

## **The Paradox of Tolerance, Freedom of Religion, and Moral Boundaries in on Implementation of Human Rights Law**

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**Abstract.** *The discussion of tolerance and religious freedom in Indonesia reveals a normative paradox: constitutional guarantees of human rights coexist with restrictive practices grounded in majority morality. While religious freedom is constitutionally guaranteed as a fundamental right tied to human dignity, Indonesian legal culture often enforces tolerance in a conditional, passive, or exclusive manner. This paradox shapes the complex interplay among religion, the state, and society, as the collective morality of dominant groups frequently becomes public morality, restricting minority rights. This article seeks to clarify how tolerance for religious freedom is constructed within Indonesian legal culture and to examine the moral boundaries that limit religious freedom. Using a normative juridical approach informed by interdisciplinary human rights law, legal philosophy, and moral philosophy, the research finds that tolerance in Indonesia is primarily passive and legitimized by majority morality. Dominant group values often become public morality without rational evaluation against universal human rights standards, resulting in asymmetric and exclusive restrictions on minorities. This research's novelty lies in offering a normative framework that treats tolerance as a legal-philosophical issue and proposes reorienting moral boundaries toward universal human rights by strengthening active tolerance and public rationality, ensuring that religious freedom is not only normatively recognized but also meaningfully protected in Indonesia's democratic and just legal culture.*

**Keywords:** *Boundaries; Freedom of Religion; Human Rights; Moral; Paradox.*

### **1. INTRODUCTION**

Pluralism remains a core part of Indonesian identity, shaping its national identity. This can be seen in how different religions, beliefs, ethnic groups, cultures, and values coexist in society. These differences do not just show separate identities; they also show the many ways people see truth, morals, and life's purpose. In this situation, using Taylor's (1994: 25-26) ideas, people cannot live together peacefully based only on sameness. Instead, it is necessary to recognize and manage differences by using rules that protect justice and human dignity.

Religious pluralism constitutes one of Indonesia's fundamental characteristics, functioning not only as a marker of national identity but also as a source of inherent

complexity in the governance of collective life within its society. On the one hand, pluralism serves as a foundational basis for the recognition of freedom of religion and the practice of tolerance. On the other hand, it generates a range of normative and practical challenges when differences in belief intersect with moral values, social order, and broader interests. Accordingly, the sustainability of religious pluralism in Indonesia has consistently attracted the attention of legal scholars and thinkers. For instance, Akbar (2022) examines the legal protection of tolerance and freedom of religion in Indonesia, emphasizing the national legal framework, the state's role in guaranteeing interreligious relations, and the importance of tolerance as a prerequisite for social stability. From this perspective, tolerance is positioned as an affirmative and instrumental legal value rather than as a normatively problematic concept, thereby leaving unaddressed the internal tensions of tolerance when confronted with limitations on religious freedom. Similarly, Ishak & Manitra (2022) analyze freedom of religion as a component of human rights within the context of Indonesia's national legal system, focusing on the relationship between human rights and the Constitution, the obligations of the state to safeguard religious freedom, and the harmonization of national law with universally recognized human rights principles. Their analysis reflects an idealistic view in which freedom of religion is regarded as a fundamental right that must be protected by a constitutional state, rather than as a right that may legitimately be restricted. Finally, Tohawi & Ambodo (2024) explore religious tolerance from a constitutional perspective, with particular emphasis on the 1945 Constitution as the foundation for human rights protection, tolerance as a constitutional value, and the role of the state in ensuring harmonious religious life, without critically examining the points of conflict that arise in cases involving the limitation of freedom of religion.

The three works discussed above demonstrate that scholars have consistently sought to address issues of freedom of religion through intellectual dialogue in academic writing. Likewise, this article seeks to complement these contributions by addressing potential gaps left unexamined, particularly by delineating the moral boundaries of religious pluralism and freedom of religion in order to explore the possible relationship between tolerance and the legal limitation of religious freedom. In this regard, the analysis reveals an inherent tension between freedom of religion as a human right and legal restrictions justified on grounds of morality, public order, or religious values upheld within Indonesian society. Furthermore, this article contends that Indonesia's legal culture has not yet been positioned as a space for philosophical reflection, but rather has been treated primarily as a normative backdrop to constitutional arrangements. Accordingly, this article aims to offer a perspective grounded in legal philosophy, particularly concerning the normative justification for why, and to what extent, the law may legitimately restrict freedom of religion in the name of tolerance.

This paper addresses a gap in scholarship by arguing that tolerance should be examined not only as a legal or human rights value, but as a philosophical legal problem involving a normative paradox. The core argument is that, in Indonesia, the tension between tolerance and religious freedom raises moral limits on religious freedom that must be justified within the country's legal culture. Through a legal-philosophical approach, the paper explains how restrictions on religious freedom can be morally legitimate while still upholding tolerance in a pluralistic society.

In Indonesia's religious pluralism, tolerance stands as an essential value for sustaining community life and national unity (Sa'diyah et al., 2024: 2). But in legal practice,

tolerance appears inconsistent and faces tension with claims to individual and diverse religious freedoms. Tolerance and difference go hand in hand—tolerance emerges only when differences exist (Yuniarto et al., 2023: 398). This tension shows that tolerance involves not just social or policy issues, but also normative questions about its moral and legal foundations.

On the one hand, freedom of religion is recognized as a fundamental right guaranteed by The Constitution of 1945 (Article 28E paragraph (1), and Article 29 paragraph (2)) and human rights instruments (Faturohman et al., 2024: 313), namely Law Number 39 of 1999 on Human Rights or hereinafter referred to as Human Rights Law (Article 22 paragraph (1)). However, in practice, this freedom is often limited by moral considerations, public order, or the religious values held by society. These restrictions raise the question of whether they constitute a form of tolerance and protection of religious freedom or whether they have the potential to negate the meaning of tolerance and religious freedom. This situation demonstrates the paradox of tolerance, namely, a condition in which tolerance becomes the basis for justifying restrictive actions. Therefore, the problems that will be identified in this paper are: (1) How is tolerance understood in the legal culture in Indonesia when faced with religious freedom?; and (2) Where are the moral limits of religious freedom that can be justified normatively in the Indonesian context?

Based on this description, this article aims to examine the construction of understanding of tolerance in the context of religious freedom in Indonesian legal culture. This is important because the meaning of tolerance is not always neutral and singular, but rather is shaped by moral values, legal politics, and restrictive practices that develop in plural societies, thus directly influencing how the law responds to expressions of religious freedom. This article also aims to find the moral limits of religious freedom that can be justified normatively in the Indonesian context. This is important because restrictions on religious freedom are often legitimized in the name of morality, public order, or certain religious values, without an adequate philosophical explanation of their moral basis and normative legitimacy. Thus, these two objectives are crucial for conceptualizing how tolerance, religious freedom, and moral limits are intertwined in Indonesian legal culture, as well as for understanding the normative paradox that arises when the law attempts to balance the protection of freedom and moral restrictions in a pluralistic society.

