

MAPPING OUT THE PROBLEM

**OF DISTURBANCE AGAINST
CHRISTIAN CHURCHES TOWARD
ITS PERMANENT RESOLUTION
IN INDONESIA**



**PUSTAKA
MASYARAKAT
SETARA**

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Research Report

MAPPING OUT THE PROBLEM OF DISTURBANCE AGAINST CHRISTIAN CHURCHES TOWARD ITS PERMANENT RESOLUTION IN INDONESIA

EXECUTIVE SUMMARY

Mapping out The Problem of Disturbance against Christian Churches toward its Permanent Resolution in Indonesia is the newest study of SETARA Institute that portrays 4 areas in Indonesia (the City of Bogor, City of Depok, City of Bekasi in West Java and the Regent of Gunungkidul in the Province of D.I. Yogyakarta), which is intended to comprehend the issue related to the establishment of places of worship in Indonesia on three main dimensions: regulation, social that is manifested on the forms of disturbances against places of worship and support provided and dimension of local political leadership. The research is also supported by the best and bad practices related of the establishment of places of worship.

The research is also intended to deepen the finding of SETARA Institute since 2007-2018 that notes there are 398 times disturbance against places of worship. The biggest disturbance is against churches that is 199 cases. In performing the research, SETARA Institute uses data collection methods: desk review, sites visit and observation, in-depth interview toward 37 interviewees,

expert meeting, and focus group discussion (FGD) in national level as a process of triangulation data.

The research concludes:

1. The constitutional and legal guarantees of freedom of religion / belief including the freedom to establish houses of worship for followers of any religion in Indonesia are still limited as normative guarantees that have not been operated to bestow justice for citizens. The guarantee as stipulated in Article 28E and Article 29 of the 1945 Republic of Indonesia Constitution is included in Law No. 12 of 2005 concerning Ratification of the Covenant on Civil and Political Rights and other international instruments, was precisely reduced by Joint Ministerial Decree (PBM) Minister of Religion and Minister of Home Affairs No. 8 and No. 9 of 2006 concerning Guidelines for Implementing Duties of Regional Heads in the Maintenance of Religious Harmony, Empowerment of Religious Harmony Forums, and Establishing Worship Houses.
2. This Joint Decree of the two Ministers contains 9 locus of discrimination both direct discrimination (in intent and purpose) and indirect discrimination (as an impact) which is contrary to the constitutional and legal guarantees in the 1945 Constitution of the Republic of Indonesia and Law 12/2005. The requirement for the support of 60 local residents and 90 members of the congregation is a form of direct discrimination targeting religious minority groups, especially Christian congregations. This discriminatory provision is still reduced in its implementation because of the limited understanding of local government administrators, making it even more difficult to establish places of worship
3. In the past 12 years, 199 churches have experienced varied disruption in various forms, such as sealing, demolition, blocking of access, revocation of permits, forced efforts, terror, and omission by the state. These forms of interference center on the church that has not yet been established and the church that has been established but has been questioned about its legality. The high number of disturbances to the church is an iceberg phenomenon because there are actually more events taking place. As an illustration, in the city of Bogor alone, where the Mayor of Bogor claims to have granted licenses for 2 churches in 2019, the number is not proportional to 81 other Construction Permit applications that have not yet obtained a permit.
4. Actors involved in acts of violating the right to freedom to establish places of worship are state and non-state actors. The state actor, in addition to carrying out sealing actions, revoked licenses as happened at the Indonesian Christian Church Taman Yasmin, Bogor City, also carried out omission of criminal acts committed by intolerant community organizations. Meanwhile, non-state actors' groups are religious organizations such as the Islamic Defenders Front (FPI), Islamic Reformist Movement (GARIS), Islamic Community Forum (FUI), Hizbut Tahrir Indonesia (HTI), Indonesian Islamic Propagation Institute (LDII), and so on,

which in the treasury studies religious organizations, including intolerant groups.

5. This intolerant group is increasingly aggressive in carrying out its actions due to the reality of intolerant-discriminatory legal products that justify acts of persecution. This environment is also supported by a number of regional heads, who play identity politicization using religious issues in every political event.
6. At the research locus, SETARA Institute found examples of success and examples of failures in resolving conflicts related to houses of worship. The Indonesian Christian Church of Taman Yasmin Bogor Case and one of the prominent cases that occurred in Depok was that which was experienced by the Protestant Church in the West (GPIB) of Pelita Hidup in Depok City. Also, in these two cities, the combination of weak local political leadership and the spread and activism of intolerant religious organizations has been the main cause of the protracted conflict in establishing places of worship in these two cities. Of course, intolerant-discriminatory legal products are the reason for justifying regional heads to restrict freedom.
7. Meanwhile, examples of success are presented from Gunungkidul Regency and Bekasi City. In Gunungkidul, stems from the conflict that befell the Pentecostal Church in Indonesia (GPdI) in Tunggul Barat, Semanu, the Regent instead used it to bleach 26 Catholic churches and chapels and 105 Christian churches that had been established before the Joint Decree of

the two Ministers in 2006. In addition, a place of worship for Christian congregations, there are also 1456 mosques, 15 temples, and 8 temples that stood before 2006. In Bekasi, the Santa Clara church in North Bekasi District, Bekasi City and Pasundan Christian Church (GKP) Kampung Sawah, are the best examples of conflict resolution in the city of Bekasi. The Santa Clara Church is an example of how the constitutional guarantee is consistently guided by the Mayor while the Pasundan Christian Church of Kampung Sawah is an example of how the social environment determines the success of a church free from interference.

8. The success of Gunungkidul and Bekasi City illustrates how the internal church and social agencies such as CSOs play a persuasive role in utilizing the support available at different scales. CSOs and internal churches that have high interest and low power are able to build alliances with groups that have low interests and high power such as Nahdlatul Ulama and Muhammadiyah or other moderate religious organizations, which so far have often been regarded as silent majority. While key players who have high interest and high power such as Indonesian Islamic Propagation Institute (LDII) and Hizbut Tahrir Indonesia (HTI) can be persuasively moderated by the facilitation of progressive local governments, especially in Gunungkidul.
9. In the case of Bekasi, the support available in the legal dimension was utilized properly by the Mayor of Bekasi to overcome the old problems

inherent in the Church of Santa Clara, by conducting open verification of 60/90 support. Whereas Kampung Sawah Church is an example of how the support available in the social dimension greatly contributes to the resolution of problems of houses of worship.

The research suggests some recommendations for multi-stakeholders that are willing to contribute to overcome the problem of establishment of places of worship:

1. On the regulatory dimension, intervention on the government to make changes to PBM 2 Ministers is the most possible step to improve governance in the freedom to establish places of worship in Indonesia. This initiative has emerged, particularly from the Ministry of Politics, Law and Security, which opens the possibility of making changes to the PBM 2 Ministers.
2. On the regulatory dimension, interventions can also be developed by guiding regional governments to form regulations that are more operational and conducive to the PBM 2 Ministers, so that enforcement is more uniform and not multiple interpretations. Including encouraging revisions to intolerant-discriminatory regional regulations.
3. In state corporate actors, the Forum for Religious Harmony (FKUB) enables the role and skills to be strengthened in carrying out conflict resolution in establishing houses of worship. FKUB as the main actor providing recommendations for approval of license, requires strengthening the knowledge and experience of inclusive governance.
4. Increasing the fostering of regional heads by the Ministry of Home Affairs in the management of harmony requires an increase to the possibility of providing rewards and punishments to regional governments who fail to carry out their duties to maintain harmony and facilitate all religious communities to be able to worship and establish houses of worship.
5. On the social dimension, strengthening social agencies such as NGOs is a need to ensure ongoing advocacy guarantees of freedom of religion / belief.
6. The initiative of church administrators to conduct social engagement are also important to improve, because one of the main keys to obtaining social license is constructive relationships and interactions with the local community.
7. On the social dimension as well, encouraging the silent majority to speak out shows that defense of the fulfillment of the right to freedom of religion / belief is also needed to balance intolerant groups who have high interest and high power because of the intensity and aggressiveness in carrying out anti-Christian actions. Expanding tolerant-progressive constituencies and strengthening citizens' resilience to intolerance viruses is a persuasive way to counter narratives that amplify intolerant groups.
8. On the dimensions of local political

leadership interventions can be developed in the form of civic education to strengthen the capacity of citizens who are able to encourage the effectiveness of local leaders and to ensure local leaders do not use religious issues as electoral political capital.

9. Strengthening local democratic actors is the need to build a deliberative democratic climate in the regions.
10. In the practical dimension, the replication of whitening practices for houses of worship that were established before 2006, can be an instrument of positive policy promotion that is disseminated to other regions in Indonesia. Or another way is to replicate the experience as a basis for forming more conducive regional policies.
11. Encouraging developers to provide integrated places of worship for all religions, is one of the projects

to institutionalize harmony in the management of residential residents. Housing development that is not accompanied by the provision of worship facilities has become one of the rampant conflicts over houses of worship.

12. Repositioning the position of the functions of regional or central government tools that guarantee neutrality in cracking down on various cases related to religion. In addition to carrying out its functions neutrally, local governments need to understand the obligations and functions of regional leaders who are able to reconcile conflicting community interests.
13. Creating an effective recovery mechanism for various KBB violations and creating a standard for enforcement of KBB violations based on the scale that must be carried out by the regional government.[]

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ABBREVIATION

AMAN	: <i>Aliansi Masyarakat Adat Nusantara</i> / Indigenous Peoples Alliance of the Archipelago
ANBTI	: <i>Aliansi Nasional Bhineka Tunggal Ika</i> / National Alliance of Bhineka Tunggal Ika
ASEK	: <i>Asisten Sekretaris Daerah</i> / Assistant of Regional Secretary
Babinsa	: <i>Bintara Pembina Desa</i> / Village Trustee-Officer
Bimnaspol	: <i>Bimbingan Masyarakat Polisi Republik Indonesia</i> / Community Guidance of National Police of the Republic of Indonesia
BPN	: <i>Badan Pertanahan Nasional</i> / National Land Authority
CRCS	: Center for Religious and Cross-cultural Studies
DIY	: <i>Daerah Istimewa Yogyakarta</i> / Special Region of Yogyakarta
DKI	: <i>Daerah Khusus Ibukota</i> / Special Capital Region
DPRD	: <i>Dewan Perwakilan Rakyat Daerah</i> / Local House of Representative
FKAM	: <i>Forum Komunikasi Aktivis Masjid</i> / Mosque Activist Communication Forum
FKKUKD	: <i>Forum Komunikasi dan Kerja Sama Umat Kristiani Depok</i> / Communication and Cooperation Forum of Christians in Depok
FKUB	: <i>Forum Kerukunan Umat Beragama</i> / Religious Harmony Forum
FPI	: <i>Front Pembela Islam</i> / Front of Islamic Defenders
Forkami	: <i>Forum Komunikasi Muslim Indonesia</i> / Indonesia Muslim Communication Forum
FSUCM	: <i>Forum Silaturahmi Cendekiawan Muslim</i> / Muslim Scholars Gathering Forum

FSUM	: <i>Forum Solidaritas Umat Islam</i> / Islamic Community Solidarity Forum
FUI	: <i>Forum Umat Islam</i> / Islam Community Forum
Garis	: <i>Gerakan Reformasi Islam</i> / the Islamic Reform Movement
GBI	: <i>Gereja Bethel Indonesia</i> / Indonesian Bethel Church
GBKP	: <i>Gereja Batak Karo Protestan</i> / Karo Protestant Batak Church
GEMINDO	: <i>Gereja Masehi Injili Indonesia</i> / Indonesian Evangelical Church
GKI	: <i>Gereja Kristen Indonesia</i> / Indonesian Christian Church
GKP	: <i>Gereja Kristen Pasundan</i> / Pasundan Christian Church
GP	: <i>Gerakan Pemuda</i> / Youth Movement
GPdI	: <i>Gereja Pantekosta di Indonesia</i> / Pentecostal Church in Indonesia
GPiB	: <i>Gereja Protestan di Indonesia bagian Barat</i> / Protestant Church in Western Indonesia
HKBP	: <i>Huria Kristen Batak Protestan</i> / Protestant Church for Bataknese People
HTI	: <i>Hizbut Tahrir Indonesia</i> / Hizb ut-Tahrir
ICMI	: <i>Ikatan Cendekiawan Muslim Se-Indonesia</i> / Indonesia Association of Muslim Intellectuals
ICRP	: Indonesian Conference on Religious and Peace
IMB	: <i>Izin Mendirikan Bangunan</i> / Building Permit/ Construction Permit
KBB	: <i>Kebebasan Beragama atau Berkeyakinan</i> / Freedom of Religion/Belief
Kab	: <i>Kabupaten</i> / Regency
Kasi	: <i>Kepala Seksi</i> / Section Head
Kot	: <i>Kota</i> / City
Kemenag	: <i>Kementerian Agama</i> / Ministry of Religious Affairs
Kemendagri	: <i>Kementerian Dalam Negeri</i> / Ministry of Interior Affairs
Kesbangpol	: <i>Kesatuan Bangsa dan Politik</i> / National and Political Unity

KH	: <i>Kiai Haji</i>
Kokam	: <i>Komando Kesiapsiagaan Angkatan Muda Muhammadiyah / Muhammadiyah Youth Force Preparedness Command</i>
KTP	: <i>Kartu Tanda Penduduk / National Identity Card</i>
LDII	: <i>Lembaga Dakwah Islam Indonesia / Indonesian Islamic Da'wah Institute</i>
LGBT	: <i>Lesbian, gay, bisexual, dan transgender / Lesbian, gay, bisexual, and transgender</i>
LPI	: <i>Laskar Pembela Islam / Islamic Defenders Warriors</i>
MMI	: <i>Majelis Mujahidin Indonesia / Indonesian Mujahidin Council</i>
MMT	: <i>Masyarakat Muslim Tunggul / Tunggul Muslim Community</i>
MSUIB	: <i>Majelis Silaturahmi Umat Islam Bekasi / Bekasi Muslim Community Gathering Assembly</i>
MTA	: <i>Majelis Tafsir Al-Quran / Assembly of Tafsir of Al-Quran</i>
MUI	: <i>Majelis Ulama Indonesia / Indonesian Ulama Council</i>
NU	: <i>Nadhlatul Ulama</i>
PBB	: <i>Persatuan Bangsa-Bangsa / United Nations</i>
PBM	: <i>Peraturan Bersama Menteri Agama dan Menteri Dalam Negeri / Joint Regulation of Ministry of Religious Affairs and Ministry of Interior Affairs</i>
Pemda	: <i>Pemerintah Daerah / Local Government</i>
Pemkab	: <i>Pemerintah Kabupaten / the Government of a Regency</i>
Pemkot	: <i>Pemerintah Kota / the Government of a City</i>
Perda	: <i>Peraturan Daerah / Local Law</i>
PK	: <i>Peninjauan Kembali / Review</i>
PPG	: <i>Panitia Pembangunan Gereja / Church Development Committee</i>
PCNU	: <i>Pengurus Cabang Nahdlatul Ulama / Branch Management of Nahdlatul Ulama</i>
Pdt	: <i>Pendeta / Priest</i>
PGIS	: <i>Persekutuan Gereja-gereja Indonesia Setempat / Regional Council of Churches in Indonesia</i>
PTUN	: <i>Pengadilan Tata Usaha Negara / Administrative Court</i>
PT TUN	: <i>Pengadilan Tinggi Tata Usaha Negara / High</i>

	Administrative Court
PUSAD	: <i>Pusat Studi Agama dan Demokrasi</i> / Center for the Study of Religion and Democracy
RT	: <i>Rukun Tetangga</i> / Neighborhood Association
RW	: <i>Rukun Warga</i> / Community Association
Satpol-PP	: <i>Satuan Polisi Pamong Praja</i> / Public Order Enforcers
SE	: <i>Surat Edaran</i> / Circular Letter
SK	: <i>Surat Keputusan</i> / Decisional Letter
SKB	: <i>Surat Keputusan Bersama</i> / Joint Decisional Letter
TNI	: <i>Tentara Nasional Indonesia</i> / Indonesian National Armed Forces
USCIRF	: US Commission on International Religious Freedom
UUD	: <i>Undang-Undang Dasar</i> / Constitution
UUD NRI 1945	: <i>Undang-Undang Dasar Negara Republik Indonesia Tahun 1945</i> / the 1945 Constitution of the Republic of Indonesia

1 PREFACE

1. BACKGROUND

In several reports on the Conditions of Freedom of Religion/Belief (FoRB) in Indonesia, SETARA Institute notes the intolerance phenomenon strengthening in the community. Even the intolerance phenomenon is manifested in various supreme forces that erode the rule of law principles, the democracy principles,¹ and revoke the citizens' constitutional rights guaranteed by the Constitution.²

If further traced, several existing causes that trigger intolerance are, *first*, the existence of intolerant political aspirations that has been existed since the establishment of Indonesia that later has become strong social political forces, *second*, the existence of discriminatory and intolerant legal products which are the sources of legitimacy and the acceleration of intolerance actions, *third*, added by local and national political leaderships that become an independent variable dynamic of intolerance, and others. This intolerance phenomenon technically begins with misuse of religious dogmas and politicization of religions that are executed by the political

1 To learn the definitions, elements or processes in democracy, see Charles Tilly, *Democracy*, (Cambridge: Cambridge University Press, 2007), p.7-15.

