

THE SCOPE AND RESTRICTION OF THE RELIGION FREEDOM AS PART OF NON-DEROGABLE RIGHTS UNDER INDONESIAN LEGAL SYSTEM

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Received: 14 March 2020 Revised and Accepted: 8 July 2020

ABSTRACT: Certain rights in Indonesia are non-derogable and are protected by the constitution. An example is the right to religious freedom with its scope included in the international forum. Meanwhile, externum forum is the right to practice religion or belief, and this is limited by law. The scope and restrictions of human rights in Indonesia are not all in accordance with the provisions in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights which have been ratified by Indonesia. This is a normative and qualitative research with data collected through the conceptual and legal approach. The results showed that the constitution and laws in Indonesia use the religious rights phrase which does not include protection against atheism and people that do not adhere to any religion or belief. The scope of the internum forum is limited with an expansion of human rights restriction by adding religious values and security. It does not include general welfare as contained in the International Human Rights Instrument.

KEYWORDS: The Scope and Restriction; Freedom of Religion; Indonesian Legal System

I. INTRODUCTION

A contemporary issue in human rights that often leads to debate and controversy is freedom of religion or religious liberty. It is recognized by both the Sharia law and Universal Human Rights as a basic right. Religion is a metaphysical belief therefore, it need not be imposed on anyone because it endangers other civil liberties including freedom of speech, association and even economic rights as well as causes a decline in the value of ones' belief. Individuals need to be permitted to freely choose their religion and assume full responsibility for their choices because humans have been given the ability to discern right from wrong (fitrah). In addition, there is need to state that freedom of religion does not only include the right of individuals to believe and express their personal beliefs, however it also involves the liberty to organize worships, teachings, practices and observance [1].

The legal dimension to religious freedom varies greatly from one country to another. However, this depends on various factors such as the stability of political regimes, traditional historical relations between the church and state, as well as interactions between religious groups, religious pluralism at the local level, the nature of the dominant religion including its internal commitment and tolerance, etc. Supposing the issue of cross-cultural perspective is examined, a significant convergence pattern tends to emerge concerning the disposition of religious freedom. This specifically occurs in Europe and America, were Western constitutional traditions and various international human rights instruments have a significant impact on the articulation of religious norms. Nevertheless, the use of a verbal formula to satisfies substantial existent variations in a similar manner church-state relations are institutionalized leads to the actualization of religious freedom in various countries [2].

Nevertheless, it is an issue that has been deliberated upon by various international human rights organizations because of several state violations that restrict the right to freedom of religion. The Universal Periodic Review (UPR) is a unique process which involves an annual evaluation of the human rights records of all UN member states. It is a significant innovation of the Human Rights Council, which is based on equal treatment for all countries. On the 3rd of May, 2017 the Indonesian government received 225 recommendations from 101 UN Member States at the Third Review, of the Working Group Session 27 in accordance with the summary of opinions adopted during the plenary meeting held on September 21st of the same year. One of the recommendations is to review both national and local laws to ensure freedom of religion or belief based on universal protection and international obligations [3]. In 2019, the US Commission on International Religious Freedom (USCIRF), which is an independent and bipartisan committee developed by the US federal

government to oversee the universal right to freedom of religion abroad, carried out another monitoring report in the country. The 2019 annual report which covers the period from January to December 2018 stated that this condition is entirely bad in Indonesia. However, in 2018, there was a decrease in the number of state violations irrespective of the fact that the Indonesian government continues to enforce several legislative measures and policies that greatly impede religious freedom such as strict blasphemy law and difficulty in erecting new places of worship. Furthermore, the Local Government also issued several unconstitutional regulations or policies that exacerbate religious divisions and the Central Government never intervened [4].

This problem is stated in the Amnesty International report on Prosecuting Beliefs. Furthermore, the 2014, Blasphemy Laws stated that the use of these religious measures to prosecute people was considered disrespectful or defamatory, as well as contrary to the Indonesian international obligations in relation to freedom of religion. These laws have a negative impact on the right to freedom of expression, as well as religious minorities. One of the Amnesty's International recommendation is to revoke articles that provides the legal framework which impose restrictions on the right to freedom of expression, conscience and religion that exceed the provisions permitted by the law of nations [5].

