

The Church's Rejection in Cilegon: The Perspective of Freedom of Religion

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Article	Abstract
<p>Keywords: State; Houses of Worship; Freedom of Religion.</p> <p>Article History Received: Apr 05, 2025; Reviewed: Apr 21, 2025; Accepted: Apr 27, 2025; Published: Apr 30, 2025.</p>	<p>Freedom of religion is a right guaranteed by law, including the right to establish places of worship for the safe and peaceful practice of religion. Given the potential for conflict between religious communities, the government must accommodate these needs fairly and without favouring any particular group. This study aims to analyse the application of freedom of religion in the establishment of houses of worship in Cilegon City based on applicable laws and regulations and to find a fair solution for all parties in order to create a more inclusive and effective policy to ensure the right to worship for all citizens without discrimination and not to create conflict between religious communities. In conducting this research, a normative research method was used, namely by analysing existing and applicable laws and regulations, then reviewing how they are applied in society. In this case, it was found that there are values in the regulations that do not apply in society, namely that there is rejection in the establishment of houses of worship of certain religions by the surrounding community. On the other hand, an in-depth analysis is needed and the aspirations of the rejecting community must be accepted so that justice is created and does not cause conflict between religious communities.</p>



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Introduction

Human rights are a fundamental and inherent right of human beings. Human rights are based on their dignity as human beings, not because they are given by society or because of the kindness that comes from the state.¹ Human rights are natural or innate rights given by God to each individual to sustain and maintain life and livelihood on earth.² Law No. 39 of 1999 concerning Human Rights explains that human rights are a set of rights possessed by human beings who are creatures of God Almighty, and as a gift from God that the State, Law, Government and every human being are obliged to respect and protect in order to maintain honour and protect human dignity.³

The right to freedom of religion is a fundamental human right that cannot be diminished, meaning that this right cannot be restricted even in times of emergency, conflict, or war. Indonesia affirms this principle by ratifying the International Covenant on Civil and Political Rights (ICCPR) through Law No. 12 of 2005, which demonstrates the state's commitment to protecting freedom of religion. This guarantees that all citizens have the right to practise their religion or beliefs without any violations. The ratification of the agreement by the government is a form of recognition and commitment by the State to guarantee the freedom of religion in the country.⁴

The 1945 Constitution, the highest source of law in organising power in Indonesia, reflects theocratic principles. This is evident in the Preamble and the content of the articles contained in the 1945 Constitution, which differentiate between the terms 'Almighty God' and 'One God'. In the fourth paragraph of the Preamble to the 1945 Constitution, the phrase 'One Almighty God...' is used, which is then restated in Article 29, Paragraph (1) 'The State is based on the Almighty God'.⁵ The 1945 Constitution of Indonesia is the

¹ Majda El-Mutaj, *Hak Asasi Manusia Dalam Konstitusi Indonesia Dari UUD 1945 Sampai Dengan Amandemen UUD 1945 Tahun 2002*, Cetakan ke (Jakarta: KENCANA, 2005).

² Nurul Qamar, *Hak Asasi Manusia Dalam Negara Hukum Demokrasi: Human Rights In Democratic Rechtsstaat*, Edisi 1 (Jakarta: SINAR GRAFIKA, 2013).

³ Republik Indonesia, "UU No. 39 Tahun 1999" (1999), <https://peraturan.bpk.go.id/Details/45361/uu-no-39-tahun-1999>.

⁴ Al-Khanif, *Hukum dan Kebebasan Beragama di Indonesia* (Yogyakarta: LaksBang Mediatama, 2010).

⁵ Jimly Asshiddiqie, *Konstitusi Kebudayaan Dan Kebudayaan Konstitusi*, Cetakan 1 (Malang: Intrans Publishing, 2017).

foundational document that acknowledges the heterogeneity of the Indonesian nation. It serves as the legal framework within which policies are formulated and the administration of the state is conducted. Consequently, should a legal product be deemed to be in contravention of the principle of diversity enshrined in the 1945 Constitution, it is to be declared unconstitutional.⁶ Following the amendment of the 1945 Constitution, the guarantee of diversity was strengthened, encompassing individual rights, collective rights, and units of government.⁷ The Constitution is regarded as a reflection of the will of the populace, thereby ensuring the realisation of life and human rights. It emphasises its essence, position and function for all the people of Indonesia.⁸

The concept of freedom of religion can be categorised into two distinct aspects. Firstly, *forum internum*, and secondly, *forum externum*. The first, *forum internum*, is defined as the internal and personal spiritual existence of the individual, which is theoretically beyond the scope of any diminution (non-derogable) in terms of the right to freedom of religion and belief.⁹ It is an irrefutable fact that all human beings have an inherent right to their religion and beliefs. This encompasses the freedom to maintain, change, or replace these beliefs at any time according to their wishes. This prerogative is indicative of the profound spiritual and personal obligations that each individual has towards their chosen faith, beliefs, and religion.¹⁰ At the level of the *forum internum*, the state is under no obligation to intervene in matters of religious freedom, nor to enforce it by force.¹¹ Conversely, the external forum encompasses the practice of religious freedom,

⁶ *Ibid.*

⁷ Febriansyah Ramadhan & Ilham Dwi Rafiqi, "Menggali Asas-Asas Pengadilan Hak Asasi Manusia dalam Pengujian Undang-Undang Pengadilan Hak Asasi Manusia," *Journal of Judicial Review* 24, no. 1 (2022): 35-58, <https://doi.org/10.37253/jjr.v24i1.5376>.

