

## Redefining *Ḥifẓ al-Dīn* as the Basis of Religious Moderation

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**Abstract.** *A proper understanding of ḥifẓ al-dīn will lead to a moderate mindset. Meanwhile, intolerance occurs due to a complete understanding of religion and considering the truth to only belong to one group. Contemporary scholars interpret ḥifẓ al-dīn as freedom of religion and belief. Through literature study, this article discusses contextualizing the meaning of ḥifẓ al-dīn and its relation to religious moderation in Indonesia. This paper finds that ritualist and radical religious expressions contradict the concepts of harmony and freedom in choosing beliefs as mandated by law.*

**Keyword:** *ḥifẓ al-dīn, maqāṣid al-sharī'ah, religious moderation*

### Introduction

Protecting and preserving religion (*ḥifẓ al-dīn*) is one of the five purposes of Islamic law (*maqāṣid al-sharī'ah*). The preservation of this kind by the classical clergy, though not expressly textual, was placed first rather than the other four.<sup>1</sup> In compiling the five, al-Shāṭibī, for example, seems inconsistent. In *al-Muwāfaqāt* Juz I, page 31, the order is as follows: *al-dīn, al-naḥs, al-nasl, al-māl, and al-'aql*. Whereas in *al-Muwāqqāt* Juz II, pages 17-19 and 300, the sequence is *al-dīn, al-naḥs, al-'aql, al-nasl, and al-māl*. Nevertheless, he always places *al-dīn* and *al-naḥs* above the other three (*al-'aql, al-nasl, and al-māl*).<sup>2</sup> A different sequence is presented by contemporary scholars who place *ḥifẓ al-naḥs* in the top position.

*Ḥifẓ al-dīn* was initially meant to protect the particular religion of every Muslim. It was manifested as an order to worship and, simultaneously, a ban on apostasy. For apostates, although it is debated, the consequences are getting punished.<sup>3</sup> People who leave Islam receive the death penalty. It is based on several cases of apostasy in the time of the Holy Prophet, and the Prophet did not kill him.<sup>4</sup> It indicates that the concept of *ḥifẓ al-dīn* was initially oriented toward a form of personal distraction. The execution of the death sentence for apostates, contrary to other Islamic teachings, is that there is no compulsion to convert to the religion. Forcing a person to adhere to a particular belief is simply a violation of religious rules, as in the time of the Prophet when someone is willing to change religion from Islam to Christianity. The Prophet did not oppose the move. Also, the Prophet's message to Mu'ādh bin Jabbal was not to interfere with the religious

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<sup>1</sup> Maskur Rosyid, *Implementasi Konsep Maslahat Al-Ṭufī dalam Fatwa MUI (2005-2010)*, 1st ed. (Magelang: Ngudi Ilmu, 2013), 4.

<sup>2</sup> Abū Ishāq Ibrāhīm bin Mūsā Bin Muḥammad Al-Shāṭibī, *Al-Muwāfaqāt fī Uṣūl al-Sharī'ah* (Arab Saudi: Dār Ibn 'Affān, 1997), vols I; p. 31, II; p. 17–19, 300.

<sup>3</sup> Lalu Supriadi B. Mujib and Khairul Hamim, 'Religious Freedom and Riddah through the Maqāṣidī Interpretation of Ibn 'Ashūr', *HTS Teologiese Studies / Theological Studies* 77, no. 4 (2021), doi:10.4102/HTS.V77I4.6928.

<sup>4</sup> Ṭāhā Jābir Al-Alwānī, *Lā Ikrāh fī al-Dīn* (Kairo: Maktabah al-Shuruq al-Dawliyyah, 2006), p. 101–17.

practices of the Jewish converts.<sup>5</sup> Of course, many messages of tolerance are still taught by the Prophet, even his friends.<sup>6</sup>

The irony is that today there are many acts of violence in the name of religion. The Setara Institute notes, for example, in 12 years, at least 2,400 incidents of violations of freedom of religion and belief.<sup>7</sup> In 2019, Imparsial recorded 31 violations of religious freedom.<sup>8</sup> Whereas in 2018, there were 192 violations against freedom of religion and belief and 276 cases of violations.<sup>9</sup> All activities which damage pluralism, in any name, cannot be justified—forcing others to follow a religion and belief, carrying out acts of terror in any term, curbing freedom of opinion, carrying out utterances of hatred, including part of acts that destroy diversity.<sup>10</sup> So, in this case, all citizens, including academics, governments, and religious organizations, are obliged to create a harmonious atmosphere and simultaneously take preventive measures to prevent the emergence of hostile actions.

Government and religious organizations have carried out efforts to protect religious freedom: Law No. 1 / PNPS of 1965 concerning Prevention of abuse and Blasphemy of Religion, Law No. 15 of 2003 concerning Stipulation of Government Regulation instead of Law No. 1 of 2002 concerning the Eradication of the Criminal Acts of Terrorism into Laws, Law No. 5 of 2006 concerning Ratification of the International Convention for the Suppression of Terrorist Bombing, 1997, Law No. 6 of 2006 concerning Ratification of the International Convention for the Suppression of the Financing of Terrorism, 1999, Law on Marriage, and Law on The National Education System, and latest Ministry of Religious Affairs Regulation No. 184 of 2019 which includes religious moderation in the madrasa education curriculum. These regulations are efforts to build harmony in the country of Indonesia. Apart from that, there is a Center for Religious Harmony (PKUB) at the Ministry of Religion and a Forum for Religious Harmony (FKUB) whose positions are in Provinces and Regencies/Cities. The FKUB was formed and formulated by involving representatives from the major religious assemblies, the Council of Indonesian Ulama (MUI), the Alliance of Churches in Indonesia (PGI), the Indonesian Bishops' Conference (PWI), Parisadha Hindu Dharma Indonesia (PHDI), and Representatives of Indonesian Buddhists (WALUBI).<sup>11</sup>

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<sup>5</sup> Abdulaziz Sachedina, *Beda Tapi Setara: Pandangan Islam Tentang Non Muslim* (Jakarta: Serambi Ilmu Semesta, 2004), p. 114.

