

## **REGULATING RELIGIOUS LIFE IN MEDAN CITY: An Analysis of Public Policy and Religious Freedom in Medan Major Regulation Number 28/2021**

**Aulia Kamal\***

State Islamic University of North Sumatera  
[auliakamal@uinsu.ac.id](mailto:auliakamal@uinsu.ac.id)

### **Abstract**

Policies regarding religious life in Indonesia are often problematic, especially PBM Nos. 9 and 8 of 2006. Despite this, this regulation is still adopted and enforced in various cities, including Medan. This article wants to answer the extent of the relevance of Medan Mayor Regulation (Perwal) No. 28 of 2021 concerning Guidelines for Organizing Religious Life and Religious Harmony Forums in the City of Medan as a public policy. This is a literature study using a normative approach, where data is collected from various regulations and literature and then analyzed by borrowing Freedom of Religion and Belief (FoRB) and public policy theory as a theoretical framework. The results show that Perwal needs help at the policy formulation stage. First, policy formulation that does not comply with procedures is characterized by the absence of evaluation studies or public discussions to develop alternative solution options or improvements to problematic articles. Second, the substance of the policy is without any novelty; apart from Article 9 concerning FKUB funding, this Perwal copies all problematic articles from PBM Nos. 9 and 8 of 2006 without criticism and evaluation. This article argues that the Medan City government needs to revise problematic articles in this Perwal so that its presence becomes relevant and effective.

**Keywords:** Medan Major Regulation; Public Policy; Religious Freedom

### **Abstrak**

*Kebijakan tentang kehidupan beragama di Indonesia seringkali bermasalah, terutama PBM No. 9 dan 8 Tahun 2006. Meskipun demikian, regulasi ini tetap diadopsi dan diberlakukan di berbagai kota, termasuk Medan. Artikel ini ingin menjawab sejauh mana relevansi Peraturan Walikota (Perwal) Medan No. 28 Tahun 2021 tentang Pedoman Penyelenggaraan Kehidupan Umat Beragama dan Forum Kerukunan Umat Beragama di Kota Medan sebagai suatu kebijakan publik. Ini merupakan studi literatur menggunakan pendekatan normatif, di mana data dikumpulkan dari berbagai regulasi dan literatur, kemudian dianalisis dengan meminjam Kebebasan Beragama dan Berkeyakinan (FoRB) dan teori kebijakan publik sebagai kerangka teoritis. Hasilnya menunjukkan bahwa Perwal ini bermasalah pada tahapan formulasi kebijakan. Pertama, perumusan kebijakan yang tidak sesuai prosedur ditandai dengan tidak adanya kajian evaluasi atau diskusi publik untuk mengembangkan pilihan solusi alternatif, atau perbaikan atas pasal-pasal bermasalah. Kedua, substansi kebijakan tanpa ada kebaruan, di mana selain Pasal 9 tentang pendanaan FKUB, Perwal ini menyalin seluruh*

*pasal-pasal bermasalah dari PBM No. 9 dan 8 tahun 2006 tanpa kritik dan evaluasi. Artikel ini berpendapat bahwa pemerintah Kota Medan perlu merevisi pasal-pasal bermasalah dalam Perwal ini agar kehadirannya menjadi relevan dan efektif.*

**Kata kunci:** *Kebebasan Beragama; Kebijakan publik; Peraturan Wali Kota Medan.*

## 1. INTRODUCTION

This article highlights Medan Mayor Regulation Number 28 of 2021 Concerning Guidelines for Organizing Religious Life and Religious Harmony Forum (FKUB) in Medan City (after this, referred to as Perwal). On June 24, 2021, the Mayor of Medan passed this Perwal to give religious communities in Medan City legal protection. It's good that this Perwal exists because the rules for managing religious life in Medan City are still based on old rules from the central government. These rules are the Joint Regulation of the Minister of Religion Number 9 of 2006 and the Minister of Home Affairs Number 8 of 2006 concerning Guidelines for the Implementation of the Duties of Regional Heads/Deputy Regional Heads in Maintaining Religious Harmony and Empowering Forums.

The institutional arrangements for the FKUB in PBM Nos. 9 and 8 of 2006 were passed down in North Sumatra Province in the form of Pergubsu Number 24 of 2006 concerning the Forum for Religious Harmony and the Advisory Board for the Forum for Religious Harmony in Provinces and Districts/Cities of North Sumatra. This regulation was later changed and approved in Pergubsu Number 74 of 2017 (hereafter referred to as Pergubsu No. 74 of 2017). Meanwhile, other arrangements regarding establishing houses of worship are no longer included. Thus, PBM Nos. 9 and 8 of 2006 remain the primary references for regulating religious life in North Sumatra.

The issuance of Perwal No. 28/2021 is certainly something that needs to be considered significant. Not only because this Perwal fills the void in regulation on the arrangement of religious life with broader aspects at the local level in Medan City compared to the provisions of Pergubsu No. 24 2006. However, Perwal shows a responsiveness towards central government policies in PBM Nos. 9 and 8 of 2006, rolled out 16 years ago. While PBM Nos. 9 and 8 of 2006 are the regulations that have most influenced policies related to organizing and freedom of religion in post-reform Indonesia (Bagir, 2017).

However, various studies on regulations related to the arrangement of religious life in Indonesia have found that these regulations still need to be revised. Even though problematic PBM Nos. 9 and 8 of 2006 are recognized by the Ministry of Religion (Farida, 2017: 374-392), their evaluation studies have been published by Komnas HAM (Suntoro et al., 2020). Komnas HAM explained that there are several 'defective' materials in PBM Nos. 9 and 8 of 2006 have been realized since before, bearing in mind that the enactment of this regulation is temporary in order to avoid a legal vacuum while waiting for the Religious Freedom and Belief Act (known as the Law on *Kerukunan Umat Beragama*) (Kementerian Agama, 2006).

Much of the literature shows that this has also been a concern for a number of previous researchers. Many studies discuss regulations on the arrangement of religious life in Indonesia, especially PBM Nos. 9 and 8 of 2006, which are directly related to FKUB and houses of worship. At least these studies can be categorized into several trends.

First, studies focus on implementing PBM Nos. 9 and 8 of 2006 concerning FKUB empowerment. As studied by Asnawati and Laode A. Wahab, who found that the presence of PBM Nos. 9 and 8 of 2006 is significant because they are the foundation for FKUB in carrying out its duties and functions. In her study, she found that the presence of FKUB became a forum for social actions that helped strengthen social relations between religions. However, the function of FKUB is not up to par with the available facilities and has a poor budget, which affects the effectiveness of its role (Asnawati, 2012). According to Wahab, the lack of budget support and facilities is the main obstacle, and FKUB in the regions find it difficult to maximize their duties and functions according to PBM instructions Nos. 9 and 8 of 2006 (Wahab, 2015).

