

Aspek Aspek Hukum Internasional sebagai Pedoman Pemerintah dalam Menegakkan Kebebasan Beragama : Studi Kasus Penyevelan Gereja di Indonesia

oleh : Linda Yanti Sulistyawati, S.H., M.Sc., Ph.D.¹ & Thao Feng²

Pembangunan gereja adalah pelaksanaan hak *forum externuum* kebebasan beragama umat nasrani – kaum minoritas di Indonesia. Namun hak tersebut sering dilanggar, ditunjukkan dengan ditolaknya pembangunan dan penyevelan Gereja. Penelitian ini akan membahas perlindungan kebebasan beragama dalam beberapa instrumen HAM internasional dan implementasinya oleh pemerintah untuk menegakkan kebebasan beragama. Penelitian ini menggunakan metode normatif dengan pendekatan studi kasus serta interpretasi gramatikal, historis, teleologis, dan sistematis. Hasilnya, pelanggaran tersebut tidak semata disebabkan karena masyarakat belum sepenuhnya paham arti penting toleransi antar umat beragama, tapi juga karena peraturan yang diterbitkan oleh pemerintah belum memperhatikan hak kaum minoritas. Dalam rangka penegakan kebebasan beragama, selain perlu peraturan yang memperhatikan Pasal 27 ICCPR dan DR-Min, juga perlu edukasi dari pemerintah kepada para umat beragama di Indonesia.

Kata Kunci : *Forum Externuum*, Hak Kaum Minoritas, Kebebasan Beragama.

ABSTRACT

International Law Aspects as Government's Guideline to Enforce the Freedom of Religion : A Case Study of Church's Sealing in Indonesia

by : Linda Yanti Sulistyawati, S.H., M.Sc., Ph.D.^A & Thao Feng^B

Church's construction was the expression of forum externuum right to religious freedom of the Christians – one of minorities in Indonesia. However, this right is often violated, indicated by the rejection of church's construction and church's sealing. This research will discuss the protection of religious freedom in several international human rights instruments and their implementation by the government to uphold religious freedom. This research uses a normative method with case study approach along with grammatical, historical, teleological, and systematic interpretations. The result shows that the violation not only caused by the people's narrow understanding of the importance of religious tolerance, but also due to the regulations issued by the government ignores the minority rights. In order to enforce the religious freedom, in addition to regulate a necessary rules which refers to Article 27 of the ICCPR and DR-Min, the government also need to educate the religious people in Indonesia.

Keywords : *Forum Externuum, Minority Rights, Religious Freedom*

¹ Dosen Pembimbing, Bagian Hukum Internasional, Fakultas Hukum, Universitas Gadjah Mada

² Kandidat Sarjana Hukum (S.H.), Bagian Hukum Internasional, Fakultas Hukum, Universitas Gadjah Mada

^A Thesis Supervisor, International Law Department, Faculty of Law, University of Gadjah Mada

^B Bachelor of Law Candidate, International Law Department, Faculty of Law, University of Gadjah Mada