

Kuyper's sphere sovereignty and the restriction on building worship places in Indonesia

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The Indonesian Constitution guarantees the freedom of Indonesian citizens to worship according to their religion. In reality, however, the Indonesian government had issued regulations that restrict the building of worship places, which is one way of expressing religious freedom. These regulations, being trapped in the discourse of the politicisation of religion and the religionisation of politics, are contradictory to the aspirations of the founding fathers as expressed in the Indonesian Constitution. This article seeks to deal with this problem by conducting a critical and reflective study on religion–state relations, particularly on the concept of sphere sovereignty proposed by Abraham Kuyper. This study employed the content analysis method. The study demonstrates that this concept, when applied to the Indonesian situation, would prove helpful in restoring normative leadership to Indonesian politics and would enable it to align itself with the values of the Indonesian Constitution. The study also recommends a number of practical strategies in protecting religious freedom and rights in Indonesia, especially with regard to the restrictions on building worship places.

Contribution: The study of the concept of Kuyper's Sphere Sovereignty can be helpful in restoring normative leadership to Indonesian politics and would enable it to align itself with the values of the Indonesian Constitution and allow religion to fulfil its responsibility towards the state and the state towards religion, without being trapped in the discourse of the politicisation of religion and the religionisation of politics.

Keywords: religious freedom; worship places; religion–state relationship; God's sovereignty; sphere sovereignty; secular state; theocratic state; religious state.

Introduction

In today's world, Indonesia is a country of uncertainty. Indonesia is the world's fourth most populous country and the world's third biggest democracy, with a population of 265 million people (Bappenas 2013). Despite the fact that Indonesia has the largest Muslim population in the world – more than all the Middle Eastern Arab states combined – it is pluralistic in terms of religion (Badan Pusat Statistik 2010) and has not become a theocratic state in which Islam is the state religion. Instead, Indonesia is showing that Islam and democracy are compatible. Realising the dangers of tyranny that a majority of religion could bring about, the founding fathers of the nation paid careful attention to the problem of religion and its relation to the state. Their concern was expressed in Pancasila, Indonesia's national ideology, especially its first principle – the Principle of One Lordship – and its implementation in article 29 of the 1945 Constitution or *Undang-Undang Dasar* (UUD) on religion, which states that 'the State is founded on the principle of One Lordship' and 'the State guarantees the freedom of each citizen to embrace his or her own religion and to worship according to his or her religion and belief'.

Although Islam is not the state religion and the Constitution guarantees freedom of religion to Indonesian citizens, Indonesia's history has shown a recurring tension in the relations between those of the majority religion and of the minority. One of the issues that has raised so much concern for religious freedom is the restriction regarding the construction of worship places. A regulation regulating the construction of worship sites was published jointly by the Ministers of Religion and Internal Affairs in 1969. The directive was issued in reaction to a considerable number of conversions from Islam to Christianity in specific parts of the nation, as mentioned in the Surat Keputusan Bersama (SKB, Joint-Decision Letter) No.1/BER/MDN-MAG/1969 addressing the building of worship facilities (Willis 1977). Despite the fact that it was meant to apply to all religious groups, the edict was actually applied to control solely the construction of worship sites for non-Muslims, particularly Christians, for the aforementioned reason (Simatupang 1995:198). The edict has also been used as a justification to close churches or even destroy and

burn them down over the years. Indonesia has thus become, as the prominent Catholic theologian Franz Magnis-Suseno puts it, 'a world champion in damaging and burning places of worship' (Fuad 2007:181). As of 2004, about 1000 church buildings had been burned or demolished, yet none of those cases were brought to court (Azizah 2014).

In 2006, the SKB was revised and renamed the *Peraturan Bersama* [PERBER, Joint-Regulation] of two ministers. However, there is basically no difference in the content of the PERBER from that of the SKB. These government rules on places of worship have made it difficult, if not impossible, for non-Muslims, particularly Christians, to construct places of worship in Muslim-majority areas. The PERBER, like the SKB, was used to justify church closures, as well as the demolition and burning of churches. Around 1500 churches had been destroyed or demolished as of 2014 (Azizah 2014).

Dealing with this ambiguity, the author discusses the thought of Abraham Kuyper who initiates a strand of contemporary Christianity, known as Dutch neo-Calvinism, which from the beginning has been remarkably accompanied by a notion of democracy (Harinck 2014:1). Emphasising the idea of sphere sovereignty (Harinck 2020), Kuyper has argued for a pluralistic and tolerant society in the Netherlands since the late 19th century, and during the past four decades this pluralism has been acknowledged as a distinctive reformed contribution to culture and government (Smith 2017:131).

