

Violation of the Constitutional Rights of the Ahmadiyah Manis Lor Congregation in the Perspective of Freedom of Religion

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Abstract

This study examines violations of the constitutional rights of the Indonesian Ahmadiyya Congregation (JAI) in Manis Lor, Kuningan, particularly in terms of administrative aspects of marriage and freedom of religion. The main issues are restrictions on religious activities and obstacles to marriage registration, which result in discrimination against the basic rights of the congregation. These violations range from restrictions on activities, intolerance in the form of rejection by civil society, and human rights violations in the form of government intervention. The research used a normative legal method with a legislative and conceptual approach, looking at empirical facts in the field, as well as John Rawls' analysis of justice as fairness to assess the principles of equality and legal justice. The results of the study show that regional policies such as Kuningan Regent Decree No. 451.7/KEP.58-Pem. Um/2004 and Circular Letter No. 300/477-Kesbangpol/2005, and West Java Governor Regulation No. 12 of 201, Letter No. 200.1.4.3/4697/BKBP and Letter No. 200.1.4.3/4666/ BKBP prohibiting and restricting Ahmadiyah activities that contradict Article 27 paragraph (1), Article 28D paragraph (1), Article 28E paragraphs (1)-(2), and Article 29 paragraph (2) of the 1945 Constitution, which guarantee freedom of religion and equality before the law. Therefore, the Supreme Court and the Administrative Court (PTUN) as judicial institutions under its authority must revoke and annul the regulation. The study recommends the revocation of this discriminatory policy and the harmonization of local regulations with the 1945 Constitution and Law No. 39 of 1999 on Human Rights, so that the principles of constitutional justice and freedom of religion can be realized in Kuningan Regency.

Keywords: Ahmadiyya Congregation, constitutional rights, freedom of religion, legal justice, discrimination.

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1. Introduction

The Indonesian Ahmadiyya Congregation (JAI) is one of the religious groups that continues to experience repeated discrimination. This religious organization has been present in Indonesia since 1925, but its existence has recently been questioned. The controversy that arose initially was related to

differences in beliefs, particularly regarding the concept of prophethood. The mainstream Muslim community generally considers the Ahmadiyya view of Mirza Ghulam Ahmad as the founder of the movement to be contrary to Islamic teachings, which place the Prophet Muhammad as the last prophet (khatam an-nabiyyin). A number of religious authorities, including the Indonesian Ulema Council (MUI), subsequently issued fatwas declaring Ahmadiyya a heretical sect, in 1980 and 2005 respectively. Following the issuance of these fatwas, various groups opposed to Ahmadiyya have often carried out unilateral dispersal actions, sometimes accompanied by violence. This situation has led to the lives and safety of Ahmadiyya followers in Indonesia becoming increasingly vulnerable, especially since 2005.¹

The founders of the nation recognized the reality of a highly heterogeneous social and religious landscape, viewing religion as the right of every citizen that must be guaranteed by the state. Therefore, Pancasila and the 1945 Constitution serve as guarantees for the existence of religion and belief provided by the state.² The state guarantees freedom of religion for its citizens based on Article 29 paragraph (2) of the 1945 Constitution, which states that “the state guarantees the freedom of each citizen to embrace a religion.”³ The main problem lies in the state's attitude of allowing this situation to continue for so long. The state is in an ambiguous position, caught between its constitutional obligation to guarantee citizens' freedom to practice their religious beliefs as stipulated in Article 29 of the 1945 Constitution, and increasing political pressure from anti-Ahmadiyya groups. On the other hand, the issue of human rights has also become an important concern in the global context that should not be ignored. However, in this situation, the state appears to have failed to show a firm and effective stance in protecting the constitutional rights of the Ahmadiyah community.⁴ Human rights are rights that a person has from birth and are God-given. Human rights are a universal foundation inherent to all human beings, and therefore must be protected, respected, upheld, and not ignored or taken away by anyone, except by law.⁵ Indonesia is a country based on the rule of law, which includes the principle of recognizing and protecting

¹ Amin Mudzakir, *Minoritisasi Ahmadiyah Di Indonesia*, EDISI XXXVII / NO.2 / 2011, hlm 1

² Ahmad Faisal Huda dan Kurnia Muhajarah, Otoritas Haji Dan Kebebasan Beragama: Studi Kasus Pelarangan Haji Jemaat Ahmadiyah, *Al Qalam: Jurnal Ilmiah Keagamaan dan Kemasyarakatan*, Vol. 18, No. 3 Mei - Juni 2024, hlm 1954

³ Undang-Undang Dasar 1945 Pasal 29 ayat (2)

⁴ Amin Mudzakir, *Minoritisasi Ahmadiyah Di Indonesia*, EDISI XXXVII / NO.2 / 2011, hlm 1

⁵ Iman Jalaludin Rifa'I, Tinjauan Siyasah Dusturiyah dalam Kebijakan Bupati Kuningan Nomor.451.7/Kep.58-Pem.Um/2004 Tentang Pelarangan Kegiatan Ajaran Ahmadiyah Di Kuningan Jawa Barat, *Jurnal Edu Law Volume 1 No. 1* (2019) hlm 4

human rights. Every individual is fundamentally equal and entitled to equal treatment in legal, social, economic, and cultural matters. The main foundation for understanding human rights in Indonesia refers to the second principle of Pancasila, namely just and civilized humanity, which cannot be separated from its connection to the other principles of Pancasila. Thus, ideologically, politically, and conceptually, human rights are seen as the embodiment of the values of Pancasila, which serve as the foundation of the state as well as the Indonesian people's way of life.⁶

Over the past decade, religious freedom in Indonesia has been in a rather alarming state. Various acts such as the destruction of places of worship, violence against Ahmadiyya followers, and discrimination by the community have become increasingly frequent. The space for the Ahmadiyah community to practice their beliefs has been increasingly restricted. Not only has the community been the direct perpetrator of violence, but local governments have also played a role through discriminatory policies and regulations, thereby indirectly legitimizing violence and restrictions against the Ahmadiyah community.⁷ In its development, various events related to the Ahmadiyya community have recurred in various forms. Some cases involved expulsion, such as that experienced by the Ahmadiyya community in Bangka on December 14, 2015, and in Lombok, which has been ongoing since 2006. In addition, there have also been attacks by mobs, including in Kuningan in 2010, Cikeusik in 2011, Parung Bogor in 2011, and Tasikmalaya in 2013. Another form of discrimination was seen in the refusal to include "Islam" in the religion column on the electronic identity cards (e-KTP) of Ahmadiyah residents in Manis Lor in 2015. In addition, the closure of places of worship also frequently occurred, such as the closure of the Al-Misbah Mosque in Bekasi (2013), the Al-Istiqomah Mosque in Banjar City (2015), the Al-Kautsar Mosque in Kendal (2016), and the Al-Hidayah Mosque in Depok in 2017.⁸