## **2. RESEARCH METHODS**

This research is a descriptive-analytical, normative legal study focusing on legal norms, values, and principles related to tolerance and religious freedom in Indonesian legal culture. This research employs an interdisciplinary approach that integrates human rights law, legal philosophy, and moral philosophy to analyze the relationship among tolerance, religious freedom, and moral boundaries. The approach used includes a legal philosophy approach and a conceptual approach to examine the normative and moral foundations underlying the understanding and limitations of religious freedom. Research data were obtained through a literature review encompassing primary legal materials, secondary legal materials, and relevant non-legal materials, including laws and regulations, court decisions, scientific journals, and legal philosophy literature. All data were analyzed qualitatively using normative and reflective analysis to develop a conceptual understanding of tolerance and the moral boundaries of religious freedom, in accordance with the research objectives.

### 3. RESULTS AND DISCUSSION

#### 3.1. Tolerance and Freedom of Religion within Indonesia's Legal Culture

Tolerance and religious freedom are key to community life in pluralistic Indonesia. Religious freedom is a human right, while tolerance is the social attitude that enables diverse beliefs to coexist. However, in Indonesian legal culture, these concepts often clash, especially when religious freedom opposes dominant values, social norms, or sensitivities. This tension shows that the practice of tolerance in Indonesia is deeply tied to the relationship among religion, the state, and society, shaping how law interprets religious freedom.

First, tolerance. In Greek, tolerance is "*tolerantia*," meaning leniency, gentleness, and patience (Akli & Noviani, 2023: 115). Referring to the Declaration of Principles on Tolerance (1995), specifically Article 1.1, it states that tolerance is respect, acceptance and appreciation of the rich diversity of our world's cultures, our forms of expression and ways of being human. It is fostered by knowledge, openness, communication, and freedom of thought, conscience and belief. Tolerance is harmony in difference. It is not only a moral duty; it is also a political and legal requirement. Tolerance, the virtue that makes peace possible, contributes to the replacement of the culture of war by a culture of peace.

To understand the meaning of tolerance, one can begin by developing a starting point. For example, starting with the understanding that, despite our similarities as human beings, each individual is endowed with the freedom to make their own choices and is responsible for those choices. Through this formulation, a person simply upholds the truth they believe in without condemning what others believe to be true. Thus, humans can see the possibility of various truths emerging from different perspectives, leading to an acceptance of differences. Therefore, following Forst's (2013) line of thought, tolerance is described as an attitude humans adopt to accept differences and live alongside them.

Furthermore, tolerance is a principle that demands recognition of others' human rights, which in turn leads back to the fundamental concept of human rights as inherent, universal, and inalienable (Sidiqah, 2025: 1101). In tolerance, there is a demand that an individual refrain (self-restraint) from an intervention that could reduce others' freedom, as a form of recognition of others' rights and respect for their dignity to believe in and express their beliefs. However, not all humans can fulfil this demand. This results in tolerance ultimately being relative, because it depends on each person's implementation, which is certainly different, since each person uses different value contexts as a basis (contextual). In the view of Michele Borba, as quoted by Siregar et al. (2022: 1344), tolerance is a moral virtue. This means that, as a moral virtue, tolerance helps manage and resolve differences that can cause friction and misunderstanding. In this context, tolerance involves a reflective and ethical dimension, as it always entails moral considerations about the boundaries between personal beliefs and the obligation to respect others' freedom.

Second, religious freedom. In Indonesia, the principle of religious freedom is based on the concept of human rights. Religious freedom is closely linked to the recognition of human dignity, as an individual's ability to freely choose and internalize beliefs is an

expression of their autonomy and moral integrity. Therefore, religious freedom is a concrete form of recognition of human existence, grounded in human nature, which is essentially free. The principle of religious freedom views human existence as a whole, both physically and spiritually, with humans thinking and being aware of their freedom to determine what they believe.

The guarantee of religious freedom is accommodated through the constitution and laws and regulations related to human rights (Puspitasari et al., 2021: 7307). In fact, this principle of religious freedom is also protected by international legal instruments such as the Universal Declaration of Human Rights (UDHR) (1948: Article 18), International Covenant on Civil and Political Rights (ICCPR) (1966: Article 18), and other specific international legal instruments. Freedom of religion is classified as a nonderogable right (Human Rights Law, Article 4), which has two dimensions, namely: (1) the internal dimension (*forum internum*) which refers to the freedom of individuals to have, change, or abandon personal beliefs without pressure or coercion from any party, thus placing beliefs as a private domain that is absolutely protected, meaning there should be no intervention from any party, including the state; and (2) the external dimension (*forum externum*) which relates to religious practices and expressions in public spaces including the implementation of worship, the establishment of places of worship, commemoration of religious holidays, religious teachings, and other religious rituals that intersect with social interactions (Tobroni, 2020: 129).

In this case, the distinction between *forum internum* and *forum externum* is crucial for understanding the limits of religious freedom: *forum internum* provides absolute protection for personal beliefs, while *forum externum* demands a balance between individual rights and society's collective interests. This condition is reflected in the legal landscape in Indonesia, where the normative framework seeks to guarantee religious freedom while simultaneously raising philosophical questions about the moral legitimacy and justice of the restrictions it imposes, ultimately raising questions about the moral legitimacy and justice of these restrictions in Indonesian legal culture.

Friedman (2009: 16) explains that legal culture refers to a society's attitudes, values, beliefs, and perceptions of the law. This element encompasses how society understands, accepts, or rejects the law, as well as how it is integrated into everyday life. Legal culture reveals the extent to which the law is perceived as legitimate, just, and worthy of obedience, or, conversely, as alien, repressive, or contrary to society's values. In this context, legal culture serves as a bridge between normative law and the social reality in which it is applied. Furthermore, legal culture influences how society responds to the implementation of law, including through compliance, resistance, and negotiation with legal norms. At least three elements of legal culture can be identified.

First, attitudes toward the law. This first element relates to how society views law: as a tool of justice, a tool of oppression, or simply a formality. If society views law as a tool of justice, then law is understood as a means to ensure certainty, fairness, and utility, as proposed by Gustav Radbruch (Afifah & Warjiyati, 2024: 144), as well as a corrective mechanism for social inequality and abuse of power. In other words, the law protects the rights of every individual equally, without discrimination. Law is viewed as a legitimate institution, so that compliance with the law is not driven solely by fear of sanctions, but by the belief that the law reflects values of justice that deserve respect. In the context of religious freedom, law, perceived as a tool of justice, should function

to protect vulnerable groups from pressure from dominant groups and guarantee religious freedom as a human right. When law can play this role, public trust in the legal system will increase, and tolerance will no longer be seen as social generosity but rather as a consequence of the principles of justice and equality before the law.

If society views law as a tool of oppression, then law is understood as an instrument of control. Roscoe Pound's idea of law as a tool of social engineering (Yahya & Alimuddin, 2022: 147) is implemented strictly, with law dominating as a means to limit, discipline, or eliminate weak or different groups. The law serves only the interests of certain groups, especially those in power, creating a gap between legal norms that promise justice and discriminatory or repressive law enforcement practices. In the issue of religious freedom, laws that function as tools of oppression often appear in the form of restrictions on minority religious expression under the pretext of public order or protecting the values of the majority religion. When law is used to justify these restrictions, the resulting legal culture is one of fear and distrust, in which law is no longer obeyed for its moral legitimacy but rather for the state's coercive power.