Based on the UPR of the United Nations, as well as the International Human Rights Institution reported earlier, certain problems hamper religious freedom thereby resulting in the urge for the legislature to review or revoke such laws. Therefore, this study examines analyzes the right to freedom of religion as non derogable rights as stated in the constitution, as well as the suitability of the scope and the limitations of religious freedom in accordance with the principles of international law and the International Covenant on Civil and Political Rights (ICCPR) ratified by the Indonesian government.

II. RESEARCH METHODS

This is research that involves normative and qualitative approaches. Secondary data collection used in this document study is sourced from laws, books and journal articles, in addition, this research was carried out in three stages. The data collected from the library is divided into several groups in order to resolve certain research questions. They are further processed and analyzed using conceptual and legal approaches to address the problem formulation. Subsequently, the conceptual approach is used to develop new concepts by reviewing previous doctrines, laws and court decisions [6]. Conversely, the legal approach is used to examine existing mandatory norms, and their backgrounds as well as the compatibility between these laws [7]. This study was further concluded by resolving legal issues and offering recommendations for problem solving.

The purpose of this study is to examine the implementation of religious freedom as part of non-derogable rights in Indonesia. Non-derogable rights are rights that could not be revoked by anyone. The next section will examine and analyze the scope of religious freedom in Indonesia Constitution is similar as International Human Rights Principles. In the following section, it will be discussed and analyzed religious freedom in Indonesia is absolute rights or it can be limited in the specific qualifications.

III. RESULT AND DISCUSSION

3.1. The Scope of Religious Freedom Right in Indonesia

It is a well-known fact that both regional and international human rights instruments offer protection and recognition of religious freedom, including curbing its limitations. However, lack of enactment by these instruments is unusual, because various constitutions of countries globally, including Indonesia, contain religious rights although it does not provide definite limits. In modern international law, the Universal Declaration of Human Rights (UDHR) is the first instrument governing freedom of religion. This declaration was adopted by the General Assembly of the United Nations through resolution No. 127 A (III) on the 10th of December, 1948. The UDHR has four elements that serve as emphases, namely: (i) focused on rights; (ii) restrictions apply to these rights; (iii) all human rights are indivisible whether they are civil or political including economic, social and cultural rights; (iv) its implementation is at the national level [8].

Irrespective of the fact that Indonesia is an atheistic state, religion has become an important aspect of its formation. The five basic principles of the country were established in 1945, and it encompasses of the following belief in the Almighty God, just and civilized humanity, nationalism expressed in the unity of Indonesia, consultative democracy, and social justice. Article 29 (1) of the 1945 Constitution stated that "the state is based on the belief in the One and Only God". However, Article 29 (2) stated that "the state guarantees all persons the freedom of worship, each according to their respective religions or beliefs," although in practice,

this is limited to six officially recognized religions, namely: Islam, Catholicism, Protestantism, Hinduism, Buddhism, and Confucianism. This restriction, in accordance with other ambiguous and uncertain aspects, is disturbing given the religious diversity of the large population [9]. These limitations are included in the scope of the forum Internum stated in Law No. 1 / PNPS/1965 constitution on the Prevention of Religious Abuse or Defamation commonly known in Indonesia as the blasphemy law which recognizes religions embraced by the population such as Islam, Christianity, Catholicism, Hinduism, Buddhism and Confucianism (Confucius). The recognition of only this six poses as a discriminatory issue against the others including the local religions that existed even before Indonesia was founded.

According to the 1945 Constitution Article 29 paragraph (1), "the state is based on the Almighty God". However, paragraph (2) stated "the state guarantees the population freedom of worship, based on their respective religions or beliefs". This article consists of 2 (two) verses included in Chapter XI, Religion. Prof. Hazairin stated that Article 29 (1) played a huge role in the Indonesian legal system because, in the state of life, the constitution need not contradict the laws of God Almighty [10]. Furthermore, freedom of religion is regulated in the constitution, and it is one of the human rights that need not be restricted under any circumstances (non-derogable rights). According to Article 28I (1) Amendment of the Indonesian Constitution, "the right to life, freedom of thought, conscience, and religion, freedom from torture and enslavement, recognition as a person before the law, and the right not to be tried under a law with retroactive effect are all human rights that need not be limited under any circumstances".