<sup>6</sup> Aboebakar Atjeh, *Toleransi Nabi Muhammad dan Para Sahabatnya* (Solo: Ramadhani, 1984), p. 134.

<sup>7</sup> 'Setara: Ada 2.400 Insiden Pelanggaran Kebebasan Beragama - Nasional Tempo.Co', accessed 23 June 2020, <https://nasional.tempo.co/read/1271038/setara-ada-2-400-insiden-pelanggaran-kebebasan-beragama>.

<sup>8</sup> 'Imparsial Catat 31 Pelanggaran Kebebasan Beragama Dan Berkeyakinan Sepanjang 2019', accessed 23 June 2020, <https://nasional.kompas.com/read/2019/11/17/16384041/imparsial-catat-31-pelanggaran-kebebasan-beragama-dan-berkeyakinan-sepanjang>.

<sup>9</sup> Subhi Azhari; Gamal. Ferdhi, 'SLIDE LAPORAN KBB 2018 (Revisi New).Pdf - Google Drive' (Jakarta, 2018), <https://drive.google.com/file/d/1b16CEUlwXcDZXhDhR-rj71goChb1DZWE/view>.

<sup>10</sup> Maskur Rosyid, 'Peran dan Sikap MUI dalam Menjaga Harmoni Umat dan Keutuhan NKRI', in *Peran dan Tantangan Fatwa MUI di Era Global*, ed. M. Asrorun Ni'am Sholeh (Jakarta: Komisi Fatwa Majelis Ulama Indonesia, 2019), p. 240–45.

<sup>11</sup> Rosyid, 'Peran Dan Sikap MUI Dalam Menjaga Harmoni Umat Dan Keutuhan NKRI'.

However, religious moderation faces serious challenges. As mentioned at the outset, the issue of religious freedom becomes an urgent matter in Islamic teachings. Not a few verses of the Qur'an generally talk about freedom of belief. More than that, the Prophet has given many examples of being tolerant and spreading affection. It indicates that Islam has been a religion of mercy since its inception, and every Muslim should reflect this. Therefore, I assume that a re-reading of *ḥifẓ al-dīn* (protecting religion) as the central pillar of *maqāṣid al-sharī'ah* needs to be done.

## Method

This article is qualitative with a descriptive-analytical method. The data source used refers to the literature study. The two main questions to be answered are: How did *ḥifẓ al-dīn* become a pillar of religious moderation? And how do these pillars compare to regulations regarding religious freedom? This paper wishes to re-discuss the meaning of *ḥifẓ al-dīn* and its relation to religious freedom in Indonesia.

## Discussion

### Reveal the Meaning of *Ḥifẓ al-dīn*

Attitudes, mindsets, and involuntary actions are caused by -one of them- an incomplete understanding of religion, especially regarding *ḥifẓ al-dīn*.<sup>12</sup> Intolerance, as mentioned earlier, often occurs in Indonesia. So that the renewal of the meaning contained in *ḥifẓ al-dīn* is carried out, it is even very emergency when observing that people in certain areas commit violence against other groups.

*Ḥifẓ al-dīn* as part of al-ḍarūriyyah al-khamsah, its existence becomes urgent and paramount. The reason, according to Abū Zahra, is that religion is an excellent norm that distinguishes humans from animals. Humans are referred to as spiritual beings, so anything that threatens the existence of religion must be rejected. Instead, everything that can preserve it must be done.<sup>13</sup>

The researchers grouped *ḥifẓ al-dīn*'s discourse into two typologies of thought; classic and contemporary. Entering into the classical category include al-Ghazzālī, al-Shāṭibī, Khallāf, and al-Būṭī. While the second type includes Ibn Āshūr, Ṭahā Jābir al-Alwānī, Jamāl al-Dīn 'Aṭīyyah, and Jasser Auda.<sup>14</sup>

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<sup>12</sup> Zaenuddin Mansyur, 'Pembaruan Maṣlaḥah Dalam Maqāṣid Al- Sharī'ah: Telaah Humanistis Tentang Al-Kulliyāt Al-Khamsah', *Ulumuna Jurnal Studi Keislaman* 16, no. 1 (2012): 79.

<sup>13</sup> Muḥammad Abū Zahrah, *Uṣūl Al-Fiqh* (Kairo: Dār al-Fikr al-'Arabī, n.d.), 367.

<sup>14</sup> Aḥmad Ḥasan Al-Rabab'a, 'Maqṣad Ḥifẓ Al-Dīn Wa Dauruhu Fī Al-Qaḍā'i 'alā Al-'Inaf Al-Jāmi'i', *Dirasat: Shari'a and Law Sciences* 41, no. 2 (January 2014): 1295–1314, <http://journals.ju.edu.jo/DirasatLaw/article/view/5550/4335>; Andrew F. March, 'The Maqṣad of Ḥifẓ Al-Dīn: Is Liberal Religious Freedom Sufficient For The Sharī'ah', *Islam and Civilisational Renewal* 2, no. 2 (2011): 258–378, <https://www.icrjournal.org/icr/index.php/icr/article/view/176/170>; Wan Naim Wan Mansor, 'Protecting the Religion (Maqṣad Hifz Al-Dīn) in Malaysian Political Islam: A Preliminary Analysis', *Islam and Civilisational Renewal* 7, no. 3 (July 2016): 379–98, doi:10.12816/0035266; Anthin

The first type interprets *ḥifẓ al-dīn* as protecting each individual's religion. The diversity of every human being is measured by obedience to God. Therefore, the implementation of Islam and the pillars of faith is an example of the application of *ḥifẓ al-dīn*.<sup>15</sup> At the same time, they are punishing heretics, apostates, and misleading infidels.<sup>16</sup> They are considered disruptors of religion, so they must receive sanctions. This sample illustrates the tendency to understand that the intention of Shari'a in protecting religion is more protective.

