

Comparison of Regulations on Religious Freedom between Indonesia and Canada

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Abstract

Regulations on religious freedom vary widely from country to country. Several factors, including country history, culture, and religious demographics, can influence these different approaches to religious freedom. Considering all these aspects, this paper explores the differences in regulating freedom of religion between Indonesia and Canada by applying normative legal research methods. The studies concluded that the difference in regulating religious freedom between Indonesia and Canada lies in how they officially recognize religion, restrict the construction of places of worship, provide legal protection, prohibit discrimination, and approach multiculturalism. Although Indonesia recognizes several official religions, its legal application and protection may need to be clarified and more potent than in Canada, which has a more comprehensive and robust legal framework protecting religious freedom and respecting religious diversity.

Keywords: Regulation of Religious Freedom, Indonesia, Canada.

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INTRODUCTION

As dignified creatures, humans have several fundamental rights that must be protected, including the right to life, the right to express opinions, the right to assemble, and the right to freedom of religion and belief [1]. The right to freedom of religion included in the human rights category is absolute and in the form of inner freedom (freedom to be). This right is classified as a fundamental right. Fundamental means that rights stated explicitly in human rights agreements are rights whose fulfillment cannot be postponed by the state under any circumstances, including in emergencies, such as civil war or military invasion. An inalienable right is considered the most essential human right. Non-derogable rights must be exercised and respected by state parties in all circumstances and situations. On the other hand, the implementation of freedom of religion is usually the freedom to create, carry out, or realize one's religion or belief, such as preaching, spreading religion or belief, and using places of worship [2].

Discourse on religious freedom can be found in various historical documents on human rights, such as Human Rights, France (1789), the US Bill of Rights (1791), and the International Bill of Rights (1966). The Universal Declaration of Human Rights (UDHR for short) finally summarizes these rights in Article 18: "Everyone has the right to freedom of thought, conscience, and religion; this right includes freedom to change one's religion or belief and freedom, either alone or in community with others, and in public or private, to manifest his religion or belief in teaching, practice, worship, and observance" [3]. The right to freedom of religion is also stated in more detail in the International Covenant on Civil and Political Rights, Article 18 [4]. The Indonesian government has ratified this Covenant through Law Number 12 of 2005. The contents are: (1) Everyone has the right to freedom of thought, conscience, and religion. This right includes freedom to have or to adopt a religion or belief of his choice and freedom, either alone or in community with others, and

¹Rahayu, Human Rights Law [The Law of Human Rights] (Semarang: Diponegoro University, 2012), p. 2.

²Frans Winarta, People's Voice: The Supreme Law (Jakarta: Kompas Media Nusantara, 2009), p. 155.

³ United Nations, Universal Declaration of Human Rights, GA res. 217A (III), UN Doc A/810 at 71 (1948).

⁴United Nations, International Covenant on Civil and Political Rights, New York, 16 December 1966, UNTS vol. 999, after this ("ICCPR").

in public or private, to manifest one's religion or beliefs in worship, observance, and practice and teaching. (2) No one may be subject to coercion that would interfere with a person's freedom to have or adopt a religion or belief of choice.

Regulations on religious freedom vary widely from country to country. Indonesia and Canada are two countries with very different approaches to religious freedom. Indonesia is a secular country with official religions determined by the state. The Indonesian Constitution guarantees freedom of religion, but several laws and regulations limit religious freedom. For example, the Blasphemy Law prohibits individuals from expressing views deemed offensive to Islam. Canada, on the other hand, is a secular country with no set religion. Canada's Charter of Rights and Freedoms guarantees freedom of religion, and few laws or regulations restrict religious freedom. This guarantee means that individuals in Canada are free to practice their religion, or not to practice any religion, without fear of government interference.

Some factors, including country history, culture, and religious demographics, can influence these different approaches to religious freedom. A country's history can be crucial in shaping its approach to religious freedom. For example, countries that have experienced religious conflict or persecution may be more likely to have laws restricting religious freedom. A country's culture can also influence its approach to religious freedom. For example, countries with strong religious traditions are more likely to have laws protecting freedom of religion. A country's religious demographics can also influence its approach to religious freedom. For example, countries with a large majority of one religion may be more likely to have laws that favor that religion.