Various similar incidents have recurred, one of which was in the context of the Jalsah Salanah Ahmadiyah Congregation religious activities in Manis Lor,

⁶ Iman Jalaludin Rifa'I, Tinjauan Siyasah Dusturiyah dalam Kebijakan Bupati Kuningan Nomor.451.7/Kep.58-Pem.Um/2004 Tentang Pelarangan Kegiatan Ajaran Ahmadiyah Di Kuningan Jawa Barat, *Jurnal Edu Law* Volume 1 No. 1 (2019) hlm 4

⁷ Abdul Gaffar, Jamaah Ahmadiyah Indonesia (JAI) Dalam Perspektif Kekerasan Negara: Dua Kasus Dari Surabaya Jawa Timur dan Lombok NTB, *Jurnal Sosiologi Islam*, Vol. 3, No.2, Oktober 2013, hlm 31

⁸ Abdul Jamil Wahab dan Fakhruddin, Menakar Efektivitas Skb Tentang Ahmadiyah Dan Faktor Penyebabnya: Studi Kasus Konflik Ahmadiyah Di Desa Gereneng Lombok Timur, *Jurnal Harmoni: Jurnal Multikultural & Multireligius* Vol. 17, hlm 444

Kuningan. The event was banned through a policy issued by the Acting Regent of Kuningan, Agus Toyib. In his statement, he said that the ban was based on West Java Governor Regulation No. 12 of 2011 concerning the Prohibition of Activities of the Indonesian Ahmadiyah Congregation in West Java. In Chapter III, specifically Article 3 paragraph (1), it is stipulated that adherents, members, and/or administrators of the Ahmadiyah Congregation are prohibited from carrying out activities or events in any form related to the dissemination, interpretation, and activities that are considered deviant from the principles of Islam.⁹ The cancellation of the Jalsah Salanah Jamaah Ahmadiyah Kuningan event is also stated in a letter issued by JAI to the Acting Regent of Kuningan No. 065/KETUA/XXI/2024 regarding the cancellation of the 2024 Jalsah Salanah dated December 6, 2024. In addition to Manis Lor Kuningan, religious restrictions on the Ahmadiyah Congregation also occurred in Boyolali. The Central Java Ministry of Religion (Kemenag Jateng) imposed restrictions on the Annual Meeting of the Ijtima Majlis Ansharullah Central Java in Boyolali, Central Java. The event was scheduled to take place from November 17 to 19, 2023, at the Donohudan Hajj Asrama in Boyolali.¹⁰

In a letter published by the Ministry of Religious Affairs of the Republic of Indonesia, Regional Office of the Ministry of Religious Affairs of Central Java Province, number 20.036/Kw.11.7/2/BA.00/10/2023 dated October 20, 2023, the rejection of the annual activities to be carried out by JAI was based on the grounds of maintaining the conducive atmosphere in the Central Java region, based on the Joint Decree of the Minister of Religious Affairs, the Attorney General, and the Minister of Home Affairs of the Republic of Indonesia Number: 03 of 2008, Number: KEP-036/A/JA/4/2008, No. 172 of 2008 concerning Orders and Strong Warnings to Followers, Members, and/or Members of the Indonesian Ahmadiyya Congregation (JAI) and the Indonesian Ulema Council Fatwa No. 11/MUNAS VIII/15/2005 concerning the Ahmadiyya Sect.

Based on this description, the author is interested in conducting further research because conflicts involving the Ahmadiyya community continue to surface every year. This study focuses specifically on the case of the Ahmadiyya conflict in Manis Lor Kuningan. The study was conducted with the aim of understanding the chronology of the rejection of the Ahmadiyah congregation's

⁹ <https://kuningankab.go.id/home/kegiatan-jalsah-salanah-jai-resmi-dibatalkan/diakses> 13/12/2024

¹⁰ <https://backup10juni.kontras.org/2023/11/06/ditolaknya-izin-pelaksanaan-pertemuan-tahunan-ijtima-majlis-ansharullah-jai-di-boyolali-merupakan-bentuk-kesewenang-wenangan-negara/>, dikases 2024

religious events, which has occurred consecutively every year until 2024, and to what extent the state has responded and upheld justice in providing equality for all religious and belief communities in Indonesia.

2. Research Method

This study uses qualitative methods. Qualitative methods are research methods based on perceptions of a phenomenon, with an approach that produces descriptive analysis in the form of verbal statements about the research object.¹¹ This paper uses a normative research approach, studying documents, reports, legislation conceptually, and other literature relevant to the subject matter under review. The data analysis technique is descriptive qualitative, using primary data in the form of regulations relating to the Ahmadiyya community.¹² In addition, field data in the form of news reports and interviews with the Ahmadiyya Congregation, secondary data from media reports, journals, and relevant research results. This method is very important and relevant to produce a new understanding and framework.¹³

3. Research Results and Discussion

3.1 Portrait of Religious Discrimination and Intolerance: The Case of the Indonesian Ahmadiyya Congregation (JAI) in Manis Lor Kuningan

Geographically, Manis Lor Village is located at the foot of Mount Ciremai, the highest mountain in West Java Province. This geographical location gives Manis Lor Village a cool climate and fertile, loose soil. The village is located at an altitude of approximately 650-700 meters above sea level, with sandy soil and an average air temperature ranging from 18°C to 32°C. Administratively, Manis Lor Village is part of the Jalaksana District, Kuningan Regency, and is located on the regional road connecting the cities of Cirebon and Kuningan.¹⁴ Ahmadiyah entered Manislur Village in 1954, brought by one of Manislur's residents, Bening, who introduced the Ahmadiyah teachings and preached to the people of Manislur. After that, an Ahmadiyya leader, Haji Basyari Hasan, was asked to come to Manislur to provide guidance to the community at that

¹¹ Syafrida Hafni Sahir, *Metode Penelitian*, Yogyakarta: Ikapi, 2021 hlm 6

¹² Mukti Fajar dan Yulianto Achmad, *Dualisma Penelitian Hukum Normatif Dan Empiris*, Cet. Ke IV (Yogyakarta: Pustaka Pelajar, 2019): 34.

