

The Blasphemy: Indonesia Criminal Law and Christian Perspective

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Abstract

Blasphemy constitutes one of the most controversial offenses within Indonesian criminal law, particularly as governed by Article 156a of the existing Penal Code and the provisions of the 2023 Criminal Code. In a pluralistic society such as Indonesia, the enforcement of blasphemy laws frequently engenders tension between the protection of religious freedom and the maintenance of public order. This study examines the regulatory development and implementation dynamics of blasphemy laws in Indonesia, assessing the extent to which national legal norms align with international human rights principles. Employing a

normative legal approach, this research analyzes statutory instruments, Constitutional Court rulings, and law enforcement practices in landmark cases such as Ahmadiyah, Ahok, and Holywings. The analysis demonstrates that existing legal norms, notably Article 156a of the Penal Code, are highly ambiguous and susceptible to abuse, disproportionately affecting minority groups. Furthermore, Constitutional Court Decision No. 140/PUU-VII/2009, which upholds the constitutionality of this article, reinforces a discriminatory status quo. Consequently, this article advocates for the statutory reformulation of these offenses utilizing a restorative justice approach, the implementation of administrative sanctions, and the strengthening of penal mediation mechanisms as stipulated in Attorney General Regulation No. 15 of 2020. The primary contribution of this research is proposing a roadmap for legal reform that strikes a balance between safeguarding religious freedom and ensuring public order, in strict compliance with international frameworks such as the ICCPR and the Siracusa Principles.

KEYWORDS: *Blasphemy, Criminal Law, Religious Freedom, Christian Perspective, Restorative Justice.*

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Introduction

As a nation founded upon Pancasila as its philosophical ideology, Indonesia bears a constitutional obligation to guarantee freedom of religion and belief, as enshrined in Article 28E paragraphs (1) and (2) and Article 29 paragraph (2) of the 1945 Constitution of the Republic of Indonesia.¹ In practice, however, challenges emerge when specific religious values are perceived to be 'desecrated' through the exercise of free speech. Striking a balance between freedom of expression and the protection of religious values constitutes a critical issue within the context of Indonesian pluralism. According to Jimly Asshiddiqie (2005), Indonesia's plurality of religions and beliefs necessitates an inclusive legal framework.² However, the persistence of provisions such as Article 156a of the Penal Code—originating from Presidential Decree No. 1/PNPS/1965—poses a significant risk of curtailing freedom of expression, a concern widely echoed by the National Commission on Human Rights (Komnas HAM) and legal scholars.³

The crime of blasphemy in Indonesia has historically constituted a complex and contentious legal issue. While Article 156a of the Penal Code explicitly prohibits acts deemed insulting to religion, the statutory boundaries of terms

¹ Encep Sopyan, "Implementasi Penegakan Hak Asasi Manusia dalam Konstitusi sebagai Wujud Modernisasi Beragama di Indonesia" [Implementation of Human Rights Enforcement in the Constitution as a Manifestation of Religious Modernization in Indonesia], *PALAR (Pakuan Law Review)* 9, no. 4 (2024): 104–120. See also: Novriyanti Manulang, Firdaus Firdaus, and Zulwisman Zulwisman, "Analisis Perwujudan Jaminan dan Perlindungan Hukum Negara atas Kebebasan Beragama dan Beribadat dalam Perspektif Pasal 28E Undang-Undang Dasar Tahun 1945" [Analysis of the Manifestation of State Legal Guarantees and Protection of Freedom of Religion and Worship from the Perspective of Article 28E of the 1945 Constitution], *Jurnal Ilmiah Wahana Pendidikan* 10, no. 16 (2024): 637–648; Andrew Shandy Utama and Toni Toni, "Perlindungan Negara Terhadap Kebebasan Beragama Di Indonesia Menurut Undang-Undang Dasar 1945" [State Protection of Religious Freedom in Indonesia According to the 1945 Constitution], *CIVITAS (Jurnal Pembelajaran Dan Ilmu Civic)* 6, no. 2 (2020): 12–24.

² Jimly Asshiddiqie, *Hukum Tata Negara Dan Pilar-Pilar Demokrasi* [Constitutional Law and the Pillars of Democracy] (Jakarta: Konstitusi Press, 2005).

³ National Commission on Human Rights of the Republic of Indonesia (Komnas HAM), *Standar Norma dan Pengaturan Nomor 2: Tentang Hak Atas Kebebasan Beragama dan Berkeyakinan* [Standard Norms and Arrangements Number 2: On the Right to Freedom of Religion and Belief] (Jakarta: Komnas HAM, 2022), 17–18. See also: Institute for Policy Research and Advocacy (ELSAM), *Penafsiran terhadap Pasal 156a Huruf a KUHP tentang Penodaan Agama: Analisis Hukum dan Hak Asasi Manusia* [Interpretation of Article 156a Letter a of the Penal Code on Blasphemy: A Legal and Human Rights Analysis] (Jakarta: ELSAM, 2018), 82–85.

such as “blasphemy” or “insult” lack precise definition, thereby creating a vacuum for highly subjective interpretations.⁴ In some cases involving Ahmadiyah, Gafatar, and Basuki Tjahaja Purnama (Ahok), a discernible trajectory of politicization and mob-driven pressure has influenced the law enforcement process. As noted by Human Rights Watch (2013), the enforcement of blasphemy laws in Indonesia frequently contravenes the principles of non-discrimination and due process guaranteed under the International Covenant on Civil and Political Rights (ICCPR), ratified by Indonesia via Law No. 12 of 2005.⁵

Blasphemy cases surfacing in the public domain have catalyzed not only jurisprudential controversies but also pervasive social conflicts, occasionally escalating into violence.⁶ For instance, the 2011 assault on the Ahmadiyah community in Cikeusik demonstrated the law's inadequacy in preempting or mitigating the escalation of intolerance.⁷ Such circumstances indicate that the prevailing positive law has failed to deliver robust legal certainty and equal protection for all citizens, disproportionately affecting minority groups.⁸ Consequently, the imperative to evaluate and overhaul blasphemy regulations becomes increasingly critical within the paradigm of democratization and the observance of human rights.

⁴ Adinda Faradilla Mursalin, Ismansyah Ismansyah, and Yoserwan Yoserwan, “Penafsiran Hukum Terhadap Pasal 156a Kitab Undang-Undang Hukum Pidana Tentang Tindak Pidana Penodaan Agama (Tinjauan Terhadap Perkara Putusan Nomor 1612/Pid.B/2018/Pn.Mdn)” [Legal Interpretation of Article 156a of the Penal Code Concerning the Crime of Blasphemy (A Review of Case Decision Number 1612/Pid.B/2018/Pn.Mdn)], *Nagari Law Review* 8, no. 4 (2024): 269–284, <https://doi.org/10.25077/nalrev.v.8.i.2.p.269-284.2024>.

⁵ Human Rights Watch, In Religion's Name: Abuses against Religious Minorities in Indonesia, February 28, 2013, <https://www.hrw.org/report/2013/02/28/religions-name/abuses-against-religious-minorities-indonesia> (accessed May 8, 2025).

⁶ Febrianti Dwi Puspaningrum, Christoper Theovino Adhi, and Adrianus Sandy Darmawan Satrio, “A Comparative Study of Blasphemy Law in Indonesia and America: Religious and Legal Aspects,” *Contemporary Issues on Interfaith Law and Society* 2, no. 1 (2023): 1–30, <https://doi.org/10.15294/ciils.v2i1.31372>.

⁷ Halimatusa'diah Halimatusa'diah, “Dari Prasangka Hingga Diskriminasi: Menyoal Stigma Sesat Dan Kekerasan Terhadap Ahmadiyah Dalam Perspektif Komunikasi” [From Prejudice to Discrimination: Questioning the Heresy Stigma and Violence Against Ahmadiyah in a Communication Perspective], *Avant Garde* 5, no. 1 (2017): 15–34.

⁸ Hengki Ferdiansyah et al., “Melacak Jejak Konflik Keagamaan: Membangun Peta Keragaman Agama Di Indonesia (2019–2022)” [Tracking the Traces of Religious Conflict: Building a Map of Religious Diversity in Indonesia (2019–2022)], *Tashwirul Afkar: Jurnal Refleksi Pemikiran Keagamaan Dan Kebudayaan* 42, no. 1 (2023): 1–26.