Considering all these aspects, this paper aims to explore the differences in the regulation of religious freedom between Indonesia and Canada. This research will be of interest to researchers, policymakers, and activists who are concerned about the protection of religious freedom. It will also interest anyone wishing to learn more about the legal framework for religious freedom in Indonesia and Canada. The results of this study provide a more comprehensive understanding of the differences and similarities in regulating religious freedom between Indonesia and Canada. This research can provide critical input for policymakers, legal practitioners, and academics to improve the protection of religious freedom and strengthen the relevant legal frameworks in both countries.

There is no doubt that freedom of religion is an essential part of human rights in democratic societies and other societies. Freedom of religion is a right that even has the status of a right that cannot be reduced, diminished, or violated under any circumstances (non-

derogable rights) [5]. The importance of protecting the right to freedom of religion appears in various international agreements on universal and regional human rights. Among them include the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the European Convention for the Protection of Human Rights and Fundamental Freedoms, the American Convention of Human Rights, the African Charter on Human and Peoples' Rights, Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion, and the Arab Charter on Human Rights [6].

For example, the UDHR states that: "Everyone has the right to freedom of thought, conscience, and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public, to worship and observe" [7]. This statement means that Article 18 recognizes not only freedom of religion but also freedom of thought and conscience. The article protects a person's freedom related to his beliefs [8].

Synergistic with the provisions of Article 18 of the UDHR and ICCPR, which are the primary regulators made by the UN regarding human rights in the civil and political fields, such as freedom of religion, Article 18 [9]. Also, (1) "Everyone shall have the right to freedom of thought, conscience, and religion. This right shall include freedom to adopt a religion or belief of his choice and freedom, either individually or in community with others, in public or private, to manifest his religion or belief in worship, and to observe, practice, and proselytize. "Everyone has the right to freedom of thought, conscience, and religion. This right includes freedom to have or adopt a religion or belief of his choice and freedom, both individually and together with others, in public or private, to practice his religion or belief in worship, and to practice and spread the teachings of his religion; so that the right to freedom of religion guaranteed by the provisions above

⁵ Manfred Nowak and Tanja Vospernik, Permissible Restrictions on Freedom of Religion or Belief, in Facilitating Freedom of Religion or Belief: A Deskbook Springer, Dordrecht. 2013. pp 147–172,

⁶ Wamwara John Joseph, "Limitations on the Right to Freedom of Religion or Belief under International Human Rights Law," ADH LL.M. Paper 2011-2012, p. 5.

⁷ UDHR, Article 18; Joseph, "Limitations to Freedom of Religion." Ibid

⁸ Manfred Nowak, UN Covenant on Civil and Political Rights-CCPR Commentary (Arlington, Virginia: NP Engel Publisher, 2005), p.41.

⁹ Sarah Joseph, The International Covenant on Civil and Political Rights: Cases, Materials and Commentary (New York: Oxford University Press, 2012), p. 4.

applies absolutely under any circumstances. This value means that fulfilling the right to freedom of religion cannot be postponed or revoked [10]. This right also includes the right not to practice any religion [11].

Both international agreements guarantee the right to freedom of religion. However, when talking about freedom, the reality is that there has never been absolute freedom in any society [12]. Absolute freedom can only exist if a person separates himself from his existence as a social being. In other words, someone who lives alone no longer lives communally; therefore, his behavior does not affect his community. Following this logic, any actual struggle or effort to realize absolute liberation is unlikely to be fruitful. Thus, it can be described how the meaning of freedom itself requires people to start with the understanding that freedom is relative. The cliché is "free within limits" [13].

Therefore, the freedom that can be created is a relative freedom that can facilitate everyone's creativity and expression in a spectrum that does not reduce the rights of others. If freedom is practiced in a way that harms or deprives others of their freedom, then that means allowing dictatorship in the name of freedom. That is, no one can have absolute freedom without certain restrictions. Restrictions can be made based on the belief that the action can cause harm to other people [14]. Thus, several conventions were passed to regulate restrictions on freedom of religion.