⁸ El-Mutaj, *Loc.Cit.*

⁹ M.Imdadun Rahmat, "Jaminan Kebebasan Beragama dan Berkeyakinan di Indonesia," *Jurnal HAM* 11 (2014), <https://www.komnasham.go.id/index.php/publikasi/2019/04/25/103/jurnal-ham-vol-11-tahun-2014.html>.

¹⁰ Yossa A.P Nainggolan, "Hak Atas Kebebasan Beragama dan/ atau Berkeyakinan: Forum Internum dan Forum Eksternum," *Jurnal HAM* 6 (2010), <https://doi.org/https://doi.org/10.58823/jham.v6i6.56>.

¹¹ Maya Christiana, "Hak Konstitusional: Politik Hukum Kebebasan Beragama di Indonesia," *Progresif: Jurnal Hukum*, December 2022, <https://doi.org/10.30641/ham.2019.10.57-67>.

manifesting in both attitude and behaviour.¹² The concept of freedom of religion at the forum externum level signifies the autonomy accorded to each individual to practise their religion or belief. It should be noted, however, that the exercise of this freedom can be subject to legal limitations, given that all individuals are inherently constrained by the rights and liberties of others.¹³ Restrictions regulated by applicable law are to be in accordance with the principles of international law, as outlined in the Siracusa Principles.

The Siracusa Principles are a set of guidelines that aim to circumscribe and diminish the fundamental rights and liberties of the community. It encompasses a series of Interpretive Principles pertaining to Special Restriction Clauses, which are subject to legal regulation within a democratic society, with due consideration for public order, public health, public morality, national security, public safety, the rights and freedoms of individuals, and the rights and reputation of others. These principles also encompass restrictions on open trials.¹⁴ The imposition of restrictions on the establishment and utilisation of places of worship is a matter that can only be regulated by law. The purpose of such legislation is threefold: firstly, to protect the rights of others, secondly, to fulfil moral principles and religious values, and thirdly, to maintain public security and order.

One of the reasons for the church's rejection was the Decree of the Head of the Serang Regency Number 189 / Huk / SK / 1975, dated 20 March 1975, which contained the closure of the Church for Christians in Sekarang Regency, which has now been changed to Cilegon. The community's rejection was endorsed by the Cilegon City Government, which also endorsed the White Cloth Petition rejecting the Church. The Mayor of Cilegon, Helldy Agustian, has asserted that the petition was signed in order to address the demands of the Cilegon community.¹⁵ Imparsial Director Gufron Mabururi advanced the argument that the actions of the Mayor and Deputy Mayor of Cilegon

¹² Iqbal Hasanuddin, "Hak Atas Kebebasan Beragama/Berkeyakinan: Sebuah Upaya Pendasaran Filosofis," *Societas Dei: Jurnal Agama Dan Masyarakat* 4 (April 24, 2017): 94, <https://doi.org/10.33550/SD.V4I1.44>.

¹³ Christiana, *Loc.Cit.*

¹⁴ AAICJ American Association for the International Commission of Jurist, "SIRACUSA PRINCIPLES: On the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights" (1985).

¹⁵ Tim DetikNews, "A-Z soal Walkot Cilegon Ikut Teken Petisi Tolak Bangun Gereja," *detikjateng*, 2022, <https://www.detik.com/jateng/berita/d-6281870/a-z-soal-walkot-cilegon-ikut-teken-petisi-tolak-bangun-gereja?single=1>.

were considered to be in violation of the constitution. This is due to the fact that the state has a responsibility to guarantee the freedom of citizens to embrace religion, worship according to their beliefs, and own or establish places of worship.¹⁶

In addition to being rejected by certain community groups, significant obstacles have been identified in the administrative process. The establishment of places of worship is subject to stringent requirements, including the support of 90 congregations and 60 local residents, in addition to recommendations from the FKUB (Forum for the Upholding of Religion Unity). Despite having received support from 112 congregations and 70 residents, the HKBP Maranatha church subsequently saw 51 of these residents withdraw their support.¹⁷ Haidar Adam, a lecturer at Universitas Airlangga's Faculty of Law, criticizes Indonesia's Joint Ministerial Regulation (No. 9 & 8 of 2006) for imposing overly strict and complex requirements for building places of worship. He argues that these restrictions hinder religious freedom and should be eliminated. Instead, he suggests that regulations should be based on neutral, objective criteria rather than on a person's religious preferences or views towards other religions.¹⁸

The dispute has created tensions between Christian communities seeking worship spaces and local residents opposing construction, requiring the Cilegon government to mediate a fair resolution that maintains religious harmony.

Fatmawati's research, titled 'Protection of Freedom of Religion and Worship in Indonesia Based on Legal Principles', emphasises that freedom of religion is a human right protected by Indonesian and international law, ensuring that citizens can choose, practise, and adhere to their religious beliefs without interference from others. It is acknowledged that, despite the guarantee of this right, reasonable restrictions may be imposed with a view to maintaining public order,

¹⁶ Ady Thea DA, "Imparsial: Penolakan Pembangunan Gereja Di Cilegon Melanggar Konstitusi," *Hukum Online.Com*, September 12, 2022, <https://www.hukumonline.com/berita/a/imparsial-penolakan-pembangunan-gereja-di-cilegon-melanggar-konstitusi-lt631ead3fad9fa/>.