Second, studies on PBM Nos. 9 and 8 of 2006 concerning the establishment of houses of worship, as carried out by Noorbani (2015), Farida (2017), and Muchtar (2010), they found that PBM Nos. 9 and 8 of 2006 have indeed caused many problems in the regions. However, their study also shows that the ineffectiveness of regulations is not only due to discriminatory elements, but there are many other factors that influence it, such as the character of local religious leaders and communities, social relations, patterns of communication between residents and between agencies, inclusiveness, commitment to regulation, and the firmness of local government.

Third, a study of FoRB with a focus on evaluating and criticizing the effectiveness of PBM Nos. 9 and 8 of 2006. As done by Asroni (2012); Pamungkas (2014); Steven et al. (2015); Hutabarat (2017); Harefa & Herman (2016); Bagir & Arianingtyas (2020); Kustini (2009); and Situmorang (2019). These studies argue that the presence of this regulation has encouraged the emergence of various new problems; for this reason, these regulations need to be reviewed. Asroni said that the presence of this regulation was a form of state intervention and discrimination against minorities, where it became a weapon for intolerant groups. Through this regulation, the state actually discriminates against its citizens, even though the state should fulfill, facilitate, and protect its citizens' rights (Asroni, 2012). Based on that, Pamungkas said there is ambiguity in the regulations for structuring religious life in Indonesia, where regulations can legalize religious life while legalizing restrictions on religious freedom (Pamungkas, 2014).

Furthermore, Steven et al. and Hutabarat concluded that the presence of PBM Nos. 9 and 8 of 2006 as a standard for organizing religious life does not fall under the formulation of democratic state policies and has even violated citizens' constitutional rights to religion (Hutabarat, 2017; Steven, A.; Gumansalangi, A. G.; Prasetiyawati, 2015). According to Harefa, the presence of this law should be followed by widespread socialization, government consistency, the rule of law, and the strengthening of multicultural insight and awareness so that the public and

the government understand the purpose of the regulation (Harefa & Herman, 2016).

Based on the various trends that have been shown, it appears that studies of the regulation of religious life in Indonesia still tend to get stuck on the substance of PBM Nos. 9 and 8 of 2006 alone and ignores the dynamics when translated into Regional Regulations. This article considers that criticism of the substance of the policy is not entirely appropriate, because it is not the only source of the problem. Situmorang (2019) said that the problem of creating religious harmony is also influenced by the level of understanding of local governments and law enforcement officials regarding religious freedom. This means that whether a policy will be successful or not also depends on stakeholders' insight into FoRB and public policy-making procedures. So, even though there are many defects in PBM Nos. 9 and 8 of 2006, regional regulations that adopt these regulations should have the opportunity to correct problematic parts, or at least not repeat the same mistakes. However, instead of being improved, it continues to be adopted as a governor's regulation, Qanun, and even down to the regional or city level in the form of regional or mayor regulations.

At the regional level, this derivative regulation appears in three forms. First, most of them simply plagiarize all the articles in previous regional regulations without any evaluation or adjustment to the local context. Second, some plagiarized articles in PBM Nos. 9 and 8 of 2006 by making minor technical adjustments without changing the material significantly. Third, there are those who adopt the articles in PBM Nos. 9 and 8 of 2006 by updating or readjusting the points in them to clarify technical matters that are considered problematic or have the potential for multiple interpretations. This means that the regional government feels that it is sufficient to implement the PBM without needing to feel critical about the articles in it.

This issue is visible in several regional government policy products, such as "*Perda Syariah*" or "*Perda Injil*," which emphasize ego or certain religious identities (Elly, 2023; Guyani & Tamtowi, 2021). This shows that apart from the defects of PBM Nos. 9 and 8 of 2006, there is another factor: local governments do not understand the principles of public policy, so their policies are discriminatory, uncritical, violate the law, and sometimes even ignore human rights (Situmorang, 2019). The weak understanding of regional officials and regional governments regarding religious freedom is also in line with Kustini's findings that the socialization of PBM Nos. 9 and 8 of 2006 itself still has not touched the lowest layers of society, only reaching certain segments of figures and groups (Kustini, 2009). This means that, apart from the substance issue of PBM Nos. 9 and 8 of 2006, the failure of policies supporting FoRB was also driven by the local government's lack of seriousness.

In Medan City, this regulation is included in Medan Mayor Regulation Number 28 of 2021 concerning Guidelines for Organizing Religious Life and Religious Harmony Forums in Medan City (hereinafter referred to as Perwal). In this article, this regulation will be evaluated by asking: to what extent is the relevance of Perwal No. 28 of 2021 as public policy in Medan City? This study focuses on the formulation and substance of policies related to FKUB and places

of worship, borrowing the perspectives of public policy and FoRB as an analytical framework.

This research uses a literature review method with a normative approach (statute approach). This study examines various regulations and literature relevant to the research problem. The primary data is Medan Mayor Regulation Number 28 of 2021. Secondary data is taken from several regulations and literature about religious life in Indonesia, such as books, scientific journals, and research reports on religious freedom regulations. The study was carried out in the following five stages: (1) choosing a topic; (2) searching for relevant literature; (3) mapping data; (4) recording previous research findings; and (5) carrying out a synthesis of the issues studied. At this stage, the data is analyzed using FoRB and public policy as a theoretical framework to determine the relevance of this Perwal. The results are then displayed in several sections. First, I will describe FoRB based on a public policy perspective, then explain the substance of Medan Mayor Regulation Number 28/2021. After that, I will explain how FKUB and places of worship are regulated in the Perwal based on a public policy perspective. In the last section, this article will provide recommendations for Medan Mayor Regulation Number 28 of 2021.

## **2. RESULTS AND DISCUSSION**

### **2.1. Regulation on Freedom of Religion and Belief (FoRB) in Indonesia**

The National Human Rights Commission (Komnas HAM) notes that in Indonesia, the issue of freedom of religion and belief (FoRB) is based on five constitutional formulations and international consensus (Suntoro et al., 2020).

First, Article 18 of the Universal Declaration of Human Rights (UDHR) states that:

“Everyone has the right to freedom of thought, conscience, and religion; in this case, includes the freedom to change religion or belief, with the freedom to express religion or belief by teaching it, practicing it, worshiping and obeying it, either alone or together with other people in public or privately” (*Deklarasi Universal Hak-Hak Asasi Manusia*, 1948, Article 18).