The ICCPR states that freedom to manifest one's religion or beliefs can only be limited by law, which is necessary to protect the safety, order, health, morals, and fundamental rights and freedoms of others. The UDHR stipulates two conditions for legal restrictions: first, these restrictions must be established by law. These laws cannot be arbitrary in any way that might limit religious freedom; the general aims and objectives must formulate restrictions and be distinguished from court decisions. Usually, decisions on restrictions on religious rights are issued by the government and carried out by public administration bodies with due observance of the scope of their authority. Second, restrictions must comply with at least one justification designed to safeguard and respect the

¹⁰ICCPR, Article 4 Points 1 and 2.

¹¹ ICCPR General Comment No. 22: The Right to Freedom of Thought, Conscience, and Religion (Article 18), UN Doc, 2003

¹² Agus Triyanta, in Solichah, Isnaini Imroatus, and Hanif Nur Widhiyanti, Alleged Offenses of Religious Blasphemy in the Processing and Burial of Bodies Due to Covid-19. Rewang Rewang: Journal of Lex Generalis Law, Vol 2 No 10 (2021)

¹³Ibid., p. 27.

¹⁴Pranoto Iskandar, International Human Rights Law, A Contextual Introduction (Cianjur: IMR Press, 2012), p. 44

rights and freedoms of others. They must also be designed according to morality, public order, and the general welfare in a democratic society [15].

RESEARCH METHODS

This research applied the normative legal research method to analyze the comparative regulation of religious freedom between Indonesia and Canada. Normative legal research methods focus on analyzing applicable legal norms and relevant legal documents as the main data source.

RESULTS AND DISCUSSION

Regulation of Religious Freedom in Indonesia

As a manifestation of the notion of constitutionalism, the 1945 Constitution of the Republic of Indonesia, which is the State Constitution, contains clear and comprehensive arrangements regarding human rights. The best and most reliable foundation for a democratic state that relies on a solid constitution is a rule-of-law state. A strong constitution is a constitution that has a clear understanding of constitutionalism, namely a constitution that regulates in detail the boundaries of the legislative, executive, and judiciary in a fair and mutually reinforcing manner and offers vast space for movement. Various protections and warranties. (to fulfill) citizens' rights, human rights, and protection [16]. In other words, constitutionalism is an understanding of limiting power and guaranteeing people's rights through the Constitution.

The Constitution, as the highest law (the supreme law of the land) in Indonesia, is the Staats Fundamental Norm which guarantees freedom of religion in three articles: Article 28 E paragraph (1), Article 28 I and J, and Article 29. In article 28 E, paragraph (1) reads:

1. Everyone is free to embrace religion and worship according to their religion, choose education and teaching, choose a job, choose citizenship, choose a place to live in the country's territory and leave it, and have the right to return.
2. Everyone has the right to freedom of belief, to express thoughts and attitudes according to his conscience.

According to the information in the article above, the idea of freedom of religion is equivalent to the idea of human rights contained in international treaties such as the Universal Declaration of Human Rights and the Covenant on Civil and Political Rights. In Indonesia, the right to freedom of religion is a fundamental freedom that cannot be separated from humans, making it a non-negotiable right. Another

¹⁵Article 29 UDHR.

¹⁶ Janpatar Simamora, Examining the Substance of the 1945 Constitution of the Republic of Indonesia in Its Essence as a Written Basic Law, Journal of Indonesian Legislation, Vol. 12 No. 3 September 2015, (291-300)

thought is that, regardless of the constitutional protection they have, every citizen is reminded that their right to practice their religion is not an unlimited liberal right but a right that is limited or bound by law which the Constitution also regulates.

It is impossible to abandon their fundamental obligation to respect the human rights of others because of restrictions on the exercise of freedom of religion in Indonesia due to the exercise of human rights. These rights will conflict with other people's rights if carried out without regard to human obligations. In this way, chaos will result in a society constantly trying to impose its rights, even at the expense of the rights of others. Therefore, Article 28 J paragraph (1) of the 1945 Constitution confirms that "Everyone is obliged to respect the human rights of others in the orderly life of society, nation, and state" [17]. According to the 1945 Constitution, human rights restrictions can only be enforced through law. This is so that legislatures can make laws whose members are elected by all eligible citizens in open elections. As a result, the laws made by these legislatures also reflect the wishes of the constituencies they represent.

