

# *The Protection of Freedom of Religion and Belief under Indonesia's Criminal Code: A Normative Review of Articles 300–305 of Law No. 1 of 2023*

**Syamsudin\*, Zico Junius Fernando\*\***

\*Fakultas Hukum Universitas 17 Agustus 1945, Samarinda, Indonesia

\*\*Fakultas Hukum Universitas Bengkulu, Bengkulu, Indonesia

Email: adasangraja63@gmail.com

Naskah diterima: 7 Oktober 2024

Naskah direvisi: 5 Mei 2025

Naskah diterbitkan: 30 Juni 2025

## **Abstract**

*The enactment of Indonesia's new Criminal Code (Law No. 1 of 2023) has raised critical questions regarding its impact on the protection of freedom of religion and belief (FoRB). This study seeks to answer the central question: to what extent does the new Criminal Code enhance the legal protection of FoRB in Indonesia? Using a doctrinal (normative) legal research method, the study applies statutory, conceptual, and comparative approaches by examining the provisions of Chapter VII (Articles 300–305) in relation to international human rights standards and the previous Criminal Code. The findings indicate that the new Criminal Code refines the regulation of religious offenses by explicitly criminalizing acts of hostility, incitement to violence, and discrimination against religious groups, while offering explicit protection for minority groups, particularly adherents of indigenous beliefs. However, challenges remain regarding the interpretation and consistent enforcement of these provisions. This research contributes to the academic discourse on human rights and legal reform by highlighting the progressive aspects of the new legislation while critically assessing its potential limitations in practice.*

**Keywords:** *New Criminal Code; Freedom of Religion and Belief; Human Rights Protection; Legal Reform*

## **Abstrak**

Pengesahan Kitab Undang-Undang Hukum Pidana (KUHP) Baru melalui Undang-Undang Nomor 1 Tahun 2023 menimbulkan pertanyaan kritis mengenai dampaknya terhadap perlindungan kebebasan beragama dan berkeyakinan (KBB) di Indonesia. Penelitian ini bertujuan untuk menjawab pertanyaan utama, sejauh mana KUHP baru meningkatkan perlindungan hukum terhadap KBB di Indonesia? Menggunakan metode penelitian hukum normatif (doktrinal), studi ini menerapkan pendekatan perundang-undangan, konseptual, dan komparatif dengan mengkaji ketentuan Bab VII (Pasal 300–305) dan membandingkan dengan standar hak asasi manusia internasional serta KUHP sebelumnya. Temuan penelitian menunjukkan bahwa KUHP baru merumuskan tindak pidana terkait agama secara lebih terperinci

dengan mengkriminalisasi tindakan permusuhan, hasutan kekerasan, dan diskriminasi terhadap kelompok agama, serta memberikan perlindungan eksplisit bagi kelompok minoritas, khususnya penganut kepercayaan lokal. Namun, tantangan masih tetap ada dalam hal interpretasi dan konsistensi penegakan hukum. Penelitian ini memberikan kontribusi terhadap diskursus akademik tentang hak asasi manusia dan pembaruan hukum, dengan menyoroti aspek-aspek progresif dalam KUHP baru sekaligus mengkritisi potensi keterbatasannya dalam implementasi.

**Kata kunci:** KUHP Baru; Kebebasan Beragama dan Berkeyakinan; Pelindungan Hak Asasi Manusia; Reformasi Hukum

## I. Introduction

Since 1918, Indonesian criminal law has been governed by the Criminal Code, a statutory regulation. That Criminal Code, formerly known as *Wetboek van Strafrecht voor Nederlandsch Indie*, was part of the Dutch colonial law, which underwent a name change to the Criminal Code in 1946. In 1958, the National Legal Development Institute was established as the first step in efforts to revise the Criminal Code. Furthermore, at the First National Law Seminar in 1963, the Resolution for the formation of the Criminal Code was born. The draft of the new Criminal Code was then began to be written in 1964. In addition, President Sukarno Bambang Yudhoyono forwarded the Criminal Code Bill to the House of Representatives (DPR) in 2012, and President Joko Widodo sent it back in 2015.<sup>1</sup> Moreover, finally, on Monday, January 2, 2023, Indonesia's new Criminal Code (Law Number 1 of 2023), which contains 624 articles, was officially enacted with the provision that

it would take effect three years after its promulgation.<sup>2</sup>

As is known, the drafting of Law Number 1 of 2023 took a long time, spanning several decades before the new Criminal Code was finalized.<sup>3</sup> There were several considerations that called for a new Criminal Code. The previous Criminal Code, inherited from the colonial era, was considered outdated and no longer in line with contemporary developments. In addition, the then-prevailing Criminal Code lacked legal certainty.<sup>4</sup>

One topic still widely debated is the protection of freedom of religion and belief (FoRB). FoRB has progressed in the last few decades as a fundamental and universal right.<sup>5</sup> However, as the data from the Setara Institute shows in Figure 1, violations of FoRB in Indonesia, for example, in 2021, still occur frequently in several regions.

- 
- 1 Syarif Wibowo, "Melihat Perjalanan Panjang RUU KUHP serta Keunggulannya," nasional.sindonews.com, 25 November 2022, <https://nasional.sindonews.com/read/951939/94/melihat-perjalanan-panjang-ruu-kuhp-sera-keunggulannya-1669378290kosmikhukum.v25i1.24489>
  - 2 Matius Alfon Hutajulu, "Wamenkumham Ungkap RKUHP Mulai Berlaku 3 Tahun Setelah Diundangkan," news.detik.com, 25 No2022, <https://news.detik.com/berita/d-6426026/wamenkumham-ungkap-rkuhp-mulai-berlaku-3-tahun-setelah-diundangkan>
  - 3 Wahyu Haryadi, "Rancangan Undang-Undang Kitab Undang-Undang Hukum Pidana (RUU KUHP) di Indonesia Perspektif Teori Pembaharuan Hukum," *Jurnal Kertha Wicara* I, no. 1 (2020): 76–77, <http://lppm-unissula.com/jurnal.unissula.ac.id/index.php/PH/article/view/1457>
  - 4 Issan Harruma, "Sejarah KUHP dan Perjalanan Menuju KUHP Baru," kompas.com, 5 Juli 2022, <https://nasional.kompas.com/read/2022/07/05/01500051/sejarah-kuhp-dan-perjalanan-menuju-kuhp-baru>
  - 5 Catalin Raiu and Laura Mina-Raiu, "How to Cope with Counter-Performance in Public Administration. the Case of Freedom of Religion or Belief During the Pandemic," *Transylvanian Review of Administrative Sciences* 2022, no. 66 (2022): 81, <https://doi.org/10.24193/tras.66E.5>

As we all know, the Preamble to the 1945 Constitution of the Republic of Indonesia, i.e., the fundamental norms of the Republic of Indonesia sets forth *Pancasila*. Meanwhile, the articles in the body of the Constitution serve as the basic/principal rules of the state. Together, they provide a clear foundation for the right to freedom of religion and worship. The first principle of *Pancasila* acknowledges belief in the One and Only God Almighty. This means that every human being in Indonesia must respect the religion and beliefs of others. Everyone has the right to choose, embrace, and practice their religion freely, without interference and without disturbing others.

hibited on the internum aspect by Article 28 of the 1945 Constitution.