On the other hand, they are subjected to certain restrictions which are raised in the discourse on civil and political rights concerning the concept of approachable and unpreventable freedoms. First, the concepts of non-derogable rights are certain human preferences which are considered important and need to be fulfilled even in an emergency. They include the right to life, freedom of thought and religion, freedom from torture, the right not to be punished by retroactive laws. Second, derogable rights are human preferences that are temporarily suspended by a state in time of public emergency, for example, freedom of assembly, association and expression [11]. Indonesia has authorized the ICCPR in accordance with Law No. 12 of 2005 concerning Ratification of the International Covenant on Civil and Political Rights.

The demarcation of the state's "territory" in order to limit religious freedom is classified as non a derogable right that does not need to be altered under any circumstances as stated in Article 28I of the 1945 Constitution. The forum internum does not permit restrictions, without exceptions, while the reverse is the case for forum externum [12]. The provisions of scope initiated by the ICCPR stated that it protects the rights guaranteed by the Covenant, including equality and non-discrimination in all fields [13].

Freedom of thought, religion or belief are non-derogable rights, in addition a detailed description of the scope limitations is reported in the 1994 General Comment No. 22 of the Human Rights Committee which was further divided into forum internum and externum. Subsequently, forum Internum is defined as a non-derogable human rights theory which generally conceptualizes freedom of thought, conscience, religion, and belief, as well as opinion and expression, carried out individually or together, even in emergency situation. It also includes the protection of monotheism, non-monotheism, and atheism as well as the right not to embrace any religion or belief.

The forum externum is the restriction of religious practices either individually or together in external sphere such as public or private places (General Comment No.22). This concept involves freedom of worship, obedience, practice and teachings. Furthermore, freedom of worship consist of ritual activities which are the direct expression of one's beliefs, application of methods, the display of sacramental objects and symbols as well as observing religious holidays and rest days. Freedom of obedience is simply the right to accept and defend or denounce a religion or belief as well as to adopt an atheistic view.

Indonesia is a rule of law country which has special characteristics because Pancasila is the base of its legal source. Therefore, it is also referred to as the Pancasila rule of law. Tahir Azhary stated that one of its main characteristics was the guarantee of religious freedom which is a positive connotation meaning there is no room for atheism or anti-religious propaganda in Indonesia. The 1945 Constitution emphasized on the term *reschstaat*, however Indonesia does not embrace it rather it adopted the Pancasila rule of law with the following characteristics namely a close relationship between religion and the state, rests on the Almighty God, religious freedom in a positive sense, atheism is not justified, and communism is forbidden also the simple principles of family harmony [14].

The state needs to recognize the Almighty God in carrying out its duties (religious consciousness). Religion is a

belief about teachings, ideas and descriptions (Vorstellungen), presumed to be acquired through revelation or statement. A comparative study shows a "universal religious consciousness in man". The acknowledgement of the belief in the Almighty God has certain consequences on state life, namely the general rejection of atheism, closed secularism or horizontalism, which limits human life. The government in establishing the society does not permit atheistic propaganda, because it easily leads to arbitrariness [15].

According to the Indonesian constitutional system, the belief in God Almighty depicts the boundaries of religious freedom. Although, it completely differs from the provisions made by the UDHR and ICCPR which reported that the state need not interfere in peoples' belief such as monotheism, non-monotheism (polytheistic), atheism as well as the right to embrace any religion. The different interpretations are contained in the 1945 Constitution, the Human Rights Law and the MPR (People's Consultative Assembly) Decree, which stated that the authority or power of the law is dependent on religion. In this regard, there is need to embrace religion therefore atheism is not included in the constitution and legislative regulations as shown in table 1:

Table 1: Comparative scope of religious freedom rights in Indonesia

No.	UDHR	ICCPR	The 1945 Constitution	Tap MPR RI and Human Rights Law
1.	Religious Freedom Right			
	"Everyone has the right to freedom of thought, conscience and religion; this also includes freedom to change one's religion or beliefs, either individually or in the community with others as well as publicly or privately, to manifest their religion or beliefs in teaching, practice, worship and observance." (Article 18 UDHR)	"Everyone has the right to freedom of conscience and religion. This right also involves the freedom to either adopt a religion or deny its choice, both individually or in community with others and publicly or privately, in order to ensure the materialization of their religion or belief in worship, obedience, practice and teaching". (Article 18 of the ICCPR).	<ul style="list-style-type: none"> ▪ Article 28 I paragraph (1): "The right to life, not to be tortured, and enslaved, freedom of thought, conscience, religion, as well as the right to be recognized as a person, equality before the law and not to be prosecuted on the basis of retroactive laws. These are human rights that need not be abridged under any circumstance". ▪ Article 29 paragraph 1: "The State is dependent on the Almighty God". ▪ Article 29 paragraph (2): The state guarantees the independence of its population to embrace and worship according to their respective religions or beliefs. 	Tap MPR RI Number XVII / MPR / 1998 and Law no. 39 of 1999 concerning Human Rights basically states: "The right to life, not to be tortured, and enslaved, freedom of association, religion and conscience, including the right to be recognized as a person, equality before the law and not to be prosecuted on the basis of retroactive laws are human rights which need not be abridged under any circumstances by anyone".

