

Islam and Freedom of Religion: Religious Elites Perspectives in Malang, East Java, Indonesia

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Abstract : This study aims to understand the meaning of religious freedom in the perspective of the religious elite in Malang. Freedom of religion is defined as one of the human rights guaranteed by the laws in force in Indonesia as well as in the text of religious scriptures. They also interpret that freedom of religion is one of the options given by God to be accountable to Him in the Hereafter, thus requiring the commitment of each religious community to hold on to their respective religious teachings. However, cases of violations of religious freedom is still happening in several categories, namely insult to a particular religion, the rise of heretical sects, as well as the establishment of houses of worship that do not meet the legal rules. These cases happen because they do not understand the essence of religious teachings properly, egoism and the construction of ideological propaganda as an attempt to influence others to follow a particular religion. Violations of religious freedom could be positive and negative implications towards religious harmony. However, opening a space for dialogue and communication between religious communities, will be able to avoid misunderstandings, thus increasing religious life more harmonious in the future.

Keywords: *religious freedom, violation, religious harmony*

I. INTRODUCTION

Freedom of religion in Indonesia has a number of constitutional guarantees, including the 1945 Constitution, particularly Article 28E of the amendment and the ratification of the Government on the International Covenant on Civil and Political Right (ICCPR) through Law no. 12/2005. In addition, the government also launched the National Action Plan on Human Rights through Presidential Decree No. 129/1998, which ordered not only the instrument of ratification of international human rights, education and the dissemination of human rights, but also prepare for the harmonization of national legislation, to conform to the spirit and soul of human rights instruments (Rachman, 2010: xv). Although there is a constitutional guarantee that was born after the New Order, it seems that the new regulation at the level of moral imperative and not a binding legal product and can be applied in practice. This is reinforced by the fact that a number of violations of the right to freedom of religion-in its various forms- which shows the escalation that tend to increase from year to year. The Wahid Institute (WI) and the SETARA Institute (SI) report that occurred during 2008, 107 incidents of violations of religious freedom in Indonesia. Violation is related to religious thought were 72 incidents (67%), place of worship some 15 incidents (14%), and religious activities were 12 incidents (11%) (Rachman, 2010: xvii). CRCS report in 2009 which focused on the context of compliance and violations of religious freedom, also showed an increasing escalation from year to year (Cholil et.al, 2009). *Elsam* report published by daily *Kompas* (03 June 2012), also stated that in 2011 the majority of religious freedom violations committed by authorities, while the 2012 offense was dominated by intolerant groups. In the period on January to June 2013, the SETARA Institute noted 122 violations of religious freedom containing 160 actions. This event occurred in West Java with 61 cases, 18 cases in East Java, 10 cases in Jakarta, and others spread in 16 provinces. of the 160 forms of violations of religious freedom is, there are 70 state action involving state officials as an actor, in the form of 58 active actions (by commission), and 12 actions omission (by omission). Included in the active state actions are statements of public officials whose provocative and invites violence (condoning). For offenses involving the state as an actor, the legal framework is held accountable for human rights law, which is binding on the state as a consequence of the ratification of the international covenants and conventions of human rights. Rachman et al (2010: xvii) report, said that violations of religious freedom caused by three things: the existence of the Act No.1/PNPS/1965, existence of "Bakorpakem" agencies, and the confusion in the national legal system.

The Act No.1/PNPS/1965 is the main legal basis for the emergence of a number of laws and other regulations in the field of religion. The law gives full authority to the states to determine what is called the principal teachings of religion, or specify a distorted interpretation does not deviate from the principal teachings of religion, and the investigation of alleged streams diverge (Parulian, 2008: 68). The government generally respected religious freedom for six officially recognized religions, but not for groups that are outside the six

religions, or the groups that exist in the six official religions, but have an understanding of which is considered by local or national leader deviant or abusive religion.

