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From Harmony to *Maslahat*: A Legal-Anthropological and *Maqāṣid* Analysis of Layered Religious Governance in Indonesia

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Abstract

Article addresses a specific analytical gap in the study of Indonesian religious governance: the absence of a framework that consistently separates descriptive analysis of state techniques in regulating religion from normative evaluation of their legitimacy under maqashid al-sharīʿah and freedom of religion or belief standards. Previous studies have examined religious harmony, FoRB, religious moderation, and beragama maslahat as discrete paradigms, but their theoretical integration remains weak. Using doctrinal-policy analysis with a documentary legal-anthropological orientation, the article maps relationships among the four paradigms and proposes the Religious Governance Maqashid Framework (RGMF), a two-layer heuristic model distinguishing descriptive institutional mapping from normative maqashid evaluation. The corpus comprises a range of primary documents the BPUPKI-PPKI minutes, the 1945 Constitution, Law No. 39/1999, Law No. 12/2005, Presidential Regulation No. 58/2023, and Law No. 59/2024 and relevant secondary sources. Data were analysed through targeted content analysis, structured comparison, and normative maqashid evaluation. Findings show that the four paradigms operate as coexisting layers

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rather than a linear sequence; harmony-based administrative logic persists and shapes later rights-oriented and outcome-oriented policies. The RGMF's contribution lies in analytically separating description from evaluation, not in prescribing a new normative governance model.

Keywords: Freedom of religion or belief; Layered Religious Governance; Legal Anthropology; Maqashid *Al-shari'ah*;

Introduction

Religious governance is an arena of law that is never fully neutral because the state, when regulating religion, simultaneously selects categories, actors, and interests that receive administrative recognition. Oraby and Sullivan show that law and religion are more productively understood as an entangled field rather than two separate domains.[1] In recent developments in legal anthropology, Mertz and Richland also remind us that sharp separation between formal law and law in action actually obscures the translation processes that shape legal meaning.[2] Therefore, religious policy must be read not only from normative texts, but also from the ways the state classifies religious subjects, determines forms of religion that can be served, and distributes space for freedom. This perspective aligns with Hurd's critique that categories of religious freedom managed by the state always contain practices of representation and selection.[3]

Indonesia is an important case because the relationship between religion and state is built through a combination of recognition, facilitation, supervision, and restriction, rather than through strict separation or formal theocracy. Ropi shows that religious regulation in Indonesia forms a governmental apparatus that actively organises religious life.[4] At the same time, Hefner places Muslim organisations and civil society as actors that cannot be reduced to objects of state policy.[5] This condition produces normative legal pluralism: state law interacts with religious law, fatwa, custom, and community practice, as emphasised by Griffiths.[6] Thus, the main question is not whether the state is present in religion,

[1] Mona Oraby and Winnifred Fallers Sullivan, "Law and Religion: Reimagining the Entanglement of Two Universals," *Annual Review of Law and Social Science* 16 (2020): 257–76, https://doi.org/10.1146/annurev-lawsocsci-020520-022638.

[2] Elizabeth Mertz and Justin Richland, "Law, Anthropology, and Their Languages," *Annual Review of Anthropology* 54 (2025): 409–25, https://doi.org/10.1146/annurev-anthro-041422-012037.

[3] Elizabeth Shakman Hurd, *Beyond Religious Freedom: The New Global Politics of Religion* (Princeton, NJ: Princeton University Press, 2015), 1–21.

[4] Ismatu Ropi, *Religion and Regulation in Indonesia* (Singapore: Palgrave Macmillan, 2017), 79–99.

[5] Robert W. Hefner, *Civil Islam: Muslims and Democratization in Indonesia* (Princeton: Princeton University Press, 2000), 12–15.

[6] John Griffiths, "What Is Legal Pluralism?," *Journal of Legal Pluralism and Unofficial Law* 18, no. 24 (1986): 1–8, https://doi.org/10.1080/07329113.1986.10756387.

but how that presence is limited so that the management of diversity does not turn into uniformity.

The constitutional roots of this issue can even be traced before the birth of harmony policy during the New Order. In his speech of 1 June 1945, Soekarno asserted that the state to be built was a state of "all for all," not a state for one person or one group.[7] In the section on *Ketuhanan* (belief in God), he also proposed a condition in which every citizen could worship their God freely and religious life was conducted with mutual respect.[8] The Panitia Persiapan Kemerdekaan Indonesia (PPKI/Preparatory Committee for Indonesian Independence) session of 18 August 1945 then revealed an important constitutional compromise when the religious requirement for the president and the special phrase after *Ketuhanan Yang Maha Esa* (Belief in the One and Only God) were removed so that the Constitution could be accepted by non-Muslim regions.[9] This historical data shows that recognition of religion and the need to maintain cross-religious common space have been a constitutive tension since the founding of the state, not a new post-Reformasi problem.