¹⁷ M Iqbal, "Beda FKUB Cilegon Dan Panitia Pembangunan Seputar Awal Penolakan Gereja," *Detiknews*, September 13, 2022, <https://news.detik.com/berita/d-6288443/beda-fkub-cilegon-dan-panitia-pembangunan-seputar-awal-penolakan-gereja>.

¹⁸ Pradnya Wicaksana, "Cilegon Menolak Pembangunan Gereja, Pakar HAM UNAIR Berikan Catatan - Universitas Airlangga Official Website," *Universitas Airlangga*, September 21, 2022, <https://unair.ac.id/cilegon-menolak-pembangunan-gereja-pakar-ham-unair-berikan-catatan/>.

security, morality, or the rights of others. The study emphasises the balance between religious freedom and social harmony, affirming that restrictions must be consistent with the legal framework to create order, protect safety, welfare, or morality of society, or the fundamental rights and freedoms of others.¹⁹ This research has been developed from the findings of earlier studies, and its focus is on the problems that arise when certain people establish places of worship, due to the fact that there are parties who support and reject them, namely from the surrounding community. The objective of this research is to identify a equitable resolution that fosters peaceful coexistence and upholds religious tolerance.

Method

In conducting this research, the author employed the normative research method. This method is initiated by the analysis of legal norms, which subsequently gives rise to social facts. In the event of identifying a discrepancy, the normative research method demands that the social fact be modified to align with the legal fact, operating under the assumption of the law's completeness and finality. This method positions the law as the independent variable and social facts as the independent variable, employing this framework to analyse the reciprocal relationship between the two.²⁰

In addition, this study also analysed the root causes of community rejection of the church by looking at the social conditions of the Cilegon community, especially the community around the location where the church was to be built, and analysed the needs of Christians for the establishment of a church in the city of Cilegon. Then, an analysis was conducted on the policies issued by the Cilegon City Government regarding the establishment of houses of worship, resulting in a comprehensive study that was not biased towards any particular religion.

Result and Discussion

Freedom of religion is a human right that is guaranteed by the constitution and various national and international regulations. In

¹⁹ Fatmawati, "Perlindungan Hak Atas Kebebasan Beragama Dan Beribadah Dalam Negara Hukum Indonesia," *Jurnal Konstitusi* 8, no. 4 (August 2011): 489–520, <https://doi.org/10.31078/JK844>.

²⁰ Sholahuddin Al-Fatih, *Perkembangan Metode Penelitian Hukum di Indonesia* (Malang: UMM Press, 2023).

Indonesia, the legal framework surrounding the right to freedom of religion and worship is enshrined in Articles 28E (1) and 29 (2) of the 1945 Constitution. These articles stipulate that all individuals have the right to adopt any religion of their choosing and to practise their religion freely. However, in practice, the implementation of this right often faces various challenges, especially in establishing places of worship.

Administrative and regulatory requirements, such as PBM Numbers 9 and 8 of 2006, are frequently contested as they are regarded as impeding the rights of minority groups in practising their religion. Furthermore, the implementation of this policy is influenced by social and political dynamics in various regions, creating a tension between religious freedom and social harmony.

To address these issues, a more inclusive and equitable solution is needed to balance individual rights and community interests. The realisation of a more harmonious and tolerant religious life, in accordance with the spirit of democracy and human rights, is therefore imperative.

A. Comparison With Malaysia

In the context of a society with religious diversity, Malaysia has certain similarities with Indonesia, as evidenced by the Malaysian constitution, which also regulates freedom of religion, specifically in Article 11, paragraph (1), which states that all individuals have the right to embrace, practice and propagate their religion. The Malaysian constitution also delineates the rights of each religious group, which consist of the right to manage their own religious affairs, to establish and maintain institutions for religious or charitable purposes, to acquire and own property and to hold and manage it in accordance with the law. In the constitutional principles that apply in Malaysia, freedom of religion is recognised as a fundamental human right enshrined in the national constitution. The policy surrounding the right to freedom of religion in the Federal Constitution has been clearly and gradually formulated. This policy is articulated in various documents, including the Malaysian Constitution.²¹ In the Malaysian constitution, religious freedom is recognised as a fundamental human right, which is enshrined within the chapter dedicated to fundamental

²¹ Ahmad Munawar Ismail and Wan Kamal Mujani, "Had Kebebasan Bersuara Dalam Hak Kebebasan Beragama Di Malaysia: Limits of Expression in Religious Freedom Rights in Malaysia," *Jurnal Sultan Alauddin Sulaiman Shah* 7, no. 2 (2020): 176–92, <https://myjurnal.mohe.gov.my/public/article-view.php?id=195685>.

freedoms. This chapter encompasses the rights to freedom of speech, assembly, and property ownership. However, it is important to note that the freedom of religion is not absolute and cannot be restricted by law. The constitution stipulates that this freedom is subject to applicable laws, with the aim of controlling or limiting the spread of religious propagation other than Islam within the Muslim community itself. Consequently, adherents of other religions are permitted to engage in religious activities, provided that they do not disturb public order or offend followers of other religions.²²

The construction of houses of worship other than those dedicated to Islam in Malaysia is subject to greater regulatory oversight, as outlined in the Guidelines for the Design of *Tokong*, *Kuol*, *Churches* and *Gurdwara*. The purpose of these guidelines is to assist the State Authorities (PBN) and Local Authorities in designing, supervising and assisting in the construction of *tokong*, temples, churches, gurdwara and other religious places besides Islam. The establishment of these places of worship is subject to several principles, including the accommodation of the spiritual needs of the local community, the facilitation of recitation and religious knowledge, the promotion of interaction between religious communities and relationships with other religious communities, the prioritisation of security and harmony, and the preservation of heritage and aesthetic values. These principles form the basis of the pursuit of comprehensive ideals within society.²³

Furthermore, in the establishment of places of worship that do not fall under the Islamic category, there are five aspects that must be given full consideration. These five aspects are: function, site planning, concept and design, height control, and traffic control.