According to traditional scholars, the benefits contained in *ḥifẓ al-dīn* are usually interpreted literally without looking at the critical context of protecting it. The literalist classical jurists' way of thinking has drawn a lot of criticism from various groups in the procedure for interpreting *maqāṣid al-shari'ah*. Hasan al-Turabi stated that the ideas of uṣūl al-fiqh and fiqh that have existed so far are still at the abstract level. Uṣūl al-fiqh needs to be reviewed in the context of its relation to the reality of life. It is because the products of uṣūl al-fiqh in the tradition of fiqh thought are still abstract and in the form of theoretical discourses incapable of giving birth to fiqh. It gave birth to a debate that never ended. Fiqh and uṣūl al-fiqh should continue to develop in facing the challenges of the realities of modern life.<sup>17</sup>

As for the second type, understanding *ḥifẓ al-dīn* is not only related to the faith and Islam of every human being. This group interprets it as everyone's right to choose their religion and belief. This right is inherent in every human being, so it cannot be damaged by anything, including forcing someone to choose a faith and trust. It can be said that *ḥifẓ al-dīn* in this second type contains elements of horizontal and vertical relationships, namely the relationship between humans and God as well as between humans.

Jamāl al-Dīn 'Aṭīyyah changed the construction of the five primary needs (*al-kulliyāt al-khamsah*) into four realms of benefit (*al-kulliyāt al-arba'ah*); individual, family, community, and humanity. The advantage of *ḥifẓ al-dīn* in the particular context is manifested in strengthening the faith, carrying out the orders of worship, and avoiding the prohibitions. In the family context, this is done by upholding these religious principles. It is an order to protect yourself and your family from the torment of hell by carrying out religious orders. In the social-community context, it

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Lathifah et al., 'The Construction of Religious Freedom in Indonesian Legislation: A Perspective of Maqāṣid Ḥifẓ Al-Dīn', *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 6, no. 1 (27 June 2022): 369–90, doi:10.22373/sjhk.v6i1.10957.

<sup>15</sup> Al-Shāṭibī, *Al-Muwāfaqāt Fī Uṣūl Al-Shari'ah*; Muḥammad Sa'īd Ramaḍān Al-Būṭī, *Ḍawābiṭ Al-Maṣlaḥah Fī Al-Shari'ah Al-Islāmiyyah*, I (Beirut: Mu'assasah al-Risālah, 1973).

<sup>16</sup> Abū Ḥāmid Muḥammad Ibn Muḥammad Al-Ghazzālī, *Al-Mustaṣfā Min 'Ilm Al-Uṣūl* (Beirut: Dār al-Fikr, n.d.); Al-Shāṭibī, *Al-Muwāfaqāt Fī Uṣūl Al-Shari'ah*; 'Abd al-Wahhāb Khallāf, *Ilm Uṣūl Al-Fiqh* (Kairo: Maktabah al-Dakwah al-Islāmiyyah, n.d.); Jasser Auda, *Maqāṣid Al-Shari'ah Ka Falsafah Li Al-Tashri' Al-Islāmī*, I (Virginia: Al-Ma'hād al-'Alamī li al-Fikr al-Islāmī, 2012), [https://www.jasserauda.net/images/Kamil\\_Maqasid\\_falsafatan\\_Arabi.pdf](https://www.jasserauda.net/images/Kamil_Maqasid_falsafatan_Arabi.pdf).

<sup>17</sup> Hasan Al-Turabi, *Fiqh Demokratis Dari Tradisionalisme Kolektif Menuju Modernisme Populis* (Bandung: Arsy, 2003), 50; Aḥmad Al-Raysūnī, *Naẓariyah Al-Maqāṣid 'Inda Al-Imām Al-Shāṭibī* (Riyad: Al-Dār al-'Alamiyah li al-Kitāb al-Islāmī wa al-Ma'hād al-'Alamī al-Fikr al-Islāmī, 1995), 13.

manifests in the command to pray in congregation and amar makruf nahi mungkar. As for the humanitarian context, this is realized by spreading compassionate Islam worldwide.<sup>18</sup>

Ibn 'Āshūr more broadly explained that safeguarding *al-darūriyah al-khamsah* means protecting the benefit of individuals and, more importantly, defending the use of the people in general. Protecting religion, for example, means protecting the belief of every Muslim from anything that can damage his faith and deeds. Meanwhile, protecting the religion of all people means protecting it from all things that can damage the foundations of religion.<sup>19</sup>

Efforts to change the paradigm of *ḥijz al-dīn* have been carried out, among other things, by Ibn 'Āshūr. He shifted *ḥijz al-dīn* from the paradigm of sanctions for apostates (مَنْ بَدَّلَ دِينَهُ فَاقْتُلُوهُ) towards the paradigm of freedom of religion (لَا إِكْرَاهَ فِي الدِّينِ). Accurately, Ibn 'Āshūr tends to use the editorial hurriyyat al-'i'tiqād (freedom of religion) as the goal of shari'a rather than using the term *ḥijz al-dīn*.<sup>20</sup> This paradigm is considered more relevant to the current context to solve the problem of violence that arises due to intolerance towards people of different religions.

Meanwhile, Al-Alwānī stated that freedom of religion is essential to sharia goals. Preserving faith is not enough to punish apostates. Jasser Auda from Sayf Abdul Fattah quoted that protecting religion includes guarding movements against the individual to the collective and the people, from oneself to "others", even to those of different faiths. The principle of protecting religion is limited to "no compulsion in religion".<sup>21</sup> This principle certainly shifts the concept built previously, namely from sanctions for apostates to the focus of guaranteeing freedom of religion.