¹³ Septi Nur Wijayanti, *Pilkada Serentak 2020: Evaluasi Partisipasi Pemilih Di Masa Pandemi Covid-19*, *Jurnal Hukum Progresif*, Vol. 12, No.2, Oktober 2024, hlm 81

¹⁴ Abdul Syukur, *Gerakan Dakwah Ahmadiyah (Studi Kasus Jamaah Ahmadiyah Indonesia Desa Manis Lor Kecamatan Jalaksana Kabupaten Kuningan Jawa Barat)*, Jil. 15, No. 2, September 2017, hlm 173

time. After a meeting between Juandi, Bening, and Haji Basyari, Ahmadiyya began to be known by the residents of Manislur. Major conflicts began to arise during various periods.¹⁵ The causes of these conflicts came from outside influences on Manislur as well as internal conflicts within the community itself.

Conflict arose when the Manis Lor Branch of Ahmadiyah hosted the Jalsah Salanah (annual meeting) in 1979. For example, tensions arose in the form of arguments between the Ahmadiyah congregation and non-Ahmadi groups, which manifested themselves through the distribution of brochures, pamphlets, and religious lectures in the Kuningan area. In that year, in addition to organizing the Jalsah Salanah, the Ahmadiyah congregation also held a book exhibition located in the courtyard of the Kuningan Grand Mosque. During this event, various books containing the principles and teachings of Ahmadiyah were distributed free of charge to visitors. This method then sparked resistance from some members of the community who considered the activity to be influencing public beliefs. A number of Muslim youth organizations came to the exhibition location, confiscated the books on display, and forced the committee to stop the activity. In addition to the conflict that occurred during the Jalsah, the Ahmadiyya Congregation also experienced a series of other cases that occurred repeatedly from year to year, including:

The first incident occurred between 2002 and 2004, in the form of attacks carried out by a group of people from Manis Lor Village and the surrounding area. These attacks generally took place at night. One significant incident occurred on September 18, 2002, when the Manis Lor Ahmadiyya congregation received a warning letter prohibiting their activities. The letter was signed by the RUDAL Community Organization, the Manis Lor Indonesian Ulema Council (MUI), and the Al-Huda Mosque Management Board (DKM).¹⁶

Second, Indonesian Ulema Council Fatwa Number: 11/Munas VII/MUI/15/2005 Regarding the Ahmadiyya sect, the Indonesian Ulema Council reaffirms the fatwa issued at the Second National Conference (Munas) in 1980, which states that Ahmadiyya is outside the teachings of Islam, is considered heretical and misleading, and that Muslims who follow it are considered to have left Islam. Furthermore, individuals who have become

¹⁵Adrika F. Aini dan Abdul Mustaqim, *Dialektika Agama: Harmoni Dalam Jemaat Ahmadiyah (Resepsi Hermeneitis Jemaat Ahmadiyah Indonesia Manislur Kuningan Jawa Barat terhadap Ayat-ayat Jihad dan Perdamaian)*, *Fikrah: Jurnal Ilmu Aqidah dan Studi Keagamaan* Volume 4 Nomor 2, 2016, hlm 246

¹⁶ Adrika F. Aini dan Abdul Mustaqim, *Dialektika Agama: Harmoni Dalam Jemaat Ahmadiyah (Resepsi Hermeneitis Jemaat Ahmadiyah Indonesia Manislur Kuningan Jawa Barat terhadap Ayat-ayat Jihad dan Perdamaian)*, *Fikrah: Jurnal Ilmu Aqidah dan Studi Keagamaan* Volume 4 Nomor 2, 2016, hlm 247

followers of Ahmadiyah are encouraged to return to the true teachings of Islam (al-ruju' ila al-haqq) as derived from the Qur'an and Hadith. On the other hand, the government is declared to have an obligation to prohibit the spread of Ahmadiyya beliefs throughout Indonesia, freeze the organization concerned, and close all places of activity used by the Ahmadiyya Congregation.¹⁷

The ban on the Ahmadiyah congregation in Kuningan Regency grew stronger after the Regency Government and the Regional Representative Council issued a decree declaring Ahmadiyah to be heretical and prohibiting its activities, following a statement from the Indonesian Ulema Council (MUI) in 2004. Furthermore, in 2005, the Central MUI issued a second fatwa that served to confirm and reinforce the previous fatwa. The fatwa stated that the teachings of Ahmadiyah were deviant and that its followers were considered to have left Islam, and it emphasized the obligation of the Indonesian government to ban the Ahmadiyah movement and close all of their places of activity.¹⁸

Third, the conflict had a strong political dimension. This pattern of conflict occurred between 2004 and 2007, marked by the emergence of various community organizations from Manis Lor and the Kuningan region that attacked the Manis Lor Ahmadiyya congregation. Some of the organizations involved included Gamas (Anti-Immorality Movement), Barat (Kuningan Youth Front), Gibas (Siliwangi Youth Initiative Movement), and a number of other community organizations. Furthermore, in the period from 2007 to 2010, the conflict no longer only involved groups from within Manis Lor or Kuningan, but also expanded to involve groups from outside the area. Based on information from the Head of Manis Lor Village, the attacks in this phase were mostly carried out by masses from outside the area, such as from Cirebon, Indramayu, and several other areas in West Java.¹⁹

Fourth, Joint Decree III of the Ministers was issued. Joint Decree of the Minister of Religious Affairs, Attorney General, and Minister of Home Affairs of the Republic of Indonesia Number: 3 of 2008 Number: Kep-033/A/Ja/6/2008 Number: 199 of 2008 concerning Warnings and Orders to Followers, Members, and/or Members of the Indonesian Ahmadiyya Congregation (JAI) and community members is considered to violate the constitution and discriminate

¹⁷ Fatwa Majelis Ulama Indonesia Nomor: 11/Munas VII/Mui/15/2005 Tentang Aliran Ahmadiyah

¹⁸ Chatib Saefullah, Ahmadiyah: Perdebatan Teologis Dan Masa Depan Dakwah, Jurnal ANIDA, Aktualisasi Nuansa Ilmu Dakwah, Volume 15, Nomor 2, Desember 2016, hlm 235

¹⁹ Adrika F. Aini dan Abdul Mustaqim, Dialektika Agama: Harmoni Dalam Jemaat Ahmadiyah (Resepsi Hermeneitis Jemaat Ahmadiyah Indonesia Manislor Kuningan Jawa Barat terhadap Ayat-ayat Jihad dan Perdamaian), Fikrah: Jurnal Ilmu Aqidah dan Studi Keagamaan Volume 4 Nomor 2, 2016, hlm 247

against JAI. Therefore, the conflict that occurred during this era did not only concern Manislor, but also entered the realm of law. Many dialogues have been held between the Ahmadiyah congregation and the government, including the regent, police chief, military commander, village military commander, and even the Indonesian Ministry of Religious Affairs. Mass organizations that have begun to threaten and attack the Ahmadiyah congregation in Manislor include the FPI, such as the threat made by Habib Riziq on August 6, 2010.²⁰

