



## STRENGTHENING THE REGULATION OF EDUCATION SERVICES FOR FAITH IN GOD ALMIGHTY

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**Abstract:** *This study aims to strengthen educational services for followers of Faith in God Almighty. Strengthening education services for religious groups is an effort to equalize the right to education for all citizens. Equalization of education services is a mandate of the Constitution 1945 of the Republic of Indonesia, emphasizing that every citizen has the right to education and teaching. Based on data from the Directorate General of Population and Civil Registration (Dukcapil) of the Ministry of Home Affairs (Mendagri), until June 2021, the population of Indonesia who adheres to the Faith is 102,508 people. This amount is equivalent to 0.04 percent of the total population of Indonesia, which reaches 272.23 million people. Still, 6.35 thousand people in Central Java adhered to the Faith in the same year, equivalent to 0.02% of 37.23 million people. This study analyzes the facts of discrimination in educational services experienced by adherents of the Faith. In this research process, the type of juridical-empirical research is used. This type of research examines legal materials as well as factual data in the community. Based on the provisional facts presented, the author hypothesizes that discrimination in educational services experienced by adherents of the Faith has existed for a long time. Since independence, followers of the Faith have not received education services equivalent to devotees of the six-state religions. Before the issuance of Permendikbud No 27/2016, there were cases of refusal to register for school, not up a grade, being forced to take religious lessons. Some were forced to choose one religion to take the national exam. After the issuance of the Minister of Education and Culture, adherents of the Faith still experience various obstacles in obtaining educational services. The availability of teachers (penyuluh) and the column of Faith in online report cards (e-report) is still a problem in educational services for Faith followers. It is necessary to strengthen regulations and implementation so that the fundamental rights of education mandated by the constitution are also felt for Faith believer groups in Indonesia.*

**Keywords:** *Faith in God Almighty, Strengthening, Regulation, Service, Educational Rights.*

**Abstrak:** *Penelitian ini bertujuan untuk menguatkan pelayanan pendidikan bagi penganut Kepercayaan Terhadap Tuhan Yang Maha Esa (selanjutnya ditulis Kepercayaan). Penguatan layanan pendidikan bagi kelompok Kepercayaan merupakan upaya penyetaraan hak pendidikan bagi semua warga negara. Penyetaraan layanan pendidikan merupakan amanat UUD NRI Tahun 1945 yang menekankan bahwa setiap warga negara berhak mendapatkan pendidikan dan pengajaran. Berdasarkan data Direktorat Jenderal Kependudukan dan Pencatatan Sipil (Dukcapil) Kementerian Dalam Negeri (Kemendagri), hingga Juni 2021 penduduk Indonesia yang menganut Kepercayaan sebanyak 102.508 jiwa. Jumlah itu setara dengan 0,04 persen dari total penduduk Indonesia yang mencapai 272,23 juta jiwa. Masih pada tahun yang sama, warga Jawa Tengah yang menganut Kepercayaan sebanyak 6,35 ribu jiwa atau setara 0,02% dari total 37,23 juta jiwa. Penelitian ini menganalisis fakta-fakta diskriminasi layanan pendidikan yang dialami penganut Kepercayaan. Pada proses penelitian ini menggunakan tipe penelitian yuridis-empiris. Jenis penelitian yang mengkaji bahan-bahan hukum dan juga data faktual di masyarakat. Berdasarkan fakta sementara yang tesaji, penulis berhipotesa bahwa diskriminasi layanan pendidikan*

*yang dialami penganut Kepercayaan terjadi sejak lama. Sejak masa kemerdekaan hingga sekarang, penganut Kepercayaan belum mendapatkan layanan pendidikan yang setara dengan penganut enam agama negara. Sebelum terbit Permendikbud No 27 Tahun 2016, ada kasus penolakan saat mendaftarkan sekolah, tidak naik kelas, keterpaksaan mengikuti pelajaran agama, ada juga yang terpaksa memilih salah satu agama demi mengikuti ujian nasional. Setelah terbit Permendikbud, penganut Kepercayaan masih mengalami berbagai kendala untuk mendapatkan layanan pendidikan. Ketersediaan guru (penyuluh) dan kolom kepercayaan dalam raport online (e-report) masih menjadi problem layanan pendidikan bagi penganut Kepercayaan. Butuh penguatan regulasi dan implementasi supaya hak dasar pendidikan yang diamanatkan konstitusi juga dirasakan bagi kelompok Kepercayaan di Indonesia.*

**Kata Kunci:** Kepercayaan Terhadap Tuhan Yang Maha Esa, Penguatan, Regulasi, Pelayanan, Hak Pendidikan

## **A. Introduction**

The fundamental problem faced by the adherents of Faith in God Almighty (Belief) is the right to education. Discrimination in education services is the most influencing factor in declining the next generation of Faith believer groups. Believers of the Faith feel that the education system is not friendly and partial to vulnerable groups of Believers, especially when Faith believer students have to deal with religious subjects.

Long before Permendagri No. 27 of 2016 concerning Faith Education Services was published, a series of discrimination cases in schools occurred almost evenly in Indonesia. Cases of discrimination in education services in Central Java have happened in the form of refusal to register for school, not going to class because of Faith, and being forced to take religious lessons.

In 2009, there was coercion to participate in Islamic Studies (PAI) against students who adhere to the Sedulur Sikep Faith (Samin) who attend one of the junior high schools in Undaan District, Kudus Regency. Initially, Sedulur Sikep children were accepted to attend junior high school in the 2009 academic year. After following the teaching and learning process, Sedulur Sikep students were required to practice ablution, pray and read the Qur'an. In 2011 the problem reappeared. Problems arose when Sedulur Sikep's children were refused to enroll in the same school. At that time, the registration committee rejected Sedulur Sikep students because they often caused problems. There was an argument between Sedulur Sikep residents who were going to register and the new student admissions committee at that time. (Ceprudin, 2021)

Discrimination against believers of Faith also occurs in Pekalongan, Central Java. In 2013 a student who adheres to the Jawa Jawata Faith was forced to wear a hijab. Since being accepted at a state junior high school, Adinda (not her real name) has regularly used the hijab until she is in third grade. "My school is a state junior high school, every day when I go to school, I wear a hijab," said she, who at that time was accompanied by her father as chairman of the Pekalongan Jawa Jawata Faith Believer Association. (Ceprudin, 2014)

According to her, she is the only child of a Faith believer at that school. The habit of using the hijab when participating in teaching and learning activities at school has been carried out since she entered the first grade. Until the third grade, she still wore the hijab because it was in a package with the uniform provided by the school when she registered. The compulsion to take Islamic religious lessons to children in Faith believer also occurs almost evenly in Brebes Regency. On average, children who adhere to the Sapta Darma Faith who attend public schools receive discrimination treatment. The

school always argued that the lessons about the adherents of Faith believers were not in the curriculum.