The question arises as to whether any points of contact exist between Kuyper and Indonesia, the largest Muslim country in the world. The answer is yes. One such point is the evidence of Dutch colonialism in Indonesia, which began in 1602 and lasted for 350 years. It is important to note that during Kuyper's term as prime minister in the Netherlands (1901–1905) and through the *Zending der Gereformeerde Kerken* (ZGKN), the Dutch colonialism had brought the influence of reformed churches to Indonesia. It also brought the influence of Calvin and particularly neo-Calvinist political thought. On the basis of Kuyper's thought, Van der Kroef (1956) has made an interesting observation that four of the five principles of Pancasila, which could be summarised as the principles of humanitarianism, nationalism, democracy and social justice, clearly expressed the presence of Western influence in their formulation. Louw has also maintained that 'Kuyperian pluralism' provided shape to Pancasila in such a way that religious pluralism was enforced and thereby the idea of majoritarianism was blocked (Louw 1995:210; Ramage 1995:18).

This article explores how Kuyper's idea of sphere sovereignty could be applied to bring about normative leadership to Indonesian politics ('descriptive') in order to enable it to align itself with the aspiration of the founding fathers ('prescriptive') expressed in Pancasila and the Constitution. The main discussion of the article consists of four parts. The first part elaborates on the ideas of Kuyper's sphere sovereignty and how they could establish a pluralistic and tolerant society.

The second part explains the SKB and PERBER – discriminative regulations issued by the Indonesian government – that regulate the establishment of worship places. The third part presents a critical and reflective evaluation of the SKB and PERBER from the perspective of sphere sovereignty. The fourth part evaluates the SKB and PERBER by presenting an interpretation of the Indonesian Constitution from the perspective of sphere sovereignty. The discussion ends with a summary and a number of recommendations for protecting religious freedom in Indonesia.

Kuyper's idea of sphere sovereignty

Kuyper first used the term *souvereiniteit in eigen kring* [sovereignty within its own circle, sphere sovereignty] on 09 September 1870 in *De Heraut*, and later expanded its use in his opening address of the Vrije Universiteit, held on 20 October 1880. In his first mention of this notion, Kuyper applied it to the context of the church, although from the beginning he did not intend to apply it only to church matters. Later on, he focused on the use of the term mainly in the context of the state and society (constitutional liberties) (Harinck 2020). Kuyper developed his idea of sphere sovereignty from the work of John Calvin and of his predecessors such as Johannes Althusius and especially that of his friend and mentor, Guillaume Groen Prinsterer (1801–1876) (Bartholomew 2017:131–132).

Rooted in Calvin's political thought, Kuyper (1987:79) claims that only the triune God is sovereign over all of life. He writes, 'if you believe in Him as Deviser and Creator, as Founder and Director of all things, your soul must also proclaim the Triune God as the only absolute Sovereign' (Kuyper 1998a:466). Kuyper (1998a:466) defines sovereignty as 'the authority that has the right, the duty and the power to break and avenge all resistance to its will'. This supreme sovereignty of the triune God, according to Kuyper (1998a:468), 'has been conferred absolute and undivided upon the man-Messiah'. Christ Jesus is 'the *Messiah*, the Anointed, and thus the *King of Kings*, possessing "all authority in heaven and on earth"' (Kuyper 1998a:464). Kuyper formulates this insight in his famous adage concerning the cosmic Christ that 'there is not a square inch in the whole domain of our human existence over which Christ, who is Sovereign over all, does not cry, "Mine"' (Kuyper 1998a:488).

Based on God's sovereignty, Kuyper holds that God has created the world with various structures and institutions that operate within different spheres of social life. The sovereign God has delegated his sovereignty 'by dividing life into *separate spheres*, each with its own sovereignty' (Kuyper 1998a:467). This plurality, which Kuyper calls 'sphere sovereignty', (Bartholomew 2017:131–132; Kuyper 1998a) is normative (Intan 2019:64) because each sphere is a part of the original created order. Still, Kuyper distinguishes sphere sovereignty from absolute sovereignty, the latter of which 'cannot reside in any creature but *must* coincide

with God's majesty' (Kuyper 1998a:466). While absolute sovereignty belongs to God alone, each sphere has a delegated sovereignty. As the sovereignty of each sphere is a God-given sovereignty, sphere sovereignty is 'always a subservient sovereignty, subservient to the sovereign rule of God' (Spykman 1976:166).

In short, all spheres of life – the family, the church, the school, the civil government, the marketplace and so on – are thus not sovereign in their relationships to God. Each of them, however, has its own God-given task, and God commands human beings to serve as office holders in these various spheres of life. As the neo-Calvinist Gordon Spykman has put it, '[e]ach sphere has its own identity, its own unique task, its own God-given prerogative. On each God has conferred its own particular right of existence and reason for existence' (Spykman 1976:167). It means that not a single sphere can properly usurp the power or the functions of another. There are no levels of autonomy among the spheres because each sphere in the public sphere has a certain sovereignty that is restricted by the presence of the sovereignty of the other spheres.