Meanwhile, if the law is viewed as merely a formality (Sauri et al., 2024: 271), it is understood as a set of written rules that must be complied with administratively, not truly internalized as behavioral guidelines. Compliance with the law is procedural and minimal, often done simply to avoid problems rather than out of awareness. The law loses its transformative power and is unable to substantively shape social behavior. Regarding religious freedom, laws treated as formalities tend not to provide real protection for vulnerable groups, because their implementation depends on social compromise, majority pressure, or the pragmatic interests of the authorities. As a result, normative guarantees of religious freedom stop at the textual level, without being followed by effective protection in practice.

Second, trust. This second element addresses public trust in legal institutions and law enforcement officials. This trust reflects the extent to which the public believes that legal institutions act professionally, independently, and fairly in exercising their authority. This level of trust is nothing more than the result of the public's empirical experience in interacting with the legal system, including the transparency of the legal process, the consistency of law enforcement, and the congruence between legal decisions and the public's sense of justice (Simanjuntak & Sibarani, 2025: 139), which impacts the individual's sense of justice. In the context of religious freedom, if law enforcement officials are perceived as subject to pressure from the majority group or certain political interests, the law will no longer be seen as an instrument of justice but rather as a tool for legitimizing power.

Third, social norms and values. This third element is the alignment between formal law and local customs, traditions, and cultural values that exist and develop within society. This alignment determines the extent to which the law is accepted, complied with, and internalized into everyday social life. Laws that align with social norms and values tend to have stronger legitimacy, as they are seen as not contradicting the cultural identity and value system of the society in which they are enforced (summarized from Rahmita et al., 2025: 111-112). Conversely, when formal law is perceived as contradicting long-held customs, traditions, or cultural values, it may encounter resistance or be obeyed only symbolically. This demonstrates that the effectiveness of law depends not solely on

its normative power and sanctions, but also on its ability to negotiate with the local values within society.

In Indonesia, tolerance and religious freedom are tied to its distinct legal culture and to the complex relationships among religion, the state, and society. Indonesia is not a secular state that separates religion and state, nor a religious state that grounds legality in a specific religion (Alfiannoor, 2023: 2497). Still, religion often intertwines with the state. This appears in Pancasila, the state philosophy, especially its principle of Belief in the One and Only God. This principle is key, but does not make any religion the sole basis for the state. Accordingly, religion is recognized and shapes public life by influencing moral values and legal policy. Simultaneously, the state must guarantee equality and protection for all religious adherents.

Perhaps this relationship has shaped a legal culture that views religion not merely as a private matter (*forum internum*) but also as a public one (*forum externum*), impacting public order and societal harmony. Consequently, the state often takes an active role in regulating religious expression, not only to protect religious freedom but also to maintain social stability, perceived as part of the public interest. However, in practice, this relationship between religion, state, and society often places the state in a non-neutral position. The state does not always act as a guarantor of equal religious freedom for all citizens, but is often caught in the logic of managing social sensitivities and the moral pressures of the majority. In such situations, the state tends to adopt policies or actions that are more oriented towards preventing conflict and maintaining public order, even at the expense of protecting the right to religious freedom for certain groups.

Indonesia's legal culture regarding religious freedom is deeply influenced by the majority-minority divide maintained by society. Normatively, the law guarantees equality before the law and equal protection for all adherents of religion and belief. However, in practice, the moral standards used to justify religious freedom reflect only the values of the majority group. This moral dominance is not always explicitly expressed in written norms but rather manifests in the interpretation and enforcement of the law. Law enforcement officials, local governments, and policymakers often use the pretext of maintaining public order and social harmony, thereby affirming the sensitivities of the majority group. As a result, the law becomes a tool to normalize certain moral values (those held by the majority) as "normal," while other moral values (those held by the minority) are deemed "deviant."

This situation is reflected in many cases of violations of religious freedom in Indonesia. These violations particularly affect religious minorities and various other belief systems. The first form of violation is restrictions on the establishment and use of houses of worship (Tamba, 2024: 194). There are numerous cases of rejection, sealing, or banning of worship activities. This includes churches, mosques belonging to minority groups, temples, and other places of worship (Dahlan & Aslamiyah, 2022: 63). These cases show that the right to worship often depends on the majority's social approval. Another example involves the treatment of religious groups whose interpretations deviate from the mainstream. These groups often face restrictions on activities, stigmatization, bans on certain religious practices, and even forced disbandment by certain community groups. These actions are sometimes reinforced by authorities. Additionally, violations are manifested in the criminalization of faith expression using criminal law under the pretext of blasphemy. Provisions on blasphemy are often applied selectively and are

sensitive to public pressure. As a result, expressions of certain beliefs or interpretations are criminalized not because they pose a real threat to security, but because they are seen as violating the feelings or beliefs of the majority group.

In addition to administrative restrictions and criminalization through legal instruments, violations of religious freedom in Indonesia also manifest in the form of physical violence. Expulsion of minority religious groups from their homes or specific areas (Alifah & Haryanti, 2022: 234) often occur under the pretext of maintaining public order or responding to social pressure from the majority group. In many cases, these actions occur with the inaction or involvement of state officials, either directly or indirectly. Furthermore, attacks and persecution of specific groups or individuals (Sanger et al., 2025: 541) due to differences in belief demonstrate how intolerance can escalate into open violence when not firmly responded to by the state. In this context, weak law enforcement (Jahamou, 2020: 140), whether through investigation, prosecution, or criminalization, reinforces the impression of impunity and signals that religion-based violence can be tolerated as long as it is claimed to defend the morals or beliefs of the majority. At the most extreme level, murders motivated by religious sentiment demonstrate the breakdown of fundamental protections for the right to life as a human right that cannot be diminished under any circumstances.

The series of violations of religious freedom above demonstrates that the state, particularly local governments and law enforcement officials, does not act as a protector of constitutional rights but instead participates in the commission of human rights violations, both directly (by commission) and indirectly (by omission). In this context, the religious freedom of minority groups becomes vulnerable, as expressions of belief that differ from the mainstream are more easily perceived as a threat to order and the existence of the majority. Clearly, this practice demonstrates a highly problematic pattern of conflict management, prioritizing social stability over justice and human rights. Cases such as these emphasize that restrictions on religious freedom can escalate into human rights violations when the state fails to properly carry out its preventive and repressive roles. The state often responds to differences in belief with a restrictive approach toward minorities. State actions are not based on a real threat to security, but rather on objections or social rejection from the majority group, which is then legitimized as a reason for maintaining order.

Regarding the issue of tolerance, the state shifts the burden onto minority groups, demanding they adapt or limit their religious practices to maintain social harmony. Thus, the group whose rights have been violated must adapt. However, tolerance should involve both parties, including the majority. Rather than enforcing the law against the majority perpetrators of violence or intimidation, the state oppresses the minority victims. This reflects a legal culture influencing officials' and society's views on differences. Indonesia still lacks a legal culture supportive of religious freedom, despite guaranteeing it as a human right. From a human rights perspective, the state has a primary obligation to respect, protect, and fulfill the right to religious freedom (Priyosantoso, 2021: 196).