2 The same thing is expressed in Christian Solidarity Worldwide, Indonesia Visit Report 10-23 May 2017 "Tell the World the Truth."

adventurers at the national or regional levels that are legitimized by various state policies that adopt the dogmas and fatwas and ignore the fact of non-optimality of law enforcement. On the other hand, in accordance with the doctrines of civilized societies, intolerance and prejudice that are aimed for hurting and intimidating someone based on race, ethnicity, national origin, religion, sexual orientation is categorized as serious/serious crimes.³

Based on the provided data, intolerance has a tendency to survive and even becoming strengthening in the current social culture change conditions, such as the occurrence of mass mobilization and religious identity pollicization. Without comprehensive efforts to overcome these rooted problems, intolerance and freedom of religion / belief violations will remain continue in the future, as the tendency that has taken place for the last 12 years.

One of the prominent cases related to violation of right of freedom of religion/ belief is the disturbance of places of

worship in Indonesia, especially the disturbance against religious minorities' houses of worship. This disturbance covers the spectrum of actions that encompass places of worship before the establishment, after the establishment, or after having a Building Permit (IMB) for house of worship. Therefore, based on the US Commission on International Religious Freedom Report, Indonesia is placed as one of the countries of particular concern which is considered to meet the elements of "systematic, ongoing, egregious" religious freedom violations.⁴

Based on the SETARA Institute's records since 2007-2018, there were 398 times disturbances against places of worship in Indonesia. The biggest number of disturbances is against places of worship of Christians Churches, namely 199 cases of disturbances. This number can be seen from the following table:⁵

3 This principle is the basis of various human rights laws. It was first agreed at the San Francisco Conference contained in the UN Charter. The principle of non-discrimination is agreed upon so that everyone has an equal opportunity for the enjoyment of basic human rights without experiencing various forms or types of discrimination or discrimination. see Abdulrahim P. Vijapur, *The Principle of Non-Discrimination in International Human Rights Law: The Meaning and Scope of the Concept*, (India Quarterly, Vol. 75, 2019).

4 Key Findings Tier Two Laporan United States Commission on International Religious Freedom, 2018.

5 See Halili, *Intoleransi di Tahun Politik: Laporan Kebebasan Beragama/Berkeyakinan*, (Jakarta: Pustaka Masyarakat Setara, 2018). Compared with the data of the Research and Development Bureau (R & D) of the Fellowship of Churches in Indonesia (PGI) which found that in the period 2000-2018 there were disruptions of 211 churches spread in 8 regions in Indonesia. Meanwhile, based on the records of Christian Solidarity Worldwide, in the period 2002-2014 there were 184 cases of disturbance to the church. See *Persekutuan Gereja-Gereja di Indonesia, Menghadapi Hambatan Beribadah: Panduan Advokasi Gereja*, (Jakarta: Persekutuan Gereja-Gereja di Indonesia, 2019), h. xi.

Table 01.
Number of Disturbances against Places of Worship
from 2007-2018

No.	Types of Worship Houses	Quantity
1	Aliran Kepercayaan ¹	32
2	Church	199
3	Shrine/ <i>Klenteng</i>	10
4	Mosque	133
5	Temple/ <i>Pura</i>	8
6	Synagogue	1
7	Monastery	15
Grand Total		398

The number shows that a half of the number of disturbances against places of worship is against churches. Simply put, the disturbance of places of worship in Indonesia is experienced the most by churches.⁶ Furthermore, the number of disturbances toward mosques is 133, however the disturbance is specifically against Ahmadiyah congregations' mosques.⁷ Additionally, the number of

disturbance towards places of worship when compared to the number of the worship houses for Christians, namely churches and the number of worship houses for Muslims, namely Mosques, significantly indicates that if there was 1 disturbance against mosques, it means there were 6 disturbances against churches⁸ that can be seen from the following table:

6 Pair with a record of violence against minorities in Yogyakarta by CRCS. There were 13 cases where places of worship and Christian activities were the most targeted parties during the study period. Of the total 29 cases, 13 of them targeted churches and Christian religious activities, both Catholic or Protestant. see Mohammad Iqbal Ahnaf & Hairus Salim, *Krisis Keistimewaan 'Kekerasan terhadap Minoritas di Yogyakarta'*, (Yogyakarta: Center for Religious and Cross-cultural Studies, 2017), hlm. 6.

7 The number of the data basically informs us

that places of worship of Christian in Indonesia is the most affected, while the following big number of disturbances against Mosque further explains that the minority Muslim in this case is Ahmadiyah is the most affected Muslim not Muslim in general like Christian is.

8 See also the Christian Solidarity Worldwide Visit Report 10-23 May 2017 which places Aceh Singkil District as an area with particular concern in Indonesia, which is located in Aceh Province. Persecution in the area was considered the most severe and acts of discrimination continued in the form of violence, threats, and destruction and coercion of church closures.

Table 02.
The Comparison of Mosques and Churches Disturbances

(a) Total number of Churches (Catholic and Protestant) = 70.394

$$\text{So: } \frac{(\text{Total of disturbance})}{(\text{Total of worship houses})} \times 100\% = \frac{199}{70.394} \times 100\% = 0.3\%$$

(b) Total number of Mosques = 296.797

$$\text{Thus : } \frac{(\text{Total of disturbance})}{(\text{Total of worship houses})} \times 100\% = \frac{133}{296.797} \times 100\% = 0.05\%$$

The Comparison of Mosques and Churches Disturbance Percentage

$$\mathbf{0.3\% : 0.05\% = 6 : 1}$$

The acts of violation of freedom of religion/ belief including the act of disturbing places of worship are in contrary to the guarantee of the state Constitution as stated in Article 29 verse (2) and Article 28D of the 1945 Constitution of the Republic of Indonesia. This condition also conflicts with the claims of harmony and tolerance as pillars of interfaith life and interaction in the principle of *Kebhineka-tunggal-ikaan*.⁹ This condition illustrates that constitutionalism which is agreed as a fundamental basis in the Indonesian legal system does not necessarily become a solution that is ready

to suppress various social challenges.¹⁰

2. RESEARCH QUESTIONS

- (1) What are the main problems of disturbance against Christian Churches in Indonesia?
- (2) What are the provided supports in Indonesia to cope with problem of the disturbances against churches?
- (3) And what are the success and failure stories in overcoming the disturbance against churches in four areas in Indonesia?

⁹ See Solidifying Religious Freedom in Indonesia, accessed via <https://www.sfcg.org/solidifying-religious-freedom-in-indonesia/> in 17 November 2019, 10 PM.

¹⁰ See Melissa Crouch, Constitutionalism, Religion and Inequality: Perspectives from Asia, (Asian Journal of Comparative Law, 2018), h. 6.

3. OBJECTIVES

The study aims to produce a comprehensive mapping concerning rooted problems of disturbances against Christian Churches in Indonesia along with the manifested forms of the disturbances. In addition, the study is intended to identify provided support in Indonesian society whether it is a social support, a legal support, or a constitutional support that are able to help resolving disturbances against churches.

4. METHODOLOGY

(1) Desk Review

The research was preceded by a review of previous research studies related to the issue of houses of worship and specifically the disturbances against churches in Indonesia.

There is no a foregoing study that specifically exposes various forms of disturbance against churches especially a study that analyzes the variables of the disturbances. However, previous research has significant contributions on this study to mapping out forms or types of disturbance and its rooted causes and helping in identifying provided supports to overcome the problem.

(2) Sites Visit & Observation

This study was also complemented by data collection methods based on observations and site visits. The SETARA

Institute researchers conducted visits and observations to various objects related to the study. In Depok City, West Java Province, researchers visited not only various churches and attended church events, but also visited other religious worship houses such as mosques and visited government or business centers to observe the social relations of the people of Depok City as a whole.

In Bogor City, West Java Province researchers visited the Indonesian Christian Church (GKI) Taman Yasmin Bogor, located next to the Hermina Hospital, Bogor. In Bekasi, researchers visited the affected churches, namely the Pasundan Christian Church (GKP) Kampung Sawah, GKP Cimuning, and visited an area known as the Golden Triangle in Kampung Sawah which is a mid-area of the Catholic-Protestant-Mosque church in the City of Bekasi. While in Gunungkidul Regency, Special Region Province (DI) of Yogyakarta, researchers visited the Pentecostal Church in Indonesia (Gpdl) in West Tunggul, Ngebrak Timur Village, Semanu District, Gunung Kidul Regency, Special Region of Yogyakarta.

(3) In-depth Interview

The main data collection was carried out through in-depth interviews with 37 interviewees from various groups. Those are victims, stakeholders (multi-stakeholders), opposing groups, and civil society in four (4) research areas, with details of Depok City 11 interviewees, Bogor City 9 interviewees,

Bekasi City 8 interviewees, and Gunungkidul
Regency 9 interviewees.

Table 03.
List of Interviewees' Groups

No	City/Regency	Victims	Opponent	Civil Society	Govern- ment
1	Bekasi	4	-	1	3
2	Depok	5	-	4	2
3	Bogor	2	1	1	5
4	Gunungkidul	3	-	4	4

(4) Focus Group Discussion

To confirm the accuracy of in-depth interview data, this study was complemented by a Focused Group Discussion (FGD) on December 18th, 2019 which was attended by experts and various religious minority groups. The results of the in-depth interview data that confirmed the database of SETARA Institute and previous research were presented in the Focus Group Discussion to obtain confirmation and additional input specifically from Christian victims' groups.

2 KEY FINDINGS

1. REVIEW OF EXISTING LAW

In general, the right of places of worship as *forum externum* of freedom of religion/belief¹¹ has been guaranteed since the first Constitution of Republic of Indonesia even before the Universal Declaration of Human Rights was adopted in 1948.¹² After the amendment of 1945 of Constitution of the Republic of Indonesia, provisions relating to the guarantees of freedom of religion/belief have a more established constitutional acknowledgement by placing the guarantees provisions in a separate Human Rights chapter. Commitment to the recognition of freedom of religion/belief in Indonesia continues with the adoption of the Convention on Civil and Political Rights in the Indonesian constitutional system in 2005 through Law Number 12 of 2005. If integrated, the guarantees of freedom of religion or belief are set up in the following provisions:

11 Ismail Hasani, *Dimana Tempat Kami Beribadah? Review Tematik Pelanggaran Kebebasan Beragama/Berkeyakinan tentang Rumah Ibadah & Hak Beribadah*, (Jakarta, Pustaka Masyarakat Setara, 2010), p. 14. The same thing was stated by ELSAM melalui Siti Aminah & Uli Parulian Sihombing, *Memahami Kebijakan Rumah Ibadah*, (Jakarta: Delapan Cahaya Indonesia Printing-Canting Press, 2010), p. 5. See also Wahid Institute, *Laporan Tahunan Kebebasan Beragama/Berkeyakinan dan Intoleransi 2014*, (Jakarta: The Wahid Institute, 2014), p. 9. And Halili, *Intoleransi di Tahun Politik*, op.cit.,

12 See general section Explanation number 2 of Law 12/2005 concerning Ratification of the International Covenant on Civil and Political Rights.

Table 04.
Freedom of Religion/Belief Guarantees
in Various Law

Provision	Form of Guarantee
Article 28E verse (1) of 1945 Constitution of the Republic of Indonesia Every person shall be free to choose and to practice the religion of his/her choice, to choose one's education, to choose one's employment, to choose one's citizenship, and to choose one's place of residence within the state territory, to leave it and to subsequently return to it.	Guarantee of freedom to embrace respective religion Guarantee of worship according to their own respective religion
Article 28I of 1945 Constitution of the Republic of Indonesia The rights to life, freedom from torture, freedom of thought and conscience, freedom of religion, freedom from enslavement, recognition as a person before the law, and the right not to be tried under a law with retrospective effect are all human rights that cannot be diminished under any circumstances.	Guarantee of non-derogation right of freedom of religion which cannot be diminished under any circumstances
Article 29 verse (2) of the 1945 Constitution of the Republic of Indonesia The State guarantees all persons the freedom of worship, each according to his/her own religion or belief.	Guarantee of freedom to embrace a believed religion Guarantee of worship in accordance with his own respective religion Guarantee of worship according to their own respective belief

Provision	Form of Guarantee
Article 4 of the Law of Human Rights The right to life, the right not to be tortured, the right to personal freedom, mind and conscience, the right to religion, the right not to be enslaved, the right to be recognized as individuals and equality before the law, and the right not to be prosecuted on the basis of a retroactive law are human rights human that cannot be diminished under any circumstances and by anyone.	Guarantee of non-derogation right of freedom of religion which cannot be diminished under any circumstances
Article 22 of the Law of Human Rights (1) Everyone has the right to embrace his religion and to worship according to his religion and beliefs. (2) The state guarantees everyone freedom to embrace his religion and beliefs.	Guarantee of freedom to embrace a believed religion Guarantee of worship in accordance with his own respective religion Guarantee of freedom to embrace their respective belief Guarantee of worship according to their own respective belief
Article 4 verse (2) of the Law on the Ratification of ICCPR No derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision.	Guarantee of non-derogation right of freedom of religion which cannot be diminished under any circumstances
Article 18 verse (1) of the Law on the Ratification of ICCPR 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.	Guarantee of freedom to choose his respective religion Guarantee of freedom to choose his respective belief Guarantee of practicing their respective religions in worship, observance, practice and teaching Guarantee of practicing their respective beliefs in worship, observance, practice and teaching

Provision	Form of Guarantee
Article 18 verse (2) of the Law on the Ratification of ICCPR No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.	Guarantee to be free from all forms of coercion that can interfere with the freedom to adhere and establish religion Guarantee to be free from all forms of coercion that can interfere with the freedom to adhere and establish belief
Article 18 verse (3) of the Law on the Ratification of ICCPR 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.	Freedom to practice and determine his religion or belief Restrictions on the activities of practicing religion and establishing religion can be done only based on law Restrictions on religion or beliefs carried out with consideration of security, order, health, or morality of society, as well as the fundamental rights and freedoms of others

In addition to the provisions adopted in the aforementioned constitutional system of Indonesia, there is a UN General Assembly Declaration which guarantees the scope of religious freedom which includes freedom to worship, assemble in relation to religion or belief, and establish and maintain places of worship as well.¹³ The same freedom is also stated in the UN Human Rights Council resolution 6/37 that recognizes the guarantee of worship concept that includes the right of places of worship.¹⁴

In summary, there are 11 fundamental basic

provisions related to freedom of religion/belief guaranteed in the Indonesian constitutional and legal systems as well as international arrangement. Those are as follows:

- (1) Guarantee of freedom to choose his respective religion or belief;
- (2) Guarantee of freedom to embrace his own respective religion;
- (3) Guarantee of worship in accordance with his own respective religion;
- (4) Guarantee of worship according to his own respective belief;
- (5) Guarantee of freedom to practice his respective religion/belief in worship, observance, practice and teaching;
- (6) Guarantee to establish and maintain places of worship;

13 See Declaration of 1981 of the United Nations General Assembly Article 6 letter (a).

14 See General Comment of the UN Human Rights Committee Number 22 Paragraph 4.

- (7) Guarantee of non-derogation principle of the right of freedom of religion/belief which cannot be diminished under any circumstances
- (8) Guarantee to be free from all forms of coercion that can interfere with the freedom to adhere and establish a religion;
- (9) Guarantee to be free from all forms of coercion that can interfere with the freedom to adhere and establish a belief;
- (10) Guarantee of restrictions on the activities of practicing religion and establishing religion merely based on law; and
- (11) Guarantee of restrictions on religion or beliefs carried out with consideration of security, order, health, or morality of society, as well as the fundamental rights and freedoms of others.

2. INTOLERANT-DISCRIMINATORY LEGAL PRODUCTS

In addition to the 11 constitutional, legal and international arrangements guarantees, Indonesia also has a number of legal provisions that evidently undermine the guarantee of freedom of religion/belief itself.¹⁵ Therefore, it directly impacts the

fulfillment of the right to freedom to carry out religious activities, obedience, practice and also the teaching of his respective religion or belief.¹⁶

Alfitri, as quoted by Melissa Crouch, expresses that Islam in Indonesia received a special preferential treatment and status as a majority religion. In addition, Alfitri also suggests that in Indonesian constitutional life, the use of state resources and state institutions to regulate religion is common.¹⁷ Even the legal products and policies adopted by the state oftentimes violate the right to freedom of religion/belief.¹⁸ In other

of Religion and Belief in Gunungkidul, Special Region of Yogyakarta, (Yogyakarta: ANBTI, 2016), p. 12

16 See Communications report of special procedures by the UN General Assembly Human Rights Council in the ninth session of Agendas 3, 7, 9 and 10 on Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development, Human rights situation in Palestine and other occupied Arab territories, Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Program of Action, Technical assistance and capacity-building on February 23, 2012. Reported that several residents of Mekar Curug Village in Bogow were asked by local government authorities and the police to conduct services and various religious activities at GKI Yasmin, West Java. The GKI Yasmin has been reported to have closed since 2008 and has experienced attacks with at least 6 attacks reported.

17 See Melissa Crouch, *Constitutionalism, Religion and Inequality*, op.cit., p. 10.

18 Indonesian Legal Roundtable in Index Perception of Rule of Law of Indonesia in

15 Elaboration of state regulations that are not conducive to the fulfillment of human rights related to KBB is also discussed in general related to KBB, namely regarding the Criminal Code Article 156 and Article 156 a. In a book written by Agnes Dwi Rusjiyati, et.al, *Unraveling the tangled thread of intolerance A Study of the Results of Documenting the Case of Freedom*

words, it simply demonstrates the existence of majority-minority relationship disclosing how the majority uses the law in dealing with other religious minority groups.¹⁹

In the context of fulfilling the right to places of worship that are believed to be the rights possessed by all religious adherents²⁰ which is a part of *forum externum* of freedom of religion/belief.²¹ The Constitutional Court affirmed that the domain of *forum externum* is directly related to the others' human rights, relating to social life, to the public interest, and the interests of the country.²² Therefore,

it can be limited. However, the limitation of the right to freedom of religion/belief that is limited by a public interest is very broad in scope²³ and the scope of protection of human rights is not clear.