In light of these developments, this study aims to examine how the provisions of Law No. 1 of 2023 (new Criminal Code), particularly Chapter VII (Articles 300–305), regulate the protection of FoRB. The central research problem addressed is to what extent the new formulations provide stronger safeguards for individuals' rights to religious freedom within the framework of a democratic rule of law. This research is significant for enriching the academic discourse on civil rights protection in Indonesia, especially in the context of national criminal law reform.

- Jurnal Negara Hukum* Volume 16 Nomor 2 edisi Juni 2025

Reports from institutions such as the Setara Institute continue to highlight persistent challenges in the protection of FoRB, demonstrating that violations remain a recurring issue despite legal and policy developments. Furthermore, international standards such as the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) offer essential normative benchmarks for evaluating domestic legislation. To address these issues, this paper is structured as follows: the first part discusses FoRB as a civil rights of society in Indonesia, and the second part discusses the new Criminal Code and the protection of FoRB.

The research demonstrates significant academic novelty compared to prior studies on similar topics. Unlike previous works that focus solely on sociocultural interpretation (such as the 2025 CRCS UGM study) or Islamic jurisprudence (as in Dzaky Mushofa Amali's analysis), this research offers a comprehensive normative and comparative legal analysis of Articles 300–305. It uniquely integrates Indonesian constitutional law, international human rights instruments (ICCPR, UDHR), and critiques the ambiguities and enforcement challenges these provisions may pose. Compared to I Gede Didik Prasetya Hadi's statutory review, which lacks international context, the current study provides deeper insights by proposing systemic and institutional reforms to strengthen protections for religious freedom.

This research presents a clear novelty by offering a comprehensive normative and comparative analysis of Articles 300–305 of the new Criminal Code, which has not been thoroughly explored in previous studies. Unlike prior research that tends to focus either on sociocultural interpretations of religious freedom (such as CRCS UGM's work), on religious law perspectives (as seen in Dzaky Mushofa Amali's study rooted in Islamic jurisprudence), or on narrow statutory

reviews without broader human rights context (as in I Gede Didik Prasetya Hadi's analysis), this study stands out by systematically integrating national legal norms, international human rights standards, and practical enforcement concerns. Its novelty lies in bridging doctrinal, constitutional, and global frameworks while critically assessing both the textual substance and the implementation challenges of the new Criminal Code's religious provisions, thereby providing a more holistic and forward-looking contribution to legal scholarship on FoRB in Indonesia.

## II. Research Method

This study adopts a normative legal research method that focuses on the systematic analysis of legal norms and principles relevant to the protection of FoRB within the new Criminal Code. The research employs three complementary approaches: the statutory approach, the conceptual approach, and the comparative approach. The statutory approach is used to examine the formulation and substance of Articles 300–305 of the new Criminal Code, assessing their consistency with constitutional principles and international human rights standards. The conceptual approach involves analyzing fundamental legal concepts, particularly the notions of religious freedom and human rights, as embedded in national and international legal instruments. The comparative approach is employed to contrast the new provisions with the previous Criminal Code and relevant international norms, thereby evaluating whether the reforms align with global best practices in protecting FoRB.<sup>13</sup> The nature of the research used in this research is descriptive-prescriptive.<sup>14</sup> A literature review was conducted to collect data for this research, involving a search for relevant pieces of writing such as laws, books, government documents, and academic articles. This study analyzes using content analysis or content analysis.<sup>15</sup>

13 Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif Suatu Tinjauan Singkat* (Jakarta: Raja Grafindo Persada, 2001). Indonesia," *Binamulia Hukum* 11, no. 1 (July 2022): 2–3, <https://doi.org/10.37893/jbh.v11i1.668>

14 Zico Junius Fernando, "Perampasan Aset Pelaku Tindak Pidana dalam Perspektif Hak Asasi Manusia dan Prinsip Hukum Pidana," *Jurnal Legislasi Indonesia* 19, no. 1 (2022): 85, <https://doi.org/10.22212/jnh.v10i1.1217.84>

15 Zico Junius Fernando, Wiwit Pratiwi, and Yagie Sagita Putra, "Omnibus Law Sebuah Problematika dan Paradigma Hukum di Indonesia," *AL-IMARAH: Jurnal Pemerintahan dan Politik Islam* 6, no. 1 (2021)

### III. Freedom of Religion and Belief as Civil Rights of Society in Indonesia

FoRB is one of the most crucial and primary human rights.<sup>16</sup> Due to the importance of the right to FoRB, the public agreed to include it in the category of non-derogable rights, namely human rights that cannot be reduced or limited under any circumstances.<sup>17</sup> In the 1945 Constitution, the rights included in the non-derogable rights are regulated in Article 28 letter I, paragraph 1, which includes the right to life, the right not to be tortured, the right to freedom of thought, and conscience, the right to religion, the right not to be enslaved, the right to be recognized as a person before the law, and the right not to be prosecuted on a retroactive basis. Then, the Elucidation of Article 4 of Law Number 39 of 1999 on Human Rights has also further explained what is meant under any circumstances, including war, armed conflict, and emergencies.<sup>18</sup>

Meanwhile, derogable rights are rights whose fulfillment can still be reduced or limited by the State in certain circumstances.<sup>19</sup> Therefore, in the context of FoRB, the State is obliged to guarantee and protect every citizen as strengthened in Law Number 12 of 2005, which is the ratification of the Covenant on Civil and Political Rights. The logical consequence for the Indonesian Government to protect, respect, and fulfill the fundamental rights of citizens is a necessity.<sup>20</sup>

Apart from being listed in the UDHR, freedom of religion is also found in various

international historical documents on human rights, such as the documents Rights of Man France (1789), Bill of Rights of USA (1791) and the International Bill of Rights (1966). Article 2 of the UDHR states:

*"Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty".*

In general, the UDHR, which the United Nations announced in 1948, contains four central rights:

- (1) Individual rights or rights that each person has;
- (2) Collective rights or community rights that can only be enjoyed with other people, such as the right to peace, the right to development, and the right to a clean environment;
- (3) Civil and political rights include, among other things, rights that already exist in Indonesian law, such as the right to self-determination, the right to obtain compensation for those whose freedoms have been violated, the right to life, the right to freedom of thought, conscience and religion, equal rights for women and men to enjoy civil and political rights, the right of a person to be informed of the reasons at the time of arrest, equal rights and responsibilities between husband and wife, the right to freedom of expression;