A 2021 report by the UN Special Rapporteur on Freedom of Religion or Belief underscores that blasphemy laws carry an inherent risk of being weaponized to suppress political opposition and religious minorities. Therefore, penal mechanisms should not be deployed to insulate religious dogma from legitimate critique or expression in a democratic society.⁹

Empirical research by Ahmad Yogi Prasetyo (2021) reveals that following Constitutional Court Decision No. 140/PUU-VII/2009—which dismissed the judicial review petition against Article 156a of the Penal Code—the substantive legal framework remained fundamentally stagnant.¹⁰ Similarly, Susetyo (2020) highlights that the enforcement of blasphemy regulations post-ruling continues to engender implementation hurdles; in practice, the application of these provisions exhibits a pronounced bias against minority religious groups.¹¹ This gap is reinforced by the findings of Ismail and Halili (2021), which state that the jurisprudential construction of blasphemy law in Indonesia inherently possesses a “majoritarian” character. Consequently, the law is disproportionately dictated by the dominant religious interpretations of the majority, whereas minority religious groups are frequently denied equitable space for expression or legal defense within the justice system.¹²

Based on this mapping, there is a real gap in the Indonesian legal system concerning blasphemy: a divergence between positive legal norms—which nominally mandate legal certainty and substantive justice—and an empirical reality characterized by prejudice and discrimination. This disparity precipitates critical inquiries regarding the efficacy of criminal law as an instrument for safeguarding human rights, specifically the right to freedom of religion.

⁹ UN Special Rapporteur on Freedom of Religion or Belief, Interim Report to the General Assembly, A/76/380 (2021), <https://www.ohchr.org/en/documents/thematic-reports/a76380-interim-report-special-rapporteur-freedom-religion-or-belief> (accessed May 8, 2025).

¹⁰ Ahmad Yogi Fahrudin, Ardiansyah, and Bintang Wicaksono Ajie, “Hukum Pidana Dan Konflik Agama: Menganalisis Kasus Penistaan Agama Dan Dampak Sosialnya” [Criminal Law and Religious Conflict: Analyzing Blasphemy Cases and Their Social Impacts], *Journal Humaniora: Jurnal Hukum Dan Ilmu Sosial* 1, no. 4 (2023): 116–123.

¹¹ Heru Susetyo et al., “Keberlakuan Hukum Penodaan Agama Di Indonesia: Antara Tertib Hukum Dan Tantangan Hak Asasi Manusia” [The Applicability of Blasphemy Law in Indonesia: Between Legal Order and Human Rights Challenges], *Perspektif Hukum* 20, no. 1 (2020): 72–100.

¹² Ismail Hasani and Halili Halili, “Human Rights and Constitutionality Issues of Blasphemy Law in Indonesia,” *Jurnal Konstitusi* 19, no. 2 (2022): 406–427, <https://doi.org/10.31078/jk1927>.

This research endeavors to bridge this gap by arguing that the safeguarding of religious freedom and expression—particularly for marginalized groups—must not be subordinated to the hegemonic religious interpretations of the majority. This study will scrutinize the regulatory evolution of blasphemy laws and the enforcement dynamics of Blasphemy Offenses in Indonesia. By employing normative and socio-legal approaches, this research aims to contribute to the advancement of Indonesian criminal jurisprudence, specifically by advocating for statutory revisions and the institutionalization of more equitable and inclusive legal mechanisms.

Method

This study employs a normative legal research method, incorporating a statutory approach and a conceptual approach.¹³ Normative legal research involves the analysis of applicable positive legal norms. Furthermore, a conceptual approach is applied to examine fundamental concepts such as freedom of religion, freedom of expression, and tolerance within a democratic state of law. Data collection is conducted through library research by examining primary and secondary legal materials. Primary legal materials encompass laws and regulations, Constitutional Court decisions—such as Decision Number 140/PUU-VII/2009—and international legal documents. Secondary legal materials comprise legal literature, academic journals, institutional reports from organizations such as Human Rights Watch and Komnas HAM, and the perspectives of legal experts. Tertiary legal materials, such as legal dictionaries and encyclopedias, are utilized to support conceptual understanding. Through this methodology, this study aims to cultivate a comprehensive understanding and formulate robust legal argumentation to analyze the effectiveness and implications of blasphemy regulations in Indonesia in ensuring the protection of human rights.

¹³ Dede Indraswara, "Rekonstruksi Metodologis Hukum: Diversifikasi dan Integrasi Penelitian Hukum Normatif (Doktrinal), Empiris (Non-Doktrinal), dan Studi Sosio-Legal (Legal Methodological Reconstruction: Diversification and Integration of Normative (Doctrinal), Empirical (Non-Doctrinal), and Socio-Legal Research)," *IPMHI Law Journal* 5, no. 2 (2025): 205–246, <https://doi.org/10.15294/ipmhi.v5i2.41599>.

Result & Discussion

The Development of Blasphemy-Related Regulations in Indonesia

Indonesia's national legal instruments provide a framework that regulates and responds to acts of blasphemy. The primary normative foundation is enshrined in the constitution, namely the 1945 Constitution of the Republic of Indonesia, particularly Article 28E paragraphs (1) and (2), which guarantee the right of every individual to embrace a religion, worship according to their religion, and express opinions.¹⁴ This freedom is reinforced by Article 29 paragraph (2) of the 1945 Constitution, which affirms that the state guarantees the freedom of every resident to adhere to a religion and worship in accordance with their respective beliefs. At the level of positive law, this guarantee is expanded through Article 22 of Law No. 39/1999 on Human Rights (Human Rights Law), which classifies the right to religion as a right that cannot be diminished under any circumstances (non-derogable rights).¹⁵

In practice, the protection of religion in Indonesia is counterbalanced by legal restrictions on actions perceived as insulting or desecrating religion. Another national legal instrument governing this matter is Presidential Decree No. 1/PNPS/1965 on the Prevention of Abuse and/or Blasphemy of Religion, which was subsequently enacted into law through Law No. 5 of 1969 (Law No. 1/PNPS of 1965 Jo. Law No. 5 of 1969). This regulation subsequently served as the foundation for Article 156a of the Criminal Code (KUHP), which stipulates

¹⁴ Beniharmoni Harefa, Kayus K Lewoleba, and Zico Junius Fernando, "Integration of Living Law as an Optimization of Diversion in the Juvenile Justice System in Indonesia," *Journal of Indonesian Legal Studies* 11, no. 1 (2026): 1–32, <https://doi.org/https://doi.org/10.15294/jils.v11i1.34060>.

¹⁵ Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 [The 1945 Constitution of the Republic of Indonesia], article 28E paragraphs (1) and (2), and article 29 paragraph (2). See also: Bernardinus Doni Sulisty Susilo, "Kebebasan Beragama Dalam Konstitusi Dan Perspektif Hak Asasi Manusia" [Freedom of Religion in the Constitution and Human Rights Perspective], *Belom Bahadat: Jurnal Hukum Agama Hindu* 14, no. 2 (2024), <https://doi.org/10.33363/bb.v14i2.1324>; Adam Muhshi, *Teologi Konstitusi: Hukum Hak Asasi Manusia atas Kebebasan Beragama di Indonesia* [Constitutional Theology: Human Rights Law on Freedom of Religion in Indonesia] (Yogyakarta: LKiS Pelangi Aksara, 2015).

imprisonment for individuals who express feelings of hostility, hatred, or blasphemy against a religion.¹⁶ However, this provision has attracted significant criticism, primarily because it is deemed highly multi-interpretive and susceptible to abuse, particularly against minority groups. Consequently, various parties were prompted to challenge the constitutionality of the blasphemy law before the Constitutional Court to ascertain its compatibility with the principles of human rights and religious freedom guaranteed in the constitution.