The obligation to respect requires the state and all its apparatus to refrain from actions that directly restrict or violate religious freedom. However, in practice, the state is often actively involved in these violations, for example, through policies of expulsion, prohibitions on religious activities, or condoning the sealing of houses of worship under

the pretext of permits and security. These actions demonstrate that the state not only fails to distance itself from violations but also contributes to disproportionately restricting the right to religious freedom. The obligation to protect requires the state to prevent, prosecute, and punish perpetrators of intolerance and violence. However, the weak response of law enforcement officials to attacks and abuse, as well as the tendency to tolerate or resort to non-judicial solutions that harm victims, reflects the state's failure to provide effective protection. When violence is tolerated or minimally addressed, the state indirectly legitimizes intolerance as an acceptable social practice. The obligation to fulfil requires the state to take positive steps to create conditions that enable the real enjoyment of religious freedom. This obligation includes developing inclusive policies, fostering tolerance education, and redressing the rights of victims of religious freedom violations. However, in many cases, states focus more on short-term conflict management than on structural efforts to build sustainable tolerance. The absence of adequate redress mechanisms for victims of religious freedom restrictions indicates that the fulfilment of the right to religious freedom remains partial and fails to address the root of the problem.

Another important aspect is that the state has an obligation to promote (as provided in the The Constitution of 1945, Article 28I paragraph (4)) the advancement of human rights, including freedom of religion. The obligation to promote emphasizes the state's active role in building awareness, understanding, and a culture of respect for human rights within society. In the context of freedom of religion, this obligation is crucial because rights violations are often rooted in social attitudes, prejudices, and moral constructs that develop within society, not simply in the absence of legal norms. The obligation to promote requires the state to integrate the values of religious freedom and tolerance into public policy, education, and social discourse. The state is not merely required to act as a law enforcer when violations occur, but is also required to take preventive measures through human rights education, interfaith dialogue, and public campaigns that affirm the equality of all citizens regardless of belief. Through this approach, the state plays a role in shaping a legal culture that respects differences and rejects religious-based violence as a legitimate practice. Furthermore, the obligation to promote also relates to the state's responsibility to counter narratives of intolerance and discriminatory moral justifications. When the state is passive or ambiguous about hate speech and the stigmatization of certain religious groups, it indirectly reinforces the social legitimacy of restrictions and violence. Conversely, a firm stance by the state in promoting religious freedom as a constitutional value and human right contributes to the delegitimization of intolerance, both in the social and legal spheres.

In the Indonesian context, the obligation to promote presents its own challenges, given the strong influence of the majority in the public sphere. Therefore, promoting religious freedom cannot be understood as the standardization of values, but rather as the state's effort to define the boundaries between personal beliefs and the protection of citizens' rights. By encouraging the understanding that religious freedom is a prerequisite for democratic life and the rule of law, the state contributes to the formation of substantive tolerance rather than merely conditional tolerance dependent on majority acceptance. Thus, the obligation to promote complements and strengthens the state's other three obligations. Without consistent promotional efforts, respect, protection, and fulfillment of religious freedom will always be reactive and vulnerable to social pressure. Conversely, through the sustained promotion of human rights, the state can create structural

conditions that allow religious freedom to be respected not only as a legal norm but also as a shared value within Indonesia's legal culture.

Based on the four state obligations mentioned above, the idea of tolerance must be fostered within Indonesia's legal culture. While tolerance has long been championed as a slogan to demonstrate the guarantee of religious freedom, the prevailing climate of tolerance within Indonesian society is, in fact, a form of tolerance that Paul Knitter calls lazy tolerance (Riza, 2024: 28). Majority dominance creates structural inequalities in the protection of religious freedom, despite the state's formal claim to be neutral. Rather than strictly enforcing the law to protect the right to religious freedom, the state often chooses a compromise that reinforces a form of conditional tolerance. This emphasizes that tolerance is not limited solely to legal values, constitutional principles, or human rights, but also encompasses legal philosophy, namely the reasons for toleration and the extent to which such tolerance can be normatively justified.

As a problem in the philosophy of law, tolerance contains an inherent normative paradox, because on the one hand it presupposes recognition of the individual's freedom to hold and express different beliefs, even when those beliefs are not approved by the majority, while on the other hand it intersects with restrictions on expression in communal life. The complexity of this paradox is further exacerbated when majority morality is used as the basis for legal justification, because in such situations, tolerance risks being reduced to a selective mechanism. Therefore, a deep understanding of tolerance is needed to position tolerance as an ethical and legal commitment to maintaining the balance between freedom, equality, and justice in a pluralistic society.

Tolerance in Indonesian legal culture is generally granted as long as religious expression is not deemed to deviate from the majority's moral values and does not trigger significant social resistance. In other words, tolerance is not understood as full recognition of differences, but rather as social and legal permission that can be revoked when those differences are deemed "transgressive." Such practices not only undermine the principle of equality before the law but also reinforce the paradox of tolerance, where religious freedom is recognized normatively but systematically restricted in legal practice. This conditional tolerance reveals a fundamental paradox where the state recognizes religious freedom as a human right, yet simultaneously limits its realization through non-neutral standards. Religious freedom becomes a right dependent on majority acceptance, rather than an inherent right inherent to every individual.

This condition can also be expressed as a form of passive tolerance. Passive tolerance refers to the attitude of accepting the existence of differences in religion or belief simply by allowing them to exist, without substantive recognition of the equal rights and dignity of others (Firdausy & Arsyad, 2023: 7305). Within this framework, tolerance is not interpreted as active respect for religious freedom, but rather as an attitude of "non-interference" as long as the differences are not perceived as disrupting order, the interests of the majority, or the interests of the dominant group. Passive tolerance is thus minimalist and defensive, tolerating the existence of different groups as long as they do not demand equal recognition or protection in the public sphere.

This passive tolerance displays several distinct traits. First, it is marked by a lack of full rights recognition. Minority groups or dissenting communities are allowed to exist, but their rights are rarely safeguarded by either the state or society. Safeguards emerge only

in the absence of resistance or conflict. Second, such tolerance is conditional and precarious. Acceptance of differences hinges on social context and majority perceptions, and can quickly shift to exclusion when differences seem to disrupt harmony or dominant moral codes. Third, there is a tendency to place the burden of adaptation on minority groups. These groups are expected to adjust their religious practices, limit open expression of beliefs, or withdraw from public spaces to preserve social order. Fourth, this approach is frequently justified by appeals to public order and stability. Legally, it appears in policies or actions prioritizing conflict avoidance over robust human rights enforcement.

Passive tolerance can be seen, for example, when a minority religious group is allowed to practice its religion in private but faces resistance when trying to build a house of worship or express its beliefs in public. The state and law enforcement officials may not directly prohibit these religious practices, but they also fail to provide active protection when intimidation or social pressure occurs. Another example is cases where minority groups are asked to temporarily suspend their religious activities "for security reasons," while perpetrators of intimidation or violence are not firmly prosecuted. In these situations, tolerance is a temporary concession, not a recognition of equal rights.