16 David R Hodge, "Freedom in Chains? Religious Freedom Rights in an International Frame: Addressing the Increasing Intolerance and Violence Directed Toward People of Faith," *The British Journal of Social Work* 52, no. 8 (December 2, 2022): 4622, <https://doi.org/10.1093/BJSW/BCAC072>

17 David G. Kirchhoffer, "Dignity, Conscience and Religious Pluralism in Healthcare: An Argument for a Presumption in Favour of Respect for Religious Belief," *Bioethics* 37, no. 1 (January 1, 2023): 94-95, <https://doi.org/10.1111/BIOE.13110>

18 Maman Imanulhaq, "Kebebasan Beragama-Berkeyakinan sebagai Hak Asasi Manusia dan Mutlak Harus Dipenuhi Negara dalam Keadaan Apapun," *kompasiana.com*, 2016, [https://www.kompasiana.com/kang\\_maman72/571705e13a7b6125052c4144/kebebasan-beragamaberkeyakinan-sebagai-hak-asasi-manusia-yang-mutlak-harus-dipenuhi-negara-dalam-keadaan-apapun](https://www.kompasiana.com/kang_maman72/571705e13a7b6125052c4144/kebebasan-beragamaberkeyakinan-sebagai-hak-asasi-manusia-yang-mutlak-harus-dipenuhi-negara-dalam-keadaan-apapun)

19 I. A. Pibaev, "Autonomy of Religious Organizations and Freedom of Religion in the Context of the Spread of Covid-19 (Experience of Russia and Italy)," *Gosudarstvo i Pravo* 2022, no. 12 (December 22, 2022): 27-28, <https://doi.org/10.31857/S102694520017733-7>

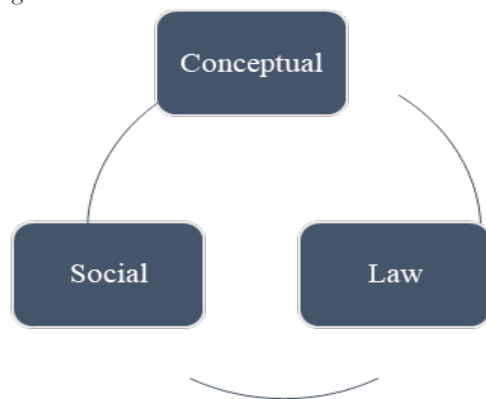
20 Agustina Raplina Samosir et al., "Gereja dan Krisis Kebebasan Beragama di Indonesia," *KURIOS (Jurnal Teologi dan Pendidikan Agama Kristen)* 8, no. 2 (October 27, 2022): 359, <https://doi.org/10.30995/KUR.V8I2.583>



(4) Economic, social, and cultural rights include the right to enjoy freedom from fear and poverty and; the prohibition of discrimination against race, color, sex, gender, and religion. Equal rights between men and women to enjoy economic, social, and cultural rights, the right to get a job. The right to obtain fair wages for male workers and women, the right to form trade unions, the right to strike, the right to education and the right to be free from hunger.

The guarantee of the right to FoRB in Indonesia still faces at least three challenges: conceptual, social, and legal.

Figure 2: Levels of a Challenge to Freedom of Religion and Belief in Indonesia



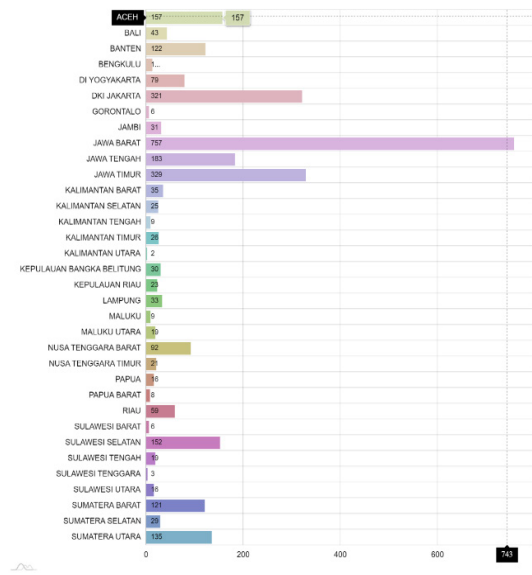
At the conceptual level, this concept is considered by some people as a concept born from Western traditions that are not in line with the

religious culture of Indonesian society. The freedom of religion is often seen as an idea that campaigns for unlimited freedom, which is contrary to local values.<sup>21</sup> At the social level, some people need more time to be ready to accept and interact with differences in religion and belief.<sup>22</sup> Even though historically, Indonesian society is a pluralistic society, in practice, there is no guarantee that respect for differences is carried out in an appropriate and non-violent manner.<sup>23</sup> The State's obligation to FoRB is similar to the State's obligation to human rights.<sup>24</sup> Freedom to practice a religion or belief can only be limited by provisions based on a law that is necessary to protect public safety, order, health, or morals, as well as the rights and freedoms of others.<sup>25</sup>

Various incidents across Indonesia, such as religiously motivated hate speech, acts of persecution, violent disruptions, and prohibitions on religious activities, illustrate the ongoing challenges to the realization of FoRB. Law enforcement efforts to address these violations have remained limited, with minority groups often facing criminal charges, particularly under provisions related to blasphemy or public order disturbances. These enforcement practices reflect an ongoing trend in which legal regulations prioritize restrictions on the protection of religious freedom.

- 21 Lisa P. Argyle, Rochelle Terman, and Matti Nelimarkka, "Religious Freedom in the City Pool: Gender Segregation, Partisanship, and the Construction of Symbolic Boundaries," *Politics and Religion* 15, no. 4 (December 1, 2022): 717, <https://doi.org/10.1017/S1755048322000086>
- 22 Nguyen Anh Cuong et al., "From Changes in Religious Policy to Consequences for Freedom of Religion and Belief in Vietnam," *Academic Journal of Interdisciplinary Studies* 11, no. 6 (2022): 77–79, <https://doi.org/10.36941/ajis-2022-0150>
- 23 Valerianus Beatae Jehanu, "Kebebasan Beragama atau Berkeyakinan di Indonesia," [lbhpengayoman.unpar.ac.id](https://lbhpengayoman.unpar.ac.id/kebebasan-beragama-atau-berkeyakinan-di-indonesia/), 2021, <https://lbhpengayoman.unpar.ac.id/kebebasan-beragama-atau-berkeyakinan-di-indonesia/>
- 24 Francesco Alicino, "The Legal Treatment of Muslims in Italy in the Age of Fear and Insecurity," *Journal of Law and Religion* 37, no. 3 (2022), <https://doi.org/10.1017/jlr.2022.42>
- 25 José Manuel Díaz J. de Valdés, "Libertad Religiosa y No Discriminación," *Revista Derecho Del Estado*, no. 53 (August 24, 2022): 167–93, <https://doi.org/10.18601/01229893.N53.06>

Figure 3: Violations of Freedom of Religion and Belief in Indonesia in 2021



Source: Setara Institute in 2021

Based on data collected by the Setara Institute, the overall number of violations of FoRB in Indonesia experienced a slight decrease in 2021 compared to the previous year. In 2020, the Setara Institute recorded 180 incidents and 424 related actions categorized as violations of FoRB. In 2021, these figures decreased to 171 incidents and 318 actions. The recorded incidents refer to distinct cases where acts threatening or infringing religious freedom occurred, while the actions encompass the specific forms of violation that were committed within those incidents, such as physical attacks, restrictions on worship activities, intimidation, discrimination, and destruction of places of worship.