“After taking Islamic Religion Lessons, then our children were forced to follow the practice of Islam. Yes, all the procedures for Islamic rituals such as ablution (wudu), prayer, and others. We feel we are being mistreated. Our rights are not granted. The most important thing is the right to education. But our schoolchildren are forced to take lessons in the ‘official state religion.’ Just go ahead. Frankly, I’m a Muslim,” said Carlim.<sup>1</sup>

In contrast to students who follow the Faith in general, who prefer to “play it safe” at school, a student of Faith in Semarang City chose frankly not to follow the practice of Islamic religious lessons. As a result, he did not get up a grade.

A class XI student at SMK Negeri 7 Semarang, Zulfa Nur Rahman, did not up a grade because he refused to take part in the practice of teaching Islam. The problem started when Zulfa filled out his identity as a follower of Islam when he was in class X and XI. “At that time, Zulfa and his family did not know about the (school) regulations. Zulfa joins Faith believer every day,” said Head of the Legal and Human Rights Division of the Association of Faith believers in Central Java, Tito Hersanto. (Rofiuddin, 2016) When he wanted to go to class XII, Zulfa did not fill in his identity as a follower of Islam. He has realized that Faith believers should not take Islamic religious lessons even though the curriculum at SMKN 7 Semarang at that time did not yet provide the subject of Faith Believers.

Head of SMK Negeri 7 Semarang M. Sudarmanto, when confirmed by Antaranews.com, Tuesday (26/7/16),<sup>2</sup> confirmed that students did not go to class because of this problem. He said SMK Negeri 7 Semarang only facilitates six religions. “It’s true. One of our students named ZN (initials, ed.) was forced to not up a grade. It should be class XII now if she up a grade,” said the Head of SMK Negeri 7 Semarang, M. Sudarmanto in Semarang. (Rofiuddin, 2016)

Before 2016, cases of discrimination in schools that afflicted students who adhered to the Faith were always deadlocked. Victims of discrimination are constantly faced with regulations from the central government that has not accommodated the curriculum for educational services for Faith Believers.

Good news emerged in 2016. The government issued Permendikbud No. 27 of 2016 concerning Education Services for Faith in God Almighty. The goal is that the discrimination experienced by the adherents of the Faith finds a solution. However, this goal has not been fully realized. The implementation of the Faith Believers education service regulations still faces many obstacles.

The Institute for Social and Religious Studies (ELSA) Semarang conducted a simple survey about implementing the Faith subject in Central Java. As a result, there are still many obstacles faced by students who believe in Faith in getting lessons on Faith believers at school.<sup>3</sup>

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<sup>1</sup> The author's interview with an elder of the Sapta Darma Believer in Brebes Regency, Carlim, during the 'Haul Gus Dur and Evaluation of Religious Freedom in Central Java', at the Siliwangi Hotel Semarang, 30 December 2014

<sup>2</sup> <https://elsaonline.com/cerita-warga-sedulur-sikep-bersekolah/>

<sup>3</sup> This simple survey was carried out by ELSA researcher Ceprudin, in conjunction with the activities of the Women of Faith Believers (Puan Hayati) organization in Salib Putih, Salatiga, Central Java on August 10, 2020.

Most respondents answered that the main obstacle in implementing Faith education in schools was “the absence of a Faith subject (Mapel) column in e-reports or online report cards.” Thus, Faith Believers cannot enter the value of faith lessons in e-reports.

“There are still obstacles for those who have received the subject of Faith in school, namely, the absence of a Faith subject column in the e-report. All Faith believers experience this obstacle at all levels of education. Because this is a government policy,” said Surani.<sup>4</sup>

Another obstacle is the shortage of teachers or extension workers. If any, they do not receive an honorarium like other religious teachers. “Faith teachers are given honorariums from their respective Faith organizations. Of course, it’s not worth it. Because the teacher or extension worker teaches in several schools and the distance is not close. The most they receive is only enough to change gasoline,” answered the administrator of the Semarang Regency MLKI, Adi Pratikno, when the survey results were confirmed.<sup>5</sup>

Based on the above background, it is necessary to strengthen both regulation and implementation of educational services for adherents of the Faith. The strengthening is so that all elements synergize and are integrated so that faith education services and educational services for adherents of the six-state religions must be optimized. Regulations on educational services for Faith believers must regulate precisely so that the younger generation of Faith believers can receive education up to the university level.

## **B. Formulation of the Problem**

There are three problem formulations in this research; first, why do Faith believers not get optimal education rights services? Second, what are the laws and regulations on educational services for Faith believers today? Third, how to strengthen educational services for Faith believers in the future?

## **C. Research Method**

This type of research includes juridical-empirical. Empirical juridical research examines the applicable legal provisions and is contextualized with the reality in society. (Suharsimi Arikunto, 2012) This type of research examines normative legal requirements in action on every legal event that occurs in society. (Abdulkadir Muhammad, 2004) This research activity combines the actual situation with the applicable norms so that facts are found to identify problems that ultimately lead to resolution. (Bambang Waluyo, 2002) This research will use two approaches. First, the statutory approach. The statutory approach is research conducted by reviewing all laws and regulations related to the researched legal issue. The second, the conceptual approach (conceptual approach). This approach departs from the views and doctrines that develop in the science of law. By studying the theories and philosophies in legal science, researchers will find ideas that give birth to legal understandings, legal

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<sup>4</sup> Interview with Surani, a civil servant teacher at an elementary school in Limbangan District, Kendal Regency, Surani on August 7, 2020. Surani is a former Faith Teacher in Semarang Regency. Surani, used to be a teacher or extension worker for Faith subjects in Semarang Regency. She traveled from one school to another teaching the students of the Faith.