Violations of religious freedom as in the statement WI, SI and civil society organizations concerned with religious freedom also occurred in Malang. In addition there is a positive relationship between religious involvement is manifested in the interfaith community actively in dialogue and cooperation, but the number of cases of violations of religious freedom in the region are also still common, thereby disrupting the inter-religious relations. Among these events are: first, the emergence of cases of blasphemy by Indonesian Students Service Agency at hotel of Asida, Batu on December 17-21, 2006 (Zainuddin, 2010: 104); second, inter-religious that was triggered by offending Muslims against harassment on March 19th, 2007 at the Christian Church of East Java (GKJW) Bumiaji, Batu. Third, the events "Khutbah Hostility" worship at the Church followed the Christian Church in Sisir Village, Batu, which sparked Muslim anger (Sumbulah & Nurjanah, 2012:4); fourth, demonstrations by Muslim community organizations towards the establishment of houses of worship "Wisma Bhakti Luhur" which will be developed into a charitable foundation; fifth, the case of Jehovah's Witnesses Christian denominations, streams have confidence that Jesus is not God and religion anti trinity. The rejection of this flow comes from Christians communities. Sixth, case of the establishment of multiculturalism school with the motto unity in diversity (*Bhinneka Tunggal Ika*) in 2007, Senior High School of *Selamat Pagi Indonesia (SMU-SPI)*, because it is considered as a base Christianization activities. Cases of violations of religious freedom, it can be mapped to the realm of religious activity, the domain of the establishment of houses of worship, and the realm of religious disagreement.

II. METHOD

This study was about the meaning of religious freedom in religious perspectives in Malang. Malang city chosen as the locus of research, with the following considerations: 1) aspects of religious life has a significant contribution to the establishment of harmony and prevent tensions and conflicts; 2) the city has a heterogeneity of religion, namely Islam, Protestantism, Catholicism, Hinduism, Buddhism and Confucianism; 3) many forums and interfaith cooperation agencies, such as the Forum for Religious Harmony, interfaith cooperation agency, Inter-Religious Women, and similar institutions which is a bridge of communication among religious. Through various programs and institutionalized cooperation, the harmony of religions can be realized, but at the same time several cases of violations of religious freedom occur, which can lead to conflict, violence and disharmony. This research used a phenomenological approach. The data were collected by using in-depth interviews, observation, and documentation. Data analysis was performed circularly and repetitively between the collection and analysis of data simultaneously with the principles on going analysis. For maintaining academic honesty and avoiding bias, the study carried out triangulation methods and sources, and Focus Group Discussion (FGD).

III. RESULT AND DISCUSSION

1.1. Meaning of Religious Freedom in Perspective of Religious Leaders in Malang

Freedom of religion is one important aspect of Human Rights, which is a concept of political ethics modern with the idea of appreciation and respect for basic human and humanity. This idea implies the existence of a moral claims about how human beings should treat each other with good, fair, full of appreciation and respect. The moral demands can actually be regarded as the essence and the core teachings of all religions. That's because, all religions teach the importance of appreciation and respect for human and humanity, without distinction and discrimination. The moral imperative is important to protect a person or group that is weak or weakened (*al-mustad'afin*) of the tyrannical acts and abuse that is generally done by those who are strong, strong feeling or those who are in power. Therefore, the essential meaning of the concept of human rights is respect for the human person without exception and without discrimination on any ground and for any reason, as well as the recognition of human dignity and humanity. The concept of placing human rights as subjects, not objects, and considers man as a creature that is valued and respected regardless of race, color, sex, gender, ethnicity, language, or religion (Mulia, 2007). As dignified beings, human beings have fundamental rights that must be protected, such as the right to life, freedom of opinion, the right of assembly, freedom of religion and belief. Teaches human rights principles of equality and human freedom so that there should be no discrimination, exploitation and violence, restrictions and curbs on fundamental human freedoms, including the right to freedom of religion. This can be seen in the implementation of religious freedom in a pluralistic and heterogeneous society.

The implementation of religious freedom also looks at the experience and views of the religious elite about their attitudes toward religious conversion. The elite of Buddhism views that religious conversion as a right of every person. For him, freedom of religion-related inner experience as a Buddhist spirituality and family background are heterogeneous. Freedom that religious conversion is not violated. For him, apostasy is not a person who converts from Islam to another religion, but turned from good to bad, any religion. Thus, freedom of

religion means that religion should not be forced to, but through awareness. Because at its core, religion is the clothes, the most important is the content, which is a good person as the primary goal of all religions.

