

## The Role of the Local Government in Implementing Article 28 E Paragraph 1 of the 1945 Constitution Against the Occurrence of Forced Dissolution of Worship in the Area of Setia Village

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### Abstract

This research aims to analyze the aspect of the relationship between Article 28E Paragraph 1 of the 1945 Constitution which regulates freedom of religion with the controversy over the dissolution of the Mawar Sharon Church (GMS) worship in Kelurahan Setia. This research uses a qualitative approach with interview techniques and literature analysis. The number of sources in this study amounted to 4 people. And the results showed that there was no evidence of forced dissolution of GMS as reported, but only a misunderstanding between residents and GMS managers. The Local Government of Kelurahan Setia is considered to have tried to be tolerant and actively perform the function of mediation and monitoring the situation to ease the tension that had occurred.

**Keywords:** Role of Government, Article 28 E Paragraph 1, Dissolution of Worship and Tolerance

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### INTRODUCTION

Article 28E Paragraph 1 of the 1945 Constitution of the Republic of Indonesia (UUD 1945) is an important component of the legal structure governing human rights in Indonesia. "Everyone is free to embrace his own religion and to worship according to his religion and belief," the article states. In the context of the exercise of this right to worship, there have been many reported cases in various parts of Indonesia where certain individuals have forced the dissolution of worship or actions that hinder the exercise of the right to worship. At the local level, local governments have a very important role in protecting and upholding this human right. One of the important responsibilities of local governments in safeguarding the freedom of religion and worship of their communities is to implement Article 28E Paragraph 1 of the 1945 Constitution. In recent years, various reports and cases of forced dissolution of worship in Indonesian regions have come under the spotlight and sparked debate at the national and international levels.

John Locke developed Hobbes' thinking. In his Letter Concerning Toleration (1689), Locke proposed inter-religious toleration and the separation of state and religion.<sup>11</sup> After the Second World War, the influence of John Locke's



theory of separating religion and state created the secular humanist majority that characterizes Europe today. European countries today maintain tolerance in societies that have a large distance between the religious and secular. Starting in the 1960s, European countries began to separate church law from civil law. For example, adultery was no longer a civil crime. Much of human behavior becomes a moral issue beyond the reach of the state and the church (Fatmawati, 2011).

Some time ago there was a case related to the dissolution of worship in Kelurahan Setia, Binjai City, Langkat Regency, North Sumatra, so research was held to trace the chronology of the incident. The data of the case studied in Binjai, namely:

No	Case	Event Location	Place of Event	Time
1	Rejection of Mawar Sharon Church (GMS) by local residents.	Binjai, Setia Village	Neighborhood	1 Friday, May 19, 2023

Therefore, this research will discuss the role of the local government of Kelurahan Setia in implementing Article 28E Paragraph 1 of the 1945 Constitution related to the forced dissolution of worship. This research is important to identify the obstacles faced by the local government in carrying out its duties, as well as to provide policy recommendations that can improve the protection of the right to worship at the local level. Thus, this research is expected to contribute to efforts to strengthen democracy and the protection of human rights in Indonesia.

## RESEARCH METHOD

The research method used in this research is qualitative method where qualitative method is one of the research approaches used to understand, explain, or describe phenomena or events that are complex and can vary. This method prioritizes an in-depth understanding of the social, cultural, and psychological context involving the research subject. Data collection techniques commonly used in qualitative methods include interviews and literature studies. The location of this research was in Setia Village, Binjai City, Langkat Regency, North Sumatra. Research subjects in this journal include: Setia Village Head, Muslim and non-Muslim communities in Setia Village, HKBP Pastor in Bandar Klippa, and Ustad in Sei Kera Medan. This research uses descriptive data analysis techniques. Descriptive data analysis is the process of collecting data to describe events or explanations related to the research title.

