

# Legal Reconstruction of the Requirement for the Establishment of the House of Worship Based on Justice Values

Budi Sulistiyo<sup>1\*</sup>, Anis Mashdurohaturun<sup>2</sup>, Sri Endah Wahyuningsih<sup>2</sup>

<sup>1</sup>Doctorate Student of Faculty of Law, Sultan Agung Islamic University, Semarang, Indonesia

<sup>2</sup>Faculty of Law, Sultan Agung Islamic University, Semarang, Indonesia

DOI: [10.36348/sijlcrj.2023.v06i01.005](https://doi.org/10.36348/sijlcrj.2023.v06i01.005)

| Received: 10.12.2022 | Accepted: 17.01.2023 | Published: 23.01.2023

\*Corresponding author: Budi Sulistiyo

Doctorate Student of Faculty of Law, Sultan Agung Islamic University, Semarang, Indonesia

## Abstract

This research is motivated by the regulations on the construction of houses of worship that have not yet accommodated spaces for justice. Regulations that hinder the construction of places of worship are one aspect that has the potential to cause conflict between adherents of religions. This research aims to analyze and find the principal regulatory requirements for the establishment of houses of worship that are not yet based on the value of justice, to analyze and find weaknesses in the current regulations regarding the requirements for the construction of houses of worship, to find reconstructions for the construction of places of worship that can accommodate these values justice based. This research is normative juridical research with statutory and conceptual approaches. The results of this study indicate that the regulatory requirements for the establishment of houses of worship have not been based on the values of justice (related to the requirements in PBM Article 7 paragraph 1 letter (a) and paragraph 2 letter (a). Article 14 paragraph (2) has not been just Pancasila because they have not been based on community needs. adherents of minority religions Weaknesses in the current regulations regarding the requirements for the construction of houses of worship (Legal substance, legal structure, and legal culture) contained in the regulations for the construction of places of worship Reconstruction of the regulations regarding the requirements for the construction of places of worship based on the value of justice must be referred to whenever justice is discussed So that it is necessary to reconstruct the Joint Ministerial Regulations number 9 and 8 of 2006 concerning the establishment of houses of worship.

**Keywords:** Legal Reconstruction, Houses of Worship, Justice Value.

**Copyright © 2023 The Author(s):** This is an open-access article distributed under the terms of the Creative Commons Attribution **4.0 International License (CC BY-NC 4.0)** which permits unrestricted use, distribution, and reproduction in any medium for non-commercial use provided the original author and source are credited.

## INTRODUCTION

The Indonesian nation as a pluralistic nation consists of various tribes and customs, languages, and religious adherents. Plurality is a Sunnah of God that can be disputed. Therefore, when people force something to equalize or unify, it is against God's provisions (Bayani & Aslamiyah, 2022).

This is reflected in the first precept of Pancasila "The One God" and in the 1945 Constitution Article 29 verse 1, namely "The State is based on the One God". The 1945 Constitution also guarantees freedom of religion as stated in Article 28 letter E, namely "Everyone is free to embrace a religion and worship according to his religion" and Article 29 verse 2, namely, "The State guarantees the freedom of every resident to embrace their respective religion and to worship according to his religion and belief".

Indonesia is a society with various religions, almost all major religions in the world exist in Indonesia, not to mention the existence of cultural religions in Indonesia (Wahyuningsih, 2014), as well as the mixing of religions and beliefs. Indonesia should be nicknamed the cradle of religions.

Indonesia is not a religious country (theocracy) or a secular country. Still, Indonesia is right in the middle, namely the country of Pancasila with all its values (Mashdurotun, 2016). In Indonesia, the State is not identical to a particular religion, but the State does not release religion from State affairs. The state is responsible for the existence of religion, religious life, and the harmony of religious life.

A critical issue that often disturbs harmony among religious believers is the establishment of houses of worship. The refusal to establish a house of worship for a particular religion is often a problem, even leading

to horizontal conflicts. The refusal was triggered by various social, cultural, economic, and political factors. Sometimes people can accept people of different religions in their environment, but they do not necessarily can accept their houses of worship (Sabara & Akxa, 2022).

The government has issued Joint Regulations of the Minister of Religion and Minister of Home Affairs (PBM) Number 9 of 2006 and Number 8 of 2006 concerning Guidelines for Implementing the Duties of Regional Heads/Deputy Regional Heads in Maintaining Religious Harmony, Empowering Religious Harmony Forums, and Establishing Houses of Worship (Ardiansyah, 2016).

