

# **Worship in the Shadow of Capital: Neoliberalism and the Fate of Religious Freedom in Indonesia**

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## **Abstract**

This article examines how neoliberal logic influences the articulation and implementation of the right to freedom of religion in Indonesia. Through a non-doctrinal approach and critical analysis of legal frameworks and institutional practices, it demonstrates that neoliberalism not only permeates the economic sphere but also redefines human rights, including religious freedom. Under the neoliberal regime, religious freedom is reduced to an individual preference subject to market logic and commodified within the frameworks of consumption and political stability. The state tends to adopt a passive or selective stance in protecting religious groups, privileging those aligned with dominant economic-political interests while restricting those perceived as disruptive to stability or oppositional to the status quo. Religious freedom

is thus politicized, used as a tool for regime legitimacy, and controlled through administrative, symbolic, and economic mechanisms. This article highlights that genuine religious freedom cannot be realized without inclusive democracy, social justice, and the protection of pluralism. Therefore, structural efforts are necessary to liberate religious freedom from neoliberal constraints so that this right can be substantively and equitably exercised within Indonesia's pluralistic society.

## **Keywords**

*Critical Human Rights; Neoliberal Human Rights; Religious Freedom.*

## **I. Introduction**

The entrenchment of neoliberalism in Indonesia has become increasingly evident and can no longer be denied. A growing body of scholarship has documented this trajectory, revealing how neoliberal logics have reshaped the country's political economy, governance, and institutional structures. Hadiz, for example, critiques neo-institutionalist perspectives by demonstrating how decentralization in post-Suharto Indonesia has empowered local oligarchies rather than deepening democracy, allowing neoliberal mechanisms to facilitate elite capture at the regional level.<sup>1</sup> In a broader analysis, Robison and Hadiz argue that the transition to a market-oriented economy in the post-authoritarian era represents not a democratic opening, but rather a

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<sup>1</sup> Vedi R. Hadiz, "Decentralization and Democracy in Indonesia: A Critique of Neo-Institutionalist Perspectives," *Development and Change* 35, no. 4 (2004): 697-718, <https://doi.org/10.1111/j.0012-155X.2004.00376.x>.

reorganization of power among entrenched elites, wherein neoliberal reforms served to consolidate oligarchic dominance.<sup>2</sup>

Human rights have become an inescapable variable influenced by neoliberalism. Numerous studies by human rights scholars have established that human rights, both in theory and practice, are not inherently incompatible with neoliberalism. For instance, the edited volume by MacNaughton and Frey highlights the dynamics of economic and social rights in a world increasingly oriented toward neoliberalism.<sup>3</sup> Consequently, human rights are often articulated within market policy frameworks that emphasize efficiency, individualism, and economic growth. Within this context, social and economic rights undergo a shift in meaning.<sup>4</sup> They are no longer positioned as absolute and non-negotiable state obligations but rather as policy targets that can be adjusted according to fiscal logic and national economic priorities.<sup>5</sup>

Unlike social and economic rights, which are often viewed as incompatible with neoliberalism, civil and political rights are generally considered to coexist with it. This is because both neoliberalism and human rights share philosophical foundations rooted in certain basic assumptions about human nature, ethics, and politics characteristic of liberal thought. Neoliberalism aligns with human rights in its conception of the individual as a universal, free, and rational being.<sup>6</sup> Within this perspective, the individual is understood as an autonomous entity possessing inherent rights, independent of social, cultural, and

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<sup>2</sup> Vedi R. Hadiz and Richard Robison, *Reorganising Power in Indonesia The Politics of Oligarchy in an Age of Markets* (London: Routledge, 2004).

<sup>3</sup> Gillian MacNaughton and Diane F. Frey (eds.), *Economic and Social Rights in a Neoliberal World* (New York: Cambridge, 2018).

<sup>4</sup> Umut Özsü, "Neoliberalism and Human Rights: The Brandt Commission and the Struggle for a New World," *Law and Contemporary Problems* 81, no. 4 (2018): 139–65, <http://www.jstor.org/stable/45020086>.

<sup>5</sup> Samuel Moyn, "A Powerless Companion: Human Rights in the Age of Neoliberalism," *Law and Contemporary Problems* 77, no. 4 (2014): 147–69, <http://www.jstor.org/stable/24244651>.

<sup>6</sup> Raymond Plant, *The Neoliberal State* (Oxford: Oxford University Press, 2010).

historical contexts. In both the human rights discourse and neoliberalism, individual freedom serves as the fundamental principle that must not be infringed upon by either the state or other collectivities.

This commonality explains why human rights can be readily absorbed into the neoliberal project. Within the neoliberal framework, the individual is not only regarded as a legal subject but also as an economic actor who freely chooses, consumes, and competes in the market.<sup>7</sup> Rights are treated as private property that can be claimed and negotiated, rather than as outcomes of power relations or historical struggles. At this point, we observe how human rights can be narrowed down to mere guarantees of freedom of contract or protection from state intervention in market activities, rather than serving as instruments for pursuing distributive justice or recognizing marginalized collective identities.<sup>8</sup>

Based on the foregoing discussion, this study aims to examine the relationship between neoliberalism and civil and political rights, with a particular focus on the right to freedom of religion and belief. Freedom of religion or belief is one of the most fundamental human rights, universally guaranteed in various international legal instruments. This guarantee was first enshrined in Article 18 of the Universal Declaration of Human Rights (UDHR), which states that everyone has the right to freedom of thought, conscience, and religion. This provision was later reinforced legally in Article 18 of the International Covenant on Civil and Political Rights (ICCPR), which more explicitly regulates the protection of internal freedom to hold a religion or belief, as well as the external freedom to manifest it, whether individually or collectively.

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<sup>7</sup> Kate Nash, "The Cultural Politics of Human Rights and Neoliberalism," *Journal of Human Rights* 18, no. 5 (2019): 490–505, <https://doi.org/10.1080/14754835.2019.1653174>.

<sup>8</sup> Jessica Whyte, *The Morals of the Market: Human Rights and the Rise of Neoliberalism* (London: Verso, 2019).