<sup>5</sup> Ceprudin's survey results, *Op.Cit.*

concepts, and legal principles relevant to the issues being studied. (Peter Mahmud Marzuki, 2010)

## **D. Discussion**

### **1. Education Service Problems for Faith Believers**

The fundamental problem that the adherents of the Faith group have faced is regeneration. Many Faith believer groups are ultimately “suspended in death” due to the loss of their next generation. In the end, the teachings of their ancestors that they have preserved from generation to generation must be willing to meet a lonely path. The younger generation, children of Faith believers, prefer to be “safe” and change religious identities. They are unable to maintain the continuity of ancestral teachings because of structural and cultural pressures in society.

For years, the government and the community have discriminated against the Faith believer groups, both socially and structurally. They are still experiencing discrimination in public services, freedom of worship, and education services until now. This series of discrimination makes the next generation of Faith believers feel “insecure” and prefer to change identities, even though not “completely.”

Of these various injustices, educational discrimination is the most influencing factor in declining the next generation of Faith believers. They feel that the existing education system is not at all friendly to Faith believers. They are not at all safe and comfortable when dealing with religious subjects in public schools.

Long before Permendagri No. 27 of 2016 concerning education services for adherents of Faith was published, a series of discrimination cases in schools had occurred in Central Java. There have been refusals against Sedulur Sikep adherents in Kudus Regency when registering for school, cases of not up a grade at a well-known vocational school in Semarang City, and forcing teaching and learning practices to follow one religion at school.

#### **1.1. The Case of Sedulur Sikep Kudus**

In 2009 there was coercion to participate in Islamic Studies (PAI) against students of the Sedulur Sikep Faith believer (Samin) who attended one of the junior high schools in Undaan District, Kudus Regency. Initially, in the 2009 academic year, Sedulur Sikep’s children were accepted and went to school like average students. After walking through the teaching and learning process, Sedulur Sikep students are required to follow the practice of ablution, prayer, and reading the Qur’an. (Ceprudin, 2021)

Not only that, during the teaching and learning process, Sedulur Sikep’s children also have to take part in teaching and learning activities for Islamic Religious Subjects (PAI). The obligation to follow the practice of Islamic lessons makes Sedulur Sikep students “go on strike” at school. Students who adhere to Sedulur Sikep are reluctant to receive teaching other than lessons on Faith and insist on strengthening the education of their ancestors (Saminism).

After the incident, Sedulur Sikep students temporarily stopped going to school for two weeks. The junior high school principal then asked Sedulur Sikep children to go back to school. After a long negotiation between the school and Sedulur Sikep parents, it was agreed that the religion column in the report card reads “Adam’s Religion” (not Islam). The assessment was given by the parents of Sedulur Sikep students themselves.



For a while, the decision brought fresh air to Sedulur Sikep students. They can go to school freely according to their beliefs. There is no compulsion to carry out the practice of Islamic Religious Lessons. Even though students of the Sedulur Sikep Faith students still have to choose one religion from the six-state religions during the national exam. They prefer Christianity for a straightforward reason; namely, there is no religious practice.

In 2011 the problem reappeared. The problem arose when one of Sedulur Sikep's children was rejected to enroll in the same school. At that time, the registration committee rejected Sedulur Sikep students because they often caused problems. The new student admissions committee argued with Sedulur Sikep residents who were going to register.<sup>6</sup>

For the refusal, the residents of Sedulur Sikep asked for proof of a refusal letter to apply to another school. And later to be proof that at the school there was a refusal to enter the school against the residents of Sedulur Sikep. The school refused to provide a letter of rejection. At the end of this problem, the school accepted Sedulur Sikep's children and followed the teaching and learning process as usual. During the exam, they chose non-Muslim religion because there was no practice of worship.

### **1.2. The Case of Jawa Jawata Students in Pekalongan**

Discrimination against Faith believers also occurs in Pekalongan, Central Java. In 2013 a student who adheres to the Jawa Jawata Faith believer was forced to wear a hijab while at school. Since being accepted at a state junior high school, Adinda (not her real name) has regularly used the hijab until she is in third grade. "My school is a state junior high school, every day when I go to school. I wear a hijab," she said, who was also accompanied by her father, who is the head of the Pekalongan Jawa Jawata Faith Believer Association. (Ceprudin, 2014)

According to her, she is the only child of a Faith believer who has studied up to the high school level. The habit of using the hijab when participating in teaching and learning activities at school has been carried out since she entered the first grade. Until this third grade, she still wore a hijab because it was "a package with the uniform provided" by the school when she registered.

The hijab she wears is only worn when she goes to school. Adinda did this to comply with school regulations. However, after school, at home, or in the neighborhood, she usually dresses and does not wear a hijab. She said that teachers taught at the public school who knew that Adinda was a Faith believer. "Yes, some teachers know (know that Adinda is a Faith believer), there are also teachers who don't know," she said.

During Islamic religious education lessons, she continued, she was told to take these subjects. She was even told to memorize it. "I was told to take religious lessons. Sometimes I even memorized it," she said.

### **1.3. The case of Sapta Darma Brebes**

Still afflicting students who adhere to the Faith believer, in Brebes Regency, Sapta Darma children are also forced to take Islamic Religious Subjects (PAI). Not

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<sup>6</sup> This excerpt was written by a researcher from the Semarang Institute of Social and Religious Studies (ELSA), Ceprudin and was also published in the Opinion section of the Wawasan Daily Newspaper March 10, 2012.

even a few who, after studying Islam, eventually become Muslim. At least this happened until 2016.