The construction of houses of worship is a fundamental right of every adherent of a religion. Still, the fact is that the construction of houses of worship of a particular religion often creates problems, and sometimes there are conflicts with adherents of other religions. When religious adherents build houses of worship, in the process, in addition to being generally accepted by society in peace, they also often reap rejection, causing clashes and conflicts that disrupt the harmony of religious communities and the nation (Dachlan, 2015).

Particularly regarding the construction of houses of worship, the Unitary State of the Republic of Indonesia regulates the establishment of houses of worship through the Joint Regulations of the Minister of Religion and the Minister of Home Affairs Number 9 and Number 8 of 2006 known as PBM. It contains the definition of a house of worship and the requirements that must be met before a house of worship is built. "A house of worship is a building that has certain characteristics that are specifically used for worship for adherents of each religion permanently, excluding family places of worship," says Article 1 paragraph (2) of the regulation. However, in reality, the enactment of the Joint Ministerial Regulation of the Minister of Religion and the Minister of Home Affairs has triggered a high number of closings, sealing, and burning of houses of worship which increased in 2010 (Subakin, Zainul, & Akhol, 2011).

The establishment of houses of worship that do not comply with applicable regulations tends to trigger tensions, even conflicts between religious adherents in Indonesia. Mursyid Ali mentioned seven factors that trigger tensions that can lead to conflicts between adherents of religions, namely the establishment of houses of worship, religious broadcasting, foreign aid, interfaith marriages, a celebration of religious holidays, blasphemy by individuals or groups of people, and sect activities. Splinter, which is carried out by a person or group of people based on belief in a particular religion that deviates from the religion concerned. Ahsanul Khalikin mentioned four factors that trigger tensions,

even conflicts between adherents of religions, namely the establishment of houses of worship, religious broadcasting, internal religious issues, and religious blasphemy (Firdaus, *et al.*, 2016).

The problem of building a House of Worship is an old story that is repeated. The renovation of the Al-Aqsa Grand Mosque in Sentani, Papua in 2018, for example, was rejected by the Communion of Churches in Jayapura Regency (PGGJ). The rejection was on the pretext that the minaret at the mosque was higher than the churches around the location. Besides this, several reasons for the refusal were also put forward, consisting of 1) The mosque's loudspeakers should be directed towards the mosque; 2) Restrictions on Islamic propagation in Jayapura; 3) School children are prohibited from wearing uniforms with certain religious nuances; 4) Special rooms are not allowed, such as prayer rooms in public facilities; and 5) BTN KPR housing areas are prohibited from building mosques and prayer rooms.

The casuistry of rejection of efforts to build houses of worship has also occurred in Bogor City, West Java. The congregation from the Indonesian Christian Church (GKI) Yasmin experienced difficulties in building a house of worship. Diani Budiarto, as Mayor of Bogor at that time, on 10 April 2012 completely sealed GKI Yasmin by deploying the Satpol-PP. GKI Yasmin was considered to have ignored the Bogor city government's warning regarding the requirements for the construction of the church, then the Bogor City Government carried out the sealing. As it is known that the proportion of adherents of Christianity was recorded at 3.64 percent in 2016 in Bogor City.

Referring to the several incidents above, it can be concluded that the implementation of the Joint Ministerial Regulations of the Minister of Religion and the Minister of Home Affairs Numbers 9 and 8 of 2006 concerning the establishment of houses of worship has not yet gone well. One of the reasons is that there are still many religious people from minorities in an area who have difficulty getting access to be able to fulfill the PBM requirements to be able to build houses of worship. The 1945 Constitution guarantees freedom to embrace religion and worship according to their respective religions and beliefs.

Permits to build houses of worship as one of the enforcement of state administrative laws carried out by the Indonesian government. Law Number 28 of 2002 concerning Buildings is a legal product that regulates buildings by their functions and designations. Fulfillment of administrative and technical building requirements is a manifestation of the community's role and efforts to foster it.