The right-granting theory stated that there are certain strong morals relating to certain freedom, power, protection and benefits. H.J. Mc. Closkey stated that they need to be perceived as being positive and beneficial and not as a negative influence that opposes a number of other things, or possessed by an individual. Mc. Closkey implies that a full right does not need to determine the individual that bears the burden to make that feasible. These rights are not similar to certain claims. Joel Feinberg further modified it in the rights-plus theory, which defines the difference between benefits claims and those that offer them. Feinberg's approach stated that the attempt to establish a right requires not the only justification for its granting. However, it also requires a claim against the imposed burden on at least another party [16].

Based on Joel Feinberg's rights-plus theory, the right to religious freedom is dependent on the state. The principle of positive state obligation arises as a logical consequence under the provisions of the international human rights which stated that individuals are rights-holders while the state is the duty-bearer, and are bound to protect, ensure and mandate the claims of every citizen [17]. Human rights insurer was regulated in the Amendment of the 1945 Indonesian Constitution Article 28 I paragraph (4) which stated that "protection, advancement, enforcement and fulfillment of human rights are the responsibility of the state, particularly the government". Therefore, every citizen has the right to practice their respective religions and beliefs, and the state is obliged to ensure that these preferences are protected, upheld and fulfilled without discriminating the

minority groups.

According to the UDHR and ICCPR, religious freedom in the aspect of Forum Internum includes the protection of those that do not believe in religion (atheism), non-monotheistic devotees (local religion), as well as the right to adhere to any religion or belief. Meanwhile, the 1945 Constitution stated that there is a need for everyone to belong to a particular religion, and there is protection for atheism. In the Indonesian context, the forum Internum is limited to non-monotheistic beliefs and atheism. However, this is different from the norms contained in the ICCPR Convention authorized by the General Comments in its definition of the religious rights stated in Article 18 of the ICCPR. Therefore, it is concluded that forum Internum includes personal trust, commitment and protection of monotheism. Meanwhile, the domain of forum externum, involves a general scope, namely religious practices, activities, observance and teachings.

3.2. Restrictions on the Right to Religious Freedom in Indonesia

In Indonesia, there are certain restrictions on human rights as stipulated in the constitution. They are regulated in Article 28 J paragraph (2) which stated that "In exercising these claims, every individual need to comply with restrictions determined by the law with the sole purpose of ensuring recognition and respect for the rights and freedom of others as well as to fulfill fair demands in accordance with moral considerations, religious values, security etc in a democratic society."

In the context of international law, such limitations are clearly defined. The state imposes restrictions on religious freedom based on Article 18 paragraphs (3) of the International Covenant on Civil Rights. Elements stated in the restrictions of religious freedom include: Firstly, restrictions in accordance with the Protection of the Public. Governments tend to limit the manifestation of religion in public, such as religious gatherings, processions, and death ceremonies to protect individuals (life, integrity, or health) or ownership. Secondly, restrictions for protecting public orders. This limitation is based on a view to maintain public order, such as the need to register legal entities for religious communities, or organizations, and the permission to hold open meetings, as well as establish places of worship. Thirdly, restriction for the protection of public health. This is intended to provide an opportunity for the government to intervene in the prevention and widespread diseases. The government creates awareness about vaccination, as well as requests farmers to become members of health insurance schemes (akses) in order to prevent the transmission of communicable diseases such as Tuberculosis (TB). Fourthly, restriction for the protection of morals. There were controversies concerning the justification of religious freedom relating to morals. Religious tradition is derived from moral concepts therefore certain restrictions are made by law in order not to be misused by a particular group. Finally, restrictions to protect fundamental freedom and freedom of others includes: Proselytism (Spread of Religion). The government interferes with missionary activities to protect others from being converted. The government needs to restrict the manifestations of religion or belief that harm the fundamental rights of others, particularly personal rights such as right to life, freedom, bodily integrity, marriage, ownership, health, education, equality, prohibition of slavery, cruelty and minority rights [18].