As previously mentioned, *ḥijz al-dīn* is almost always associated with the death penalty for perpetrators of riddah (apostasy). Al-Alwānī, one of the figures who discussed this. Through the method of interpretation of the al-qur'ān bi al-qur'ān, he researched several verses related to religious rights. He found at least 12 poems. Al-Baqarah (2): 207, Āli 'Imrān [3]: 86, 90, 100, 106, 177, Al-Mā'idah [5]: 54, Al-Nisā' [4]: 137; Al-Naḥl [16]: 106, al-Ḥajj [22]: 11, and Muḥammad [47]: 32. Riddah in these verses is interpreted as leaving Islam and faith after previously accepting them. Riddah is leaving Islam by returning to the religion adhered to before becoming a Muslim or converting to another religion that is different from the faith adhered to before Islam or leaving Islam by becoming an atheist. None of these verses discusses worldly punishment for an apostate. In history, too, the Prophet never kill perpetrators of *riddah* and *ẓindiq*. As for the ḥadīths spread about this punishment, it is considered a ḥadīth that is *ḍa'if*. So it is unfortunate when the ummah today prioritizes practising weak ḥadīths rather than the Qur'an, whose validity is apparent.

Al-Alwānī concluded that freedom of belief is vital to several sharia goals. Freedom of religion is the most important manifestation of faith and monotheism. With it, humans are free from worshipping humans and idols. He always associates it with God and only fears God, so he

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<sup>18</sup> Jamāl al-Dīn 'Aṭīyyah, *Naḥw Tafīl Maqāṣid Al-Shari'ah* (Damaskus: Dār al-Fikr, 2003), 139, 145, 153, dst.

<sup>19</sup> Muḥammad Ṭāhir Ibn 'Āshūr, *Maqāṣid Al-Shari'ah Al-Islāmiyyah* (Beirut: Dār al-Kitāb al-Lubnānī, 2004), vols II, 138–140.

<sup>20</sup> Ibid., vols II, 131.

<sup>21</sup> Jasser Auda, *Al-Ijtihād Al-Maqāṣidi: Min Al-Taṣawwur Al-Uṣūlī Ilā al-Tanzīl al-'Amalī* (Beirut: al-Shabakah al-'Arabīyyah li al-Abḥāth wa al-Nashr, 2013), 30–31.

does not ask except only from Him. Many verses reinforce this model of freedom. Serving God is a form of liberation and glorification, not humiliation and submission.<sup>22</sup>

### The Domain of *Hifẓ al-dīn*

As explained by Jamāl al-Dīn ‘Aṭīyyah above, the Sharia aims for four things.<sup>23</sup> Komarudin Hidayat, as quoted by Fakhrudin Aziz<sup>24</sup>, also described it into four domains in the articulation and expression of diversity: the private domain, worshipers, communities, and the state. First, a person can understand and develop his religious beliefs in the private sphere. At this level, religion is a call to heart. No one can force other people to embrace certain religions. Even if some are forced to accept religious 'coercion,' religion will no longer be based on truth and sincerity. This personal domain is also the possible realization of freedom of religion and belief. At this level, efforts to preserve religion (*hifẓ al-dīn*) are rated the highest. Second, the communal domain or worshipers. All religions have the doctrine and tradition of worshipping and purifying certain places. Through this domain, one's religious understanding and faith are effectively nurtured. Also, religious idioms and symbols are put forward in this domain because the participants are homogeneous.

The third is the social domain. At this level, a religious community meets with another religious community. The applicable law is a state (positive) law, not the holy book that applies in communal areas. Even if religious law wants to be enforced in social sites, some adjustments are needed to synergize the two. Fourth, the country domain. Religion in this domain shows that religion has a double face. On the one hand, religion wants to fight for noble values in political life. However, on the other hand, faith looks disproportionately imaged by its adherents because its agenda intends to dominate the political stage.<sup>25</sup>

Based on the description above, religion needs to be placed proportionally for three reasons. First, religion is an expression of human obedience to God. Then there is no choice for him but to live the values set in the Sharia. Second, religion is attributed to personal (individual) transference that can be measured by the ability to create communal piety. In this way, religion can be realized as desired; Third, religion as a forum for obedience will maintain its consistency based on monotheism. Christianity encourages a person to offer his entire religious attitude to the One Essence, that is, Allah. Then the spirit of Tawhid makes religious individuals focus on the quality of religion.<sup>26</sup>

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<sup>22</sup> Al-Alwānī, *Lā Ikrāh fī al-Dīn*, 90–91.

<sup>23</sup> ‘Aṭīyyah, *Nahw Tafīl Maqāṣid al-Sharī’ah*, p. 139.

<sup>24</sup> Fakhrudin Aziz, ‘Formula Pemeliharaan Agama (Hifẓ al-Dīn) pada Masyarakat Dermolo Jepara; Implementasi Maqāṣid Al-Sharī’ah dengan Pendekatan Antropologi’, *Al-Ahkam* 27, no. 1 (9 April 2017): 83–110, doi:10.21580/ahkam.2017.27.1.1315.

<sup>25</sup> Komarudin Hidayat, *Agama Punya Seribu Nyawa* (Jakarta: Noura Books, 2012), p. 71–74.

<sup>26</sup> Ah. Fawaid, ‘Maqāshid Al-Qurān dalam Ayat Kebebasan Beragama Menurut Penafsiran Thahā Jābir Al-’Alwānī’, *Madania* 21, no. 2 (2017), [https://www.researchgate.net/publication/322344232\\_Maqashid\\_al-Qur’an\\_dalam\\_Ayat\\_Kebebasan\\_Beragama\\_Menurut\\_Thaha\\_Jabir\\_al-’Alwani/fulltext/5a556cfcaca272bb69623a60/Maqashid-al-Quran-dalam-Ayat-Kebebasan-Beragama-Menurut-Thaha-Jabir-al-Alwani.pdf](https://www.researchgate.net/publication/322344232_Maqashid_al-Qur’an_dalam_Ayat_Kebebasan_Beragama_Menurut_Thaha_Jabir_al-’Alwani/fulltext/5a556cfcaca272bb69623a60/Maqashid-al-Quran-dalam-Ayat-Kebebasan-Beragama-Menurut-Thaha-Jabir-al-Alwani.pdf).