However, in the contemporary context, the articulation and implementation of the right to freedom of religion and belief cannot be separated from the influence of the global economic-political structure, particularly neoliberal logic.<sup>9</sup> Neoliberalism, as a regime of rationality, not only governs the relations between market and state but also penetrates social spheres and identities, including religious expression. Within this framework, a key question arises as the foundation of this study: Does neoliberal logic influence the way the right to freedom of religion is articulated and implemented in Indonesia?

This question becomes increasingly relevant considering that, on one hand, people around the world aspire to freely practice their religion without fear of discrimination, coercion, or restrictions imposed by the state or society. On the other hand, religion is also implicated in various urgent global security issues. In the first two decades of the twenty-first century alone, millions have fallen victim to religion-based conflicts—both as casualties and as refugees. These conflicts have not only caused immense human suffering but have also disrupted political stability, hindered democratic consolidation, and triggered the rise of extremist violence.

Amidst this paradoxical situation, this study takes the position of understanding freedom of religion and belief not merely as a normative issue within human rights law but also as an ideological and political battleground shaped by power relations among the state, market, and society.<sup>10</sup> Neoliberalism, as the dominant logic defining public policy rationality and the management of difference, holds significant potential to shape how the state governs religious expression—whether

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<sup>9</sup> Lori G Beaman, “Religious Freedom and Neoliberalism: From Harm to Cost-Benefit,” in Tuomas Murtokainen and François Gauthier (eds.), *Religion in the Neoliberal Age: Political Economy and Modes of Governance* (London: Routledge, 2013), 197.

<sup>10</sup> Lori G Beaman, “Religious Freedom and Neoliberalism,” 199-200.

as a threat to be controlled or as a commodity to be integrated into market and consumer logic.

To avoid redundancy and establish a clear contribution, this study is positioned in dialogue with existing literature on religious freedom and neoliberalism. Existing studies have explored the dynamics of religious freedom in post-Reformasi Indonesia, often highlighting the state's role in restricting religious liberties due to political motives and the evolving democratic landscape.<sup>11</sup> These works tend to focus on state authoritarianism or the majoritarian impulses within Indonesian democracy. In parallel, a separate strand of research has examined how neoliberalism affects religious institutions, particularly through the commodification of religious identity and the rise of what has been termed 'pious neoliberalism'—a fusion of religious piety and market-oriented rationality.<sup>12</sup>

While these contributions are valuable, they largely treat religious institutions or state restriction as distinct from broader economic rationalities. There is still a notable gap in the literature that directly interrogates how neoliberal logics—such as market efficiency, individual responsibility, and privatization—reshape the articulation and implementation of the right to freedom of religion itself, particularly in the Indonesian context. This study fills that gap by analyzing not merely how religion adapts to capitalism, but how neoliberalism subtly reorganizes the legal, institutional, and discursive frameworks through which religious freedom is defined, limited, and

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<sup>11</sup> Zainal Abidin Bagir et.al, "Limitations to Freedom of Religion or Belief in Indonesia: Norms and Practices," *Religion and Human Rights* 15, no. 1-2 (2020): 39-56, <http://dx.doi.org/10.1163/18710328-BJA10003>; Hurriyah Hurriyah, "Dynamics of Shrinking Religious Freedom in Post-Reformasi in Indonesia," *Journal of Southeast Asian Human Rights* 4, no. 2 (2020): 335-356, <https://doi.org/10.19184/jseahr.v4i2.19546>.

<sup>12</sup> Siti Nur Hidayah, "Pesantren for Middle-Class Muslims in Indonesia (Between Religious Commodification and Pious Neoliberalism)," *Qijis: Qudus International Journal of Islamic Studies* 9, no. 1 (2021): 209-244, <http://dx.doi.org/10.21043/qijis.v9i1.7641>.

exercised. In doing so, it offers a novel conceptual bridge between critical human rights scholarship and political economy, illuminating the less visible, yet powerful ways neoliberalism can co-opt fundamental rights in a formally democratic society.

## **II. Method**

This study employs a non-doctrinal method to understand how neoliberal logic influences the articulation and implementation of the right to freedom of religion in Indonesia. In this approach, law is not merely understood as a normative text or a closed system of rules but rather as a social institution that both shapes and is shaped by power relations, economic practices, and broader ideological constructions. This method enables the examination of law within its socio-political and economic contexts, including how law operates in practice through policies, administrative practices, and interactions among the state, market, and society.

Data were collected through the study of legislation related to the regulation of religious freedom in Indonesia. The collected data were then analyzed qualitatively with an interpretative-critical orientation, aimed at uncovering the ideological logic and reasoning underlying state policies on religious freedom—particularly how market values, stability, and neoliberal rationality influence the formulation and restriction of religious expression in the public sphere. The validation of the processed data was conducted through weekly group discussions held as part of the Fellowship on Freedom of Religion and Belief at the Center for Religious and Cross-Cultural Studies, Universitas Gadjah Mada.

### III. Result & Discussion

This section presents an analysis grounded in the normative framework of the right to freedom of religion, which serves as a fundamental legal and human rights principle. It further examines the political dimensions of this right, highlighting the contestations and negotiations of power within liberal democratic systems. Understanding the preconditions that enable the exercise of religious freedom is essential, especially considering the inherent tensions and limitations that arise within liberal democracies, which simultaneously emphasize individual liberties and regulate collective interests. The discussion then shifts to the transformation of religious freedom in the neoliberal era, where market logics and economic mechanisms increasingly shape the articulation and implementation of this right. Finally, this section explores how restrictions on religious freedom can be interpreted as indicators of neoliberal co-optation, whereby such limitations function not only as normative regulations but also as political strategies to reproduce economic and ideological dominance within socio-religious spheres.

#### A. Legal Foundations of Religious Freedom

The right to freedom of religion and belief is one of the fundamental human rights universally recognized and guaranteed in various international legal instruments. This right provides space for every individual to embrace, practice, and articulate their beliefs without fear of discrimination, coercion, or oppression by the state or other social



groups.<sup>13</sup> In a normative framework, freedom of religion relates not only to individual choice but also to the collective protection of religious practices and communities.