The construction of houses of worship is built to fulfil several functions including as a place to carry out worship, traditional and religious ceremonies.

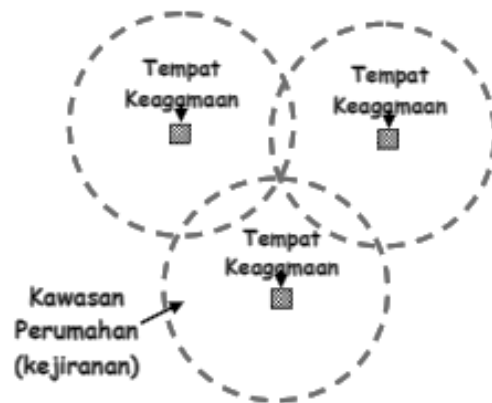
a. Function

²² Nazri Muslim and Ahmad Hidayat Buang, "Islam Dalam Perlembagaan Persekutuan Dari Perspektif Hubungan Etnik di Malaysia," *Jurnal Kemanusiaan Bil.20* 20 (2017), <https://jurnalkemanusiaan.utm.my/index.php/kemanusiaan/article/view/68>.

²³ Kementerian Perumahan dan Kerajaan Tempatan (KPKT), "Garis Panduan Perancangan Tokong, Kuil, Gereja Dan Gurdwara Jabatan Perancangan Bandar Dan Desa Semenanjung Malaysia Kementerian Perumahan Dan Kerajaan Tempatan" (2011).

It is imperative that temples, shrines, churches, gurdwaras and other places of worship are developed to fulfil the following functions: 1. Firstly, these buildings should serve as a place for the local community to fulfil its spiritual needs through worship. Secondly, they should be utilised for the purpose of religious ceremonies and celebrations. 3. A centre for religious studies and community services to religious adherents and visitors. A fundamental function of a house of worship is to cater to the spiritual needs of the community and to serve as a centre of learning. In the event that a house of worship fails to fulfil this function, it is considered impermissible to construct such a building, for example, the construction of a house of worship for individual purposes but not on privately owned land.²⁴

Chart 1. Religious Place Development Map



Source: *JPBDSM Kementerian Perumahan Dan Kerajaan Tempatan*

b. Concept and Design

In determining the concept and design, it is recommended to have a design that accommodates the needs of religious places of various faiths in one location without interfaith restrictions, with a permanently constructed building. However, in the absence of suitable land, the utilisation of shop houses is permitted on a limited basis, contingent upon ensuring that it does not result in security disturbances and is endorsed by local residents. The design of religious places is permitted to display their respective religious identities,

²⁴ Nurul Faezah MD Ahair and Zuliza Mohd Kusrin, "Kawalan Undang-Undang Terhadap Pembinaan Rumah Ibadat Di Malaysia: Legal Controls Towards Construction of Houses of Worship in Malaysia," *Journal of Contemporary Islamic Law* 5, no. 2 (2020): 53–64, <https://journalarticle.ukm.my/19054/1/JCIL-2020-52-Article-5.pdf>.

including residential houses or land that has been approved for a change of function, and this can be redesigned as a place of worship. It is imperative that religious buildings of historical or heritage value are preserved through renovations that maintain the authenticity of their structure and character. The landscape design must also reflect the religious identity to create a distinctive character, while the gate may only be built within the site area with a design that matches the religious identity. Furthermore, the placement of signs indicating the location of religious sites in easily accessible locations is imperative.

c. Location Planning

The strategic positioning of places of worship in residential areas and in close proximity to the dwellings of adherents of specific faiths is recommended. Furthermore, places of worship should be located in close proximity to public facilities, cultural centres, and busy areas, or at major road junctions in residential areas, to facilitate accessibility for individuals who wish to engage in worship. Furthermore, the construction of religious institutions and places of worship is encouraged in locations that can engender a peaceful atmosphere, with the aim of creating a safe and peaceful situation for the community engaged in worship.

d. Height Control

The height of statues and temple buildings, as well as other religious structures such as temples, churches and gurdwaras, must be given due consideration. The height of these structures must be calibrated in accordance with the surrounding development and the requirements of the local community. In regions where the majority of the population is Muslim, it is imperative that the height of statues and non-Islamic religious sites be set at a lower level than that of Islamic religious sites, domes and mosque towers in the immediate vicinity.

e. Traffic Control

In the context of Malaysian society, a key consideration in the establishment of houses of worship pertains to the management of traffic. The optimal location for such edifices is recommended to be in close proximity to the main thoroughfare and the house of worship, with a maximum distance of 500 metres from public transport services. This is to ensure improved and facilitated accessibility for worshippers and visitors.

The establishment of houses of worship is further subject to specific guidelines, which encompass a range of considerations

including the approach and scope of development, distance and location control, control of base area and building movement, development components, sound control, the needs of persons with disabilities, and special controls.