Second, the 1966 International Covenant on Civil and Political Rights (KIHP) which was ratified in Law Number 12 of 2005 Article 18 paragraphs (1) and (3) which states:

(1) “Everyone has the right to freedom of thought, belief, and religion. This right includes freedom to determine a religion or belief of his choice and freedom, either individually or in community with others, whether in public or private, to manifest his religion or belief in worship, observance, experience, and teaching.” (3) “Freedom to manifest one's religion or belief may only be limited by provisions of law, which are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others.” (*Undang-Undang No. 12 Tahun 2005 Tentang Pengesahan Kovenan Internasional Tentang Hak-Hak Sipil Dan Politik*, 2005, Article 18).

Third, General Comment of the United Nations (UN) Number 22 concerning Freedom of Religion and Belief in Numbers 1 and 4, which states:

(1) "The rights to think, have faith and have religion in Article 18.1 are broad and deep; this right includes freedom of thought regarding all matters, personal beliefs and commitment to religion or belief, whether exercised individually or in community with others. The Committee draws the attention of States parties to the fact that freedom of thought and freedom of conscience are equally protected as freedoms of religion and belief. The fundamental character of this freedom is also reflected in the fact that this provision cannot be reduced even in times of public emergency, as stated in Article 4.2 of the Covenant." (4) "Freedom to practice a religion or belief can be exercised either individually or collectively with other people, and in public or private places." (HAM, 2009)

Fourth, the 1945 Constitution of the Republic of Indonesia Article 28E paragraph (2), Article 28I, Article 29 paragraph (2) which states:

"Every person 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 territory of the country and leave it, and has the right to return (Article 28E paragraph (2)). The state guarantees every citizen's freedom to embrace their religion and worship according to their religion and beliefs." (Article 29 paragraph (2)). (*Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 (Perubahan Kedua)*, 1945, Article 28E (2), 28I, 29 (2)).

Fifth, Law Number 39 of 1999 concerning Human Rights Article 22 paragraphs (1) and (2), which states:

"(1) Everyone is free to embrace their own religion and to worship according to their religion and belief. (2) The state guarantees the freedom of every person to embrace their own religion and to worship according to their religion and belief." (*Undang-Undang RI Nomor 39 Tahun 1999 Tentang Hak Asasi Manusia*, 1999, Article 22).

Based on constitutional arguments and international consensus, it is clear that state-issued policies related to FoRB have strong sources of formulation based on constitutional arguments and international consensus. The state recognizes and protects the rights of its citizens, including freedom of thought, freedom to choose and determine, or not choose and not determine one's religion or beliefs. In addition, the right to freedom to practice religion or belief, either individually or in groups, openly or privately, through various forms of worship, practices, and teachings. This right cannot be reduced (non-derogable) even in an emergency because it is absolute and included in the forum internum as a form of inner freedom (Nasution, 2021).

Thus, Komnas HAM concluded several basic principles of this right, namely that it is universal, cannot be taken away or shared, is interconnected, interdependent, and has negative-passive and positive-active obligations (Aisyah, 2020). Consequently, the state must respect and protect citizens' rights to religion and belief. For this reason, limitations on this right are also recognized. Restrictions can only be made based on the law to protect and regulate the rights of every citizen. For this reason, the state considers it necessary to formulate

regulations for structuring religious life so that FoRB can be managed harmoniously and avoid various problems.

Although constitutionally, freedom of religion is always associated with *kepercayaan* (belief), in subsequent policy formulations, these two terms have been separated. Chronologically, the composition of FoRB in Indonesia can be traced as follows:

**Table 1.**  
Chronicle of Policies on the FoRB in Indonesia

<b>Year</b>	<b>Policy</b>
1963	Decree of the President of the Republic of Indonesia Number 4 of 1963 concerning Security for Printed Matters whose Contents Can Disturb Public Order.
1965	Decree of the President of the Republic of Indonesia No. 1/PNPS/1965 concerning Prevention of Religious Abuse and/or Blasphemy which later became Law no. 1/PNPS/1965 concerning Prevention of Abuse and/or Blasphemy of Religion in conjunction with Law Number 5 of 1969 concerning Statements of Various Presidential Decrees and Presidential Regulations as Laws.
1967	Instruction of the President of the Republic of Indonesia Number 14 of 1967 concerning Religion, Beliefs and Chinese Customs.
1969	Joint Decree of Minister of Religion and Minister of Home Affairs No. 01/BER/ Mdn-Mag /1969 concerning the Implementation of the Duties of Government Apparatuses in Ensuring Order and the Smooth Implementation of Religious Development and Worship by Its Adherents (hereinafter referred to as the SKB Dua Menteri).
1975	Minister of Home Affairs Wire Letter Number 264/KWT/DITPUM/ DV/V/75 regarding the Use of Residential Houses as Churches.
1975	Wire Letter of the Minister of Home Affairs Number 933/KWT/SOSPOL/ DV/XI/75 concerning Explanation of the Minister of Home Affairs Wire Letter Number 264/KWT/DITPUM/DV/V/75 dated November 28 1975.
	Minister of Home Affairs Instruction No. 455.2-360 concerning Organizing of Temples.
1978	Instruction of the Minister of Religion Number 4 of 1978 concerning Policy Concerning Beliefs (IMA No. 4 1978)
1978	Instruction of the Director General of Islamic Community Guidance Number Kep/D/101/78 concerning Guidelines for the Use of Loud speakers in Mosques and Musalla.
1978	Instruction of the Minister of Religion of the Republic of Indonesia Number 4 of 1978 concerning Wisdom Concerning Beliefs.
1978	Joint Decree of the Minister of Religion and Minister of Home Affairs Number 70 of 1978 concerning Guidelines for Religious Broadcasting.
1979	Joint Decree of the Minister of Religion and Minister of Home Affairs Number 1 of 1979 concerning Procedures for Implementing Religious Broadcasting and Foreign Assistance to Religious Institutions in Indonesia.
1979	Instruction of the Minister of Religion No. 8 of 1979 concerning Guidance, Guidance and Supervision of Islamic Organizations and Sects that Contrary to Islamic Teachings.
1980	Decree of the Minister of Religion Number 35 of 1980 concerning Forum for Interfaith Deliberations (KMA No. 35 1980).
1981	Instruction of the Minister of Religion of the Republic of Indonesia Number 3 of 1981 concerning the Implementation of Fostering Religious Harmony in the Regions in Connection with the Establishment of an Inter-Religious Deliberation Forum.
1984	Decree of the Attorney General of the Republic of Indonesia Number: Kep-108/JA/5/1984 concerning the Formation of a Coordinating Team for Supervision of Community Beliefs (KJA Team Pakem).
1995	Instruction of the Minister of Religion of the Republic of Indonesia Number 3 of 1995 concerning Follow-up to the Joint Decree of the Minister of Religion and the Minister of Home Affairs Number 01/BER/MDN- MAG/1969 in the Regions.