In a more specific context, the regulation of the right to places of worship is regulated in a Joint Ministerial Regulation (PBM) Minister of Religious Affairs and Minister of Interior Affairs No. 8 and No. 9 of 2006 concerning Guidelines for Implementing the Duties of Regional Heads in Maintaining Religious Harmony, Empowering Religious Harmony Forums, and Establishing Houses of Worship (hereinafter called PBM of 2 Ministers). All legal and constitutional guarantees contained in the Republic of Indonesia's Constitution and Laws are then distorted by this PBM of 2 Minister. Even PBM of 2 Minister is the instrument to justify limitation on the construction of places of worship.

The regulation is a legal provision that often becomes a barrier.²⁴ The PBM is the basis of thought, attitude and actions of citizens and state apparatus that

2012 notes Law 23/2006 concerning the Administration of Population and Government Regulation 7/2007 concerning Implementaion of Law 23/2006 concerning the Administration of Population as legal provisions that limit the freedom of religion/belief. See Indeks Persepsi Negara Hukum Indonesia 2012, (Jakarta: Indonesian Legal Roundtable, 2013), p. 112. Later on the Constitutional Court revoked the norm. Besides that Law PNPS 1/1969 and Joint Ministerial Decision of Religious Affairs Minister, General Attorney, and Interior Affair Minister Number 3 Year 2008 Number KEP-33/1/JA/2008 Number 199 Tahun 2008 which set up the prohibition of Ahmadiyah is also a number of legal provision and state policy that violate freedom of religion or belief..

19 Melissa Crouch, Constitutionalism, Religion and Inequality..., op.cit., p. 1.

20 Ihsan Ali-Fauzi, et.al, *Kontroversi Gereja di Jakarta*, (Yogyakarta: Center for Religious & Cross-cultural Studies, 2011), p. 21. Contained inside Halili, *Intoleransi di Tahun Politik...*, op.cit.

21 See Komnas HAM: *Standar Norma dan Setting No. 02 "Kebebasan Beragama dan Berkeyakinan"*, (September 2019), p. 5-6. Contained inside Laporan Kebebasan Beragama/Berkeyakinan Setara Institute Tahun 2018.

22 The Decision of Constitutional Court Number

140/PUU-VII/2009, rationale of the court, p. 292.

23 Melissa Crouch, *Indonesia's Blasphemy Law: Bleak Outlook for Minority Religions*, Asia Pacific Bulletin, Number 146, Januari 26, 2012.

24 This is in line with the situation when the provision of places of worship is still regulated in the 1969 Decree where the regulation is used as a basis for legitimacy to damage and close places of worship that do not have permits, especially churches. Ihsan Ali Fauzi dkk, *Kontroversi Gereja di Jakarta...*, op.cit., p. 15.

commit to criminal acts and human rights violations acts.²⁵ The PBM has politicized the construction of worship houses and relinquished the authority to construct worship houses under the influence of hardliners and various intolerant groups.²⁶ The PBM has clearly had an impact on the strengthening of Islamic vigilante groups who target the surrounding environment to block the establishment of churches around Muslim-majority areas on behalf of local communities.²⁷

This is consistent with the Christian Solidarity Worldwide Report that found that Indonesia experienced restrictions in the construction of churches.²⁸ Based on PUSAD Paramadina research, there are churches which are categorized as not problematic, there are churches that are not problematic, but are questioned, there

are churches that are indeed problematic; some of it has been resolved, some of it has not yet been resolved.²⁹ Or use the other measurement tools, there are disturbances or problems to churches that even have not been established, there are also disturbances or problems to churches that already established, and there are disturbances or problems to churches that have already been established and have a building permit.

PBM was formed in response to the insistence of various groups who refused and urged the revocation of the Joint Decree (SKB) of the Minister of Religion and the Minister of Interior Affairs No. 01/Ber/MD-MAG/1969 Regarding the Implementation of Duties of Government Apparatuses in Ensuring Order and Smooth Implementation of Development and Religious Worship by Its Adherents. Protests against the SKB that were deemed unconstitutional were answered by the government with the establishment of a discriminatory PBM that undermine the guarantee of citizens' constitutional rights in general³⁰ and specifically in establishing churches.

Following are 9 locus of discrimination in 6 PBM Articles which also have an

25 Ismail Hasani, *Mengenali Lokus Diskriminasi dalam PBM 2 Menteri* 'Legal Review terhadap Peraturan Bersama Menteri Agama dan Menteri Dalam Negeri No. 9/2006, No. 8/2006 tentang Pedoman Pelaksanaan Tugas Kepala Daerah/Wakil Kepala Daerah dalam Pemeliharaan Kerukunan Umat Beragama, Pemberdayaan Forum Kerukunan Umat Beragama, dan Pendirian Rumah Ibadat', (Jakarta: Pustaka Masyarakat Setara, 2010), p. 2.

26 Report of the United States Commission on International Religious Freedom in 2018.

27 Melissa Crouch, 2010, quoted via Paul Marshall, *The Ambiguities of Religious Freedom in Indonesia*, *The Review of Faith & International Affairs*, 16:1, p. 88.

28 Indonesia: Freedom of religion or belief by Christian Solidarity Worldwide in September 2018.

29 Ihsan Ali Fauzi dkk, *Kontroversi Gereja di Jakarta...*, *op.cit.*, p. 7.

30 Ismail Hasani, *Mengenali Lokus Diskriminasi dalam PBM 2 Menteri...*, *op.cit.*, p. 6.

impact to the Christian minority.³¹

Table 05.
9 Locus of Discrimination and Constitutional Issues
in 6 PBM Articles

Article	Locus of Discrimination
Article 13 (1): The establishment of places of worship is based on real and genuine needs based on the number of congregations in the village area.	Discrimination in terms of goal/ objective, that is to limit the establishment of places of worship by setting qualifications of “real and genuine needs” that are not clear the scope. This formula is intended to limit the establishment of houses of worship. Discrimination as a result occurs due to the application of the article causes difficulties in the establishment of places of worship, especially minority groups.
Article 13 (3): In the case that the real need for religious services in the village area as referred in the paragraph (1) is not met, consideration of the composition of the population in the sub-district or regency/ city or province is used.	Discrimination in the goal/objective the provision “real need for religious services” is intended to limit the establishment of places of worship with the use of more specific qualifications. Discrimination as a result , the application of this article makes it difficult to establish worship houses.
Article 14: (1) The construction of worship houses shall meet the administrative and technical requirements of buildings. (2) In addition to meeting the requirements referred to in the paragraph (1) the construction of places of worship must meet special requirements including:	Discrimination as a result arises from the determination of the conditions stipulated by Article 14 for establishing a worship house. The formulation of clauses in this article has an impact on diminishing the enjoyment of human rights, namely the right to worship.

³¹ Ibid, p. 6 – 10.

Article	Locus of Discrimination
a. list of names and Identity Cards of congregation of the place of worship at least 90 (ninety) people that is authorized by local officials in accordance with the level of territorial borders as referred to in article 13 verse (3); b. support from the local community of at least 60 (sixty) people that is authorized by the district/village head; c. written recommendation from the head of the district/city of religious affairs department office; and d. written recommendation from FKUB of the regency/city. (3) In the case that the requirements referred to in verse (2) letter a are met while the requirements for letter b have not yet been fulfilled, the regional government is obliged to facilitate the availability of location for construction of a place of whorship.	
Article 17: The local government facilitates the provision of new location for place to worship building that has had IMB moved due to the changes in regional spatial plans.	Discrimination in goal/objective it is clear from the inconsistency of the formation of this regulation which confuses the arrangement of the establishment of place of worship with the issue of spatial planning. If the permit to build a place of worship is a matter of spatial planning, then there should not be any need for citizen agreement with proof of signature, what should be performed is to check the spatial planning of an area. This article was formed for the purpose of covering up the discriminatory intent of forming a regulation with a matter of spatial planning.

Article	Locus of Discrimination
	Discrimination as an impact, plainly seen in the realization of this regulation. There is almost no plan to establish a place of worship that obviously in violation of the spatial order but still does not obtain a permit. Even those that have obtained permits still cannot build places of worship. While the argument that is always raised is in violation of spatial planning.
Article 18: (1) The use of a non-worship houses building as a temporary worship place must obtain a certificate of issuance of a temporary permit from the regent/mayor to meet the requirements: a. proper function; and b. maintaining of religious harmony and order and public order. (2) Eligibility requirements for functions as referred to in verse (1) letter a refer to the law and regulation concerning buildings. (3) The requirements for maintaining religious harmony as well as order and peace of society as referred in verse (1) letter b, include: a. written permission of the building owner; b. written recommendation from the village head; c. written reports to the district/city FKUB; and d. written report to the head of the district/city religious affairs department office.	The entire contents of Articles 18, 19, 20 that regulate Temporary Permit of Utilization of Buildings endures discrimination in the goal/objective of creation of the regulation. If we trace all of these conditions, it is illustrated how difficult that is for citizens to worship. This condition is exactly the same as the requirements for the construction of a worship houses. Discrimination as a result is obviously illustrated in recent events where citizens who want to conduct worship are prevented and even by violence.

Article	Locus of Discrimination
Article 18: (1) The use of a non-worship houses building as a temporary worship place must obtain a certificate of issuance of a temporary permit from the regent/mayor to meet the requirements: a. proper function; and b. maintaning of religious harmony and order and public order. (2) Eligibility requirements for functions as referred to in verse (1) letter a refer to the law and regulation concerning buildings. (3) The requirements for maintaining religious harmony as well as order and peace of society as referred in verse (1) letter b, include: a. written permission of the building owner; b. written recommendation from the village head; c. written reports to the district/city FKUB; and d. written report to the head of the district/city religious affairs department office. Article 19: (1) The certificate of granting temporary permit for utilization of non-worship houses buildings by the regents / mayors as referred in Article 18 paragraph	

Article	Locus of Discrimination
(1) is issued after taking into account the written opinion of the head of the district/city religious department office and the regency/city FKUB. (2) The certificate of granting temporary permit for the use of non-worship houses buildings as referred to in paragraph (1) is valid for a maximum of 2 (two) years. Article 20: (1) Issuance of certificate of granting temporary permit as referred in Article 19 paragraph (1) may be delegated to the <i>camat</i>. (2) Issuance of certificate of granting temporary permit as referred to in paragraph (1) shall be issued after taking into account the written opinion of the head of the office of the regency/city religious affairs department and the regency/city FKUB.	
Article 20 (3) In the event that the dispute resolution as referred to in paragraph (2) is not reached, the dispute resolution shall be carried out through the local court.	Article 20 (3) in practice cannot be enforced. In the case of the establishment of places of worship, the ruling of a state administrative court cannot be carried out. In such situation, discrimination as a result in the form of abolition has occurred and is experienced by a number of citizens who have permanent legal force over cases of the establishment of places of worship but still cannot establish worship houses. This condition is a situation where the supporting mechanisms (court and execution of court decisions) to fulfill or maintain these rights are not available.

PBM is a discriminatory regulation which shows the state as an actor in the cases of the disturbance against churches in Indonesia. The establishment of worship houses should not stop at the individual or community's willingness to support or not support the establishment of worship houses. But the main factor which must be seen is the needs of followers of the religion/belief over a worship house.

In the practice, it is proven that the PBM functions as a filter for worship houses that will be established including churches, and even as a filter for the churches that have already been established. In some regions, a "zero church policy" has emerged aimed at inhibiting church establishment. The highest rates of church suppression growth were found in the Bandung, Kuningan and Bekasi areas.³²

2.1. Joint Ministerial Regulations (PBM) Implementation Problem

In addition to adopt PBM that has constitutional flaws since its inherent discriminatory character, Indonesia also has problems in implementing the legal product. In its application, most people do not understand the PBM.³³ Besides

the community, the bureaucrats did not comprehend PBM comprehensively. This lack of understanding of the PBM³⁴ causes conflict in the community that should be anticipated by the PMB considering the purpose of the PBM is to regulate the maintenance of religious harmony and empowers the Forum of Religious Harmony (FKUB).

In addition, the PBM does not have technical guidelines. Thus, it opens a space of interpretation for local governments.³⁵ Evidently, from a series of regional regulations that further regulate the provisions of the establishment of worship houses, these various regional regulations apparently do not contribute to facilitate the implementation of the PBM, instead complicates the process of obtaining a building permit for a worship house that is determined with more restrictive and more provisions.

This can be seen in the case of the Protestant Church in Western Indonesia (GPIB) Pelita Hidup whis is mentioned in the success and failure stories of this research. GPIB

32 Focused Group Discussion Setara Institute on December 18, 2019. Information taken from the results of a study brought into the FGD forum by two Christian groups.

33 SETARA Institute interview with KH. Zainudin, Branch Manager of the Depok City Nahdlatul

Ulama (PCNU) and Former Member of the Religious Harmony Forum (FKUB) Depok, Depok, 30 December 2019.

34 SETARA Institute interviews with Zetplayers Tarigan, GBKP Studio Alam, FKUB Depok City Legal Bureau, PGIS Legal Bureau, Depok Christian Communication and Cooperation Forum (FKKUD), Depok, 2 December 2019.

35 SETARA Institute interview with M. Subhi, Member of the Depok Gusdurian Association, Depok, 30, November 2019.

Pelita Hidup, which has been striving to establish a church since 1991 until now, is still working on the 60/90 stipulations determined by the PBM. The support of 60 local communities determined in the PBM is interpreted as a support from one family. Therefore, if in one family there are 5 family members, for one support, the church shall get 5 signatures of the family members.³⁶

In addition, in Depok City as one of the research areas, new provision from the Ministry of Religious Affairs of Depok is also found concerning the format of letters of support. Based on the local Religious Affairs Ministry, the format of the support should be on one separated sheet of support, a 6000 stamp is stamped and the signature of endorsement from *RT*, *RW*, and village head are also stamped in every letter of support. With this format the church construction committee needs more funds estimated around Rp. 4.3M for the proof of

the supports.³⁷

2.2. The Absence of Rigid Mechanisms/ Procedures in the Settlement of Disputes

During this time, the PBM has functioned more as a prohibiting provision rather than a provision that facilitates religious harmony. The emphasis of this prohibited regulatory function means that PBM cannot flexibly facilitate harmony or various conflicts over houses of worship at the grassroots.

In the application of PBM, there are no operational standards for resolving disputes over worship houses which can determine when local governments and their body must take action. In various events, the obscurity was very clear. Cases of disputes over the construction of worship houses are left, unless there is a conflict/violence or large-scale demonstrations. In fact, the state can detail the function of maintaining harmony and determine the level of action based on the scale of disturbance to worship houses. Therefore, small religious groups, do not get guaranteed worship as they should.

36 See information from the GPIB Pelita Hidup Church Development Committee "What is the reason? The conditions? Yes it is, there must be agreement from the surrounding community. 60 Family Cards (KK), so one family is representative. It could be the problem like this, For example, in the family his father agreed, but if his wife did not want to? Then it will not get a signature. In the KK there are elements of the father of the child, can influence each other. While I said earlier that we worship is not limited by RT or RW locations. I am not this RT, but a Depok 2. While the rules are not. Well, this will never be possible. 60 KK agree, if 60 KK agree, then the new government will approve." The SETARA Institute interview with Erick, Pelita Hidup Church Development Committee, Mekar Jaya, Depok, 30 November 2019.

37 SETARA Institute interview with Mangaranap Sinaga, SE., MH., PGIS Depok, General Secretary of FKUB Depok City, General Secretary of FKKUKD, Chair of Depok Christian Intelligence Association, Depok 30 November 2019.

2.3. The PBM Does Not Accommodate the Reality of the Society

The provision of 60/90 stipulated in the PBM, in addition to obstruct the demands of places of worship for small religious groups, also do not accommodate the fact of the spread of religious adherents. In Christianity, there are hundreds of denominations which make the congregation have to establish their own worship house because of cultural differences or differences in the procession of worship. The large number of denominations cause an increase in the number of church plantations.³⁸ Therefore it is not surprising that in one neighborhood there are two adjacent churches but have different denominations. Within the Depok City research area, for example, on Jl. Pemuda, a small road that is not too long, there are a number of different churches such as GPIB, Toraja Church, Pentecostal Church, GKI, and so on.

In addition, religious followers are in fact not centralized in one particular area, although later there is a tendency. This makes it more difficult for small religious groups to establish places of worship, including Christian groups with small denominations.

2.4. The Basis of Legitimacy of the Disturbance towards the Church

The use of PBM has become the basis of legitimacy in challenging the existence of places of worship or churches specifically. In the case of GPdI Tunggul Barat, Semanu, Gunungkidul, where the church already had an IMB in 2004, when a misunderstanding arose that ended on the issue of Christianization in 2010, the PBM provision was a legal regulation used to challenge the church's existence. Even though the church had been established and had a building permit (IMB), the existence of the PBM which recently appeared in 2006 was used to question the validity of the church and its various church activities. So, to resolve the social conflict, the Regent of Gunungkidul must issue a Decree (SK) for Bleaching Houses of Worship that is the basis of legitimacy for 1,610 worship houses with 1,456 mosques in it.

The following are things that are required in PBM to get a building permit:³⁹

³⁸ SETARA Institute interview with Syamsul Alam, Satu Keadilan Foundation, Bogor, 29 November 2019.

³⁹ See Joint Regulation of the Minister of Religion and Minister of Interior Affairs Number 9 of 2006 Number 8 of 2006 concerning Guidelines for Implementing Duties of Regional Heads / Deputy Regional Heads in Maintaining Religious Harmony, Empowering Religious Harmony Forums, and Establishing Religious Houses.