The elite Christianity, holds that the conversion is one of the basic human rights that must be respected in religion, whether from Christian to Muslim or Christian or Muslim to another. For Christian elite, freedom of religion is an expression of appreciation and respect for other religions and therefore conversion is also one of the most essential rights, which also must be respected. This view is based on three things, namely: Act of 1945 which expressly provides for the guarantee of freedom of religion that believed, the Book of Joshua that says: "if you want to worship God please, if you do not want too no problem", and Human Rights, that freedom of religion is a right that should not be imposed and be contested by anyone. The Hinduism elite, also said that the conversion is the right of every person, but it must be accompanied by a strong commitment and based on the choice of inner conscience, not on compulsion or follow others. To him, the meaning of religious freedom is the right of every person to be respected. This view was reinforced by Hinduism teacher at SMU-SPI, which interpret as respect for religious freedom and not impose his religion to others. Similar views were expressed by Christian elite, that religious conversion is a fundamental right of all people must be respected, but the conversion should be based on commitment and sincerity. Religious freedom for her departure from the belief that every human being expects power, God, than himself. Everyone is free to choose and believe the truth. Freedom of religion is a thing which God is absolute. Religion is an alternative path traversed to reach the ultimate goal, namely happiness with God. The Christian elite view based on the belief that every human being has the same purpose in life, and must respect the existing religions, as in the formulation of the documents of Vatican Council II in 1962-1965. Documents produced by the council requires all Catholics to respect all beliefs that exist in this world, both among Christians-Catholic and Protestant-as well as the non-Christian.

In view of Muslim elite, Islam gives freedom to its followers to choose according to his own religion. According to him, the meaning of freedom of religion is that Islam does not prohibit someone to embrace religion, gives you the freedom to choose religion whose adherents believed, as found in the Qur'an 109:6, 18:29, and 2:126. In Islam, religious conversion issues related to religious freedom. In the Qur'an there are several verses that give signals about these things, which are mentioned in the Qur'an 2:148 and 256, 10:99, 18:29, 42:15, and 109:6. There are no verses in the Qur'an or hadith that inflame hatred, hostility, and all forms of negative behavior that threatens the peaceful quality of life. But a misnomer, because it is still just emerging violence in the name of religion. Therefore we need the right formula for building a peaceful life, which became the basis for the relationship between religious communities.

God created human beings differently, so logically if He gave his protection to the followers of different religions and the places where they worship, to glorify the authority they believe (Qur'an 22: 40). Hence, in another verse Allah forbids Muslims revile other religions (Qur'an 6:108). Religious faith is the most personal, exclusive, and hidden in the human heart. Therefore, there is no power other than the power of God that can force anyone to follow his teachings (Qur'an 88:22 and 10:99). Is God's power to decide whether the beliefs of each person's right or wrong in the accountability in the Hereafter (Qur'an 22:17). In the external context, freedom of religion has implications for the demand for Muslim tolerance towards religions other woods. If people outside of Islam is allowed to be Muslims, then the Muslims are also allowed to move to another religion. In this context, it cannot be denied that even in the Quran does not explicitly mentioned penalty for Muslims who convert to another religion, but in the traditions of the prophet are found, which are listed in Bukhari's book (1999).

Hadith about suicide law for a Muslim apostate, needs to be analyzed that underlie the emergence of context, namely: first, politically, the Prophet Muhammad need to strengthen theological Muslims in order political establishment. Second, it should be viewed in context and position as to what the prophet when he said these traditions, whether as a religious leader and the state, a judge, a part of society in general, or in his capacity as an ordinary human being. This is important because it has implications for the presence or absence of necessity to follow and practice it. On this context, discuss Islam and Human Rights dialogue should be positioned. With this framework, as a charter that departs from the tradition of culture and context specific experience, the process of dialogues need to be done. They are the dialogues among human rights, religious traditions, values of spiritual, dignity and glory of the essence of humanity. According to Mahmoud Ayoub (1999), the tradition of Islam, Hinduism, Buddhism, Confucianism, and spiritual traditions that exist have moral value to support the realization of the essence of human rights in accordance with the character of their own community.