Within the framework of legal culture, passive tolerance reflects the failure of the state and society to move beyond procedural tolerance to substantive tolerance. Differences are neither eliminated nor fully accepted as a legitimate part of a shared life of equality before the law.

More extreme, the climate of tolerance in Indonesia in certain contexts has reached the level of zero tolerance, a condition where differences in religion or belief are completely denied the opportunity to be recognized, accepted, or protected, either socially or legally. In a situation of zero tolerance, the existence of certain religious groups or expressions is not only considered disruptive but also positioned as a threat to the morals of the majority society, social order, or collective identity. As a result, rejection of differences is no longer passive or conditional; it is manifested in active actions to completely limit, alienate, or even eliminate, marginalize, or exterminate groups deemed deviant.

This can be identified through several characteristics. First, an absolute rejection of difference. There is no room for negotiation, dialogue, or compromise, as differences of belief are viewed as illegitimate from the outset. Within this framework, diversity is not considered a social fact to be managed, but rather a deviation that must be corrected or eliminated. Second, it is coercive and repressive. Rejection of difference is expressed through social pressure, intimidation, and even physical violence. The state is often ineffective, either through neglect or through policies that reinforce the exclusion of certain groups. Third, the line between social morality and state law is blurred. The majority of moral values are elevated to the status of the sole truth that justifies discriminatory actions, including the use of criminal law instruments or administrative policies to eliminate certain religious practices. Fourth, minority groups are positioned as lacking social or legal legitimacy. The right to religious freedom is no longer treated as a fundamental right, but rather as a privilege that can be completely revoked.

Zero tolerance can be seen in cases of expulsion of religious groups from certain areas, where they are not only prohibited from practicing their religion but also lose their right to live and live safely in those communities. In these situations, the state often responds

by relocating the victims rather than enforcing the law against the perpetrators of the expulsion (Mahardika, 2013). Another example is seen in attacks and destruction of places of worship or settlements belonging to certain groups, followed by a total ban on their religious activities. Weak or incomplete legal handling reinforces the message that the group's existence is not recognized. At its most extreme, zero tolerance is reflected in acts of murder motivated by religious hatred, where differences in belief are positioned as a moral justification for the loss of life (Tim Redaksi, 2011). In this context, the state's failure to prevent and prosecute perpetrators demonstrates the collapse of protection of the right to life and religious freedom as fundamental rights that cannot be diminished under any circumstances.

Thus, zero tolerance is not simply the absence of tolerance, but rather a social and legal condition that actively rejects diversity. This phenomenon demonstrates an escalation from passive and conditional tolerance to systemic exclusionary practices and signals a serious crisis in Indonesia's legal culture regarding the protection of religious freedom and human rights.

Observing the growing trend of lazy tolerance, conditional tolerance, passive tolerance, and even zero tolerance in religious practices in Indonesia, the paradox clarifies that the main challenge in implementing religious freedom in Indonesia lies not in the absence of legal norms, but rather in a legal culture that still places social harmony, interpreted in a majoritarian manner, above the protection of individual rights, as well as the weak internalization of the value of tolerance in legal culture and social practices. As long as tolerance is understood conditionally, religious freedom will remain vulnerable to restrictions justified in the name of morality and public order. In this context, the tolerance that needs to be fostered and cultivated is active tolerance, namely a form of tolerance that does not stop at an attitude of "allowing" but consciously strives to protect, respect, and advance diversity as a shared value in national life (Wabisah & Santoso, 2021: 34).

Conceptually, active tolerance can be understood as an attitude and practice that recognizes differences in religion and belief as a legitimate part of social life, and actively guarantees the right of every individual and group to express their beliefs equally in the public sphere. Active tolerance positions religious freedom not as a threat to be managed, but as a fundamental right that must be protected through concrete actions by both the state and society. Within this framework, tolerance is not conditional but rather based on the principles of equality and human dignity. The main characteristic of active tolerance lies in the substantive recognition of rights. Active tolerance demands concrete protection for minority groups, especially when they face social pressure or violence. Furthermore, active tolerance is participatory, as it encourages the state and society to engage in dialogue, mutual understanding, and solidarity across faiths. Active tolerance is also preventative, as it is oriented towards conflict prevention through education, inclusive policies, and fair law enforcement, rather than merely a reactive response after violations occurs.

Compared with passive tolerance, active tolerance has a fundamental advantage because it does not shift the burden of adjustment to minority groups. Instead, active tolerance demands shared responsibility for creating a safe social and legal space for humans. Active tolerance reflects a shift from understanding tolerance as a pragmatic attitude to an ethical and normative principle in legal philosophy, so that religious

freedom is not dependent on the generosity of the majority but must be guaranteed as a demand of justice. In other words, tolerance is not understood as a social concession, but as a moral obligation of the state and society. Active tolerance aligns with the concept of a state based on law, oriented towards substantive justice rather than mere formal certainty. From the perspective of active tolerance, the law should not be subject solely to majority preferences, but must be tested against the principles of rationality, universality, and non-discrimination.

Furthermore, active tolerance can be understood as an effort to overcome the paradox of tolerance within religious freedom. By prioritizing the prevention of violence based on respect for rights, active tolerance shifts the focus from restricting freedom to creating just conditions for differences to coexist. In this sense, active tolerance does not eliminate boundaries, but rather places them within a framework of justice and the protection of human dignity. Therefore, cultivating active tolerance is not merely a policy strategy, but a normative project that affirms the Indonesian rule of law's commitment to freedom, equality, and justice in a pluralistic society. The state no longer appears ambiguous or compromising to majority pressure, but rather consistently upholds the principles of human rights. Active tolerance serves as a bridge between normative guarantees of religious freedom and the reality of rights protection in practice.

If active tolerance is consistently cultivated, several strategic benefits can be achieved. First, the risk of religious-based conflict and violence can be significantly reduced through preventative mechanisms based on respect for rights. Second, public trust in the state and the law will increase because the law is perceived as a tool of justice rather than an instrument of majoritarianism. Third, active tolerance strengthens social cohesion in a pluralistic society by positioning differences as a source of social wealth rather than a threat. Ultimately, cultivating active tolerance enables the realization of religious freedom that is not only recognized normatively but also experienced concretely by all citizens as part of Indonesia's democratic and just legal culture.

The discussion on tolerance and religious freedom in Indonesian legal culture emphasizes that the primary problem lies not in the absence of normative guarantees, but in the practice of tolerance, which remains dominated by a passive, conditional approach and, under certain conditions, has even developed into zero tolerance. The ambivalent configuration of relations between religion, state, and society often results in religious freedom being restricted in the name of majority morality, public order, and social stability, thereby leaving the state frequently unable to consistently fulfil its obligation to respect, protect, fulfill, and promote this right. Various forms of violations, ranging from administrative restrictions to physical violence, demonstrate that the law has not yet fully functioned as an instrument for protecting human rights. Therefore, strengthening active tolerance is key to building a just Indonesian legal culture, as active tolerance demands substantive recognition of equal rights, concrete protection for minority groups, and a proactive role for the state and society in guaranteeing religious freedom as a fundamental principle of a democratic, rule-of-law state.