Table 06.
Special Requirement for Worship House
(PBM)

Real Requirement		Article
Special Requirement	A total of 90 users of worship houses	Article 14 paragraph (2) letter a and Article 13 paragraph (3)
	A total of 60 people supports from the local community	Article 14 paragraph (2) letter b
	Authorization of users of worship houses by local officials	Article 14 paragraph (2) letter a
	Authorization of support from the village head	Article 14 paragraph (2) letter b
	Written Recommendation from Religious Affairs Department of the City or Regency	Article 14 paragraph (2) letter c
	Written Recommendation from the City/Regency FKUB	Article 14 paragraph (2) letter d

In addition to the provisions stipulated in the PBM issued by the national government, there are also regulations at the local level governing the provisions for the construction of worship houses. It can be seen from the following table:⁴⁰

⁴⁰ Based on the data from Komnas Perempuan there are at least 24 areas in Indonesia that regulate the establishment of places of worship. See also Regulation of the City of Bekasi 16/2006 concerning Procedure for Granting Permit Establishing Places of Worship (Tata Cara Pemberian Ijin Pendirian rumah Ibadah di Kota Bekasi), Local Law of the Province of Bali 10/2006 concerning Procedures and Provisions of Establishing Places of Worship in Bali (Prosedur dan Ketentuan-Ketentuan Pembangunan Tempat-Tempat Ibadah untuk Umum di Wilayah Provinsi Bali), Local Law of the City of Surakarta 6/2011, Local Law of

Table 07.
Restrictive Local Level Regulations

No.	Regulation	Restrictive Provision	PBM	Article
1.	DKI Jakarta Governor Regulation 83/2012 concerning Procedures for Granting Approval for Construction of Houses of Worship	A letter from the local village head stating the need and it is truly based on the composition of the number of followers of the religion	Not set-up	Article 3 letter a
		Proof of land ownership by attaching land status from BPN	Not set-up but reasonable	Article 3 letter b
		Stipulations on city plans and building layout plans	Unregulated	Article 3 letter c

the Regency of Berau No. 23/2011 concerning Guidelines for Implementing Duties of Local Government Head in Maintaining Religious Harmony, Empowerment of FKUB, and Establishing Places of Worship in Berau (Pedoman Pelaksanaan Tugas Kepala Daerah/ Wakil Kepala Daerah Dalam Memelihara Kerukunan Umat Beragama, Pemberdayaan FKUB dan Pendirian Rumah Ibadah di Kab. Berau), Local Law of the Province of Jambi 3/2015 concerning IMB, Regulation of the Regency of Bantul 98/2016 concerning Guidelines in Establishing Places of Worship (Pedoman Pendirian Rumah Ibadah), Regulation of the Mayor of Surakarta 11/2011 concerning Procedures of Granting IMB for Places of Worship (Tata Cara Penerbitan Ijin Mendirikan Rumah Ibadah), Regulation of the Regent of Sleman 12/2019 concerning IMB and Places of Worship in Sleman (IMB and Tempat Ibadah dan Rumah Ibadah di Sleman), and Decision of the Regent of the City of Surabaya 49/2003 concerning Procedures of Granting IMB (Tata Cara Pemberian Izin Tempat Ibadah).

No.	Regulation	Restrictive Provision	PBM	Article
		The Regional Office of the Ministry of Religious Affairs of the Province of DKI Jakarta on clarification regarding worship activities and the followers' streams of the designated religion	Not set-up regarding the clarification of religious stream and worship activities	Article 6 paragraph (1)
		List of the composition of the management/committee for the establishment of place of worship known to the local village head	Not set-up	Article 6 paragraph (1)
		User support (90 people) domiciled within a 500m radius of the location of the worship house accompanied by evidence of each statement	Not set-up related to the radius	Article 6 paragraph (2) letter d
		Supports from the local community (60 people) domiciled within a 500m radius of the location of the worship house accompanied by evidence of their respective statements	Not set-up related to the radius	Article 6 paragraph (3) letter h
2.	Qanun 4/2016 in Aceh	Requirements for 140 local users	Exceed the PBM provisions	Article 14 paragraph (2) letter a
		The supports from the community are from 110 people	Exceed the PBM provisions	Article 14 paragraph (2) letter b
		Written recommendation from Keuchik	Not set-up	Article 14 paragraph (2) letter c

No.	Regulation	Restrictive Provision	PBM	Article
		Written recommendation from Imuem Mukim	Not set-up	Article 14 paragraph (2) letter d
		District head's written recommendation	Not set-up	Article 14 paragraph (2) letter e
		Written recommendation from the District Religious Affairs Office	Not set-up	Article 14 paragraph (2) letter e
		Planned sketch of buildings approved by the Regency/City government	Not set-up but reasonable	Article 14 paragraph (2) letter g
		Decision on the composition of the management/ committee for the establishment of the place of worship issued by the authorized official	Not set-up	Article 14 paragraph (2) letter h
3.	Karanganyar Regent Regulation No. 41 of 2017 concerning Amendments to the Karanganyar Regent Regulation 100/2015 concerning Procedures for the Issuance of Permits for Building Places of Worship	The supports from community are obtained from the people who are directly adjacent to the place of worship with a radius of 200 meters	Not set-up	Article 3 paragraph (5)

3. FORMS OF DISTURBANCES AGAINST CHURCHES

Contradictory legal construction between intolerant and discriminatory constitution and derivative regulations, which exist in the central and regional governments, has become the justification and acceleration of disruption to the places of worship. Disruption against churches can occur either to the churches that have not yet been established (in process of obtaining Construction Permit (IMB)),⁴¹ under construction,⁴² or against the church that already established, whether established for a long time or newly established.⁴³

To facilitate the division, the various disturbance actions are divided into 2 classifications namely (1) disturbances toward churches that have not yet been established, and (2) disturbances toward churches that have already been established. Although in reality, two classifications of disturbances to the church in some cases can also occur in churches that are under construction.

The following are the various forms of disturbances experienced by the church.

41 An example is a demonstration against the planned construction of the Barnabas Church on Jalan Moh. Toha, Pondok Cabe, Pamulang, Tangerang. See the SETARA Institute Freedom of Religion / Beliefs Report for 2008. Or the ban on the establishment of the Pentecostal Church in Tanjung Pauh Village in Kuantat, Riau. See the SETARA Institute Freedom of Religion/ Beliefs Report 2009.

42 An example is the destruction of the Indonesian Pentecostal Church, which is under construction on Jalan Turi Raya, Tanjung Seneng Village, Bandar Lampung. Accessed via: <https://nasional.tempo.co/read/51831/belum-ada-izin-g-churches-dirusak-massa>, on December 25th, 2019, 5 PM.

43 See the case of disturbance to the Pentecostal Church in Indonesia, Tunggul Barat, Semanu, Gunungkidul, which serve as examples of good practices in resolving disputes over church. Because it stems from a threat to the established church, then the Regent of Gunungkidul issued a renewal policy.

Table 08.
Forms of Church Disturbances

Church's Status	Forms of Church Disturbance	Description
Church is not yet established	(1) Refusal of churches construction	This practice is usually carried out in the form of demonstrations and community mobilization, including bringing in residents who are not native to the church's location.
	(2) Closure of the access road to the construction site	Occurs as a form of obstructing the construction of the church.
	(3) Coerced action	These actions include extortion, lawsuits, evictions, and land occupation or forced relocation.
	(4) Revocation of Construction Permit	Conducted by the Governor, Regent, or Mayor, at the urging of the masses and the initiative of the Governor, Regent, or Mayor.
	(5) Omission (by the state) of the prohibition of establishment of church	Omission committed by state actors of criminal offend committed by citizens or mass organizations.
Church already established	(1) Closure of the Church	On behalf of concord and to accommodate the aspirations of the majority, the closure of the church can be a political option Regional Head.
	(2) Act of sealing churches	The sealing was officially carried out by the local government at the insistence of residents.
	(3) Act of violence (terror)	Both manifest terror and threats.
	(4) Destruction or demolition of the Church	Destruction and demolition are carried out as a consequence of illegal allegations or carried out in the same tacit manner as terror.
	(5) Omission (by the state)	Omission committed by state actors of criminal offend committed by citizens.

Refusal of church: Rejection of the church can occur accompanied by a demonstration against construction of a church or other action. Rejection can occur at any church before the church was built, during the construction, or the time after the church established. An example is the rejection of plans to build a house of worship (church) in the Pondok Hijau Indah Housing Complex in Ciwaruga Village, Parongpong District, West Bandung Regency on May 23rd, 2018.⁴⁴

Closure of the access road: One case of the closure of road access to the church as a form of disruption to the church is the closure of the HKBP (Protestant Church for Bataknese People) Filadelfia Tambun Bekasi church which occurred in 2012.⁴⁵

Forced actions: Interference with the church can also occur in the form of extortion or various other forms of coercion against the Church.

Revocation of IMB: The revocation of Construction Permit case was also experienced by Indonesian Christian Church (GKI) Taman Yasmin, Bogor City.

Omission (by the state) of the prohibition of establishment of church: The state as the owner of the obligation to act when human rights or constitutional violations occur is

also negligent or does not take any action or where the state should show partiality. Cases of neglect of church construction often occur in many places.

Closure of the church: The insistence of the closure of the church nor the church accompanied by intimidation closure can be examined further in the case of Indonesian Pentecostal Church Tunggul Barat, Semanu, Gunung receiving special elaboration in this study.

Act of sealing of church: The sealing action of GKI Taman Yasmin that was advocated to the international level is a form of sealing of the church that has not found a solution to his day. Even to the extent of cancellation of Construction Permit. Here is a recent photo of the condition of Indonesian Christian Church (GKI) Taman Yasmin, Bogor City:

Photo 01.
Abandoned Building of GKI Taman Yasmin
Bogor



44 Report on Freedom of Religion/Belief in Indonesia, SETARA Institute 2018.

45 Report on Freedom of Religion / Belief in Indonesia, SETARA Institute 2012.



Description: Located at Jalan K.H. Abdullah bin Nuh Kav. 3, Taman Yasmin Bogor, West Java (Next to Hermina Hospital).

Act of violence (terror): Forms of disruption to the church also have an impact on the congregation or church administrators. Various forms of acts of violence against the church that have occurred are throwing bombs, threats of violence, threats of bombings, shootings, or attacks on churches. An example is the Molotov cocktail bombing of the Indonesian Christian Church (GKI) on Jalan Samiun in Makassar in 2013.⁴⁶

Destruction or demolition of the Church: An example of a case of vandalism and even violence that occurred in a church is the mob tantrums that attacked and damaged 11 Christian churches in Aceh Singkil, Aceh province. Hundreds of Christians fled to the nearest province, North Sumatra. The Aceh regional government in responding to the case approved the militant's request and closed as many as 13 churches, forcing the Congregations to comply with the 1979 agreement which limited the number of church buildings in Aceh Singkil to one

⁴⁶ Report on Freedom of Religion/Belief in Indonesia, KBB SETARA Institute Year 2013.

church with 4 chapels.⁴⁷

Omission (by the state): Cases of neglect of the church can be in the form of the omission of acts of violence, the omission of arson, the omission of sealing actions by the mass groups, or acts of omission of destruction and so forth. An example of an omission by state omission was the dismantling of the Indonesian Bethel Church (GBI) in Kuta Alam, Banda Aceh in 2013.⁴⁸

Whereas the perpetrators or actors who disturb the church can be divided into two groups, namely state actors and non-state actors.⁴⁹

Table 09.
**Actors of Violation of Freedom of Religion/
Belief related to Churches**

Actors	Name of Actors	Description
State	Police	The Police usually performs omission of the violation events
	Pamong Praja Police Unit (Satpol-PP)	Pamong Praja Police Unit is an organ under control of Mayor/Regent and usually is the forefront actor in performing destruction/sealing/other force actions.

47 Paul Marshall, *The Ambiguities of Religious Freedom in Indonesia*, op.cit., p. 88.

48 Report on Freedom of Religion/Belief in Indonesia, KBB SETARA Institute Year 2013.

49 See Laporan Kebebasan Beragama/Berkeyakinan di Indonesia, SETARA Institute, Laporan Tahunan Kebebasan Beragama/Berkeyakinan, Wahid Institute, Lihat Agnes Dwi Rusjiyati, et.al, *Mengurai Benang Kusut Intoleransi*, op.cit., p. 69, lihat juga *Persekutuan Gereja-Gereja di Indonesia, Menghadapi Hambatan Beribadah: Panduan Advokasi Gereja*, (Jakarta: Persekutuan Gereja-Gereja di Indonesia, 2019), p. xii.

Actors	Name of Actors	Description
	The Religious Harmony Forum (FKUB)	This is a semi-state organ that is established by PBM of 2 Ministers, but more often represents the aspiration of majority and the will of regent/mayor rather than represent the interest of society.
	Local Government	The element of government in the level of cities and regencies
	The Indonesian National Army (TNI)	TNI in the level of city/regency usually involves with local government joint action.
	Office of Spatial Planning	The implementing element of government in the level of locals that is responsible for organizing the spatial area of the designated area. Usually the policy of the Office is used as a justification argument by the opponent groups performing persecution actions.
	Camat	Implementing element that overtake the territory of Districts (the level between regency and village)
	Headman	Government implementing element at village/village level
	Ministry of Interior Affairs	The ministry has mandate to perform supervision toward local government heads.
Non-State	<i>Permanent Organ:</i>	
	A. Moderate Organization	
	MUI Muhammadiyah ICMI Kokam Muhammadiyah Nahdlatul Ulama	Moderate organization prefer in being no action and in some cases becomes the actors. Except for MUI, that its authority in issuing fatwa, in many cases fatwa becoming the sources legitimacy of intolerance.

Actors	Name of Actors	Description
	B. Intolerance Organizations	
	DDII Tafsir of Al-Quran Assembly (MTA) Hizbullah Congregation Islamic Defenders Front (FPI) Islamic Jihad Front (FJI) Ka'bah Youth Movement (GPK) Forum of Muslims (FUI) The Army of Islam Defenders	The organizations in this cluster are religious organizations with intolerance ideology that adopt the ideology of takfiri, justify violence in the fight of the enforcement of Sharia Islam and caliphate The groups use anti-Christian issue as their recovery medium and medium of public radicalization.
	C. Radical-Jihadis Organizations	
	The Jihad Army Congregation of Anshoru Tauhid (JAT) HTI The Indonesian Mujahidin Assembly (MMI)	The organizations in this cluster were born from jihadists. JAT and Jihad Army are recorded as an organization that have been involved with terrorism acts. HTI is an organization dissolved by the government due to it fights for Islamiyah Caliphate as a substitute of Pancasila.
	Tactical Organ:	

Actors	Name of Actors	Description
	Indonesian Muslim Communication Forum (Forkami) Forum of Communication and hospitality of Mosque-Mushola The Forum of Muslim scholars (FSUCM) Solidarity Among Muslims (FSUM); Islamic Scholars Forum; Islamic Organization Communication Forum (FKOI) Anti-purifying and heretical movement	The organs are temporary and local. They are usually formed sporadically and reactively to respond the situations in each area. To unite the groups, they usually create more tactical organs.

Description of the forms of disturbance against churches as identified in this research is the reflection of complexity of the relationship of majority and minority religions in Indonesia. Preferences toward majority are reflected in the regulation and the policy that are chosen advantaging the majority. Favoritism also affects the daily relationship between religious/beliefs groups that impacts on the unfulfillment of right to worship of minority groups, especially Christians.

In the legal aspect, as mentioned above, there are regulations on the national level that impact negatively the fulfillment of right of worship for Christians specifically. Similarly, the regulations on local level are also more restrictive and obstructing. The various regulations do not ease the implementation of PBM which more detail elaboration, however, they set more complicate and even not set up at all in the PBM as their legal source.

From the political aspect, the majority-minority relationship becomes the crucial reference of a local government to determine his/her political policy due to the electoral benefit or overall community acceptance. The omission by state either in the national level or local level is political choice for certain political interest, as occurred in the case of GPdI Tunggul Barat Semanu, Gunungkidul that occurred during 2011-2014.⁵⁰ Favoritism among public officials is inevitable either due to the affiliation of party or calculation of public support.⁵¹

In addition of law that has been a problem or cause of disturbance against churches, bureaucracy also becomes a problematic factor in the establishment of churches or even manifests becoming disturbance against churches that are manifested in other forms. There are cases where the public official cannot take a decision to approve the needed documents. Even some public official such as Chairman of RT, Chairman of RW, Headman, Lurah, or regents/mayors do not perform their function as a medium of facilitating. In the case GPIB Pelita Hidup is found that the public official does not have willingness to meet the church.⁵² It

also demonstrates the subjectivity of public officials.

The speed and firmness of the local government in handling disturbance cases against churches has a major effect on the continuity of a church-related conflict in an area. Proven in the case of GPdI Tunggul Barat Semanu, Gunungkidul, where the regent did not take any action within a few years. Even the recommendation letter from FKUB related to the issue in 2012 just got a response at 2015.⁵³ It sometimes takes years even decades to get church permit (IMB).⁵⁴

Besides that, the governments seem have no firmness to uphold the legal decisions or regulation that give guarantee. As in the case of GKI Taman Yasmin, the local government issued a decision that is in contrary to the Supreme Court decision that confirmed the Ombudsman ruling on the revocation of the Mayor of Bogor on the freezing the IMB of GKI Yasmin. The government came out by cancelling the IMB of GKI Yasmin.⁵⁵

50 Agnes Dwi Rusjiyati, et.al, Mengurai Benang Kusut Intoleransi..., *op.cit.*, p. 69.

51 Look at how the government of Bogor react on GKI Taman Yasmin.

52 Chairman of RT 030 Kelurahan Mekar Jaya, Depok. Finally, during the administration of this chairman the church is able to communicate

with him (in contrast with previous Chairman).