The compulsion to take Islamic religious lessons to Sapta Darma children at school is almost evenly distributed in Brebes. Sapta Darma children who attend public schools, they receive the same discrimination treatment. The school always argued that there was no lesson on Faith believers in the curriculum at that time.

“After taking Islamic Religion Lessons, then our children were forced to follow the practice of Islam. Yes, all the procedures for Islamic rituals such as ablution, prayer, and others. We feel we are being mistreated. Our rights are not granted. The most important thing is the right to education. But our schoolchildren are forced to take lessons in the ‘official state religion.’ Just go ahead; frankly, I’m Muslim,” said Carlim.<sup>7</sup>

Carlim revealed Sapta Darma students are reluctant to take Islamic religious lessons. That’s because it’s different from the beliefs they get from their parents and traditional elders. But whatever the power, even though they don’t want to take religious lessons to graduate, they follow it.

“The children are finally taking Islamic religious lessons. Yes, follow the practice of prayer and others. But that was because they were afraid of not graduating. Because if they don’t follow these subjects, they are threatened not to pass the exam. This is where justice lies for us who are minorities,” complained Carlim at that time.<sup>8</sup>

Although unspoken, cases like this are experienced by many students who adhere to the Faith. For those who are “safe” at school, it is normal for them to “camouflage” by wearing the identity of Muslim students. Especially for female students, they will be safer without getting persecuted if they wear the hijab.

#### **1.4. Cases of Not Up a Grade of Vocational High School Students in Semarang City**

In contrast to students who follow the Faith in general, who prefer to “play it safe” at school, a Faith believer student in Semarang chose to be frank and against school policy to follow the practice of Islamic religious lessons. As a result, he could not up a grade. A class XI student at SMK Negeri 7 Semarang, Zulfa Nur Rahman, did not up a grade because he refused to take part in the practice of teaching Islam. The problem started when Zulfa filled out his identity as a follower of Islam in class X and XI.

“At that time, Zulfa and her family did not know about the (school) regulations. Zulfa joins Faith believer every day,” said Head of the Legal and Human Rights Division of the Association of Believers in Central Java, Tito Hersanto. (Tempo.co, Tuesday, 26/7/16)

When he wanted to go to class XII, Zulfa did not fill in his identity as a follower of Islam. He has realized that believers should not take Islamic religious lessons. The curriculum at SMKN 7 Semarang does not provide subjects for Faith believers.

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<sup>7</sup> The author's interview with an elder of the Sapta Darma Believer in Brebes Regency, Carlim, during the 'Haul Gus Dur and Evaluation of Religious Freedom in Central Java', at the Siliwangi Hotel Semarang, 30 December 2014

<sup>8</sup> *ibid*

Head of SMK Negeri 7 Semarang M. Sudarmanto, when confirmed by Antaranews.com, Tuesday (26/7/16),<sup>9</sup> confirmed that students did not go to class because of this problem. He said SMK Negeri 7 Semarang only facilitates six religions. "It's true. One of our students named ZN (initials, ed.) was forced to not up a grade. It should be class XII now if she up a grade," said the Head of SMK Negeri 7 Semarang, M. Sudarmanto in Semarang.

At the beginning of ZN registration, he said he included Islam, as stated on the family card (KK). He carried out learning activities as usual until he went to class XI. At his promotion to class XII, he said one religious education competency required practice, but the person concerned refused because he was an adherent of the Faith.

"We can't do anything. This is because the curriculum has not yet facilitated faith education. The existence of education in six religions, namely Islam, Christianity, Catholicism, Hinduism, Buddhism, and Confucianism," he said.

Finally, he said, the school gave the students the choice to choose between six religions recognized by the government to fulfill the competency requirements to move up to class XII. "We have invited the parents of the students to the school. We convey that if she persists in not participating in religious education, the consequences will be that she will not be able to up a grade. Her parents said it was okay."

To go up to class XI, he said, religious lessons were only given in theory so that the person concerned wanted to participate. Still, for class XII promotion, there was a compulsory religious practice competency. "It means if ZN does not want to take the religious practice exam, he will not get a grade. Religious education is mandatory and must get a good minimum score. It's different from other lessons," he said.

Before 2016, cases of discrimination in schools that afflicted students who adhered to the Faith were always deadlocked. Activists who accompany victims of discrimination are constantly faced with regulations from the central government that has not accommodated the curriculum for educational services for adherents of the Faith. Like walking, it always met a dead end with thick walls and towers.

Good news emerged in 2016. Four years ago, the government issued Permendikbud No. 27 of 2016 concerning Education Services for Faith in God Almighty. The goal is that the discrimination experienced by adherents of the Faith will not be prolonged. However, the government's noble intentions have not been fully realized. The implementation of the Faith education service regulations still faces many obstacles.

The Institute for Social and Religious Studies (ELSA) Semarang conducted a simple survey about implementing the Faith subject in Central Java. As a result, there are still many obstacles faced by students of faithful adherents to get faith lessons at school.

ELSA surveyed five Faith groups by taking a sampling of 24 respondents. The five faith groups are the Urip Medal Association of Brebes Regency, the Sapta Darma Believers of Semarang City and Regency, the Prana Jati Association of

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<sup>9</sup> <https://elsaonline.com/cerita-warga-sedulur-sikep-bersekolah/>



Semarang Regency, the Kawruh Jiwo Association of Semarang Regency, and the Nurmanto Association of Semarang.<sup>10</sup>

The majority of respondents answered that the main obstacle in implementing Faith education in schools was “the absence of a column for faith subjects in e-reports or online report cards.” Thus, Faith believers cannot enter the value of faith lessons in e-reports.

“There are still obstacles for those who have received the subject of Faith in school, namely, the absence of a Faith subject column in the e-report. All Faith Believers experience this obstacle at all levels of education because this is a government policy,” said Surani.<sup>11</sup>

For information, the government has issued Permendikbud No. 27 of 2016 concerning Education Services for Faith in God Almighty in Education Units. This policy aims to ensure that students from the Believers receive religious education through Faith Education by following the provisions in the formal education curriculum.