In subsequent policy developments, the Indonesian state's discourse gradually shifted from *kerukunan beragama* (religious harmony/RH) toward *kebebasan beragama atau berkeyakinan* (freedom of religion or belief/FoRB), *moderasi beragama* (religious moderation/RM), and, more recently, *beragama maslahat* (religious practice oriented toward the common good). During the New Order era, religious harmony was institutionalised as a state-led mechanism for managing religious plurality, reflecting the government's extensive authority over interreligious relations. Following the political reforms of 1998 (*Reformasi*, the post-authoritarian reform era), constitutional guarantees and Law No. 39 of 1999 on Human Rights broadened the normative framework of religious rights, while Indonesia's ratification of the International Covenant on Civil and Political Rights (ICCPR) through Law No. 12 of 2005 further reinforced the state's legal obligations to protect freedom of religion or belief.[10] Religious moderation subsequently became embedded in national development policy through the *Rencana Pembangunan Jangka Menengah Nasional* (RPJMN, National Medium-Term Development Plan) 2020–2024 and Presidential Regulation No. 58 of 2023. [11]

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[7] Sekretariat Negara Republik Indonesia, *Himpunan Risalah Sidang-Sidang Dari BPUPKI (29 Mei-16 Juli 1945) Dan PPKI (18-19 Agustus 1945) Yang Berhubungan Dengan Penyusunan Undang-Undang Dasar 1945* (Jakarta: Sekretariat Negara Republik Indonesia, 1989), 65.

[8] Sekretariat Negara Republik Indonesia, 73–74.

[9] Sekretariat Negara Republik Indonesia, 335–36.

[10] Republik Indonesia. 1999. *Undang-Undang Nomor 39 Tahun 1999 tentang Hak Asasi Manusia*. Jakarta: Sekretariat Negara; Republik Indonesia. 2005. *Undang-Undang Nomor 12 Tahun 2005 tentang Pengesahan International Covenant on Civil and Political Rights*. Jakarta: Sekretariat Negara.

[11] Republik Indonesia. 2020. *Peraturan Presiden Nomor 18 Tahun 2020 tentang Rencana Pembangunan Jangka Menengah Nasional Tahun 2020-2024*. Jakarta.

More recently, the *Rencana Pembangunan Jangka Panjang Nasional* (RPJPN, National Long-Term Development Plan) 2025–2045 introduced a further discursive shift by incorporating the policy orientation of *beragama maslahat* (common-good-oriented religiosity) alongside the aspiration to cultivate a culturally advanced society.[12]

These terminological changes should not be read directly as paradigm replacement. Bagir et al. show that post-*Reformasi* normative progress coexists with restrictions and discriminatory practices rooted in old governance.[13] Crouch demonstrates how worship-house regulations connect national law with local politics and community group action, so that formal guarantees can produce uneven experiences.[14] On the other hand, Cholil argues that religious moderation emerged in a context of polarisation and can intersect with freedom when the state shifts from regulating public action to assessing religious orientation.[15] Therefore, this article uses the concept of layering: old logics can persist, be modified, or be reused even when new policy terms have arrived.

Available literature has explained each fragment well, but its theoretical integration remains weak. FoRB studies highlight the limits of state intervention and the vulnerability of minority groups, as seen in Lathifah et al.'s analysis of *hifẓ al-din* (the protection of religion) and religious freedom.[16] Studies on moderation emphasise the formation of tolerant attitudes and a middle position; Suaedy, for example, reads moderation as part of the transformation of Indonesian Islam in the public sphere.[17] Meanwhile, Sofanudin develops *beragama maslahat* as a functional religious orientation that produces

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https://peraturan.bpk.go.id/Details/131386; Republik Indonesia. 2023. *Peraturan Presiden Nomor 58 Tahun 2023 tentang Penguatan Moderasi Beragama*. Jakarta. https://peraturan.bpk.go.id/Details/265185/perpres-no-58-tahun-2023.

[12] Republik Indonesia. 2024. *Undang-Undang Nomor 59 Tahun 2024 tentang Rencana Pembangunan Jangka Panjang Nasional Tahun 2025-2045*. Jakarta. https://peraturan.bpk.go.id/Details/299728, Lampiran pp. 125-13.

[13] Zainal Abidin Bagir et al., "Limitations to Freedom of Religion or Belief in Indonesia: Norms and Practices," *Religion and Human Rights* 15, no. 1–2 (2020): 39–56, https://doi.org/10.1163/18710328-BJA10003.

[14] Melissa Crouch, "Implementing the Regulation on Places of Worship in Indonesia: New Problems, Local Politics and Court Action," *Asian Studies Review* 34, no. 4 (2010): 403–19, https://doi.org/10.1080/10357823.2010.527921.

[15] Suhadi Cholil, "Freedom of Religion amid Polarization and Religious Moderation Policy," *Interreligious Studies and Intercultural Theology* 6, no. 2 (2022): 196–204, https://doi.org/10.1558/isit.24603.

[16] Anthin Lathifah et al., "The Construction of Religious Freedom in Indonesian Legislation: A Perspective of Maqāsid Ḥifẓ Al-Dīn," *Samarah* 6, no. 1 (2022): 369–90, https://doi.org/10.22373/sjhk.v6i1.10957.

[17] Ahmad Suaedy, "Transformasi Islam Indonesia Dalam Trend Global: Mencari Penjelasan 'Moderasi Beragama' Di Ruang Publik," *Jurnal Masyarakat Dan Budaya* 24, no. 3 (2022): 319–32, https://doi.org/10.55981/jmb.1807.

public benefit.[18] The gap is the absence of a model that consistently separates description of the techniques by which the state regulates religion from normative evaluation of whether those techniques can be justified. More specifically, existing studies reveal different aspects of state regulation and minority vulnerability, but do not specify how to move from identifying overlapping administrative logics to assessing the legality of a particular welfare claim. The present contribution is therefore a decision sequence—not the claim that legal pluralism and maqāṣid are newly compatible—linking an identifiable state measure, its affected subjects, and the evidentiary burden for restricting rights.