Article 28 J paragraph (2) of the 1945 Constitution of the Republic of Indonesia reads: "In exercising their rights and freedoms, everyone is obliged to comply with the restrictions determined by law with the sole purpose of guaranteeing recognition and respect for the rights and freedoms of others and to meet just demands by moral considerations, religious values, security, and public order in a democratic society. Restrictions through laws are also regulated by in-laws [18].

Arrangements related to freedom of religion can also be found in Article 28 I of the 1945 Constitution. That article states that "The state guarantees the freedom of each resident to embrace their own religion and to worship according to their religion and belief" [19]. This confirms that every Indonesian citizen is free to choose and embrace a religion according to their respective beliefs. This article guarantees freedom of religion through the religious teachings and beliefs of each person. This article further emphasizes that the state does not support one religion or any faction. The diversity of religions in society is recognized and respected by the Indonesian state by its Constitution. The protection from discrimination and unfair treatment based on religion provided by Article 28I also applies to individuals. The right to practice their religion and carry out related activities belongs to all Indonesian citizens, regardless of their chosen religion.

¹⁷ 1945 Constitution Article 28 J paragraph (1)

¹⁸ 1945 Constitution Article 28 J paragraph (2)

¹⁹ 1945 Constitution Article 28 I

Meanwhile, the guarantee of freedom of religion in the 1945 Constitution is also regulated in Article 29, which reads [20].

1. The state is based on the One and Only God.
2. The state guarantees the freedom of every citizen to embrace their religion and to worship according to their religion and beliefs.

By Presidential Decree No. 1 of 1965, which was later codified by Law No. 5 of 1969, the guarantee of Article 29 above applies. Recognizing the various religions that exist and develop in Indonesia is one of the protections the state offers through this law. Elucidation of Article 1 of the Law states that six different religions live side by side and grow in Indonesia: Islam, Protestant Christianity and Catholicism, Hinduism, Buddhism, and Confucianism. However, that does not mean that only the six religions are allowed in Indonesia. As stated in the Elucidation of Article 1 next paragraph, other religions such as Judaism, Zoroastrianism, Shintoism, and Taoism are not prohibited. As stated in Article 29, paragraph (2) of the 1945 Constitution, these religions are also allowed to be adhered to in Indonesia and given certain protections as long as they comply with all relevant laws and regulations.

In 1999, Indonesia guaranteed freedom of religion with the promulgation of Law No. 39 of 1999 concerning Human Rights, significantly Articles 22 and 70. Article 22 of the Human Rights Law in full is as follows [21]:

1. Everyone is free to embrace their religion and to worship according to their religion and belief.
2. The state guarantees every person's freedom to embrace their religion and worship according to their religion and belief.

Meanwhile, Article 70 reads in full as follows: "In carrying out rights and obligations, each person is obliged to comply with the restrictions set by law to guarantee recognition and respect for the rights and freedoms of others to meet just demands by moral, security considerations. And public order in a democratic society" [22].

Regulations on freedom of religion in Indonesia are also often regulated in regulations issued by regional governments so that they apply regionally or regionally. One example of a regional regulation that regulates freedom of religion is the Joint Ministerial Regulation Number 8 and 9 of 2006 concerning the

²⁰ Article 29 of the 1945 Constitution

²¹ Article 22 Law No. 39 of 1999 concerning Human Rights in the State Gazette of the Republic of Indonesia of 1999 Number 165

²² Article 70 Law No. 39 of 1999 concerning Human Rights in the State Gazette of the Republic of Indonesia of 1999 Number 165

Implementation of the Government's Mandate to Guarantee Law Order and the Implementation of Effective Religious Development and Worship by Religious People [23]. This regulation regulates the procedures for building new houses of worship in Indonesia. Local governments must obtain the approval of a majority of the local population before they can issue permits for the construction of new places of worship.