International legal instruments such as Article 18 of the Universal Declaration of Human Rights (UDHR) and Article 18 of the International Covenant on Civil and Political Rights (ICCPR) affirm that freedom of religion and belief includes the freedom to change one's religion or belief, as well as the freedom to manifest religion individually or collectively in public. These provisions reflect a broad and multidimensional recognition of the right that is not limited solely to the private sphere. In this context, freedom of religion must also be understood as a right inherent to human dignity, affirming that every person has the right to determine their beliefs without coercion. This means that the state is obligated to provide effective guarantees of protection so individuals can freely practice their beliefs, while simultaneously preventing interventions that impose a particular belief on others.<sup>14</sup>

Beyond universal recognition, the normative framework of religious freedom is also marked by principles of legitimate and proportional limitations. Article 18 of the ICCPR permits restrictions on freedom of religion for reasons of national security, public order, public health, or morals, provided such restrictions are lawful and non-discriminatory. This underscores that freedom of religion is not an absolute right without limits but must be exercised with due regard to

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<sup>13</sup> Brice Dickson, "The United Nations and Freedom of Religion," *International and Comparative Law Quarterly* 44, no. 2 (1995): 327–57, <https://doi.org/10.1093/iclqaj/44.2.327>.

<sup>14</sup> Mohamed Elewa Badar, "Basic Principles Governing Limitations on Individual Rights and Freedoms in Human Rights Instruments," *The International Journal of Human Rights* 7, no. 4 (2003): 63–92, <https://doi.org/10.1080/13642980310001726226>.

the rights of others and the collective interest.<sup>15</sup> The principle of proportionality in limiting religious freedom is critical to ensuring that state interventions do not become disguised oppression or discrimination against specific religious groups. In practice, this requires stringent scrutiny of the grounds and impacts of such restrictions and adequate legal protection for victims of religious rights violations.

The normative framework also acknowledges pluralism as a social condition that must be respected and protected by the state. Freedom of religion cannot be separated from respect for the diversity of beliefs and religious practices within society. Accordingly, the state must adopt inclusive policies that guarantee equality and non-discrimination among religious groups and individuals. In this pluralistic context, it is also important to distinguish between freedom of religion and freedom of expression more generally. Freedom of religion encompasses spiritual and collective dimensions that may conflict with social norms or the beliefs of the majority.<sup>16</sup> Therefore, the normative framework demands a balance between respecting individual beliefs and safeguarding public order.

From the perspective of national law, constitutions of democratic states generally adopt principles of religious freedom consistent with international standards. For example, in Indonesia, Article 28E paragraph (1) of the 1945 Constitution guarantees every person the freedom to adhere to a religion and worship according to their faith. However, the greatest challenges arise in implementation, often marked by conflicts between positive law, local culture, and political dynamics. Furthermore, the normative framework also demands mechanisms for the protection and restoration of rights for individuals or groups who

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<sup>15</sup> Yoram Dinstein, "Freedom of Religion and the Protection of Religious Minorities," in Yoram Dinstein and Mala Tabory (eds.), *The Protection of Minorities and Human Rights* (Leiden: Brill | Nijhoff, 1992), 160.

<sup>16</sup> Mariam Rawan Abdulla, "Culture, Religion, and Freedom of Religion or Belief," *The Review of Faith & International Affairs* 16, no. 4 (2018): 102–15, <https://doi.org/10.1080/15570274.2018.1535033>.

experience violations of religious freedom. This includes access to fair justice, effective complaint mechanisms, and guarantees of protection from threats of violence or discrimination.

## B. Politics of Religious Freedoms

Religion is often understood as a transcendent entity, something that surpasses the material boundaries of the world and is rooted in the human inner conviction of the existence of an absolute and divine power. In this perception, religion is not merely positioned as a personal belief system but also as a value order capable of guiding both individual and collective life within society. The transcendental power believed in religion is considered to regulate not only the relationship between humans and the divine but also to provide normative guidelines on how humans ought to behave toward one another. Consequently, religion in its normative form frequently generates a set of binding rules and ethical principles for its adherents. These principles, derived from sacred texts and the interpretations of religious authorities, often extend broadly to regulate various aspects of communal life: from social relations and family systems to economic and political structures.<sup>17</sup>

In major world religions such as Judaism, Christianity, and Islam, the regulation of communal life is elaborated in detail through religious texts and interpretative traditions. Within this context, religion is not only a spiritual source but also a moral institution that claims authority higher than any socio-political institution.<sup>18</sup> It is not subordinate to the positive legal system of the state and often serves as a basis to assess the legitimacy of such systems. As a result, religion occupies a prominent position in public life, being perceived not merely as a component of

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<sup>17</sup> Natalie Goldstein, *Global Issues: Religion and the State* (New York: Facts on File, 2010), 6-7.

<sup>18</sup> Linda Woodhead, "Five Concepts of Religion," *International Review of Sociology* 21, no. 1 (2011): 121-43, <https://doi.org/10.1080/03906701.2011.544192>.

culture or identity but as a representation of divine will that must be obeyed. The relationship between humans and God in these traditions is vertical, transcending worldly ties and demanding deep ethical commitment from believers. This commitment subsequently gives rise to values that uphold justice, equality, and solidarity—values that frequently inspire social and political struggles.<sup>19</sup>

However, the perspective that positions religion as entirely transcendent and untouched by worldly realities tends to be problematic when confronted with concrete socio-political dynamics.<sup>20</sup> This view negates the fact that religion, as a social practice, always operates within historical space and time, embedded in power structures that are not neutral. Such a perspective creates the assumption that religion is a pure entity, free from contamination by ideology, culture, and political interests, whereas in practice, religion continuously negotiates with these worldly forces.<sup>21</sup> In other words, a strict separation between the spiritual and social dimensions of religion is illusory and may obscure how religion is constructed, utilized, and even exploited within specific power configurations.