Maqāṣid al-sharīʿah (the higher objectives of Islamic law) provides a strong normative language, but *maṣlaḥah* (public welfare or the common good) should not be used as a self-justifying claim. Auda rejects an atomistic reading of sharia objectives and proposes a systems approach emphasising interconnectedness, openness, and multidimensionality.[19] Opwis shows that *maṣlaḥah* theory has long confronted the question of authority: who determines benefit and how benefit is limited by legal sources and principles.[20] In the Indonesian context, Wanto et al. show the development of *maqāṣid al-sharīʿah* from a classical framework to broader contemporary use.[21] This article therefore does not place *maslahat* above rights, but tests *maslahat* claims through the protection of *hifẓ al-dīn*, which includes freedom, security, and equality of citizens.

Building on this theoretical gap, the study addresses two interrelated research questions. First, how do the four paradigms—*kerukunan* (religious harmony), freedom of religion or belief (FoRB), *moderasi beragama* (religious moderation), and *beragama maslahat* (common-good-oriented religiosity)—differ in their legal foundations, institutional actors, conceptualisations of religion, orientations toward religious rights, and understandings of the public interest? Although Tungkagi identifies areas of convergence and tension between religious moderation and freedom of religion or belief, the relationship between these approaches and the *beragama maslahat* paradigm remains insufficiently theorised and systematically examined.[22] Second, under what normative and

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[18] Aji Sofanudin, *Inovasi Dan Beragama Maslahat: Menuju Indonesia Emas 2045* (Jakarta: Penerbit BRIN, 2024), 99–122.

[19] Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach* (International Institute of Islamic Thought, 2008), 45–58.

[20] Felicitas Opwis, "Maslaha in Contemporary Islamic Legal Theory," *Islamic Law and Society* 12, no. 2 (2005): 182–223, https://doi.org/10.1163/1568519054093699.

[21] Deri Wanto, Rahmad Hidayat, and R. Repelita, "Maqasid Shariah's Change as Theory: From Classical to Contemporary Maqasid Shariah," *Al Istinbath: Jurnal Hukum Islam* 6, no. 2 (2021): 1–15, https://doi.org/10.29240/jhi.v6i2.3122.

[22] Donald Qomaidiasyah Tungkagi, "Moderasi Beragama Atau Kebebasan Beragama: Mengurai Titik Temu Dan Titik Seteru," in *Politik Moderasi Dan Kebebasan Beragama: Suatu Tinjauan*

institutional conditions can *maṣlaḥah* (public welfare or the common good) serve as an integrative principle of religious governance without undermining minority rights or the *forum internum* (the absolute freedom to hold or adopt a religion or belief)?

To address these questions, this article introduces the Religious Governance–Maqāṣid Framework (RGMF), a two-layer analytical model that constitutes its principal theoretical contribution. The first layer provides a descriptive analysis of religious governance through a legal-anthropological lens, examining the legal foundations, institutional arrangements, and sociocultural assumptions underlying state intervention in religious life. The second layer offers a normative evaluation grounded in *maqāṣid al-sharīʿah* (the higher objectives of Islamic law), with claims of *maṣlaḥah* subject to constitutional safeguards and international human rights standards concerning freedom of religion or belief.[23] By distinguishing the descriptive analysis of governance mechanisms from the normative assessment of their legitimacy, the framework seeks to avoid treating public benefit as an inherently sufficient justification for state intervention. The article thus makes two contributions. Theoretically, it advances scholarship on *maqāṣid al-sharīʿah* and the legal anthropology of Islam by developing an integrated framework for analysing and evaluating religious governance. Practically, it provides policymakers with a structured approach to identifying rights-related risks, assessing institutional safeguards, and determining the conditions under which *beragama maslahat* (common-good-oriented religiosity) can be implemented consistently with religious freedom, minority protection, and equal citizenship.

This study uses a doctrinal-policy analysis design with a documentary legal-anthropological orientation. This design was chosen because the object of research is the transformation of governance categories and rationality, which can be traced through constitutional texts, regulations, policy documents, and scientific literature, rather than community behaviour obtained through observation. Bowen places document analysis as a qualitative procedure requiring systematic selection, appraisal, and synthesis of documents.[24] So that the term legal anthropology does not exceed the data, this study follows the principle that documents are used to interpret institutional categories and

Kritis, ed. Zainal Abidin Bagir and Jimmy Sormin (Jakarta: PT. Elex Media Computindo, 2022), 95–132.

[23] United Nations Human Rights Committee. 1993. *General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion)*. CCPR/C/21/Rev.1/Add.4. Geneva: United Nations.

[24] Glenn A. Bowen, "Document Analysis as a Qualitative Research Method," *Qualitative Research Journal* 9, no. 2 (2009): 27–40, https://doi.org/https://doi.org/10.3316/QRJ0902027.

normative relationships, while claims about law in action are taken only from published empirical studies.[25]

The primary corpus is divided into five temporal layers. The foundational layer includes the BPUPKI-PPKI minutes and the drafting of the 1945 Constitution, because these sources show the early reasoning of the relationship between Ketuhanan, unity, freedom, and justice.[26] The harmony layer uses regulations and policy documents related to religious management since 1965 as well as academic reconstructions of New Order (*Orde Baru*, the authoritarian political period from 1966 to 1998) policy. The rights layer uses the post-amendment Constitution, Law 39/1999, and Law 12/2005 as the basis for human rights obligations. With this division, the early corpus layer serves to distinguish the logic of unity and order from post-*Reformasi* rights strengthening. The moderation layer uses the book *Moderasi Beragama*[27] and RPJMN 2020–2024 as sources of definition and policy direction. Perpres 58/2023 is used to trace the expansion of moderation institutions into cross-ministerial and institutional domains. The *maslahat* layer uses Law No. 59/2024 on RPJPN 2025–2045 as a primary document, while Sofanudin's monograph is positioned as a secondary conceptual source close to the policy ecosystem.[28] This separation of source status is important so that arguments about *beragama maslahat* do not confuse academic interpretation with positive norms.