### **1.5. Lack of Teachers (Instructor)**

In the ministerial regulation, it is also determined that the education content of Faith must have core competencies and essential competencies, syllabus, lesson plans, textbooks, and teachers (educators or instructors). The Supreme Council for Faith in God Almighty (MLKI) compiled the core competencies and essential competencies and submitted them to the Ministry of Education and Culture for determination.

The policy also stipulates that the government, regional government, and education units can cooperate with the Organization for Faith in God Almighty in providing Faith Education. The policy is essentially made so that teachers or extension workers provide lessons on Faith Education following students’ beliefs. This is based on the fact that Faith believer students have the right to receive education services in Faith in God Almighty.

This policy has been running for about four years. However, it turns out that in the implementation stage, there are many obstacles both at the level of official technical guidelines and basic policies at the level of the education unit (school). That is the reason why ELSA felt the need to survey each Faith believer group.

The survey results it is about the faith column in e-reports and several other obstacles. The obstacles include the shortage of teachers or instructors. If any, they do not get honorariums like other religious teachers.

“As a result, Faith believer teachers are given honorariums from their respective Faith believer organizations. Of course, it’s not worth it. Because the teacher or instructor teaches in several schools and the distance is not close. The most they receive is only enough to change gasoline,” answered the administrator

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<sup>10</sup> This simple survey was carried out by ELSA researcher Ceurudin, in conjunction with the activities of the Women of Faith Believers (Puan Hayati) organization in Salib Putih, Salatiga, Central Java on August 10, 2020.

<sup>11</sup> Interview with Surani, a civil servant teacher at an elementary school in Limbangan District, Kendal Regency, Surani on August 7, 2020. Surani is a former Faith Teacher in Semarang Regency. Surani, used to be a teacher or extension worker for Faith subjects in Semarang Regency. She traveled from one school to another teaching the students of the Faith.

of the Semarang Regency MLKI, Adi Pratikno, when the survey results were confirmed.

Nevertheless, they remained patient and persevered. The teachers or extension workers remain painstakingly teaching from one place to another. They persist in teaching because the students are the next generation who will inherit the education of those who live the Faith believers as taught by their ancestors' tens or even hundreds of years ago.

Policies regarding education services for students who believe in Faith also seem to have not been thoroughly socialized by the government. The proof is that the survey results show that there are still Faith believer groups who do not know that the government has accommodated the Faith Lessons.

"My child goes to elementary school in Boyolali because I live in Semarang Regency, precisely on the Boyolali border. My child didn't get a Faith lesson because I didn't know how to get a Faith lesson in School. There should be socialization from the government either through schools or through the Faith Believer Association," said a member of the Prana Jati Community in Semarang Regency, Noviana.

The complexity of the problems that afflict the internal Faith believer group also becomes an obstacle to the implementation of Faith Education. "My husband is still Muslim, my children who go to school also don't use Faith believer. So they can't learn Faith. Later, maybe when my children are in high school, they will choose to be a Faith believer or not," he concluded.

## **2. Education Service Arrangements for Faith Believers**

In this section, the author will first explain the arrangements for the implementation of education in general. Next will be described the arrangements regarding the implementation of education for adherents of the Faith. Following the statutory approach, this section will examine the sequence of arrangements regarding education provision from the highest to the lower or specific arrangements. Thus, it will be known whether the content of the educational regulation material has protected the educational rights of the Faith believer groups.

Provisions regarding the implementation of education in Indonesia can be traced from the 1945 Constitution of the Republic of Indonesia. Article 28C Paragraph (1) states, "everyone has the right to develop himself through fulfilling his basic needs, has the right to receive education and benefit from science and technology, art and culture, for the sake of improving the quality of life and for the welfare of mankind."

Article 28E Paragraph (1) states, "everyone has the right to embrace religion and worship according to his religion, choose education and teaching, choose work, choose citizenship, choose a place to live in the territory of the country and leave it, and has the right to return."

Article 31 paragraph (1) states, "every citizen has the right to education." Paragraph (2) states, "every citizen is obliged to attend basic education, and the government is obliged to finance it." Furthermore, Paragraph (3) states, "the government seeks and organizes a national education system, which increases faith and piety as well as a noble character in the context of the intellectual life of the nation, which is regulated by law." Furthermore, Paragraph (4) states "the state prioritizes the education budget at least twenty percent of the state budget for revenues and

expenditures as well as from the regional income and expenditure budgets to meet the needs of the implementation of national education.”

Education arrangements are also regulated in the law on human rights. Article 12 of Law no. 39 of 1999 concerning Human Rights states that “everyone has the right to protection for his personal development, to obtain an education, to educate himself, and to improve the quality of his life so that he becomes a human being who is faithful, devoted, responsible, noble, happy, and prosperous following human rights.”

Article 16 states that “everyone has the right to carry out social and policy work, to establish an organization for this purpose, including providing education and teaching, and to raise funds for this purpose following the provisions of the legislation. Furthermore, Article 60 paragraph (1) states, “every child has the right to receive education and teaching in the context of personal development following his interests, talents, and level of intelligence.”

In the general explanation section, this law emphasizes that the obligation to respect human rights is reflected in the preamble to the 1945 Constitution of the Republic of Indonesia, which animates the entire article in its body. This respect is mainly related to the equality of citizens in law and government, the human rights to work and a decent living, freedom of association and assembly, the right to express thoughts orally and in writing, freedom to embrace religion and to worship according to one’s religion and Faith, and the right to education and teaching.”

At the time this law was enacted in 1999, there were recorded in the nation’s history various sufferings, miseries, and social inequalities, which were caused by unfair and discriminatory behavior based on ethnicity, race, color, culture, language, religion, class, gender, and another social status. Such inequitable and discriminatory behavior is a violation of human rights, both vertically (perpetrated by state officials against citizens or vice versa) and horizontally (between citizens themselves), and not a few are included in the category of gross violations of human rights. of human rights).

The conditions of discrimination and unfair behavior when the 1999 human rights law was enacted have not yet been fully resolved. There are still remnants of discriminatory treatment against vulnerable groups, especially for adherents of religions and Faith who in quantity are minorities. This discrimination occurs in various fields, including in the administration of education.