Another example of regional regulations governing religious freedom is West Java Governor Regulation Number 116 of 2000 concerning Implementing Religious Harmony in West Java Province. This regulation prohibits loudspeakers in places of worship between 10 pm and 4 am. It also prohibits the construction of new places of worship within 500 meters of places of worship of different religions [24]. From these points, it can be understood that, as a whole, the regulation of freedom of religion in Indonesia reflects efforts to respect human rights and religious diversity within a strong constitutional framework. Although there are regulated restrictions, this aims to balance individual freedom, the protection of human rights, and the public interest.

Regulation of Religious Freedom in Canada

Regulations regarding religious freedom have a significant impact on Canadian society. They have helped ensure that all Canadians have the right to practice their religion freely, and they have also helped promote tolerance and understanding between different religious groups. The Canadian Constitution guarantees freedom of religion through Article 2 of the Canadian Charter of Rights and Freedoms. This means that all Canadian citizens can practice their religion freely without fear of government interference [25]. This means that everyone in Canada has the right to believe in any religion they choose or not to believe in any religion at all. They also have the right to practice their religion freely as long as it does not harm others. The Charter does allow for some restrictions on religious freedom, but these must be justified in a free and democratic society.

The Charter also requires that the freedoms guaranteed in section 2 be interpreted through the lens of section 27, which refers to "the preservation and

²³Joint Ministerial Regulations Number 8 and 9 of 2006 concerning the Implementation of Government Mandates to Guarantee Law Order and Implementation of Effective Religious Development and Worship by Religious People

²⁴Governor of West Java Regulation Number 116 of 2000 concerning Implementing Religious Harmony in West Java Province.

²⁵ Canadian Charter of Rights and Freedoms, 1983 61-1 Canadian Bar Review 4, 1983 CanLII Docs 31, <<https://canlii.ca/t/sm99>>, retrieved on 2023-07-01

enhancement of Canada's multicultural heritage." The Charter restricts these freedoms under section 1 of the Charter: "Canada's Charter of Rights and Freedoms guarantees the rights and freedoms set forth herein only subject to reasonable limitations imposed by law that can be demonstrably justified in a free and democratic society" [26]. Nevertheless, in that sense, the government can regulate freedom of religion in certain circumstances, such as to protect the rights of others or to ensure public safety. Since creating the Canadian Charter of Rights and Freedoms, the Supreme Court of Canada has outlined how it envisions religion through its rulings on religious freedom cases.

The Canadian government also regulates the prohibition of religious discrimination as stipulated in Article 15 of the Canadian Charter of Rights and Freedoms (1982). This section guarantees equal rights for all Canadians, including the right to be free from discrimination based on religion. The prohibition of religious discrimination applies to all areas of government activity, including employment, education, and housing. This means that the government should not discriminate against people based on their religion. This prohibition applies to all areas of government activity, including employment, education, and housing.

Another essential regulation on religious freedom is the requirement that religious groups register with the government. It is regulated in the Canadian Charity Registration (Religious and Other) Regulations (2011) [27]. This regulation requires religious groups that collect donations from the public to register with the Canada Revenue Agency (CRA). This registration process allows the government to track religious groups and ensure that they are not involved in harmful or illegal activities. The demand for religious groups to register with the government is not without criticism. Some argue that the registration process is too burdensome and violates the right to freedom of religion. However, the government argues that registration is necessary to protect the public and ensure that religious groups are held accountable for their actions.

Regulating religious acts is also implemented through the Canadian Human Rights Act. The Canadian Human Rights Act is a federal statute that prohibits prohibition in many areas, including religion. These laws protect individuals from working within sectors regulated by the federal government, such as employment, housing, public services, etc. Act to prevent offenses based on religion and oblige service providers to provide equal protection to individuals regardless of religion. The CHRA applies to all federally regulated activities, including employment,

²⁶ *ibid*

²⁷ The Canadian Charities Registration (Religious and Other) Regulations (2011)

housing, and the provision of services. This CHRA also applies to some activities regulated on a provincial basis, such as education and health services.

The CHRA has several provisions that specifically relate to freedom of religion. This provision prohibits discrimination on the grounds of religion in many areas, including employment, housing, and services. CHRA also provides several remedies for people discriminated against based on religion. These remedies include the right to complain to the Canadian Human Rights Commission, the right to seek mediation, and the right to go to court.