Historically, religion has played a complex role in politics and power. It can be a liberating force inspiring progressive social movements but, simultaneously, an instrument of legitimacy for authoritarian regimes and systems of oppression.<sup>22</sup> It is therefore crucial to understand that religion is never fully detached from the social structures that shape and are shaped by it. Religious identity, although often positioned as personal and spiritual, carries ideological and

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<sup>19</sup> Cecelia Lynch, "A Neo-Weberian Approach to Religion in International Politics," *International Theory* 1, no. 3 (2009): 381–408, <https://doi.org/10.1017/S1752971909000116>.

<sup>20</sup> Linda Woodhead, "Five Concepts of Religion," 138.

<sup>21</sup> Robert Wuthnow, "Understanding Religion and Politics," *Daedalus* 120, no. 3 (1991): 1–20, <http://www.jstor.org/stable/20025385>.

<sup>22</sup> Francisca Cho and Richard King Squier, "Religion as a Complex and Dynamic System," *Journal of the American Academy of Religion* 81, no. 2 (2013): 357–398, <https://doi.org/10.1093/jaarel/lft016>.

political implications. To comprehend the relationship between religion and power, it is necessary to analyze how religion operates within particular socio-political systems and how religious institutions interact with the state and ruling regimes.<sup>23</sup>

To explain this complexity, Koesel introduces the concept of religion-regime relations, an analytical framework that describes how religion relates to political regimes, especially in authoritarian contexts. Koesel demonstrates that religion functions not only as a moral or spiritual actor but also as an agent with significant political power.<sup>24</sup> In authoritarian systems, religion can become a strong source of legitimacy for rulers. Authoritarian regimes often exploit religious symbols and institutions to cloak their rule in an aura of sacredness. This strategy is effective because religion possesses strong social cohesion and can shape public perceptions of legitimacy. By employing religion as a tool of legitimacy, regimes can generate broader social compliance without relying solely on direct repression.<sup>25</sup>

This model of relations reveals a symbiosis between the state and religious institutions, where religion is granted official status, state facilities, or material support in exchange for its ideological and symbolic backing of the regime. In many cases, religious groups close to the rulers enjoy privileges and access to state resources denied to more critical or oppositional religious groups. This creates inequality in the practice of religious freedom, as such rights become conditional on political loyalty. Thus, the relationship between state and religion is not only strategic but also deeply political and discriminatory.<sup>26</sup>

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<sup>23</sup> Camil Ungureanu and Paolo Monti, *Contemporary Political Philosophy and Religion: Between Public Reason and Pluralism* (London: Routledge, 2017), 273.

<sup>24</sup> Karrie J. Koesel, "Religion and the Regime: Cooperation and Conflict in Contemporary Russia and China," *World Politics* 69, no. 4 (2017): 676–712, <https://doi.org/10.1017/S004388711700017X>.

<sup>25</sup> Karrie J. Koesel, "Religion and the Regime: Cooperation and Conflict in Contemporary Russia and China," 680.

<sup>26</sup> Karrie J. Koesel, "Religion and the Regime: Cooperation and Conflict in Contemporary Russia and China," 701.

Furthermore, Koesel explains that when religion is perceived as a threat to regime stability, the regime employs co-optation strategies. This approach aims to weaken opposition potential from religious institutions by integrating them into the power structure—a process he terms encapsulation. Religious elites are incorporated into state bureaucracy directly through symbolic offices or indirectly through financial support, funding for education, and management of socio-religious activities. When religious institutions become dependent on the state, their capacity to play a critical and liberating role is significantly diminished. They become docile, lose autonomy, and function as supporters of regime legitimacy rather than as independent moral forces.

In such scenarios, religion transforms into part of the apparatus of power.<sup>27</sup> Its commitment to social justice—formerly an inherent aspect of its moral teachings—becomes compromised. Rather than advocating transcendent values such as justice and equality, religious institutions become agents of the status quo, perpetuating inequality and normalizing injustice.<sup>28</sup> Therefore, state co-optation of religion not only neutralizes the critical potential of religion but also directly contracts spaces for religious freedom, especially for minority groups lacking state recognition or unwilling to submit to regime demands.

This relationship raises a fundamental question: to what extent can freedom of religion and belief be upheld when religion itself is used as an instrument of state power? In contexts where the state defines legitimate forms of religious expression and sanctions those deemed deviant or subversive, the principle of religious freedom no longer rests on individual rights but on the ideological preferences of the regime. Religious freedom, which should be universal and inalienable, becomes conditional, selective, and highly politicized. In such instances, the state

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<sup>27</sup> Michel Foucault, "The Subject and Power," *Critical Inquiry* 8, no. 4 (1982): 77-93, <https://doi.org/10.1086/448181>.

<sup>28</sup> Natalie Goldstein, *Global Issues: Religion and the State*, 34.

acts not only as protector of rights but as arbiter of which religions are “correct” and which are “wrong.”

To address this question systematically, it is necessary to examine the concept of the right to freedom of religion and belief as enshrined in international human rights law frameworks. Article 18 of the UDHR and the ICCPR recognize freedom of religion as a fundamental right encompassing the freedom to have, adopt, or change religion or belief; as well as the freedom to manifest religion or belief individually or in community, publicly or privately. This right is non-derogable, meaning it cannot be restricted even in emergencies.

Nevertheless, in practice, many states—including democracies—continue to restrict this right citing reasons such as national security, public order, or morality.<sup>29</sup> These justifications are often manipulatively used to suppress religious groups perceived as threatening the dominance of majority groups or the legitimacy of the regime. In various contexts, the justification for restrictions on religious rights can be systemic, embedded in legal and bureaucratic structures that appear legitimate but effectively silence religious diversity.<sup>30</sup>

Ironically, states often claim these actions are undertaken to maintain religious harmony. This rationale reflects how the concept of religious freedom has been reduced to mere administrative order rather than a fundamental human right inherent to every individual. Within this framework, religious freedom is no longer viewed as spiritual emancipation and freedom of thought but as an area strictly regulated to preserve political stability and superficial social harmony. In other words, the pretext of harmony often conceals discriminatory practices against minority, non-mainstream, or state-critical religious groups.