Indonesia also ratified Law no. 11 of 2005 concerning Ratification of the International Covenant on Economic, Social and Cultural Rights (International Covenant on Economic, Social and Cultural Rights). Article 2 states, “Indonesia’s consideration is to become a party to the International Covenant on Economic, Social and Cultural Rights because Indonesia is a state of law and since its birth in 1945 has respected human rights.”

Indonesia’s attitude can be seen from the fact that although the 1945 Constitution of the Republic of Indonesia was drafted before the proclamation of the UDHR, it already contains provisions regarding respect for fundamental human rights, including the right of every Indonesian citizen to education (Article 31 paragraph 1).

Law no. 40 of 2008 concerning the Elimination of Racial and Ethnic Discrimination in Article 5 states, “the elimination of racial and ethnic discrimination must be carried out by providing “understanding to the public regarding the importance of pluralism and respect for human rights through the implementation of national education (Article 5 part C).

Elucidation of Article 9 emphasizes that “civil rights are meant to enjoy, obtain and obtain guarantees for the implementation of education and training aimed at educating and/or increasing their skills, without distinction of race and ethnicity. In providing education, it must be ensured regardless of race and ethnicity, including religious beliefs.

The primary regulation on education is regulated in Law no. 20 of 2003 concerning the National Education System. Article 1 Paragraph 1 states, “Education is a conscious and planned effort to create a learning atmosphere and learning process so that students actively develop their potential to have religious-spiritual strength, self-control, personality, intelligence, noble character, and skills needed by themselves, the community, nation, and state.” Paragraph 2 states, “national education is education based on Pancasila and the 1945 Constitution of the Republic of Indonesia, which is rooted in religious values, Indonesian national culture, and responsive to changing times’ demands.”

Article 4 paragraph (1) states that education is held democratically, reasonably, and is not discriminatory by upholding human rights, religious values, cultural values, and national pluralism. Article 12 paragraph (1) states, “every student in each educational unit has the right to: a. get religious education following the religion he adheres to and taught by educators of the same religion.”

Furthermore, Article 15 states, “types of education include general, vocational, academic, professional, vocational, religious, and special education.” Moreover, Article 30 paragraph (1) states, “religious education is carried out by the government and/or community groups of religious adherents, following laws and regulations.” Paragraph (2) states, “religious education has the function of preparing students to become members of the community who understand and practice the values of their religious teachings and/or become experts in religious knowledge.”

Paragraph (3) states, “religious education can be held through formal, non-formal, and informal education channels.” Paragraph (4) states, “Religious education is in the form of diniyah education, pesantren, pasraman, pabhaja samanera, and other similar forms.” Paragraph (5) states, “the provisions regarding religious education as referred to in paragraph (1), paragraph (2), paragraph (3), and paragraph (4) shall be further regulated by government regulation.”

The National Education System Law also regulates the curriculum for religious education in universities. Article 37 paragraph (2) states, “the higher education curriculum must contain a. religious education.” This article requires the addition of the word “Faith” to strengthen education regulation in tertiary institutions. This article will address the “lack of teachers or extension workers” currently facing the Faith group today.

The addition of the word “Faith” in the article that regulates the implementation of education in tertiary institutions strengthens the efforts of the Ministry of Education and Culture in cooperation with the University of 17 August 1945, Semarang, which is making a study program for Faith in God Almighty.

The provision of religious education standards is further regulated in PP 57 of 2021 concerning National Education Standards. Article 22 states that “further provisions regarding the standard of educators for educators who teach religious content shall be regulated by a Ministerial Regulation after coordinating with the minister who carries out government affairs in the field of religion.”

Furthermore, Article 40 paragraph (1) states, “the curriculum is prepared following the Educational Levels within the framework of the Unitary State of the Republic of Indonesia by considering: a. increased Faith and piety; b. improvement of noble character; c. increasing the potential, intelligence, and interest of students; d. diversity of regional and environmental potentials; ..... **h. religion**; i. dynamics of global development; and national unity and national values”. Paragraph (2) states that “primary and secondary education curriculum must contain: a. religious education.” Paragraph (3) states “the higher education curriculum must contain: a. religious education; b. civic education; and c. Language.”

Regulations that specifically regulate the implementation of religious education are regulated in PP No. 55 of 2007 concerning Religious and Religious Education. Chapter III of the religious education section, Article 3 paragraph (1) states, “every academic unit at all lines, levels, and types of education is obliged to provide religious education. Paragraph (2) states, “the Minister of Religion carries out the management of religious education.

Article 4 paragraph (2) states, “every student in an education unit in all lines, levels and types of education has the right to receive religious education according to the religion he adheres and is taught by educators of the same religion.” Article 9 paragraph (1) states “religious education includes religious education in Islam, Christianity, Catholicism, Hinduism, Buddhism, and Confucianism.” Article 12 paragraph (1) states “the government and/or local governments provide educational resources assistance to religious education.”

The implementation of religious education, which explicitly mentions Faith in God Almighty, is regulated in Presidential Decree no. 87 of 2017 concerning Strengthening Character Education. Article 6 paragraph (4) states, “extracurricular activities as referred to in paragraph (3) include krida activities, scientific works, training for talent/interests, and religious activities, as well as activities for practicing Faith in God Almighty following the provisions of the legislation.” Paragraph (5) states, “religious activities as referred to in paragraph (4) can be carried out at least through fast boarding schools, religious lectures, catechisms, retreats, and/or reading and writing the Koran and other holy books”.

Regulations that specifically regulate educational services for believers are regulated in the Minister of Education and Culture Regulation no. 27 of 2016 concerning Educational Services of Faith in God Almighty in Education Units. Article 1 states, “in this ministerial regulation what is meant by education services for Faith in God Almighty is Educational Services for Faith in God Almighty given to Students who believe in Faith in God Almighty.” Paragraph 2 states, “Education of Faith in God Almighty, from now on referred to as Faith Education is learning about Faith in God Almighty.”