The CHRA has been an important tool in protecting religious freedom in Canada. This has helped ensure that people of all faiths can participate fully in Canadian society. The following are some of the CHRA's specific provisions related to freedom of religion:

1. Section 2: This section defines the prohibited grounds of discrimination, including religion.
2. Section 5: This section prohibits discrimination on the basis of religion in a number of areas, including employment, housing, and the provision of services.
3. Section 13: This section prohibits the publication of discriminatory material.
4. Section 27: This section requires that the CHRA be interpreted in a way that is consistent with the Canadian Charter of Rights and Freedoms.

The CHRA has been interpreted by the courts to provide strong protections for religious freedom. In some cases, the courts found that the CHRA prohibits discrimination based on religion, even when the discrimination is motivated by a desire to protect religious freedom. For example, in the case of *Multani v. Commission School Marguerite-Bourgeoys*, the Supreme Court of Canada found that the CHRA banned schools from banning the kirpan, a religious symbol worn by some Sikhs, from school grounds. The court found that the banning of kirpan by schools was discriminatory, even though the school's motivation was to protect students' safety. The CHRA is an essential tool in protecting religious freedom in Canada. This has helped ensure that people of all faiths can participate fully in Canadian society.

Another regulation is the Criminal Code of Canada. The Criminal Code of Canada is the criminal code that governs crime and punishment in Canada. The law also includes provisions against acts of violence and prohibitions based on religion [28]. For example, activities encouraging hatred of certain religious groups

or engaging in discriminatory acts may be considered unlawful under the Criminal Code.

Some specific provisions of the Criminal Code of Canada relating to freedom of religion are mentioned below:

1. Section 318: This section prohibits promoting hatred against any identifiable group, including religious groups.
2. Section 319: This section prohibits public incitement of hatred against any identifiable group, including religious groups.
3. Section 296: This section prohibits willfully and maliciously disturbing a religious assembly.
4. Section 176: This section prohibits obstructing or preventing an officiant from celebrating a religious or spiritual service.

The Criminal Code of Canada has been interpreted by the courts to provide vital protection for freedom of religion. In some cases, courts have found that the Criminal Code of Canada prohibits discrimination on the basis of religion and hate speech targeting religious groups. For example, in the case of *R. v. Keegstra*, Canada's Supreme Court found that the Criminal Code of Canada prohibits a teacher from teaching his students that Jews were responsible for world wars and that they are a "dirty, devious, and evil race." The court found that the teacher's statement amounted to hate speech targeting a religious group. The Criminal Code of Canada is an important tool in protecting religious freedom in Canada. This has helped ensure that people of all faiths can participate fully in Canadian society without fear of discrimination or harassment.

Besides that, there is also a Canadian Multiculturalism Act policy or the Canadian Multiculturalism Act. The Canadian Multiculturalism Act is a federal law passed in 1988. This Act affirms the Canadian Government's policy of recognizing and promoting the understanding that multiculturalism reflects the cultural and racial diversity of Canadian society and recognizes the liberties of all members of Canadian society. To preserve, enhance and share their cultural heritage [29].

The law contains a number of provisions that specifically relate to freedom of religion. This provision affirms the right of all Canadians to practice their religion freely, without fear of discrimination or harassment. They also require the government to promote multiculturalism and respect for religious diversity in all of its policies and programs. Following are some of the specific provisions of the Canada Multiculturalism Act that relate to freedom of religion:

²⁸Criminal Code of Canada, RSC 1985, c C-46, section 33 and section 137. <<https://canlii.ca/t/561kc>> retrieved on 2023-07-01

²⁹Canadian Multiculturalism Act, RSC 1985, c 24 (4th Supp), <<https://canlii.ca/t/527pf>> retrieved on 2023-07-01

1. Section 3 (1): This section affirms the right of all Canadians to preserve, enhance and share their cultural heritage.
2. Section 4 (1): This section requires that the government promote multiculturalism and respect for religious diversity in all its policies and programs.
3. Section 5 (1): This section prohibits the government from discriminating against any person based on their religion.

The Canada Multiculturalism Act has been an important tool in protecting religious freedom in Canada. This has helped ensure that people of all faiths can participate fully in Canadian society without fear of discrimination or harassment. The law has also promoted understanding and respect for religious diversity in Canada. For example, the law has been used to support programs that teach about different religions and cultures and to promote interfaith dialogue.