Of the various problems that currently exist in the Republic of Indonesia's State Religious Institutions,

policy-making personnel has attempted to carry out their functions, which so far have seen less resolution of communal conflicts to be better to avoid conflicts in religious communities. However, based on the results of the author's observations, there are still weaknesses in the Joint Regulations of the Minister of Religion and the Minister of Home Affairs Number 9 and Number 8 of 2006, this can be seen from the phenomena of the problems that occur, including: (a) PBM does not accommodate the needs of minorities in the establishment of houses of worship as mandated by the 1945 Constitution and the Human Rights Law. (b) PBM needs to pay attention to local wisdom, and (c) PBM needs to be based on the principle of dignified justice. (d) PBM needs to be submitted by a legal entity, not a development committee.

This paper attempts to analyze the Joint Regulations of the Minister of Religion and Minister of Home Affairs Number 9 and Number 8 of 2006, especially chapter IV concerning the establishment of Houses of Worship relating to religious pluralism in Indonesia, how to regulate the establishment of houses of worship without violating human rights, how to regulate the construction of houses worship, and how to resolve disputes regarding the construction of houses from the perspective of Developed and Developing Countries.

Based on the explanation above, a study was carried out with the title "Legal Reconstruction of the Requirement for the Establishment of the House of Worship Based on Justice Values".

This problem is what the author urges to study further in research with the following issues:

1. What are the weaknesses of the current Regulation of Requirements for the Establishment of Houses of Worship?
2. How to Reconstruct the Requirements for the Establishment of Houses of Worship Based on the Value of Justice?

## METHOD OF RESEARCH

This study uses a legal research approach. The constructivism paradigm in the social sciences is a critique of the positivist paradigm. According to the constructivism paradigm, the social reality observed by one person cannot be generalized to everyone, as positivists usually do.

This research uses descriptive-analytical research. Analytical descriptive research is a type of descriptive research that seeks to describe and find answers on a fundamental basis regarding cause and effect by analyzing the factors that cause the occurrence or emergence of a certain phenomenon or event.

Sources of data used include Primary Data and Secondary Data. Primary data is data obtained from

field observations and interviews with informants. While Secondary Data is data consisting of the:

1. Primary legal materials are binding legal materials in the form of applicable laws and regulations and have something to do with the issues discussed, among others in the form of Legislation relating to the practice of medicine and health.
2. Secondary legal materials are legal materials that explain primary legal materials.
3. Tertiary legal materials are legal materials that provide further information on primary legal materials and secondary legal materials.

Regarding secondary data, the search for general truth will be carried out by using deductive logic, especially during the initial analysis (the use of theories). Still, it is also possible to carry out an analysis using inductive reasoning for cases of election dispute resolution after the election and vote counting has been documented in the form of study results, records, and research results. And in this study, the researchers used deductive and inductive analysis so that the data obtained could be processed optimally (Hardiyanti, *et al.*, 2022).

Research related to the socio-legal approach, namely research that analyzes problems is carried out by combining legal materials (which are secondary data) with primary data obtained in the field. Supported by secondary legal materials, in the form of writings by experts and legal policies.

## RESEARCH RESULT AND DISCUSSION

### 1. Weaknesses of the Current Regulation of Requirements for the Establishment of Houses of Worship

#### a. Weaknesses in Legal Structure Aspects

Lawrence M. Friedman mengemukakan bahwa *"The structure of a system is its skeleton or framework; it is the permanent shape, the institutional body of the system, although rigid bones that keep the process flowing within bounds...The structure of a legal system consists of elements of this kind: the number and size of courts; their jurisdiction (that is, what kind of cases they hear, and how and why); and modes of appeal from one court to another. The structure also means how the legislature is organized, how many members... what a president can (legally) or not do, what procedures the police department follows, and so on. Structure, in a way, is a kind of cross section of the legal system. A kind of still photograph, which freezes the action"* (Friedman, 1947).

The legal structure concerns legal implementing institutions (institutions) in the implementation of PMB in the construction of houses of worship in terms of involving institutions in the central and regional governments. The application for a permit to build a house of worship on a juridical basis is based

on PBM numbers 8 and 9 of 2006 stipulated by the central government. Institutional devices in the regions in carrying out the fulfillment of requirements start from the level of village heads/lurah, sub-district heads, ministries of religion, and religious harmony forums guided by PBM. Meanwhile, for the consideration of determining the local government IMB, in this case, in addition to being guided by the completeness of the required documents from the PMB, it also refers to Law number 28 of 2002 concerning buildings and buildings. In addition to this, the Medan city government is also explicitly guided by the Medan mayor's regulation number 44 of 2018 concerning building permit fees.