53 Agnes Dwi Rusjiyati, et.al, Mengurai Benang Kusut Intoleransi ..., *op.cit.*, p. 69.

54 Three churches closed down in two months in Indonesia, access through <https://www.premier.org.uk/News/World/Three-churches-closed-down-in-two-months-in-Indonesia> on 14 November 2019, 9 PM.

55 SK Walikota Bogor Nomor 503/367/HUK concerning revocation of recommendation of the Mayor as stated on Decisional Letter Number IMB601/389/Pem concerning Establishment of GKI Taman Yasmin

The unwillingness of local government to apply the law or legal decision does not occur in one single occasion. A number of churches also experienced the revocation of IMB after fulfilling the long procedure of obtaining the IMB as defined in PBM.

Besides the inadequacy of local government, cases of closure of church or the inability of local government to impose legal provisions or decisions demonstrate the triumph of vigilante groups over the right of worship which is guaranteed by the Constitution, law, or other international arrangements.⁵⁶

Another bureaucratic problem that is also a source of disruption towards churches is the request of some amount of money on the promise of smooth IMB. This is a common practice.⁵⁷

Social factor both from internal and external also influence the elimination of disturbance or the emergence of disturbance against church. From the internal aspect for instance there is disunity between the church people. Take for the example GKI

Taman Yasmin, there is a group that want to pursue the continuity of the church and there is a group who wants to stop further effort.⁵⁸

The permissive attitude of the church is a problematic issue. For instance, in some case, there are people coming to the front of the church to look around and monitor the worship activities that exist in the church. Or in another case there is a group of people who came over the newly placed priest (in intimidated way). The church is permissive in handling these kinds of disturbance due to the absence of the mechanism that can be used to tackle those disturbances.

Additionally, social life with people outside the church is a factor that significantly strong in determining the establishment of a church or its continuity. Variety of cases explained in this research show oftentimes the relation of majority and minority or oftentimes show the resistance of the majority toward the establishment of church.⁵⁹ There are many cases of church closed due to the disagreement of the majority muslim.⁶⁰

Church.

- 56 See the case of GKI Yasmin that has been revoked its permit by the mayor of the city. See also Mohammad Iqbal Ahnaf & Hairus Salim, *Krisis Keistimewaan 'Kekerasan terhadap Minoritas di Yogyakarta'* (Yogyakarta: Center for Religious and Cross-cultural Studies, 2017), p. 6.
- 57 Interview with KH. Zainudin (Muslim Community Leader in Depok, PCNU Depok dan former member of FKUB Depok) and Erick (PPG Pelita Hidup Kelurahan Mekar Jaya).

58 This occurs at GPIB Pelita Hidup, Depok.

59 See Paul Marshall, *The Ambiguities of Religious Freedom in Indonesia*, *The Review of Faith & International Affairs*, 16:1, p. 88.

60 In Indonesia, minorities under threat from Muslim hardliners, accessed through <https://www.reuters.com/article/us-indonesia-religion/in-indonesia-minorities-under-threat-from-muslim-hardliners-idUSKCN0SM2SO20151028> on 17 November 2019, 9 PM.

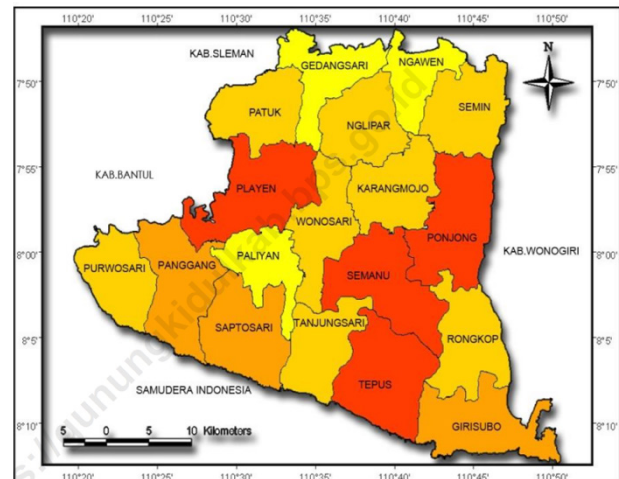
Considering the big number of intolerance organizations and the aggressiveness of their actions is a prominent factor in affecting the support or rejection of community toward church. Therefore, the issue of Christianization is always efficacious issue to provoke citizens must be neutralized with a more open explanation. This social balance should be formulated with the resolution formula.⁶¹

4. FAILURE AND SUCCESS STORIES

This section is an explanation related to success stories of churches in resolving various forms of disturbances or obstacles in establishing houses of worship. In addition to success stories that can be categorized into good practices that can be replicated, this section also conveys the story of the church's failure to resolve various forms of disturbances to the establishment of houses of worship. The case of church settlement in Gunungkidul Regency and Bekasi City are example of successful practice in resolving disturbances against churches, while cases of unresolved churches disputes or disturbance against churchus in Bogor City and Depok City are unsuccessful practices.

1. Gunungkidul Regency, Yogyakarta Special Region

Gunungkidul is a regency located in Yogyakarta Special Region which shares it borders with Klaten Regency dan Sukoharjo Regency in the northern part of Gunungkidul. It is bordered with Wonogiri Regency in the east, borders with Indian Ocean on the southern parts and Bantul, and Sleman Regency in the west.⁶² See the map below:⁶³



In general, the population of Gunungkidul is 729,200 Muslims, 13,087 Protestants, 13,046 Catholics, 1,085 Hindus, 406 Buddhists, 406 Buddhists, 7 Confucians, and 338 others.⁶⁴

61 See Alamsyah M. Djafar, *Islamisasi dan Kristenisasi: Isu-isu krusial di Seputar Proselitisme dan Hak Kebebasan Beragama*, (Jurnal HAM Komisi Nasional Hak Asasi Manusia, 2014), p. 115 explaining proselytization in Indonesia.

62 Badan Pusat Statitik Kabupaten Gunungkidul, *Kabupaten Gunungkidul Dalam Angka*, (Gunungkidul: BPS Kab. Gunungkidul), p. 6

63 Ibid., p. 7.

64 BPS Kabupaten Gunungkidul, Kabupaten

Good practice from the Regency is started from a case of the rejection and termination of activities of the Pentecostal Church in Indonesia (GPdI) in the village of Tunggul Barat, Semanu, Gunungkidul began with the community work (KKN) of students of the School of Theology of Semarang in October 2010 which ended by the complaints of local citizens, to stop the religious services in the church because it did not have permission as a house of worship (IMB) and asked Pdt. Agustinus to leave the church.⁶⁵

Indonesian Pentecostal Church (Gpdl) Tunggul Barat Semanu began its service in 1991 which since January 1996 the service was carried out by Pdt. Agustinus Y.B. Pramono. In 2001-2004 Indonesian Pentecostal Church (GPdI) Semanu strived for its Construction Permit (IMB) and obtained the Church's Construction Permit (IMB) from the Gunungkidul District Public Works Department with Construction Permit's number 312/IMB/2004. Within December 2004 until 2012, worships have been held in church building that already had Construction Permit (IMB).⁶⁶

According to the Head of Community Association (RW) 24, Tunggul Barat, there was a misunderstanding between Muslim residents and church officials who did not notify the residents regarding community work (KKN) activities carried out in the church. The local Islamic religious leaders felt offended by the community work (KKN) notification letter. In addition, based on the statement of the Chairperson of the Community Association (RW), GPdI Tunggul Barat was questioned because it did not have a Construction Permit (IMB) for the church even though the church was already operating.⁶⁷

The same circumstance was also expressed by Pdt. Agustinus Y.B. Pramono. There had been a twist of information related to the procession of prayers conducted in a national way into the issue of Christianization. But basically, these problems only stem from a mere misunderstanding. This is then drawn into the issue of whether the church has a Construction Permit or not. The church already had a Construction Permit (IMB) in 2004, but it did not use the Construction procedure set out in the 2006's Joint

Gunungkidul Dalam Angka, (Gunungkidul: BPS Kab. Gunungkidul), p. 152.

65 Ihsan Ali-Fauzi, Sengketa Rumah Ibadat di Indonesia, *op.cit.*, p. 10. See also Mohammad Iqbal Ahnaf & Hairus Salim, Krisis Keistimewaan 'Kekerasan terhadap Minoritas di Yogyakarta,' (Yogyakarta: Center for Religious and Cross-cultural Studies, 2017), p. 5. See also Agnes Dwi Rusjiyati, dkk, *Mengurai Benang Kusut Intoleransi...*, *op.cit.*, p. 51.

66 Agnes Dwi Rusjiyati, dkk, *Mengurai Benang Kusut Intoleransi...*, *op.cit.*, h. 52. The same thing

was expressed by the Board of Indonesian Pentecostal Church (Gpdl) Semanu, Ps. Agustinus Y.B. Pramono, the church had an Construction Permit in 2004. Interview with SETARA Institute with Agustinus YB Pramono, Administrator of Indonesian Pentecostal Church (GPdI) Eben Haezer, Gunungkidul, 6 December 2019.

67 SETARA Institute interview with Sigit Prayitno, Chair of Community Association (RW) 24 Tunggul Barat, Gunungkidul, 7 December 2019.

Ministerial Decree (PBM).⁶⁸

In resolving the church dispute case, the church administrator Pdt. Agustinus Y.B. Pramono did not take any legal actions. The administrator prefers a social approach with citizens rather than using legal actions which are judged to be detrimental to the two opposing parties.⁶⁹

Regarding this matter, a meeting was held with the opposing groups, which was attended by the Government of Gunungkidul Regency, represented by the Regent, Assistant Regional Secretary for Government (Asek) I, Semanu Sub-District Head, Semanu Sub-District, Dukuh Tunggul and Tunggul Muslim Community (MMT) represented by mosque's administrator and Ustad Abdul Ghofur. From the church element Indonesian Pentecostal Church

(GPdI) Semanu was represented by Pdt. Stefanus Iwan and Ps. Christiana Riyadi. The meeting did not produce an agreement and still experienced a deadlock. Tunggul Muslim Community was still rejecting Pdt. Agustinus to return to West Tunggul and want the Construction Permit to be revoked. While the position of the Forum for Religious Harmony (FKUB) tended to use the Kamis Pahing agreement to reject the existence of Indonesian Pentecostal Church (Gpdl).⁷⁰

Due to a deadlock, Assistant Regional Secretary for Government (Asek) I separated the meeting room between MMT and GPdI. The meeting with GPdI was conducted together with Assistant Regional Secretary for Government (Asek) I, Semanu Sub-District and Welfare Section. The meeting revealed that Indonesian Pentecostal Church (GPdI) Tunggul already has a Construction Permit. The government advised Indonesian Pentecostal Church (GPdI) to obtain temporary permits. But then Assistant Regional Secretary for Government (Asek) I argued that the problem was a social problem and the local government would facilitate the meeting as a means of resolving social problems using local wisdom.⁷¹

Tunggul Barat's Indonesian Pentecostal

68 The SETARA Institute interview with Agustinus YB Pramono, Chairperson of the Indonesian Pentecostal Church (GPdI) Eben Haezer, Gunungkidul, December 6, 2019. The same circumstances related to the issue of Christianization was also confirmed from the Tunggul Muslim Community perspective. SETARA Institute interview with Nur Kholidin, Religious Leader / Advisory of Tunggul Muslim Community, Gunungkidul, 6 December 19. From the perspective of the local government, the Christianization issue is indeed the source of the Indonesian Pentecostal Church (GPdI) problem. SETARA Institute interview with Tommy Harahap, Retired Assistant Regional Secretary for Government (Asek) I Local Government, Gunungkidul, 6 December 2019.

69 Interview with SETARA Institute with Agustinus YB Pramono, Administrator of GPdI Church Eben Haezer, Gunungkidul, 6 December 2019.

70 Agnes Dwi Rusjiyati, dkk, Mengurai Benang Kusut Intoleransi ..., p. 66-67.

71 Agnes Dwi Rusjiyati, dkk, Mengurai Benang Kusut Intoleransi..., *op.cit.*, p. 67.

Church (GPdI) settlement process ended in January 23rd, 2015. Regent of Gunungkidul Badingah, and local government officials, Assistant Regional Secretary for Government (Asek) I, National and Political Unity (Kesbangpol) / elements of the regional administration in charge of nationality and political issues, Resort Police, Police Sector Semanu, Semanu Sub-District Head, Semanu Village Head, Neighborhood, Community Association, and members of the community who are dominated by Islamic study groups for women in Balai Tunggul Barat Village held a meeting. During the meeting the Regent delivered a message of peaceful living and respect for different beliefs. The Regent said that the problems related to Indonesian Pentecostal Church (GPdI) were taken over by the regional government, so that the community could not take action towards the church.⁷²

Furthermore, on February 16th, GPdI received a letter from the Regent of Gunungkidul dated January 28th, 2015 addressed to

Pdt. Agustinus. The letter responded to the Religious Harmony Forum (FKUB) Recommendation dated February 3rd, 2012 regarding the recommendation of the problem of harmony in the Tunggul Barat religious community in Semanu Village. In the letter the Regent stated that Indonesian Pentecostal Church (GPdI) could be used again as a place of worship for Pentecostal Christians.⁷³

Decree of the Regent of Gunungkidul was established and signed on June 15th, 2015 by the Regent Badingah.⁷⁴ The decree renewed 1456 mosques, 26 Catholic churches and chapels, 105 Christian churches, 15 temples, and 8 temples that were established before 2006.⁷⁵ The Regent's Decree ended the dispute over houses of worship in Gunungkidul even though after the renewal there was still provocation that was assessed or suspected came from the Indonesian Islamic Da'wah Institute (LDII) but the Gunungkidul community did not respond to the provocation.⁷⁶

72 *Ibid.*, p. 67-68. In process of ending the conflict, the local government through ASEK I expressed their disagreement over the demand of the people to repel Pdt. Agustinus from the village. ASEK I argued that Pdt. Agustinus is the citizen of Indonesia and has KTP Tunggul Barat. In resolution process the church acknowledged its mistake and asked forgiveness from the people and agreed to do not conduct dissemination of Christian belief. Therefore, activities in the Church can be performed as usual. See interview of SETARA Institute with Tommy Harahap, former ASEK I Pemda, Gunungkidul, 6/12/2019.

73 Agnes Dwi Rusjiyati, dkk, Mengurai Benang Kusut Intoleransi..., *op.cit.*, p. 68.

74 See Surat Keputusan (SK) Bupati Gunungkidul Nomor 164/KPTS/2015 tentang Penetapan Tempat Ibadah Di Kabupaten Gunungkidul.

75 FKUB Kabupaten Gunungkidul, *Buku Forum Kerukunan Umat Beragama (FKUB) Kabupaten Gunungkidul tentang Rumah Ibadat Berdiri Sebelum Tahun 2006*, (Gunungkidul: FKUB Kabupaten Gunungkidul, 2016), p. 16-60. Confirmed through an interview of Institute with Head of FKUB Gunungkidul, Iskanto, Gunungkidul, 6/12/2019.

76 SETARA Institute interview with Sigit Prayitno,

Judging from research conducted by the Center for Religion and Cultural Studies (CRCS), Universitas Gadjah Mada (UGM), the success of this conflict resolution is due to the strong social capital owned by Yogyakarta. Where cultural forms such as ceremonies, celebrations, parties, both traditional and modern, both religious and secular, such as slametan, kenduren, sekaten, harbor, until dangdutan are still maintained in their communities and sustain harmony among citizens.⁷⁷

Table. 10
Data of Places of Worships That Considered to Have Had License Based on Decisional Letter of the Regent of Gunungkidul in 2015

House of Worships	Type
Mosques	1.456
Churches and Catholic Chapels	26
Protestant Churches	105
Temples (Pura)	15
Monastery (Vihara)	8
Total House of Worships	1.610

The initiative to collect data and renewed the administration of permits for houses of worship, such as that carried out by the

Regent of Gunungkidul in Yogyakarta, is a good practice and can be used by other local governments to put an end to the issue of establishing or disputing houses of worship permits that are prolonged and harming the constitutional rights of citizens guaranteed by the Constitution.⁷⁸

The lesson learned from the case in Gunungkidul is that both parties did not take the judicial route. The main actors and agencies are played by local governments, who are not only neutral in their attitude but also progressive in looking for initiatives that benefit both sides, and even benefit other religious groups. Even though the main actors were opponents, namely the Tunggul Muslim Community (MMT) which contained members of the Islamic Defenders Front (FPI) and the Indonesian Islamic Propagation Institute (two organizations known as radical-intolerant organizations), but local leadership was able to transform conflict into a permanent solution.

There are civil society groups such as the Unity in Diversity Alliance (ANBTI) Yogyakarta, which has also become a bridge of communication along with the local Nahdlatul Ulama (NU).⁷⁹

Chair of Community Association 24 Tunggul Barat, Gunungkidul, 7/12/2019.

77 Mohammad Iqbal Ahnaf & Hairus Salim, *Krisis Keistimewaan 'Kekerasan terhadap Minoritas di Yogyakarta'* (Yogyakarta: Center for Religious and Cross-cultural Studies, 2017), p. 14.

78 See the Report on Freedom of Religion/Belief in Indonesia, SETARA Institute 2018.

79 SETARA Institute interview with Mukhotif, Nahdlatul Ulama Branch Manager or Indonesian Ulema Council, Gunungkidul, 7/12/2019.