1996	Decree of the Minister of Religion of the Republic of Indonesia Number 84 of 1996 concerning Guidelines for the Implementation of Managing Religious Harmony.
2003	Decree of the Minister of Religion of the Republic of Indonesia Number 473 of 2003 concerning Guidelines for the Implementation of Vulnerability of Religious Harmony.
2006	Joint Regulations of the Minister of Religion and Minister of Home Affairs Number 8 and 9 of 2006 concerning Guidelines for the Implementation of the Duties of Regional Heads/Deputy Regional Heads in Maintaining Religious Harmony, Empowering Forums for Inter-Religious Harmony, and Establishing Houses of Worship
2022	Circular of the Minister of Religion Number SE. 05 of 2022 concerning Guidelines for Using Loudspeakers in Mosques and Musala.

*Source: processed from the website of the Constitutional Court, mkri.id*

Most of the FoRB policies emerged during the New Order era, which openly carried out intervention, control, and were full of political interests to maintain the stability of the Soeharto government. Apart from that, this policy is needed to regulate, discipline, and overcome problems in religious life. Because of this, implementation is often problematic: discriminatory, multiple interpretations, rigid, and creating new problems for the public. Therefore, it is not uncommon for public policies to be criticized and challenged after the New Order (Hutabarat, 2017).

Among the regulations that are quite problematic is the issuance of the 1965 Blasphemy of Religion Law. This law regulates things that deviate from religious teachings, blasphemy and the prohibition of atheism, and classifies these acts as crimes. Its contents emphasize that every person is prohibited from practicing and interpreting religious teachings adhered to in Indonesia in a deviant manner, and perpetrators will be criminally prosecuted (Article 3).

This law also limits what is meant by religion in Indonesia to only Islam, Christianity, Catholicism, Buddhism, Hinduism, and Confucianism; this is what the state protects. Meanwhile, religious beliefs are equated with sects that commit deviations or blasphemy, so that they are very detrimental to minority groups that are not recognized by the state (Blasphemy Law, 1965). Christianto said that this policy gave rise to state discrimination against its citizens, the public then criticized it because this policy did not support the growth of tolerance in religious life in accordance with the mandate of the 1945 Constitution. So in 2009, the public submitted a judicial review to the Constitutional Court to test this law; however, this proposal was rejected (Christianto, 2013).

Kustini also pointed out that another policy that was questioned by the public because it involved the most crucial matters was when in the same year, a Two Ministerial Decree was issued which regulated three main things, namely: (1) the authority and responsibility of Regional Heads to guide, direct and supervise religious broadcasting; (2) permission to establish a place of worship from the Regional Head or authorized official taking into account the opinion of the Head of Representative of the local Ministry of Religion, spatial planning, regional conditions, and the views of local religious institutions or clergy; (3) resolution of disputes related to religious broadcasting or the establishment of places of worship by regional heads and law enforcers. The articles in the SKB are considered to have multiple interpretations; it is not clear who is called 'regional



government', who are the subordinate government officials appointed to it, who are called 'religious organizations', '*ulama*', and 'religious leaders' (Kustini, 2010).

When the Instruction of the Minister of Religion (IMA) No. 4 of 1978 was issued, this regional regulation emerged as a response to the rise of religious beliefs that were considered to threaten the official religion in Indonesia. The government instructed the ranks of institutions within the Ministry of Religion that community groups who believe in *Ketuhanan Yang Maha Kuasa* are not 'religions', so the Ministry of Religion will not handle all issues related to them. By limiting the number of religions to six, strengthening official religions through state support, and disqualifying local belief systems as religions, this regulation sharply divides religion and non-religion.

In line with this assumption, IMA No. 8 of 1979 specifically views the existence of religious beliefs (*kepercayaan*) not as religion but as sectarian practices that need to be fostered and guided in order to return to Islam as its "mother". From these two directions, it appears that public policy formulations related to FoRB are built on assumptions that tend to be reductionist, so that regulations complicate existing problems.

In 1980, the emergence of KMA No. 35 marks the formation of a forum for deliberation and communication between religious leaders and between religious leaders and the government to increase the development of religious harmony. Followed by IMA No. 3 of 1981, which instructed all levels of institutions to foster religious harmony in the regions in line with the presence of the Deliberative Forum. This regulation introduces the concept of the Trilogy of Religious Harmony, namely harmony between religious believers, between believers of different religions, between religious communities and the government, and is the forerunner of FKUB in Indonesia. (Nazmudin, 2017).

After that, the rules regarding religious life became more "wild". Sihombing said that the KJA Pakem Team was published in 1984 because the government was concerned that the large number of religious groups emerging in society would have an impact on religious harmony in Indonesia. The Attorney General's Office formed Pakem Teams at the central and regional levels by including other agencies as members. The Pakem team is tasked with analyzing problems related to trust in society, making predictions, building coordination and consultation networks with various agencies, providing suggestions, or even taking direct action if deemed necessary (Sihombing, 2008). These functions made the Pakem Team work as if they were government spies who controlled religious life during the New Order era.

However, government policies that are built on a reductionist view and do not specifically distinguish between beliefs and sects make the Pakem Team's work even more complicated and problematic. Especially facing Protestantism, which has many sects. This confusion resulted in many religious practices being challenged by the Pakem Team, and all of them being reduced as 'threats' to religion (Sihombing, 2008).

Even though this SKB invited a lot of criticism and public petitions to be revoked (Ardiansah, 2016), the government's 'control' continues to strengthen, as

evidenced by the issuance of IMA No. 3 of 1995 as a follow-up to the Two Ministerial Decree, which asked all levels of government to increase their role, guidance, and coordination between levels to suppress religious 'deviations' and the arbitrary construction of places of worship.

In 2006, regulations for religious life were formulated in PBM Nos. 9 and 8 of 2006. The presence of this PBM is seen as proof of the seriousness of the state's role in guarding, managing, and providing protection for religious life in Indonesia. However, at the same time, concerns also emerged from the public that this PBM would raise various discriminatory issues, especially in the construction of places of worship. This assumption is proven in practice, where many studies show that there are many cases of violence that use PBM as justification for refusing to build places of worship, controlling places of worship (Kamal, 2016), acts of violence, and violations of religious freedom (Asroni, 2012). Of the many public policies related to FoRB, efforts to protect state law against religious beliefs have recently emerged through Constitutional Court Decision Number 97/PUU-XIV/2016, which provides equal status between religion and belief. However, it is still limited to the population administration level (Jufri, 2021).

