

Religion Desecration Law Should Be Revoked

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This week, the Constitutional Court once again held the material test of Religion Desecration Law. Many reactions arose on the discourse of the petition to revoke this law. Director of the Center for Religion and Cross-Cultural Studies/CRCS UGM Dr. Zainal Abidin Bagir, said that Religion Desecration Act should be revoked because it contradicts the Constitution.

"Although the intentions of the State to protect religious communities in Indonesia are clearly reflected in the name of this Law, but in practice, very harmful excesses did occur," he explained. According to Bagir, the issue in this law No.1/PNPS/1965 is the stipulation of "points of religious principle" that became the standard for measuring the interpretation or deviant behavior. This can not be the reason for a legal action without burdening the government directly or not with the too big religious authorities. In addition, this law is explicitly discriminative because it only recognizes six religions, which means violating the rights of other faiths. "In terms of content, this law has a flaw in its inability to distinguish between actions that can be criminalized simply by the difference of interpretation or by statements and actions considered wrong by a group of religions. So, there is no legal reason for hindering the removal of this Act," he said in Fortakgama Room UGM, Friday (9/4).

He added that Laws which protect religious believers are needed for cases that are clearly incitement to hatred, hostility/violence against religious communities. In this case, it became unclear whether religion desecration laws would keep things in order, or even justify the order on behalf of desecration of religion. "If this law will be revoked, a replacement ought to be able to sort out the things that can be considered a crime and what can be accepted as a difference in a religion," he asserted.

Responding to several groups who objected to the revocation of this Law for consideration that it will lead to the encouragement of the birth of splintered groups and teachings in Indonesia, CRCS UGM researcher, Suhadi Cholil, MA, said that difference is a necessity that can not be reduced and is also protected by a general consensus in Article 29 of the 1945 State Constitution. If the difference becomes a dispute, dialogue should be the way for communities to solve various problems. Suhadi said, "If this Law is really revoked, the public will have to be more tolerant in

accepting differences. Whatever decisions the Constitutional Court will take are going to be a historic decision to begin solving the great problems of relationship between the state and religions in Indonesia," he concluded.

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