Fifth, approximately 400 Ahmadiyah followers in Manis Lor Village, Kuningan, West Java, claim to have difficulty arranging marriages. West Java Ahmadiyah spokesperson Rieke Hamsyah explained that the label of haram from the Indonesian Ulema Council (MUI) is considered to be the cause of the difficulty in arranging marriage administration.²¹ The rejection by the Office of Religious Affairs (KUA) on April 16, 2015, of the marriage validation request submitted by Indra and Khadijah was based on a fatwa issued by the Indonesian Ulema Council (MUI) and Joint Ministerial Decree (SKB) Number 3 of 2008 concerning Ahmadiyah. This discriminatory practice was not only experienced by Indra and Khadijah, but also felt by thousands of other Ahmadiyah followers, including those in Manis Lor, Kuningan. Based on the results of Komnas HAM's monitoring using a human rights and gender perspective approach, as well as an in-depth study of the experiences of Ahmadiyah women in 2008, 2011, 2013, and 2014, it was found that various forms of discrimination often occur, one of which is the loss of the right to form a family and continue the family line due to the inability to officially register marriages.²² Ato (pseudonym) said that when he was getting married, his marriage registration requirements were rejected at the local KAU, and they had to move their registration to the KUA in Cirebon, which is in a different city. However, both Ato and his wife are residents with identities and addresses in Manis Lor Kuningan. Similarly, other congregants who wanted to get married had to register in Jakarta, Cirebon, and other cities.²³

Sixth, the ban on Ahmadiyah activities was reissued in 2024 through a letter from the Acting Regent of Kuningan, followed by a letter from the Acting

²⁰ Keputusan Bersama Menteri Agama, Jaksa Agung, Dan Menteri Dalam Negeri Republik Indonesia Nomor : 3 Tahun 2008 Nomor : Kep-033/A/Ja/6/2008 Nomor : 199 Tahun 2008 Tentang Peringatan Dan Perintah Kepada Penganut, Anggota, Dan/Atau Anggota Pengurus Jemaat Ahmadiyah Indonesia (Jai) Dan Warga Masyarakat

²¹ <https://kbr.id/berita/nasional/400an-jemaat-ahmadiyah-manis-lor-ditolak-menikah-di-kua>, diakses 14/12/2024

²² <https://sejuk.org/2017/11/28/karena-ahmadiyah-oleh-negara-dilarang-menikah/>, dikases 14/12/2024

²³ Wawancara dengan Jemaat Ahmadiyah Manis Lor Kuningan pada 18/12/2024

Regional Secretary number 200.1.4.3/4666/BKBP regarding the Termination of Preparations for the Jalsah Salanah in Kuningan Regency. The letter was signed on December 5, 2024.²⁴

The Indonesian Ahmadiyya Congregation's (JAI) grand agenda was ultimately unable to be carried out. The cancellation occurred after a ban and cancellation order were issued by the Kuningan Regency Government. The event in question was the annual gathering of the Indonesian Ahmadiyya Congregation, known as Jalsah Salanah, which was planned to be held in Manis Lor Village, Kuningan Regency, West Java, from Friday to Sunday, December 6-8, 2024. The event was expected to be attended by thousands of congregants from various regions in Indonesia and was an annual religious agenda that included religious lectures and various other spiritual development activities.

JAI Manis Lor preacher, Tatan, explained the chronology of the rejection of the event from the beginning until it was finally canceled. He said that initially all related parties supported the Jalsah Salanah event. However, as the day of the event approached, the situation changed significantly. The process, which had been running smoothly, became increasingly complicated, accompanied by various irregularities and unfavorable situations since Wednesday, December 4. On that day, Tatan and the leadership of JAI Manis Lor were summoned to the Kuningan Regional Government Office to attend a meeting attended by representatives from the Ministry of Religious Affairs, the District Military Command, the District Police, Islamic community organizations such as Nahdlatul Ulama, Islamic boarding school leaders, and other religious and community leaders.

"...There were rumors starting on December 4, and we were summoned to the local government office. We were only invited to the second meeting. It turned out that there had already been a first meeting, and we were not invited, specifically to discuss the jalsah meeting. At that time, the acting regent immediately announced that there were many banners prohibiting Ahmadiyah in Kuningan. However, we did not see many banners during our visit to Cirebon...."²⁵

According to Tatan, Acting Regent of Kuningan, Agus Toyip opened the meeting related to Jalsah Salanah by explaining the security situation in

²⁴<https://elsaonline.com/diskriminasi-jai-manislor-dari-masalah-kebebasan-beragama-hingga-administrasi-kependudukan/> diakses 14/12/2024

²⁵ Wawancara Tatan Mubalig Jemaat Ahmadiyah Manis Lor Kuningan 10/12/2024

Kuningan, which was considered to be heating up. He mentioned that there was resistance from a number of community groups and that it coincided with the agenda of the election vote count at the General Election Commission (KPU). Agus Toyip assessed that the implementation of these activities had the potential to pose a security risk and could become a target of public anger, especially from groups that did not accept the election results. Based on these considerations, Agus Toyip then stated that the Jalsah Salanah activities must be stopped.

"...We decided to stop the gathering (Red-Agus Toyip). The district attorney, police chief, military commander, NU, Ministry of Religious Affairs, and MUI chairman were all there. We all prohibited the gathering. We had already discussed it with other leaders, the police chief, the military commander, and the district attorney. I wonder what the government's motive is? Is it just because of security concerns, fearing unrest? Indeed, on that date, the vote counting was taking place at the Election Commission (KPU). With the security focus on guarding the KPU, how could it go that far..,"²⁶

The Deputy Director of Islamic Religious Understanding and Conflict Management at the Ministry of Religious Affairs, Dedi Slamet Riyadi, revealed that Ahmadiyah had actually coordinated with his office one month before the event. According to Dedi, one week before the event, communication between the Ministry of Religious Affairs and Ahmadiyah was still going smoothly. Ahmadiyah also reported that there were no significant obstacles in the preparations. However, as the event approached, the situation changed. The Kuningan Regency Government ultimately decided to ban the event on December 4, 2024. Based on information received by the Ministry of Religious Affairs, the main reason for the ban was concern about the possibility of conflict during the vote counting process for the regional elections. According to the Kuningan Regency Government, the Ministry of Religious Affairs stated that the ban was imposed due to concerns about the emergence of new conflicts during the vote counting process for the regional elections in Kuningan Regency.²⁷