Paragraph 3 states, “students who believe in God Almighty, hereinafter referred to as Students, are students in formal education at primary and secondary education levels and equality education who declare themselves to be believers in God Almighty.” Paragraph 4 states, “A Faith believer in God Almighty, hereinafter referred to as a Faith Believer, is every person who recognizes and believes in the values of living in Faith in God Almighty.” Paragraph 5 states, “Faith in God Almighty is a statement and implementation of a personal relationship with God Almighty based on faith that is



manifested by the behavior of piety and worship of God Almighty and the practice of nobility whose teachings come from the local wisdom of the Indonesian nation.”

Paragraph 6 states, “Educators are educational personnel who are qualified as teachers, tutors of learning, and other designations that are following their specificity and participate in conducting education in Faith in God Almighty.” Paragraph 7 states, “The Central Government, hereinafter referred to as the Government, is the President of the Republic of Indonesia who holds the power of the state government of the Republic of Indonesia assisted by the Vice President and the Minister as referred to in the 1945 Constitution of the Republic of Indonesia”.

Paragraph 8 states, “Local Government is the Provincial Government, Regency Government, or City Government.” Paragraph 9 states, “The Ministry is the Ministry of Education and Culture.” Paragraph 10 states, “The Supreme Council of Faith in God Almighty is a set of organizations Faith in God Almighty which has been ratified by the Ministry of Law and Human Rights.”

Article 2 paragraph (1) states, “students fulfill religious education through Faith Education by following the provisions of the laws and regulations governing the curriculum.” Paragraph (2) states that “Faith Education content must have Core Competencies and Basic Competencies, syllabus, lesson plans, textbooks, and educators.” Paragraph (3) states, “the core competencies and basic competencies as referred to in paragraph (2) are compiled by the Supreme Council for Faith in God Almighty and submitted to the Ministry for stipulation”.

Article 3 states, “in providing Faith Education as referred to in Article 2, the Government, Regional Government, and educational units can cooperate with Organizations for Believers in Faith in One Almighty God that have been registered following the provisions of the legislation”. Article 4 states “educators provide Faith Education lessons following the teachings of students’ Faith regarding the learning as referred to in Article 2 paragraph (2) and paragraph (3)”.

The laws and regulations regarding the implementation of education as described above, there are inconsistencies between the laws and regulations with each other. In the 1945 Constitution of the Republic of Indonesia, every mention of “religion” is always followed by the word “Faith.” The content of the 1945 Constitution does not seem to be well translated into the regulation of education. The fundamental law on the national education system does not mention “Faith” at all, even though, in one Article 12 paragraph (1), it clearly and emphatically says the word “religion” but is not followed by the word “Faith.” (Sukirno, 2019)

### **3. Strengthening Education Services for Faith Believers**

In this final section, the regulation of education services in general, religious education services, and education services for Faith in God Almighty will be analyzed using a statutory and conceptual approach. The two approaches are used to determine the extent of coherence between regulations and articles in one regulation. The coherence foundation refers to the fundamental values of justice and humanity in Pancasila and the basic principles of providing education without discrimination as mandated in the 1945 Constitution of the Republic of Indonesia.

The articles that determine the implementation of education in Law no. 39 of 1999 concerning Human Rights, Law no. 11 of 2005 concerning Ratification of the International Covenant on Economic, Social and Cultural Rights, Law no. 40 of 2008 concerning the Elimination of Racial and Ethnic Discrimination is coherent with the

basic principles mandated by the 1945 Constitution of the Republic of Indonesia. (Hidayat, 2017)

Everyone has the right to embrace a religion and worship according to his Faith, choose education and teaching, choose a job, ..... (Article 28E paragraph 1). Every citizen has the right to get an education. Every citizen is obliged to attend primary education, and the government is obliged to pay for it. The government seeks and organizes a national education system, which increases Faith and holiness and a noble character in the context of the intellectual life of the nation, which is regulated by law (Article 31 paragraphs 1, 2, and 3). (Wijaya, 2017)

The material content in Article 28 E and Article 31 of the 1945 Constitution of the Republic of Indonesia above is coherent with the material contained in Law no. 39 of 1999 concerning Human Rights. Everyone has the right to protection for his personal development, obtain an education, educate himself, and improve the quality of his life to become a human being who is faithful, devoted, responsible, noble, happy, and prosperous following human rights (Article 12).

Every child has the right to receive education and teaching in the context of personal development following their interests, talents, and level of intelligence. (Article 60 paragraph 1). The material contained in articles 12 and 16 above is coherent with the material content of Law no. 11 of 2005 concerning the International Covenant on Economic, Social, and Cultural Rights. (Sulaiman, 2018) The material contained in the laws and regulations above is coherent with the material contained in Law no. 40 of 2008 concerning the Elimination of Racial and Ethnic Discrimination.

Elimination of racial and ethnic discrimination must be carried out by providing “understanding to the community regarding the importance of pluralism and respect for human rights through the implementation of national education” (Article 5 part C). Enjoying civil rights, obtaining and obtaining guarantees for implementing education and training aimed at educating and/or increasing their skills, regardless of race and ethnicity (Elucidation of Article 9). Therefore, providing education must be ensured regardless of race and ethnicity, including religious Faith.

The regulation on the provision of education above, which in principle determines that “every person and every citizen has the right to education and teaching,” is not translated correctly into Law no. 20 of 2003 concerning the National Education System, PP (government regulations) No. 57 of 2021 concerning National Education Standards, and Government Regulation No. 55 of 2007 concerning Religious and Religious Education.

Education is held democratically, reasonably, and not discriminatory by upholding human rights, religious values, cultural values, and national pluralism (Article 4 paragraph 1). This article stipulates that in the administration of education, there should be no discrimination. Every student in each academic unit has the right to a. get religious education following their religion and are taught by educators of the same Faith (Article 12 paragraph 1).

The two verses and two articles above, at first glance, do not pose a problem. When sifted through, article 12 paragraph 1 point an above contains ambiguity in terms of material content because it does not include “Faith” after the word “religion.” If it is consistent with the safe constitution of the 1945 Constitution of the Republic of Indonesia, it must, when mentioning the word “religion,” must be followed by the

word “Faith.” The inclusion of the word “Faith” is proof that the state recognizes the existence of believers in the world of education.