The figure visually reflects these findings, indicating that although there was a numerical decline, the violations were still geographically widespread across several provinces. When comparing the two years, the difference in the number of incidents between 2020 and 2021 is relatively small, showing that FoRB violations continued to occur at a substantial rate. While the number of actions also declined, the overall patterns suggest that multiple forms of violations persisted across different regions, regardless of whether the total

figures slightly dropped. The data presented in the Figure 3 must be considered alongside the methodological notes regarding the limitations of data collection, including potential underreporting or variations in monitoring across different provinces. Thus, while a quantitative comparison shows a decrease, the figure highlights the continued presence of violations in various parts of Indonesia during 2021, similar to the situation observed in 2020.<sup>26</sup>

#### IV. New Criminal Code and Protection of Freedom of Religion and Belief

The principle of FoRB in these international human rights documents is clearly stated in article 18:

*“Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance”.*

The principle of FoRB, as enshrined in Article 18 of the UDHR, is a cornerstone of modern human rights philosophy and legal theory, embodying the fundamental right to autonomy and dignity. Legally, it is rooted in the broader framework of civil and political rights, ensuring that individuals are free to hold, change, and manifest their beliefs without undue state interference, as long as these practices do not harm others, a reflection of John Stuart Mill’s Harm Principle. Philosophically, this right is closely tied to the concepts of moral autonomy and authenticity, as articulated by Immanuel Kant and existentialist thinkers like Jean-Paul Sartre, who emphasize the importance of respecting individual dignity and the freedom to live according to one’s values. From a human rights perspective, this principle is part of a broader, interconnected framework of rights that are universal, indivisible, and interdependent, where the protection of religious freedom is essential for the safeguarding of other fundamental freedoms, such as expression and assembly. However, this right is not absolute and may be limited under strict conditions to protect public safety,

26 Setara Institute, “Kondisi Kebebasan Beragama/Berkeyakinan di Indonesia 2021,” 2022, accessed January 21, 2023, <https://setara-institute.org/kondisi-kebebasan-beragamaberkeyakinan-di-indonesia-2021/>

order, and the rights of others, ensuring a balance between individual freedoms and the needs of the broader community.

The right to freedom of religion is also stated in more detail in the International Covenant on Civil and Political Rights in Article 18. The Government of Indonesia has ratified this Covenant through Law Number 12 of 2005. The contents are as follows:

- (1) *“Everyone has the right to freedom of thought, belief, and religion. This right includes freedom to adopt or accept a religion or belief of his choice and freedom, either individually or in community with others, in public or private, to manifest his religion or belief in worship, observance, practice, and teaching;*
- (2) *No one may be coerced to interfere with his freedom to have or accept a religion or belief”.*

The right to freedom of religion, as detailed in Article 18 of the International Covenant on Civil and Political Rights (ICCPR), which Indonesia ratified through Law Number 12 of 2005, provides a comprehensive framework for protecting this fundamental human right. This article emphasizes not only the freedom to hold personal religious beliefs but also the freedom to choose, change, and express those beliefs individually or in community, both publicly and privately. This broad protection underscores the importance of autonomy and personal choice in matters of religion, reflecting the principle that religious freedom is integral to human dignity and self-determination. Moreover, the explicit prohibition against coercion highlights the commitment to ensuring that individuals are not forced to adhere to, change, or abandon their religious beliefs, reinforcing the notion that any form of compulsion in matters of faith is a violation of basic human rights. This detailed articulation within the ICCPR aligns with international human rights standards and serves as a critical legal foundation for protecting religious freedom in Indonesia, demanding that the state not only refrain from interfering in religious matters but also actively prevent and address any forms of coercion or discrimination related to religious beliefs.

Frequently, one can find questions such as:

Which religions are protected by the right to FoRB? Is it only the major world religions, or does it include local religions or beliefs? Whether all religions and all kinds of beliefs. Such questions, while seemingly straightforward, can be misleading, they are a trap. People often assume that the right to FoRB protects religion or belief. Actually, like all other human rights, what is protected is the human being, not the religion or belief itself. FoRB protects people who embrace religion, believe in or practice old and new religions, historical religions in a country, or other religions. FoRB also protects people with non-religious beliefs, such as atheists, humanists, and so on, wherever they are. It even protects people who do not care about religion or beliefs.

Regarding the relationship between the State and religion, the General Comment on the Covenant on Civil and Political Rights Number 22 Number 9 states that the problem is not the existence of a state religion, official religion, traditional religion, or religion that is adhered to by the majority. These things are permissible according to international law as long as they do not reduce the enjoyment of rights or lead to discrimination against adherents of other religions (which are not made the official state religion) or those who do not adhere to any religion. Discrimination here includes, among other things, the prohibition of providing public services to them or giving them economic privileges or specific prohibitions regarding the practice of other beliefs. Likewise, there is an official ideology in a country's constitution, law, or practice.

Law Number 1 of 2023 on the Criminal Code received a lot of criticism and scrutiny from several groups, including those related to the protection of FoRB. In the study conducted by the author, religious offenses in the new Criminal Code have been regulated in a much better formulation than before. Religious offenses in the new Criminal Code are directed at hostile, hateful acts, inciting violence, and discriminating against religion, other people's beliefs, groups, or groups based on religion and belief. To avoid the possibility of misuse in its implementation, Article 300 of the new Criminal Code explains that the offense cannot be used



to punish actions or written or oral statements that are carried out objectively and limited to one's circle or are scientific regarding religion or belief accompanied by efforts to avoid words or sentences that are hostile, hateful or incitement.<sup>27</sup>

Religious offenses in the new Criminal Code also explicitly protect minority groups, especially adherents of beliefs that did not exist in the previous Criminal Code. This can be seen in the title of Chapter VII of the new Criminal Code, which contains six articles (articles 300–305), namely crimes against religion, belief, and religious life or beliefs.