Religious conversion is also an empirical fact of the diversity that must be addressed in a wise and proportionate. Even pejorative, often people who do religious conversion, referred to as the person in denial creed. The emergence of social change was followed by the increase of the intelligentsia, simply play a role in the system and a rigid doctrine, but religion is not the case. Religion is a unique entity and its uniqueness was obtained with the independence of spirit and commitment in religion, though not necessarily anti groups. Iqbal criticism against fatalistic religiosity also shows that only a pseudo religious Muslims struggling to maintain

tradition. Religious power is not always white, as well as historical events in the form of human tragedy as "infidelity" religion and politics. The most phenomenal example in this context is the Crusades that occurred in 11-13 century (Shihab, 2004: 100). Although Islam is the religion of the mission (convert seeker), conversion is universally hated, not only because of theological arguments, but more important is the socio-psychological reasons. Apostasy is viewed as a process that makes the apostate experiencing psychological confusion. This is because the apostate will experience a "reversal" habits that have been formed by the construction of a particular religion tradition, but had to change due to follow the construction of a new religion that was followed. Therefore, logical that in the history of Islam, there is no one who does tyrannical Caliph of Islam to other faiths. In the context of social life, religion is a conscious human choice and not of necessity. Therefore, propaganda is no longer aiming to force someone into a particular religion, but the mission has social significance in real life. According to Christian elite, freedom of religion is closely related to religious pluralism, which has earned the distinction of belief meaning of each religion, internally and among religious believers, namely: first, a fellow Christian sects accept, even in carrying out their church services also swapped the pulpit; second, accept differences outside streams in Christianity; third, accept the differences of other religions, because all religions teach goodness and bring humanitarian mission. Tolerance can be either on acceptance and respect in Christian sects and other religions. Christians are required to receive religious beliefs respectively, so that the Christian elite teach kindness to his followers. Manifestations may be helping each other, helping others who suffered, and fundraising for the common good. Appreciate other religions, for Christian elite is very important because he believes that truth and salvation also exist in other religions. In Christianity also familiar with the concept of using the term propaganda mission and not always for the purpose of attracting followers of other faiths to Christianity. Similar views expressed by other Christian elite, who interpret propaganda in the sense to invite others to follow the Catholic religion, but to proclaim love and kindness.

Mission concept in Hinduism elite would violate the concept of religious freedom when done for the purpose of persuading other faiths embrace religion. Thus, the principle is the concept that must be held "*tat wam ashi*" (I was you, you are me). In Buddhism, preaching not intended to gain sympathy with the purpose of attracting followers of other religions to enter into Buddhism, but to help each other when they face the problems of life. This is consistent with the core teachings of Buddhism is the command to do good, do bad and ban clears the mind.

In the Islamic concept, preaching is not intended to force others to follow Islam, but a means of calling others to goodness, by adhering to the principles of preaching and argue in a good way (Qur'an 16:125). Basic philosophy for human rights in the Islamic teachings contained in the main, that is *tawhid*, because it contained the notion that there is only one Creator of the universe and the universe and its contents come from the Almighty. In the context of human rights, the doctrine of monotheism contain the idea of equality and brotherhood of all mankind (Qur'an 4:1 and 49:13). Therefore men are brothers and have the same degree, then people should not be enslaved by another man. Man in Islam is a free man (Qur'an 33:72), in free will and act (Qur'an 76:2-3) , free from pressure and coercion, exploitation, and possession of another man (Qur'an 90:13), and free in religion (Qur'an 2:256 and 10:99) of the basic teachings of equality, fraternity, and human freedom, there arose another human rights. Man was given the right to live and obtain safety (Qur'an 4:29), the right family (Qur'an 4:1 and 30:21), the right to education (Qur'an 2:129 and 3:164), the right to obtain employment, wages and wealth (Qur'an 2:188 and 4:29), the right to mobility (Qur'an 30:20 and 67:15), the right to think, speaking, different opinions, and association (Qur'an 3:159, and 42:38), and the right to social security (Qur'an 51:19 and 90:14-16), the right to self-determine (Qur'an 13:11), the right to justice before the law and protection from inhuman treatment in the resolution of social order (Qur'an 4:58 and 5:8), and the right to free of exploitation and all forms of discrimination (Qur'an 49:13) (Santoso, 2009: 50-51).

The essence of freedom of religion or belief is included in the eight major components, namely: first, internal freedom, everyone has the freedom of thought, conscience and religion. This right includes freedom to adopt or establish religion or belief of his choice, including to change their religion or belief. Second, external freedom, that everyone has the freedom, individually or collectively, in private and public, to manifest his religion or believe. Third, there is no compulsion, no individual may be subject to coercion which would reduce the freedom to have a religion or belief of his choice. Fourth, non-discriminatory, that the state has the obligation to respect and guarantee the freedom of religion all its citizens, without discrimination on any basis. Fifth, the rights of parents and guardians, that the state has an obligation to respect the liberty of parents and legal guardians (if any) to ensure that the religious and moral education for their children in accordance with their own convictions. Sixth, freedom of organization and legal status, a vital aspect of freedom of religion or belief for the religious community or association is to organize as a community. Therefore the religious community has the freedom of religion or belief includes the right of self-reliance in the organizational setting. Seventh, the permissible restrictions on freedom of the external, namely the freedom to practice one's religion or belief can only be restricted by law, solely for the sake of safety and to protect public order, health or morals, and protect the rights and freedoms others. Eighth, non-derogable rights, that the state does not have the right to