2. City of Bekasi, West Java Province

Bekasi is one of the cities in West Java Province which in its north is bordering with Bekasi District, in its south bordering with Bogor Regency, in its west bordering with DKI Jakarta, and in its east bordering with Bekasi Regency. The position of Bekasi which is next to the Capital makes Bekasi one of the buffer areas of the Capital of Jakarta.⁸⁰

Demographically based on religion, Bekasi City has 2,094,749 Muslims, 195,145 Protestants, 65,568 Catholics, 22,533 Buddhists, 4,713 Hindus, and 96 Confucians, and 1,609 inhabitants embraced the Beliefs. While the number of houses of worship in Bekasi City can be seen from the following table:

Table. 11
Number of Worship Houses in Bekasi

Worship Houses	Amount
Mosques	1.142
Mushola	1.786
Churches	120
Temples (Pura)	1
Monastery (Wihara)	11
Pagoda (Klenteng)	1
Pasewakan	1
Temporary House of Worships (Private House/ Mall)	93

One of Bekasi's success stories is the completion of the construction of the Santa Clara Church in the North Bekasi District, Bekasi City. Santa Clara Church is a church that experienced a long polemic in its establishment. For 21 years the church congregation sought the establishment of the Catholic church until finally on August 11, 2019 the church was inaugurated by Bekasi Mayor Rahmat Effendi. This church got the Construction Permit (IMB) in 2015 but the refusal came from various parties. The climax was a demonstration by hundreds of masses calling themselves the Bekasi Muslim Community Gathering Assembly (MSUIB) who opposed the permission to build the Santa Clara church because of administrative flaws.⁸¹

Six days after the big demonstration, a data verification session was held to openly support the establishment of the church by calling 64 residents at the local Neighborhood Association (RT), who supported the establishment of the church and the data was verified correctly. The open session was attended by the Bekasi City Religious Harmony Forum (FKUB), the Verification Team from Harapan Baru Village, the Verification Team from North Bekasi

⁸⁰ Bekasi City Political and National Unity Agency, *Data on Social Organization (Orkemas) in Bekasi City*, 2015, p. 2.

⁸¹ The Long Way to Establish the Church of Santa Clara in North Bekasi through <https://bekasi.pojoksatu.id/baca/jalan-panjang-ponelan-churches-santa-clara> on October 15 at 7 AM.

District, the establishment committee of the Santa Clara Church, and the Verification Team from the Ministry of Religion. The Coordinator of the National Commission on Human Rights for Freedom of Religion/Belief assessed the construction of the church in accordance with procedures, so that the construction of the Church of Santa Clara continued until it was inaugurated with a total of 8,515 Catholics.

Although this precedent can only be useful for large religious groups in quantity, this open and immediate verification practice can be used by other local governments to resolve disputed houses of worship that have not been resolved to date. The main actor in the completion of this church is the Mayor of Bekasi, which is committed to upholding the law and human rights.

Table 12.
Chronology of the Settlement Case of the
Church of Santa Klara
Bekasi

No	Date	Events
1.	August 11 th 1998	Santa Klara Chapel established in shop house.
2.	2006	The Church of Santa Clara applied for permission to build a church (IMB) but was refused because the requirements were not fulfilled.
3.	2009	The Church of Santa Clara submitted permission for the establishment of the church (IMB) but was refused when verified because there was a mistake in revisiting the requirements.
4.	2010	The Church of Santa Clara submitted a permit for the construction of the church (IMB) but was rejected because the Headman and Sub-district Head did not want to sign, because there were less requirements.

5.	November 23 rd 2014	The church construction committee submitted a letter requesting the construction of the church (IMB) to the Harapanbaru Sub-district
6.	November 28 th 2014	The verification team formed by Harapanbaru Sub-district verifies residents who agree by checking directly into residents' homes in accordance with national ID copies
7.	2014	Santa Clara again submitted a construction permit application (IMB), then Religious Harmony Forum (FKUB) issued a recommendation because it was in accordance with the rules. ²
8.	July 28 th 2015	The Mayor of Bekasi formed a team and issued a Building Permit (SIPMB) through a Mayor Decree numbered 203/0535 /1.B BPPT.2.
9.	August 10 th 2015	Thousands of organizations mob occupied the church construction site.
10.	December 5 th 2015	Laying the first stone on the location of the church construction.
11.	March 7 th 2016	600-1000 people from various Islamic community organizations in Bekasi demonstrated to reject the construction of the Santa Clara Church.
12.	25 November 2016	Bekasi Muslim Community Gathering Assembly (MSUIB) rallied in front of the building site of the Church of Santa Clara.
13.	March 24 th 2017	Demonstrations against the construction of the Church of Santa Clara conducted by the masses who are members of the Bekasi Muslim Community Gathering Assembly (MSUIB), and the Greater Bekasi Islamic Defenders Front (FPI).
14.	March 30 th 2017	The Bekasi city government is holding an open session regarding the permission to build Santa Clara church.
15.	11 Agust 2019	Inauguration of the Santa Clara Church conducted by the Mayor of Bekasi Rahmat Efendi.
16.	25 Des 2019	The Santa Clara congregation celebrated Christmas at church for the first time after 20 years of worship in the Taman Wisma Asri shophouse.

In addition to the Santa Clara Church, the Bekasi City success story is also presented

in a narrative to the Pasundan Christian Church (GKP) in Kampung Sawah. This

church is the oldest church in Bekasi City. Its age exceeds the age of the republic, which is 147 years old. However, in connection with the Building Permit, the church actually just had a Building Permit 4 years ago. In the context of administering the Building Permit, Pasundan Christian Church (GKP) Kampung Sawah is a clear example of how the church, which has been 147 years old, has only gotten permission for the last 4 years.⁸²

Pasundan Christian Church, Kampung Sawah, Bekasi City, West Java Province, has been serving its congregation since June 16, 1874. The GKP Congregation Data of Kampung Sawah (per February 23, 2019) is 605 families with a total congregation of 1,878 people and 1,264 Sidi members.⁸³

In Kampung Sawah there is a golden triangle known. In a series of streets in this village stands the St. Servatius Catholic Church, the Pasundan Christian Church (GKP) Kampung Sawah Congregation, and the Great Mosque of Al Jauhar Yasfi. The term tolerance village refers to Kampung Sawah. The Great Mosque of Al Jauhar Yasfi and the St. Servatius Catholic Church are only about 130 meters away. Between the Mosque and the Catholic Church, there is the GKP Kampung Sawah Congregation. Tolerance in Kampung Sawah was not formed, mainly

by the government, but has been formed for a long time and has become a culture of the people of Bekasi City. For international scale, the condition of tolerance here has become the spotlight, even from European countries have visited.⁸⁴

According to Rev. William, the Principle in Sawah Village, if there are houses of worship that preach about intolerance, then representatives of the leaders will visit and engage in dialogue. For example, if the person who preached was from Catholicism, then Catholic leaders here will visit. And so on. Usually there will always be reports if there are findings, because here there is a communication group on WhatsApp, which is a fraternity group.⁸⁵

The construction of houses of worship, in this case the church, in Kampung Sawah is quite easy because of historical tolerance. Some churches even moved to Kampung Sawah, because of the easy construction. For example, Pondok Gede GKI which was previously in a housing complex, located 3 Km from Kampung Sawah, moved to Kampung Sawah. However, to fulfill the legal fulfillment, it is still not easy. In this Pondok Melati sub-district, there are 37 churches and have not yet been given a Building Permit (IMB), but they are well received. So, the location of the ease of building the church

82 SETARA Institute interview with Rev. Pieter, Saturday, 30/11/2019.

83 Can be accessed through <http://www.gpkpkampungawah.org/>.

84 SETARA Institute interview with Rev. William, in Kampung Sawah Church, Saturday, 30/11/2019.

85 *Loc.cit.*

lies in positive community acceptance. The main prerequisite in Kampung Sawah is not to talk about other people's religions and adjust the local culture, because in Kampung Sawah the legal-formal aspect is not the main one, but rather lies in the connection, the relationship of the congregation with the more important environment.⁸⁶

Kampung Sawah is now divided into several villages. Administratively, parts of Kampung Sawah are located in Jatiwarna, Jatimelati, Jatimurni (Pondok Melati Sub-District, Bekasi City), and Jatiranggon (Jatisampurna Sub-District, Bekasi City). Based on data from the Central Statistics Agency (BPS) of Pondok Melati District 2016, the population based on religion is as follows:

In Jatiwarna Sub-District, there are 17,187 Muslims, 782 Christians, 612 Catholics, 453 Hindus and 533 Buddhists. In Jatimelati Sub-District there are 10,112 Muslims, 2,240 Christians, 2,098 Catholics, 85 Hindus and 192 Buddhists. In Jatimurni Sub-District, there are 15,423 Muslims, 2,581 Christians, 5,153 Catholics, 625 Hindus, and 726 Buddhists. In Jatiwarna Sub-District there are 9 mosques and 7 musalas. In Jatimelati there are 11 mosques, 3 musalas and 4 churches. In Jatimurni there are 16 mosques, 2 musalas and 12 churches. Based on Central Agency on Statistics (BPS) data from Jatisampurna Sub-District 2017, in Jatiranggon Sub-district there are

21,229 Muslim residents, 1,628 Christians, 459 Catholics, 59 Buddhists, 104 Hindus, 15 Confucians, and 73 others. There are 20 mosques, 19 musalas and 2 Christian churches. Supporting tolerance in Kampung Sawah is the Religious Community Council (MUB) at the village level, whose members come from each religion.

Based on the mapping related to the existence of social organizations, Kampung Sawah is in the middle of an area that is actually surrounded by an area in which there are organizations that have been identified as being intolerant-radical. There is Hizbut Tahrir Indonesia (HTI) around Superindo. There is also the Islamic Defenders Front (FPI) in Pamuaran. With tolerance capital, Kampung Sawah remains immune from HTI and FPI.⁸⁷ Even though in 2017 Rizieq Shihab, High Priest of the FPI lectured in this region, but because of the strong capital of grassroots tolerance, there were no controversial statements.⁸⁸

3. Bogor, West Java Province

Bogor City is one of the cities in West Java Province which has a historical footprint of the Kingdom of Pajajaran, the occupation of the Netherlands and Japan which is located in the center of the Bogor Regency.⁸⁹

⁸⁶ *Loc.cit.*

⁸⁷ SETARA Institute interview with Rev. William, In Kampung Sawah Church, Sabtu, 30/11/2019.

⁸⁸ *Loc.cit.*

⁸⁹ <https://jabarprov.go.id/index.php/pages/>

According to Central Agency on Statistics (BPS) data in 2016 there were 994,616 residents of Bogor City who were Muslim, 21,585 Catholics, 38,761 Protestants, 1,063 Hindus, 8,220 Buddhists, 349 Confucians, and 93 others.⁹⁰

Table. 13
Data House of Worships in Bogor 2016⁹¹

No	Year	Types of House of Worships	Total
1	2016	Mosques	762
2	2016	Musholas	1.094
3	2016	Churches	85
4	2016	Protestant	77
5	2016	Catholic	8
6	2016	Temple (Pura)	3
7	2016	Monastery (Vihara)	4

One case that attracted national and international attention was the protracted conflict over the establishment of the Taman Yasmin Church.⁹² The Indonesian Christian Church (GKI) was established

and developed in Bogor since 1968,⁹³ based in Indonesian Christian Church (GKI) Pengadilan which is located at Pengadilan Street Number 35, Bogor City, West Java. Indonesian Christian Church (GKI) Taman Yasmin (GKI Bakal Pos Taman Yasmin) was established by Indonesian Christian Church (GKI) Pengadilan as a solution to places of worship by the growing number of Indonesian Christian Church (GKI) Churches in the city of Bogor. To begin the construction of the Indonesian Christian Church (GKI) Post Church in Taman Yasmin, the Indonesian Christian Church (GKI) prepared the licensing requirements as stipulated in the establishment of a place of worship. The Indonesian Christian Church (GKI) also then conducted socialization to the community, especially to residents of the Curug Mekar village, Bogor. The socialization was conducted from 2002 to 2006. On July 13, 2006, the Mayor of Bogor, Diani Budiarto had issued a Construction Permit (IMB) through the Mayor's Decree Number 645.8-372 of 2006.

From the two socialization processes above, a church construction agreement was obtained, which was submitted by Indonesian Christian Church (GKI) and supported by the community around the Taman Yasmin location. The Indonesian Christian Church (GKI) also received

id/1058

90 Central Agency on Statistics (BPS) Bogor, *Bogor in Numbers* 2018, (Bogor: Central Agency on Statistics (BPS) Bogor, 2018), p.144.

91 Accessed through, <http://bappeda.kotabogor.go.id/images/slidertabs/90f869bc2bc1549f849cef02c06f84cd.pdf>, on December 20th 2019, 9 PM.

92 Written by a note of assistant advocacy of GKI Yasmin, Syamsul Alam Agus and modified as interview conducted by SETARA Institute.

93 On Oktober 31st 2008, GKI Pengadilan Bogor is 40 years old, see website GKI Bogor: <http://www.gkibogor.or.id/tentang-gki-bogor/motto-gki-bogor>. Accessed on August 20th 2011

approval from the Bogor City Government. The form of agreement was marked by the granting of recommendations for the construction of the church by the Mayor of Bogor to the plans for the construction of the Taman Yasmin Indonesian Christian Church (GKI) building issued by the City Planning and Parks Agency of Bogor City.

The controversy began to occur openly over the planned construction of the Taman Yasmin GKI church with a demonstration on February 10th, 2008. A mass action titled "Save the Ummat's Aqeedah" took place in front of the Parliament building and Bogor City Hall. This event was attended by a number of Islamic organizations in the City of Bogor and was coordinated by the Bogor City Islamic Forum (FUI).⁹⁴ Aside from these Islamic mass organizations, the action was also attended by residents around Taman Yasmin housing and Tanah Sareal.

When the action took place, the action orator called for the disbanding of Ahmadiyah in Bogor City and the rejection of the construction of two churches, namely Indonesian Christian Church (GKI) Taman Yasmin and Protestant Church for Bataknese People (HKBP) Tanah Sareal.⁹⁵ Responding to the demands of the masses, on February

14th, 2008, the Head of Bogor City Urban Planning and Parks Agency issued a letter No. 503/208-OTKP regarding the revocation of the GKI Taman Yasmin Construction Permit. Supporting the decision of the Head of the City Planning Agency, on February 25th, 2008, the Mayor of Bogor then issued a letter Number 503/367/HUK concerning the cancellation of the Mayor's recommendation which was stated in the Mayor's Decree Number IMB601/389/Pem Regarding the Construction of the Indonesian Christian Church (GKI) Taman Yasmin Church.

Chaos during a counter-action carried out by a group of people in the city of Bogor, terror and intimidation was experienced by one of the lawyers of GKI Taman Yasmin, Haji Ujang. The victim was a resident of Nahdatul Ulama, Haji Ujang was persecuted by a person named Junaidi, shortly after the church service was held.⁹⁶

The construction of the Indonesian Christian Church Taman Yasmin continued until early in 2010. Development began to stop because on January 8, 2010 the management of the Indonesian Christian Church Taman Yasmin received a serious threat. The threat conveyed by letter was manifested by the destruction of the church fence and beds that were being built. From witness testimony, the destruction was

94 In addition to FUI, also present include; Hizb ut Tahrir Indonesia (HTI), Bogor Muslim Family (KMB), Islamic Community Association (PUI) and Liberation Echo (Gema-P).

95 After the demonstration, the HKBP church building in Tanah Sareal Bogor was not built.

96 Discrimination in the Name of Religious Chronology of Events (2002-2011) by GKI Bogor – Bapos Taman Yasmin.

done by a group of people.⁹⁷

During 2010 there were 5 sealing of church buildings. Bogor City Government through Civil Service Police Unit has sealing by padlocking the Indonesian Christian Church (GKI) Taman Yasmin church fence (April 10th, 2010), while the Bogor City Government itself has been officially sealing and padlocking once (August 28th, 2010). Not only from the elements of the Bogor City government, the padlock was also carried out by a group of unknown people (August 28th, 2010). The prohibition of worship in the Indonesian Christian Church (GKI) Taman Yasmin Church building with sealing was also carried out by Bogor City Police Department officers. A total of 2 times of sealing (September 18th, 2010 and December 25th, 2010) were ordered directly by the Chief of Police AKBP Nugroho S Wibowo.

In 2010, acts of rejection often occurred in December, before and during the Christmas and New Year celebrations. Approaching the Christmas Celebration of December 25, 2010, a number of masses from the Indonesian Muslim Communication Forum (Forkami) rallied just 3 meters from the tent of the Indonesian Christian Church Taman Yasmin congregation which was holding a worship service. Throughout the rejection, intimidation continued by the mass of Muslim Communication Forum

(Forkami), they shouted using a loudspeaker, “.... *Disband! Disband ...!*” A congregation named Christa said, “*When we start singing and praying, the screams get louder. The demonstrators are very close to the tent.*”⁹⁸

Before the Muslim Communication Forum (Forkami) action took place, the Bogor City Police (Polresta) had given a notice to the Indonesian Christian Church management. The police appealed to the Indonesian Christian Church Taman Yasmin congregation to cancel the Christmas Service at the Indonesian Christian Church Taman Yasmin building. Police appeals were rejected by church officials. On the second day of the Christmas celebration, the Bogor City Police mobilized their full force to anticipate clashes between the congregation and the counter-church construction parties. A number of personnel from the Bogor Police work units are supported by the Mobile Brigade Unit with riot equipment and a number of tactical vehicles (rantis) such as water cannon and barracuda. The police blocked the two main roads that passed the location of the Indonesian Christian Church Taman Yasmin building. Because the road to the church building was also blocked by hundreds of police, finally the Indonesian Christian Church Taman Yasmin Congregation

⁹⁷ *Loc.cit.*

⁹⁸ See: Teriakan Gahar di Malam Kudus [Http://majalah.tempointeraktif.com/id/arsip/2011/01/03/NAS/mbm.20110103.NAS135553.id.html](http://majalah.tempointeraktif.com/id/arsip/2011/01/03/NAS/mbm.20110103.NAS135553.id.html). Accessed on August 20th 2011.

worshiped in the middle of Abdullah bin Nuh street.

