

UNOFFICIAL TRANSLATION

Religious Rights Protection Bill

Considering:

- a. that the state guarantees the freedom of its every citizen to adhere to his or her own religious faiths and to practice their religious rituals, as embodied in the state ideology *Pancasila* (file national values) and the 1945 Indonesian Constitution;
- b. That a diversity of religions is a social fact embedded in our societal and national life, thereby requires the state to affirm its protection to every citizen's right to apply their religious dogmas in an orderly, secure, peaceful and harmonious manner.
- c. That the existing legal regulations guaranteeing the protection of religious rights are neither sufficient nor applicable enough to the changing landscape of the society's legal needs;
- d. That based on considerations encapsulated in points a to c, we need to formulate a law on the protection of citizens' religious rights.

CHAPTER I

GENERAL TERMS

Article 1, definitions.

1. It is mandatory for the state to protect its citizens' religious rights. The government is responsible to regulate, supervise and monitor its citizens' religious life in order to guarantee the freedom of each citizen to adhere to his or her own religious faith and to conduct rituals based on the religious belief.
2. Religion is defined as an institution that comprises a faith and ritual system derived from holy books and other sources of teaching that are believed by their adherents to come directly from a unitary God.
3. Religious services, in terms of worship houses construction, religious guidance, holy books, spiritual leaders and religious education, are provided by the state.
4. Proselytization refers to an activity of spreading religious teachings, both directly and indirectly.
5. Worship houses are public buildings with certain characteristics that are used by religious adherents to conduct their prayers and rituals, not including private or family-owned worship spaces.
6. Inter-religious harmony forum (FKUB) is a forum set up by the society, with support from the government, to develop, maintain and empower religious harmony.
7. 'Everyone' refers to individuals or legal bodies.
8. The government refers to the Indonesian President, Vice President and their ministers.

9. Regional governments are regional heads who implement regional governance within the authorities of autonomous regions.
10. The minister refers to the religious affairs minister.

Article 2

1. Everyone has the right to confess his or her own individual faith and perform rituals accordingly.
2. To guarantee the religious freedom, including the freedom to perform religious rituals, for its adherents, the government regulates, supervises and monitors the implementation of religious life based on this law.

Article 3

1. Religious rights protection aspects covered in this bill are religious councils, FKUB, official recognition of religions, worship house construction, religious proselytization, the celebration of religious holidays, the burial of dead bodies and aids from foreign countries.
2. Duties and responsibilities of the government in protecting the religious freedom of its citizens are implemented by the minister of religious affairs.

CHAPTER II

OFFICIAL RECOGNITION OF RELIGIONS

Article 4

1. Islam, Christianity, Catholicism, Hinduism, Buddhism and Confucianism are the six religions officially recognized by the state [which followers] are entitled to get services pertaining to their religious rights from the state.
2. [Adherents of] religions which are not officially recognized by the state will only attain their religious rights after having their religions officially recognized by the government.
3. In order to be officially recognized by the religious minister, a religion has to fulfill the following requirements:
 - a. Possesses a faith and ritual system derived from a holy book and other sources of teaching, written or not, which are believed by their adherents to come directly from a unitary God.
 - b. Possesses a religious council and/or committee that could represent adherents of the religion when dealing with the government or other parties.
 - c. Has a minimum of 10,000 religious adherents.
4. When a particular religion is able to fulfill criteria a and b stipulated in point number 3, but has not been able to cover the criteria c stipulated in the same point, their existence as

a religious system will be recognized by the state yet the state will not fulfill the religious rights of their adherents.

5. The religion with characteristics expressed on point number 4 will also attain administrative services from the government in line with regulations stipulated in legal regulations.

Article 5

Further terms on the procedures of official recognition for religions are regulated by government regulations.

CHAPTER III

RELIGIOUS COUNCILS

Article 6

1. All religions have one council to represent the adherents of each concerned religion.
2. The religious council takes the form of a mass organization with a legal body.
3. The religious council has to be located in the capital city.

Article 7

1. The functions of the religious council are the following:
 - a. *text missing*
 - b. Conducting an assessment to religious streams which are deemed to be heretic.
 - c. Represent adherents of a particular religion to deal with the government and other parties.
2. In carrying out their functions as stipulated in point number 1, religious councils have to prioritize nation-oriented, tolerant and open-to-dialogue approaches.

CHAPTER IV

INTER-RELIGIOUS HARMONY FORUM (FKUB)

Article 8

1. Regional governments need to facilitate the formation of FKUB in their respective provinces and regencies/cities to serve as an external platform that helps maintain inter-religious harmony.
2. The formation of the inter-religious harmony forum is done based on suggestions from local religious councils or communities.