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<sup>29</sup> Thomas Christiano, “An Instrumental Argument for a Human Right to Democracy,” *Philosophy and Public Affairs* 39, no. 2 (2011): 142-176, <https://doi.org/10.1111/j.1088-4963.2011.01204.x>,

<sup>30</sup> Andrew Lister, “Public Reason and Democracy,” *Critical Review of International Social and Political Philosophy* 11, no. 3 (2008): 273-289. <https://doi.org/10.1080/13698230802276355>.

This situation illustrates that the problem of religious freedom often does not lie in the absence of law but in how states use and interpret laws to regulate and control religious expression. When law becomes an instrument of power to demarcate the boundaries of religious legitimacy, the right to freedom of religion loses its substance. It ceases to protect individuals from state intervention and instead becomes a tool for the state to determine who may practice religion and how to practice the “correct” form of religion.

### C. Liberalism and the Preconditions for Religious Freedom

In the tradition of liberal political philosophy, religion is not regarded as possessing an ontologically superior status compared to other forms of belief, including atheism or secularism. This perspective is grounded in the premise that modern societies consist of individuals with diverse moral, cultural, and religious backgrounds.<sup>31</sup> Therefore, a just and legitimate political order, according to liberalism, must not privilege religion—or any particular worldview—above others. The state is required to maintain neutrality with regard to this diversity of beliefs and to ensure that no single perspective is dominated by political power.<sup>32</sup> This position contrasts with essentialist approaches that assert religion’s privileged status based on divine command, which is deemed inviolable.

This liberal view emerges as a historical response to the dominance of the church and various forms of theocracy that once structured power across different regions of the world. European history, for example, illustrates how unchecked religious authority could

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<sup>31</sup> John Rawls, *Political Liberalism* (New York: Columbia University Press, 1996).

<sup>32</sup> Rafael Domingo, “Religion for Hedgehogs? An Argument against the Dworkinian Approach to Religious Freedom,” *Oxford Journal of Law and Religion* 2, no. 2 (2013): 371–392, <https://doi.org/10.1093/ojlr/rws042>.



lead to the repression of groups holding divergent views. Consequently, liberalism emphasizes the importance of the separation of church and state—not as hostility towards religion, but as a means to protect the space for individual freedom, allowing every person to live in accordance with their beliefs, whether religious or non-religious.<sup>33</sup>

Within this framework, religion is treated on par with other forms of moral and cultural expression.<sup>34</sup> Liberalism does not deny the spiritual value of religion for individuals and communities but rejects the domination of any religion over public institutions. Special treatment of religion is only justifiable if similar consideration is extended to non-religious beliefs that fulfill comparable moral and existential functions for their adherents. Hence, liberalism tends to reject claims of religious privilege based on the status of divine revelation.<sup>35</sup>

In the realm of public policy, liberalism's stance is marked by two rejections: first, of essentialist approaches that demand privileged recognition for particular religions; and second, of radical-critical approaches that reject the entire liberal project as inherently Western-biased and ethnocentric. Radical critiques, often from postcolonial or communitarian thinkers, argue that liberalism neglects the sociocultural contexts of communities with strong collective moral structures, including religion. Nevertheless, liberalism, especially in its contemporary formulations, seeks to address these challenges through an inclusive approach that not only guarantees individual freedom but

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<sup>33</sup> Michael J. Perry, "Liberal Democracy and the Right to Religious Freedom," *The Review of Politics* 71, no. 4 (2009): 621–35, <http://www.jstor.org/stable/25655867>.

<sup>34</sup> Frances Raday, "Culture, Religion, and Gender," *International Journal of Constitutional Law* 1, no. 4 (2003): 663–715, <https://doi.org/10.1093/icon/1.4.663>.

<sup>35</sup> Ryan Gillespie, "Reason, Religion, and Postsecular Liberal-Democratic Epistemology," *Philosophy & Rhetoric* 47, no. 1 (2014): 1–24, <https://doi.org/10.5325/philtrhet.47.1.0001>.

also recognizes the social structures supporting collective expressions of belief.<sup>36</sup>

Normatively, liberalism maintains its relevance as a continuously evolving political project. It does not capitulate to institutional weaknesses and inequalities present in existing democratic realities but strives to formulate ethical and legal standards that can be used to evaluate and reform actual conditions. In this regard, the right to freedom of religion and belief is viewed not merely as protection against state intervention but as a foundation for full participation in political and social life. Liberalism encourages democratic institutions to create deliberative spaces where citizens from diverse belief backgrounds can engage in dialogue on equal and open terms.<sup>37</sup>

Within this context, freedom of religion holds a central position as a fundamental human right. This freedom encompasses not only the right to adopt a religion or belief but also the right to practice, teach, and disseminate it, both privately and publicly. Article 18 of the International Covenant on Civil and Political Rights (ICCPR) recognizes freedom of religion as a non-derogable right under any circumstances, except for its external manifestations, which may be strictly limited under specific conditions.<sup>38</sup> However, recognition of religious freedom does not imply that the state cannot impose any restrictions on religious practices. Limitations are permissible but must adhere to the principles of legality, proportionality, and necessity in a democratic society. In other words, the state cannot arbitrarily prohibit or restrict religious expression without clear legal basis and legitimate democratic justification. Liberalism thus emphasizes the importance of

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<sup>36</sup> Michael W McConnell, "Why Protect Religious Freedom?," *The Yale Law Journal* 123, no. 3 (2013): 770–810, <http://www.jstor.org/stable/23744389>.

<sup>37</sup> Cécile Laborde, "Religion In The Law: The Disaggregation Approach," *Law and Philosophy* 34, no. 6 (2015): 581–600, <http://www.jstor.org/stable/24572387>.

<sup>38</sup> Stanley Ingber, "Religion or Ideology: A Needed Clarification of the Religion Clauses," *Stanford Law Review* 41, no. 2 (1989): 233–333, <https://doi.org/10.2307/1228745>.

balancing individual freedom with the public interest, alongside the prevention of religious discrimination.