Based on what has been shown, regulations regarding FoRB in Indonesia from a public policy perspective have a number of problems. The existence of a number of problems in policy implementation shows that these regulations were not produced through good procedures at the policy formulation stage. For example, whether the policy was produced through a democratic process involving stakeholders or not. Some policies did not work well because there were multiple interpretations, discriminatory factors, and deviations from the 1945 Constitution.

Policies relating to FoRB, however, even during the New Order era, demonstrated how much the government prioritized political stability so that all issues needed to be under state control; as a result, the resulting policies were biased and reductionist. On the one hand, the government, through its administrative function, enforces these regulations as a solution to socio-religious problems in society. However, the government considers it necessary to maintain the interests of national stability by controlling religious life, which means narrowing the space for religious groups. The tug-of-war between these two functions actually became a new problem in the implementation of public policy during the New Order era because the resulting policies actually deviated from the spirit of democracy and the Indonesian constitution.

PBM Nos. 9 and 8 of 2006 have a legal basis in the 1945 Constitution; from a public policy perspective, the problem lies in policy formulation. The formulation of the PBM does not involve all stakeholders, in this case, religious communities with an interest in establishing places of worship. So it can be understood that the formulation of this regulation does not meet the requirements of a public policy. This wrong formulation procedure results in discriminatory policy implementation, because not all stakeholders are involved in the process. As a result, the implementation of this regulation cannot facilitate religious communities having places of worship and maintaining religious harmony as expected.

## **2.2. Religious Freedom in Medan Mayor Regulation Number 28 of 2021**

Medan Mayor Regulation Number 28 of 2021 Regarding the Guidelines for Organizing Religious Life and the Religious Harmony Forum in Medan City (Perwal) are regional-level regulations that were compiled in 2019 by the Medan City FKUB with the Medan City Political and National Unity Agency (*Kesbangpol*) until it was finally published and ratified on June 24, 2021, by Bobby Afif Nasution as Mayor of Medan (Aliansi Sumut Bersatu, 2021).

This Perwal contains nine (9) chapters, starting with the general provisions section, the responsibilities, duties, and obligations section, the establishment of houses of worship, and the temporary permit to use the building as a place of worship. In addition, this Perwal also regulates religious broadcasting, dispute resolution, and matters of monitoring and reporting. When compared with PBM Nos. 9 and 8 of 2006, the two have no different settings. Thus, this Perwal is a derivative of PBM Nos. 9 and 8 of 2006.

There are reasons that the Medan City Government took into consideration when issuing this Perwal. Ilyas Hakim, Chairperson of the Medan City FKUB, explained that this Perwal had been long awaited, considering that there had been a regulatory vacuum in structuring religious life in Medan City. So far, all policies are still based on old regulations, Pergubsu No. 74 of 2017, which regulates FKUB matters, and solving the problem of building houses of worship based on PBM Nos. 9 and 8 of 2006, so this regulation is needed (Ritonga, 2022).

In addition, there are also several other considerations: (1) There is a guarantee of freedom of embrace and worship for citizens according to their respective religions and beliefs; (2) The government is tasked with providing assistance, guidance, and services so that every member of the community can carry out his religious teachings in an orderly and harmonious manner; (3) The government is obliged to protect the implementation of religious worship and teachings, as long as they do not violate laws and regulations, do not abuse or tarnish religion, and do not disturb public harmony and order (Perwal Kota Medan, 2021).

This Perwal regulates in more detail the existence of the Religious Harmony Forum (FKUB) in Medan City in the third part. According to Article 6 of this Perwal, the FKUB mentioned there is local and has its domicile there. The local government facilitates its formation, and because it is local, the FKUB consults with the regional government.

The formed FKUB has five duties and functions, namely: (1) dialogue with religious and community leaders, youth leaders, students, women leaders, traditional leaders, and administrators of places of worship; (2) absorb the aspirations of religious organizations and residents; (3) convey these aspirations in the form of recommendations for the Mayor's policies; (4) carry out socialization of regulations in the field of religion related to religious harmony and community empowerment; and (5) issue recommendations if there is a request to build a house of worship (Article 7).

Membership of the FKUB are regulated in Article 8, which consists of six points of detail as follows:

- (1) FKUB members are religious leaders consisting of delegates from each designated religious representative/organization of each religion.
- (2) The maximum number of members of the Medan FKUB is 17 people, consisting of representatives; Islam from the Indonesian Ulema Council (MUI), Christianity from the Indonesian Communion of Churches (PGI), Catholicism from the Indonesian Bishops' Conference (KWI), Hinduism from Parisada Hindu Dharma Indonesia (PHDI), Buddhism from the Indonesian Buddhist Representatives (WALUBI) and Confucianism from the Indonesian Council Indonesian Confucian College of Religion (MATAKIN).
- (3) The composition of FKUB membership is determined by comparing the number of adherents of religions with the representation of at least one person from each religion in the region.
- (4) FKUB is led by 1 (one) Chairman, 2 (two) Vice Chairmen, 1 (one) Secretary, 2 (two) Vice Secretaries, 1 (one) Chamberlain, and 1 (one) Vice Chamberlain who are elected by deliberation for consensus by FKUB members.
- (5) The term of office for the membership of the Medan City FKUB is 5 (five) years, and they can return to become a member of the FKUB if sent back by a religious representative or religious organization.
- (6) FKUB membership is determined by the Mayor of Medan (Article 8).

In Article 8, all FKUB members follow the provisions in PBM Nos. 9 and 8 2006, except for paragraphs (1) and (5), which stipulate that membership is taken from representatives of religious representatives or religious organizations. It differs from Governor Regulation No. 74 2017 and PBM Nos. 9 and 8 of 2006 Article 10 paragraph (1), which only mentions "local religious leaders." In addition, this Perwal in paragraph (5) also stipulates that the term limit for FKUB membership is five years and can be reelected according to Article 13 paragraph (1) of Pergubsu No. 74 of 2017 (PBM No. 9 and 8, 2006).