These restrictions are regulated by the Human Rights Committee, General Comment No. 22: Article 18 adopted at the fortieth session in 1993. The compilation of the general comments and recommendations of HRI \ GEN \ 1 \ REV.1 AT 35 (1994) namely Article 18 paragraph (3) of the ICCPR permits restrictions of religious freedom assuming they are regulated by legal provisions to protect people's security, order, health, morals as well as other basic rights. It further includes freedom from coercion to convert or adhere to certain religions, and both the parents and legal guardians are obligated to ensure that religious and moral education is restricted.

The interpretation of laws used as guidelines by the state in limiting human rights, are stated in the Siracusa Principles on the Limitations and Derogation Provisions on Restrictions and Reduction of Human Rights (HAM) in the International Covenant on Civil and Political Rights, Annex, UN Doc E / CN. 4/1984/4 (1984) which divided into 9 (nine) interpretations of limitation such as stipulated by law, in a democratic society, public order, public health, public morale, national security, public safety, other people's rights and freedoms or right to reputation, restrictions on general courts. Highlight interpretations of limitation human rights are: stipulated by law means the national law provides the restriction of human rights. It is arbitrarily applied, in addition the rules need to be understandable and accessible to everyone furthermore there is adequate protection and effective solutions for coercion. In a democratic society will describe that restrictions tend not to damage or affect the functioning of democracy. A democratic society recognizes and respects human rights. Public morale means that the state is in a position to discern the limits of public morality by respecting the fundamental values of the society as well as prohibiting discrimination. Furthermore, national security is aimed to protect the

nation's existence or territorial integrity. It does not impose arbitrary restrictions and need not be aimed at suppressing the opposition or carrying out repressive practices against the population.

Every restriction or limitations regulated in the universal or regional human rights needs to meet 3 (three) requirements: first, it needs to be determined by the law (the principle of legality), second, it needs to be justified by one the purposes, stated in the article; and third, there is need for restrictions in a democratic society. The first requirement means that the circumstances in which these restrictions are applied need to be clearly stated in accessible, and common laws. The second requirement simply implies that all restrictions need to be based on one of the authorized legitimate objectives listed in relevant provisions, such as 'national security', 'public order', 'and public security.' The third requirement is the proportionality notion [19]. These three requirements, the Siracusa principle and general comments no. 22 is used as a guide in defining restrictions in amendments of the Human Rights Act in Indonesia.

The state as a sovereign entity of public space restricts the direction of precise manifestations on the scope of forum externum. However, in the Indonesian context, restrictions on human rights are included in the aspect of forum Internum. Furthermore, these restrictions and interferences are formed based on statutory regulation which serves as a norm that permits the public (many people) to participate in overseeing its implementation, as well as satisfying the principles of necessity (necessity) and proportionality. In interpreting the scope of authorized restrictions, States parties need to protect the rights guaranteed in the covenant including the right to equality and non-discrimination in any field as stated in Articles 2, 3, and 26 of the Covenant of Civil Rights and Politics (ICCPR). Restrictions are applied only for the set purposes and need to be in accordance with specified requirements. However, it need not be applied for discriminatory purposes or in a derogatory manner [20]. The following are differences in human rights restrictions based on the Instruments and National Law:

Table 2 Comparison of Human Rights Restrictions in International and National Legal Instruments