Although each sphere has its own identity and its own laws of life, they are not independent of one another; rather, they are all interrelated. In Kuyper's words, the 'cogwheels of all these spheres engage each other and precisely through that interaction emerges the rich, multifaceted multiformity of human life' (Kuyper 1998a:467–468). In other words, these spheres should work together to promote a 'wholesome community life'. Spykman calls this collaboration among the various social spheres 'a sphere universality' (Spykman 1989:80). He explains:

When kept together, this twofold principle preserves communal life against both monotonous uniformity and tyranny, on the one hand, and fragmentation and polarization, on the other. Sphere sovereignty (diversity of tasks) may not be sacrificed to sphere universality (unity of life), nor vice versa. (Spykman 1976:168)

Church–state relationships

Regarding church–state relationships, sphere sovereignty proposes '[a] free Church in a free State' (Kuyper 1987:99). Based on this principle of freedom, Kuyper refuses both papal supremacy and what he calls ecclesiasticism, which subordinates the state authority to the church control and *Caesaropapism*, which subordinates the church authority to the power of the state. While the former creates 'a theocratic state', the latter, according to Kuyper, employs 'a secular state' (Kuyper 2015:34–35, 58, 61).

It was unthinkable for Kuyper to engage the idea of a theocratic state or church-controlled culture of ecclesiasticism. If the church claims to have sovereignty over all spheres of life, it would blatantly contradict the doctrine that appropriates sovereignty over all of life solely to the triune God. Such a claim of the church would cause it to pretend to be God. Kuyper observes that wherever this theocratic rule of the church was established, it had always led to tyranny and

national corruption. Moreover, within the theocratic state, 'given the authority *in her own right*', the church would not be able to give 'what [it] should obtain for the state' (Kuyper 2015:35).

The idea of *Caesaropapism*, however, is for Kuyper also incompatible with the doctrine of God's sphere sovereignty. *Caesaropapism* promotes a 'state church' in which the state takes full control of the church. Although acknowledging the dignity of the government as 'the *sphere of spheres*' (Kuyper 1998a:472), Kuyper (1987) insists that all social spheres such as the family, the business, the church, science and art:

[D]o not owe their existence to the state and do not derive the law of their life from its superiority, but obey a high authority within their own bosom; an authority which rules, by the grace of God, just as the sovereignty of the State does. (p. 90)

Caesaropapism could also lead to the danger of the church losing its transcendental character if it is subordinated under the power of the state because the kingdom of Christ is being matched with the temporal power of the state. This danger could bring the church 'to spiritual death and to the loss of spiritual knowledge of God's Word as it pertains also to government' (Kuyper 2015:35).

Therefore, Kuyper (1987:107) emphasises that the sovereignty of the state and the sovereignty of the church 'exist side by side and they mutually limit each other'. The two entities represent 'two different sets of ideas that increasingly follow their separate ways and therefore ought not to be confused in our minds' (Kuyper 2015:60). The two cannot be mixed because this would cause 'a terrible confusion of the two spheres of life' (Kuyper 2015:35). Thus, Kuyper's sphere sovereignty shows that in a genuinely pluralistic society, it is indispensable for providing equal justice for all in family life, politics, education and religion.

Although church and state are separate from each other, they, according to Kuyper, should have a mutual responsibility towards each other (Kuyper 1998a:467–468). The issue is then of how the state should fulfill its responsibility towards the church and the church towards the state. With regard to the state's responsibility towards the church, the state should keep in mind that coercion on religious matters is Christ's eschatological prerogative right, as Kuyper (1998b) maintains:

Someday there will be coercion, when Christ descends in majesty from the heavens, breaks the anti-Christian powers with a rod of iron He has a right to this because he knows the hearts of all and will be the judge of all. But we do not. To us it is only given to fight with spiritual weapons and to bear our cross in joyful discipleship. (p. 220)

And Christ has never delegated this right to the state in order to enable it to discern the true church from the false one. Regarding freedom of conscience, instead of using '*coercion* in all spiritual matter', the state must employ '*persuasion*' (Kuyper 1998b:219–220). This is to say that Christians and

other religious communities are equal before the law and should not have special privileges in a society.

In this sense, it is important to note that Kuyper disagrees with Calvin or with Article 36 of the Belgic Confession. Calvin, although maintained that church and state should be kept distinct, encourages civil government 'to defend sound doctrine of piety and the position of the church' (Calvin 2006). Article 36 of the Belgic Confession, which carries a strong influence of Calvin, charges magistrates:

[T]hat they protect the sacred ministry, and thus may remove and prevent all idolatry and false worship; that the kingdom of antichrist may be thus destroyed, and the kingdom of Christ promoted. (ed. Schaff 1993:432–433)

Kuyper notes that here Calvin's approach has a strong Constantinian influence, and that it would be a great mistake for Christians to accept this position (Kuyper 1987:100). Kuyper persuaded his denomination, the *Gereformeerde Kerken in Nederland*, to remove these words and amend the confession at the Synod of Utrecht in 1905 (Kuyper 2015:64). The revised article states that instead of coercively promoting true religion, the state 'must countenance the preaching of the Word of the gospel everywhere, that God may be honoured and worshipped by everyone, as He commanded in his Word' (Beets 1929:271).