### 3.2. Moral Boundaries on Restrictions of the Right to Freedom of Religion in Indonesia

The issue of religious freedom in Indonesia involves an ongoing conflict between legal guarantees and practical enforcement, where restrictions are justified by appeals to social stability. These take the form of limitations and derogations.

Limitation refers to the reasonable restriction of human rights, as explicitly stipulated in international, regional, and national human rights instruments. In the context of limitation, or as stipulated in Article 28J paragraph (2) The Constitution of 1945, internal beliefs (*forum internum*) are recognized as absolute and cannot be limited, while their manifestations (*forum externum*) can be limited (Faidi, 2021: 17) with strict conditions as long as they are stipulated by law with the aim of respecting the rights of others and to meet justifiable demands for justice in accordance with considerations of morality, religious values, security, health, and human rights. It must be noted that this provision must be read as a limitation mechanism. This means its use must be based on need, not as a general justification for broad rights limitation. Thus, limitation is not a justification for arbitrary restriction of rights, but rather a legal mechanism subject to rational and normative testing.

Derogation refers to the temporary suspension of the exercise of human rights in extraordinary situations, such as a public emergency that threatens the life of the nation. Derogation can only be carried out when a state officially declares a state of emergency and is unable to address the situation through ordinary legal mechanisms. Within this framework, states are permitted to deviate from certain human rights obligations, but within very strict limits. Derogations must be temporary, proportionate to the level of threat, and non-discriminatory. Furthermore, states are required to provide official notification to both the community concerned, international institutions, and other states regarding the rights being derogated and the reasons for such action. For example, various rights restrictions during the COVID-19 pandemic (Ikhsan & Nurhidayatulloh, 2021: 273). However, when implementing these derogations, it must be emphasized that not all human rights are derogable, as certain rights are non-derogable under international, regional, and national human rights instruments. In Indonesia, Article 28I paragraph (1) The Constitution of 1945 establishes non-derogable rights, including freedom of religion, meaning the state is never justified in forcing someone to change their beliefs or punishing someone solely because of their beliefs, even in emergency situations.

A problem identified in Indonesia is that Article 28J The Constitution of 1945 is used predominantly in a manner that is not balanced with the provisions that guarantee the right to freedom of religion, namely Article 28E and Article 28I The Constitution of 1945. Morals, religious values, and public order are often interpreted broadly and majoritarian, so that restrictions that should be exceptional are transformed into systemic regulatory patterns. Various forms of prohibition, as mentioned in the first section, show how the principle of limitation is often applied without adequate tests of necessity and proportionality, and instead show that the state is unable to clearly distinguish between the *forum internum*, which cannot be limited, and the *forum externum*, which can only be limited. Furthermore, the practice of restrictions on religious freedom in Indonesia is rarely placed within the framework of legitimate derogation (the state is not in a public emergency situation that threatens the life of the nation), but rather is carried out as if

differences in belief are an existential threat. It can be said that in Indonesia, there has been a conceptual deviation, in which restrictions that should be subject to the principle of limitation are applied excessively, approaching a violation of rights, without a legitimate basis.

If The Constitution of 1945 has normatively adopted the principle of the limitation and prohibition of derogation, but its implementation fails to reflect this guarantee, then the main problem lies in the justification for these limitations. This is where the moral dimension becomes crucial, as it is fraught with ethical and interpretive content. Without a clear and rational moral framework, the principle of limitation risks being reduced to a vague normative justification easily manipulated by unilateral interests.

In Asrulla et al. (2024: 262) article, Bertens argues that morals are the values and norms that serve as a guideline for an individual or group in regulating their behaviour. Conceptually, morals refer to a set of values, principles, and standards regarding good and bad that exist within an individual's consciousness and serve as normative guidelines for assessing human behaviour and determining what is considered appropriate and right. However, at the societal level, the complexity increases because the measure of truth or appropriateness of something accepted within a community depends on the specific social, cultural, and historical context.

From the definition above, it seems as if two sides can be mapped: (1) personal morals, and (2) collective morals. Personal morals refer to a set of values, beliefs, and ethical standards held by individuals in the personal realm, originating in conscience, religious beliefs, philosophical views, or life experiences, and serving as internal guidelines for determining their attitudes and behavior. These morals are subjective and personal, so they can differ significantly from one individual to another, even within the same community. It seems that the meaning of personal morals goes hand in hand with the perspective of human rights, namely regarding individual autonomy and human dignity. The right to think, to have religion, to believe, and to make moral choices freely is the core of individual freedom, which may not be interfered with by the state. Therefore, personal morals are in principle beyond the reach of legal coercion, as long as the expression of morals does not cause real harm to the rights of others. A state that interferes in the personal moral realm risks violating the principle of individual freedom and using the law as a tool of excessive moral control.

Collective morality, on the other hand, refers to ethical values considered important and worthy of protection in the communal life of a society. In collective morality, morality serves as a normative standard to maintain social stability, often institutionalized as social norms and religious values held by society (Maiwan, 2018: 197). Within collective morality, there is a tendency for the moral values of the majority group to dominate, which are then perceived as general or public values. It is not surprising that collective morality transforms into public morality, wrapped in public policy or legislation (Djamil & Djafar, 2016: 1761). As a result, morality is used as an instrument of social legitimacy to assess, correct, and even suppress the behavior and beliefs of individuals deemed to deviate from collective morality. It is not surprising that collective morality is often used as a basis for restrictions on the implementation of human rights, including religious freedom.

The relationship between personal morality and collective morality is dialectical and often creates tension. In Indonesia, an identifiable problem is the tendency to equate collective or public morality with majority morality. This practice gives majority morality a higher normative status than minority morality. As a result, certain groups, particularly minorities, face restrictions on religious freedom.

In a pluralistic society, morality is never singular; rather, it consists of various value systems that coexist. However, dominant morality always holds a place that reflects the views of the majority group. Ethically, morality serves as a guide to social behaviour, but when it is applied in the legal realm, it becomes a normative standard with legal consequences. At this point, caution is needed in understanding morality, so that particular and majoritarian morality is not automatically claimed as public morality that can be justified to limit human rights. Instead, it is essential to critically examine which values truly serve justice and protect the rights of all members of society, ensuring that the law genuinely upholds fairness, inclusivity, and respect for diversity.

In the case of religious freedom, the problem of relativism is particularly acute, where a religious practice may be considered moral within one value framework but deviant or immoral within another. Communities mutually exclude each other, excluding each other from their claims to truth. Without objective and rational normative criteria, there is concern that morality may become a selective tool for restricting rights. This risks creating an institutionalized exclusionary mechanism, where minority religious groups are often placed outside the bounds of "public morality" because their beliefs and practices are inconsistent with the morals of the majority. Furthermore, restrictions are not simply restrictions on behaviour but rather delegitimize the identity and existence of certain groups in the public sphere. In fact, this constitutes a practice of state handwashing, in which the state tends to avoid its normative responsibilities by leaving decisions to the public or to social pressure.