1. Approach and Scope of Development

In the context of the development of houses of worship that do not fall under the purview of Islam, it is imperative to implement thresholds and distances. This is due to the fact that the establishment of places of religion in urban and rural areas varies according to the number of religious adherents in the respective regions. For instance, the establishment of a religious institution in an urban area is permitted if it has 2,300 adherents, while in a rural area, the same is permitted if it has 1,000 adherents.

2. Distance And Location Control

In establishing places of worship such as churches, temples, shrines and gurdwaras, it is recommended to have a separation distance, namely:

- (a) A minimum of 100 metres from the residence of the majority of people of other religions, unless permission is obtained from the local community leaders.
- (b) a minimum of 300 metres for separation between houses of one religion and those of another, unless there is an agreement with the management of a house of worship previously established for a different religion located within a radius of 300 metres from the proposed location.

The separation of distances between religious places is intended to minimise problems that may arise from the proximity of such places.

3. Control of Plinth Area and Building Boundary Lines

The area of the plinth within religious buildings typically falls within the range of 40% and 60% of the total plot size. The building's perimeter is set at a distance of at least 12 metres from the front of the structure and 6 metres from the sides and rear, extending to the site boundary. This provision is intended to ensure sufficient space for the execution of religious activities and to serve as a passive buffer zone.

4. Development components

The following components are required in the establishment of a religious place: A. A designated place of worship that should contain a prayer room, a room for the placement of religious statues or images, a meeting room, and a room for storing prayer equipment. Additionally, a kitchen/banquet room is necessary. Additionally, a

room dedicated to sports, culture, and arts is recommended. Additionally, the provision of separate toilets is imperative. Additionally, provisions should be made for designated parking areas for vehicles, including cars, motorbikes, and bicycles. The facility is further complemented by a management office. The facility would also include a meeting room. The facility is also equipped with an information technology and multimedia room. The facility is further equipped with a conference hall, I. The facility is further equipped with a resource centre, an exhibition room, and a counselling room. The final space is designated for classroom-style learning, specifically for religious education, and for community service activities.

The implementation of zoning systems for places of worship, akin to those observed in Malaysia, has the potential to enhance the organisation of religious infrastructure in accordance with urban planning principles. Furthermore, the implementation of a more explicit policy regarding specific locations for places of worship has the potential to mitigate the risk of conflict with the surrounding community. These provisions are expected to facilitate the smooth operation of religious institutions in Indonesia, particularly in the establishment of places of worship, thereby preventing conflict between religious groups.

B. Social Conditions of the Community

The rejection of the establishment of a church in Cilegon City, particularly the proposed construction of the Maranatha Huria Kristen Batak Protestan Church (HKBP) Maranatha in the Cikuasa neighbourhood, Gerem Village, Grogol District, Cilegon City, is predicated on numerous factors, including historical and legal considerations. In addition, other factors must be considered, including the following: The factor of religious intolerance 2. The factor of loosening social cohesion. The factor of contradictory regulations.²⁵

According to Agus Surahmat (Secretary of FKUB Cilegon), one of the underlying reasons for the community's rejection of the church's establishment is the historical background, namely the Cilegon Uprising, one of the causes of which was the prohibition on the call

²⁵ Agisthia Lestari and Aziz Reza Randisa, "Faktor-Faktor Penyebab Polemik Penolakan Pembangunan Gereja HKBP Maranatha Di Kota Cilegon," *Populis: Jurnal Sosial Dan Humaniora* 9, no. 2 (December 31, 2024): 220–27, <https://doi.org/10.47313/PJSH.V9I2.3914>.

to prayer and the seizure of property or tribute from the indigenous community, which was in fact comprised entirely of Muslims. The Cilegon Uprising was an event that took place in 1888 in the city of Cilegon. It was a resistance of the farmers and became the biggest resistance that occurred on 9 July 1888. The catalyst for the Cilegon Uprising was the deep-seated discontent amongst the farmer community regarding the policies of the Dutch colonial government. These policies, which included the implementation of the Cultivation System (*Cultuurstelsel*), the imposition of substantial taxes, and the acquisition of land by the colonial authorities towards the close of the 19th century, were perceived as particularly egregious by the farmers. These policies had a deleterious effect on the economic conditions of farmers and engendered widespread dissatisfaction, which ultimately became the primary catalyst for the rebellion. The rebellion was also influenced by religion and mystical beliefs, which were prevalent among the majority of the population, who were Muslim.²⁶ Furthermore, the construction of the Krakatau Steel factory (1974-1978), known as the Trikora Project, necessitated the relocation of several villages. This project entailed an accord between clerics, community leaders and the authorities, stipulating the prohibition of the establishment of any additional places of worship, with the exception of Islamic places of worship. Another reason for the rejection is a legal factor, namely a regional regulation in the form of a Decree (SK) of the Regent of Serang Level II Number 189/Huk/SK/1975 dated 20 March 1975 concerning the closure of churches or places of worship for the Christian religion in Serang Regency (now Cilegon).²⁷

From a legal standpoint, the validity of Regent Decree Level II Serang Number 189/Huk/SK/1975 is considered to have been revoked. The aforementioned decree contains discriminatory regulations that are not in accordance with the 1945 Constitution. In accordance with legal provisions, regulations or decisions of regional heads with discriminatory content may be subject to cancellation or revocation through the mechanism regulated in Law Number 9 of

²⁶ Putri Rijkia Alpianti et al., "Petani Melawan: Sejarah Pemberontakan Petani Banten (Geger Cilegon 1888)," *Sindoro: Cendikia Pendidikan*, 2024, 10, <https://doi.org/doi.org/10.9644/sindoro.v4i5.3317>.