Within the liberal democratic framework, the state's role extends beyond guaranteeing negative freedom (freedom from interference) to ensuring positive freedom (the capacity to actively exercise one's beliefs). This includes guarantees of access to places of worship, religious education, the right to wear religious symbols, and fair representation in public policies. Without such positive freedoms, individuals or religious communities remain vulnerable to marginalization, even if no formal prohibitions against their beliefs exist. Liberal democracy, supported by relatively robust legal institutions, provides oversight mechanisms to prevent the abuse of power by the state in restricting religious freedom.<sup>39</sup> The system of checks and balances among the executive, legislative, and judicial branches enables structural protection of these rights. Independent bodies such as ombudsmen, human rights commissions, and constitutional courts are crucial in ensuring that state policies and actions remain within the bounds of human rights.

Beyond the legal domain, liberal democracy also facilitates social control through press freedom and an active civil society. A free media and a strong civil society play vital roles in monitoring and critiquing discriminatory practices carried out in the name of religion or, conversely, violations of religious freedom by state and non-state actors. Here, liberal democracy not only provides formal protection but also fosters a socio-political ecosystem conducive to respect for pluralism of belief.<sup>40</sup>

Furthermore, liberal democracy creates space for the development of social norms that uphold tolerance and solidarity among religious groups. In pluralistic societies, deliberative forums such as parliaments,

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<sup>39</sup> Cécile Laborde, "Religion In The Law," 595.

<sup>40</sup> Gordon White, "Civil Society, Democratization and Development (I): Clearing the Analytical Ground," *Democratization* 1, no. 2 (1994): 375–90, <https://doi.org/10.1080/13510349408403399>.

citizen assemblies, or digital public spheres enable the exchange of ideas among diverse groups. This exchange is crucial in fostering inclusive mutual understanding and preventing religion-based conflicts.<sup>41</sup> Nonetheless, liberalism does not ignore the reality that democratic regimes are not always neutral or just towards all religious groups. Often, majority groups use democratic mechanisms to reinforce their dominance and marginalize minorities. This phenomenon, known as the “tyranny of the majority,” poses a significant challenge to the implementation of liberal principles. Therefore, it is imperative that liberal democracy be supplemented with constitutional guarantees and independent institutions that protect minority rights against populist political pressures.<sup>42</sup>

In this regard, it is important to highlight how practices of religious freedom are often politicized by regimes or dominant actors seeking legitimacy or maintaining power. As discussed in the literature on religion-regime relations, religion can be co-opted or mobilized by rulers to cloak authoritarian policies in a mantle of religious morality. This creates a dilemma when religion is used not as a tool for liberation but as an instrument of social and political control. Hence, the liberal approach to religious freedom cannot be divorced from analyses of broader power contexts. Protection of religious freedom must be situated within frameworks of social and political justice, including power distribution, access to public resources, and citizens’ capacity for equal participation in public life. Without this, religious freedom risks becoming a formal right powerless against the underlying structures of domination that envelop it.

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<sup>41</sup> Jon Abbink, “Ethnic-Based Federalism and Ethnicity in Ethiopia: Reassessing the Experiment after 20 Years,” *Journal of Eastern African Studies* 5, no. 4 (2011): 596–618, <https://doi.org/10.1080/17531055.2011.642516>.

<sup>42</sup> Gordon White, “Civil Society, Democratization and Development (I): Clearing the Analytical Ground,” 382.

## D. Sacred Rights in a Market-Driven World

Religious freedom is a fundamental right guaranteed by various international instruments, such as the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). Within the framework of liberal democracy, this freedom is understood as part of respecting individual dignity and autonomy, regulated through the principles of state neutrality and legal protection. However, when neoliberalism permeates the structures and practices of political power, the meaning and implementation of religious freedom undergo profound distortion.<sup>43</sup>

Neoliberalism is not merely an economic project but a political paradigm that centers market mechanisms as the primary organizing principle of society. In this system, the functions of the state are minimized, social responsibilities are shifted to private actors, and citizens' rights are treated as commodities. Religious freedom is not exempt from this transformation: it is no longer regarded as a public right guaranteed by the state but rather as an individual preference subject to market logic.<sup>44</sup>

In liberal democracy, the state is required to remain neutral toward religion while actively protecting each citizen's freedom to adhere to and practice their beliefs.<sup>45</sup> The state provides a legal framework and institutions to ensure the absence of discrimination and repression against religious minorities. Conversely, in neoliberal regimes, such protections are weakened. The state adopts a minimalist

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<sup>43</sup> Bob Jessop, "Liberalism, Neoliberalism, and Urban Governance: A State-Theoretical Perspective," *Antipode: A Radical Journal of Geography* 34, no. 3 (2002): 452-472, <https://doi.org/10.1111/1467-8330.00250>.

<sup>44</sup> Bob Jessop, "Liberalism, Neoliberalism, and Urban Governance: A State-Theoretical Perspective," 465.

<sup>45</sup> Cécile Laborde, "Liberal Neutrality, Religion, and the Good," in Jean L. Cohen and Cécile Laborde (eds.), *Religion, Secularism, and Constitutional Democracy* (New York: Columbia University Press, 2015), 267.

stance—not neutrality in the sense of fairness, but passivity toward structural inequalities that hinder the equitable practice of religion.

Neoliberalism fosters tendencies toward illiberal democracy. Illiberal democracy is characterized by ongoing elections but lacks robust protection of minority rights, strong rule of law, and substantive civil liberties.<sup>46</sup> In such a political climate, religious freedom can be reduced to mere rhetoric without actual guarantees on the ground. The rights of economically and politically marginalized religious groups go unprotected as legal institutions are compromised by market and oligarchic interests.

One of the main implications of neoliberalism on religious freedom is the commodification of religion. Religious institutions are compelled to operate within the logic of market competition: seeking their own funding, competing for influence, and crafting religious images appealing to the masses.<sup>47</sup> This results in market-compatible religious expressions becoming dominant, while reflective, contemplative, or socially resistant forms of belief tend to be marginalized.