As regards the church's responsibility towards the state, Kuyper challenges secularism and its idea of a secular state, which removes religion from the public sphere. Sphere sovereignty acknowledges that civil government is part of the created order and as such it derives its power and authority from God and should therefore subject itself to God's claim of sovereignty. For this reason, civil government, as Kuyper has put it, should consider itself as 'a servant of God' in the sense that 'willingly or unwillingly, it is and remains dependent on God' (Kuyper 2015:49). Within the political sphere no 'neutrality' exists; the political sphere would never be free from any religious element. The idea of an 'irreligious neutral standpoint' as proposed by the French revolution is for Kuyper (1987:106) simply unrealistic.

In the secular state, religious voices tend to be relegated to the private domain. In this case, the secular state has usurped the domain of religion, restricted the rights of religion and thus opposed the idea of sphere sovereignty. It has pretended to be God. Kuyper (2015:60) reminds that the state 'is not the kingdom of God and the kingdom of God cannot be pressed into the confines of political life'. According to John Hiemstra, Kuyper rejects this exclusively secular public realm as 'discriminatory, unjust and intolerant' (Hiemstra 2015:60). Ryan McIlhenny (2012:xviii) observed that as Kuyper's sphere sovereignty is deeply committed to God's sovereignty, it could become 'the best weapon against the secularism of the modern age'. In line with Cox (1969:18), secularism may be defined as 'the name for an ideology, a new closed world view, which functions very much like a new religion'. Based on this definition, secularism refers to the atheistic system of thought.

In sum, Kuyper's view of sphere sovereignty has shown that religion is inseparable from politics. Kuyper (2015:354) insists that '[T]here should be no separation between religion and state but only between state and church'. The state should neither be theocratic nor secular but rather a state that believes in God's sovereignty. As such, the state could be called 'a Christian nation', which Kuyper (2015:49) also describes as 'a nation not without God'. But as the term 'Christian nation' could be confused with that of the 'Christian state', which Kuyper (2015:60) rejects, the author thus prefers to call Kuyper's state a 'religious state'.

The problem of religious freedom in Indonesia

The regulation concerning the establishment of worship places

The problem of conflict and violation of religious freedom in Indonesia, particularly over the houses of worship belonging to religious minorities and especially Christians, has been a long-standing and multifaceted one. Based on the Annual Report of Religious Intolerance and Church Restrictions from the Indonesian Christian Communication Forum, the number of the closing, burning and demolition of churches has greatly increased from only two during Sukarno's presidency (17 August 1945 – 07 March 1967) to 456 during Suharto's administration (07 March 1967 – 21 May 1998; averaging 1.19 per month) (Tahalele & Santoso 2002). This incredible increase was mainly caused by the issuance of a Joint-Decision Letter (SKB) by the Minister of Religion and the Minister of Home Affairs (No. 01/BER/MDN-MAG/1969) on 13 September 1969. The SKB contains an official decree with regard to the building of houses of worship with the purpose of not only guaranteeing religious harmony but also maintaining national unity and stability. Despite this purpose, 'the underlying reason' for the issuance of the SKB, as Arskal Salim observes, was 'more likely fear of conversions away from Islam' (Salim 2007:120). The World Council of Churches (WCC) stated in early 1969 that 2.5 million Muslims in Java had converted to Christianity between 1965 and 1968 (Ricklefs 1979:124; Samson 1972:237).

The main issue of the SKB is the requirement for the building of worship places. Prior to building a new place of worship in a certain area, a permit has to be obtained from an authorised state official. The official must first seek the advice of representatives from local religious groups and spiritual leaders on the matter (Sairin 1996). Should the majority of the community in the area belong to a different religion and oppose the intent, it would then be very difficult, or even impossible, to build a new place of worship in the area. Although the SKB was intended to be applied to all religious groups, in reality, it has been 'enforced only to regulate the worship places for Christians' (Simatupang 1995:198).

About one month after the issuance of the SKB, the DGI (Indonesian Council of Churches) and MAWI (Supreme Council of Indonesian Bishops) issued a joint memorandum

criticising the SKB. The memorandum states that because of the SKB:

[T]he freedom of every citizen to follow his or her religion, to perform the rituals based on his or her religion and belief and to develop religion in accordance with the teachings of one's religion, *will not be guaranteed: in other words, it opens the possibility of prohibiting or refusing permission for something that is related to Human Rights.* (Mujiburrahman 2006:60)

As the SKB touched the fundamental issue of human rights, the DGI and MAWI asked the government to review the decree (Mujiburrahman 2006:60).