No.	Human Rights Restrictions		
1	UDHR	ICPPR	
	In exercising these rights and freedoms, every individual is expected to adhere to the restrictions solely determined by the law solely in order to recognize and respect the rights and freedoms of others and to fulfil the requirements of fair morality, public order and the general welfare in a democratic society. (Article; 29 (2)).	Freedom to manifest one's religion or beliefs needs to be subject to restrictions determined by law in order to protect the safety, order, health, morals as well as the basic rights and freedoms of others (Article 18 (3)).	
2	Second Amendment to the 1945 Indonesian Constitution	Law Number 39 of 1999 concerning Human Rights	MPR Decree Number XVI / MPR / 1998 concerning Human Rights
	Article 28 J Paragraph (1): Everyone is obliged to respect the rights others in an orderly community, nation and state.	Article 69 paragraph (1): Everyone is obliged to respect the rights, morals, ethics and the life order of others in the community, nation and state.	Article 34: Everyone is expected to respect the rights of others in an orderly community, nation and state.
	Article 28 J Paragraph (2): In exercising their rights and freedoms, every person is subjected to certain restrictions established by the law with the sole purpose of guaranteeing recognition and respect for the rights and freedoms of others thereby fulfilling fair demands in accordance with moral considerations, religious values, security and public order in a democratic society.	Article 70: In exercising their rights and freedoms, each person is subjected to restrictions established by law to guarantee the recognition and respect for the rights and freedoms of others thereby fulfilling fair demands in accordance with moral considerations, religious values, security and public order in a democratic society.	Article 36: In exercising their rights and freedoms, each person is subject to restrictions formulated by the law with the sole aim of guaranteeing recognition and respect for the rights and freedoms of others thereby satisfying fair demands based on the implementations of morals, security and public order in a democratic society.

Based on table 2, the types of activities in the context of carrying out religious orders are clearly stated in the ICCPR or General Comment, however, according to the provisions in the 1945 Constitution, the state guarantees freedom of worship based on specific religion and beliefs. According to the constitution and Human

Rights Act in Indonesia, there is no interpretation relating to its restrictions, including morals, religious values, security and public order. This led to multiple analyses at the implementation level because these are general provisions, interpreted in varying ways according to personal interests. Ambiguous interpretations of human rights restrictions in the constitution and regulations, particularly "religious values" and "security" is different from the International Convention restrictions which only limits law, safety, order, health, public morals and the fundamental rights of others. In its application, law enforcement agencies and the government institutions interpret "security" differently and, it discriminates people that do not practice a religion recognized by the state.

The fundamental difference between human rights restriction in the Indonesian constitution and in the universal declaration is the replacement of public welfare with security, as well as religious values. The term national security in English is relatively new, however its concept is as old as the nation state itself. In addition, certain difficulties are encountered in the translation of certain terms. It is not always synonymous with national safety in terms of failure to handle national threats. Although it simply means to report a threat in its minimum severity. National security is also one of the restrictions. For example Article 21 and 22 (3) permits it with the reasons of national security or public safety. These two terms are used simultaneously in certain articles while they are used individually in some others. It implies that the have similar meaning. Article 18 (3) stated that public safety is different from national security, and the omission of the term is intentional however its urgency does not justify the restriction of religious freedom. [21] Therefore, due to the fact that Indonesia has ratified the ICCPR there is need to adhere to its interpretation and the Siracusa Principles. It stated that freedom of religion is a *forum internum* that need not be restricted under any circumstance and its limitations needs to be clearly stated in the law, in order not have multiple interpretations including the discrimination of minority groups.

IV. CONCLUSION

The scope of religious freedom is divided into 2 (two) categories such as rights which are not restricted under any circumstance (*forum internum*) and those that are restricted (*forum externum*). Furthermore, both the constitution and the law use phrases which implies that everyone need to belong to a specific religion or belief (not to protect atheism) however there is no regulation for people that do not belong to any religious group in Indonesia. The unlimited *forum internum* is restricted to non-monotheistic beliefs (only 6 (six) state-recognized religions), atheism and the right not to adhere to any religion or belief. Furthermore, in the *forum externum*, the scope of religious freedom includes worship, observance and teaching activities. Subsequently, including religious values expanded the scope of human rights restriction and security as well as generally excluding welfare as stated in the UDHR.

The scope of *forum internum* (non-derogable rights) in Indonesia can be limited by law. This contradicts the Principles of International Law that said *forum internum* cannot be restricted by anyone. Restrictions of human rights in Indonesia are abstract and have multiple interpretations, thereby obscure laws. Therefore, the House of Representatives (DPR) needs to amend the 1945 Constitution to provide a single interpretation and define human rights that need not be restricted under any circumstance (non-derogable rights) as well as the restricted ones (derogable rights) in accordance with the International law principles. Second, it is expected of DPR to change or amend Law No. 39 of 1998 concerning Human Rights, which provides the definition of derogable and non-derogable rights, as well as clarify the restrictions by referring to Siracusa Principles namely legality, necessity and proportionality.

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