reduce religious freedom in conditions and for any reason (Mulia, 2007). Non-derogable rights are rights that are absolute must not be reduced fulfillment by States parties, although in emergencies. As dignified beings, human beings have fundamental rights that must be protected, such as the right to life, freedom of opinion, the right of assembly, freedom of religion and belief. Teaches human rights principles of equality and human freedom so that there should be no discrimination, exploitation and violence, restrictions and curbs on fundamental human freedoms, including the right to freedom of religion. This can be seen in the implementation of religious freedom in a pluralistic and heterogeneous society.

1.2. The Violation of Religious Freedom in Perspective of Religious Elites in Malang

Freedom of religion in the form of realizing, implementing, or manifesting one's religion or beliefs, such as preaching or proselytizing actions and establish places of worship listed in the freedom of action (freedom to act). This form of freedom may be limited, or suspended execution can be arranged. But the postponement of the implementation, arrangement or restriction it should be done only under the law. Justifiable reason for doing it is solely the protection of five things, namely: public safety, public orders, public health, public morals, and the protection of rights and freedom of others. Thus the main objective the implementation delays, arrangement or restriction it is to counter the threat to human safety or their property. The violations of religious freedom, according to Christian elite is a threat, pressure and adverse action other religious groups. There are numerous cases of violations of religious freedom, such as conflict and violence in the name of religion. Among these are: first, the case of the establishment of places of worship are considered to be procedural, so that fuel the conflict. The demonstration ended after the city government to stop the construction of a place of worship until the time is not limited. According to Christian elite, violations of religious freedom may manifest in the form of the establishment of houses of worship are conducted without regard to the rules. This is because life together necessitates certain rules that limit freedom, because there is no freedom without limitations.

Respect for the houses of worship of other religions (Qur'an, 22:40), requires that every religious community to maintain and respect the existence of places of worship of other religions. According to Shihab (2002:72), God does not desire the destruction of houses of worship. Hence the scholars stipulate that Muslims have a duty to maintain it. Not only maintain the mosques, but also keeping the houses of worship of others such as churches and synagogues. Though there are scholars who provide strict limitations, we can say that because Islam is a religion that gives freedom of religion, then it becomes the obligation of Muslims to participate actively in maintaining and preserving the freedom and peace of other people in carrying out their religion. Thus, Muslims should not bother them, as Muslims demand that they not be disturbed by anyone. According to Tabataba'i (1999: 387) the verse also shows that war in Islam is one religion which is the provision of nature. But even so, the war is to be taken in order to maintain the existence of religious communities from the threat of enemies who want to extinguish the light of God. Quthb (1999) also confirmed that no one can save the houses of worship except God's power to refuse the malignancy.

Second, the emergence of the Christian sect considered heretical by mainstream Christian groups, namely Jehovah's Witnesses, because doing missiology to those who already have confidence. Christian elite refuses the Jehovah's Witnesses to enter or return to Christianity, because it is considered deviant sects of the Christian faith in general. Jehovah's Witnesses have faith that Jesus is not God, but a prophet like Prophet Muhammad. They refuse the Bible and Jesus, do not respect the head of state and not salute the flag of Indonesia. The Christian elite confirmed to the Ecclesiastical Cooperation Agency and the congregation, to be careful in coexistence with Muslims, people of other religions and other sects and streams.