Source inclusion criteria are: first, national documents that explicitly regulate or define religion, freedom, harmony, moderation, or *beragama maslahat*; second, academic publications that examine the relationship between state, law, religion, minorities, or *maqasid*; and third, sources that have bibliographic identity and traceable page numbers. Secondary literature is prioritised from the last ten years, while classical works are retained only when they contain basic concepts that have not been superseded, such as legal pluralism and *maslahat* theory. Bagir et al. are used because they provide evidence of the FoRB norm-practice gap,[29] while Shabir et al. are used to enrich the relationship between living law and *maqasid*.[30] Sources whose identity or page content cannot be verified are not

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[25] Mertz and Richland, "Law, Anthropology, and Their Languages," 409–25; Oraby and Sullivan, "Law and Religion: Reimagining the Entanglement of Two Universals," 257–76.

[26] Sekretariat Negara Republik Indonesia, *Himpunan Risalah Sidang-Sidang Dari BPUPKI (29 Mei-16 Juli 1945) Dan PPKI (18-19 Agustus 1945) Yang Berhubungan Dengan Penyusunan Undang-Undang Dasar 1945*, 65, 73–75, 335–40.

[27] Badan Litbang dan Diklat Kementerian RI Agama, *Moderasi Beragama* (Jakarta: Kementerian Agama RI, 2019), https://doi.org/10.25078/kalangwan.v12i1.737.

[28] Sofanudin, *Inovasi Dan Beragama Maslahat: Menuju Indonesia Emas 2045*, 99–122.

[29] Bagir et al., "Limitations to Freedom of Religion or Belief in Indonesia: Norms and Practices," 39–56.

[30] Muslich Shabir et al., "Religious Moderation as Living Islamic Law: A Maqasid Perspective in Indonesia and Brunei Darussalam," *Al-Ahkam* 36, no. 1 (2026): 21–46, https://doi.org/10.21580/ahkam.2026.36.1.31446.

used; when doubt arises, the source will be marked "reference not detected" rather than treated as fact.

The analysis is conducted in three explicitly separated stages. The first stage is historical description to identify policy terms, legal bases, actors, and contexts without providing *maqasid* assessment; this approach prevents chronology from turning into a claim of progress. The second stage is legal-anthropological interpretation with six categories: conception of religion, regulated subjects, techniques of government, location of authority, rights orientation, and definition of public interest; these categories are derived from studies of pluralism and religious governance.[31] The third stage is normative evaluation using systemic *maqasid* and FoRB limits to test whether benefits are achieved without coercion of belief, discrimination, or sacrifice of other objectives.[32] Operationally, each document is coded for (1) the religious category it recognises, (2) the subjects it includes or excludes, (3) the administrative technique deployed, (4) the authority empowered to decide, (5) the right potentially constrained, and (6) the public objective asserted. A second reading records whether the policy text provides a legal basis, a rights-compatible justification, and a procedure for contesting asserted benefits. These are document-level observations, not direct measurements of social outcomes.

Paradigm change is traced through a comparative coding matrix, rather than by assuming new terms as evidence of replacing old ones. Each phase is coded according to legal basis, institutional actors, explicit objectives, implementation mechanisms, rights concepts, and *maqasid* implications. Crouch is used as a case showing the persistence of harmony logic amid regime change,[33] while Cholil helps identify the shift of moderation toward public orientation formation.[34] Numerical data in Sofanudin are used only as descriptions of measurement instrument development, not to infer causality or policy effectiveness.[35] In this way, "change" is defined as change in configuration and emphasis, not a paradigm revolution that erases older layers.

Validity is maintained through triangulation between source genres, negative-case reading, and audit of interpretation trails. Claims about rights guarantees are checked against primary norms, while implementation claims are

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[31] Griffiths, "What Is Legal Pluralism?," 1–8; Ropi, *Religion and Regulation in Indonesia*, 127–81.

[32] Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach*, 193–245.

[33] Melissa Crouch, "Shifting Conceptions of State Regulation of Religion: The Indonesian Draft Law on Inter-Religious Harmony," *Global Change, Peace & Security* 25, no. 3 (2013): 265–82, https://doi.org/10.1080/14781158.2013.764859.

[34] Cholil, "Freedom of Religion amid Polarization and Religious Moderation Policy," 196–204.

[35] Sofanudin, *Inovasi Dan Beragama Maslahat: Menuju Indonesia Emas 2045*, 60–61.

checked through published empirical studies by Bagir et al.[36] and Hurriyah.[37] Conceptual sources on *beragama maslahat* are also read critically: Sofanudin mentions at least 167 *penghayat kepercayaan* (adherents of indigenous belief systems) on one page, but 164 on another,[38] so the article does not use these figures as definitive statistics without additional verification. Internal inconsistencies like this are retained as source transparency notes, not silently harmonised. The study does not involve human participants, so it does not require subject-based ethical consent; however, representation of minority groups is guarded so that administrative terms and source polemics do not become researcher labels. Triangulation here means comparing the language of a primary rule with policy implementation literature and, where available, reported counterexamples; it does not establish independent field verification. Consequently, conclusions about actual administrative practice remain conditional on the published case evidence examined.