Yendra, spokesperson for JAI, explained the basis for the ban imposed by the district government and the regional leadership coordination forum (forkopimda), citing only the need for order. The local government and police

²⁶ Wawancara Tatan Mubalig Jemaat Ahmadiyah Manis Lor Kuningan 10/12/2024

²⁷ <https://www.idntimes.com/news/indonesia/muhammad-ilman-nafian-2/ini-alasan-pemkab-kuningan-larang-acara-jalsah-salanah-ahmadiyah?page=all> diakses 10/12/2024

should ensure that all citizens' rights are fulfilled. If there are those who refuse, should the objectors be accommodated? The Ahmadiyah questioned whether this meant that only the rights of those who refused would be recognized. Then another explanation, Tatan thought that everything had been set from the beginning, the government and its officials had agreed with all stakeholders to cancel the Jalsah. Because from the beginning, everything went smoothly, from various elements, the Ministry of Religious Affairs, clerics, MUI, Polres, Kodim, the government. Everyone allowed it, no one prohibited it.

"...it seems that everything has been set up. During the meeting, everything that was said was friendly, but in the end, the final sentence supported the cancellation. Al-Muttaqin also spoke in a friendly manner at first, but in the end asked for it to be stopped. All the statements were the same from the various representatives who were present..."²⁸

3.2 Discriminatory Policies and Regulations Against the Constitutional Rights of JAI Manis Lor Kuningan

Normatively, several regulations discriminate against the JAI group, including Joint Decree of 3 Ministers of 2008 (Joint Decree of the Minister of Religious Affairs, Attorney General, and Minister of Home Affairs Number 3 of 2008; KEP-033/A/JA/6/2008; 199 of 2008) Regarding: Warning and Order to Followers, Members, and/or Administrators of the Indonesian Ahmadiyya Congregation (JAI) in this regulation, which reads:²⁹

FIRST: To order and issue a stern warning to followers, members, and/or administrators of the Indonesian Ahmadiyya Congregation (JAI) to cease activities that involve recounting, advocating, or seeking public support for interpreting a religion practiced in Indonesia or conducting religious activities that resemble the religious activities of that religion, which interpretations and activities deviate from the fundamental teachings of that religion.

SECOND: To order followers, members, and/or administrators of the Indonesian Ahmadiyya Congregation (JAI), as long as they profess to be Muslim, to obey this order and warning by not spreading interpretations that

²⁸ Wawancara Tatan Mubalig Jemaat Ahmadiyah Manis Lor Kuningan 10/12/2024

²⁹ SKB 3 Menteri Tahun 2008 (Surat Keputusan Bersama Menteri Agama, Jaksa Agung, dan Menteri Dalam Negeri Nomor 3 Tahun 2008; KEP-033/A/JA/6/2008; 199 Tahun 2008) Tentang: Peringatan dan Perintah kepada Penganut, Anggota, dan/atau Pengurus Jemaat Ahmadiyah Indonesia (JAI)

deviate from the principles of Islam, namely the spread of beliefs that recognize the existence of prophets with all their teachings after the Prophet Muhammad SAW.

This joint decree has become the basis for many local governments to restrict Ahmadiyah activities (such as prohibiting the construction of mosques or religious activities). This clearly violates the constitutional rights of legitimate citizens. In fact, this joint decree revokes the constitutional rights of citizens to freedom of religion and belief as guaranteed by Articles 28E and 29 of the 1945 Constitution. Another factor that contributes to the negative stigma that causes intolerance and discrimination in society is the 1980 Indonesian Ulema Council (MUI) Fatwa on the Ahmadiyah sect, which states in its main points: "The Ahmadiyah sect is outside of Islam, heretical, and misleading. Followers of Ahmadiyah should return to the true teachings of Islam." The Indonesian Ulema Council Fatwa Number: 11/Munas VII/Mui/15/2005 Regarding the Ahmadiyah sect stipulates that³⁰

Fatwa on the Ahmadiyya Sect 1. Reaffirming the MUI fatwa in the Second National Conference in 1980 which stipulates that the Ahmadiyya sect is outside of Islam, heretical and misleading, and that Muslims who follow it are apostates (outside of Islam). 2. Those who have already joined the Ahmadiyya sect should immediately return to the true teachings of Islam (al-ruju' ila al-haqq), which are in accordance with the Qur'an and Hadith. 3. The government has an obligation to prohibit the spread of Ahmadiyya teachings throughout Indonesia and to freeze the organization and close all of its places of activity. This fatwa reaffirms the 1980 fatwa that Ahmadiyya is a heretical sect and is outside of Islam. The government is requested to prohibit the spread of Ahmadiyya teachings throughout Indonesia

Thus, in 2004, Kuningan Regency issued a discriminatory policy, namely Kuningan Regent Decree No. 451.7/KEP.58-Pem.Um/2004, which prohibited all activities and teachings of the Ahmadiyya Congregation in the Kuningan area. This policy asserted that the Kuningan area must be free from sects deemed incompatible with Islamic teachings. Instead of creating order, this policy posed a serious threat to the survival of the Ahmadiyya Congregation by limiting their space to carry out social and religious activities, especially in Manis Lor Village, Jalaksana Subdistrict. As a result, members of the Indonesian Ahmadiyya Congregation (JAI) face various obstacles in accessing

³⁰ Fatwa Majelis Ulama Indonesia Nomor: 11/Munas VII/Mui/15/2005 Tentang Aliran Ahmadiyah

public facilities and services that should be enjoyed equally by all citizens without discrimination. The impact of this policy is not limited to the religious sphere, but also extends to social and administrative aspects of government. This situation shows that discrimination against religious freedom remains a serious problem, even in a democratic country, with religious minorities and belief groups being the most vulnerable to violations.³¹ In addition, this discriminatory policy is reinforced by a Governor's Regulation. Article 3 of West Java Governor Regulation No. 12 of 2011 concerning the Prohibition of Activities of the Indonesian Ahmadiyya Congregation in West Java states that:

Paragraph (1) Followers, members, and/or administrators of the Ahmadiyah Congregation are prohibited from conducting activities and/or events of any kind related to the dissemination of interpretations and activities that deviate from the principles of Islam.