The Prevention of Misuse of Religion and/or Blasphemy Act No. 1/PNPS/1965 is one of the laws that govern criminal sanctions for any person who is considered a desecration of religion. The existence of these laws can lead to complex problems for six religious faiths other than the majority. They are exposed to criminal sanctions because it has different teachings that are considered to deviate from the six major religions. Sujono Kusmanto arrested on December 18, 2009 because he believed the teachings of the "*Sabda Kusuma*" and criminal conviction of Lia Eden (the head of God Kingdom sect) for 2.6 years as it is considered blasphemy on June 2009, are among the examples. The Act also provides space for the government to distinguish one religion to the other. This example can be seen how the religious penalize countries that are considered disfiguring particular religion, but by law everyone has the same position. Actually the state has no right to assert a doctrine deviant or not deviant, perverted or misguided and so on. In this context, the state can only mention that a doctrine or a stream or group different from other teachings, or the teachings espoused by the majority group. By declaring a deviant teachings then it means that the state is not a neutral position. This law is also considered to have violated the right to religious freedom is constitutionally guaranteed by Article 29 UUD 1945 and other laws. Third, religious persecution at "Asida" hotel, which sparked Muslim anger. According to Christian elite, training events conducted prayers on behalf of unscrupulous followers of the Christian religion by putting the Qur'an on the floor as well as insulting the holy book as a violation of religious freedom, as has been harassing certain religious scriptures. Strengthen the argument of Muslim elite, the Christian elite also of the view that

efforts are made to foster harmony among religious believers is to coordinate with the government, and forum of religious harmony. This event is blasphemy, combating Islam and insulting the Qur'an. The non-Muslim actors who wear Islamic costumes and even then eventually sentenced to five years in prison, as provided by law. This punishment in accordance with the penalty contained in article 156a of the Criminal Code, namely: shall be punished with imprisonment to five years whoever intentionally publicly issued feelings or acts: a. which essentially hostile, misuse or desecration of a religion followed in Indonesia; b. with the intention that people do not follow any religion as well, which is based on God." (Hanna, 2010: 157-174). Punishment for the perpetrators of blasphemy is the same as the penalties contained in the Prevention of Misuse of Religion and/or Blasphemy Act No. 1/PNPS/1965, article 3.

One purpose of the Act is to help the Indonesian government to protect the six recognized religions, namely Islam, Protestantism, Catholicism, Hinduism, Buddhism, and Confucianism, to punish those who drive conversions from one religion or preach "deviant" of interpretation recognized official religions. 6 official religions have each also has a religious entity that has the authority to decide whether a conviction is considered deviant or not deviate from the mainstream religious beliefs or teachings. The same phenomenon can be seen for example in regulation on blasphemy in Pakistan, which is also the threat of imprisonment and fines for perpetrators of blasphemy (Asma T. Uddin, 2011: 47-55).

Prohibition of degrading or insulting other religions, Islam has set in in the Qur'an, 6:108. According to Quthb (1999), insulting gods of the polytheists it has no use for the Muslims, because it would invite abuse of the polytheists against God. This verse is the most important moral teachings for believers, who are committed to their religion. Prohibition of cursing the gods and trust the other party is a religious guidance, in order to maintain the sanctity of religions, creating a sense of security, and harmonious relations between religious communities. Humans are very easily provoked emotions when religion and belief alluded to. According to Tabataba'i (1999), the verse that shows the general prohibition against insulting words to another religious sanctity. In addition, it is also a religious ethic that must be preserved in order to maintain the sanctity of religion. If the harassing believers worshiped the idolaters, they will reciprocate by insulting God who became god of the believers.

In view of Muslim elite, conflict is considered as a moment to establish a more harmonious relationship among religious believers. For him, conflict can foster ties assessed increasingly close inter-religious, but also can foster prejudice among each other. However, creating inter-religious harmony can be achieved through dialogue and intensive assessment efforts through the forum of religious harmony. According to Christian elite, the conflict would not have implications for interfaith harmony. The ripples of conflict in the name of religion it will not interfere with the harmony in life. Interfaith harmony can still be created through social activities. For Christian elite, the conflict has no effect on cooperation with other people. Catholics ever together with the Muslims to do humanitarian work, such as greening and health screenings. Buddhism elite considers that the conflict will be a force when each can forgive and avoid feelings of revenge.

In the context of Islam, the teachings of religious freedom has implications for internal and external. Internally, freedom of religion has implications for the demand for each religious believers to commit themselves fully to the entire religion. When a person has to choose one religion, then he is no longer free to choose the teachings that will be accepted or rejected. People who choose to accept Islam but only partially Islam, meaning not allowed. Meaning that the rejection of a particular section by someone who chose Islam, led to the rejection of the entire package in the Islamic religion (Shihab, 1999: 189-190). Thus, people who have become Muslim means being ready to accept and implement the teachings of Islam, without bargaining to do most and left most of the others.