Analyzing the linkages of the Joint Ministerial Regulation, hereinafter referred to as the PMB for the establishment of houses of worship, when connected with the legal system from the perspective of legal *structure*, it can be seen that the weaknesses are in terms of the legal institutions governing houses of worship. The importance of places of worship as a visualization of the religious practice of a religious community in Indonesia has never been regulated systematically in integrated legislation, starting from Laws, Government Regulations, Presidential Regulations, Ministerial Regulations, and Regional Government Regulations. This shows the weaknesses that occur from the perspective of the legal structure, so it is only natural that there are weaknesses in these regulations when used in society.

#### **b. Weaknesses in Legal Substance Aspects**

Substance means the rules, norms, and behavior patterns of people within the system. The emphasis is on living *law*, not just regulations in legislation (*law in the book*). The substance or content of law as a reference in law enforcement has an important role as a guide or guide for law enforcers in exercising their authority. This means that weaknesses in the content of the law will result in the ineffective implementation of the law so that the objectives to be achieved are not fulfilled.

The context of the weakness of the Joint Ministerial Regulation regarding the construction of houses of worship in the perspective of legal *substance lies* in Chapter IV Article 14 concerning requirements for the establishment of houses of worship which reads:

- 1) The establishment of a house of worship must meet the administrative requirements and technical requirements of the building.
- 2) In addition to fulfilling the requirements referred to in paragraph (1), the establishment of a house of worship must meet special requirements including:
  - a) A list of names and Identity Cards for users of houses of worship for at least 90 (ninety) people legalized by local officials according to the level of regional boundaries as referred to in Article 13 paragraph (3);

- b) Local community support of at least 60 (sixty) people approved by the lurah/village head;
  - c) Written recommendation from the head of the regency/municipal religion department office; and
  - d) District/city FKUB written recommendation.
- 3) If the requirements referred to in paragraph (2) letter a is met while the requirements in letter b are not met, the local government is obliged to facilitate the availability of places for the construction of houses of worship.

Analyzing the legal *substance of* PBM in its implementation in a Buddhist society, especially in the Medan city area, based on the author's interview technique with leaders and the community, it can be explained that the requirements for establishing a house of worship are difficult to fulfill. The difficulty in fulfilling the requirements for building places of worship based on the PBM is that the number of users and supporters of places of worship that must be met is too large. Religious people in areas with many communities will not experience difficulties in fulfilling the requirements for building places of worship, but it will be very different in an area with limited religious communities, it will be very difficult to realize the construction of places of worship.

Chapter IV Article 14 PBM number 9 and number 8 of 2006 has locked difficulties in fulfilling the requirements for building a house of worship. The weakness of Article 14 is that it requires that 60 (sixty) prospective users of the house of worship are needed to build a house of worship. Furthermore, 90 (ninety) supporters are also required for the establishment of a house of worship as evidenced by an Identity Card (KTP) and approved by the Village Head, Camat, Ministry of Religion, and FKUB. After the complete documents are submitted to the local PTSP to be registered to be granted a Building Permit (IMB) for the building as a place of worship by the provisions of the respective regional regulations.

The government, in this case, the Minister of Religion and the Minister of Home Affairs, in determining the requirements for the establishment of the house of worship contained in Chapter IV Article 14, does not take into account the real conditions that in each region there is a diversity in the number of adherents of different religions. Thus, it will be challenging to fulfill a small number of communities that need the existence of a house of worship for religious activities.

Considerations in terms of rights and freedoms in manifesting worship practices also pay little attention to the values of dignified justice in stipulating Chapter IV Article 14 PBM numbers 9 and 8 regarding the construction of houses of worship. This is very contradictory to Article 29 of the 1945 Constitution on



Freedom of Religion. (1) The state is based on Belief in the One and Only God. (2) The state guarantees the freedom of each resident to embrace their religion and to worship according to their religion and beliefs. So that objections will be felt by the community with a minimalist quantity.

The special things considered by the government in the PBM only put forward the goal of creating inter-religious harmony alone but did not pay attention to the real implementation in practice in the field. The weakness of this regulation becomes a trigger for conflict if it cannot be handled properly on a problem where the requirements for building a house of worship are not met.

Besides not considering the juridical aspects of higher regulations, the establishment of regulations with the minister also pays little attention to actual conditions on the ground. The difficulty in fulfilling the requirements for establishing a house of worship in the form of user and supporting documents is not as easy as what is contained in the regulation text. This limitation triggers problems due to the formulation of requirements that pays little attention to reality.