As the SKB had made it difficult and even impossible for Christians to build their churches in areas where Muslims constitute a majority, numerous churches had operated within Muslim communities without a building permit or license (Mujiburrahman 2006:61). The SKB has also been used continually as an excuse for the closing or even destroying and burning the places of worship belonging to those of minority religions, especially Christian houses of worship. In the Situbondo incident in October 1996, the attack on churches had also caused casualties. The pastor of the Pentecostal Church of Surabaya (GPPS) and his wife, child, nephew and a church evangelist were among those killed when their church was set on fire on that day (Mujiburrahman 2006:66).

The destruction of churches had increased from 156 during the Habibie administration (21 May 1998 – 20 October 1999; averaging 9.18 per month) to 232 during Abdurrahman Wahid's presidency (20 October 1999 – 23 July 2001; averaging 11.048 per month). This increase was because of the efforts made by certain groups to discredit Wahid's vision of a tolerant Islam. However, during Megawati's administration (23 July 2001 – 20 October 2004), the number of the closing, burning and demolition of churches has decreased to 160 (averaging 4.154 per month) (Tahalele & Santoso 2002:1).

Many observers of Indonesian politics agree that the issuance of the SKB was a result of an agreement between Muslim leaders and the state as both entities strove for political power. Their efforts frequently took the form of either politicisation of religion, in which religion was dragged into the public sphere and turned into a symbol of contention and a tool for group solidarity or religionisation of politics, in which a particular religion demanded a greater role as the sole decision-maker on state matters. The severity of religious violence in Indonesia has highlighted Robert Hefner's argument that religious violence is evidently sanctioned by both the state in its endeavour to politicise religion and religious groups who insist on hegemony in their effort to religionise politics (Hefner 1987).

It's worth noting that both Muslim leaders and the government have utilised the Ministry of Religion to enact discriminatory government rules such as the SKB to further their own objectives. The formation of the Ministry of Religion on 03 January 1946, as a concession to the rejection

of the Jakarta Charter (Piagam Jakarta), demonstrates how religion has become politicised, resulting in religious discrimination. While confronting Dutch military assault at the time, the Indonesian government made this compromise in order to gain support from the Muslim majority. Thus, Islam was elevated to the role of the privileged religion (Intan 2006:39–43).

On the other hand, the concession also indicated that the religionisation of politics, in claiming the dominion and hegemony of Islam, was also happening. Initially, the Ministry of Religion was established with the purpose of administering the affairs of one religion only, namely Islam. Only subsequently was its jurisdiction extended to include all of the official state religions – Protestantism, Catholicism, Hinduism, Buddhism and Confucianism. But in spite of this development, religious discrimination still exists, because from the outset the main interests in religious matters were focused on Islam as the majority religion. As Clifford Geertz has aptly observed, religious matters in Indonesia are 'for all intents and purposes a *santri* [pious Islam] affair from top to bottom' (Geertz 1976:200; Intan 2006:36). As a result of the religious discrimination, it causes and the state's involvement in the internal affairs of religion, the establishment of Ministry of Religion should, in author's opinion, be called into question.

The state's acceptance of Islam as a majority religion demanding special treatment has naturally resulted in prejudice against other faiths. As the following examples demonstrate, the adoption of exclusive, discriminatory rules is intimately linked to an agreement between a religion that desires dominion over others and a state that wants to keep its control.

In the era of reform after Suharto, precisely during Susilo Bambang Yudhoyono's presidency, consecutive violent attacks had been launched against religious minorities, especially Christians, in 2004–2005. As a result of these attacks, in 2006, the government replaced the SKB with a Joint-Regulation (PERBER) of the Minister of Religion and the Minister of Home Affairs 2006 No. 8 & 9, titled 'Guide for Head of Regional Leaders in Implementing Their Function in Maintaining Religious Harmony, Empowering the Forum of Religious Harmony and the Establishment of Worship Places' (Crouch 2014:114). Basically similar in content to that of the SKB, the PERBER also imposes restrictions on religious freedom, particularly in the building of places of worship. And like the SKB, the PERBER has been used as an excuse for closing or even destroying and burning the places of worship of minority religions, especially Christian places of worship. Despite its implementation with the purpose of maintaining religious harmony, as shown here, still 500 churches were closed, burned or demolished during the decade of Susilo Bambang Yudhoyono's presidency (2004–2014).