## The Problem of Religious Freedom in Indonesia

Religious problems occur in Indonesia. It turns out that the certainty of difference is not widely understood as a natural condition given by God. As a result, various conflicts, even those in the name of religion, continue to occur. If this is allowed to continue, it has a solid potential to undermine the integrity of the Unitary State of the Republic of Indonesia. A partial and textual understanding of religion is the cause of the violence.<sup>27</sup> The earlier cases have damaged democracy and the right to freedom of religion and belief. The phenomenon of religious and state relations in the context of religious freedom in the country continues to occur. The motivations and effects are identical, related to the doctrines of spiritual teachings, which provoke the public, especially the laity, to carry out anarchist actions to punish those deemed deviant. The state's efforts (government) are also seen as always complete in the act of judgment on religious freedom itself, so declaring Indonesia is not a religious state is again a question.<sup>28</sup> Therefore, presenting religion in its true face is very necessary.<sup>29</sup>

Many actors carry out violence in the name of religion. Referring to the categorization of the Setara Institute,<sup>30</sup> Perpetrators of violence in the name of religion are grouped into two types. First, state actors. Second, non-state actors, including mass organizations and individuals with all their understanding of religion.

### 1. State Actor

Several survey institutions reported that state actors played violations in the name of religion. They have participated in cases of violations of freedom of religion and belief. As for the so-called state actors, namely the Government and the Police. Violation of freedom of religion and belief. Meanwhile, violations of freedom of religion and belief include policies such as coercion, discrimination, omission, criminalization, and so on.<sup>31</sup>

Several policies in the form of Circular Letters and appeals issued by the Regional Government are considered too involved in dealing with matters of one's worship. Prayer, for example, is an individual obligation and becomes the domain of the individual. In an appeal to

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<sup>27</sup> Hector Avalos, 'Fighting Words: The Origins of Religious Violence', in *Philosophy and Religious Studies Books* (Ames, Iowa: Iowa State University, 2005), 1–35, [http://lib.dr.iastate.edu/philrs\\_books](http://lib.dr.iastate.edu/philrs_books); Zach VanAernum, 'Violence in Religion', *Verbum* 11, no. 2 (2014), <https://fisherpub.sjf.edu/cgi/viewcontent.cgi?article=1341&context=verbum>; Abdullah Haq Al Haidari, Ahmad Fauzi, and Muhammad Taufiq, 'Radicalism and Religious Texts Understanding', *KALAM* 14, no. 2 (December 31 2020): 77–94, doi:10.24042/klm.v14i2.7454.

<sup>28</sup> 'Laporan Kebebasan Beragama Internasional 2016 | Kedutaan Besar dan Konsulat AS di Indonesia', 2016, <https://id.usembassy.gov/id/our-relationship-id/official-reports-id/laporan-kebebasan-beragama-internasional-2016/>.

<sup>29</sup> Agnes Dwi, 'Solidaritas Bagi Kebebasan Beragama', *Jurnal Ma'arif* 5, no. 2 (2010): 115–22.

<sup>30</sup> Kidung Asmara Sigit and Ismail Hasani, 'Intoleransi Semasa Pandemi: Kondisi Kebebasan Beragama/Berkeyakinan di Indonesia Tahun 2020', ed. Halili Hasan (Jakarta, November 2021), [https://drive.google.com/file/d/1KetfG93DhNBDM45InuUNR2qy71Y5Tp\\_X/view?usp=embed\\_facebook](https://drive.google.com/file/d/1KetfG93DhNBDM45InuUNR2qy71Y5Tp_X/view?usp=embed_facebook).

<sup>31</sup> *Ibid.*, 29.

carry out congregational prayers, the Riau Islands Provincial Government made a fingerprint absence policy to control the congregational dawn. Some of these Circular Letters are as follows.

- a. Circular Letter of the Regent of Ciamis No.: 451.1/KESRA concerning the Maghrib Movement for the Koran and Congregational Prayers in the Ciamis Regency Area
- b. Letter of Appeal for the Maghrib Recitation Movement from the Ministry of Religion of Ciamis Regency, Number: B-8608/KK.10.07/6/BA.03.1/08/2019 Dated August 27 2019
- c. Circular of the Governor of West Java, Number: 451/48/YANBANGSOS, July 22 2019, concerning the Maghrib Koran Movement
- d. Circular Letter of the Regent of Bekasi No. 800/87/BKPPD/2018 concerning five daily congregational prayers
- e. Appeal to the Mayor of Banda Aceh City to stop all activities during the call to prayer
- f. Circular Letter of the Ministry of Religion of Pangkalpinang City No 128 of 2019 concerning Dzuhur and Asr Prayers in the congregation for employees in the work environment of the Office of the Ministry of Religion of Pangkalpinang City
- g. Circular Letter of the Regent Batanghari No. 0427/Kesos/2019 concerning Congregational Prayers
- h. Circular Letter of the Regent of Sampang No. 451/024.1/434.013/2019 concerning Congregational Prayer Calls.
- i. Appeal from the Governor of Riau regarding the obligation to be absent for the Morning Prayer for civil servants within the Riau Provincial Government.

Some of these Circular Letters and appeals are considered to violate someone's expression of worship. Mahḍah worship which should be a private area has been broken. The state actor - the government - can be classified as a pattern of coercion in prayer. In addition to coercing expressions of obedience, the behaviour of state actors who are considered to violate freedom of religion is to allow acts of violence in the name of religion. Among the examples are:

- a. The omission of the dissolution of Christian worship on Jalan Defense Dusun III through the sub-district office in Sigara Gara Village, Patumbak District, Deli Serdang, North Sumatra (North Sumatra).
- b. In July 2019, the Mimika Baru Police were involved in a raid on a house known to be used as a place of worship by the prayer group Hati Kudus Allah Kerahiman Ilahi, which was suspected of being a cult.
- c. The government officials ignored the action to disband the Ahmadiyya Congregation event in Bandung, which the FPI and Jawara Sunda carried out, the dissolution of the Ajaran Islam Sejati in Kebumen, several students and residents raided the Sulthonul Auliya Foundation in Sukabumi, the expulsion of the Ahmadiyah congregation in East Lombok, the removal and dissolution of the Shia in Karimun Riau, and a raid by residents against the Assembly of the Rasulullah Assabatu Sahabah in Samarinda.