Discussion

Constitutional Foundation: Inclusion, *Ketuhanan*, and Limits on Group Domination

Before the four contemporary paradigms are mapped, the founding minutes show a constitutional grammar that limits how all of them are read. Soekarno mentioned the state to be built as "all for all," a formulation that rejects state monopoly by one group.[39] On the other hand, deliberation and representation are placed as arenas where religious aspirations can be openly contested, not as reasons for one community to control the constitution.[40] The formulation of Ketuhanan as "culturally grounded" and respectful then places recognition of religion together with the freedom of every citizen to practise their religion.[41] This foundation is important because it shows that Indonesia's religion-state relation from the beginning was built through a combination of public religiosity, deliberation, and limits on group domination.

The PPKI session of 18 August 1945 clarifies this compromise mechanism. Hatta explains the removal of the requirement that the president be

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[36] Bagir et al., "Limitations to Freedom of Religion or Belief in Indonesia: Norms and Practices," 39–56.

[37] Hurriyah, "Dynamics of Shrinking Religious Freedom in Post-Reformasi Indonesia," *Journal of Southeast Asian Human Rights* 4, no. 2 (2020): 335–56, https://doi.org/10.19184/jseahr.v4i2.19546.

[38] Sofanudin, *Inovasi Dan Beragama Maslahat: Menuju Indonesia Emas 2045*, 60, 122.

[39] Sekretariat Negara Republik Indonesia, *Himpunan Risalah Sidang-Sidang Dari BPUPKI (29 Mei-16 Juli 1945) Dan PPKI (18-19 Agustus 1945) Yang Berhubungan Dengan Penyusunan Undang-Undang Dasar 1945*, 65.

[40] Sekretariat Negara Republik Indonesia, 70.

[41] Sekretariat Negara Republik Indonesia, 73–74.

Muslim and the removal of the special phrase after Ketuhanan Yang Maha Esa as important changes to unite the nation and enable acceptance by non-Muslim regions.[42] The approved preamble connects Ketuhanan Yang Maha Esa with just and civilised humanity, unity, deliberation, and social justice. In legal-anthropological terms, this compromise forms a historical limit on majoritarian readings of *maslahat*: national benefit from the outset is linked to cross-group acceptance, not merely numerical victory. This reading is consistent with Lukito's explanation of the continuum character of religion-state relations in the Indonesian constitution.[43]

Kerukunan Beragama Phase (1965–1998)

The *kerukunan* (religious harmony) paradigm gained prominence during Indonesia's New Order, when political stability was regarded as a prerequisite for national development. Taher traces the institutionalisation of religious harmony within state policy to official government discourse that emerged in the late 1960s.[44] Sila demonstrates that the *trilogi kerukunan umat beragama* (trilogy of religious harmony), encompassing *kerukunan intern umat beragama* (harmony within religious communities), *kerukunan antarumat beragama* (harmony between religious communities), and *kerukunan antara umat beragama dan pemerintah* (harmony between religious communities and the government), positioned the state simultaneously as a mediator of interreligious relations and an authority responsible for regulating religious life.[45] Bahri, however, emphasises that although religious harmony provides an important normative foundation for coexistence in a plural society, its substantive quality depends on equitable social relations rather than merely the absence of overt conflict.[46] From a legal-anthropological perspective, it is therefore essential to distinguish the historical function of *kerukunan* (religious harmony) as a framework for managing religious diversity from *perukunan* (state-directed harmonisation), a process through which the pursuit of social order may constrain religious differences, marginalise dissenting expressions, and privilege administrative stability over substantive equality.

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[42] Sekretariat Negara Republik Indonesia, 335–36.

[43] Ratno Lukito, "State and Religion Continuum in Indonesia: The Trajectory of Religious Establishment and Religious Freedom in the Constitution," *Indonesian Journal of International and Comparative Law* 5, no. 4 (2018): 645–82.

[44] Tarmizi Taher, "Mewujudkan Kerukunan Sejati Dalam Konteks Masyarakat Majemuk Indonesia Menyonsong Abad Ke-21," in *Kerukunan Umat Beragama Pilar Utama Kerukunan Berbangsa: Butir-Butir Pemikiran* (BPK Gunung Mulia, 2001), 55.

[45] M. Adlin Sila, "Kerukunan Umat Beragama Di Indonesia: Mengelola Keragaman Dari Dalam," in *Kebebasan, Toleransi Dan Terorisme: Riset Dan Kebijakan Agama Di Indonesia* (Jakarta: PUSAD Paramadina, 2017), 120–26.

[46] Media Zainul Bahri, *Membangun Kerukunan Umat Beragama: Sebuah Pengantar* (Jakarta: HIPIUS, 2016), 23–25.

In the governance matrix, harmony works through a logic of security and administration. Bagir et al. show that the legal-institutional framework of Indonesian religious life gives government a broad role in defining, facilitating, and supervising religion.[47] Crouch finds that procedures for establishing houses of worship can open space for local social veto, so legal protection depends on political configuration and community support.[48] Menchik reads this pattern as part of *godly nationalism* that can combine limited tolerance with exclusion of those outside the consensus boundary.[49] Thus, harmony produces stability benefits, but in *maqasid* terms it must be tested whether *hifẓ al-dīn* is understood as protection of freedom or instead protection of majority order.

Kebebasan Beragama **Phase (1998–2016)**

Reformasi strengthened the language of rights and changed the normative position of citizens in religious governance. Law No. 39/1999 affirms "*kebebasan*" (freedom) to embrace religion and worship, while ICCPR ratification binds Indonesia to international protection of freedom of thought, conscience, and religion.[50] Bagir et al. show that strengthening these norms did not automatically erase old regulations and restrictive practices.[51] Hurriyah even finds a dynamic of shrinking religious freedom when state and non-state actors combine social pressure with administrative instruments.[52] The FoRB phase is therefore more accurately called the addition of a rights layer than a total replacement of the harmony paradigm.