Under the PERBER, the issue of obtaining a building permit for a new place of worship is further exacerbated by an

additional regulation based on the religious composition of the local community. To obtain a building permit, at least 90 local residents of a religious community and 60 local residents from other religious communities must give their approval by submitting their signatures and photocopies of their national identity cards. Indeed, photocopies of their national identity cards would reveal whether they live close to the new place of worship's site. As this requirement must be signed by the head of the village (*lurah*), those required number of residents must also live in the village (*kelurahan*) (Crouch 2014:117). In practice, it might be difficult for religious minorities to obtain this approval from the required number of residents because a majority of Muslims are represented in most cities and regencies. As Arskal Salim observed, 'the regulation generally works against the interests of non-Muslims' (Salim 2007:120). Following the implementation of the PERBER –'the 90/60 requirement' – the closing and destruction of places of worship that belong to the minority religious groups still continue (Intan 2010).

Still another regulation under the PERBER concerns the application process for obtaining building permits. The application should be accompanied by a written recommendation from the city's or regency's Ministry of Religion office and from the city's or regency's Inter-religious Harmony Forum. These recommendations are then used by the mayor or regent to support his decision in approving or rejecting the application. What happens here is, very often, that the local authorities 'tend to take the side of members of the religious majority who wish to refuse the request'. Salim (2007) explained:

The fact that district governments may delay, or even refuse, issuance of building permits for new places of worship to religious minorities with valid applications shows that these governments represent the religious majority rather than the people as a whole. (p. 120)

Although in certain areas the Ministerial Joint-Regulation had resulted in counterproductive consequences such as religious violence, it has not been withdrawn and is still in effect today. The following section provides a critical assessment of the PERBER from the perspective of Kuyper's idea of sphere sovereignty.

Method

In this research study, the author employs the content analysis method – a research technique used to systematically explain and analyse the content of writings such as books, newspapers and journal articles to make valid conclusions from the text to the applied context (Krippendorff 2004; Vogt 2005). By content analysis, a critical and reflective study is conducted regarding religion-state relationships in Indonesia, in particular because the government issued regulations that restrict the building of worship places. The study also seeks to a deeper understanding of related research (Esen, Bellibas & Gumus 2018) based on the concept of Sphere Sovereignty proposed by Abraham Kuyper. The primary purpose of content analysis was to find answers to the following

questions: can the concept of Sphere Sovereignty be applied to Indonesian situations? Are government regulations caught up in the discourse of the politicisation of religion and the religionisation of politics that is contrary to the Indonesian Constitution? Can the concept of Sphere Sovereignty, if applied to the Indonesian situation, restore normative leadership in Indonesian politics to the extent that it could align itself with the values of the Indonesian Constitution in order to protect freedom and rights in Indonesia, as expressed in the building of worship places?

The content analysis method used in this study involves two steps: firstly, the author selects texts that are relevant to the purpose of the research, based on a literature review that seeks to obtain representative texts related to the prescriptive ('what ought to be') part – the application of Kuyper's Sphere Sovereignty to the Indonesian situation, as well as the descriptive ('what is') part – in this case, the restriction of building worship places in Indonesia. The search has found 34 reference sources related to the topic. Secondly, the coding of messages embedded in the text according to the concept of sphere sovereignty and its application in the Indonesian context. At this stage, the author first unites or identifies the appropriate message unit for creating the code using a technique suggested by Krippendorff (2004), which identified the number of books and main articles discussing church-state relations, a case of worship restrictions in Indonesia and the concept of Sphere Sovereignty proposed by Abraham Kuyper. The results of eight primary sources (23.52%) are relevant to the purpose of the study, as well as other sources used as support in the study (76.48%). These other sources are derived from the references used in the eight primary sources that can be used in support of primary data and in identifying words, sentences, statements and arguments related to this research topic.

An evaluation of the Surat Keputusan Bersama and Peraturan Bersama from the perspective of sphere sovereignty

The politicisation of religion and the religionisation of politics, we may assume from the preceding investigations, are the major issues behind the SKB and PERBER. Religion is being used to promote itself as the only answer to the state's problems as a result of the state's subjection to religion. The state has acquired control of the private realm of religion by subordinating religions to political power. The relationship between religion and politics under many circumstances has gone well beyond Kuyper's concept of sphere sovereignty.

Religion's attempt to subjugate the state in order to defend and perpetuate its existence is known as religionisation of politics. According to Kuyper's interpretation of sphere sovereignty, the state's subjection to religious institutions – which ultimately results in a 'theocratic state' – will inevitably lead to tyranny and national corruption. He goes on to say that in a theocratic state, religion would lack the authority to make particular public policy decisions.

The majority religion is using the state's power through the SKB and PERBER to prevent minority religions from

building houses of worship. By applying the principle of Golden Rule (Luke 6:31 [ESV]), 'And as you wish that others would do to you, do so to them', it is important to note that the PERBER's 90/60 requirement is requisite not only for the building of non-Muslim places of worship in areas inhabited by the Muslim majority but also for the building of mosques in non-Muslim-majority areas. It would be difficult for Muslims to build mosques in Bali, where Hinduism is the majority religion or in Papua and on the island of Timor, where the majority of the people are Christians. In short, the attempt of the Muslim majority in power to religionise politics has made a negative impact on Muslims themselves rather than producing a beneficial result. The theocratic rule proves to be counterproductive.