Article 12 above is followed by subsequent articles that do not include “faith” after the word “religion” as referred to in the 1945 Constitution of the Republic of Indonesia. Religious education has the function of preparing students to become members of society who understand and practice the values of their religious teachings and/or become religious scholars. Religious education is in the form of diniyah education, pesantren, pasraman, pabhaja samanera, and other similar forms (Article 15 Paragraphs 2 and 4). The higher education curriculum must contain a. religious education (Article 37 paragraph 2).

The articles above tend to prioritize religious education only for religious groups recognized by the state. Meanwhile, religious education for believers is not mentioned and not determined at all. The material content of the articles in the National Education System Law is not coherent with the 1945 Constitution of the Republic of Indonesia, the law on human rights, and the anti-discrimination law because it does not specify religious education for Faith believers.

PP No. 57 of 2021 concerning National Education Standards also alpha mentions “Faith.” Further provisions on the standard of educators for educators who teach religious content shall be regulated by a Ministerial Regulation after coordinating with the minister who carries out government affairs in religion (Article 22). The primary and secondary education curriculum must contain a. religious education. The higher education curriculum must include a. religious education; (Article 40 paragraphs 2 and 3). After the articles above, the word “religion” is not followed by “Faith.”

PP No. 55 of 2007, which specifically regulates the implementation of religious and religious education, does not mention the word faith. Every academic unit at all lines, levels, and types of education is obliged to organize religious education. The minister of religion carries out the management of religious education (Article 3 paragraphs 1 and 2).

Every student in education units in all lines, levels, and types of education has the right to receive religious education according to the religion he adheres to and is taught by educators of the same Faith (Article 4 paragraph 2). “Religious education includes religious education in Islam, Christianity, Catholicism, Hinduism, Buddhism, and Confucianism” (Article 9 paragraph 1). This government regulation does not mention Faith education at all, the same as government laws and regulations regarding the national education system.

The material in the articles that regulate the implementation of religious education above materially does not have permanent legal force as long as the word “religion” also includes “Faith.” The articles above even specifically state that the religious education in question is Islamic, Christian, Catholic, Hindu, Buddhist, and Confucian education. Religious education of believers in no way gets space in the above laws and regulations.

The implementation of religious education, which explicitly mentions Faith in God Almighty, is regulated in Presidential Decree no. 87 of 2017 concerning Strengthening Character Education and Permendikbud No. 27 of 2016 concerning Education Services for Faith in God Almighty.

Presidential Decree No. 87 of 2017 concerning Strengthening Character Education determines that extracurricular activities as referred to in Paragraph (3) include krida

activities, scientific works, training for talents/interests, and religious activities, as well as activities for practicing Faith in God Almighty following the provisions of laws and regulations (Article 6 paragraph 4). Although in subsequent articles, it is not mentioned again, this regulation is very clear about the activities of believers. Legal certainty in this arrangement is fulfilled because it is coherent with the 1945 Constitution of the Republic of Indonesia. (Lubis, 2021) The arrangement to strengthen educational services for believers is regulated in Permendikbud No. 27 of 2016 concerning Education Services for Faith in God Almighty.

Students fulfill religious education through faith education by following the laws and regulations governing the curriculum. The educational content of Faith must have core competencies and essential competencies, syllabus, lesson plans, textbooks, and educators. The core competencies and essential competencies as referred to in Paragraph (2) are compiled by the Supreme Council for Faith in God Almighty and submitted to the Ministry for stipulation (Article 2)

In the provision of Trust education as referred to in Article 2, the government, local government, and academic units may cooperate with Registered Faith Organizations following the requirements of the legislation (Article 3). Educators provide Faith education lessons following the teachings of students' beliefs regarding learning as referred to in Article 2 paragraph 2 and paragraph 3 (Article 4). (Viri & Febriany, 2020)

Implementing education for adherents of faith believers has legal certainty with the existence of Presidential Regulation No. 87 of 2017 and Permendikbud No. 27 of 2016. At the same time, Law no. 20 of 2003 concerning the National Education System, PP No. 57 of 2021 concerning National Education Standards, and Government Regulation No. 55 of 2007 concerning Religious and Religious Education has not guaranteed legal certainty for education services for Faith believers.

Based on the description of the analysis above, there must be improvements to the articles in Law no. 20 of 2003, PP No. 57 of 2021, and PP No. 55 of 2007, especially those that regulate religious education. In this regulation, when mentioning the word "religion," one must also mention the word "Faith" for the sake of legal certainty in Faith education services.

## **E. Closing**

### **A. Conclusions**

1. Before Permendagri No. 27 of 2016 was published, discrimination cases occurred in the form of refusal to register for school, not up a grade because they adhered to a Faith believer, forcing the practice of teaching and learning religion.
2. After Permendikbud No. 27 of 2016 published discrimination that students of Beliefs still experience, there is no Faith lesson column in e-reports, shortage of teachers (instructors), and inadequate teacher wages even from Faith believer organizations, not from the state.
3. Trust education services get legal certainty only through Presidential Decree no. 87 of 2017 and Permendikbud No. 27 of 2016. In comparison, Law no. 20 of 2003 concerning the National Education System, PP No. 57 of 2021 concerning National Education Standards, and Government Regulation No.

55 of 2007 concerning Religious and Religious Education has not guaranteed legal certainty for education services for Faith believers.

4. To improve educational services for adherents of the Faith, the articles in Law no. 20 of 2003, PP No. 57 of 2021, and PP No. 55 of 2007, especially those that regulate religious education, must be improved. When mentioning the word “religion,” the articles in the regulation must also mention the word “Faith” for the sake of legal certainty in Faith education services.

#### **B. Suggestions**

1. For academics, studies on educational services for Faith believers must continue to be carried out to achieve the noble values of Pancasila and the upholding of the principles of justice and humanity without discrimination in the world of education.
2. For the government, this study on strengthening education services for believers is expected to be a reference for policy improvement for optimizing educational services for Faith believers.

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