## RESEARCH RESULTS AND DISCUSSION

Freedom of religion has a strong legal basis. In the 1945 Constitution of the Republic of Indonesia, Article 28E, paragraph (1) states that "Every individual has the right to freely embrace his religion and worship in accordance with his beliefs," while paragraph (2) says that "Every person has the right to express thoughts, beliefs, and attitudes in accordance with their conscience." Article 29 paragraph (1) states that "The State is based on the One True God," and paragraph (2) guarantees that "The State guarantees the freedom of individuals to profess their religion and worship in accordance with their own beliefs and religion." This principle is in line with Article 18 of the 1948 Universal Declaration

of Human Rights of the United Nations, which recognizes the right of everyone to freedom of thought, conscience and religion, including the right to change religion or belief, and the right to manifest their religion or belief by teaching, practicing, worshipping and following that religion, either individually or in community with others, in public or in private.

Cases of violations of freedom of religion and belief in a long period of time have occurred in Indonesia. In 2023 there was a refusal to worship in the Setia village, neighborhood one, Langkat Regency, North Sumatra. The church that was refused to worship was the Rose Sharon Church (GMS).

### **Application of Article 28 E Paragraph 1 in Kelurahan Setia**

From this case, there are results that the application of article 28 E paragraph 1 in Kelurahan Setia is running properly and in accordance with the laws and regulations. The community and local government in the kelurahan show tolerance towards each other. This is reflected in the behavior of the community and local government who obey the rules and do not interfere with each other. Which is in accordance with the statement of the Head of Kelurahan Setia, Adi Kusuma, he said that in Kelurahan Setia, they respect freedom of religion and tolerate each other, as evidenced by the existence of a Vihara that has been around for a long time and gives the right to freedom of worship and has never been disturbed.

Some time ago, the people of Kelurahan Setia held a demonstration against a church because the church did not have a permit for the implementation of worship in that area. This began to cause various arguments from various parties until news spread that in that area there was a dissolution of worship. This demonstration actually occurred because the community of Kelurahan Setia is dominated by Muslims, so they do not accept the use of non-Muslim religious places of worship, especially since the party using the place does not have a permit.

Adi Kusuma as the Head of Kelurahan Setia said that "actually the dissolution never happened, where what happened was only the delivery of the aspirations of the community about the implementation of worship that was carried out secretly because it did not have a permit". The rejection of the worship occurred because some people were worried that if they worshiped in that place, there would be evangelization activities. Adi Kusuma also said that "the regional leader of GMS in the North Sumatra region guarantees that they will not build a church in Kelurahan Setia, because they say they already have land in the Tanah Tinggi area that is being prepared and they are only here for temporary worship while raising money to build a church".

On the other hand, the GMS has taken care of the permit that they will use a shop to be used as a temporary house of worship, but some people who are Muslim do not accept it because from the beginning the GMS did not tell the truth regarding the use of the existing shop, but for now the worship has been running as usual even though it must be guarded by the authorities because of the fear that there will be demonstrations that will endanger the community.

Until now, some of the Muslim communities are still disputing the permission letter from GMS. GMS wanted to make a permit but the permit was always disturbed by some residents. Then the GMS came to the village office with

the aim of making a letter stating that they would use the shop for 2 years for a place of worship, but the village was still hesitant to issue the permit because there were still people who did not accept it.

### **The views of Muslim religious leaders regarding the conflict that occurred**

The views of religious and community leaders from both Muslims and non-Muslims regarding existing conflicts are the first to come from ustadz Alfian Rambe, he said "conflicts over Christian worship or other religions can vary depending on the context and perspective of each". According to his view in the conflict that occurred between GMS and some Muslims there is no guilty party, both of them see the conflict that occurs only on their own side without thinking about the other side, and indeed the GMS should take care of the permit first so that there is no dispute and misinterpretation from the community itself. In fact, most Islamic scholars would support the principle of freedom of religion and respect for other religions in accordance with Islamic teachings. Ustadz Alfian Rambe, mentioned in Surah Al-Kafirun (Q.S. 109) that every religion has its own beliefs and practices, and Muslims are commanded not to worship what other religions worship, but must still maintain tolerance and mutual respect. The rejection of Christian or other religious worship can be a sensitive issue and violates the principles of religious tolerance. Therefore, within the framework of a diverse society, the principles of dialogue, tolerance and respect for religious freedom are often emphasized by Muslim clerics and scholars. It should be noted that individual opinions may vary, and not all ulama or scholars hold the same views on these issues. The official views of an Islamic state or organization may also influence the way they deal with these issues.