Constitutional Court Decision No. 140/PUU-VII/2009 adjudicated a case filed by several civil society organizations and public figures seeking a judicial review of Law No. 1/PNPS/1965 against the 1945 Constitution. The petitioners contended that the statutory provisions violated constitutionally guaranteed human rights principles—such as the right to freedom of religion, freedom of expression, and legal certainty—while also fostering potential discrimination against minority groups. Nevertheless, in its ruling, the Constitutional Court dismissed all the petitioners' claims and affirmed the constitutionality of the law. The Court reasoned that the regulation was necessary to maintain public order and inter-religious harmony within a pluralistic society, and that the imposed restrictions aligned with Article 28J of the 1945 Constitution. The Court further emphasized that the enforcement of this law must be executed prudently and non-discriminatorily to prevent abuses that contravene the principle of the rule of law.¹⁷

¹⁶ Kitab Undang-Undang Hukum Pidana (KUHP) [Penal Code], *Wetboek van Strafrecht voor Nederlandsch-Indië*, Staatsblad of 1915 No. 732 jo. Staatsblad of 1926 No. 278, article 156a..

¹⁷ Mahkamah Konstitusi Republik Indonesia [Constitutional Court of the Republic of Indonesia], Putusan Nomor 140/PUU-VII/2009 tentang Pengujian Undang-Undang Nomor 1/PNPS/Tahun 1965 tentang Pencegahan Penyalahgunaan dan/atau Penodaan Agama terhadap Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 [Decision Number 140/PUU-VII/2009 concerning the Judicial Review of Law Number 1/PNPS/1965 on the Prevention of Abuse and/or Blasphemy of Religion against the 1945 Constitution of the Republic of Indonesia], accessed May 9, 2025, <https://www.mkri.id>. See also: Dixon Sanjaya and Akhlis Aulia Rahim, “Kebebasan Beragama Dan Berkeyakinan Dalam Negara Hukum Indonesia: Dualisme Tafsir Konseptual Dan Putusan Mahkamah Konstitusi” [Freedom of Religion and Belief in the Indonesian State of Law: Dualism of Conceptual Interpretation and Constitutional Court Decisions], *Jurnal Konstitusi Dan Demokrasi* 4, no. 1 (2024): 1–20.

In addition to Constitutional Court Decision No. 140/PUU-VII/2009, three subsequent Constitutional Court decisions reviewed the constitutionality of Article 156a of the Criminal Code and Law No. 1/PNPS/1965: Constitutional Court Decision No. 56/PUU-XV/2017, Decision No. 76/PUU-XVI/2018, and Decision No. 5/PUU-XVII/2019. All three petitions were filed by the same applicant, Zico Leonard Djagardo Simanjuntak. In Decisions 56/PUU-XV/2017 and 76/PUU-XVI/2018, the Court reaffirmed that the norms pertaining to blasphemy remained constitutional, deeming them necessary to preserve public order and inter-religious harmony. However, the Court simultaneously highlighted that the formulation of these norms was imperfect and susceptible to multiple interpretations. In Decision 5/PUU-XVII/2019, although the applicant no longer challenged the substantive constitutionality of the norms, a judicial review was filed on the grounds that the provisions had not been revised by the legislature. The Constitutional Court declared the petition inadmissible (*niet ontvankelijk verklaard*), as the matter fell outside the scope of the Court's judicial authority.¹⁸

The implication of this series of rulings is that, while the Constitutional Court upheld the validity of Article 156a of the Criminal Code and Law No. 1/PNPS/1965, it has consistently urged legislators to expedite their revision. In its legal reasoning, the Court underscored the necessity of defining the elements of the blasphemy offense with precision to preclude subjective interpretations and potential abuse, particularly against minority groups. Subsequently, the legal framework governing blasphemy underwent a significant transformation with the enactment of Law Number 1 of 2023 concerning the new Criminal Code. In

¹⁸ Mahkamah Konstitusi Republik Indonesia [Constitutional Court of the Republic of Indonesia], Putusan Nomor 76/PUU-XVI/2018 tentang Pengujian Pasal 156, Pasal 157 KUHP, dan Pasal 4 Undang-Undang Nomor 1/PNPS Tahun 1965 terhadap Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 [Decision Number 76/PUU-XVI/2018 concerning the Judicial Review of Article 156, Article 157 of the Penal Code, and Article 4 of Law Number 1/PNPS of 1965 against the 1945 Constitution of the Republic of Indonesia]. See also: Mahkamah Konstitusi Republik Indonesia, Putusan Nomor 5/PUU-XVII/2019 tentang Pengujian Undang-Undang Nomor 1/PNPS Tahun 1965 terhadap Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 [Decision Number 5/PUU-XVII/2019 concerning the Judicial Review of Law Number 1/PNPS of 1965 against the 1945 Constitution of the Republic of Indonesia].

this revised Criminal Code, the provisions on blasphemy are codified and expanded within Chapter VII regarding Criminal Offenses against Religion, Belief, and Religious Life or Belief, specifically spanning Articles 300 to 305. This framework not only prohibits hate speech directed at religion but also penalizes actions that disrupt religious services, vandalize places of worship, and coerce individuals to change their religion through force or violence.¹⁹ Although intended to safeguard religious freedom and interfaith harmony, the stipulations in the new Criminal Code have drawn criticism for perpetuating the criminalization of free opinion and expression, particularly concerning minority religious groups or individuals expressing unconventional religious perspectives.²⁰

As an active member of the international community, Indonesia has adopted various human rights instruments by ratifying international treaties, notably the ICCPR via Law No. 12 of 2005. Regarding freedom of religion and expression, the ICCPR contains highly pertinent provisions, particularly in Articles 18 and 19. Article 18 guarantees the right of all individuals to adopt a religion or belief of their choice, alongside the freedom to manifest that belief through worship, observance, practice, and teaching. Concurrently, Article 19

¹⁹ Undang-Undang Republik Indonesia Nomor 1 Tahun 2023 tentang Kitab Undang-Undang Hukum Pidana [Law of the Republic of Indonesia Number 1 of 2023 on the Penal Code], Bab VII tentang Tindak Pidana terhadap Agama, Kepercayaan, dan Kehidupan Beragama atau Kepercayaan, Pasal 300–305 [Chapter VII on Criminal Offenses against Religion, Belief, and Religious Life or Belief, Articles 300–305].

²⁰ CRCS UGM, “Mengupas Pasal Karet Terkait KBB dalam KUHP Baru” [Unpacking the Rubber Articles Related to Freedom of Religion and Belief in the New Penal Code], *crcs.ugm.ac.id*, January 18, 2023, <https://crcs.ugm.ac.id/mengupas-pasal-karet-terkait-kbb-dalam-kuhp-baru>, accessed May 9, 2025. See also: Pusat Studi Hukum dan Kebijakan Jentera (Jentera Center for Law and Policy Studies), “Potensi Kriminalisasi Hak Minoritas Keagamaan dalam KUHP” [The Potential Criminalization of Religious Minority Rights in the Penal Code], *Jentera.ac.id*, December 10, 2022, <https://www.jentera.ac.id/kabar/potensi-kriminalisasi-hak-minoritas-keagamaan-dalam-kuhp>, accessed May 9, 2025; Nurul Fitri Ramadhani, “Dewan Pers: KUHP Baru Ancam Kemerdekaan Pers hingga Kebebasan Beragama” [Press Council: The New Penal Code Threatens Press Freedom and Religious Freedom], *Detik.com*, December 6, 2022, <https://news.detik.com/berita/d-6451958/dewan-pers-kuhp-baru-ancam-kemerdekaan-pers-hingga-kebebasan-beragama>, accessed May 9, 2025.

guarantees the right to freedom of opinion and expression.²¹ This ratification signifies Indonesia's constitutional commitment to universally recognized civil and political rights principles. Consequently, any limitation imposed upon these rights must satisfy the criteria of legality, necessity, and proportionality, as delineated in the ICCPR provisions and further elaborated in General Comment No. 22 (1993) of the UN Human Rights Committee.

In practice, restrictions on freedom of religion or expression are justifiable only if they adhere to international standards, particularly the Siracusa Principles adopted by the UN Commission on Human Rights in 1984. These principles mandate that limitations on rights can only be enacted if prescribed by unambiguous and predictable laws, and if they are strictly necessary to protect legitimate interests, such as public order, national security, public health, or the fundamental rights of others. Furthermore, the Siracusa Principles explicitly stipulate that laws restricting freedoms must operate non-discriminatorily and must not be weaponized to suppress unpopular opinions or religious minorities.²² Within the Indonesian context, provisions such as Article 156a of the current Criminal Code and Articles 300–305 of the new Criminal Code, which broadly criminalize blasphemy offenses, can be interpreted as contravening these principles, given their frequent application to curtail the freedom to articulate divergent religious interpretations or beliefs.

