; for “unrecognised religions” or “belief adherents,” the field is left blank, but they are still served and recorded. This is seen as potentially limiting individuals' freedom to exercise their religious rights (Chitanava & Gavatadze, 2020; Fox & Finke, 2021), even though the regulations themselves affirm religious freedom. This interpretive tension is broadly reflected in the arguments presented by the applicant and the legal considerations of the Constitutional Court Decision No. 146/PUU-XXII/2024 (Constitutional Court, 2024).

In the applicant's arguments, first, the applicant defines religion as a belief system involving a “supreme other” (God or deities), worship practices, and ethical codes governing one's relationship with God, nature, and others. The term “belief adherent” refers to belief groups not among the six officially recognized religions. The applicant argues that even without formal religion, individuals have the right to adhere to a belief without being coerced into adopting an official religion. (2) The applicant stated that humans are essentially born without religion, as exemplified by infants, and that religious belief is a result of personal choice, not an innate condition. (3) They argue that individuals in transition when leaving a religion should be classified as non-religious and not be forced to declare a religious affiliation. (4) The applicant also claims there is no obligation to acknowledge God within a specific religion. They interpret *Ketuhanan Yang Maha Esa* as a broader concept not confined to any particular religion, arguing that Pancasila and the 1945 Constitution allow the freedom to choose or not to choose a religion. (5) Finally, the applicant argues that freedom of religion includes the right not to choose a religion, which is part of freedom of belief. Therefore, the state should not force individuals to select a particular religion or fill in the religion field in civil documents.

In the legal considerations of the Court, (1) the Constitutional Court considered the applicant's definition of religion to be subjective and not reflective of the broader societal consensus. The articles challenged relate to civil administration and religious classification in ID cards and family cards. The Court held that religious freedom does not equate to freedom to abstain from religion entirely, favoring a broader and more conventional interpretation involving recognized religions. (2) The Court acknowledged the applicant's view that non-religion is a natural condition but pointed out that the Constitution and the Indonesian legal system impose stricter requirements concerning religious status in civil records. The Constitution focuses on the right to adopt a religion or belief, not the right to be entirely non-religious. (3) The Court also recognized that individuals may be in a transitional religious phase but argued that the state still needs religious classification for administrative purposes. It deemed this not coercive, but an administrative requirement for public service and data management. (4) While recognizing the applicant's inclusive interpretation of *Ketuhanan Yang Maha Esa*, the Court maintained that the Indonesian state, based on this principle, still requires a declaration of belief in God within the framework of one of the officially recognized religions. Thus, despite acknowledging religious freedom, individuals are still required to choose from among the state-recognized religions for administrative purposes. (5) Lastly, the Court concluded that while religious freedom is constitutionally guaranteed, the interpretation of that freedom must accommodate the state's need for a clear administrative system. The requirement to declare a religion is not considered a constitutional violation, as the state has a duty to maintain effective population administration. Therefore, religious freedom does not eliminate administrative obligations such as declaring one's religion.

3.3. Problem of Interpretation and Implementation of Freedom of Religion from a Constitutionalism Perspective

Based on the foregoing discussion, it is evident that both national and international human rights instruments explicitly guarantee the right to freedom of religion, as enshrined in Article 22 of Law No. 39 of 1999, Article 28E of the 1945 Constitution, and international instruments such as the UDHR and the ICCPR (Fenton, 2016; Bielefeldt, 2012). However, the main issue does not lie in the normative formulations at the constitutional or legislative level, but rather in how these rights are interpreted and implemented. Those interpretations and implementations are often ambiguous, inconsistent, and in ways that fall short of international human rights standards (Nugroho & Madalina, 2020).

This ambiguity in the implementation of religious freedom is most apparent in the state's administrative practices, such as the requirement to fill in the religion column on civil identity documents. Constitutional Court Decision No. 146/PUU-XXII/2024 clearly illustrates how the constitutionally guaranteed freedom of religion is subject to restrictive administrative interpretations. The Court held that religious freedom does not include the liberty to abstain from choosing a state-recognised religion, arguing that the state's administrative system requires clarity of religious identity for the purpose of population data management. However, Law No. 24 of 2013, which amended Law No. 23 of 2006 on Population Administration, clearly states in Article 64 paragraphs (1) and (5) (Indonesia, 2013):

Paragraph (1): "The electronic ID card (KTP-el) includes the image of the Garuda Pancasila emblem and a map of the territory of the Unitary State of the Republic of Indonesia, and contains elements of personal data, namely: national identification number (NIK), name, place and date of birth, gender, religion, marital status, blood type, address,

occupation, nationality, passport photo, validity period, place and date of issuance of the ID card, and the holder's signature."