Apart from policies and omissions, another form is discriminatory behaviour. This attitude is primarily addressed to minorities. Some of the evidence is

- a. West Java Governor Regulation No. 12 of 2011 concerning the Prohibition of Activities of the Indonesian Ahmadiyya Congregation in West Java
- b. Prohibition of the presence and spread of the Ahmadiyah congregation in Sanggau, West Kalimantan



- c. Labelling heretical, strict supervision, and limiting the activities of the Ahmadiyya Congregation in Sarolangun, Jambi
- d. Prohibition of Valentine's celebrations in Banda Aceh, Bogor, Payakumbuh, South Tangerang and Sukabumi by the City Government
- e. Prohibition of burial of bodies in the village of Ngareskidul – Mojokerto by residents and the Village Government
- f. Rejection of MTA activities in Kebumen by Adimulyo Sub-District Head.
- g. The arrest and prohibition of the Divine Majesty's Mandate (AKI) activity in Musi Banyuasin, South Sumatra, by the Tanjung Lago Police, the District, and the Ministry of Religion
- h. The arrest and punishment of Aisyah Tusalamah, the queen of the Ubur-Ubur Kingdom in Serang, Banten
- i. Prohibition on the construction of houses of worship in Cilegon.

There have also been cases of forced headscarves in several public schools. Reading the Koran is a condition of becoming a candidate for chairman of the KNPI in Banda Aceh, parole for convicts at Polewali Mandar, and village heads in Lhoksumawe City. These cases indeed injure pluralism. The freedom to express religion and beliefs guaranteed by the 1945 Constitution has been violated, even by state apparatus.

## 2. Non-State Actors

Apart from state actors, violations of freedom of religion, adherence to religion, and choosing religion and belief are also mostly committed by non-state actors. In this second part, those who commit violations consist of Islamic organizations, corporates, and community individuals.

Violations by non-state actors are more dominating when compared to state actors. The Islamic mass organization that is widely said to have played the role of a breach, namely the Indonesian Ulema Council, either directly or indirectly. Indirectly, for example, the issuance of fatwas related to deviant sects, one of which is Ahmadiyya. The label of heresy in the fatwa is used as legitimacy for acts of violence by Islamic organizations and other mass organizations in bullying, disbanding, and expulsion, that is, physical violence. Meanwhile, the MUT's role in violations of freedom of religion and belief can be seen directly in their participation in many cases of disbanding activities and forcing obedience and repentance.

Meanwhile, apart from mass organizations, cases of violations of freedom of religion and belief were carried out by corporations as evidence, namely the forced use of specific religious attributes, the prohibition of certain religious symbols, and other forms that injure this freedom. As for individuals, it is done in most cases. Raids, disbandment of religious activities, refusal to build places of worship, destruction of places of worship, hate speech, the expulsion of adherents of different sects, and physical attacks.

In the following, more specifically, cases of violations of freedom of religion and belief committed by non-religious actors, ranging from mass organizations to individuals.

- a. Refusal to review the book entitled "Islam Tuhan Islam Manusia" written by Haidar Bagir at IAIN Surakarta by the Surakarta City Sharia Council (DSKS) and the Anti-Shia National Alliance (ANNAS)

- b. Disbandment of the Ahmadiyya book launch in Bandung by the Islamic Defenders Front, Jawara Sunda, and the Indonesian Association of Indonesian Guards.
- c. Rejection of the construction of the Indonesian Christian Church (GKI) in Jagakarsa by the Forum Lintas Ormas (FLO)
- d. Rejection of Chinese New Year and Cap Go Meh celebrations in Bogor by the Bogor Muslim Forum (FMB)
- e. Declaration of the hijab area at the Islamic University of Bandung by the Islamic Religious Education Mentoring Operational Body and BEM Unisba
- f. Refusal and complaints from the Institute for Islamic Research and Studies (LPPI) regarding the MoU between UIN Alauddin Makasar and Ahmadiyah
- g. Rejection and supervision of Ahmadiyya activities in Sanggau, West Kalimantan, by the Entikong Muslim Community Forum
- h. Termination of the activities of the Tapak Wali Association in Jambi by FKUB and MUI of East Tanjung Jabung Regency
- i. The heretical fatwa against the Guru Bais sect in South Halmahera by the MUI of South Halmahera Regency No. 01 of 2019
- j. Supervision of religious activities of the Ahmadiyya sect, Naqsabandiyah Tariqat, Hashimi Tariqat, Indonesian Islamic Da'wah Institute (LDII), Asma Allah, Allah's Religious Mental Education Source (SPMAA), and Salafi (Wahabi) by the Community Trust Monitoring Team (Pakem) and MUI Sarolangun Regency Jambi
- k. Prohibition of Friday prayers for Prabowo Subianto at the Kauman Mosque in Semarang by the DKM Kauman Mosque in Semarang
- l. The MUI labelled heretical the Mandate of Divine Majesty (AKI) in Musi Banyuasin
- m. Labelled heretical teachings of True Islam by the MUI of Kebumen Regency
- n. Hate speech and the dissolution of the National Examination in Tebing Tinggi by the FPI
- o. Hate speech against the rejection of the regional regulation of the Religious City of Depok by FPI
- p. Destruction of the Miftahul Huda Mosque for Ahmadiyah in Sintang, West Kalimantan, by the Muslim Alliance.

Mass organizations carry out many other cases. Apart from mass organizations, violations of freedom of religion and belief are also committed by individuals and society. Some of them are:

- a. Raids, dispersals, and physical violence against Bethel Indonesia Church congregations in North Sumatra by a group of people on January 13 2019
- b. Hate speech against the Vice President by religious figures in Malang on September 30 2018.
- c. Cessation of Christian worship in Deli Serdang by a group of people in February 2019
- d. Destruction of graves in Magelang and Yogyakarta by unknown persons
- e. Vandalism and Hate Speech was addressed to the President, Vice President, NU Chairman, and so on by accusing the PKI, Chinese accomplices, Sissy, and so on.