Religions that use state power are unaware that the religious legitimacy, which they confer on the state for providing permits for houses of worship will be gravely dangerous. The state with such a religious legitimacy can pretend to be God. It will become what Kuyper calls 'an octopus, which stifles the whole of life' (Kuyper 1987:96). Indeed, the state can be involved in giving permission for worship places; however, its involvement should be limited only to the state's task such as to check the feasibility and security of the construction and the ownership of the building.

It is true that the PERBER allows the state to intervene in the internal affairs of religion. It marked the beginning of the manipulation of the state by religion for its own interests. But on the other hand, what happened in those cases was not merely the religionisation of politics but also the politicisation of religion, in which religion was dragged into the public sphere and made into a symbol of contention and a tool for the state's political interest. As observed by Salim, the local authorities had taken side with the religious majority 'in exchange for its support in local elections' (Salim 2007:120).

The subordination of religion to the state in the form of the politicisation of religion will produce a 'state religion' in the end. When this happens, as sphere sovereignty has pointed out, such a religion will lose its transcendental character because its infinite self is being matched with the temporal and mortal power of the state. Without a transcendent identity, religion will be crippled. It can no longer function critically and prophetically. As a result, it ceases to carry out its mission as the guardian of the state's morality.

The 90/60 requirement of the PERBER would cause the state to segregate its citizens on the basis of their religion, as it could divide the community into religious enclaves in which each religion has its own place of worship surrounded by residential areas of its adherents. This condition could eventually weaken the unity and harmony of the nation, which is ironically the prime task of the state to achieve. With the PERBER's legislation the internal religious relationships have subordinated interreligious relationships, affecting the unity of society.

Finally, by allowing itself to become a mere tool for pursuing certain religious interests, the state would immediately lose its most noble function as a non-discriminating guardian, dedicated to the good of its citizens. The state would undergo a major change, from its initial nature of inclusive and nonsectarian to discriminative and authoritarian.

It is now clear that the source of religious intolerance actually lies in the elements of the politicisation of religion and the religionisation of politics contained in the concept of religious discrimination. Religion and state must never be totally fused. In other words, neither a state religion nor a theocratic state should be considered as legitimate options.

However, this conclusion does not mean that a secular society that promotes complete separation of religion and state will automatically address the problem of religious liberty. Although the state and religion are two different and distinct institutions, the secular state's proposal of an absolute separation between them is not realistic. As previously stated, Kuyper believes that the 'irreligious neutral standpoint' of the secular state is simply unrealistic.

State and religion are, in reality, united or integrated in each individual's own self. In Kuyper's view of the cosmic Christ, all of life is religious; there is no morally neutral ground. Spykman underscores this fact by stating, 'every societal issue is a human issue and every human issue a religious issue'. He implies that the 'public affairs of society and the state are no less religious than the so-called private affairs of the individual, church, home and school life' (Spykman 1989:81). Endorsing Aristotle's view of man as a *zōon politikon*, Kuyper views man as being by nature a political animal as well (Kuyper 1987:79). Darmaputera, a prominent Indonesian Protestant theologian, asserts that 'every person is simultaneously a religious and political creature at the same time' (Darmaputera 1999:6). Each individual is thus at one and the same time a member of a religious institution and a citizen of the state. As a result, there can be no ultimate separation between religion and the state. In order to promote religious freedom in Indonesia, religion and the state must neither be totally fused nor absolutely separated.

The final part of this discussion elaborates on what the Indonesian Constitution says about the relationship between religion and the state. Viewed from the perspective of sphere sovereignty, the Constitution could provide for the development of a proper relationship between religion and state that can promote religious freedom in Indonesia.

Religious freedom in the Indonesian Constitution: From the perspective of sphere sovereignty

As the Principle of One Lordship – the first principle of Pancasila – and its implementation in Article 29 of the 1945 Constitution emphasises that the state acknowledges One Lordship and guarantees religious freedom and the religious rights of every citizen of Indonesia, it indicates, firstly, that

Indonesia is a non-theocratic state. Being a non-theocratic state implies that no single religion is officially acknowledged in the state, and that religion does not have the right to control the state. In this sense, Pancasila and the Constitution could be seen as conforming to the idea of sphere sovereignty. However, the declaration that Indonesia is a non-theocratic state does in no way trivialises religion. On the contrary, religion has been given an honourable position in this state. As sphere sovereignty advocates, the state should not only preserve religious life but also encourage its growth, thereby confirming that no religious hegemony exists in Indonesia.