The difficulty of fulfilling the requirements in terms of the number of users and supporters to build a house of worship is especially felt for communities with a small number in an area. This is not the fault of a community that cannot fulfill the intended requirements. However, due to a weakness in regulations that have been set but do not consider community, regional and justice aspects.

### c. Weaknesses in Legal Culture Aspects

Legal culture is defined as a system of beliefs, values, ideas, and assumptions. Legal culture refers to general cultural habits, ways of expressing opinions, and thinking towards the social power of law and in a certain way, in other words, does the climate of social thought and social forces determine how the law is used, avoided, or misused?

Legal culture concerns legal culture which is a human attitude (including the legal culture of law enforcement officials) towards the law and the legal system. No matter how good the legal structure arranges to carry out the stipulated legal rules and no matter how good the quality of the legal substance is made without the support of a legal culture by the people involved in the system and society, law enforcement will not work effectively.

The relevance of PMB is seen from the aspect of legal *culture lies* in the culture of implementing PBM which is still mostly carried out outside the provisions. Several casuistic examples of legal uncertainty regarding the establishment of a house of worship were rejected or did not receive approval from the local

environment. The weakness of implementing this legal culture is detrimental to all parties, from the applicant's side it is certain to be disadvantaged because they cannot apply religious needs together with the community. Likewise, stakeholders are also faced with problems that are difficult to provide the best solution due to limitations arising from regulations.

Patterns of Harmonized Relationships Religious people want peace and harmony together because an atmosphere like that makes community life between religious communities able to carry out their individual lives without interfering with religion and religious beliefs. The religious beliefs and observances that a person adheres to are very influential in creating harmony between religious communities because there is no single religion that teaches conflict, let alone conflict that leads to disharmony all religions (Aswin, 2013) advocate living in harmony and harmony. Another factor that helps to create religious harmony is the existence of customary bonds held by Indonesian people. This custom taught how important it is to live side by side with one tribe and one religion with other religions in Indonesian society. In one family we often encounter marriages with backgrounds of different customs and even different religions. This can also be a trigger for implementing harmony in society. The involvement of relatives who may have different religions in holding a traditional festival in Medan, for example, invited many relatives to join the "Dalihan Na Tolu" (Mora Kahanggi and Anak Boru) bond. This bond conditions each person to work as a team for the smooth running and success of the traditional party. The process of working together creates a sense of kinship so that harmony and involvement with one another are strongly established.

Even though Indonesian society is very heterogeneous, the above realities make every problem related to social life or the life of religious communities not too difficult to solve. Problems that occur are resolved by deliberation, even though it is carried out with relatives who have different beliefs and customs, but this is not a barrier, precisely through this kinship factor, mutual respect, mutual respect, and upholding togetherness will be created. be tied to one another. The existence of relatively harmonious conditions in Medan City does not mean that there are no misunderstandings or conflicts in interactions. There are still conflicts or disharmony, but with the level of awareness and tolerance of the Indonesian people that is highly valued, these conflicts and misunderstandings have no further impact.

## 2. Reconstruction of Regulations for the Establishment of Houses of Worship based on Requirements that Achieve the Value of Justice

In Indonesia, the Joint Regulations of the Minister of Religion and the Minister of Home Affairs Number 9 of 2006 and Number 8 of 2006 (hereinafter

abbreviated as PBM Number 9/2006 and Number 8 of 2006) contain regulations relating to business licensing place of worship. These regulations are considered part of Indonesian state law. Maintaining religious peace is in essence the main principle that underlies the principles outlined in PBM No. 9/2006 and No. 8/2006 respectively.

This can be seen in related norms that seek to accommodate the interests of people of different religions, such as those related to the formal requirements for building houses of worship in Article 14 of PBM No. 9/2006 and No. 8/2006, which stipulates that the establishment of a place of worship must take into account the composition of the religious adherents of the place of worship in question and must obtain as many as 60 people from the community around the place of worship in question. This is seen in the norms related to the Establishment of Religious Harmony Forums (FKUB) at the provincial and district/city levels, whose membership system is a proportional representation of the adherents of the religions in the area concerned, and also reflects the spirit of this regulation maintain religious harmony. The membership system of this forum is based on the proportional representation of religious adherents in the area concerned. A recommendation from the FKUB is needed to obtain the actual permits to build the required house of worship. The enactment of PBM No. 9/2006 and No. 8/2006 resulted in a lot of disorderly discrimination that violates the right of Indonesian citizens to freely practice their religion.