The Deputy Mayor serves as Chairperson of the Medan City FKUB Advisory Board, which also elects the Head of the Office of the Medan City Ministry of Religion to serve as Deputy Chairperson, the Head of the Medan City Political and National Unity Agency to serve as Secretary, and a number of other leaders from related agencies to serve as members. This Advisory Board is intended to help local governments formulate policies related to religious harmony. It also facilitates coordination between FKUB, the regional government, and its staff in maintaining religious harmony (Article 10).

Article 9 strengthens the position of FKUB as an arm of the local government. The laws and regulations give FKUB administrators and their members an honorarium in addition to supporting them by providing facilities in the form of an office. Additionally, the local government offers grants to support the implementation of FKUB activities in accordance with the region's financial budget.

- (1) Each FKUB administrator and member can be given an honorarium by statutory provisions.
- (2) The Regional Government facilitates the FKUB Office.
- (3) In carrying out FKUB activities, the Regional Government provides grants adjusted to the regional financial capacity (Article 9).

Funding for FKUB, both at the provincial and regional or city levels, has indeed been regulated in Pergubsu No. 74 2017 Articles 15 and 16. It stated that FKUB accounts for the funding through the City Bakesbangpol and charges it to the Regional Revenue and Expenditure Budget (APBD). However, Article 9 in this Perwal not only regulates that but also shows the strong commitment of the Medan Government through paragraphs (2) and (3) above.

Furthermore, in the fourth section regarding the establishment of houses of worship, this Perwal regulates several matters related to houses of worship in Medan. Article 11 states that: (1) Houses of worship are established based on real needs based on the composition of the number of residents concerned in the *kelurahan* area. (2) The establishment of houses of worship, as referred to in paragraph (1), shall be carried out while still considering the harmony of religious communities, not destroying peace and public order, and complying with laws and regulations. (3) If the basic requirements for building a house of worship referred to in paragraph (1) are not fulfilled. Then the composition of the population is considered according to the boundaries of the sub-district or regional area (Article 11).

It means that considering whether a house of worship can be built is based on the real needs of a community group of adherents based on their number, considering harmony in accordance with statutory regulations. Even if the number of residents who will use it at the *kelurahan* level is insufficient, then the number of users can be based on the number of residents at the sub-district or regional level. This arrangement is detailed later in Article 12, which states:

- (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 specific requirements, including:
  - (a) List of names and identity cards (KTP) of at least 90 (ninety) people who use houses of worship approved by the Sub-District Head and *Lurah* according to the level of territorial boundaries as referred to in Article 11 paragraph (3);
  - (b) Community support around the location (neighborhood) of at least 60 (sixty) people authorized by the *Lurah* or equivalent;
  - (c) The written recommendation from the *Lurah* is known to the *Camat*;
  - (d) Written recommendation from the Head of the Office of the Ministry of Religion of Medan City; And
  - (e) Written recommendation from FKUB Medan City.
- (3) If the requirements referred to in paragraph (2) letter (a) are met while the requirements in letter (b) are not met, the regional government is

obliged to facilitate the availability of the location for the construction of the house of worship being applied for." (Article 12).

The provisions in Article 12 are then explained in the following two articles. Article 13 explains the purpose of the recommendation in Article 12, paragraph (2), point (e) that this FKUB recommendation results from deliberation and agreement in an FKUB meeting. Meanwhile, Article 14 explains that the application for the construction of a house of worship referred to in Article 12 is submitted by the committee for the construction of a house of worship to the Mayor or to an official appointed to obtain a building permit or other designation. The Mayor or appointed official must give his decision within 30 (thirty) days after the application was submitted, either by agreement, suspension, or rejection (Article 14).

Perwal No. 28 2021 also anticipates if the building of a house of worship needs to be moved for some reason. Article 15 also explains that the Regional Government facilitates the availability of new locations for houses of worship that already have an IMB (building permit) or other designations that are moved for reasons of regional spatial planning. The authority of the regional government in supervising this house of worship is also emphasized in Article 16, which states that the mayor can order or prohibit the use of the building as a place of worship without obtaining a permit.

The issue of this permit is described in more detail in the articles in section 5 concerning temporary building utilization permits. Article 17 stipulates that the utilization of a building that is not a house of worship as a temporary house of worship must have a certificate granting a temporary permit from the Mayor by fulfilling two conditions, namely: (1) proper function, based on laws and regulations regarding buildings; and (2) maintaining religious harmony and public order, by fulfilling four things: written permission from the building owner, written recommendation from the Lurah and acknowledged by the Camat, written reporting to the FKUB, and the Head of the Medan City Ministry of Religion Office (Article 17).

Article 18, paragraph (2) states that granting a temporary permit to use a non-worship building as a place of worship is valid for a maximum of two years. The Mayor issues this permit after considering the written opinion of the FKUB and the Head of the Medan City Ministry of Religion Office (Article 18 paragraph (1), or the Camat can issue it with the same considerations (Articles 18 and 19).

In the sixth part, Perwal also regulates religious broadcasting, which is a different dynamic in relation to religious life in society. Article 20 clearly states that religious broadcasting needs to be carried out by upholding the spirit of harmony and mutual respect and based on respect for the rights and freedoms of citizens to adhere to and worship according to religious teachings.

On the other hand, religious broadcasting is prohibited for people or groups who have embraced other religions. Either way: (1) persuasive in any form to adhere to the broadcast religion; (2) distributing pamphlets, magazines, bulletins, books, and social media containing invitations to change religions; or (3) meeting directly from place to place, people or groups of people who have embraced other religions (Article 21).

Regarding religious broadcasting, the mayor, as stipulated in Article 22, has the responsibility of coordinating local governments and related agencies in guiding and supervising all activities of developing and broadcasting religion by religious institutions by involving local religious assemblies and the Medan City FKUB.

Perwal No. 28 of 2021 also regulates dispute settlement procedures regarding the construction of houses of worship. As a result, the seventh part of this Perwal regulates two articles related to settlement: the first is that dispute resolution involves deliberation. If a solution is not reached, then deliberations are held by the mayor, assisted by the Head of the Medan City Ministry of Religion Office, taking into account the views of the Medan City FKUB (Article 23). Second, the mayor is also responsible for guiding relevant agencies in resolving disputes (Article 24).

Another responsibility for the mayor is to supervise his staff and agencies in maintaining religious harmony, empowering FKUB, and building houses of worship (Articles 25 and 26). Implementing this supervision then needs to be reported to the Governor, Minister of Home Affairs, and Minister of Religion every six months or when necessary. The Perwal then closes with Article 27, which confirms the enactment of this Perwal in Medan City.

Overall, Perwal shows that the regulation of religious life still adopts many of the points in PBM Nos. 9 and 8 2006 with a small amount of improvisation, as seen in several articles. However, the articles in this regulation are also not free from various problems, especially regarding the regulation of the institutionalization of FKUB and houses of worship, as will be discussed in the next section.