#### Part One

#### Crime Against Religion and Belief

##### Article 300

“Everyone in Public who:

- a. Perform acts of a hostile nature;
- b. Express hatred or hostility; or
- c. Inciting or discriminating, Violence against religion, other people's beliefs, class, or groups based on religion or belief in Indonesia shall be imprisoned for a maximum of 3 (three) years or a maximum fine of category IV”.

Article 300 of the new Criminal Code represents a significant development in the legal protection of religious freedom and social harmony. This provision explicitly criminalizes actions performed in public that are hostile in nature, express hatred or hostility, or incite discrimination or violence against others based on their religion or beliefs. The punishment for violating this article includes imprisonment for up to three years or a fine of up to Category IV, indicating the serious consequences for such offenses. The article's clear articulation of what constitutes a crime against religion and belief, hostile acts, expressions of hatred, and incitement to violence or discrimination sets a legal boundary for acceptable behavior in public discourse and interaction. However, it also introduces an important distinction that not all speech or expression related to

religion or belief constitutes a crime. Specifically, the article clarifies that actions or statements made objectively and in a manner that avoids hostility, hatred, or incitement are not criminalized. This exemption is particularly relevant for academic, scientific, or private discussions that may critically engage with religious topics without inciting violence or discrimination. This dual aspect of Article 300 serves as a crucial balancing act. On the one hand, it provides robust protection against actions that could disrupt social harmony and provoke violence or discrimination. On the other hand, it ensures that the law does not overreach to stifle legitimate and constructive discourse on religion and belief. This distinction is vital in preserving freedom of expression, particularly in scholarly or private contexts, where discussions about religion or belief are often necessary for the advancement of knowledge and understanding. In analyzing this article, it becomes evident that the law seeks to maintain public order and protect individuals from harm while also safeguarding the essential freedoms of thought and expression. The provision reflects a nuanced approach to managing the delicate balance between protecting religious and social harmony and upholding the rights to freedom of expression and belief. By clearly defining what constitutes a criminal act under this provision, the law provides a framework that supports both the protection of religious groups and the free exchange of ideas, which is vital in a pluralistic and democratic society like Indonesia.

##### Article 301

- 1) “Every person who broadcasts, shows, attaches writing or pictures, or listens to a recording, including disseminating through information technology facilities containing criminal acts as referred to in Article 300, with the intention that the contents of said writings, pictures, or recordings are known or better known by the public, shall be punished with imprisonment for a maximum of 5 (five) years or a maximum fine of category V;

---

27 Markus Saragih, “KUHP Baru Berikan Perlindungan Kebebasan Beragama dan Berkeyakinan,” [pgi.or.id](http://pgi.or.id), 2022,

- 2) *If Everyone, as referred to in paragraph (1), commits the said act while carrying out his profession and at that time it has not passed 2 (two) years since the sentencing decision has obtained permanent legal force for committing the same crime, then he may be subject to additional punishment in the form of revocation rights as referred to in Article 86 letter I”.*

Article 301 of the new Criminal Code builds on the protections and restrictions outlined in Article 300, extending the legal framework to cover the dissemination of content related to crimes against religion and belief. Specifically, this article targets individuals who, with the intent to spread or increase public awareness, broadcast, display, attach writings or images, or listen to recordings that contain elements of the criminal acts described in Article 300, including those disseminated through information technology. The penalty for violating this provision is severe, with a maximum imprisonment of five years or a fine of up to Category V, reflecting the seriousness with which the law treats the propagation of harmful content. This provision is significant because it addresses the modern reality of how information spreads, particularly through digital platforms and social media. By criminalizing the intentional dissemination of content that incites hostility, hatred, or violence based on religion or belief, Article 301 seeks to curb the potential for such content to cause widespread harm, incite discrimination, or disrupt public order. The law recognizes that the act of spreading such material can have a broader and more damaging impact than the original creation of the content, especially in today’s highly interconnected and fast-paced information environment. The second paragraph of Article 301 introduces an even stricter penalty for repeat offenders, particularly those who commit the act in the course of their professional duties. If an individual who has already been convicted of a similar crime within the past two years commits another offense of the same nature, they may face additional sanctions, including the revocation of certain rights, as stipulated in Article 86 letter I. This provision is likely aimed at professionals in the media, journalism, and related

fields, where the potential influence and reach of disseminated content are significantly higher. By imposing harsher penalties on those who misuse their professional platform to spread harmful content, the law seeks to hold individuals to a higher standard of responsibility, particularly in professions where ethical dissemination of information is crucial. Analyzing Article 301, it is clear that the law is designed to prevent the amplification of content that could exacerbate religious tensions or incite violence, while also addressing the role of professionals in such acts. The emphasis on intent—requiring that the dissemination be done with the purpose of making the content known to the public—ensures that the law targets deliberate actions rather than accidental or unintentional sharing. This focus on intent is important to distinguish between those who actively seek to cause harm and those who may inadvertently share such content without malicious intent.

#### Article 302

- 1) *“Every person who in public incites people with the intention that a person has no religion or belief adhered to in Indonesia shall be punished with imprisonment for a maximum of 2 (two) years or a maximum fine of category III;*
- 2) *Any person with Violence or threats of Violence forces someone to become irreligious or religious or to change religions or beliefs adhered to in Indonesia shall be imprisoned for a maximum of 4 (four) years or a maximum fine of category IV”.*

Article 302 of the new Criminal Code establishes legal protections against both incitement to irreligion and coercion in matters of religious belief, reflecting the State’s commitment to safeguarding individual FoRB. The first paragraph criminalizes public incitement with the intent to lead others away from any recognized religion or belief in Indonesia, punishable by up to two years of imprisonment or a fine of Category III. This provision aims to protect individuals from being unduly influenced or pressured to abandon their religious beliefs, recognizing the potential harm that such public advocacy can cause to social harmony and the integrity of religious communities.

The law acknowledges that while freedom of expression is a fundamental right, it must be balanced against the need to protect individuals from actions that could undermine their religious or belief-based identity. The second paragraph of Article 302 goes further by addressing coercion, where violence or threats of violence are used to force someone to become irreligious, adopt a religion, or change their religion or belief. Such acts are punishable by up to four years of imprisonment or a fine of Category IV. This provision underscores the importance of voluntary religious expression, affirming that any form of coercion in matters of faith is a serious violation of personal autonomy and human rights. By criminalizing both incitement and coercion, Article 302 reinforces the principle that religious belief and practice should be a matter of personal choice, free from external pressure or force, thereby upholding the individual's right to religious freedom in a pluralistic society.