The evaluation of blasphemy law enforcement practices across various jurisdictions, including Indonesia, has been consistently highlighted in international reports, most notably by the UN Special Rapporteur on Freedom of Religion or Belief. These reports observe a prevalent tendency wherein blasphemy laws are utilized to silence religious minorities or individuals

²¹ International Covenant on Civil and Political Rights, 16 December 1966, articles 18 and 19 (United Nations).

²² Jason Haynes, "Reconciling Judicial Approaches to Limitations on Rights in Hard Cases: The Challenge of Religious Freedom," *Law & Justice – Christian Legal Review* 192 (2024): 16. See also: John Bowers, "Accommodating Difference; How Is Religious Freedom Protected When It Clashes with Other Rights; Is Reasonable Accommodation the Key to Levelling the Field?" *Oxford Journal of Law and Religion* 10, no. 2 (2021): 275–97. See also: Alex Conte, "Limitations to and Derogations from Covenant Rights," in *Defining Civil and Political Rights*, ed. Alex Conte (London: Routledge, 2016), 39–64.

articulating unconventional views, rendering such laws incompatible with international human rights standards. A critical recommendation formulated by the UN Special Rapporteur urges member states to repeal or review statutory provisions that criminalize the expression of religion or belief, especially when such laws are multi-interpretive, discriminatory, or facilitate the criminalization of peaceful expression.²³ In the Indonesian context, the persistent enforcement of blasphemy provisions following Constitutional Court Decision No. 140/PUU-VII/2009 and their subsequent codification in the new Criminal Code reveals a pronounced disparity between domestic legal standards and the state's ratified international obligations.

From the perspective of legal harmonization, the incongruity between Indonesia's national legislation and its international obligations constitutes a critical issue demanding rigorous attention. The ratification of the ICCPR and adherence to the Siracusa Principles should compel Indonesian policymakers and law enforcement agencies to revise, elucidate, or repeal penal provisions susceptible to curbing freedom of religion or expression. Such statutory reform is imperative not only to achieve compliance with international frameworks but also to preserve diversity and pluralism within Indonesia's heterogeneous society. Furthermore, comprehensive legal reforms would bolster Indonesia's geopolitical standing within the international community as a democratic state committed to upholding human rights, thereby preventing the systematic infringement of individual liberties under the guise of religious protection.

As a concrete measure to address the potential for criminalization under Articles 300–305 of the new Criminal Code, slated to take effect in 2026, it is imperative to undertake normative revisions and fortify progressive legal interpretations through implementing regulations. The government and the House of Representatives must draft derivative legislation that establishes precise parameters for the application of these articles, explicitly mandating that

²³ UN Special Rapporteur on Freedom of Religion or Belief, "Religious Intolerance and the Implementation of Blasphemy Laws," United Nations Office of the High Commissioner for Human Rights (OHCHR), 2020. See also: United Nations Human Rights Council, "Report of the Special Rapporteur on Freedom of Religion or Belief, Heiner Bielefeldt," A/HRC/22/51, 4 March 2013, accessed 9 May 2025.

punishable actions fulfill the elements of genuine malicious intent (*mens rea*) and exert a direct, tangible impact on public order or the rights of others. Additionally, comprehensive technical guidelines must be promulgated for law enforcement personnel to preempt the discriminatory application of these provisions against religious minorities or individuals voicing unconventional doctrines. Within this framework, the Supreme Court and the Attorney General's Office bear a vital responsibility in formulating implementation directives and technical guidelines to ensure these articles are not deployed arbitrarily.

A decriminalization paradigm regarding peaceful religious expression should be integrated into the national legal infrastructure through public policy reforms and the enhancement of human rights awareness among law enforcement authorities. The resolution of blasphemy-related offenses should be channeled through non-litigation mechanisms, such as interfaith mediation or restorative justice approaches, particularly in instances devoid of violent elements or incitement to hatred. This framework not only resonates with the foundational principles of pluralism and tolerance inherent in Indonesian society but also offers an equitable remedy that honors religious freedom while preserving public order.²⁴ Thus, despite the enactment of the new Criminal Code, the state retains the regulatory capacity to calibrate its implementation, ensuring alignment with international human rights standards while simultaneously sustaining harmony within a pluralistic society.

Implementation Dynamics of the Crime of Blasphemy in Indonesia

A primary issue in the enforcement of blasphemy laws in Indonesia is the vague formulation of legal norms within Article 156a of the Criminal Code and Law No. 1/PNPS/1965. Terms such as "hostility," "insult," and "blasphemy" lack explicit statutory definitions in these provisions. This ambiguity affords law

²⁴ Devi Tama Hardiyanti, Beniharmoni Harefa, and Handar Subhandi Bakhtiar., "Grooming Offences Against Children in Indonesia," *UUM Journal of Legal Studies* 2, no. 2 (2023): 557–79, <https://doi.org/https://doi.org/10.32890/uumjls2023.14.2.6>.

enforcement officials broad discretion for subjective interpretation, rendering the law's application highly susceptible to majoritarian perceptions and public pressure rather than objective legal standards. Consequently, this vagueness breeds legal uncertainty and potential violations of the non-discrimination principle, disproportionately targeting minority groups for criminalization based on religious interpretations that diverge from Indonesia's mainstream paradigms.²⁵

This deficiency extends beyond the current Criminal Code to the newly enacted Criminal Code (Law No. 1 of 2023), which broadens the scope of blasphemy offenses in Articles 300 through 305. Rather than clarifying legal boundaries, the new formulation retains ambiguous elements, including "enmity against religion," "inciting hatred against religion," and "spreading lies about beliefs". Such phrasing risks perpetuating the criminalization of legitimate, peaceful, and non-violent religious expressions. Therefore, a precise and comprehensible formulation aligned with modern criminal law principles is imperative to prevent the conflation of legal norms with socio-religious interpretations that repress diversity. This normative confusion results in an absence of legal parameters to distinguish between legitimate theological criticism, alternative religious expression, and acts that genuinely threaten public order.²⁶

In numerous instances, including cases involving Christian figures such as Basuki Tjahaja Purnama (Ahok), convictions were secured primarily due to social and political pressure, despite a lack of robust evidence establishing *mens rea* (criminal intent). This reality suggests that the blasphemy offense functions more as an instrument to suppress dissenting voices than as a mechanism to protect religious freedom. Consequently, substantive legal reform emphasizing

²⁵ Hasani and Halili, *loc. cit.*

²⁶ Moh. Riziq, "A Critical Examination of Blasphemy Offenses in the Criminal Code and Law No. 1 of 2023," *Indonesian Journal of Criminal Law and Criminology* 6, no. 1 (2025): 21–28, <https://doi.org/10.18196/ijclc.v6i1.24969>.

certainty, proportionality, and conformity with international human rights standards is essential to achieve inclusive and non-discriminatory justice.²⁷

Minority groups frequently face social violence without receiving adequate state protection. Attacks on the Shia community in Sampang and the Ahmadiyya in Cikeusik explicitly illustrate the state's failure to safeguard the fundamental rights of these vulnerable populations.²⁸ In certain cases, the state has justified the actions of intolerant groups under the guise of maintaining public order. However, international human rights standards, notably the ICCPR, mandate that restrictions on religious freedom must be proportional, strictly legal, and non-discriminatory.²⁹ In reality, the enforcement of Indonesia's blasphemy laws frequently reinforces majoritarian dominance while disregarding the principle of minority protection.