Individual freedom within a moral collective struggles to find a place as tensions arise between claims to truth, inseparable from the development of intelligence in each era (Naupal, 2014: 260). Each individual or group brings their own claims to truth, within the religious realm, which are not easily compromised. The tension between these claims to truth becomes even more complex when they are encountered in the public sphere, where the state adopts majority rule as the legal basis and where individual freedom no longer faces only social pressure but also the coercive power of the state. The cases mentioned above demonstrate how morality, defined unilaterally, is used to justify restricting freedom of religion and worship, thereby marking the state's failure to protect human rights.

Testing the morality of the majority in limiting religious freedom can be measured using three principles: universal human rights, non-discrimination, and proportionality.

Testing with the universal principle of human rights requires that any restrictions on religious freedom be based not on dominant value preferences but rather on universally recognized rights standards. This principle holds that human dignity and freedom are fundamental values inherent in every individual, regardless of religious affiliation or form of belief (Ramli et al., 2025: 6427). When majority morality is used as the basis for restrictions, such restrictions must be in line with universal recognition of freedom of religion and belief, the internal dimensions of which cannot be reduced. Thus, if

restrictions can be justified only within the framework of majority morality rather than universal human rights, they are normatively problematic because they sacrifice the principle of equal rights for particular values. In John Stuart Mill's framework, justified restrictions are not those born of moral discomfort or majority displeasure, but rather those grounded in the rational need to prevent real harm, as affirmed by the harm principle (Prahassacitta, 2021).

This test is fundamentally rooted in the human capacity to exercise rationality and assess an action. In the philosophical tradition, rationality is understood as the foundation of normative judgment, enabling humans to transcend particular interests and momentary sentiments. Reason requires humans to distance themselves from subjective truth claims and collective emotions, then consider whether a restriction is generally justifiable and acceptable to every equal subject. Within this framework, the principle of universal human rights reflects Immanuel Kant's idea of humans as ends in themselves, whose dignity and freedom should not be sacrificed for the moral preferences of particular groups (Buran & Hayon, 2024: 1018).

From a non-discrimination perspective, majority morality must be tested to see whether its application has an equal impact on all groups or whether it actually creates discrimination against certain groups. The principle of non-discrimination rejects any form of restriction of rights that directly or indirectly targets individuals or groups based on religion, belief, or other identity (Fulthoni et al., 2009: 24). Meanwhile, majority morality often operates asymmetrically, as values considered "normal" or "moral" usually reflect the practices of the dominant group, while minority practices are seen as "deviant." Therefore, if a restrictive policy systematically burdens minority groups more, it fails to meet the principle of non-discrimination, even if it claims to be neutral or generally applicable.

Here, rationality does not stand alone without an affective dimension. Empathy and moral feelings play a role in shaping ethical sensitivity as a counterbalance to reason and fostering concern. Feelings enable humans to understand the real impact of a policy on vulnerable parties. The principle of non-discrimination demands ethical sensitivity to recognize the injustices experienced by marginalized parties and to consider the rights of others rather than focusing solely on one's own. The nature of humans as thinking beings places reason as the primary distinguishing characteristic of humans from other living creatures. Aristotle stated that the essence of humans is to exist with reason (Rucitra, 2020: 241), as beings possessing reason and the ability to reason. Through reason, humans not only react instinctively to stimuli but also reflect on their actions, assess good and bad, and consider the moral and social consequences of each choice. This ability to think enables humans to build norms, laws, and institutions through collective reasoning rather than merely instinctive impulses.

The test, grounded in the principle of proportionality, focuses on the relationship among the purpose, means, and impact of restrictions on the right to freedom of religion. The purpose of restrictions speaks to the legitimacy of the purpose of restrictions, or in other words, demands that restrictions only be carried out for legitimate purposes. This legitimacy requires (1) the existence of urgency, that restrictions are only acceptable if truly urgent situations, and there is a serious threat (Wahono et al., 2020: 34). Here, the state must be able to prove what kind of pressure and threat is faced so that restrictions must be implemented. In addition to urgency, (2) there must also be proven,

concrete, and factual risks that can be ascertained. This means that if restrictions are not implemented, it is certain that a dangerous situation will occur (Wahono et al., 2020: 40). In addition, (3) the restrictions are confirmed to be the least restrictive alternative among other alternatives (Rosyadi, 2022: 191). Everything must be fulfilled to maintain the quality that (4) the restrictions made show a form of effort to maintain balance (Mohamad, 2025: 701) between individual freedom and the common interest, not as a concretization of the demands of the majority.

As for the method of restriction, it refers to the approach the state uses to implement restrictions. Restrictions should not be carried out through repressive, intimidatory, or degrading means, such as threats, stigmatization, excessive use of force, and especially physical violence. Restrictions on religious freedom should be carried out in proportion, namely, in a manner that maintains human dignity. Specifically, through a dialogical approach, for example, through balanced regulation of the time and place of activities. This type of restriction demonstrates that the state continues to view its citizens as dignified subjects, not as objects to be controlled or eliminated.

By reapplying Kant's idea that humans are rational subjects capable of establishing their own laws through practical reason (rational autonomy), they can distance themselves from emotional impulses, prejudice, and social pressures and act on morally justifiable considerations. In the context of communal life, this ability forms the foundation for demands that laws and public policies be formulated on rational grounds, not on sentiment or hatred. Therefore, the state must not resort to measures that result in physical or psychological suffering, such as expulsion, assaults, or criminalization, especially those that risk loss of life. These actions clearly violate human dignity and standing because they place individuals and groups differentiated by religious beliefs in a lower, humiliated, and unequal position. The method of restriction must always maintain recognition of humanity, even when that freedom is being restricted.

Meanwhile, the impact of restrictions refers to the consequences they cause. The impact of restrictions must be assessed realistically and rationally. Specifically, the impact of restrictions must not harm others (Ariany & Perdana, 2024: 20), let alone eliminate the essence of religious freedom, such as making it impossible for certain individuals or groups to practice their religion, express their beliefs, or maintain their religious identity. If the impact of restrictions results in total silencing, systemic marginalization, or collective fear, then the restrictions have exceeded the limits of proportionality because they undermine the core rights that should be protected. Furthermore, the state must consider its short-term and long-term effects on human dignity. Restrictions that may seem temporarily effective but cause trauma, stigma, or worse, sow the seeds of future conflict demonstrate a failure to balance interests. Furthermore, the impact of restrictions that create fear, insecurity, or deepen social segregation is certainly unjustifiable.

The facts show that collective morality is used to justify broad and repressive restrictions without demonstrating any real threat or danger posed by the group whose right to religious freedom is restricted. Within the framework of proportionality, the existence of differing truth claims does not qualify as a requirement to restrict religious freedom, unless it can be proven that there is a threat, a concrete and serious risk that has been rigorously tested by reason. If restrictions based on majority morality cause significant harm to individual freedom, they are disproportionate and lose their normative

justification. Therefore, understanding and applying these three tests requires moral maturity and public rationality, namely the ability to distinguish between ethical judgments grounded in reason and empathy and those driven by personal or collective sentiments filled with fear, prejudice, and hatred. Without this philosophical foundation, the majority morality risks losing ethical legitimacy and turning into an emotional justification for restrictions on religious freedom. According to Jürgen Habermas's discourse ethics (Mustafa, 2019: 60), restrictions on religious freedom must be acceptable through public reasoning free of domination and hatred.