## The Second Part

### Crimes Against Religious Life or Beliefs and Facilities of Worship

#### Article 303

- 1) *"Everyone who makes a noise near the place to carry out worship while the service is in progress shall be punished with a maximum fine of category I;*
- 2) *Everyone who with Violence or threats of Violence disturbs, obstructs, or dissolves a meeting of religion or belief, shall be punished with imprisonment for a maximum of 2 (two) years or a maximum fine of category III;*
- 3) *Everyone who with Violence or threats of Violence disturbs, obstructs, or disperses people who are carrying out worship or religious ceremonies or beliefs, shall be punished with imprisonment for a maximum of 5 (five) years or a maximum fine of category IV".*

Article 303 of the new Criminal Code provides a comprehensive legal framework to protect religious practices and facilities of worship from disturbances and violence, reflecting the state's commitment to upholding religious freedom and public

order. The first paragraph criminalizes making noise near places of worship during services, punishable by a fine of up to Category I, underscoring the importance of maintaining a respectful and peaceful environment conducive to worship. This provision highlights the need to protect the sanctity and solemnity of religious ceremonies, ensuring that worshippers can engage in their spiritual practices without external disruptions. The second paragraph escalates seriousness by addressing acts of violence or threats that disturb, obstruct, or dissolve religious meetings, with penalties of up to two years of imprisonment or a fine of up to Category III. This aspect of the law is crucial for safeguarding the right to religious assembly, recognizing that such gatherings are vital expressions of religious freedom and community solidarity. The third and most severe provision targets those who use violence or threats to disrupt or disperse worshippers during religious ceremonies, with penalties of up to five years of imprisonment or a fine of up to Category IV. This provision reflects the gravity of using force to interfere with religious practices, recognizing it as a direct assault on the fundamental right to freedom of religion. By addressing both minor disruptions and more severe acts of violence, Article 303 ensures a layered approach to protecting religious life, affirming the state's role in preserving not only the freedom of belief but also the peaceful and respectful conduct of religious practices within society.

#### Article 304

*"Any person who publicly commits contempt against a person who is carrying out or leading the organization of a religious or belief service or ceremony shall be punished with imprisonment for a maximum of one year or a maximum fine of category III".*

Article 304 of the new Criminal Code addresses the protection of individuals involved in the conduct of religious or belief services and ceremonies from public acts of contempt. The article stipulates that anyone who publicly commits an act of contempt against a person who is either conducting or leading a religious service or ceremony can be punished with up to one year of imprisonment or a fine of up to Category III.

This provision serves as a crucial safeguard for the dignity and respect of religious leaders and participants during religious ceremonies. The specific targeting of “public” acts of contempt underscores the significance of maintaining a respectful environment during religious observances, recognizing that public displays of contempt not only undermine the authority and sanctity of the individual leading the ceremony but can also disrupt the communal harmony and respect that such events are meant to foster. The relatively moderate penalty of up to one year of imprisonment or a fine suggests that while the offense is serious, it is considered less severe than acts of violence or disruption directly targeting religious practices, as covered in other articles of the Code. However, this does not diminish the importance of the provision, as it reinforces the principle that religious and belief ceremonies should be conducted in an atmosphere of respect and reverence, free from public disdain or insult. In essence, Article 304 reflects the broader commitment of the Indonesian legal framework to protect not only the right to practice religion and belief but also the dignity of those who facilitate and lead such practices. By criminalizing public contempt in this context, the law seeks to ensure that religious and belief-based activities are carried out with the respect they deserve, thereby contributing to the overall maintenance of religious harmony and social order.

#### Article 305

- 1) *“Every person who desecrates a place of worship or a religious ceremony or belief or an object used for worship, or a religious ceremony or belief shall be punished with imprisonment for a maximum of 1 (one) year or a maximum fine of category II;*
- 2) *Any person who unlawfully destroys or burns a place of worship or religious ceremony or belief or object used for worship or religious ceremony, or belief shall be punished with imprisonment for a maximum of 5 (five) years or a maximum fine of category V”.*

Article 305 of the new Criminal Code sets

forth clear legal consequences for actions that desecrate or destroy religious sites, ceremonies, or objects, underscoring the law’s dedication to preserving the sanctity and respect of religious practices. The first paragraph criminalizes acts of desecration, such as vandalism or defacement of places of worship, religious ceremonies, or objects used in such ceremonies, with a penalty of up to one year of imprisonment or a fine of up to Category II. This provision recognizes the importance of maintaining the dignity and reverence of religious symbols and practices, even if the physical harm is not extensive. The second paragraph addresses more severe offenses, specifically the unlawful destruction or burning of religious sites, ceremonies, or objects, punishable by up to five years of imprisonment or a fine of up to Category V. This harsher penalty reflects the significant impact such acts have on the spiritual and communal life of religious groups, as the destruction of sacred spaces and objects represents a profound violation of religious freedom and community identity. Article 305, therefore, plays a crucial role in protecting religious harmony and ensuring that religious communities can practice their faith without fear of their sacred spaces or objects being violated, thereby promoting social cohesion and respect for diversity in Indonesia.

From the rules and explanations above, the author does not fully justify whether the new Criminal Code is a threat to FoRB. The new Criminal Code provides much better protection and guarantees FoRB than the old Criminal Code. For example, the new Criminal Code no longer contains the norm of “blasphemy of religion” as in the previous Criminal Code, which activists had questioned. It does not contain any blasphemy articles as contained in the old Dutch-era Criminal Code. The new Criminal Code is considered capable of guaranteeing FoRB in society.<sup>28</sup>

Deputy Minister of Law and Human Rights Edward O.S. Hiarij stated that the Criminal Code has at least five missions: decolonization, democratization,

---

28 Gunawan, “KUHP Baru Beri Jaminan Kebebasan Beragama dan Berkeyakinan,” [radarsampit.jawapos.com](https://radarsampit.jawapos.com), 2023, <https://radarsampit.jawapos.com/nasional/27/12/2022/kuhp-baru-beri-jaminan-kebebasan-beragama-dan-berkeyakinan/>

recodification, harmonization, and modernization.<sup>29</sup> The establishment of this new Criminal Code deserves appreciation as a renewal of norms and the criminal law system. The new Criminal Code is futuristic because it contains norms covering future legal requirements, and contains many advantages. Among other things, it better reflects the values and norms of Indonesia as a sovereign country and is more in line with modern times. This is because the nation drafted this new Criminal Code in the modern era, which has developed far from when the colonial Criminal Code was drafted hundreds of years ago.