Paragraph (5): "The data element concerning religion as referred to in paragraph (1) for residents whose religion is not yet recognised under the law, or for adherents of indigenous belief systems (*penghayat kepercayaan*), is not to be filled in, but they shall still be served and recorded in the population database."

Another relevant example is Constitutional Court Decision No. 97/PUU-XIV/2016 regarding the recognition of adherents of belief systems, where the Court strengthened the protection and recognition of such groups (Constitution, 2017). These two rulings demonstrate significant differences in the constitutional interpretation of religious freedom, indicating that the ambiguity does not lie in the constitutional text itself, but rather in its interpretation and implementation by state institutions. This stark interpretive divergence highlights the dynamic nature of legal politics within the judicial body (Hosen, 2020). It underscores that constitutional guarantees do not operate in a vacuum but are significantly influenced by the shifting compositions and orientations of the justices, which can lead to inconsistent protection of fundamental rights over time.

Constitutionally, the principle of *Ketuhanan Yang Maha Esa* in Article 29(1) of the 1945 Constitution was never intended to restrict the individual's freedom to adhere to a religion or belief (Nur Soimah & Naufal, 2022). However, in practice, this philosophical principle, regarded as part of the national consensus or general agreement embodied in Pancasila, is often interpreted narrowly by state authorities. This has led to ambiguity in the application of the right to religious freedom (Mutaqin, 2016), where administrative and political interpretations frequently overshadow human rights principles, which should in fact serve as the primary reference (Puczek, 2022).

Therefore, from the perspective of modern constitutionalism as articulated by Jimly Asshiddiqie, who stresses the importance of national consensus on shared goals and the rule of law (Asshiddiqie, 2017). The central problem of religious freedom in Indonesia lies in the lack of clarity and consistency in legal practice, which is not aligned with constitutional principles. This calls on the state, through its legal institutions, to reassert clear boundaries in the interpretation of religious freedom, so that its implementation aligns with prevailing human rights standards without compromising the national identity rooted in the principle of *Ketuhanan Yang Maha Esa*.

4. Conclusion

Freedom of religion in Indonesia, as regulated in the 1945 Constitution, Law No. 39 of 1999, and various international legal instruments, clearly reflects the state's commitment to protecting individual liberty in choosing and practising a religion in accordance with personal belief. However, a tension exists that gives rise to ambiguity in the implementation of this freedom, particularly in the relationship between the recognition of religious freedom and the dominance of the value of *Ketuhanan Yang Maha Esa* as the ideological foundation of the state. This ambiguity is evident in legal interpretations that are not always consistent with the constitutional spirit or the principles of human rights. A striking example is the requirement to state one's religion in civil identity documents, which has become a key site of tension in the practical exercise of religious freedom. Although religious freedom is constitutionally guaranteed, such administrative restrictions often serve to narrow the scope of that right.

This study finds that the source of ambiguity does not lie in the constitutional provisions themselves, but rather in the legal interpretation and implementation carried out by the

state. This lack of clarity is linked to political and legal practices, such as the mandatory religion column on national ID cards (KTP), which contradict the spirit of freedom of religion as guaranteed in Article 28E of the 1945 Constitution and Human Rights Law. The main finding of this research is that the ambiguity surrounding religious freedom stems from narrow administrative interpretations and a lack of consistency between the foundational state principle and the practical implementation of religious freedom. Although *Ketuhanan Yang Maha Esa* serves as a philosophical cornerstone of the Indonesian state, in practice it is often applied in ways that conflict with broader interpretations of religious freedom as recognised under international human rights standards.

The main academic contribution of this research lies in its critical examination of the disconnect between constitutional texts and the legal practices used to implement religious freedom in Indonesia. It highlights that although the constitution formally recognises the right to religious freedom, its implementation through state policy and administrative procedures frequently results in restrictions incompatible with prevailing human rights norms. Therefore, this study contributes to a deeper understanding of the ongoing tension between religious freedom and the application of the principle of *Ketuhanan Yang Maha Esa* within Indonesia's constitutional framework. The findings suggest that constitutional guarantees of religious freedom must be interpreted more inclusively and in alignment with international human rights standards. This call for a more inclusive interpretation is echoed in comparative studies. As seen in other Muslim-majority countries, the state faces a recurring challenge in legally defining 'religion' without marginalizing minority groups (Crouch, 2019). For Indonesia, moving towards a more functional and substantive, rather than merely formal, understanding of what constitutes a protected religion or belief would be a critical step in resolving the implementation gap.

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