The case of Basuki Tjahaja Purnama (Ahok), an Indonesian-Chinese Christian, serves as a prominent illustration of this inequality in legal protection. Ahok was sentenced to two years in prison for a speech referencing Surah Al-Maidah verse 51 within a political context, despite the statement being open to various interpretations and lacking a direct insult to the religion. Reviews in several legal journals have concluded that Ahok's case failed to satisfy the element of malicious intent (*mens rea*); rather, mass public pressure and political interests compromised the objectivity of the legal process. This case demonstrates that

²⁷ Tommy Tri Kurniawan, "Analisis Pertanggungjawaban Pidana Pada Perkara Penistaan Agama Yang Diduga Dilakukan Oleh Basuki Tjahaja Purnama Sebagaimana Telah Memperoleh Kekuatan Hukum Tetap Dalam Putusan Nomor 1537/Pid.B/2016/PN Jkt.Utr" (Skripsi, Universitas Atma Jaya Yogyakarta, 2020), <https://digilib.uajy.ac.id/19072/> See also: Trisfiani Fritin Betah, "Analisis Yuridis atas Pengenaan Pasal 156A Huruf A KUHP pada Kasus Basuki Tjahaja Purnama," *Lex Crimen* 7, no. 9 (2019): 1–12, <https://ejournal.unsrat.ac.id/index.php/lexcrimen/article/view/26051>.

²⁸ Binsar Zaroha Ritonga and Y.A. Triana Ohowutun, "Tindak Pidana Penodaan Agama di Indonesia (Kajian Kasus Syiah Sampang dan Gafatar Aceh)" [*The Crime of Blasphemy in Indonesia (A Case Study of Shia in Sampang and Gafatar in Aceh)*], *Interdisciplinary Journal on Law, Social Sciences and Humanities* 2, no. 1 (2021): 1, <https://doi.org/10.19184/ijl.v2i1.24420>.

²⁹ Halili, "UU No 1/PNPS/1965 Dan Tafsir Pembatasan Kebebasan Beraama/Berkeyakinan Di Indonesia". [*Law No. 1/PNPS/1965 and the Interpretation of Restrictions on Freedom of Religion/Belief in Indonesia*], *Jurnal Hak Asasi Manusia [Journal of Human Rights]* 11 (2021): 95, <https://jurnalham.komnasham.go.id/index.php/jurnalasasi/article/view/89/83>.

blasphemy laws are frequently deployed to legitimize majoritarian views and repress divergent expressions, rather than to ensure inclusive justice.³⁰

Beyond Article 156a, blasphemy-related acts are sometimes prosecuted under Articles 175 and 335 of the Criminal Code. A concrete example reflecting the complexity of prosecuting religious offenses in Indonesia is the case of the Tesalonika Christian Oikumene Fellowship Foundation (POUK) in Teluknaga, Tangerang Regency. The incident began when a group of residents, led by Abdul Rosyid, confronted the POUK Foundation on the evening of March 30, 2024, as children prepared for Easter celebrations. The group questioned the activity, prohibited the use of the building as a place of worship, and recorded the incident on video. This confrontation escalated tensions, necessitating police mediation. Consequently, the complainants reported the act as coercion and obstruction of religious activities under Articles 335 and/or 175 of the Criminal Code.³¹

Responding to this case, criminal law expert Dr. Beniharmoni Harefa, S.H., LL.M., stated in the Minutes of Interrogation (Berita Acara Pemeriksaan) that the criminal elements of Article 335 involve forcing someone to do or refrain from doing something through violence or the threat thereof. In the POUK context, the mass presence intervening in religious activities, issuing coercive statements, and executing potentially intimidating actions could be categorized as coercion if proven to meet these elements. The expert also underscored the necessity of objectively proving actual violence or imminent threats. This expert opinion highlights that applying criminal provisions to religiously nuanced cases require careful and proportional execution to prevent injustice, particularly against minority groups conducting peaceful and lawful worship activities.³²

³⁰ Khansadhia Affffah Wardana, "Kebebasan Beragama Sebagai Hak Asasi Manusia di Indonesia: Pertentangan Universalisme dan Relativisme Budaya" [*Freedom of Religion as a Human Right in Indonesia: The Conflict Between Universalism and Cultural Relativism*], *Jurnal Hukum Progresif* [Journal of Progressive Law] 10, no. 1 (2022): 63, <https://doi.org/10.14710/jhp.10.1.63-75..>

³¹ Beniharmoni Harefa and Abdul Kholiq, *Hukum Pidana* (Jakarta: Rajawali Pers, 2024).

³² Beniharmoni Harefa, Opinion in the Minutes of Interrogation as an Expert in the Case of Alleged Coercion and Obstruction of Worship by Abdul Rosyid et al., Tangerang City Metro Police, March 12, 2025.

The politicization of religious expression is further evidenced by the tendency to weaponize blasphemy offenses as tools for social and political repression. Numerous peaceful expressions by minority religious groups, including Protestants, Catholics, and followers of other faiths, are frequently categorized as blasphemy merely because they contradict the dominant narrative. For instance, internal religious teachings within Christian communities can be deemed offensive to other religions if quoted out of context.³³ Consequently, blasphemy laws, intended as instruments to protect harmony, have mutated into tools to silence ideological opposition. This environment illustrates how blasphemy offenses not only broadly suppress the expression of specific belief groups but also disproportionately impact minority religious communities, whose space for expression is increasingly constricted by the hegemony of majoritarian interpretations.

As a minority group, Christian communities in Indonesia frequently encounter challenges in expressing their faith in public spaces. This includes navigating narrow interpretations of worship practices and theological quotations that are misconstrued as insulting other religions. The ambiguity of Article 156a of the Criminal Code, particularly regarding the element of "feelings of hostility or contempt," creates avenues for criminalizing legitimate expressions of faith, as demonstrated in the Ahok case. Furthermore, structural barriers—such as the refusal to permit church construction under the pretext of disturbing public order and suspicions regarding missionary activities—indicate that blasphemy laws often serve majoritarian dominance rather than guaranteeing religious freedom.³⁴

³³ Marihot Bernard and P. L. Tobing, "Penerapan Pasal 156a KUHP Sebagai Delik Penodaan Agama" [*The Application of Article 156a of the Criminal Code as a Blasphemy Offense*], *Syntax Literate: Jurnal Ilmiah Indonesia* [*Syntax Literate: Indonesian Scientific Journal*] 8, no. 9 (2023): 1, <https://doi.org/10.36418/syntax-literate.v8i9.13550>..

³⁴ Alosius Des Afriando Sinuraya, "Gereja di Ruang Publik Indonesia Berdasarkan Pemikiran A.A. Yewangoe" [*The Church in the Indonesian Public Sphere Based on the Thought of A.A. Yewangoe*], *DUNAMIS: Jurnal Teologi dan Pendidikan Kristiani* [*DUNAMIS: Journal of Theology and Christian Education*] 9, no. 2 (2025): [insert page number], <https://ejournal.sttintheos.ac.id/index.php/dunamis/article/view/1505/0>.

Regarding a specific Christian perspective on blasphemy, the concept is not addressed in the Bible in the exact legal sense applied today; however, Christian teachings offer a distinct framework for responding to such offenses. First, Christianity fundamentally emphasizes forgiveness. Matthew 18:21-22 underscores that there is no limit to the forgiveness that should be extended. Furthermore, Jesus demonstrated this principle by forgiving those who mocked and crucified Him (Luke 23:34). Second, the core of Christianity is love. As noted in 1 Corinthians 13:13 and James 2:8, love is the paramount commandment. Thus, when faced with blasphemy, Christians are instructed to respond with love and forgiveness (Luke 6:27; Matthew 5:44). Third, Christians are taught to pray for their adversaries rather than retaliate. Passages such as Matthew 5:39, Romans 12:17, 1 Thessalonians 5:15, and 1 Peter 3:9 explicitly instruct believers not to repay evil for evil, but to bless those who persecute them.

Furthermore, Christian teachings within the Bible are manifested not only in the spoken words of Jesus and the apostles but also in their attitudes and actions. Jesus demonstrated ultimate forgiveness by pardoning those who reproached, mocked, and ultimately crucified Him.³⁵ As recorded in Luke 23:34, "Jesus said, 'Father, forgive them, for they do not know what they are doing; and they cast lots to divide His garments.'"