### **Views of the Muslim Community regarding the conflict that occurred**

The second view comes from the Muslim community, where based on the recognition of Mr. Adi Kusuma as the head of the village, namely in the Muslim community itself is divided into 2 groups of pros and cons, he said "the people who are on the pro side consider that the use of shop houses for places of worship is not disturbing at all and they are happy to allow the making of the necessary permits, while the people who are on the con side consider that the use of shop houses for places of worship disturbs the peace of the community, and until whenever they will reject this because they consider this a disturbance". This is in accordance with the questions of several residents where they said that they agreed with the contra side because according to them the existence of an unauthorized house of worship in the neighborhood was quite disturbing because the neighborhood was predominantly Muslim.

### **The views of non-Muslim religious leaders regarding the conflict that occurred**

The third view comes from Pastor Savitri Pasaribu, where she says "the rejection of churches without building permits may vary depending on personal views and the religious values they hold. However, there are some common views that most other pastors might share in this situation". In his view the local government should play a more active role in resolving existing conflicts so that peace can be established soon. Pastors may see the dissolution of churches as a

violation of the right to freedom of religion and the right to worship in accordance with their beliefs. Legal Protection They may argue that churches and their communities should have the same rights as other organizations in obtaining building permits and equal legal protection. Dialogue and Negotiation On-site pastors can also encourage dialogue and negotiation between the church and the authorities to seek a fair solution that allows the church to continue operating with the necessary permits. While pastors may oppose the dissolution of churches without permits, they may also teach their parishioners to abide by the law and due process in an effort to resolve these issues.

#### **Views of non-Muslim communities regarding the conflict that occurred**

The non-Muslim community did not dare to give their views because they did not want to misrepresent the existing information or there were differences in information because according to them this discussion was sensitive and this was also in accordance with orders from the police that the community was not allowed to conduct interviews because this conflict problem did not have a bright spot and was afraid that it would cause new problems.

There are several factors that can lead to cases of refusal of worship, among others:

1. Differences in understanding of religion
2. Lack of tolerance between religious communities
3. The influence of radicalism and intolerance

To overcome the problems that occur, the Setia village government has become a mediator and communication link between the contra parties and the GMS. The Setia Village Government has supervised the place of worship of the GMS and has participated in securing and reconciling the demonstration atmosphere with the help of the authorities that occurred on Friday. The authorities are still monitoring and escorting the implementation of worship at GMS to avoid any more dangerous demonstrations from the community. The government's efforts to recognize and protect the rights of minority groups are also reflected in the ratification of various human rights instruments, as well as in the formation of laws and regulations that are in line with the spirit of human rights protection.

#### **CONCLUSION**

In the 20th century, critical thinking is one of the most emphasized skills and researchers have reached a consensus about the importance of promoting critical thinking skills in education. However, in the context of language teaching, the implementation of critical thinking skills is a less explored area, particularly in justifying its process. There are five categories of reasons to support the integration of critical thinking in language classes: philosophical reasons, cognitive and meta-cognitive reasons, pedagogical reasons, and social-economic reasons. A language is a tool for people's thinking. The grammatical and lexical structure of language influence people's thinking and their perspectives of the world. On the other hand, because of the inter-relationship when people's thinking developed, their language also developed. For the cognitive reason, he argued that the component and process of critical thinking are closely related to some important cognitive activities like memory, comprehension, and meta-cognition. In the context of pedagogical reason, information processing, decision making, evaluation, and problem-solving are used

currently in English teaching and they are also some core components in critical thinking. Lastly, he believed that promoting students' critical thinking ability has a fundamental meaning for social communication and career development. Because people equipped with critical thinking tend to be more efficient in communication as well as completing their tasks in work.

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