Paragraph (2) The activities/events referred to in paragraph (1) include: a. the dissemination of Ahmadiyah teachings verbally, in writing, or through electronic media; b. the installation of Ahmadiyah Indonesian Congregation organization nameplates in public places; c. putting up signs on places of worship, educational institutions, and so on with the identity of the Indonesian Ahmadiyya Congregation; and d. using any kind of Indonesian Ahmadiyya Congregation attributes.

Paragraph (3) The Regional Government shall cease the activities/actions of followers, members, and/or members of the management of the Ahmadiyah Congregation as referred to in paragraphs (1) and (2), in accordance with the provisions of laws and regulations.

Until 2024, the latest development occurred on December 4, 2024, when a meeting was held involving elements of the Regional Leadership Coordination Forum (Forkopimda) of Kuningan Regency, the Head of the Kuningan Regency Ministry of Religious Affairs Office, Forkopimcam Jalaksana, the heads of Islamic community organizations, the Religious Harmony Forum (FKUB), and the administrators of the Indonesian Ahmadiyya Congregation (JAI) Manis Lor. The meeting took place in the Linggarjati Meeting Room, Kuningan Regency Secretariat Office. After the meeting, the Acting Regent of Kuningan issued Letter Number 200.1.4.3/4697/BKBP dated December 4, 2024, which essentially

³¹ Iman Jalaludin Rifa'i, Kebijakan Bupati Kuningan Nomor.451.7/Kep.58-Pem.Um/2004 Tentang Pelarangan Kegiatan Ajaran Ahmadiyah Di Kuningan Jawa Barat (Perspektif Siyasah Dusturiyah), Fak Syariah dan Hukum UIN Sunan Kalijaga 2016 hlm 3

contained an appeal not to hold the JAI Jalsah Salanah event in Kuningan Regency on the grounds that it had the potential to disrupt the stability and conduciveness of the region. Furthermore, on December 5, 2024, the Regional Secretary of Kuningan Regency issued Letter Number 200.1.4.3/4666/BKBP containing a stern warning to JAI to stop all Jalsah Salanah activities by 5:00 p.m. Western Indonesian Time on that day.³²

The case of the cancellation of the Jalsah Salanah Ahmadiyah Congregation event in Kuningan is also mentioned in a letter published by the Indonesian Ahmadiyah Congregation (JAI) with Number 065/KETUA/XXI/2024, which contains a response to the Acting Regent's policy regarding the cancellation of the 2024 Jalsah Salanah dated December 6, 2024. The Acting Regent of Kuningan, Agus Toyib, said that the ban on holding the event was based on West Java Governor Regulation Number 12 of 2011 concerning the prohibition of Indonesian Ahmadiyah Congregation activities in West Java. In Chapter III, specifically Article 3 paragraph (1), it is stipulated that followers, members, and/or administrators of the Ahmadiyah Congregation are prohibited from carrying out activities or events in any form related to the dissemination, interpretation, and activities that are considered deviant from the principles of Islam. Furthermore, the Kuningan Regency Government, through Agus Toyib, stated that the cancellation of the Jemaah Ahmadiyah Jalsah Salanah was carried out for reasons of maintaining security and order in the region. The security considerations in question were primarily aimed at preventing conflicts or physical clashes between community groups.

"We received a statement from the village head of Manislur, who is a member of the Ahmadiyah congregation, that this activity was cancelled in order to maintain peace and order in Kuningan Regency."³³

In the process of canceling this activity, mediation had previously been conducted by the Kuningan Regency Government together with Forkopimda, attended by representatives from religious organizations and community leaders. Citing security and regional stability concerns, the Kuningan Regency Government did not permit and prohibited the Jalsah Salanah event organized by the Indonesian Ahmadiyah Congregation in Manislur Village, Jalaksana District, both internally (local residents) and from other areas outside

³² <https://kontras.org/artikel/media-statement-pembubaran-pertemuan-jalsah-salanah-jemaah-ahmadiyah-di-kuningan-merupakan-pengingkaran-atas-perlindungan-hak-kebebasan-beragama-dan-berkeyakinan>, diakses 10/31/2025

³³ <https://kuningankab.go.id/home/kegiatan-jalsah-salanah-jai-resmi-dibatalkan/> diakses 25/12/2024

Kuningan. After receiving confirmation from Tatan, a preacher from the Ahmadiyah Congregation, he said that the incident was a planned design or setup. His party only received an invitation to the second meeting. They were not involved in the first meeting, and his party suspects that the first meeting determined the deliberation to cancel the Jalsah, because at the second meeting, the statements delivered by each representative were the same.

3.3 Freedom of Religion and Belief for the Ahmadiyya Congregation's Religious Events: John Rawls' Perspective of Justice as Fairness

The Kuningan Regency Government and the Regional Leadership Coordination Forum (Forkopimda) banned the Jalsah Salanah event, which reflects a violation of the country's constitutional principles. This policy shows the tendency of local government officials to accommodate pressure from intolerant groups rather than carrying out their constitutional obligation to guarantee freedom of religion. This kind of compromising attitude, as stated by a number of observers, is one of the main causes of repeated violations of the Ahmadiyya Indonesian Congregation's right to freedom of religion, especially in the West Java region. In the context of the Jalsah Salanah ban, the pressure came from a number of organizations that reject Ahmadiyah activities, such as Persada 212 – which is a faction of the Islamic Defenders Front (FPI) – as well as several other groups that are members of the Forum for Humanitarian Concern. This practice of prohibition is also reinforced by the existence of discriminatory government policies and regulations, including Kuningan Regent Decree No. 451.7/KEP.58-Pem.Um/2004, Circular Letter No. 300/477-Kesbangpol/2005, and West Java Governor Regulation No. 12 of 2011.

These policies not only disregard the value of tolerance, but also contradict the constitutional guarantees as stipulated in Article 28E paragraphs (1) and (2) of the 1945 Constitution of the Republic of Indonesia, which explicitly guarantees the freedom of every person to embrace a religion and express their beliefs without pressure or restrictions from any party.

There are a number of legal provisions that can be used as a basis for guaranteeing freedom of religion and belief and the fulfillment of other rights as legitimate citizens, including the right to conduct religious activities in both public and private spaces. These guarantees are constitutionally recognized and protected by law, both through ratified international legal instruments and through national legislation, which in principle has the same substance. Article

18 of the Universal Declaration of Human Rights (UDHR) affirms that everyone has the right to freedom of thought, belief, and religion, including the freedom to change their religion or belief and to practice their religion or belief, either individually or in community with others, in public or in private, through teaching, practice, worship, and observance.