To assess whether a restriction has exceeded its legal limits and constituted a violation of religious freedom, clear normative indicators are required from both a human rights perspective and a legal philosophy perspective. The first indicator is when the restriction targets internal beliefs (*forum internum*), such as prohibiting someone from believing in a particular teaching or forcing an individual to abandon their faith. Any state intervention into internal beliefs for reasons of morality, security, or public order is a direct violation of human rights. The second indicator is failure to comply with the principle of non-discrimination. Restrictions that factually only burden certain religious groups, particularly minority groups, with the obligation to yield and often be subject to the will of the majority, demonstrate a structural bias in the application of the law. From a justice perspective, such laws, in addition to failing to protect equality, actually reinforce the hierarchy of individuals and groups within society.

The third indicator, the absence of a proportionality test, includes: (1) restrictions that are not based on a legitimate objective, including: (a) restrictions that are comprehensive, repressive, and excessive, without considering the urgency of the restrictions; (b) the absence of concrete and factual threats and risks; (c) not being the lightest alternative; (d) prioritizing the interests of the majority and ignoring the interests of the minority; (2) using inhumane means; and (3) not caring about the impact of losses that may tarnish human dignity. This shows that the state disproportionately sacrifices freedom. From a legal ethics perspective, disproportionate restrictions reflect a failure of practical reasoning, so they lose their justification because they actually cause greater losses to individual freedom in disguise than the claimed social benefits. These kinds of restrictions reflect a shift from the principle of protecting human rights to the principle of human control, which is normatively unacceptable within the framework of a democratic society.

The three indicators above, which point to violations of religious freedom, can complement each other due to the failure or absence of a rational and deliberative process in determining restrictions. Specifically, when restrictive policies arise from mass pressure, hate sentiment, or short-term political interests instead of rational considerations grounded in human rights, their moral legitimacy is questionable. Such exclusionary restrictions reveal the state's failure to maintain a space for freedom and equality in a pluralistic society. To understand why this is problematic, it is important to reflect on the nature of humans as thinking beings with an intersubjective dimension. People do not think alone, but in dialogue with others. The ability to reason allows humans to understand others' perspectives, empathize, and find common ground in differences. In a pluralistic society, this rational capacity enables differences in beliefs and outlooks to be managed peacefully through argument and deliberation rather than coercion. Recognizing humans as thinking beings thus means acknowledging the ethical and rational potential to live together justly. It also requires rejecting all forms of

exclusion and violence that arise from denying the capacity for thought and human dignity itself.

Therefore, to restore the essence of religious freedom and minimize various forms of its violation, a reorientation of the moral boundaries used as guidelines in Indonesia is necessary. Reorienting moral boundaries toward human rights values is an important normative step to ensure that morality no longer functions as a tool for group exclusivity, but rather as an ethical foundation that protects the dignity and freedom of every individual. Thus, morality remains understood as public morality rooted in universal human rights principles, such as freedom, equality, and respect for diversity. This reorientation demands a shift from a morality based on uniformity to a morality based on respect for individual autonomy, where differences in belief are not viewed as moral deviations but as legitimate expressions of religious freedom. Philosophically, this reorientation positions humans as dignified subjects and ends in themselves. Morality is no longer used to judge the rightness or wrongness of a belief, but rather to assess whether an action violates the rights and freedoms of others. Thus, the justifiable moral boundaries are not those that limit differences in belief, but rather those that pose real and disproportionate harm.

This form of reorientation simultaneously demands a transformation in legal practice and public policy, in which the state must shift its focus from protecting the feelings or moral sensibilities of the majority to protecting the concrete rights of every citizen, especially vulnerable minority groups. This step reflects a shift from particular substantive morality to publicly accountable normative rationality, so that the moral framework used can be tested through rational argumentation, rather than through claims of truth or particular authority. Reorienting moral boundaries toward human rights values does not mean denying collective morality, but rather placing it within a more inclusive and just framework. Morality remains present as an ethical dimension, but it is guarded by human rights principles to prevent it from slipping into a justification for discrimination.

However, this reorientation must also be supported by an active state role in controlling public narratives and law enforcement practices to prevent the stigmatization of certain groups. Statements by public officials, administrative policies, and the practices of law enforcement officers have significant symbolic power in shaping perceptions that influence the formation of this new reorientation. When the state explicitly or implicitly justifies restrictions based on majority morality, this can be interpreted as approval of discrimination. Therefore, the state is obliged to emphasize that differences in belief are not a threat and that any form of violence in the name of morality or religion is intolerable. Furthermore, the state must integrate an ethical and educational approach, where the law is appropriately applied to the perpetrators of violence, not to the groups actually affected. The state plays a role in fostering public rationality and active tolerance, reflecting its responsibility to maintain a space for freedom and peace in a pluralistic society. Thus, restrictions on religious freedom do not become a gateway to violence, but remain within the bounds of justice and humanity.

#### **4. CONCLUSION**

In addressing the issue of the right to freedom of religion, Indonesian legal culture is still dominated by lazy, conditional, or passive tolerance, reflected in the unresolved complex relationship between religion, state, and society. This condition is exacerbated

by strong moral and religious exclusivity, a tendency to prioritize uniformity while negating differences, and an incomplete understanding of the distinction and application of the meaning of *forum internum* and *forum externum* in legal practice. This overly majority-centered orientation renders tolerance less of a principle of equality and more of a selective mechanism prone to excluding minority groups. To overcome this problem, a reorientation of legal culture toward active tolerance is needed, namely, tolerance that balances the relationships among religion, the state, and society, encourages an inclusive, open culture that is open to differences, and is based on the moral and legal equality of all citizens. Within this framework, the state is required to consistently fulfill its obligations to respect, protect, fulfill, and promote the right to freedom of religion, so that tolerance ceases to be a normative discourse and becomes a concrete practice in Indonesia's democratic and just legal and social life.

Regarding the moral limits of religious freedom in Indonesia, the collective moral dominance of the dominant group remains strong, transformed into public morality and then perceived as majority morality. This majority morality often operates asymmetrically, as values considered "normal" or "moral" are attached to the practices of the dominant group, while the religious practices of minority groups are positioned as "deviant." Under such conditions, moral limits risk losing ethical legitimacy if not tested through universal principles of human rights, non-discrimination, and proportionality using critical and argumentative rationality. Therefore, establishing moral limits to religious freedom requires mature reasoning skills to ensure that restrictions are not based on sentiment, prejudice, or majority pressure. Reorienting moral limits toward universal human rights values is imperative, affirming that all human beings are equal in dignity, worth, and freedom. This reorientation must also be supported by an active state role in controlling public narratives and law enforcement practices to prevent the reproduction of stigma and exclusion, and by integrating ethical and educational approaches as part of a long-term strategy to build a just, rational, and inclusive legal culture that guarantees religious freedom.

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