### **2.3. Medan Mayor Regulation No. 28/2021 In Public Policy Perspective**

In public policy studies, scholars define public policy with different emphases, from very substantial to very formal, from those that emphasize more on the goals to be achieved to definitions that emphasize their impact. As Thomas R. Dye defines it, whatever a government chooses to do or not to do is a public policy (Septiana et al., 2023), this definition is agreed with by Simeon, as well as Sharkansky that public policy is action taken by government (Widodo, 2021), this definition is short but has broad meaning.

Other academics, like James E. Anderson, define public policy as a set of actions that have a specific goal, adhered to by an actor or a group of actors in order to solve a problem. With this definition, public policy has five implications, namely: (1) every policy must have a goal to be achieved; (2) the policy has a number of action patterns carried out by the government; (3) the policy is seen from what the government actually does, not what it wants to do; (4) the policy can be negative or positive; and (5) public policy, at least in its positive form, is based on law and is authoritative (Winarno, 2008).

M. Irfan Islamy argues that public policy is a series of actions chosen by the government that have an important influence on a number of people. This definition includes a number of elements in public policy, namely: (1) public policies are government decisions that are manifested in regulations; (2) the policy

is not just a discourse but is applied concretely; (3) the government's decision to do or not do something is based on certain objectives; and (4) the policy must always be subject to the public interest (Islamy, 2009).

Apart from the definition above, there are many scholars who have different pressures in translating the term public policy, such as Gerston (2015); Cochran & Malone (2005); Jenkins-Smith & Sabatier (1993), but it suffices to give an idea of the public policy referred to in this article. This public policy is characterized by five characteristics; (1) have a goal; (2) has a systematic pattern of action; (3) implemented by the government; (4) have a positive or negative; and (5) based on law and binding (Syahrudin, 2019).

According to Dunn, a public policy needs to go through the following five stages: (1) agenda setting, at this stage the government identifies, determines a problem, focuses the attention of public officials and the mass media on the problem and the reasons why it needs to be regulated by the government; (2) Policy formulation, where the government proposes policy formulations, interest groups, and government bureaucracy to develop alternative solution options to overcome problems; (3) adoption or legitimating of policies, where the government determines the content, criteria, procedures, and actors who will be involved in the problem; (4) implementation, implementation is carried out through bureaucracy; at this stage, it is determined who is involved in implementing the policy and the content of the policy; and (5) evaluation, as an important stage to see the success or impact of policies, evaluate and determine subsequent consequences. This stage is carried out by government or non-government institutions, the press, and the public (Dunn, 2000; Widodo, 2021). Of the five, the policy formulation phase is an important stage that influences the subsequent sections. If this stage is not mature enough or does not follow the formulation procedure, then the policy objectives will not be achieved (Septiana et al., 2023).

On the other hand, the government as policy implementer, carries out two different functions at the same time, namely political functions and administrative functions. Through both, the government translates political interests into the form of public policy, with the main aim of maintaining the government's political interests in addition to addressing public problems. At this point, the question is: In the context of FoRB, how can we ensure that the policy is truly prepared on target for the public good without intervention, non-discriminatory, free from political interests, and has been formulated and implemented on target? This can be evaluated at least from the aspect of policy formulation and its substance.

First, the formulation of policies that do not comply with procedures. If measured based on the five stages of public policy formulation, this Perwal does not go through all of them. In stage 1 (agenda setting), FKUB as part of the Medan City government institution, has identified that Medan City does not yet have a specific regulatory umbrella for actions and decisions that need to be made by FKUB in resolving various religious problems. For this reason, it is clear that this Perwal is needed to fill the void and provide legal certainty for religious life in Medan (Ritonga, 2022).



At stage 2 (policy formulation), FKUB proposed this policy formulation with Medan City Government stakeholders, but this stage actually became the core of the problem. FKUB believes that the regulations to be prepared must adopt PBM Nos. 9 and 8 of 2006. However, at this stage, there is no evaluation study of the problematic articles in the PBM or considering criticism from many previous studies regarding the impact of the PBM over 17 years. At this stage, there is also no open public discussion to listen to input from various religious groups in Medan City to develop alternative solution options or improvements to problematic articles, except for Article 9 on FKUB funding. At stage 3 (legitimizing policies), a copy of the content, criteria, procedures, and actors as stated in the PBM is then determined by the Medan City government. In stage 4 (implementation), this Perwal then began to be implemented in June 2021, after running for eight months, in February 2022, this Perwal was then evaluated by the Aliansi Sumut Bersatu by carrying out public outreach and discussions to absorb public input on the Perwal (evaluation).

Second, the policy substance does not contain contextual articles. This Perwal contains a copy of the articles from PBM Nos. 9 and 8 of 2006 without revision, except for Article 9. The regulation of religious life at the FKUB Institution is regulated in the third part of several articles. Articles 6 and 7 are similar to PBM Nos. 9 and 8 of 2006. However, Article 8 clearly regulates the membership of the Medan City FKUB. Paragraph (1) explains in more detail that representatives of religious figures are taken from representatives of religions, clergy, or religious organizations appointed by the government. This addition is quite helpful in determining the actual FKUB members. However, Article 8 paragraph (1) only lists theologians, religious figures, or representatives of religious organizations as criteria for FKUB membership.

So far, FKUB in Indonesia has been trapped by representing religious figures, even though FKUB's task is not only to conduct dialogue but also to accommodate and channel the aspirations of religious communities, socialize government policies in the field of religion, and provide recommendations for permits for places of worship (Article 7). FKUB is required to be present when handling religious problems and conflicts. This regional regulation should be more advanced by including moderate intellectual figures who have insight into FoRB or human rights, can become facilitators and advisors to citizens, and have the capacity to mediate conflicts. Considering that FKUB has a vital function for religious harmony, maintaining religious life is at the forefront, bridging citizens and the state.

Article 8 paragraphs (1) and (2) of the Perwal also do not dare to go beyond PBM Nos. 9 and 8 of 2006 by involving local religious groups in Medan City, such as Ugamo Bangso Batak and Parmalim. This involvement is recognized in paragraph (3), "from every religion in the region," in accordance with the duties and functions of the FKUB as intended in Article 7. This is because the state still categorizes local religions as part of religious beliefs, not as *agama* (religions), with reference to IMA No. 4 of 1978. Even though it is constitutional, the involvement of local religious groups in FKUB membership still has a strong basis. The 1945 Constitution, Chapter This means that both of them have the same

rights, and their involvement in FKUB membership is a form of constitutional recognition of the 1945 Constitution. However, this Perwal is subject to PBM Nos. 9 and 8 of 2006 by following IMA No. 4 of 1978 and ignoring Article 29 paragraph (2) of the 1945 Constitution.