In the reconstruction aspect of the regulation on the establishment of houses of worship based on the values of justice, it can be seen that the efforts of the 2006 PBM in bridging religious harmony in the scheme for the establishment of houses of worship have resulted in various conflicts which are far from the values of justice. This stems from requirements that do not accommodate the value of justice.

This condition can be seen from the PBM regulations which are onerous in terms of requirements, weak implementation, especially supervision of the establishment of houses of worship in minority enclaves, and the problem of intolerance that has not yet found a bright spot in the State of Indonesia. The existence of the 2006 PBM exacerbated the problem of intolerance between religious communities. Realities that are built based on majority and minority subjectivity become "good" arenas that prohibit other people from carrying out what their religion dictates.

Realizing religious harmony be it internal, or external, and the government's relationship with religious people, it is necessary to develop the internalization of the value of togetherness among religious people in Indonesia in general. The existence of the individual is the smallest element in a system of

social order, in which various individuals stand and there may be people with different ethnic backgrounds, cultures, and beliefs.

The nature of heterogeneity does not stop at aspects of ethnic background, culture, and religion but in essence that in nature humans are created in all differences. Different skin colors, nationalities, and the nature, character, mindset, as well as the vision and mission or life goals of each individual. When there are differences in vision between individuals in society, a clash will arise which is then referred to as conflict. When the conflict that occurs is not a positive value generated in a social order, agreements are born that refer to a system of rules that regulate all aspects of people's lives to lead to a higher value, namely glory or civilization as a common goal.

Various destructive (negative) actions that can tarnish, and damage the peace and harmony of religious communities will only dim their status as social beings who should help and care for one another with people of different religions and beliefs. If this characteristic is endemic to every member of society, then in welcoming the common goal, namely a civilized society, it will experience obstacles because the vision of the community is running partially.

The fact is that the articles that do not accommodate the value of justice in the 2006 PBM are a stream of the absence of the state in its form as a legal state which ensures that every religious community is equal before the law, then the presence of the state in welfare also has not been able to be implemented where the 2006 PBM has no effect. This change is directly related to the State's responsibility to provide a sense of security.

This condition is also part of the legal system that is not running well. The 2006 PBM cannot become a system that is trusted and obeyed as a law that is strong in maintaining religious harmony. And this form is the failure of the State in presenting Pancasila justice which when it has been recognized that God is the one and only, then the existence of a just and civilized humanity needs to be carried out. This is inseparable from the values of unity. For this reason, a review and revision of rules that do not accommodate the value of justice need to be carried out. And the synthesis of this is the establishment of houses of worship based on the value of justice by providing opportunities for adherents of religions everywhere to build houses of worship without having to have many domicile requirements for their adherents. In other words, presenting one house of worship for one sub-district in Indonesia is an ideal that is not grandiose because it is a form of the presence of the State in facilitating religious spaces for every religion that applies in Indonesia.

## CONCLUSION

Based on the discussion of the problems above, it can be concluded that:

1. Weaknesses in the regulatory requirements for establishing houses of worship are currently found in the legal substance, structure, and culture contained in the Regulations for the Establishment of Houses of Worship. According to the legal system, this regulation has not provided freedom for followers of religious minorities in an area who are unable to collect 60 KTPs or other requirements to have their own house of worship in that area. This is demonstrated by the fact that minority religions are unable to have their own house of worship in the area. The practice of the legal substance of this regulation has the potential to show that there is a feud that will lead to anarchy in conflicts between minorities regarding the construction of houses of worship, and this conflict is related to the construction of houses of worship.
2. Reconstruction of the regulatory requirements for the establishment of houses of worship based on the values of justice, namely by pursuing regulations on the Development of Houses of Worship Based on the Pancasila Core Values. The principles that guide a just and civilized humanity must be referred to whenever justice is discussed. Terms that has generated so much controversy today need to be looked at again. This rebuilding effort can be achieved by ensuring that members of a region's religious minorities are allowed to build and maintain their places of worship. This can be achieved by ensuring that there is at least one place of worship in every sub-district in Indonesia for every official religion adhered to there, so it is necessary to reconstruct the Joint Ministerial Regulations number 8 and 9 of 2006 concerning the establishment of houses of worship contained in Article 7 paragraph 1 letter (a) and Article 14 paragraph (2).