Secondly, the foundational core of Christianity is love. 1 Corinthians 13:13 notes, "And now these three remain: faith, hope and love. But the greatest of these is love." Additionally, Luke 6:27 affirms, "But to you who are listening I say: Love your enemies, do good to those who hate you," while Matthew 5:44 commands, "But I tell you, love your enemies and pray for those who persecute you." Derived from this central tenet, the Christian response to blasphemy is inherently rooted in forgiveness and love, as prescribed by the scriptures.

Love constitutes the paramount law of Christianity. James 2:8 states, "If you really keep the royal law found in Scripture, 'Love your neighbor as yourself,' you are doing right." This represents God's most fundamental commandment,

³⁵ Dwi Suwanto and Fachri, "Penista Agama Dalam Perspektif Al-Quran dan Injil (Studi Komparasi)" [Blasphemers in the Perspective of the Quran and the Gospel (A Comparative Study)], *ProsA AS: Prosiding Al Hidayah Ahwal Asy-Syakhshiyah* [ProsA AS: Proceedings of Al Hidayah Ahwal Asy-Syakhshiyah] 1, no. 1 (2019): 44.

reflecting the divine desire for humanity to live in fellowship.³⁶ As the foundational law of Christianity, the doctrine of love dictates that, even in instances of blasphemy, Christians must prioritize love toward the perpetrators.

Thirdly, in addressing blasphemy, the prescribed Christian disposition is to pray for those who exhibit antagonism, hatred, and revulsion. This aligns with Jesus's teachings, such as Luke 6:28, which instructs believers to "bless those who curse you, pray for those who mistreat you." Consequently, when confronted with blasphemy, Christians are mandated to pray for the offender.

The scriptures explicitly forbid retaliating with malice. This principle of non-retaliation is grounded in Jesus's directive in Matthew 5:39: "But I tell you, do not resist an evil person. If anyone slaps you on the right cheek, turn to them the other cheek also." This ethos is echoed throughout the New Testament; Romans 12:17 advises, "Do not repay anyone evil for evil," while 1 Thessalonians 5:15 urges, "Make sure that nobody pays back wrong for wrong, but always strive to do what is good for each other and for everyone else." Similarly, 1 Peter 3:9 commands, "Do not repay evil with evil or insult with insult. On the contrary, repay evil with blessing." Therefore, when subjected to offenses—including blasphemy—Christians are biblically prohibited from retaliation and are instead called to bless the transgressor.

Fourth, while Christianity prohibits retaliating evil for evil, it does not mandate passive silence in the face of injustice. Appropriate action, grounded in applicable positive law, is permissible and necessary. This principle is underscored in Matthew 10:16: "Behold, I send you out as sheep in the midst of wolves; so be wise as serpents and innocent as doves." The profound implication here is that when subjected to criminal acts, including blasphemy, Christians are entitled to pursue legal remedies in accordance with the state's prevailing laws and regulations. Thus, the Christian response encompasses not only forgiving, praying for, and blessing the perpetrators but also seeking lawful justice.

³⁶ Rick Warren, *Daily Hope Devotional: Harapan Untuk Setiap Hari Renungan Harian* [Daily Hope Devotional: Hope for Every Day Daily Devotional] (Jakarta: Light Publishing, 2024), 335.

Conversely, resorting to violence or anarchic behavior is strictly unjustified, as it constitutes a sin and fundamentally contradicts the Christian doctrine of love.

This imbalance in legal protection is exacerbated by a lack of normative clarity and legal certainty from Indonesia's highest judicial institution. Rather than bolstering the protection of minority rights, the Constitutional Court has maintained problematic norms that function as tools for criminalizing religious expression. The Court's inconsistency is evident in Decision No. 140/PUU-VII/2009, which rejected a petition for the judicial review of Article 156a while simultaneously acknowledging the necessity of revising the article to prevent legal abuse. This contradiction perpetuates legal uncertainty and constricts the avenue for criminal law reform, as the article's continued validity legitimizes the criminalization of religious freedom and expression. Indeed, cases such as Ahok (2017), Tajul Muluk (2012), and Holywings (2022) demonstrate a pattern of narrow statutory interpretation, majoritarian bias, and a departure from the principles of substantive justice that underpin modern criminal law.

Efforts to get out of the trap of criminalizing religious expression are not enough to question judicial interpretation, but must be accompanied by legal policy reforms that are oriented towards protecting human rights and strengthening the principles of substantive justice. In order to strengthen the protection of human rights and prevent the abuse of law in blasphemy cases, legal policy reforms are needed that place restorative justice as the main approach. Cases involving peaceful religious expression, especially those that do not involve elements of violence or incitement to hatred, should not be handled in a retributive manner that prioritizes punishment, but through an approach that restores social relations between religious communities. Thus, the state needs to develop technical guidelines that explicitly distinguish between legitimate theological criticism and unlawful hate speech.

This restorative justice framework can be operationalized through three primary policy mechanisms. First, regulations such as Article 156a of the Criminal Code and Law No. 1/PNPS/1965 must be reformulated to eliminate ambiguity, establishing clear definitions that strictly adhere to the legality principles (*lex certa* and *lex scripta*) of criminal law. Second, the state should prioritize administrative sanctions—such as warnings and guidance from the

Ministry of Religious Affairs and relevant officials, as mandated by Article 2 of Law No. 1/PNPS/1965—prior to initiating criminal proceedings.³⁷ Third, penal mediation facilitated by the Attorney General's Office, as stipulated in Attorney General Regulation No. 15 of 2020, should serve as the primary avenue for resolving non-violent religious conflicts. This inclusive process must engage perpetrators, victims, and community leaders in dialogue and restorative efforts. Implementing these policies will not only enhance the efficacy of Indonesian criminal law but also reinforce the state's adherence to international obligations, such as the ICCPR and the Siracusa Principles, which dictate that restrictions on human rights must be proportionate and non-discriminatory.³⁸

Conclusion

The enforcement of blasphemy laws in Indonesia continues to confront fundamental challenges, encompassing ambiguous legal norms, interpretive biases that favor the majority, and incongruity with international human rights standards. The inefficacy of the retributive approach—as manifested in Article 156a of the Penal Code and Articles 300–305 of the new Criminal Code—underscores the critical necessity for legal reform prioritizing restorative justice, particularly in instances devoid of violence or incitement to hatred. The reformulation of blasphemy provisions to ensure precision, equity, and non-discrimination, coupled with the application of administrative sanctions and penal mediation as stipulated in Attorney General Regulation No. 15 of 2020, constitutes a pragmatic alternative framework. Furthermore, comprehensive operational guidelines from the Attorney General's Office and the Supreme Court are imperative to ensure that law enforcement agencies can effectively differentiate legitimate theological discourse from unlawful hate speech, thereby

³⁷ Beniharmoni Harefa et al., “Revitalization of Indonesian Criminal Law through the Acknowledgment of Living Law : An Investigation of The,” *Jurnal Hukum Novelty* 15, no. 2 (2024): 248–67, <https://doi.org/10.26555/jhn.v15i2.28234>.

³⁸ Eva Achjani Zulfa, “Restorative Justice for Blasphemy in Indonesia: Study on the Application of the PNPM Law No. 1 of 1965,” *International Journal of Science and Society* 1, no. 4 (2019): 54–61.

reinforcing Indonesia's democratic commitment to religious freedom and its adherence to international human rights obligations.