Practicing religious teachings and beliefs in accordance with one's faith is a fundamental right of every individual that is personal in nature and based on free choice, without pressure, coercion, or intervention from other religious or belief groups. In this context, civil rights are often referred to as "negative" rights, because the state has an obligation not to take actions that could violate or deprive individuals of these rights, such as discrimination, arbitrary detention, torture, extrajudicial executions, or deprivation of rights. In contrast, economic, social, and cultural rights are categorized as "positive" rights that require the active role of the state in fulfilling them for its citizens. A similar guarantee is also affirmed in Article 18 paragraph (1) of the International Covenant on Civil and Political Rights, as stipulated in UN General Assembly Resolution No. 2200 A (XXI) dated December 16, 1966, which recognizes the freedom of every person to embrace and practice their religion or beliefs, stating that:

*"Everyone has the right to freedom of thought, conscience, and religion. This right includes freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice, and teaching."*³⁴

In principle, there should be no coercion of any kind in the practice of religious or spiritual activities. There are two aspects to the SNP KBB, or freedom of religion and belief. The first is Forum Internum, which refers to the freedom to practice or adopt any religion or belief of one's choice, including abandoning or changing one's religion or belief. The second is the Forum Externum, which refers to the freedom to express, practice, and teach one's religion or belief. As stated in Article 18(2) of the ICCPR: "No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice."³⁵

There are four principles regarding the norms of freedom of religion and belief (KBB). The first of the four (4) principles and norms of freedom of religion and

³⁴ Pasal 18 ayat 1 ICCPR

³⁵ Pasal 18 ayat 2 ICCPR

belief is that freedom of religion and belief cannot be enforced in a way that interferes with one's ability to adhere to or create a religion or belief. Second, the right to embrace one's religion can be exercised in private or public, alone or with others. Third, this right can only be restricted by law and those necessary to maintain health, safety, order, and universal morality. Several principles of Freedom of Religion and Belief (KBB) are also contained in Article 18 paragraph 3, which states that: "The freedom to practice and determine one's religion or belief can only be limited by provisions based on law, and those necessary to protect the security, order, health, or morals of society, or the fundamental rights and freedoms of others..".³⁶

As a State Party to the ICCPR, Indonesia has a significant obligation to uphold the civil and political rights of its citizens as part of its commitment to promoting and upholding human rights, especially given the political climate following the 1998 reforms. The General Comment on Article 18 explains that even those who do not have faith or religion must have their rights guaranteed, stating that "...that the fact that the adherents of a religion constitute the majority of the population shall not justify the non-enjoyment of the rights guaranteed by the Covenant, including those under Articles 18 and 27, nor shall it justify discrimination against adherents of other religions or persons who do not profess any religion or belief..".³⁷

Furthermore, Article 18 protects theistic, non-theistic, and atheistic beliefs, as well as the right not to adhere to any religion or belief. The terms 'belief' and 'religion' must be broadly updated. Article 18 is not limited in its application to traditional religions or religions and beliefs with characteristics or practices similar to traditional religions.³⁸ Not only are the ICCPR rules the legal basis for implementing Freedom of Religion and Belief, but there are also other regulations at the ASEAN regional level, namely Article 2 Paragraph 2 Letter 1, which in principle states that "respect for the cultural, linguistic, and religious differences embraced by the people of ASEAN, with an emphasis on shared values in the spirit of unity in diversity."³⁹

The applicable regulations that form the basis of national law and are part of the basic guidelines for life in Indonesia are the 1945 Constitution, which

³⁶ Pasal 18 ayat 3 ICCPR

³⁷ Komentar Umum Kovenan Internasional Hak Sipil Dan Politik Kovenan Internasional Hak Ekonomi Sosial Dan Budaya, Komnas HAM 2009 hlm 52

³⁸ Sarah Joseph And Melissa Castan, *The International Covenant On Civil And Political Rights Cases, Materials, and Commentary Third Edition*, Oxford University Press, 2013, hlm 563

³⁹ Pasal 2 Ayat 2 Huruf 1 ASEAN

provides a framework for behavior and attitudes in religious life in Indonesia. The noble ideals of the Indonesian people in upholding equality and justice are something that all citizens of Indonesia need to be aware of. Indonesia was born in a diverse environment, and this awareness must be passed down from generation to generation. The preamble to the 1945 Constitution (Undang-Undang Dasar 1945) states that: *"...Then from that, to form a Government of the State of Indonesia that protects all the Indonesian people and sheds all Indonesian blood and to advance the general welfare, to educate the life of the nation, and to participate in implementing peace based on independence, eternal peace and social justice, the Independence of the Indonesian Nation is formulated in a Constitution of the State of Indonesia, which is formed in a structure of the Republic of Indonesia with people's sovereignty based on: Belief in the One Almighty God, just and civilized humanity, the unity of Indonesia, and democracy guided by the wisdom of deliberation/representation, and by realizing social justice for all the people of Indonesia..."*

The 1945 Constitution has a permanent and inherent position in the Republic of Indonesia. Therefore, the preamble of the 1945 Constitution cannot be changed by anyone, including the DPR and MPR, in accordance with the constitutive nature of Articles 3 and 37 of the 1945 Constitution. Changing the 1945 Constitution would mean abolishing the Republic of Indonesia. This is because the preamble to the 1945 Constitution is: First, the source of motivation and inspiration for the struggle and determination of the Indonesian people. Second, the source of legal and moral ideals that we wish to uphold in the international and national spheres.⁴⁰

Religious or spiritual activities carried out by Ahmadiyah in Manis Lor Kuningan should not be rejected or canceled by any party. If this is mutually understood. In relation to the basis of Freedom of Religion and Belief (KBB) regarding the freedom to embrace a religion and worship according to one's religion, it is understood that Indonesian society is very resistant to this based on the diverse identities and nationalities within Indonesian society. Article 29 paragraph (2) states that "The state guarantees the freedom of each citizen to embrace their respective religions and to worship according to their religion and beliefs..." Indonesia has more specific regulations regarding Freedom of Religion and Belief (KBB) in the form of a law. Law No. 39 of 1999 on Human Rights is the binding legal basis for all Indonesian citizens and must be obeyed and upheld as a shared commitment. This is stated in Article 22 Paragraph (1),

⁴⁰ PPKN Kelompok 4 UUD 1945, hlm 7

which states that: "Every person shall be free to embrace their respective religion and to worship according to their religion and beliefs."⁴¹