These data prove that freedom of religion continues to experience obstacles.

The fulfilment of rights regarding this matter is a complicated problem to be resolved.<sup>32</sup> The cases mentioned earlier were defamation of democracy and the right to freedom of religion and belief. The phenomenon of conflicting relations between religion and the state continues to occur. The motives and effects are identical and related to the doctrines of religious teachings. Ultimately, it provokes the public, especially ordinary people, to take anarchic actions and punish those considered deviant. The activities of the state (government) are also seen to never be empty in the act of judging religious freedom itself, so declaring that Indonesia is not a spiritual state is again a question.<sup>33</sup> Therefore, severe and continuous efforts are needed from all elements, including academics and government, to address the increasingly critical dynamics of society in responding to various rapid social changes due to globalization and information openness. More than that, those who understand religion exclusively need more serious coaching so they can accept differences.

All religions based on the constitution have the right to enjoy all forms of freedom from all forms of discrimination based on religion, have legal protection and equal treatment under the law, and are free from discrimination in obtaining legal protection.<sup>34</sup> In addition, freedom of religion in Indonesia has been protected in the first precepts of Pancasila and the 1945 Constitution Article 28E Paragraph (1) and Article 29. Indonesia is a "monotheistic" country because of the statement that the government is based on Belief in One Almighty God. Article 28I Paragraph (1) of the 1945 Constitution confirms that the freedom of religion cannot be reduced under any circumstances. These provisions indicate that the constitution has guaranteed religious freedom as a valid principle. However, according to several activists, marginalization continues even in the law.

### **Courtesy Culture and Religious Tolerance**

Indonesia is a pluralistic nation. The diversity is reflected in the existing society, culture, language, religion, and beliefs. The plurality and diversity of cultures and people in Indonesia are both a reality and a necessity. Against this reality, building an attitude to acknowledge it honestly, accept it gracefully, and guard it gratefully is necessary. The attitude of rejecting, ignoring, regretting, and denying must be avoided. The diversity and diversity in Indonesia have made this nation rich. Many positive values can be built and obtained from this diversity, for example, unity, tolerance, mutual understanding, cooperation, and many others. However, it cannot also be covered that pluralism can bring negative values, such as the societal clash between religion, culture, and other conflicts.<sup>35</sup>

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<sup>32</sup> Dwi, 'Solidaritas Bagi Kebebasan Beragama', 115–22.

<sup>33</sup> 'Laporan Kebebasan Beragama Internasional 2016 | Kedutaan Besar Dan Konsulat AS Di Indonesia'.

<sup>34</sup> Louis Henkin, 'Religion, Religions, and Human Rights on JSTOR,' *The Journal of Religious Ethics* 26, no. 2 (1998): 234, [www.jstor.org/stable/40008655](http://www.jstor.org/stable/40008655).

<sup>35</sup> Rosyid, 'Peran dan Sikap MUI dalam Menjaga Harmoni Umat dan Keutuhan NKRI', p. 240.

Pancasila as the basis of the state, proposed by Ir. Sukarno in his speech on the last day of the first trial of BPUPKI.<sup>36</sup> In addition, Pancasila is also a guideline and foundation for the Republic of Indonesia. This basis guarantees the stability and sustainability of the administration of the Republic of Indonesia. Pancasila is also an ideology of the Indonesian people that upholds five ideas: divinity, humanity, nationality, democracy, and social justice. All these precepts are fought for and defended by the state and society.<sup>37</sup> His struggle is that all these precepts or values are believed to be the noblest and most beneficial for human life. The same reason is the basis for the protest when there is an issue with replacing Pancasila with a particular religious ideology.

Pancasila teaches Indonesian people to believe in and fear God Almighty as an ideology about religious pluralism. Pancasila has governed religious life by summarizing it in the first principle of "Godhead". A statement that summarizes diversity (diversity) in Indonesia by worshipping one God. News invites all people, both citizens and leaders, to continue to try to build mutual respect, mutual respect and accept each other's existence with a variety of unique characteristics.<sup>38</sup>

The phenomenon of religious pluralism has become one of the most dominant features of Indonesian pluralism. Before the recognition of the five major religions, the Indonesian people already held many streams of belief. This plurality can be captured in everyday life, where there are two or three religions or creeds in many regions. Religious pluralism now also appears with a different face. The diversity that exists is not only determined by differences in faith and religion but also by differences in interpretation and perspective. What is happening now is that people of the same faith and religion can also have very profound differences of opinion. Conversely, there are also people of different faiths and beliefs who can have the same view.<sup>39</sup>

To embrace and practice religion is a personal right. The State of Indonesia is built based on equal rights. One of the most fundamental rights is the right to religion. What is meant by rights directly refers to freedom. The Indonesian nation exists because humans are aware of this freedom. It is this awareness of space that drives the nation's founders to call for the Indonesian people to be able to practice their religion and belief on a freeway without coercion and violence. Everyone can worship their God according to their beliefs, without religious egoism.

### **The Challenge of Religious Harmony**

It has been stated at the outset that the harmony of religious life in Indonesia faces severe challenges. The emergence of various acts of violence in the name of religion in multiple regions. Government officials also carried out even the attitude. For example, the West Java Sukabumi Regional Government closed the Ahmadiyah mosque. The village head did the same following the 2011 East Java Governor's Regulation, stopping Ahmadiyah's activities.<sup>40</sup>

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<sup>36</sup> Panji Setijo, *Pendidikan Pancasila: Perspektif Sejarah Perjuangan Bangsa* (Jakarta: Grasindo, 2008), p. 62.

<sup>37</sup> Purwa Hadiwardoyo, *Moral dan Masalahnya* (Yogyakarta: Kanisius, 1990), p. 27.