²⁷ M Iqbal, "FKUB Ungkap 3 Hal Ini Jadi Alasan Adanya Penolakan Gereja di Cilegon," *detiknews*, September 11, 2022, <https://news.detik.com/berita/d-6285503/fkub-ungkap-3-hal-ini-jadi-alasan-adanya-penolakan-gereja-di-cilegon>.

2015, which constitutes the second revision of Law Number 23 of 2014.²⁸

The rejection of the construction of the HKBP Maranatha Church reached its zenith with a protest rally. This rejection was spearheaded by a group known as the Cilegon Local Wisdom Rescue Committee, comprising community leaders, religious leaders, community organisations and residents of Gerem village.

According to Wawan Wahyudin, the establishment of a non-Islamic place of worship in Cilegon is not a novel concept. He further elaborates that such incidents have been a recurring theme since 1994. Two significant events have been documented. Firstly, on 10 April 1994, an act of vandalism was committed against a building belonging to Christians in the Cilegon State Indah (PCI) housing area, which was being used as a Sunday School or place of Christian religious education. Secondly, the demolition of the Adventist church in the city of Cilegon took place. According to data procured from the Cilegon City Government, there is currently a dearth of houses of worship other than mosques and prayer rooms in the area.²⁹

C. The Obligations and Role of the Cilegon City Government in Guaranteeing Freedom of Religion

The divine gift of religion and its attendant freedoms, an inherent aspect of human nature, is bestowed upon those who are bound by the obligation of worshipping God. This right, being non-derogable, is inviolable and must be upheld at all costs.³⁰ In 1991, Hans Kung advanced the argument that the prospect of world peace is contingent upon the establishment of interfaith harmony, asserting that peace can only be achieved through mutual respect between different religious traditions.³¹

It is evident that the state plays a pivotal role in safeguarding freedom of religion and cultivating an environment of tolerance. This

²⁸ Husnul Hotimah and Nurhayati, “Penolakan Pembangunan Rumah Ibadah di Kota Cilegon Dalam Konteks Regulasi Dan Moderasi Beragama,” *Wawasan: Jurnal Kediklatan Balai Diklat Keagamaan Jakarta* 5, no. 1 (September 9, 2024): 134–43, <https://doi.org/10.53800/WAWASAN.V5I1.297>.

²⁹ Wawan Wahyudin, “Mengurai Polemik Penolakan Pendirian Gereja di Cilegon,” September 9, 2022, <https://kemenag.go.id/opini/mengurai-polemik-penolakan-pendirian-gereja-di-cilegon-jr7bvt>.”

³⁰ Moh Mahfud MD, *Kebebasan Beragama Dalam Perspektif Konstitusi* (Jakarta: Mahkamah Konstitusi Republik Indonesia, 2009).

³¹ Al-Khanif, *Loc.Cit.*

can be achieved through various means, including socialisation programmes, seminars, and education initiatives that are imparted across all regions and communities in an equitable manner. It is imperative that these measures are implemented in a systematic manner to prevent discrimination and acts of violence against individuals when performing religious rituals according to their beliefs in religion and faith. The state is thus instrumental in cultivating mutual respect and tolerance among citizens of different faiths, thereby fostering an environment characterised by tolerance and compassion.³²

One such form of religious life is the establishment of houses of worship, as stipulated in Joint Regulation of the Minister of Religion and Minister of Home Affairs Number 9, 8 of 2006 concerning Guidelines for the Implementation of Duties of Regional Heads/Deputy Regional Heads in Maintaining Interfaith Harmony, Empowering Interfaith Harmony Forums, and Establishing Places of Worship. In 2022, Indonesia will have 393 thousand houses of worship, with 75% being mosques (297.54 thousand), followed by Christian churches (62.87 thousand), Catholic churches (13.95 thousand), temples (14.83 thousand), and monasteries (2.43 thousand). Within the province of Banten, the number of houses of worship is projected to reach 10,202 by 2023, comprising 9,019 mosques, 946 Christian churches, 36 Catholic churches, 14 temples, 177 monasteries, and 10 temples. However, in Cilegon City, the only religious institutions present are mosques, despite the presence of a significant non-Muslim population. This population includes 7,072 Protestant Christians, 1,885 Catholics, 248 Hindus, 1,688 Buddhists, and 10 Confucians.³³ The absence of places of worship in Cilegon City has forced non-Muslims to worship outside the city due to obstacles in establishing places of worship. For instance, the establishment of the HKBP Maranatha Church in Cilegon was

³² Muhammad Zulhidayat, "Ambiguitas Hak Konstitusional Kebebasan Beragama Dan Berkeyakinan di Indonesia Dalam Perspektif Ius Constitutum," *Jurnal Nalar Keadilan* 1, no. 1 (May 2021): 59–73, <https://jurnal.universitaskota.ac.id/index.php/jurnal-fh-unija/article/view/5>.