References

- Asshiddiqie, Jimly. "Hukum Tata Negara dan Pilar-Pilar Demokrasi [Constitutional Law and the Pillars of Democracy]. Jakarta: Konstitusi Press, 2005.
- Bernard, Marihot, and P. L. Tobing. "Penerapan Pasal 156a KUHP Sebagai Delik Penodaan Agama" [The Application of Article 156a of the Criminal Code as a Blasphemy Offense]. *Syntax Literate: Jurnal Ilmiah Indonesia* [Syntax Literate: Indonesian Scientific Journal] 8, no. 9 (2023): 1–12. <https://doi.org/10.36418/syntax-literate.v8i9.13550>.
- Bowers, John. "Accommodating Difference; How Is Religious Freedom Protected When It Clashes with Other Rights; Is Reasonable Accommodation the Key to Levelling the Field?" *Oxford Journal of Law and Religion* 10, no. 2 (2021): 275–97.
- Constitutional Court of the Republic of Indonesia. Putusan No. 5/PUU-XVII/2019 tentang Pengujian Undang-Undang Nomor 1/PNPS Tahun 1965 terhadap Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 [Decision No. 5/PUU-XVII/2019 concerning the Judicial Review of Law No. 1/PNPS/1965 against the 1945 Constitution of the Republic of Indonesia].
- Constitutional Court of the Republic of Indonesia. Putusan No. 76/PUU-XVI/2018 tentang Pengujian Pasal 156, Pasal 157 KUHP, dan Pasal 4 Undang-Undang Nomor 1/PNPS Tahun 1965 terhadap Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 [Decision No. 76/PUU-XVI/2018 concerning the Judicial Review of Article 156, Article 157 of the Criminal Code, and Article 4 of Law No. 1/PNPS/1965 against the 1945 Constitution of the Republic of Indonesia].
- Constitutional Court of the Republic of Indonesia. Putusan Nomor 140/PUU-VII/2009 tentang Pengujian Undang-Undang Nomor 1/PNPS/Tahun 1965 tentang Pencegahan Penyalahgunaan dan/atau Penodaan Agama terhadap Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 [Decision No. 140/PUU-VII/2009 concerning the Judicial Review

of Law No. 1/PNPS/1965 on the Prevention of Religious Abuse and/or Blasphemy against the 1945 Constitution of the Republic of Indonesia].

Conte, Alex. "Limitations to and Derogations from Covenant Rights." In *Defining Civil and Political Rights*, 39–64. Routledge, 2016.

CRCs UGM. "Mengupas Pasal Karet Terkait KBB dalam KUHP Baru" [Unpacking the Elastic Articles Related to Freedom of Religion and Belief in the New Criminal Code]. CRCs.UGM.ac.id, January 18, 2023. <https://crcs.ugm.ac.id/mengupas-pasal-karet-terkait-kbb-dalam-kuhp-baru>.

Fahrudin, Ahmad Yogi, Ardiansyah, and Bintang Wicaksono Ajie. "Hukum Pidana dan Konflik Agama: Menganalisis Kasus Penistaan Agama dan Dampak Sosialnya" [Criminal Law and Religious Conflict: Analyzing Blasphemy Cases and Their Social Impacts]. *Journal Humaniora: Jurnal Hukum dan Ilmu Sosial* [Journal of Humanities: Journal of Law and Social Sciences] 1, no. 4 (2023): 116–23.

Ferdiansyah, Hengki, Muhamad Masrur Irsyadi, Nurun Nisa', Zainuddin Lubis, and Abi S. Nugroho. "Melacak Jejak Konflik Keagamaan: Membangun Peta Keragaman Agama di Indonesia (2019–2022)" [Tracking the Traces of Religious Conflict: Building a Map of Religious Diversity in Indonesia (2019–2022)]. *Tashwirul Afkar: Jurnal Refleksi Pemikiran Keagamaan dan Kebudayaan* [Tashwirul Afkar: Journal of Reflection on Religious and Cultural Thought] 42, no. 1 (2023): 1–26.

Fitri Ramadhani, Nurul. "Dewan Pers: KUHP Baru Ancam Kemerdekaan Pers hingga Kebebasan Beragama" [Press Council: The New Criminal Code Threatens Press Freedom and Freedom of Religion]. *Detik.com*, December 6, 2022. <https://news.detik.com/berita/d-6451958/dewan-pers-kuhp-baru-ancam-kemerdekaan-pers-hingga-kebebasan-beragama>.

Fritin Betah, Trisfiani. "Analisis Yuridis atas Pengenaan Pasal 156A Huruf A KUHP pada Kasus Basuki Tjahaja Purnama" [Juridical Analysis on the Application of Article 156A Letter A of the Criminal Code in the Basuki Tjahaja Purnama Case]. *Lex Crimen* 7, no. 9 (2019): 1–12. [<https://ejournal.unsrat.ac.id/index.php/lexcrimen/article/view/26051>]

](<https://ejournal.unsrat.ac.id/index.php/lexcrimen/article/view/26051>).

Halili. "UU No 1/PNPS/1965 dan Tafsir Pembatasan Kebebasan Beragama/Berkeyakinan di Indonesia" [Law No. 1/PNPS/1965 and the Interpretation of Restrictions on Freedom of Religion/Belief in Indonesia]. *Jurnal Hak Asasi Manusia [Journal of Human Rights]* 11 (2021): 95–114.

<https://jurnalham.komnasham.go.id/index.php/jurnalasasi/article/view/89/83>.

Halimatusa'diah, Halimatusa'diah. "Dari Prasangka Hingga Diskriminasi: Menyoal Stigma Sesat dan Kekerasan Terhadap Ahmadiyah Dalam Perspektif Komunikasi" [From Prejudice to Discrimination: Questioning the Stigma of Heresy and Violence Against Ahmadiyya in a Communication Perspective]. *Avant Garde* 5, no. 1 (2017): 15–34.

Hardiyanti, Devi Tama, Beniharmoni Harefa, and Handar Subhandi Bakhtiar. "Grooming Offences Against Children in Indonesia." *UUM Journal of Legal Studies* 14, no. 2 (2023): 557–79. <https://doi.org/10.32890/uumjls2023.14.2.6>.

Harefa, Beniharmoni, and Abdul Kholiq. *Hukum Pidana [Criminal Law]*. Jakarta: Rajawali Pers, 2024.

Harefa, Beniharmoni, et al. "Revitalization of Indonesian Criminal Law through the Acknowledgment of Living Law: An Investigation of The." *Jurnal Hukum Novelty [Novelty Law Journal]* 15, no. 2 (2024): 248–67. <https://doi.org/10.26555/jhn.v15i2.28234>.

Harefa, Beniharmoni, Kayus K. Lewoleba, and Zico Junius Fernando. "Integration of Living Law as an Optimization of Diversion in the Juvenile Justice System in Indonesia." *Journal of Indonesian Legal Studies* 11, no. 1 (2026): 1–32. <https://doi.org/10.15294/jils.v11i1.34060>.

Hasani, Ismail, and Halili Halili. "Human Rights and Constitutionality Issues of Blasphemy Law in Indonesia." *Jurnal Konstitusi [Constitution Journal]*

19, no. 2 (2022): 406–27.
<https://doi.org/10.31078/jk1927>.

Haynes, Jason. "Reconciling Judicial Approaches to Limitations on Rights in Hard Cases: The Challenge of Religious Freedom." *Law & Justice-Christian Legal Review* 192 (2024): 16.

Human Rights Watch. In Religion's Name: Abuses against Religious Minorities in Indonesia. February 28, 2013.
<https://www.hrw.org/report/2013/02/28/religions-name/abuses-against-religious-minorities-indonesia>.

Indraswara, Dede. "Rekonstruksi Metodologis Hukum: Diversifikasi dan Integrasi Penelitian Hukum Normatif (Doktrinal), Empiris (Non-Doktrinal), dan Studi Sosio-Legal (Legal Methodological Reconstruction: Diversification and Integration of Normative (Doctrinal), Empirical (Non-Doctrinal), and Socio-Legal Research)." *IPMHI Law Journal* 5, no. 2 (2025): 205–246.
<https://doi.org/10.15294/ipmhi.v5i2.41599>.

Kurniawan, Tommy Tri. "Analisis Pertanggungjawaban Pidana Pada Perkara Penistaan Agama Yang Diduga Dilakukan Oleh Basuki Tjahaja Purnama Sebagaimana Telah Memperoleh Kekuatan Hukum Tetap Dalam Putusan Nomor 1537/Pid.B/2016/PN Jkt.Utr" [Analysis of Criminal Liability in the Blasphemy Case Allegedly Committed by Basuki Tjahaja Purnama as Having Obtained Permanent Legal Force in Decision Number 1537/Pid.B/2016/PN Jkt.Utr]. Thesis, Universitas Atma Jaya Yogyakarta, 2020.
<https://digilib.uajy.ac.id/19072/>.