## V. Closing

### A. Conclusion

The new Criminal Code marks an important legislative development in Indonesia's efforts to regulate religious offenses more explicitly. Its provisions under Chapter VII (Articles 300–305) demonstrate an attempt to refine the legal framework concerning FoRB, particularly by introducing protections against hostility, incitement, and discrimination based on religion or belief. However, while these efforts are notable, it would be premature to characterize the new Code as a substantial improvement without acknowledging its inherent limitations and potential risks. Several challenges persist that could undermine the intended protection. The definitions of “hostile acts” and “expressions of hatred” remain sufficiently broad and vague, creating potential risks of misuse or overreach. These ambiguities could be exploited to suppress dissenting religious expressions or to criminalize peaceful religious practices, particularly affecting minority or non-mainstream belief communities. Furthermore, although the new provisions formally recognize indigenous and minority beliefs, in practice, political, social, and institutional biases may still hinder equitable protection and fair enforcement. Law enforcement inadequacies continue

to pose a major challenge to the effective realization of religious freedom. The selective or inconsistent application of the law, coupled with entrenched discrimination at various levels, risks perpetuating the very issues the new Criminal Code seeks to address. Thus, while the new Criminal Code represents a step toward updating Indonesia's legal framework, its real impact on the protection of FoRB will depend heavily on the consistency, neutrality, and fairness of its implementation. A more balanced view suggests that the new Criminal Code offers opportunities for strengthening religious freedom, but it simultaneously requires vigilant oversight, critical interpretation, and ongoing reform efforts to ensure that its enforcement does not replicate or entrench existing patterns of discrimination and intolerance. Future academic and policy discussions should continue to monitor the practical application of these provisions and advocate for safeguards that prioritize human rights, religious pluralism, and constitutional guarantees.

### B. Recommendation

To better protect FoRB in Indonesia, several key steps are recommended: First, applying the new Criminal Code effectively requires more than just training for police and judges. It also needs bigger reforms to fix problems like bias, political pressure, and intolerance. This includes setting up independent bodies to watch how FoRB laws are used, adding FoRB principles into police and judicial ethics, and improving accountability within law enforcement. Second, laws on blasphemy should be reviewed and improved through an open and inclusive process. This means checking current laws, involving minority groups and legal experts, and creating clear and specific definitions to prevent misuse. These changes should be supported by legal reviews and court challenges if needed. Third, stronger support for FoRB needs long-term cooperation between the government, civil society, human rights groups, and religious leaders.

---

29 Happy Fajrian, “Sosialisasikan KUHP Baru, Mahfud MD: Bukan untuk Melindungi Jokowi,” *katadata.co.id*, 2023, <https://katadata.co.id/happyfajrian/berita/63cfece1e187b/sosialisasikan-kuhp-baru-mahfud-md-bukan-untuk-melindungi-jokowi>



This can be done through official committees or dialogue platforms that can act quickly to resolve problems and give real solutions. Lastly, public awareness campaigns are helpful but must be part of a bigger plan. These should teach people about constitutional rights and promote tolerance, but also be backed by real legal protections and enforcement.

### References

- Abrar, Al. "UU KUHP dan Baru Harus Gencar Disosialisasikan." medcom.id, 2023. <https://www.medcom.id/nasional/daerah/1KYPWmAk-uu-kuhp-yang-baru-harus-gencar-disosialisasikan>
- Alicino, Francesco. "The Legal Treatment of Muslims in Italy in the Age of Fear and Insecurity." *Journal of Law and Religion* 37, no. 3 (2022): 478–500. <https://doi.org/10.1017/jlr.2022.42>
- Argyle, Lisa P., Rochelle Terman, and Matti Nelimarkka. "Religious Freedom in the City Pool: Gender Segregation, Partisanship, and the Construction of Symbolic Boundaries." *Politics and Religion* 15, no. 4 (December 1, 2022): 700–721. <https://doi.org/10.1017/S1755048322000086>
- Barker, Renae. "The Place of the Child in Recent Australian Debate about Freedom of Religion and Belief." *Laws*. Vol. 11: 83. (November 17, 2022): 1–16. <https://doi.org/10.3390/LAWS11060083>
- Bphn.go.id. "RUU KUHP : Upaya Pembangunan Hukum Melalui Rekodifikasi Hukum Pidana Nasional." Humas dan Protokol BPHN, 2021. <https://bphn.go.id/pubs/news/read/2021050504491389/ruu-kuhp-upaya-pembangunan-hukum-melalui-rekodifikasi-hukum-pidana-nasional>
- Cuong, Nguyen Anh, Do Quang Hung, Nguyen Huu Thu, Nguyen Viet Hung, Pham Quoc Thanh, Vu Bao Tuan, and Tran Mai Uoc. "From Changes in Religious Policy to Consequences for Freedom of Religion and Belief in Vietnam." *Academic Journal of Interdisciplinary Studies* 11, no. 6 (2022): 77–79. <https://doi.org/10.36941/ajis-2022-0150>
- Demut, André. "Positive Und Negative Religionsfreiheit Als Grundrechte Für Alle Verfassungstheoretische Perspektiven." *Evangelische Theologie* 82, no. 6 (December 1, 2022): 462–469. <https://doi.org/10.14315/EVTH-2022-820609/MACHINEREADABLECITATION/RIS>
- Fajrian, Happy. "Sosialisasikan KUHP Baru, Mahfud MD: Bukan untuk Melindungi Jokowi." katadata.co.id, 2023. <https://katadata.co.id/happyfajrian/berita/63cfece1e187b/sosialisasikan-kuhp-baru-mahfud-md-bukan-untuk-melindungi-jokowi>
- Fatmawati. "Perlindungan Hak atas Kebebasan Beragama dan Beribadah dalam Negara Hukum Indonesia." *Jurnal Konstitusi* 8, no. 3 (2011): 489–520
- Fernando, Zico Junius. "Perampasan Aset Pelaku Tindak Pidana dalam Perspektif Hak Asasi Manusia dan Prinsip Hukum Pidana." *Jurnal Legislasi Indonesia* 19, no. 1 (2022): 83–93. <https://doi.org/10.22212/jnh.v10i1.1217.84>
- Fernando, Zico Junius, Wiwit Pratiwi, and Yagie Sagita Putra. "Omnibus Law Sebuah Problematika dan Paradigma Hukum di Indonesia." *AL-IMARAH: Jurnal Pemerintahan dan Politik Islam* 6, no. 1 (2021): 172–186. <https://doi.org/http://dx.doi.org/10.29300/imr.v6i1.4122>
- Gunawan. "KUHP Baru Beri Jaminan Kebebasan Beragama dan Berkeyakinan." <https://radarsampit.jawapos.com/>, 2023. <https://radarsampit.jawapos.com/nasional/27/12/2022/kuhp-baru-beri-jaminan-kebebasan-beragama-dan-berkeyakinan/>
- Herlambang, Agus. "The Role Pancasila Ideology in Maintaining National Integration in Indonesia." *International Journal of Scientific & Engineering Research* 10, no. 10 (2019): 239. <https://www.ijser.org/onlineResearchPaperViewer.aspx?The-Role-Pancasila-Ideology-in-Maintaining-National-Integration-in-Indonesia.pdf>
- Hodge, David R. "Freedom in Chains? Religious Freedom Rights in an International Frame: Addressing the Increasing Intolerance and Violence Directed Toward People of Faith." *The British Journal of Social Work* 52, no. 8 (December 2, 2022): 4622–4639. <https://doi.org/10.1093/BJSW/BCAC072>