³³ Badan Pusat Statistik Kota Cilegon (BPS), "Jumlah Penduduk Menurut Kabupaten/Kota dan Agama yang Dianut di Provinsi Banten," 2023, <https://cilegonkota.bps.go.id/id/statistics-table/2/MjEzIzI=/population-by-regency-municipality-and-religion-in-banten--province.html>.

rejected due to its failure to obtain approval from the local community and government.³⁴

In addressing instances of intolerance, the implementation of comprehensive and sustainable regulatory frameworks is imperative. These frameworks should encompass the prioritisation of character education, grounded in the principles of the Pancasila. Furthermore, the active involvement of educational institutions, families and communities is imperative in nurturing tolerance, fostering an environment of mutual respect and instilling a sense of respect for diversity from an early age. Furthermore, the consistent and resolute enforcement of legislation against acts of intolerance is imperative.³⁵ Furthermore, it is considered important to ground the values of the five principles of the Indonesian state (Pancasila) in order to reaffirm the value of tolerance in society. The implementation of these values is not limited to the cognitive domain (i.e. knowledge) but extends to the attitudinal and psychomotor levels, with the objective of fostering a renewed awareness of the paramount importance of reverting to the values of the Pancasila.³⁶

In fostering societal tolerance, it is essential to promote cooperation between various stakeholders, including religious leaders. It is incumbent upon religious leaders to promote the development of attitudes and behaviours that embody tolerance among their respective congregations, as these have been observed to diminish in recent times.³⁷ In addition to collaborating with religious leaders, it is incumbent upon the government and the community to work in unison to establish religious harmony, thereby ensuring that minority groups are protected from discrimination and injustice in religious life. To this end, concerted political efforts are required to advocate for equality, enhance capacity, and foster a more profound comprehension of multiculturalism and democratic values. This can

³⁴ Wawan Wahyudin, *Loc.Cit.*

³⁵ Otong Husni Taufiq, Agus Budiman, and Egi Nurholis, “Kebijakan dalam Menanggulangi Ancaman Intoleransi Beragama terhadap Ketahanan Ideologi Pancasila di Kabupaten Ciamis Jawa Barat,” *Jurnal Ketahanan Nasional* 30, no. 2 (August 2024): 161–82, <https://doi.org/10.22146/JKN.98566>.

³⁶ Nini Adelina Tanamal and Sapta Baralaska Utama Siagian, “Implementasi Nilai Pancasila Dalam Menangani Intoleransi di Indonesia,” *Jurnal Lembannas RI* 8, no. 3 (October 2020): 172–89, <https://doi.org/10.55960/JLRI.V8I3.341>.

³⁷ Zuly Qodir, Kaum Muda, and Radikalisme Agama, “Kaum Muda, Intoleransi, Dan Radikalisme Agama,” *Jurnal Studi Pemuda* 5, no. 1 (May 2018): 429–45, <https://doi.org/10.22146/STUDIPEMUDAUGM.37127>.

be achieved through advocacy for equitable state policies and the enhancement of public awareness regarding the significance of values such as equality, freedom, humanism, patriotism, and the tolerance of diversity.³⁸

The issue of inter-religious friction in Cilegon has persisted for an extended period. The city's high level of intolerance has been identified as a key factor contributing to its ranking as the second city in Indonesia with the lowest tolerance score, surpassed only by Depok.³⁹

Intolerance is defined as an attitude that reflects a lack of respect for diversity and an inability to accept and appreciate differences in other people.⁴⁰ Intolerance can be precipitated by a number of factors, including: Conflict and tension between groups with differing identities, Group members who are overly invested in their group identity, Psychological factors such as prejudice, stereotypes and discrimination, Inadequate communication between different groups, which can result in intolerance.⁴¹ Religious intolerance has been shown to limit the freedom of religious adherents in practising their religious teachings (Smith, 2019). This phenomenon arises as a result of prohibitions or restrictions imposed by external parties, engendering a sense of discomfort and fear among religious adherents as they seek to engage in worship and practice their religion.⁴²

The city government is under an obligation to strengthen religious harmony, which is also one of the objectives of religious moderation as regulated in Presidential Regulation Number 58 of 2023. This regulation emphasises the role of governors and

³⁸ Irfan Setia Permana, "Pemerintah Dan Hak Beragama Di Indonesia (Peran Pemerintah Dalam Memelihara Hak Beragama di Indonesia)," *Tedc* 12, no. 2 (2018): 127–32, <https://garuda.kemdikbud.go.id/documents/detail/2967815>.

³⁹ SETARA Institute, "Indeks Kota Toleran 2023 | Setara Institute," accessed March 12, 2025, <https://setara-institute.org/indeks-kota-toleran-2023/>.

⁴⁰ Nasrun Nurhakim, Muhamad Irfan Adriansyah, and Dinnie Anggraeni Dewi, "Intoleransi Antar Umat Beragama di Indonesia," *MARAS: Jurnal Penelitian Multidisiplin* 2 (March 1, 2024): 50–61, <https://doi.org/10.60126/maras.v2i1.126>.

⁴¹ Ali Sunarno, Asep Ikbil, and Lala Indrawati, "Upaya Meminimalisir Kasus Intoleransi Dalam Pendirian Tempat Ibadah Demi Terciptanya Kohesi Sosial Pada Masyarakat Multikultural Di Kalimantan Tengah," *Jurnal Paris Langkis: Jurnal Pendidikan Pancasila dan Kewarganegaraan* 3, no. 2 (March 2023), <https://e-journal.upr.ac.id/index.php/parislangkis>.