Religion under neoliberal regimes is also used as a populist political tool to maintain power by forming coalitions between market elites and religious elites. The state no longer remains neutral but facilitates certain religions to legitimize pro-market regimes.<sup>48</sup> In many cases, majority or economically powerful religious groups become strategic state partners, while minorities are labeled as "radical," "disruptive," or "culturally inappropriate." Market mechanisms also create structural barriers that indirectly restrict religious freedom. For example, establishing places of worship requires administrative permits

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<sup>46</sup> Syahwal, "Blocked by Neoliberalism: A Glance at the Workers Movement's Role in Achieving a Just Transition," *Journal of Advocacy and Legal Services* 6, no. 1 (2024): 1-24, <https://doi.org/10.15294/ijals.v6i1.78662>.

<sup>47</sup> Stanley Ingber, "Religion or Ideology," 301.

<sup>48</sup> Rafael Domingo, "Religion for Hedgehogs? An Argument against the Dworkinian Approach to Religious Freedom," 380.

and high costs that only groups with access to capital and political connections can afford. Poor or minority groups often face community rejection, delayed permits, or even intimidation without effective state protection.<sup>49</sup>

In liberal democracy, the right to religious freedom is treated as a civil-political right protected against majority tyranny. However, in illiberal neoliberal regimes, majority voices often justify oppression of minorities as the state surrenders public space to the “market of opinions” without legal safeguards. Religious freedom becomes vulnerable to identity-based mass mobilization driven by political and economic interests. Neoliberalism also weakens critical civil society capacity. NGOs, progressive faith communities, and interfaith movements—typically defenders of religious freedom—experience diminished support due to reduced donor funding, stricter regulations, or shrinking operating spaces justified by calls for stability. Consequently, advocacy for vulnerable groups weakens, and oversight over state abuses diminishes.

On the global stage, religious freedom is frequently instrumentalized as part of neoliberal soft power strategies. Developed countries employ religious freedom rhetoric to pressure other states into complying with free market agendas, while ignoring religious rights violations committed by political allies or major corporations. This reveals how religious freedom as a universal moral norm has lost its independence.<sup>50</sup> The consequence is a differentiated quality of religious freedom among citizens. Those with greater social and economic capital exercise religion more freely, often incorporating it into elite lifestyles, while the poor, migrants, or religious minorities face criminalization,

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<sup>49</sup> Sabine Dreher, *Religions in International Political Economy* (London: Palgrave MacMillan, 2020).

<sup>50</sup> Daniel Woodley, “Radical Right Discourse Contra State-Based Authoritarian Populism: Neoliberalism, Identity and Exclusion after the Crisis,” in Ruth Wodak and John E. Richardson (eds.), *Analysing Fascist Discourse: European Fascism in Talk and Text* (London: Routledge, 2013), 42.

stereotyping, and restrictions. Neoliberalism, with its individualistic and anti-collectivist ethos, fails to guarantee equality in enjoying this right.

The realization of religious freedom in liberal democracy is based on a strong legal framework, the supremacy of human rights, and meaningful citizen participation.<sup>51</sup> In this system, religious freedom is recognized as a public right jointly protected. Neoliberalism, in contrast, produces fragmented, competitive societies with weakened social solidarity, rendering civil rights like religious freedom vulnerable to market pressures and religious populist repression. While liberal democracy provides deliberative spaces and regulations enabling all citizens, regardless of religion or social status, to be equal before the law, neoliberalism destroys these foundations of deliberation. Public discourse is replaced by the logic of efficiency, profit, and investor interests. When minority religious voices conflict with “market interests,” they are silenced or ignored.

In such a context, religious freedom can only be meaningfully realized if liberal democracy is restored from the grip of neoliberalism. This means the state must actively guarantee social justice, strengthen independent rule of law, protect public spaces from capital domination, and rebuild a strong civil society. Only then can religious freedom cease to be a privilege of the wealthy and become a living, collectively upheld universal right. Therefore, religious freedom under neoliberal regimes faces not only administrative or ideological challenges but also structural and epistemic ones. These challenges can only be overcome through the restoration of genuine liberal democratic principles: substantive equality, inclusive participation, and protection of diversity. Without these, religious freedom will continue to be eroded by market logic and the instrumental use of power that threaten the very foundations of human rights.

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<sup>51</sup> Rafael Domingo, “Religion for Hedgehogs? An Argument against the Dworkinian Approach to Religious Freedom,” 380.



## E. The Neoliberal Logic Behind Religious Freedom Restrictions

The restriction of religious freedom in the context of neoliberalism is not merely a matter of administrative law or national security. Rather, it represents a deeper phenomenon: the co-optation of the very concept of freedom itself.<sup>52</sup> Neoliberalism—fundamentally oriented around the primacy of the market as the core of socio-political organization—reformulates religious freedom from a collective right protected by the state into a commodified entity, subject to trade and control through market mechanisms and elite politics. In this framework, restriction functions not only as a repressive tool, but also as an integral part of a distorted process of freedom construction.

Neoliberal co-optation of religious freedom is evident in the way neoliberal states often invoke the rhetoric of freedom as formal legitimacy while, in practice, intensifying control and restrictions on religious groups perceived as disruptive to market stability and economic interests. Rather than serving as a space for genuine expression, religious freedom becomes a tightly controlled arena marked by legal and extra-legal limitations that silence critical voices—particularly those affiliated with religious social movements that challenge the status quo.<sup>53</sup>

In neoliberal regimes, restrictions on religious freedom are often disguised as efforts to preserve national security or public order. In reality, however, they function as tools to suppress potential social conflicts that could jeopardize market operations and investment

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<sup>52</sup> Cemal Burak Tansel, “Authoritarian Neoliberalism: Towards a New Research Agenda,” in Cemal Burak Tansel (ed.), *States of Discipline: Authoritarian Neoliberalism and the Contested Reproduction of Capitalist Order* (London: Rowman and Littlefield, 2017), 18-20.