- icjr. "Mengenal Kovenan Internasional Hak Sipil dan Politik." icjr.or.id, 2012. <https://icjr.or.id/mengenal-kovenan-internasional-hak-sipil-dan-politik/>
- Imanulhaq, Maman. "Kebebasan Beragama-Berkeyakinan sebagai Hak Asasi Manusia dan Mutlak Harus Dipenuhi Negara dalam Keadaan Apapun." *kompasiana.com*, 2016. [https://www.kompasiana.com/kang\\_maman72/571705e13a7b6125052c4144/kebebasan-beragamberekeyakinan-sebagai-hak-asasi-manusia-yang-mutlak-harus-dipenuhi-negara-dalam-keadaan-apapun](https://www.kompasiana.com/kang_maman72/571705e13a7b6125052c4144/kebebasan-beragamberekeyakinan-sebagai-hak-asasi-manusia-yang-mutlak-harus-dipenuhi-negara-dalam-keadaan-apapun)
- Ismayawati, Any. "Pancasila Sebagai Dasar Pembangunan Hukum di Indonesia." *YUDISIA: Jurnal Pemikiran Hukum dan Hukum Islam* 8, no. 1 (2018): 54. <https://doi.org/10.21043/yudisia.v8i1.3231>
- Harruma, Issan. "Sejarah KUHP dan Perjalanan Menuju KUHP Baru." *Nasional.kompas.com*, 5 Juli 2022. <https://nasional.kompas.com/read/2022/07/05/01500051/sejarah-kuhp-dan-perjalanan-menuju-kuhp-baru>
- Kirchhoffer, David G. "Dignity, Conscience and Religious Pluralism in Healthcare: An Argument for a Presumption in Favour of Respect for Religious Belief." *Bioethics* 37, no. 1 (January 1, 2023): 88-97. <https://doi.org/10.1111/BIOE.13110>
- Markus Saragih. "KUHP Baru Berikan Perlindungan Kebebasan Beragama dan Berkeyakinan." *pgi.or.id*, 2022. <https://pgi.or.id/kuhp-baru-berikan-perlindungan-kebebasan-beragama-dan-berkeyakinan/>
- Hutajulu, Matius Alfon. Wamenkumham Ungkap RKUHP Mulai Berlaku 3 Tahun Setelah Diundangkan. *news.detik.com*. 25 November 2022. <https://news.detik.com/berita/d-6426026/wamenkumham-ungkap-rkuhp-mulai-berlaku-3-tahun-setelah-diundangkan>
- Pasu Purba, Iman, and Permai Yudi. "Implementasi Jaminan Konstitusi Terhadap Kebebasan Beragama dan Berkeyakinan di Indonesia." *Jurnal Pancasila dan Kewarganegaraan* 4, no. 2 (July 15, 2019): 40-52. <https://doi.org/10.24269/JPK.V4.N2.2019.PP40-52>
- Pibaev, I. A. "Autonomy of Religious Organizations and Freedom of Religion in the Context of the Spread of COVID-19 (Experience of Russia and Italy)." *Gosudarstvo i Pravo* 2022, no. 12 (December 22, 2022): 7-16. <https://doi.org/10.31857/S102694520017733-7>
- Raiu, Catalin, and Laura Mina-Raiu. "How to Cope with Counter-Performance in Public Administration. the Case of Freedom of Religion or Belief During the Pandemic." *Transylvanian Review of Administrative Sciences* 2022, no. 66 (2022): 81-98. <https://doi.org/10.24193/tras.66E.5>
- Samosir, Agustina Raplina, Reymond Pandapotan Sianturi, Ejodia Kakunsi, Sekolah Tinggi Filsafat, Teologi Jakarta, and Jakarta DKI. "Gereja dan Krisis Kebebasan Beragama di Indonesia." *KURIOS (Jurnal Teologi dan Pendidikan Agama Kristen)* 8, no. 2 (October 27, 2022): 355-369. <https://doi.org/10.30995/KUR.V8I2.583>
- Setara Institute. "Kondisi Kebebasan Beragama/Berkeyakinan di Indonesia 2021." 2022. Accessed January 21, 2023. <https://setara-institute.org/kondisi-kebebasan-beragamberekeyakinan-di-indonesia-2021/>
- Soekanto, Soerjono, and Sri Mamudji. *Penelitian Hukum Normatif Suatu Tinjauan Singkat*. Jakarta: Raja Grafindo Persada, 2001.
- Wibowo, Syarif. Melihat Perjalanan Panjang RUU KUHP serta Keunggulannya. *nasional.sindonews.com*. 2022. <https://nasional.sindonews.com/read/951939/94/melihat-perjalanan-panjang-ruu-kuhp-serta-keunggulannya-1669378290>
- Tokrri, Renata, Blerina Muskaj, and Ersi Bozheku. "National Identity between the Principle of the Secular State and Freedom of Religion." *Journal of Educational and Social Research* 12, no. 6 (2022): 94-101. <https://doi.org/10.36941/jesr-2022-0147>
- Valdés, José Manuel Díaz J. de. "Libertad Religiosa y No Discriminación." *Revista Derecho Del Estado*, no. 53 (August 24, 2022): 167-193. <https://doi.org/10.18601/01229893.N53.06>

- Valerianus Beatae Jehanu. "Kebebasan Beragama atau Berkeyakinan di Indonesia." lbhpe-ngayoman.unpar.ac.id, 2021. <https://lbhpe-ngayoman.unpar.ac.id/kebebasan-beragama-atau-berkeyakinan-di-indonesia/>
- Haryadi, Wahyu. "Rancangan Undang-Undang Kitab Undang-Undang Hukum Pidana (RUU KUHP) di Indonesia Perspektif Teori Pembaharuan Hukum." *Jurnal Kertha Wicara I*, no. 1 (2020): 76–77. <http://lppm-unissula.com/jurnal.unissula.ac.id/index.php/PH/article/view/1457>
- Zainuddin, M. "Kebebasan Beragama dan Demokratisasi di Indonesia." *El-Harakah* 11, no. 50 (2009): 172–80.
- Zico Junius Fernando et al. "Preventing Bribery in the Private Sector Through Legal Reform Based on Pancasila." *Cogent Social Sciences* 8, no. 1 (2022): 1–14. <https://doi.org/10.1080/23311886.2022.213890>