3. The forum's membership comprises local religious figures.
4. The forum has a consultative relationship with the local government.

Article 9

1. The tasks of the inter-religious forum (FKUB) are:
 - a. Conducting dialogues with local religious and public figures,
 - b. Accommodating the aspirations of religious mass organizations and members of the society,
 - c. Channeling the aspirations of religious mass organizations and members of the society in form of recommendations to be considered as background materials for the governor's policies,
 - d. Disseminating information on new religious legal regulations and policies that are related to inter-religious harmony and community empowerment.
2. A regency or city's inter-religious forum carries the following tasks:
 - a. Conducting dialogues with religious and public figures,
 - b. Accommodating the aspirations of religious mass organizations and members of the society,
 - c. Channeling the aspirations of religious mass organizations and members of the society as recommendations to be considered as background materials for regents or mayors to formulate their policies,
 - d. Disseminating information on new policies or legal regulations pertaining to religious life that are related to inter-religious harmony and community empowerment, and
 - e. Proposing a written recommendation of request to set up a worship house.

Article 10

All the budgets allocated to inter-religious harmony forum to carry out their tasks and functions will be sourced from the state and regional budgets.

Article 11

A presidential decree will be formulated to regulate the forum's membership, requirements, funding, decision making process and establishment procedure.

CHAPTER V

WORSHIP HOUSES

First part

General

Article 12

1. Worship houses comprise of mosques for Muslims, churches for Christians or Catholics, temples for Hindus, monasteries for Confucianists and other names for worship houses which have been registered.
2. Worship houses have a status as a legal body which adheres to legal regulations.

Second part

Worship houses construction

Article 13

1. The construction of worship houses is based on real and serious necessity based on the proportion in which adherents of a particular religion exist relative to a subdistrict or village's total population.
2. The construction of worship houses are conducted in a manner which preserves inter-religious harmony, do not disturb public security and order, while fulfilling the requirements of legal regulations.
3. When a particular village or subdistrict fails to fulfill the needs of religious service facilities in their area, the proportion of religious believers as stipulated in point number 1 will be calculated based on the total number of a particular province, village or subdistrict's population.

Article 14

1. In order to construct worship houses, as mentioned in article 13 (1), adherents of a particular religion must fulfill administrative and technical requirements according to the terms defined in legal regulations.
2. Aside from fulfilling the requirements as mentioned in point number 1, in order to construct worship houses, adherents of a particular religion must also fulfill additional requirements, which cover the following elements:
 - a. Submitting a list of names, complemented by identification cards, of minimum 90 individuals who will use the worship house. This list will then be approved by local officials.
 - b. Submitting a list demonstrating support from at least 60 local residents for the worship house construction. This list will be approved by the subdistrict or village head.
 - c. A written recommendation from the religious affairs minister or officials authorized by the minister, and
 - d. A letter of recommendation from a particular city/regency's inter-religious forum.

3. In cases where the requirement stipulated by point 2a has already been fulfilled but not with the requirement stipulated by point 2b, the local government is mandated to provide space to build the respective worship house.

Article 15

Worship house construction recommendation by the local chapter of the inter-religious forum, as stipulated by article 14 point 2d, is the result of a consultative meeting session with the FKUB members, which will then be formulated in a written format.

Article 16

1. The committee involved in constructing a worship house is required to submit a formal request to erect a worship house to its respective regent or mayor in order to obtain permit to construct its worship house.
2. The regent or mayor will issue his or her decision pertaining the permit to construct worship house within a maximum period of 90 days after the day the committee have submitted its request.

Article 17

Worship houses building which has been in permanent use or carries a historical value are automatically considered to have fulfilled the requirements to construct a worship house. These buildings, however, have to adjust to the feasibility criteria determined by legal regulations.

Article 18

Regional government facilitates the procurement of new land and facilities required for the reconstruction of worship houses which already obtain construction permit, yet have to relocate due to changes in urban spatial planning which are carried out according to legal regulations.

Third part

Temporary worship houses

Article 19

1. To use regular buildings as temporary worship houses, adherents of a particular religion has to obtain permit from local regent or mayor, fulfilling the following requirements:
 - a. The building is still proper to be used,

- b. The building's use as a temporary worship house takes into consideration the preservation of inter-religious harmony as well as the whole society's order and calmness.
2. Criteria for proper use building refer to legal regulations.
3. The requirement related to preservation of inter-religious harmony covers the following aspects:
 - a. Written permit from the building's owner,
 - b. Written permit by the village or subdistrict head,
 - c. Written report to the regent/city's chapter of the inter-faith forum, and
 - d. Written report to the head of a local religious ministry affairs office.