The significance of Perwal No. 28 of 2021 only appears in Article 9 concerning FKUB funding. If Governor Regulation No. 74 of 2017 only regulates funding (Articles 15 and 16), this Perwal regulates more broadly in Article 9. This article not only regulates the budgeting of funds for FKUB but also the commitment to provide facilities by the Medan City Government to strengthen the performance of Medan City FKUB. Apart from that, Article 9 also regulates that the Medan City Government also provides assistance in the form of grants to support the implementation of FKUB activities. At least, this is what differentiates the Medan City Perwal from PBM Nos. 9 and 8 of 2006.

Perwal Number 28 of 2021 also regulates the establishment of places of worship in Articles 11 to 16. This Perwal copies articles from PBM Numbers 9 and 8 of 2006 without considering criticism and evaluations from many scholars. This makes Perwal No. 28 of 2021 very unfortunate, where this Perwal should be the right opportunity to correct problematic articles in PBM Nos. 9 and 8 of 2006 before it came into force. The articles on establishing places of worship in this Perwal have the potential to cause problems at the following five points:

- a. As per Article 11:3's level of regional boundaries, the list of names and Resident Identity Cards (KTP) of people who use places of worship must be "validated by the sub-district head and village head." This is what Article 12:2 (a) said. Meanwhile, in PBM Nos. 9 and 8 of 2006, Article 14 paragraph (2) point (a) states, "... ratified by local officials in accordance with the level of regional boundaries as intended in Article 13 paragraph (3)". This means that only one of the officials, not both, can approve it in accordance with their level limits.
- b. Article 12 paragraph (2) point (b) states "support from the local community (neighbors) of at least 60 people authorized by the Lurah or equivalent". In several cases of conflict over places of worship, such as in Aceh Singkil, the point about community support around the location of the place of worship is disputed because (1) there are unclear distance boundaries; (2) the support has to come from people of different religions or not; and (3) can one person support multiple house of worship? (Kamal, 2016: 145-147). Meanwhile, the meaning of the Perwal is not clear.
- c. Article 12 paragraph (2) point (c) regarding written advice from the village head that is known to the subdistrict head; this requirement is not contained in PBM Nos. 9 and 8 of 2006. With the existence of Article 12 paragraph (2) points (a) and (b), this condition should not be necessary.
- d. Article 12 paragraph (3) regulates that if paragraph (2) point (a) is not fulfilled, the regional government is obliged to "facilitate the availability of construction sites" for the requested house of worship. The word "facilitate" is still unclear, so it has the potential to cause problems. In the case of the ban on churches in Jakarta, for example, Ali-Fauzi said that the government was obliged to facilitate it by providing and allowing the use

of other buildings as temporary places of worship that were valid for two years (Ali-Fauzi et al., 2011: 16-17). Meanwhile, in the case of Aceh Singkil, Christians understand that the local government must provide another location for building a place of worship, and the requirements in Article 12 paragraph (2) point (b) are no longer needed (Kamal, 2016: 147). Instead of emphasizing this, Article 15 explains that regional governments facilitate other locations for places of worship that already have permits, which are relocated for regional spatial planning reasons.

- e. Article 17 concerns temporary permits to use buildings that are more accessible. Due to the difficulty of fulfilling the points in Article 12, many people choose the 'alternative route', asking for permission to use a temporary place of worship under the pretext of 'facilitating' it. In addition, because this permit is temporary, this article only delays completion but does not solve the problem.

Based on a public policy perspective, Perwal still has problems in both the formulation and substance aspects. The rules that govern religious life in this Perwal also overlap because they are based on PBM Nos. 9 and 8 of 2006, which are stuck between IMA No. 4 of 1978 and Article 29 paragraph (2) of the 1945 Constitution. Or between Law No. 1 PNPS 1965, which is contrary to Article 28 E of the 1945 Constitution, five constitutional formulations, and international consensus. The overlap in policy substance is the result of differences in values, whether policies are made with a conventional approach or due to procedural flaws.

In the end, beyond the question of requirements, the basic question is, of course, who is the target of this policy, and does this apply to all religions? In many cases, PBM Numbers 9 and 8 of 2006 have shown negative effects. Local governments and majority groups frequently use it to regulate the construction of places of worship for particular minority groups while ignoring the majority. So from these notes, Article 12 of the Perwal is a very crucial article in regulating religious life in Medan City because this issue is often disputed. For this reason, the related articles need to be immediately revised so that this Perwal can regulate and protect religious life in Medan effectively.

### **3. CONCLUSION**

Perwal Number 28 of 2021 is a progressive step in regulating FoRB in Medan after the presence of PBM Nos. 9 and 8 of 2006 since 17 years ago. However, as a public policy, this Perwal has several problems that are quite important to be corrected, especially in two aspects:

First, the policy formulation does not comply with public policy procedures. There is no evaluation study of problematic articles in PBM or consideration of criticism from many previous studies regarding the impact of PBM over the past 17 years. Ignoring the need for open public discussion to listen to input from various religious groups in Medan City to develop alternative solution options or improvements to problematic articles, except for Article 9 concerning FKUB funding.

Second, the substantive aspect is that it adopts problematic articles from PBM Nos. 9 and 8 of 2006 without criticism, evaluation, or minimal improvements. The significance of Perwal No. 28 of 2021 lies in Article 9 concerning the empowerment of FKUB, while in terms of establishing places of worship, there is nothing new. In fact, this is the most crucial matter because it often drives conflict in society.

Various studies show that the articles related to the construction of places of worship in PBM Nos. 9 and 8 of 2006 always appear in conflict narratives related to houses of worship. This means that if this is adopted into the Perwal without updating, it will only repeat the same mistakes. Apart from that, this Perwal also does not contain articles regarding sanctions for parties who deliberately disrupt, obstruct, or violate the arrangements stipulated in the Perwal. In fact, this article is quite important in emphasising legal protection in the regulation of religious life.

This article recommends the need to review and improve problematic articles in Perwal No. 28 of 2021. As a matter of public policy, this revision is important to emphasise the relevance of the Perwal and why it needs to be issued after PBM Nos. 9 and 8 of 2006. The presence of this Perwal will correct errors in previous policies that overlap with each other and have new content, not just a copy, so that this Perwal can function effectively as a public policy.

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