The role of the state is central in guaranteeing every citizen the freedom to adhere to any religion or belief, and the state or anyone else has no right to coerce, command, prevent, or prohibit any particular religion or belief on any grounds whatsoever. Furthermore, Article 22 Paragraph (2) states that: "The state guarantees the freedom of every person to practice their religion and beliefs." The government's actions in stopping or canceling religious events organized by the Ahmadiyya Congregation constitute a violation of the Ahmadiyya Congregation's constitutional religious rights, which are guaranteed by international and national regulations. The principle of Pancasila states "just and civilized humanity" and Article 29 of the 1995 Constitution explicitly states the constitutional rights of freedom of religion for every citizen, including the Ahmadiyya Congregation. As John Rawls stated that:

*Justice is the first virtue of social institutions, as truth is of systems of thought. A theory however elegant and economical must be rejected or revised if it is untrue; likewise laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust. Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override.*⁴²

He explains that justice is the first virtue of social institutions, just as truth is the primary virtue of systems of thought. A theory, however elegant and efficient, must be rejected or corrected if it is not true; likewise, laws and institutions, however effective and orderly, must be reformed or abolished if they are found to be unjust. Every individual has inviolable rights based on the principle of justice, and these rights must not be sacrificed even for the sake of the welfare of society as a whole. Rawls emphasizes that justice is more fundamental than social efficiency or collective prosperity. This means that no state or institution may violate the basic rights of individuals, even if the goal is to improve the common good. This principle forms the basis of the idea of justice as fairness, which rejects pure utilitarianism.

In the context of discriminatory policies and regulations issued by the West Java provincial government and Kuningan Regency, this constitutes a violation of the basic religious rights of the Ahmadiyya community, which infringes upon individuals' basic rights to their fundamental needs. This means that

⁴¹ Pasal 22 Ayat (1) UU No. 39 Tahun 1999 tentang Hak Asasi Manusia

⁴² John Rawls, *A theory of justice*, United States of America: Harvard University Press, 1971 hlm 3

despite the “elegance and efficiency” of Kuningan Regent Decree No. 451.7/KEP.58-Pem. Um/2004 and Circular Letter No. 300/477-Kesbangpol/2005, and West Java Governor Regulation No. 12 of 2011, which were issued for reasons of order and security, must be abolished or reformed, because these reasons are contrary to the principle of justice. Public order and security are not logical reasons for issuing such regulations. The state should protect and fulfill its obligations to the Ahmadiyah congregation, who are practicing their religion, from threats and people who dislike or are intolerant of them.

Therefore, John Rawls' ideas are very important for analyzing human rights violations against the constitutional rights of the Ahmadiyya community. Rawls explains the principle of equal basic liberties, whereby every citizen has the same basic freedoms, including freedom of religion. He also explains the difference principle, whereby policies that cause differences are only valid if they benefit or are advantageous to the weakest groups, including religious minorities such as the Ahmadiyya community. This is what is referred to as the concept of justice as fairness according to John Rawls, which emphasizes that freedom and equality are not conflicting values, but can be united in a comprehensive principle of justice..⁴³

Rawls argues that every individual is entitled to the same basic freedoms, and if social or economic inequality occurs, it can only be justified if it provides the greatest benefit to the weakest or most disadvantaged groups in society. If this were implemented, there would be no repeated bans on the Ahmadiyya community practicing their religion, and there would be no fatal acts of discrimination when the Office of Religious Affairs (KUA) refuses to register Ahmadiyya marriages. In fact, the KUA has the authority to register marriages for Muslims and issue marriage certificates as legal documents of the state, and it is clear that the JAI is part of the Muslim community, both in terms of recognition and identity (KTP).

4. Closing

4.1. Based on the results of the analysis of the case of constitutional rights violations against the Indonesian Ahmadiyya Congregation (JAI) in Manis Lor Village, Kuningan Regency, it can be concluded that the state, through its regional policies, has failed to fulfill its constitutional obligation to

⁴³ Sahya Anggara, “Teori Keadilan John Rawls: Kritik terhadap Demokrasi Liberal,” *Jurnal Ilmu Sosial dan Ilmu Politik (JISPO)*, Vol. 1, Edisi Januari–Juni 2013, hlm 2

guarantee freedom of religion and equality before the law. The regional policies in question are Kuningan Regent Decree No. 451.7/KEP.58-Pem.Um/2004, Circular Letter No. 300/477-Kesbangpol/2005, West Java Governor Regulation No. 12 of 2011 concerning the Prohibition of Ahmadiyah Congregation Activities, and Letter No. 200.1.4.3/4697/BKBP and Letter Number 200.1.4.3/4666/BKBP, which substantially contradict constitutional principles and human rights. The third policy reads: Article 28E paragraphs (1) and (2) and Article 29 paragraph (2) of the 1945 Constitution, which guarantee freedom to embrace a religion and worship according to one's beliefs; Law No. 39 of 1999 on Human Rights, specifically Article 22 paragraphs (1) and (2) on freedom of religion; and the International Covenant on Civil and Political Rights (ICCPR), Article 18, which Indonesia ratified through Law No. 12 of 2005 and guarantees freedom of religion without discrimination. From the perspective of John Rawls' theory of justice as fairness, this policy does not fulfill the principle of equal basic liberties or the principle of difference, because it places the Ahmadiyya community as the most disadvantaged group and does not provide them with fair protection. The state should be the protector of minority groups, not succumb to pressure from intolerant groups. Thus, this regional policy must be declared inconsistent with the principles of constitutional justice and social justice as affirmed in Pancasila and the 1945 Constitution. Reformulating public policy to guarantee freedom of religion, eliminating discriminatory rules, and strengthening the state's role in protecting minority rights are important steps toward realizing substantive justice in religious life in Indonesia.

- 4.2. The government is expected to strengthen its commitment to guaranteeing and protecting the right to freedom of religion as mandated in the 1945 Constitution of the Republic of Indonesia, by reviewing policies and administrative actions that have the potential to restrict or violate the constitutional rights of the Manis Lor Ahmadiyya Congregation. Law enforcement officials and the local government of Kuningan Regency and West Java Province need to act neutrally, fairly, and uphold the principles of the rule of law and human rights in every decision, including ensuring that there is no discrimination based on religious beliefs. The community is expected to increase legal awareness and tolerance among religious communities in order to create a harmonious social life and respect for differences in beliefs. Furthermore, for future researchers, it is recommended to expand the study with a more in-depth empirical

approach or comparative studies between regions, so as to enrich the analysis and provide more comprehensive policy recommendations in efforts to protect the constitutional rights of religious minorities in Indonesia.

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