The expansion of administrative recognition in Indonesia also reflects a significant transformation in the legal status and classification of religious subjects. Sofanudin traces this development from the initial administrative recognition of two religions during the early establishment of the Ministry of Religious Affairs to five during the New Order (*Orde Baru*, the authoritarian political period from 1966 to 1998), and subsequently to six following the removal of restrictions on Confucianism in 2000. This trajectory was further extended through the increasing recognition of *penghayat kepercayaan* (adherents

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[47] Zainal Abidin Bagir et al., *Kerangka Hukum Dan Kelembagaan Tata Kelola Kehidupan Keagamaan Di Indonesia* (Jakarta: PUSAD Paramadina, 2021), 2–4, http://www.paramadina-pusad.or.id.

[48] Crouch, "Implementing the Regulation on Places of Worship in Indonesia: New Problems, Local Politics and Court Action," 403–19.

[49] Jeremy Menchik, *Islam and Democracy in Indonesia: Tolerance without Liberalism* (New York: Cambridge University Press, 2016), 591–621.

[50] Republik Indonesia. 1999. *Undang-Undang Nomor 39 Tahun 1999 tentang Hak Asasi Manusia*. Jakarta: Sekretariat Negara; Republik Indonesia. 2005. *Undang-Undang Nomor 12 Tahun 2005 tentang Pengesahan International Covenant on Civil and Political Rights*. Jakarta: Sekretariat Negara.

[51] Bagir et al., "Limitations to Freedom of Religion or Belief in Indonesia: Norms and Practices," 39–56.

[52] Hurriyah, "Dynamics of Shrinking Religious Freedom in Post-Reformasi Indonesia," 335–56.

of indigenous belief systems) in the post-*Reformasi* (post-1998 democratic reform) period.[53] Butt demonstrates how constitutional adjudication concerning *penghayat kepercayaan* (adherents of indigenous belief systems) has reshaped the relationship between administrative religious identification, legal recognition, and the exercise of citizenship rights.[54] Nevertheless, a discrepancy emerges within Sofanudin's monograph regarding the reported number of *penghayat kepercayaan* groups, with 167 groups recorded on page 60 and 164 on page 122.[55] Although this numerical inconsistency does not necessarily undermine the broader historical trajectory toward more inclusive administrative recognition, it highlights the methodological importance of distinguishing between normative developments in legal recognition and the empirical accuracy of statistical claims. Such a distinction is essential for assessing changes in religious governance without conflating the expansion of formal recognition with the effective realisation of equal citizenship rights.

From a *maqasid* perspective, the main contribution of the FoRB paradigm is strengthening the *forum internum* as part of *hifẓ al-din*. Lathifah et al. show that protection of religion in Indonesian law can be reconstructed as protection of religious freedom, not merely maintenance of religious institutions.[56] Maulana et al. also affirm the convergence of humanitarian principles in Islamic law and human rights standards, although their theological bases differ.[57] Muzammil shows from the Baha'i case that socio-religious friction demands *maqasid* evaluation sensitive to minority positions.[58] Therefore, every paradigm after FoRB must be measured against this layer.

Moderasi Beragama **Phase (2016–2024)**

The moderation paradigm shifts focus from rights status to the quality of religiosity in the public sphere. The Ministry of Religious Affairs of the Republic of Indonesia defines four indicators: national commitment, tolerance, anti-violence, and accommodation of local culture.[59] Perpres 58/2023 then expands the strengthening of moderation into a cross-ministerial and

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[53] Sofanudin, *Inovasi Dan Beragama Maslahat: Menuju Indonesia Emas 2045*, 4.

[54] Simon Butt, "Constitutional Recognition of 'Beliefs' in Indonesia," *Journal of Law and Religion* 35, no. 3 (2020): 450–73, https://doi.org/10.1017/jlr.2020.39.

[55] Sofanudin, *Inovasi Dan Beragama Maslahat: Menuju Indonesia Emas 2045*, 60, 122.

[56] Anthin Lathifah et al., "The Construction of Religious Freedom in Indonesian Legislation: A Perspective of Maqāsid Hifz Al-Dīn," *Samarah* 6, no. 1 (2022): 374–84, https://doi.org/10.22373/sjhk.v6i1.10957.

[57] Ramza Fatria Maulana et al., "Freedom of Religion in Islam and Human Rights (a Perspective on Humanitarian Principles in Islamic Law)," *WARAQAT: Jurnal Ilmu-Ilmu Keislaman* 10, no. 1 (2025): 175–89, https://doi.org/10.51590/waraqat.v10i1.988.

[58] Shofiyullah Muzammil, "The Baha'i Religion: Maqasid Syariah of Social Religious Frictions in Indonesia," *FIKRAH* 11, no. 2 (2023): 337–50, https://doi.org/10.21043/fikrah.v8i1.20317.

[59] Agama, *Moderasi Beragama*, 42–47.

institutional agenda.[60] Suaedy reads this policy as Indonesia's response to Islamic transformation and global challenges, not merely a deradicalisation programme.[61] This finding shows that the state shifts from merely controlling conflict to shaping public ethics about how ideal religiosity should be expressed.