Article 20

1. The permit to utilize a regular building as a temporary worship house by the regent or mayor as stipulated by article 19 (1) will be issued after obtaining a written consideration from the head of the local chapter of religious affairs ministry office and the city- or regent-level inter-religious forum.
2. Further terms on permit issuance for temporary worship house construction will be regulated on a regional level.

CHAPTER VI

DISSEMINATION OF RELIGIOUS TEACHINGS

Article 21

The spreading of religious teachings must be conducted in a manner which adheres to the spirit of inter-religious harmony, tolerance and mutual respect.

Article 22

1. The dissemination of religious teachings must emphasize principles of tolerance and humanity, while avoiding methods of provocation and fanaticism.
2. The government has to formulate a guideline for religious teaching dissemination in form of ministerial regulation.

Article 23

1. The government is mandated to guide and supervise activities related to religious teaching dissemination.
2. Terms related to methods in which guidance and supervision can be done in religious teaching dissemination are contained in government regulation.

CHAPTER VII

CELEBRATION OF RELIGIOUS HOLIDAYS

Article 24

1. Adherents of religious faiths have the right to celebrate their religious holidays.
2. The celebration of a particular religion's holiday could also be attended by adherents of different religions.
3. The celebration of religious holidays must be conducted in a manner that preserves public order and inter-religious harmony.

CHAPTER VIII

PROCEDURES RELATED TO DEAD BODIES

Article 25

1. Undertaking procedures are conducted based on the religious faith confessed by the deceased person.
2. In cases where there are no definitive identification of a deceased person's religious confession, then the undertaking procedure can be done based on:
 - a. Testimonies by close family members, or
 - b. The religious teachings of local people where the deceased used to live.

Article 26

1. Dead bodies are buried in graveyards based on separate blocks indicating spaces for deceased adherents of different faith systems.
2. Public graveyards are divided into separate blocks for deceased adherents of different faith systems.
3. In cases where public graveyards have only limited space, a plot of land already used for burial can be used again, based on legal regulations.
4. In cases where dead bodies are being cremated, the ashes have to be disseminated on the sea or lake according to local custom.

Article 27

Further regulations on burial are outlined in government regulation.

CHAPTER IX

FOREIGN AID

Article 28

1. Religious institutions are allowed to receive foreign aid.
2. The foreign aid could take the forms of:
 - a. Money or materials,
 - b. Clergymen, clerics or monks,
 - c. Experts, and/or
 - d. Other types of aid which are non-binding and valid.
3. Legal regulations regulate how the religious foreign aid could be received and used.
4. Further regulations on religious foreign aid are outlined in government regulation.

CHAPTER X

TERMS ON CRIME

Article 29

People who commit blasphemy on the following will be sentenced to a maximum two-year prison term:

- a. Religions which are officially recognized by Indonesia,
- b. The greatness of God, his scriptures and characteristics, or
- c. Holy books, prophets, the friends of prophets.

Article 30

1. People who exhibit writings or pictures that can be publicly seen or audio materials which can be publicly audible, with blasphemous contents as outlined by article 29, with the intention that the public gets exposed with the writings or recordings, will be sentenced to a maximum 5-year prison term.
2. If the criminal as stipulated in point 1 conducts the blasphemous act in order to perform his or her profession and has not passed two years after getting sentenced of a criminal law, he or she could get additional charges in form of the revocation of certain rights as an individual.

Article 31

1. Everyone who publicly provokes others with the intent to annul faith to a religion which has officially been recognized by the Indonesian government could be sentenced to maximum four years in prison.
2. Everyone who persuades another person to leave his or her confessed faith and convert to another religion could be sentenced to a maximum four year prison term.
3. *text missing* creating public unrest could be sentenced to a maximum of two years term.

Article 32

1. Everyone who disturbs, prevents, or in an illegal manner forcefully using violence and intimidation to disperse people who are conducting their religious rituals, meeting or worship could be sentenced to maximum three years in prison.
2. Everyone who purposefully creates noises near worship houses when people are conducting their religious ceremonies inside could be sentenced to a maximum six-month prison term.

Article 33

Everyone who publicly insults another person who is performing his or her religious rituals or insults religious workers who are performing their duties, could be sentenced to a maximum 2-year prison term.

Article 34

Everyone who illegally burns, destroys or taints a holy book, worship house or tools that people use to conduct their religious rituals, will be sentenced to a maximum five-year prison term.

Article 35

Everyone who deliberately persuades and provokes other people to reject the existence of adherents of a particular religion both in written or oral methods which have caused social unrest could be sentenced to a maximum one-year prison term.