<sup>38</sup> Alfons S. Suhardi, 'Spectrum', *Depertemen Dokpen KWI* (Jakarta, 1994), vols XXII; p. 345.

<sup>39</sup> Banawiratma, *Iman, Pendidikan dan Perubahan Sosial* (Yogyakarta: Kanisius, 1991), p. 47.

<sup>40</sup> 'Laporan Kebebasan Beragama Internasional 2016 | Kedutaan Besar dan Konsulat AS di Indonesia'.

Based on my observations, several reasons can be seen as the source of the collapse of religious harmony, including the attitude of religious fundamentalism, religious tyrants, minority-majority conflict, and less conducive regulations. Although religious fundamentalism only sometimes has a harmful impact, understanding religious teachings that are narrow and not comprehensive will only lead to a ceremonial and exclusive attitude without spirit.<sup>41</sup> Such an attitude shapes one's righteous behaviour and does not even accept the truth from others. While religious tyrannize or militarism in religion forms radical behaviour that disturbs the peace of society.<sup>42</sup> Their actions are always in the name of God. Religious militarism gives birth to a *front*, *laskar*, and similar terms as if to represent a particular religion. Finally, they provoked a minority. The attack on Ahmadiyah and Shia is concrete evidence. In addition, rampant riots in the name of religion should be suspected as a result of regulations that are not conducive. Apart from that, the law regarding the prohibition of Ahmadiyya activities is proof of the restraint on the principle of freedom of religion.

### Effort and Hope

Serious, continuous, and ongoing efforts are needed to overcome all religious problems. Several things can be done to foster harmony amid this pluralism. First, government policy makes specific regulations regarding religious freedom because freedom is a value that must be protected by law to deepen its appreciation in society. Regarding the Medina Charter, religious freedom is one of its main things.<sup>43</sup> Being a civilized country is a shared hope that disintegration does not occur.

Second, incorporating multicultural education into the national education curriculum. As stated by Almakin, multicultural education plays a vital role in building awareness of religious moderation.<sup>44</sup> Education is the main door to make awareness that pluralism is a necessity. At the same time, a moderate attitude becomes an obligation for every human being. Moderation in religion is a fair and balanced perspective and behaviour that is not extreme, right or left.<sup>45</sup>

Third, consistently socializing that Islam through the concept of *hijz al-din* is a religion that upholds religious freedom. Narrow reasoning about *hijz al-din* needs to be reviewed and continuously disseminated. Preservation and preservation of faith are interpreted more broadly as

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<sup>41</sup> Abd A'la, *Agama Tanpa Penganut: Memudarnya Nilai-Nilai Moralitas dan Signifikansi Pengembangan Teologi Kritis* (Yogyakarta: Kanisius, 2009), p. 23.

<sup>42</sup> Armada Riyanto, *Dialog Interreligius: Historisitas, Tesis, Pergumulan, Wajah* (Yogyakarta: Kanisius, 2010), p. 239, 430.

<sup>43</sup> Said Amir Arjomand, 'The Constitution of Medina: A Sociolegal Interpretation of Muhammad's Acts of Foundation of the "Umma"', *International Journal of Middle East Studies*, September 2009, p. 563, [https://www.jstor.org/stable/40389306?read-now=1&seq=9#page\\_scan\\_tab\\_contents](https://www.jstor.org/stable/40389306?read-now=1&seq=9#page_scan_tab_contents).

<sup>44</sup> 'Tumbuhkan Moderasi Beragama Melalui Kurikulum Keagamaan Berbasis Pendidikan Multikultural - Kliksaja', accessed 22 June 2020, <https://www.kliksaja.co/read/klik-talk/menumbuhkan-moderasi-beragama-melalui-kurikulum-keagamaan-berbasis-pendidikan-multikultural/>.

<sup>45</sup> Kementerian Agama Republik Indonesia, *Moderasi Beragama* (Jakarta: Badan Litbang dan Diklat Kementerian Agama RI, 2019), p. 17; Kementerian Agama Republik Indonesia, *Tanya Jawab Moderasi Beragama* (Jakarta: Badan Litbang dan Diklat Kementerian Agama RI, 2019), p. iii.

a guarantee of freedom of religion and belief. This concept and understanding should be included in the religious moderation program that has consistently been called for by the Indonesian Ministry of Religion and has become a national character-building program.<sup>46</sup>

Moreover, radical groups have massively indoctrinated their understanding of the younger generation through education. So, both students and students strongly tend to take intolerant and extreme actions. Equally worrying also applies to teachers and educators.<sup>47</sup> The massive campaign will certainly undermine Indonesia's polite and tolerant culture if it is not balanced with a moderate understanding.

*Hifz al-din* as the basis for understanding diversity and religious freedom thus needs to be continuously taught. The hope, with this understanding, leads to mutual respect and respect, both between adherents of one religion, between religions, and the government. So, pluralism remains ammunition to create a fair, balanced, and united country.

## Conclusion

Freedom of religion, as one of the main foundations of religious moderation, is one of the main objectives of enacting Islamic law. It can be seen in the concept of *hifz al-din*, which is not only interpreted as the preservation of a particular religion but also the preservation, respect, freedom of choice of belief, and religion in general. Such an understanding leads to an inclusive mindset that is far from radical and extreme. Efforts to build a safe and peaceful Indonesia begin with instilling the concept of self-understanding of religious inclusiveness. On the other hand, fundamentalism leads to religious tyranny and only hurts religious harmony in this country.

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<sup>46</sup> ‘Cegah Radikalisme, Kemag Revisi Kurikulum Pendidikan Agama - BeritaSatu.Com’, accessed 22 June 2020, <https://www.beritasatu.com/nasional/584588-cegah-radikalisme-kemag-revisi-kurikulum-pendidikan-agama>.

<sup>47</sup> ‘Ruang Moderasi Beragama’, accessed 22 June 2020, <https://mediaindonesia.com/read/detail/211781-ruang-moderasi-beragama>.

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