This shift brings both opportunities and risks. Thohir et al. demonstrate that *wasathiyah* (moderation) can underpin an adaptive and inclusive socio-legal framework, particularly when situated within contemporary Islamic intellectual traditions.[61] Shabir et al. interpret moderation as a form of "living Islamic law" that functions as both a public ethic and an institutional principle.[62] However, Cholil cautions that because moderation emerged amidst political polarization and anti-extremism policies, state instruments risk encroaching too closely upon the assessment of citizens' religious orientations.[63] A necessary safeguard is to distinguish between actions that demonstrably violate the rights of others and judgments regarding beliefs, theology, or internal identities.

Anthropological evidence also shows that moderation is not translated uniformly by society. Suleman et al. find processes of negotiation between sharia and local culture that differ in Gorontalo, Minangkabau, and Banten.[64] Sofanudin even maps contrasting models of religious innovation: Muhammadiyah tends to be top-down and structured, NU tends to be bottom-up from local initiatives, while Salafi groups are more restorative by referring to the first generation of Islam.[65] This diversity supports the argument that a single administrative indicator should not be treated as a single measure of the moderation quality of all communities. In legal-anthropological language, the state faces *semi-autonomous fields* that have internal logics and different paths of change.

Beragama Maslahat **Phase (2025–2045)**

The *beragama maslahat* paradigm emerges in RPJPN 2025–2045 as part of long-term development direction. Law No. 59/2024 places "*beragama*

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[60] Republik Indonesia. 2023. *Peraturan Presiden Nomor 58 Tahun 2023 tentang Penguatan Moderasi Beragama*. Jakarta. https://peraturan.bpk.go.id/Details/265185/perpres-no-58-tahun-2023.

[61] Ajid Thohir et al., "Wasathiyah (Islamic Moderation) and Islamophobia Mitigation: A Comparative Study in Contemporary Islamic Legal Thought in Indonesia," *Mazahibuna: Jurnal Perbandingan Mazhab* 8, no. 1 (2026): 135–55, https://doi.org/10.24252/mazahibuna.vi.66087.

[62] Shabir et al., "Religious Moderation as Living Islamic Law: A Maqasid Perspective in Indonesia and Brunei Darussalam," 25–46.

[63] Cholil, "Freedom of Religion amid Polarization and Religious Moderation Policy," 196–204.

[64] Zulfitri Zulkarnain Suleman et al., "Negotiating Islamic Moderation: The Interplay of Sharia and Local Culture in Gorontalo, Minangkabau, and Banten," *Jurnal Ilmiah Al-Syir'ah* 23, no. 1 (2025): 50–68, https://doi.org/http://dx.doi.org/10.30984/jis.v23i1.3527.

[65] Sofanudin, *Inovasi Dan Beragama Maslahat: Menuju Indonesia Emas 2045*, 137–38.

maslahat and culturally advanced" within the social transformation framework toward Indonesia Emas 2045.[66] Sofanudin explains *beragama maslahat* as a way of religiosity that produces benefits for individuals, families, society, the nation, the state, and the environment, so the focus shifts from attitude to outcome.[67] Burhani, in the introduction to that book, also places religious innovation as a means to make religion relevant to scientific, technological, and public progress.[68] This shift enriches the governance agenda, but its status remains programmatic because RPJPN implementation runs until 2045 and cannot yet be assessed as a final outcome.

Policy sources show that this shift is accompanied by diversification of indicators. Sofanudin records the Religious Harmony Index at 72.27 in 2017; 70.90 in 2018; 73.83 in 2019; no official release in 2020; 72.39 in 2021; 73.09 in 2022; and 76.02 in 2023.[70] At the same time, the Index of Public Acceptance of Religious Diversity to Cultural Diversity rose from 72.3 in 2021 to 76.3 in 2022 and 83.6 in 2023.[69] This increase cannot be used to prove causal success of moderation or the birth of the *maslahat* paradigm, because methods, constructs, and data ranges differ. Its analytical value lies in the change of measurement object: the state begins to measure not only harmony but also acceptance of cultural diversity, so policy evaluation categories become more plural.

The concept of *maslahat* obtains an important limit from the same source. Sofanudin explicitly places *beragama maslahat* outside the internal domain of faith choice and standardised worship procedures; its focus is social impact on the *forum externum*.[70] This statement aligns with General Comment No. 22, which gives absolute protection to freedom to have or adopt a belief.[71] Sofanudin also interprets *hifẓ al-din* as the state's obligation to protect people who wish to worship without obliging them to worship, then opens *maqasid* to Pancasila, democracy, human rights, and moderation.[72] With this limitation, *maslahat* is more appropriately read as an outcome orientation in the social domain, not state authority to correct the content of faith.

The concept of *maṣlaḥah* also broadens the substantive scope of religious governance beyond conflict management to encompass public services, social

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[66] Republik Indonesia. 2024. *Undang-Undang Nomor 59 Tahun 2024 tentang Rencana Pembangunan Jangka Panjang Nasional Tahun 2025-2045*. Jakarta. Lampiran pp. 125-131; https://peraturan.bpk.go.id/Details/299728.

[67] Sofanudin, *Inovasi Dan Beragama Maslahat: Menuju Indonesia Emas 2045*, 99–100.

[68] Sofanudin, xiv–xvii.

[69] Sofanudin, 60.

[70] Sofanudin, 107.

[71] United Nations Human Rights Committee. 1993. *General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion)*. CCPR/C/21/Rev.1/Add.4. Geneva: United Nations, Paras 3-5.