In Canada, each province also has provisions related to human rights, where each governing human rights, including freedom of religion, is regulated through provincial-level regulations. These regulations provide protection and regulate the prohibition of commemoration based on religion in the province. Each province has its own laws that apply in their jurisdiction. Some focus on setting hijab and niqab through attempts to limit or ban their wearing. For example, in 2010, the Liberal Party of Quebec introduced its first bill (Bill 94) [30] that seeks to regulate the presence of face coverings in the province by prohibiting veiled women from receiving or providing public services.

In 2013, the Quebec Party followed suit by introducing Bill 60, which among other things, aims to ban civil servants from wearing conspicuous religious symbols while working. While the proposed law targets all conspicuous religious symbols, much of the discussion around it focuses on how it will affect women who wear the hijab and niqab. One of the premises of this bill is that religious symbols can be removed. Bill 60, like Bill 94, was never passed into law; but in October 2017, the Liberal Party passed Bill 62 into law [31], which requires individuals who use public services or provide them to do so with their faces uncovered. Recently, the current provincial government led by the Quebec Avenir Coalition (CAQ), based on some of the suggestions made in Bill 60, passed Bill 21,

³⁰ Québec National Assembly. 'An Act to establish guidelines governing accommodation requests within the Administration and certain institutions. 2011

³¹ Québec National Assembly. 'An Act to foster adherence to state religious neutrality and, in particular, to provide a framework for requests for accommodations on religious grounds in certain bodies.' 2017.

which prohibits some civil servants from wearing visible religious symbols while at work. Efforts to regulate the wearing of religious symbols also trickled down to the federal level when the 2015 Conservative government led by Stephen Harper barred a woman from taking the oath of citizenship because she was wearing a niqab. This ban was overturned by Canada's Federal Court later that year [32].

Regulations regarding religious freedom in Canada are made through a process of negotiation and compromise. The government, religious groups, and other stakeholders worked together to develop a set of rules that would protect the rights of all Canadians while respecting the diversity of religious beliefs in the country. These laws aim to protect and respect freedom of religion and prevent discrimination based on religion in Canada. Each law has a different role and scope in protecting human rights and promoting an inclusive and multicultural society.

CONCLUSION

Everyone is free and has the right to state his beliefs and beliefs as long as they do not cause harm to other people. The reason for the limitation of these rights is to protect the fundamental rights or basic freedoms of each individual. The rationalization of fundamental restrictions on individual freedom is to avoid chaos that could interfere with achieving common goals. This is done to ensure that fundamental freedoms that are the same or different are properly protected, strengthening the entire system of freedoms that everyone has.

In Indonesia, freedom of religion is recognized constitutionally, but there are some restrictions in place. The state recognizes six official religions: Islam, Protestantism, Catholicism, Hinduism, Buddhism, and Confucianism. The government can restrict the construction of places of worship for religions that are not included in the six official religions. While there are legal protections for religious freedom, implementation may need to be clearer and more robust than in other countries.

On the other hand, Canada has a more inclusive approach to religious freedom. There is no official religion recognized by the state, and the government cannot favor one religion over another. Canada has a strong legal framework to protect individual rights to religion. The Canadian Charter of Rights and Freedoms, the Canadian Human Rights Act, and other laws prohibit discrimination based on religion, prohibit the distribution of discriminatory material, and protect places of worship from

³² Barras, Amelie, and Anne Saris. 'Gazing into the World of Tattoos: An Invitation to Consider how we Conceptualize Religious Practices', Studies in Religion / Sciences Religions, 2020.

harassment. In addition, the Canadian government also promotes multiculturalism and respects religious diversity in its policies and programs.

In conclusion, the difference between Indonesia and Canada in regulating religious freedom lies in the official recognition of religion, restrictions on building places of worship, legal protection, prohibition of discrimination, and approaches to multiculturalism. Although Indonesia recognizes several official religions, its legal application and protection may need to be clarified and stronger than in Canada, which has a more comprehensive and robust legal framework protecting religious freedom and respecting religious diversity.

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