The action against the construction of the Indonesian Christian Church Taman Yasmin continues. On December 31st, 2010, hundreds of people from the Indonesian Hizbut Tahrir (HTI) mass organization took action at the Bogor City Hall. The speeches from the action leaders stated their findings on the falsification of people's signatures made by the Indonesian Christian Church Taman Yasmin management,⁹⁹ they also accused the Indonesian Christian Church Taman Yasmin congregation of being built for the purpose of Christianization.¹⁰⁰

99 What is meant by this forgery is a case of alleged falsification of people's signatures in a letter of no objection from the public over the construction of the GKI Yasmin house of worship carried out by Munir Karta. The case of Munir Karta until this report was written is still in the cassation trial stage. Munir Karta was not a manager of GKI Yasmin, but at that time he was the head of RT 07 RW 3, Curug Mekar, Kec. Bogor Barat, Kota Bogor. The documents / letters allegedly forged were also never used in the application for Yasmin GKI IMB. Because GKI Yasmin himself had submitted an IMB in October 2005 and there were no additional documents afterwards. Whereas Munir Karta only collected signatures in January 2006. Interview with Jayadi Damanik, 20/11/2011, see: GKI Yasmin: Walikota Bogor Lakukan Kebohongan Publik <http://www.kbr68h.com/berita/nasional/3990-gki-yasmin--walikota-bogor-lakukan-kebohongan-publik>,. Also see: <http://pgi.or.id/?pg=articles&article=81004>. Also see: GKI Menilai PKS Bohong <http://www.tempo.co/read/news/2011/11/12/083366216/GKI-Menilai-PKS-Bohong>, accessed on November 25th 2011

100 See video: <http://www.youtube.com/>

While in 2011, the sealing was carried out by Civil Service Police Unit. Among them was on March 12th, 2011. Unlike usual, the sealing was escorted by dozens of police officers from the Bogor Police. Since this sealing, until now the church gate has been tightly closed with a padlock.

While the sealing was still ongoing, the Indonesian Christian Church Taman Yamin Congregation Assembly tried to open the padlock that closed the church gate. Based on the Court's decision to reject the appeal filed by the Bogor City Government, on September 5th, 2010, the Indonesian Christian Church Taman Yasmin opened a padlock fence. Furthermore, after the Supreme Court's decision strengthened the court's decision stating the rejection of the Judicial Review submitted by the Bogor City Government on December 19, 2010, the Indonesian Christian Church Taman Yasmin Congregation again forcibly opened the padlock of the church building fence.

On December 31, 2010 an agreement was reached between elements of the Bogor City Muspida, citizens' representatives and the Indonesian Christian Church Taman Yasmin management.¹⁰¹ As a result of the

[watch?v=CUsQ6bRgTAI](http://www.youtube.com/watch?v=CUsQ6bRgTAI). Accessed on November 25th 2011.

101 Attending the meeting: Kodim 0606 Lieutenant Colonel Budi Irawan, Bogor Mayor Diani Budiarto, Deputy Mayor Achmad Ruyat, Bogor Police Chief AKBP Nugroho S Wibowo, Regional Assistant I Tatapraja Bogor City Ade Syarif, Representative of the Indonesian Christian

agreement, in January to February 2011, the Indonesian Christian Church Taman Yasmin congregation performed services at the Yasmin Center Harmoni building. Located approximately 500 meters from the location of the GKI Yasmin church building. The facility is facilitated by Bogor City Government.

When the agreement was carried out, protests continued. On January 23, 2011, in a field opposite the Indonesian Christian Church Yasmin church building, Forkami held a Tabligh Akbar (Recitation by gathering in large numbers in open spaces) entitled *"Peaceful Action: People of the United Group Against the Agenda of Apostasy"*. The speeches of the leaders supporting the implementation of Tabligh Akbar brought the issue of signature forgery.¹⁰² Even the leaders of the religious organization delivering their speeches contained

hateful messages,¹⁰³ but the Bogor Police did not take legal action against those who spread hatred. The attitude of the Bogor Police Chief AKBP Pol. Nugroho S Wibowo to GKI Taman Yasmin through letter Number B/1226/3/2011 Bogor City Police Station, dated March 11th, 2011¹⁰⁴ regarding suggestions and appeals to the Indonesian Christian Church Taman Yasmin congregation not to worship in the church as if in line with the insistence of Forkami.

The next day, March 12th, 2011, dozens of police officers from the Bogor Police escorted the sealing and locking carried out by the Bogor City Civil Service Police Unit (Satpol-PP). Until March 13th, 2011, under the leadership of Commissioner Police Hida Tjahtono,¹⁰⁵ a number of fully armed Mobile Brigade unit members forcibly dispersed the Indonesian Christian Church Taman Yasmin Congregation who were still around the church building. In addition, the police blocked the two roads that passed through

Church Taman Yasmin Jayadi Damanik, Chairperson of the Bogor Muslim Family Fahrudin S Wibowo, Regional Assistant I Tatapraja Bogor City Ade Syarif, Representative of the Indonesian Christian Church Taman Yasmin Jayadi Damanik, Chair of the Bogor Muslim Family Fahrudin Fahrudin Sukarno and Regional Secretary Bambang Gunawan. Meeting results: Bogor City Government will comply with the Judicial Review decision from the Supreme Court; and the Indonesian Christian Church Taman Yasmin for a while worship in the Harmony Room of the Yasmin Center building until there is a decision from the Supreme Court.

102 See video: <http://www.youtube.com/watch?v=O6DHJDoz0qs>.

103 See video: http://www.youtube.com/watch?v=fyKsJY_mcO4 and <http://www.youtube.com/watch?v=QATxmiw2JSo>. Accessed on November 25th 2011.

104 This letter was delivered after March 6th, 2011, the Indonesian Christian Church Taman Yasmin congregation opened the seal.

105 Commissioner Hida Tjahtono is West Bogor Police Chief. Together with the Head of Bogor Police Ops, Commissioner Irwansyah Sik deployed 200 personnel from the Bogor Police Satker plus the assistance of a SKK Sat 2 Pioneer of Mobile Brigade Kedung Halang and also assistance from 2 (two) Platoon-level units of members of the TNI from the Kodim and Battalion 315 Garuda Hitam TNI AD.

the location of the church until the flow of residents' vehicles was diverted north and south of the Abdullah Bin Nuh road.

Until April 2011, the Indonesian Christian Church Taman Yasmin congregation conducted worship in the middle of KH Abdullah bin Nuh. This condition is due to the police not allowing the congregation to approach the church construction site. At the policy of the Bogor City Police Chief AKBP Pol. Nugroho S. Wibowo, Abdullah Bin Nuh's main road section was blocked by police officers. Subsequent developments in May 2011, a leadership mutation took place at Bogor Kota District Police Station, AKBP Pol. Nugroho S Wibowo was replaced by AKBP Hilman as Bogor City Police Chief. At the beginning of his leadership, AKBP Hilman was greeted with protests from a number of motorcycle taxi drivers at the Taman Yasmin T-junction. They oppose the construction of the GKI Yasmin Church. At that time, the GKI Yasmin congregation continued to worship in the middle of the road, a number of police officers led by the Gapur Wakapolresta forced to open the road, where the Jama'at was held. With a high note, the Deputy Chief of Thunder Guntur snapped at the congregation to immediately disperse.

Responding to this event, Police Grand Commissioner Adjutant (AKBP) Hilman held a meeting with GKI Taman Yasmin on May 18, 2011. In front of a motorcycle taxi driver, AKBP Hilman apologized for the incident, and promised to coordinate better with

motorcycle taxi drivers.

The security method applied by Bogor City Police from May to October 2011 aims to limit the space for the opponents of the church to be far from the location of worship services. In addition, the two roads remain open and the Indonesian Christian Church congregation is left to worship. Although the church building, they have not been allowed to be used as a means of worship. Security is carried out by mobilizing the strength of the personnel of the Bogor Police work unit to help Civil Service Police Unit. Not only officers from the Bogor City police, but security also involved the Indonesian National Army (TNI) who were alerted behind the Pena building.¹⁰⁶

The security model as applied has been running quite smoothly until early October 2011. However, the rejection of church construction and the prohibition of worship for the Indonesian Christian Church Taman Yasmin Congregation continues. A mass organization in Bogor - Curug Mekar Community Empowerment Institute (LPM) installed a boundary rope along the sidewalk in front of the church building to the entrance to Hermina Hospital. Then on October 9th, 2011 the installation of the boundary rope was replaced with the name of the City Government of Bogor.

¹⁰⁶ The TNI members who were deployed came from the Military Division Command 0606 and were sometimes replaced by Battalion 315 Garuda Hitam.

The management of Indonesian Christian Church Taman Yasmin tried to appeal to the congregation not to be provoked by forms of intimidation through bans like this. When worship was held on the sidewalk in front of the church construction site, one Civil Service Police Unit member tried to provoke the congregation. On October 9, 2011, Bambang Budianto (Head of Civil Service Police Unit Bogor City) ordered his members to forcibly dissolve the ongoing worship services of the Jama'at. By using a number of Trans Pakuan buses, Civil Service Police Unit tried to transport the entire congregation to the Harmoni building.¹⁰⁷ The police did not give any response to the Civil Service Police Unit's actions.

Table. 14
Kronologi Pendirian GKI Yasmin Kota
Bogor¹⁰⁸

No	Time	Event
1	2002, 2003, 2006	The socialization to residents of Taman Yasmin and Curug Mekar with the results of the signing of the statement did not object to the construction of the church

107 See: Ricuh, Kasatpol PP Dipukul Jemaat GKI Yasmin [Http://wap.vivanews.com/news/read/253970-ricuh--kasatpol-pp-dipukul-jemaat-gki-yasmin](http://wap.vivanews.com/news/read/253970-ricuh--kasatpol-pp-dipukul-jemaat-gki-yasmin). Accessed on November 25th 2011.

108 Documentation of the Indonesian Christian Church Yasmin advocacy team and the results of interviews of various stakeholders in Bogor City, as well as the media.

No	Time	Event
2	2006	Provision of recommendations from the Bogor City Government to Indonesian Christian Church Yasmin through IMB601/389-Pem letter by the Mayor of Bogor, Technical Letter no. 660.1/144/DLHK by the Bogor City Environment and Sanitation Agency, 460/20 /PTPGT-SP/2006 by the Bogor City Land Agency, No. 503/262/DLLAJ by the Bogor City Road Traffic Agency, No. 503/238/018-BINA by the Bogor City Bina Marga and Irrigation Agency, No. 610/319/018-BIMA by the Head of the Bogor City Bina Marga and Irrigation Agency, and No. 645.8 / 705-DKTP by the Bogor City Urban Planning and Parks Agency.
3	2008	Mass protest against the plan to build the Yasmin GKI by Islamic organizations in Bogor, which was coordinated by the Bogor Muslim Community Forum and residents around Taman Yasmin and Tanah Sarean housing.
4	2008	The Bogor City Government's response to the mass action in the form of the Head of the City Planning and Parks Office of Bogor City issued a letter Number 503/208-OTKP regarding the revocation of the Construction Permit of Indonesian Christian Church Taman Yasmin and the Mayor of Bogor then issued a letter Number 503/367/HUK concerning the cancellation of the Mayor's recommendation contained in the Decree of the Mayor Number IMB601/389/Pem concerning the Development of Taman Yasmin GKI Church
5	2008	Bandung Administrative Court decision that defeated the Mayor of Bogor Decree which froze Indonesian Christian Church Yasmin's Construction Permit.
6	2009	Bogor City Government based on the State Administrative High Court lost the appeal of the Bandung Administrative Court Decision
7	2010	Construction of the church that was previously resumed was halted due to the destruction of buildings by a group of people and sealing of buildings by a group of people as well as the Bogor City Government through the Civil Service Police Unit
8	2010-2011	Rejection from Forkami and HTI mass organizations with accusations of falsification of signatures and Christianization

No	Time	Event
9	2010	Agreement between elements of the Bogor City Muspida, residents' representatives and the management of the Taman Yasmin GKI that the Taman Yasmin GKI congregation performed services at the Harmoni Yasmin Center building
10	2010	Congregations worship on the sidewalk after getting distracted while worshipping at the Yasmin Center Harmony building
11	December 9 th 2010	The Supreme Court has rejected the request for Reconsideration (PK) submitted by the Bogor City Government. Which means to confirm the order of the Bandung Administrative Court to revoke the Indonesian Christian Church Yasmin Freezing Permit letter
12	January 11 th 2011	The Mayor of Bogor decided to revoke the Indonesian Christian Church Yasmin's Construction Permit
13	July 8 th 2011	The Ombudsman issued Recommendation Number 0011/REK/0259.2010/BS-15/VII/2011 concerning Revocation of Decree of the Mayor of Bogor concerning Construction Permit of Indonesian Christian Church Yasmin
14	2011	The sealing was again carried out by the Civil Service Police Unit and policing by the Police
15	2011	The Judicial Review submitted by Bogor City Government was rejected
16	2012 – now	Conventions at the Presidential Palace
17	2015	A circular letter from the Indonesian Christian Church Assembly Council said that it was no longer taking legal action even though it admitted that there were internal parties who did not agree with this attitude
18	2019	Formation of Team 7 consisting of elements from the Indonesian Christian Church congregation in Bogor City, representatives of national level institutions and the Synod Assembly to communicate with the Bogor City Government

The GKI Yasmin case is a case that reached advocacy at the international level. Even routine actions in the form of worship every two weeks carried out by the Indonesian Christian Church Taman Yasmin, Bogor and HKPB (Protestant Church for Bataknes)

People) Filadelfia Bekasi District in front of the Presidential Palace, did not attract the attention of the central government to take a stand and permanent settlement. Actions that have been held since 2012 have recorded 209 acts of worship in front of the Palace, in December 2019.



Source: CNN Indonesia, accessed 30/12/2019

GKI Yasmin Bekasi congregation and HKBP Filadelfia Bogor attend Christmas celebrations opposite the Presidential Palace, Jakarta, Wednesday, December 25th, 2019. (CNN Indonesia/Adhi Wicaksono).

Advocacy support for Indonesian Christian Church Yasmin came from various civil society such as SETARA Institute, AMAN, and

ICRP;¹⁰⁹ While the Islamic NU organization in Bogor only acts as a silent majority¹¹⁰ although in 2019 it actually began to take an active role by taking over the leadership chair at the Bogor Forum for Religious

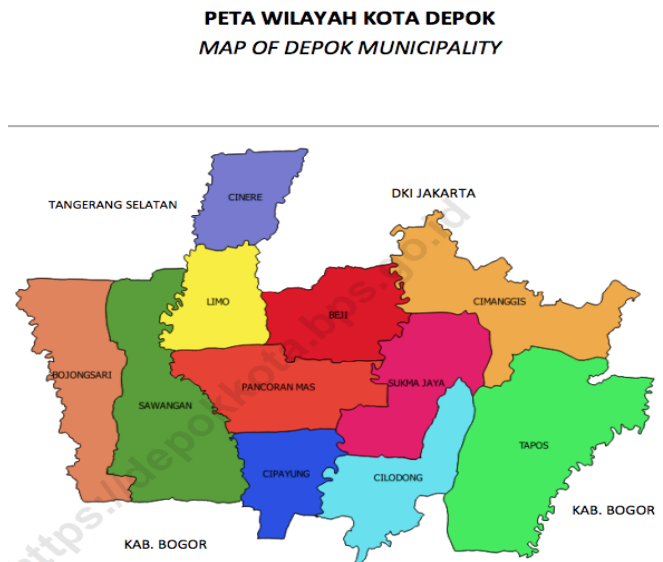
109 SETARA Institute interview with GKI Yasmin Church, Fatma, Bogor, 01/12/2019.

110 SETARA Institute interview with GKI Yasmin Church, Fatma, Bogor, 01/12/2019

Harmony (FKUB). The failure of the Yasmin GKI settlement was partly due to the inability of the local leaders to determine the attitude of the opposing groups:¹¹¹ Islamic Reform Movement (Garis), Muslim Communication Forum (Forkami),¹¹² HTI, Bogor City Islamic Community Forum.

4. Depok City, West java Province

Depok City is a heterogeneous city located in the southern part of West Java Province, bordering DKI Jakarta Province in the north, bordering Bogor Regency in the south, bordering South Tangerang City in the west, and Bogor Regency in the east.¹¹³ Can be seen from the following map.¹¹⁴



Geographically, Depok City is closer to the center of Jakarta than the center of the capital of West Java. Based on BPS data in 2018, there were 1,681,650 Muslims, 90,298 Protestants, 29,298 Catholics, 3,132 Hindus, 5,474 Buddhists, and 2,102 other religions.¹¹⁵

The case of the establishment of a church in Depok does not have as much controversy as the Taman Yasmin Bogor Christian Church of Indonesia, because of the apathy of the citizens of the Depok City government, who openly plays favoritism in the Islamic group affiliated with the Prosperous Justice Party (PKS). For 15 years the city has been led by the Mayor from the PKS

111 SETARA Institute interview with YSK, Syamsul Alam, Bogor, 29/11/2019.

112 Communication report of Special Procedures by UN General Assembly on Human Rights Council on twenty two session agenda 3, 4, 7, 9, and 10 concerning Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development, Human rights situations that require the Council's attention, Human rights situation in Palestine and other occupied Arab territories, Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action, Technical assistance and capacity-building on 15 juni 2012.