In Qur'an perspective, God created human beings with dignity (Qur'an 17:70). Islamic doctrine of human rights has been actualized in the era of the Prophet Muhammad and the era of *Khalifah Rashidah*, as seen in some of the *sunna* and tradition's companions. According to Syu'bah Asa (1998: 16), there are two declarations relating to human rights that the Prophet said, namely: first, the Medina Charter which is the political action in preparing the people of Medina. Second, the Prophet's speech at the Farewell Pilgrimage which commands Muslims to uphold human rights, the rights of life, economic rights, and self-esteem. In addition, there are a number of hadith of the Prophet on this subject, namely: 1) the Prophet advice to a woman who consulted about enforcing the law fairly regardless of social class, economic and other (Bukhari, 1999). 2) The approval of the Prophet to *ijtihad* of companions regarding strategic places to attack enemy in the battle of Badr. 3) The Prophet agreement with the Christians of Najran, that they get protection. 4) Caliph Abu Bakr message when sending the first expedition to Sham to be fair and keep humanity in war ethics. 5) Umar ibn Khattab claims against Amr ibn Ash is deprivation of personal freedom. Islam teaches that all humans are born in a state of purity, without anyone should intervene and co-opted (Bukhari, 1999).

From the study of Islamic teachings about human rights and its actualization in the era of the Prophet and the Caliphs, it can be concluded that the basic principles relating to the human rights, such as equality,

fraternity, liberty, freedom, and respect for others, confirmed since the early stages of Islam (Santoso, 2007: 51-53). Therefore, the right to dignity, right to liberty, and the right to choice are a human rights guaranteed by the existence of Islam. For Ali Gharisah, Islam puts human rights above the lawful position, namely *hurumat* (forbidden things to break), as said by the prophet Muhammad (Haq & Tirtana, 1999: xi-xii).

The concept of no compulsion in (into) the religion (Islam) as in the Qur'an 2: 156, has become a respected religious commitments are honored by the Muslim rulers of classical and medieval era. Expression of history's most tolerant example is saving act committed by the Ottoman rulers of the Sephardic Jewish community of Spain experiencing racial annihilation war (ethnic cleansing war) of Spain after the Christian Reconquista of Spain. Had the Ottoman rulers did not give political asylum to them, maybe the Sephardic Jews extinct from this world (Hamim, 2003:29). However phenomenon and implementation of religious freedom cannot be separated by the necessity to tolerate, both the internal and inter-religious. Diversity requires Muslims are tolerant because God has provided a way of life choices (Qur'an 5:48), does not impose the will of others (Qur'an 10:99 and 18:6), respect differences and provide freedom (Qur'an 109:6).

According to Brian J. Grim, as cited by Fauzi and Mujani (2009), declared religious freedom is violated when there were three limitations to it: first, the government regulations that restrict religious freedom. The emergence of some rules that show government interference in participating regulate one's worship and government regulations that explicitly restrict the religious freedom of a person running. Restrictions on the amount of five religions recognized religions in the New Order era with Presidential Instruction No.14/1967 is an example of this limitation dimension. Similarly, the emergence of religious beliefs such as a ban Ahmadiyya and Shi'a, which by Assyaukani (2011: 200) called official restrictions in the form of religion. Second, granting privileges by the government to certain religions groups. This dimension is often not caught because they are natural in the context of a country. Nevertheless, the government's actions have implications for restrictions on certain religious groups due to increased freedom of other religious groups. Third, social regulation that limits the freedom of religious groups. If certain religious groups oppose or support the government policies that have an impact on the birth of certain rules subordinating other religious groups, then in the context of religious freedom has actually happened.

IV. CONCLUSION

Freedom of religion is one of the basic human rights that cannot be disturbed, reduced, and eliminated by anyone. In addition to getting a legal guarantee in Indonesia, God-given freedom of religion is also taught in the text of the holy book of religions. Therefore, the religious elite realize the importance of upholding freedom of religion, both internal and external freedom. However, in the implementation of religious freedom violations often occur, both with regard to religious understanding, religious activities and the establishment of places of worship. Violations of religious freedom that has a positive meaning if it is considered as the starting point for every religious community to make corrections and evaluation of the propaganda methods used, but on the other hand is also an obstacle to efforts to create a harmony of religions. Therefore, awareness and commitment to build mutual understanding and communication between religious communities, a new hope has always fostered within the context of a multicultural society.

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