Joint Regulations of the Minister of Religion and Minister of Home Affairs Number 9 and 8 of 2006 concerning the Establishment of Houses of Worship Article 14 Chapter IV of the Establishment of Houses of Worship is proposed to be reconstructed from the requirement for users of houses of worship which were originally 90 (Ninety) people to become 50 (Fifty) people. The reduction is intended to meet the expectations of minority communities in an area to be able to build houses of worship. Besides that, the number of 50 (fifty) people has a philosophical meaning so that people can carry out worship in the congregation. Furthermore, according to the supporting requirements for the establishment of houses of worship, the original number of 60 (sixty) people is

proposed to be changed to 40 (forty) people. This is intended to make it easier to fulfill the requirements for building houses of worship. So that in fulfilling the requirements for the establishment of houses of worship in Indonesia it is hoped that it can approach the values of justice.

The second reconstruction proposal is Article 7 number (1) letter a and number (2) letter a concerning Duties and obligations of the sub-district head and Duties and obligations of the Lurah/Village Head added to "and guarantee the continuity of the implementation of worship in houses of worship by their respective religions ". This is intended so that the government's presence can be felt in fulfilling the values of justice to facilitate the community so that they can worship according to their respective religions and beliefs.

The presence of the government in facilitating the community so that they can carry out worship by their religion and beliefs is indeed essential in setting regulations. This can also be seen in several countries in the world where the government determines the code for the construction of houses of worship. Asian countries, such as Malaysia, Thailand, and Japan also determine the construction of existing houses of worship. The legality of the approval for the establishment of a house of worship is largely determined by government policy. Likewise, in several European and American countries, the establishment of houses of worship is determined by government policy.

## REFERENCES

- Ahmad, S., Ahmad, Z., & Firdaus, A. (2011). *Potret Buram Kebebasan Beragama*. Kediri: STAIN Kediri Press.
- Anis, M. (2016). Penegakan Hukum Terhadap Eksistensi Becak Bermotor Umum (Bentor) Berdasarkan Undang-Undang Nomor 22 Tahun 2009 Tentang Lalu Lintas dan Angkutan Jalan. *Jurnal Pembaharuan Hukum*, (2016), 1–2.
- Ardiansah. (2016). Legalitas Pendirian Rumah Ibadat berdasarkan Peraturan Bersama Menteri Agama dan Menteri dalam Negeri Nomor 9 Tahun 2006. *Jurnal Hukum Respublica Bol.*, 16(1), 165-182.
- Bayani, D., & Rabiatal, A. (2022). Problematika Pendirian Rumah Ibadat Umat Minoritas di Kalimantan Selatan. *Alhadharah: Jurnal Ilmu Dakwah*, 21, 61. 10.18592/alhadharah.v21i1.6246.
- Dachlan, M. (2015). Dinamika Pendirian Gereja Kristen Songka Dan Gereja Toraja Jemaat Marannu Di Kota Palopo. *Smart*, 1. 10.18784/Smart.V1i1.230.
- Hardiyanti, M., Pratama, P. A., Saputra, A. D., & Sholehah, M. M. A. (2022). URGENSI SISTEM E-VOTING DAN SIREKAP DALAM PENYELENGGARAAN PEMILU 2024. *JOURNAL EQUITABLE*, 7(2), 249-271. <https://doi.org/10.37859/jeq.v7i2.4257>

- Lawrence, M. F. (1974). *The Legal System, A Social Science Perspective*. New York : Russel Sage Foundation.
- Muhammad, A. (2013). Model Pola Hubungan Harmoniasi antar Umat Beragama di Kota Medan. *Analytica Islamica*, 2, 292-303.
- Muhammad, F. (2016). Legalitas Pendirian Rumah Ibadat Berdasarkan Peraturan Bersama Menteri Agama Dan Menteri Dalam Negeri Nomor 9 Tahun 2006. *Usu Law Journal*, 19(1), 165–182.
- Sabara & Aksa. (2022). Religious Harmony through the Development of House of Worship Based on Local Genius in Kei Islands, Maluku. *Al-Qalam.*, 28, 279. 10.31969/alq.v28i2.1087.
- Sri Endah, W. (2016). Urgensi Pembaharuan Hukum Pidana Materiel Indonesia Berdasarkan Nilai–Nilai Ketuhanan Yang Maha Esa. *Jurnal Pembaharuan Hukum*, 1(1), hal 17.