113 Central Statistics Agency Depok, *Depok In Numbers*, (Depok: Central Statistics Agency Depok), p. 3.

114 Central Statistics Agency Depok, *Depok In Numbers*, (Depok: Central Statistics Agency Depok), p. 5.

115 *Ibid*, p. 92.

and controls Depok's political-economic resources. Depok conservatism is seen in the form of mushrooming of sharia housing and its aggressiveness in fighting the Ahmadiyah congregation continuously. The politicization of opposition to Ahmadiyah¹¹⁶ continues to be an instrument for the Mayor to maintain political support and expand new constituencies in Depok.

In this study, Depok City is the only city, where SETARA Institute researchers have problems in getting local government perspective. Resistance to the SETARA Institute which places the City of Depok as a City with a low tolerance (top 10 lowest) of the 96 cities in the Tolerant City Index (2018) has made the Depok government not accommodative in accepting the submitted interviews.

One of the prominent cases that occurred in Depok was experienced by the Protestant Church in the West (GPIB) Pelita Hidup. This church is a church that has been trying to build a church since 1991. Protestant Church in the West Indonesia Pelita Hidup is one of the earliest buildings in the area.¹¹⁷

At the time of erection of the first pillar and the first foundation, this church was refused by local people who asked to dismantle the pillar again. So far, the church building has not yet been established. There is only secretarial space that is used as a place of worship. As for Christian holiday activities, church congregations still worship in the main church.¹¹⁸

Protestant Church in the West Pelita Hidup still undergoing the initial stage of the process that is getting 60 support from local residents.¹¹⁹ Protestant Church in the West have sought for Construction Permit, but in the verification phase it was found that the signatures of support were not from the local residents, but the church members themselves.¹²⁰ This is considered as a case of signature forgery by the surrounding community.¹²¹ Besides being triggered by factors that the church congregations in general are not local residents, there is community disapproval caused by fears of disturbing their faith or the faith of their children and grandchildren.¹²² In addition

116 See research report SETARA Institute tentang Security and Protection of Ahmadiyya in Indonesia, can be accessed through: <http://setara-institute.org/en/english-security-protection-of-ahmadiyya-in-indonesia/>.

117 SETARA Institute interview with Mangaranap Sinaga, SE., MH., PGIS Depok, General Secretary of FKUB Depok City, General Secretary FKKUKD, Chair of Depok City Christian Intelligence Association, Depok, 30/11/2019.

118 SETARA Institute interview with Erick Pelita Hidup Church Development Committee, Mekar Jaya, Depok.

119 SETARA Institute interview with Erick Pelita Hidup Church Development Committee, Mekar Jaya, Depok. SETARA Institute interview with Lurah Mekar Jaya.

120 SETARA Institute interview with Lurah Mekar Jaya.

121 SETARA Institute interview with Head of Neighborhood 030 Mekar Jaya Sub-district.

122 *Loc.cit.*

there are factors that some residents constantly provoking against the church.¹²³

In general, the church does not have a close enough relationship with the surrounding community. Especially after changing stewardship, church relations have become more tenuous and the newly known priest has never introduced herself to the Neighborhood. Even so, there was no disruption in worship activities conducted at the Church Secretariat.¹²⁴

Although in daily life, the church is not familiar with the community, the church has carried out various activities to support the local government in this case the Kelurahan. The church has contributed in providing free medical treatment or supporting the activities of "Mekarjaya Saying to Schools." The church is cooperative with the government and helps, but the Mekar Jaya village chief himself continues to emphasize aspects of the approach to the community. In addition, the church is also active in conducting social services or compensation every eve of Eid Mubarak.¹²⁵

Another thing that needs to be noted in the Protestant Church in the West Pelita Hidup

case is a minority-minority relationship.¹²⁶ Considering there are hundreds of denominations in Christianity¹²⁷ and competition between denominations occurs.¹²⁸ In the case of Protestant Church in the West Pelita Hidup there is a disapproval of the Indonesian Evangelical Church (GEMINDO) which position is right next to the Protestant Church in the West Pelita Hidup.¹²⁹

Protestant Church in the West Pelita Hidup's social relations with the community are very tenuous. Communication with the elders of the community around the church (the Betawi Tribe) could not be established even though the church had basically contributed to the surrounding community. There is miscommunication or misunderstanding between residents and the church. Residents assume that there was a falsification of the signatures of the houses of worship support, while the church did not understand the requirements for the establishment of houses of worship. It is proven that the 60 support provisions specified in the PBM are interpreted from 60 families as 60 forms of support.

123 SETARA Institute interview with Erick Pelita Hidup Church Development Committee, Mekar Jaya, Depok.

124 SETARA Institute interview with Head of Neighborhood 030 Mekar Jaya Sub-district.

125 SETARA Institute interview with Erick Pelita Hidup Church Development Committee, Mekar Jaya, Depok.

126 Melissa Crouch, *Constitutionalism, Religion and Inequality*, *op.cit.*, p. 8.

127 Reports from World Watch List 2018 "Church History and Facts-Indonesia."

128 *Loc.cit.*

129 Information from the organizer of the Protestant Church in the West Pelita Hidup during the researchers' first visit to the church *a quo*.

In this case, aside from the internal factors of the church, there was no visible facilitation function by the local government. However, the management of the Construction Permit problem by Mangaranap Sinaga, who is a Christian figure working in various government organizations and institutions, opened a new path for the church.

In this study it was found that the Ministry of Religion of Depok City stipulated that 60 local residents' support must be made in each support sheet. Every sheet of support is given a stamp duty of 6000 and a signature of endorsement from Neighborhood, Community Association, Sub-district is given. With this format PPG requires more funds of 4.3 million Rupiah for proof of support sheets. This condition makes it difficult to get support from local residents. It's not a matter of stamp duty but making sure one family supports the building of the church is not an easy job. Moreover, the Islamic Defenders Front (FPI) group is suspected to be behind this opposition.¹³⁰

5. PROVIDED SUPPORTS

Supports for conflict resolutions related to places of worship as identified in the previous sections centered on: (a) the dimension of law; (b) social dimensions; and (c) the dimension of local leadership in

the level of regency/city.

In the legal dimension, the use of conducive legal product as a resolution is the most consistent choice with the principle of rule of law whereby the guarantee of freedom of religion/belief including the freedom of establishing places of worship must be upheld as established in Article 29 verse (2) and Article 28E the Constitution of the Republic of Indonesia 1945. Nevertheless, the comprehensive understanding of PBM of 2 Ministers concerning the duty of Local Governments to facilitate the availability of places of worship for citizens and congregations that cannot qualify the provision of 60/90 as set up in Article 14 verse (3) can also be utilized by local government heads to obtain solution respecting places of worship needed by Christian congregations. Since, the obligation apparently has not been utilized by local government heads as conflict resolution instrument.

On the social dimension, the openness of churches to build alliances and expand allies in overcoming the problem of establishing places of worship is very determining. The case of Gunungkidul, for instance, noticeably shows how a civil society organization (CSO) work on transforming the conflict into peace and harmony. In this dimension, CSO must be separated by religious-based community organizations such Nadhlatul Ulama, Muhammadiyah, and other moderate organizations that have been identified as silent majority that have weak interest but

¹³⁰ SETARA Institute interview with Erick Pelita Hidup Church Development Committee, Mekar Jaya, Depok.

possess big power in the religious social structure. NU and Muhammadiyah in the case studies in 4 areas are included in the supporting category (contest setters) that can be convinced to use their power to resolve the problem.

While CSO is a group of civil society with high interest as stakeholder and holds advocacy militancy on the issue which they are focus on. However, the group in term of power is not very strong (middle level) except for an opening agent of change. In the construction of democracy that is not completely healthy results in the government prioritizing groups such as NU and Muhammadiyah that have big massive mass support as social groups. Thus, they are counted in taking political decision in local areas. In this category (middle level), there is also a group of churches that has high interest but possess low power.

The group of opponents that are assembled in religious organizations are included in the category of high power and high interest groups. This group has high power due to their intensity and aggressiveness in opposing places of worship and building high bargaining position with local governments. While, the high interest of this group is due to their agenda organization which is against Christianization. Indeed, this group, in some cases are the key players that become independent variables for local governments in making decisions. Unfortunately, in the map of social actors, this group is put in the opponent group

that demands moderation from groups that perform the role of social agencies. This group is required to be intervened in order to turn it to be moderate therefore lowering the number of oppositions toward churches. Furthermore, local governments can attenuate the group power by being neutral in determining political decisions.

In the dimension of local leaderships, the latitude of discretion of local government heads is a type of provided supports that can be utilized as an instrument of conflict transformation. Again, Gunungkidul and the City of Bekasi provide lessons how local government heads played the key role in the non-societal dimension that determine the resolution of the social conflict. As local government heads, certainly the regents and the mayors have high interest and high power to resolve the issue. However, it is depending on the character of individual leadership therefore it strictly determined by each person individual. In fact, a considerable number of regents and mayors apparently play the card of politicization of identity, such as in the City of Depok and the City of Bogor in acting in the midst of dynamic and tension of conflict in the establishment of places of worship.

Lessons from the conflict resolution related to places of worship in the City of Bekasi dan the Regent of Gunungkidul demonstrate the role of mayor and regent, religious figures, church parties, and civil society agency that determine the resolution of the worship place. The role of Nadhlatul Ulama which

in some areas are passive in Gunungkidul showed an active role that contributive on resolving the conflict.

If in Gunungkidul, the Regent relied on the Clause of facilitating conflict that is oriented on harmony as stated in PBM of 2 Ministers, in Bekasi, the Mayor shows his commitment on the minimum requirement 60/90 as set up in PBM of 2 Ministers as the basis of issuing IMB of places of worship. Observing the two local governments in making breakthroughs of conflict resolution clearly understood that the PBM has problems however the local government heads get around it for the interest of realization of the right to establish a house of worship for citizens, and Christians specifically.

3

CONCLUSION AND POSSIBLE INTERVENTION

1. CONCLUSION

1. The constitutional and legal guarantees of freedom of religion/belief including the freedom to establish houses of worship for adherents of any religion in Indonesia are still limited as normative guarantees that have not been operated to bestow justice for citizens. The guarantee as stipulated in Article 28E and Article 29 of the 1945 Republic of Indonesia Constitution is included in Law No. 12 of 2005 concerning Ratification of the Covenant on Civil and Political Rights and other international instruments, was precisely reduced by Joint Ministerial Decree (PBM) Minister of Religious Affairs and Minister of Interior Affairs No. 8 and No. 9 of 2006 concerning Guidelines for Implementing Duties of Regional Heads in the Maintenance of Religious Harmony, Empowerment of Religious Harmony Forums, and Establishing Places of Worship.
2. The PBM 2 Ministers contains 9 locus of discrimination both direct discrimination (in intent and purpose) and indirect discrimination (as an impact) which are in contrary to the constitutional and legal guarantees in the 1945 Constitution of the Republic of Indonesia and Law 12/2005. The requirement for the support of 60 local residents and 90 members of the congregation is a form of direct discrimination targeting religious minority groups, especially Christian congregations. This discriminatory provision is still reduced in its implementation because of the limited understanding of local government administrators, making it even more difficult to establish places of worship.
3. In the past 12 years, 199 churches have experienced varied

disruption in various forms, such as sealing, demolition, blocking of access, revocation of permits, forced actions, terror, and omissions by the state. These forms of interference center on the churches that have not yet been established and the churches that have been established but has been questioned about its legality. The high number of disturbances to the church is an iceberg phenomenon because there are actually more events taking place. As an illustration, in the City of Bogor alone, where the Mayor of Bogor claims to have granted licenses for 2 churches in 2019, the number is not proportional to 81 other Construction Permit (IMB) applications that have not yet obtained a permit.

4. Actors involved in acts of violating the right to freedom to establish places of worship are state and non-state actors. The state actors, in addition to carrying out sealing actions, revoked licenses as happened at the Indonesian Christian Church Taman Yasmin, Bogor City, also carried out omission of criminal or other violation acts committed by intolerant community organizations. Meanwhile, non-state actors' groups are religious organizations such as the Islamic Defenders Front (FPI), Islamic Reformist Movement (GARIS), Islamic Community Forum (FUI), Hizbut Tahrir Indonesia (HTI), Indonesian Islamic Propagation

Institute (LDII), and so on, which in the treasury studies of religious organizations, including intolerant groups.

5. These intolerant groups are increasingly aggressive in carrying out their actions due to the reality of intolerant-discriminatory legal products that justify acts of persecution. This environment is also supported by a number of regional heads, who play identity politicization using religious issues in various political event.
6. At the research locus, SETARA Institute found examples of success and examples of failures in resolving conflicts related to places of worship. The Indonesian Christian Church of Taman Yasmin Bogor Case and one of the prominent cases that occurred in Depok that was experienced by the Protestant Church in the West (GPIB) of Pelita Hidup. Also, in these two cities, the combination of weak local political leaderships and the spread and activism of intolerant religious organizations have been the main causes of the protracted conflict in establishing places of worship in these two cities. Of course, intolerant-discriminatory legal products are the reason for justifying regional heads to restrict the freedom.
7. Meanwhile, examples of success are presented from Gunungkidul Regency and Bekasi City. In Gunungkidul, stems from the conflict

that befell the Pentecostal Church in Indonesia (GPdI) in Tunggul Barat, Semanu, the Regent instead used it to bleach 26 Catholic churches and chapels and 105 Christian churches that had been established before the PBM of 2 Ministers in 2006. In addition, places of worship for Christian congregations, there are also 1456 mosques, 15 temples, and 8 temples that stood before 2006. In Bekasi, the Santa Clara church in North Bekasi District, Bekasi City and Pasundan Christian Church (GKP) Kampung Sawah, are the best examples of conflict resolution in the city of Bekasi. The Santa Clara Church is an example of how the constitutional guarantee is consistently guided by the Mayor while the Pasundan Christian Church of Kampung Sawah is an example of how the social environment determines the success of a church free from interference.

8. The success of Gunungkidul and Bekasi City illustrates how the internal church and social agencies such as CSOs play a persuasive role in utilizing the support available at different scales. CSOs and internal churches that have high interest and low power are able to build alliances with groups that have low interests but high power such as Nahdlatul Ulama and Muhammadiyah or other moderate religious organizations, which so far have often been regarded as silent majority. While key players who have high interest

and high power such as Indonesian Islamic Propagation Institute (LDII) and Hizbut Tahrir Indonesia (HTI) can be persuasively moderated by the facilitation of progressive local governments, especially in the case of Gunungkidul.

9. In the case of Bekasi, the support available in the legal dimension was utilized properly by the Mayor of Bekasi to overcome the old problems inherent in the Church of Santa Clara, by conducting open verification of 60/90 supports. Whereas Kampung Sawah Church is an example of how the support available in the social dimension greatly contributes to the resolution of problems of houses of worship.

2. RECOMMENDATIONS/POSSIBLE INTERVENTION

1. On the regulatory dimension, intervention on the government to make changes to the PBM of 2 Ministers is the most possible step to improve governance in the freedom to establish places of worship in Indonesia. This initiative has emerged, particularly from the Ministry of Politics, Law and Security, which opens the possibility of making changes to the PBM of 2 Ministers.
2. On the regulatory dimension, interventions can also be developed by guiding regional governments to form regulations that are more operational and conducive to

the PBM of 2 Ministers, so that enforcement is more uniform and not multiple interpretations. Including encouraging revisions to intolerant-discriminatory regional regulations.

3. In state corporate actors, the Forum for Religious Harmony (FKUB) enables the role and skills to be strengthened in carrying out conflict resolution in establishing houses of worship. FKUB as the main actor providing recommendations for approval of license, requires strengthening the knowledge and experience of inclusive governance.
4. Increasing the fostering of regional heads by the Ministry of Interior Affairs in the management of harmony requires an increase to the possibility of providing rewards and punishments to regional governments who fail to carry out their duties to maintain harmony and facilitate all religious communities to be able to worship and establish houses of worship.
5. On the social dimension, strengthening social agencies such as NGOs is a need to ensure ongoing advocacy guarantees of freedom of religion/belief.
6. The initiative of church administrators to conduct social engagement are also important to improve, because one of the main keys to obtaining social

license is constructive relationships and interactions with the local community.

7. On the social dimension as well, encouraging the silent majority to speak out shows that defense of the fulfillment of the right to freedom of religion/belief is also needed to balance intolerant groups who have high interest and high power because of the intensity and aggressiveness in carrying out anti-Christian actions. Expanding tolerant-progressive constituencies and strengthening citizens' resilience to intolerance viruses are persuasive ways to counter narratives that amplify intolerant groups.
8. On the dimensions of local political leaderships, interventions can be developed in the form of civic education to strengthen the capacity of citizens who are able to encourage the effectiveness of local leaders and to ensure local leaders do not use religious issues as electoral political capital.
9. Strengthening local democratic actors is the need to build a deliberative democratic climate in the regions.
10. In the practical dimension, the replication of whitening practices for houses of worship that were established before 2006,

can be an instrument of positive policy promotion that is disseminated to other regions in Indonesia. Or another way is to replicate the experience as a basis for forming more conducive regional policies.

11. Encouraging developers to provide integrated places of worship for all religions, is one of the projects to institutionalize harmony in the management of residential residents. Housing development that is not accompanied by the provision of worship facilities has become one of the rampant conflicts over houses of worship.
12. Repositioning the position of the functions of regional or

central government tools that guarantee neutrality in cracking down on various cases related to religion. In addition to carrying out its functions neutrally, local governments need to understand the obligations and functions of regional leaders who are able to reconcile conflicting community interests.

13. Creating an effective recovery mechanism for various KBB violations and creating a standard for enforcement of KBB violations based on the scale that must be carried out by the regional government.[]

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