Manulang, Novriyanti, et al. "Analisis Perwujudan Jaminan dan Perlindungan Hukum Negara atas Kebebasan Beragama dan Beribadat dalam Perspektif Pasal 28E Undang-Undang Dasar Tahun 1945" [Analysis of the Realization of State Guarantees and Legal Protection for Freedom of Religion and Worship from the Perspective of Article 28E of the 1945 Constitution]. *Jurnal Ilmiah Wahana Pendidikan [Wahana Pendidikan Scientific Journal]* 10, no. 16 (2024): 637–48.

Muhammad Ikhsan, RD., et al. "Restorative Justice on Blasphemy Cases: Overview of the Prosecutors Role and Legal Reform." *Bengkoelen Justice: Jurnal Ilmu Hukum* [Bengkoelen Justice: Journal of Law] 14, no. 2 (2024): 191–208. <https://doi.org/10.33369/jbengkoelenjust.v14i2.32363>.

Muhshi, Adam. *Teologi Konstitusi: Hukum Hak Asasi Manusia atas Kebebasan Beragama di Indonesia* [Constitutional Theology: Human Rights Law on Freedom of Religion in Indonesia]. Yogyakarta: LKiS Pelangi Aksara, 2015.

Mursalin, Adinda Faradilla, Ismansyah Ismansyah, and Yoserwan Yoserwan. "Penafsiran Hukum Terhadap Pasal 156a Kitab Undang-Undang Hukum Pidana Tentang Tindak Pidana Penodaan Agama (Tinjauan Terhadap Perkara Putusan Nomor 1612/Pid.B/2018/Pn.Mdn)" [Legal Interpretation of Article 156a of the Criminal Code Concerning the Crime of Blasphemy (A Review of Case Decision Number 1612/Pid.B/2018/PN.Mdn)]. *Nagari Law Review* 8, no. 4 (2024): 269–84. <https://doi.org/10.25077/nalrev.v.8.i.2.p.269-284.2024>.

Pusat Studi Hukum dan Kebijakan Jentera. "Potensi Kriminalisasi Hak Minoritas Keagamaan dalam KUHP" [The Potential Criminalization of Religious Minority Rights in the Criminal Code]. *Jentera.ac.id*, December 10, 2022. <https://www.jentera.ac.id/kabar/potensi-kriminalisasi-hak-minoritas-keagamaan-dalam-kuhp>.

Puspaningrum, Febrianti Dwi, Christoper Theovino Adhi, and Adrianus Sandy Darmawan Satrio. "A Comparative Study of Blasphemy Law in Indonesia and America: Religious and Legal Aspects." *Contemporary Issues on Interfaith Law and Society* 2, no. 1 (2023): 1–30. <https://doi.org/10.15294/ciils.v2i1.31372>.

Republic of Indonesia. *Kitab Undang-Undang Hukum Pidana (KUHP), Wetboek van Strafrecht voor Nederlandsch-Indië* [Indonesian Criminal

Code]. Staatsblad Year 1915 No. 732 in conjunction with Staatsblad Year 1926 No. 278.

Republic of Indonesia. Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 [1945 Constitution of the Republic of Indonesia].

Ritonga, Binsar Zaroha, and Y. A. Triana Ohowutun. "Tindak Pidana Penodaan Agama di Indonesia (Kajian Kasus Syiah Sampang dan Gafatar Aceh)" [The Crime of Blasphemy in Indonesia (A Case Study of Shia in Sampang and Gafatar in Aceh)]. *Interdisciplinary Journal on Law, Social Sciences and Humanities* 2, no. 1 (2021): 1–12. <https://doi.org/10.19184/ijl.v2i1.24420>.

Riziq, Moh. "A Critical Examination of Blasphemy Offenses in the Criminal Code and Law No. 1 of 2023." *Indonesian Journal of Criminal Law and Criminology* 6, no. 1 (2025): 21–28. <https://doi.org/10.18196/ijclc.v6i1.24969>.

Sanjaya, Dixon, and Akhlis Aulia Rahim. "Kebebasan Beragama dan Berkeyakinan dalam Negara Hukum Indonesia: Dualisme Tafsir Konseptual dan Putusan Mahkamah Konstitusi" [Freedom of Religion and Belief in the Indonesian Rule of Law: The Dualism of Conceptual Interpretation and Constitutional Court Decisions]. *Jurnal Konstitusi dan Demokrasi* [Journal of Constitution and Democracy] 4, no. 1 (2024): 1–20.

Sinuraya, Alosius Des Afriando. "Gereja di Ruang Publik Indonesia Berdasarkan Pemikiran A.A. Yewangoe" [The Church in the Indonesian Public Sphere Based on the Thought of A.A. Yewangoe]. *DUNAMIS: Jurnal Teologi dan Pendidikan Kristiani* [DUNAMIS: Journal of Theology and Christian Education] 9, no. 2 (2025). <https://e-journal.sttintheos.ac.id/index.php/dunamis/article/view/1505/0>.

Sopyan, Encep. "Implementasi Penegakan Hak Asasi Manusia dalam Konstitusi sebagai Wujud Modernisasi Beragama di Indonesia" [Implementation of Human Rights Enforcement in the Constitution as a Manifestation of

Religious Modernization in Indonesia]. *PALAR (Pakuan Law Review)* 9, no. 4 (2024): 104–20.

Susetyo, Heru, Farida Prihatini, Abdurakhman, Nurindah Hilimi, Intan Mahabah, Ira Apriyanti, et al. "Keberlakuan Hukum Penodaan Agama di Indonesia: Antara Tertib Hukum dan Tantangan Hak Asasi Manusia" [The Applicability of Blasphemy Law in Indonesia: Between Legal Order and Human Rights Challenges]. *Perspektif Hukum [Legal Perspective]* 20, no. 1 (2020): 72–100.

Susilo, Bernardinus Doni Sulisty. "Kebebasan Beragama dalam Konstitusi dan Perspektif Hak Asasi Manusia" [Freedom of Religion in the Constitution and Human Rights Perspective]. *Belom Bahadat: Jurnal Hukum Agama Hindu [Belom Bahadat: Journal of Hindu Religious Law]* 14, no. 2 (2024). <https://doi.org/10.33363/bb.v14i2.1324>.

Suwanto, Dwi, and Fachri. "Penista Agama Dalam Perspektif Al-Quran dan Injil (Studi Komparasi)" [Blasphemers in the Perspective of the Quran and the Gospel (A Comparative Study)]. *ProsA AS: Prosiding Al Hidayah Ahwal Asy-Syakhshiyah [ProsA AS: Proceedings of Al Hidayah Ahwal Asy-Syakhshiyah]* 1, no. 1 (January 2019): 44.

United Nations. *International Covenant on Civil and Political Rights*. December 16, 1966. Articles 18 & 19.

United Nations General Assembly. *Interim Report of the Special Rapporteur on Freedom of Religion or Belief, A/76/380*. July 16, 2021. <https://www.ohchr.org/en/documents/thematic-reports/a76380-interim-report-special-rapporteur-freedom-religion-or-belief>.

Utama, Andrew Shandy, and Toni Toni. "Perlindungan Negara Terhadap Kebebasan Beragama di Indonesia Menurut Undang-Undang Dasar 1945" [State Protection of Freedom of Religion in Indonesia According to the 1945 Constitution]. *CIVITAS (Jurnal Pembelajaran dan Ilmu Civic) [CIVITAS (Journal of Civic Learning and Science)]* 6, no. 2 (2020): 12–24.

- Wardana, Khansadhia Affffah. "Kebebasan Beragama Sebagai Hak Asasi Manusia di Indonesia: Pertentangan Universalisme dan Relativisme Budaya" [Freedom of Religion as a Human Right in Indonesia: The Conflict Between Universalism and Cultural Relativism]. *Jurnal Hukum Progresif* [Journal of Progressive Law] 10, no. 1 (2022): 63–75. <https://doi.org/10.14710/jhp.10.1.63-75>.
- Warren, Rick. *Daily Hope Devotional: Harapan Untuk Setiap Hari Renungan Harian* [Daily Hope Devotional: Hope for Every Day Daily Devotional]. Jakarta: Light Publishing, 2024.
- Zulfa, Eva Achjani. "Restorative Justice for Blasphemy in Indonesia: Study on the Application of the PNPM Law No. 1 of 1965." *International Journal of Science and Society* 1, no. 4 (2019): 54–61.

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