<sup>53</sup> Ryan Gillespie, “Reason, Religion, and Postsecular Liberal-Democratic Epistemology,” 12.

climates. Governments, in alliance with market elites, construct narratives in which social stability can only be achieved by limiting religious expressions deemed radical or economically incompatible.<sup>54</sup> As a result, religious freedom is no longer treated as a fundamental right, but as a risk to be managed.

These restrictions are further reinforced by neoliberal logics that prioritize efficiency and profitability in the governance of public spaces. Religious groups that align with market values and support neoliberal regimes are given more space and recognition, while those critical of capitalism or advocating for social justice are marginalized and restricted. This dynamic creates a socio-religious stratification in which access to religious freedom becomes uneven, contingent upon one's proximity to political and economic power.

One tangible manifestation of these restrictions lies in the complex and costly administrative requirements surrounding the establishment and operation of places of worship. These requirements are often used to obstruct minority or "unofficial" religious groups, even though the ability to establish a house of worship is a basic expression of religious freedom.<sup>55</sup> This mechanism illustrates how religious freedom has been reduced to something that must be "purchased" through economic and social capital. Moreover, neoliberalism fragments religion based on its perceived social and economic function. Religions that appear to promote market stability and social harmony are tolerated, while those emphasizing critiques of inequality and exploitation are often viewed as threats.<sup>56</sup> This leads to a paradox:

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<sup>54</sup> Ryan Gillespie, "Reason, Religion, and Postsecular Liberal-Democratic Epistemology," 13-15.

<sup>55</sup> James T. Richardson, "The Sociology of Religious Freedom: A Structural and Socio-Legal Analysis," *Sociology of Religion* 67, no. 3 (2006): 271-294, <https://doi.org/10.1093/socrel/67.3.271>.

<sup>56</sup> Cecelia Lynch, "A Neo-Weberian Approach to Religion in International Politics," 402.

religious freedom is only tolerated insofar as the religion in question does not disrupt the neoliberal economic order.

Restrictions also often take the form of criminalizing religious practices deemed inconsistent with majority norms or public order. Neoliberalism enables the state to deploy legal and security apparatuses against certain religious groups under the pretext of protecting markets and investments. Incidents of violence against religious minorities, bans on rituals, and the closure of religious institutions can be interpreted as components of this co-optation.<sup>57</sup> In this context, the state tends to favor certain religious groups as strategic allies in legitimizing neoliberal governance, granting them wider access and facilities. These groups, in turn, act as instruments of social control, silencing critiques of neoliberal policy. Thus, what was once an inclusive and universal right becomes exclusive and selective—determined by political and economic constellations.

On a global scale, this neoliberal co-optation of religious freedom is also evident in how international institutions and donors support projects that link religious freedom to market stability and economic development.<sup>58</sup> Such approaches often disregard the political and social dimensions of religious freedom, thereby reinforcing economic status quos rather than empowering vulnerable populations.

Neoliberalism also isolates religion from its critical political and social dimensions. Religion is reduced to a private matter, with its public expressions strictly regulated so as not to “disturb” economic activity. In practice, this limits religion’s potential role as a socio-political force capable of confronting injustice and inequality sanctioned by neoliberal regimes. Meanwhile, minority religious groups perceived as potential agents of resistance are often marginalized and stigmatized. Labels such

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<sup>57</sup> Cécile Laborde, “Liberal Neutrality, Religion, and the Good,” 265.

<sup>58</sup> Feyzi Ismail and Sangeeta Kamat, “NGOs, Social Movements and the Neoliberal State: Incorporation, Reinvention, Critique,” *Critical Sociology* 44, no. 4-5 (2018): 569-577, <https://doi.org/10.1177/0896920517749804>.

as “radical,” “intolerant,” or “dangerous” are employed to restrict their public presence. These narratives are constructed and amplified through media controlled by actors invested in preserving neoliberal hegemony, thereby limiting public dialogue and reinforcing religious-based social polarization.<sup>59</sup>

Neoliberal co-optation of religious freedom extends beyond public space and formal institutions, reaching into the domains of education and culture. Curricula that emphasize market values and individualism gradually erode social solidarity and respect for religious diversity. This shapes younger generations to perceive religion as a purely private concern, detached from broader social issues. This dynamic creates a paradox: as the demands of the market and economic globalization increase, so too do restrictions on religious expressions that deviate from those interests. States and corporations collaboratively shape regulations and social norms that curtail religious activity—especially expressions aligned with social justice and anti-capitalist critique.

Ultimately, the restriction of religious freedom under neoliberalism reflects a broader paradigmatic shift: from understanding freedom as a political and social right to framing it as a right conditioned by market interests. Genuine religious freedom cannot be reduced to a private choice subservient to capital and dominant political logic. It must be recognized as a right that necessitates state protection and a vibrant, critical civil society. Thus, viewing restrictions on religious freedom as a symptom of neoliberal co-optation invites a more critical understanding: the “freedom” promised by neoliberal regimes is in fact constrained, fragmented, and unequally distributed. To restore the true meaning of religious freedom, resistance to neoliberal hegemony is required—through the strengthening of inclusive democracy, social justice, and respect for pluralism in all its forms.

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<sup>59</sup> Feyzi Ismail and Sangeeta Kamat, “NGOs, Social Movements and the Neoliberal State: Incorporation, Reinvention, Critique,” 570.

## IV. Conclusion

Neoliberal logic significantly shapes how the right to religious freedom is articulated and implemented in Indonesia by transforming it into a commodified right, governed by market mechanisms and elite political-economic interests. Rather than functioning as a fundamental human right and expression of human dignity, religious freedom has become a fragmented space where groups aligned with neoliberal agendas are privileged, while critical or dissenting religious voices are restricted through discriminatory policies and surveillance. This dynamic fosters an illiberal form of democracy that curtails pluralism and civic participation, reducing religious freedom to a tool for political and economic legitimation. In this context, religious freedom is not rooted in social justice or inclusive pluralism, but in the preservation of elite stability and market priorities. To realize genuine religious freedom, structural changes are necessary to strengthen inclusive democracy and reduce market domination over socio-political life, ensuring that this right is not merely a legal formality but a lived and empowering reality in Indonesia's plural society.

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incumbit probatio