For this reason, as the Ministry of Religion has sought primarily to support the agendas of Islam, it needs to transform its orientation and structure from initially serving mainly one religion to becoming a *Pancasila*-oriented ministry that serves all religions neutrally and objectively. If this substantial aspect could be realised, the name Ministry of Religion (Kementerian Agama) should subsequently be changed to Ministry of Religious Affairs (Kementerian Keagamaan) (Simatupang 1995:206–207) and the position of Minister of Religion should be open to non-Muslims as well.

With regard to the religion–state relationship, the Ministry of Religious Affairs would undertake as its primary task the creation of a community of freedom for religion and the state – a free religion in a free state – and the prevention of efforts to *religionise politics* and *politicise religion*. Accordingly, the ministry would have to revoke the PERBER that has been problematic and cease the issuance of such regulations (Intan 2019:227–246).

Secondly, the Constitution provides individuals religious rights, indicating that Indonesia is a non-secular state that recognises the importance of religion in national life. Confining religion to the narrow space of the private sphere as promoted by the secular state is therefore not legitimised by the law. The state recognises the societal importance of religion in Indonesia because many religions have made major contributions to the country's fight for independence.

For this reason, both the SKB and the PERBER should focus on the issue of religious freedom more than that of religious harmony. As a democratic state, Indonesia should, when issuing its laws and regulations, prioritise the agenda of religious freedom more than that of religious harmony. Rahardjo, a leading Muslim intellectual, is right in maintaining that what Indonesia urgently needs is 'not a restrictive regulation, but a statute that offered religious liberty to all citizens' (Salim 2007:120).

Regrettably, to this day Indonesia has not yet established the constitutional rights of religious freedom. As Simatupang observes, both the Principle of One Lordship and its implementation in Article 29 of the 1945 Constitution concerning religious freedom and religious practice, 'ha[ve] not been worked out in a detailed legal ordinance' (Simatupang 1995:207). It is unsurprising that many ministerial temporary religious decrees, which regulate religious life, such as the SKB

and the PERBER, 'are not based on a clear lawful foundation' (Simatupang 1995:207). It is, therefore, imperative for the Indonesian government and the Indonesian parliament [*Dewan Perwakilan Rakyat*] to issue a national law [*Undang-Undang*] on religious freedom in Indonesia. To guarantee the protection of religious freedom and rights in Indonesia, this law should be non-discriminatory in nature and fully supported by the whole of Indonesian society.

Thirdly, viewed from the perspective of Kuyper's sphere sovereignty, the Principle of One Lordship presupposes the idea of God's sovereignty. This implies the recognition that the Indonesian society believes in 'God' and that the state will be based on religious beliefs. In other words, the Indonesian state must be a religious state, which is very similar to Kuyper's idea of the state. As a religious state, the state acknowledges that it derives its power and authority from God and should, therefore, remain dependent on God. It is important to note that Kuyper's idea of religious state 'stands outside the domain of revealed religion'. But it possesses, he adds, the 'natural knowledge of God' and not 'the supernatural kind, at least not directly' (Kuyper 2015:65–66). In a religious state, religion is inseparable from politics but does not necessarily religionise politics to benefit its own agendas. The religious state is thus distinguished from the practice of the religionisation of politics. Jonathan Chaplin has provided an example of a religious state viewed from the Christian perspective in his idea of a 'Christian diversity state' as a Kuyperian model of Christian political theory (Chaplin 2006).

In promoting religious freedom, the state follows what sphere sovereignty calls the principle of state–society distinction, in which the state has to be distinguished from the society. This principle views the state as part of the society, although the state is not the society itself. As previously discussed, the societal community is very broad; it comprises the social spheres of family, education, religion, economics and the state. Each social sphere has its own 'sphere sovereignty', that is, to say, 'it derives its power from sources available at its disposal, not as a grant from the state but as a direct gift from God' (Harinck 2020:271). Equalising the state with the society will require making the state the sole controlling power over public affairs. Both the New Order and the Order of Reformation of the Indonesian government have the tendency to trivialise public religion because they are holding to an integrating concept, which denies the principle of state–society distinction. As a result, the state's power spreads out to the private domain of religion, and therefore, betrays the principle of sphere sovereignty.

Conclusion

This study has shown how Kuyper's idea of sphere sovereignty could still be applied to Indonesian politics today and proved to be relevant to situations where restriction on the building of worship places and religious

intolerance are sanctioned. Sphere sovereignty would allow religion to fulfil its responsibility towards the state and the state towards religion, without being trapped in the discourse of the politicisation of religion and the religionisation of politics. By interpreting Pancasila and the Indonesian Constitution from the perspective of sphere sovereignty, Indonesian politics could avoid violations of religious freedom and instead protect religious freedom and rights of all Indonesian citizens, notwithstanding their religion.

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