⁴² Nova Simbolon and Elvri Teresia Simbolon, "Dampak Intoleransi Beragama Terhadap Kerukunan Umat Beragama Dilingkungan Masjid Raya Tarutung," *Kultura: Jurnal Ilmu Hukum, Sosial, dan Humaniora* 1, no. 5 (2023), <https://garuda.kemdikbud.go.id/documents/detail/4213198>.

regents/mayors in coordinating with vertical agencies in strengthening religious moderation.

In accordance with this regulation, there are several programmes that can be implemented within the scope of local government, such as: These include the enhancement of comprehension, disposition, and praxis of religion within the paradigm of Religious Moderation for State Civil Apparatus personnel. Furthermore, the perspective of Religious Moderation must also be applied in the management of places of worship within ministries, institutions, and local governments. In the execution of their authority and functions, ministries, institutions, and local governments bear the responsibility for ensuring the protection of religious rights in public programmes and services. Furthermore, the utilisation of religious and cultural celebrations within government agencies can serve as a conduit for fostering increased tolerance between religious communities.

The government plays a pivotal role in fostering religious harmony, safeguarding freedom of religion, and combating intolerance. Local governments are vested with the authority to adjudicate matters pertaining to the licensing of places of worship. Consequently, local governments are obliged to pay close attention to problems that arise in their respective jurisdictions and to resolve them in a proportionate manner.⁴³

The responsibility for maintaining and protecting religious harmony within the city lies with the regent or mayor, as outlined in PBM No. 9 and 8 of 2006. The mayor's duties and obligations in maintaining religious harmony encompass the following: The regency/city government is responsible for maintaining public peace and order, including facilitating the establishment of religious harmony. This is achieved through the coordination of vertical agencies to promote religious harmony, encourage the growth of harmony, mutual understanding, mutual respect, and mutual trust among followers of different religions.

Furthermore, guidance and coordination of sub-district heads, village heads, or village heads is also carried out in realising regional government in the field of public peace and order in religious life. As part of these efforts, the regency/city government is also tasked with issuing building permits for houses of worship.

⁴³ Nurhakim, Adriansyah, and Dewi, *Loc.Cit.*

The establishment of the Forum for Religious Harmony (FKUB) is a significant development in the promotion of religious harmony. According to PBM Numbers 9 and 8 of 2006, FKUB is a community-based forum facilitated by the government with the objective of fostering religious communities to promote harmony and mutual welfare.

The Religious Harmony Forum is formed in provinces and regencies or cities, carried out by the community and facilitated by the local government. FKUB has a consultative relationship. The regulation also elucidates the duties of the Regency/City FKUB, namely to facilitate dialogues with religious and community leaders, and to accommodate the aspirations of religious community organisations and the community for the purpose of providing recommendations for the regent/mayor's policy considerations. Furthermore, the FKUB is entrusted with the dissemination of legal statutes and ordinances pertinent to the religious sector, focusing on the promotion of religious harmony and the empowerment of communities. In addition to this, the FKUB is responsible for providing written recommendations concerning applications for the establishment of places of worship.

In resolving conflicts that threaten peace and harmony between religious communities, especially regarding the establishment of churches in the city of Cilegon, the FKUB can take several steps to create solutions to the problems that occur in the city. These steps may include intensive communication with religious and community leaders. The dialogue process encompasses four distinct types: general, special, internal and external dialogue. The general dialogue is characterised by the FKUB's efforts to foster understanding among the community, emphasising the significance of harmonious coexistence among religious communities. Conversely, in special dialogue, FKUB members deliberate on matters pertaining to the establishment of houses of worship. An additional form of internal dialogue is initiated within each religion, with the objective of cultivating awareness among adherents regarding the significance of religious harmony and mitigating misunderstandings among diverse religious communities. Finally, an external dialogue focuses on identifying commonalities in religious values, eschewing the pursuit of disparities in the values of

each religion, with a view to cultivating a safe, peaceful, and prosperous social relationship.⁴⁴

Conclusion

This study demonstrates that the refusal of the establishment of the HKBP Maranatha Church in Cilegon City reflects intricate issues associated with freedom of religion, which is a fundamental and non-derogable human right. The conflict under scrutiny is influenced by a multitude of historical, juridical, and social factors, including the 1975 Serang Regent Decree and local sentiments that have deep historical roots. It is imperative for the Cilegon city government to implement a fair policy to address this conflict, with the objective of fostering religious relations in an environment characterised by security, peace, and religious tolerance. The government could adopt guidelines for the construction of places of worship, similar to those implemented in Malaysia, where the erection of places of worship other than mosques is subject to specific guidelines that ensure minority representation while maintaining community harmony. The government should determine the location of places of worship that do not cause unrest, namely by choosing a location that is not too close to a residential area that is opposed. In instances where the proposed location by the church congregation is deemed unfeasible, the government is empowered to facilitate the identification of an alternative site. It is imperative for the government to demonstrate unwavering commitment to the rule of law and the promotion of human rights, irrespective of any particular group. This is crucial in fostering trust and ensuring that all citizens are treated equally and without discrimination.

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⁴⁴ Yulia Sari, "Peranan Forum Kerukunan Umat Beragama Dalam Membina Kerukunan Umat Beragama di Kota Bengkulu," *INFACUM: Journal of Interfaith Cultural Understanding Moderation* 2, no. 1 (2022): 67–82, <https://ejournal.iainptk.ac.id/index.php/infactum/article/view/273>.

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