[72] Sofanudin, *Inovasi Dan Beragama Maslahat: Menuju Indonesia Emas 2045*, 116–17.

welfare, and community development. Sofanudin identifies a shift in religious policy from predominantly theological concerns and the maintenance of religious harmony toward the regulation and provision of religious services, including *wakaf* (Islamic endowments), *zakat* (obligatory Islamic almsgiving), *jaminan produk halal* (halal product assurance), *haji dan umrah* (the Hajj and Umrah pilgrimages), *pesantren* (Islamic boarding schools), religious education, marriage administration, and religious philanthropy.[73] Saefullah et al. demonstrate how a *wasaṭiyyah–maṣlaḥah* (moderation–public welfare) framework can establish conceptual connections between religious moderation, halal governance, and the promotion of collective well-being.[74] Similarly, Hermanto et al. argue that *maṣlaḥah mursalah* (public interest not explicitly addressed by specific scriptural provisions) can contribute to strengthening religious moderation when applied through holistic and participatory approaches.[75] Taken together, these studies suggest that *beragama maslahat* (common-good-oriented religiosity) has the potential to reorient religious governance from treating religion primarily as an object of conflict regulation toward recognising religious life as a source of social contribution and collective welfare. Nevertheless, the legitimacy of this paradigm cannot rest solely on assertions of public benefit. Rather, such claims must be supported by demonstrable social outcomes, transparent evaluation criteria, meaningful public participation, and effective institutional oversight to ensure that the pursuit of collective welfare does not compromise fundamental rights or marginalise minority religious communities.

Comparison of the four paradigms shows differences in emphasis that are not mutually exclusive. Harmony focuses on coexistence and stability; FoRB prioritises rights and limits on power; moderation shapes public religious ethics; while *maslahat* assesses social impact and benefit. Bagir et al. show why the rights layer must not disappear when the state pursues order.[76] Auda shows why social objectives also should not be assessed singly without seeing *maqasid* interconnectedness.[77] Therefore, the main finding of the study is not a sequence of harmony-FoRB-moderation-*maslahat*, but a layered architecture that must be tested simultaneously.

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[73] Sofanudin, 119–21.

[74] Asep Saefullah et al., "Religious Moderation and Halal Governance in Indonesia: A Wasatiyyah-Maslahah Framework," *Al-Istinbath: Jurnal Hukum Islam* 10, no. 1 (2025): 1–25, https://doi.org/10.29240/jhi.v10i2.14554.

[75] Agus Hermanto et al., "The Role of Maslahah Mursalah in Strengthening Religious Moderation: A Contemporary Approach to Mitigating Radicalism in State Islamic Universities in Indonesia," *MILRev: Metro Islamic Law Review* 5, no. 1 (2026): 105–18, https://doi.org/10.32332/milrev.v5i1.10191.

[76] Bagir et al., "Limitations to Freedom of Religion or Belief in Indonesia: Norms and Practices," 49–56.

[77] Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach*, 193–245.

Table 1. Comparative Matrix of Four Paradigms of Indonesian Religious Governance

Category	Harmony (1965–1998)	Freedom of Religion (1998–2016)	Religious Moderation (2016–2024)	*Beragama Maslahat* (2025–2045)
Legal basis	Minister of Religious Affairs policy speech 1967; GBHN and Ministerial Decrees of the New Order era (administrative-executive, without formal parliamentary statute)	1945 Constitution Art. 28E paras. 1–2; Law No. 39/1999 on Human Rights; revocation of Inpres No. 14/1967	Perpres No. 18/2020 on RPJMN 2020–2024; Perpres No. 58/2023 on Strengthening Religious Tolerance	Law No. 59/2024 on RPJPN 2025–2045
Institutional actors	Ministry of Religious Affairs as single and dominant regulator	State human rights institutions, civil society organisations, and human rights activists	Ministry of Religious Affairs together with religious higher education institutions	National Development Planning Agency together with Ministry of Religious Affairs and religious research institutions as drafters of indicators and curricula, with civil religious organisations (NU,Muhammadiyah) as implementation partners
Conception of religion	Religion as object to be controlled for stability	Religion as individual right protected by the state from intervention	Religion as attitude and disposition to be shaped through education and socialisation	Religion as instrument and resource for public welfare
Rights orientation	Collective/communal rights, emphasis on inter-group harmony	Individual rights, emphasis on *forum internum*	Collective rights framed through individual attitudes (nationalism, tolerance, anti-violence,	Collective-functional rights, measured by contribution to common welfare

			accommodation of local culture)	
Public interest orientation	Public interest = political stability and security	Public interest = fulfilment of international human rights standards	Public interest = prevention of radicalism and polarisation	Public interest = religious contribution to measurable development and welfare (e.g. philanthropy, harmony index)
***Maqasid* implication**	Prioritising *hifẓ al-nafs* and *hifẓ al-mal* (stability, security)	Prioritising *hifẓ al-din* in the *forum internum* dimension	Prioritising *hifẓ al-din* in the collective-social dimension	Normatively claimed to protect all five principles in balance, but potentially sacrificing *hifẓ al-din* in its broad meaning and *hifẓ al-mal*/ *hifẓ al-nafs* of vulnerable groups when freedom is not balanced with protection against horizontal conflict

The matrix above demonstrates that earlier paradigms of religious governance are not entirely displaced by subsequent paradigms but continue to operate through overlapping institutional arrangements and policy practices. The indicators used to assess the success of *beragama maslahat* (common-good-oriented religiosity), for instance, continue to incorporate the *Indeks Kerukunan Umat Beragama* (IKUB, Religious Harmony Index), reflecting the enduring influence of the religious harmony paradigm.[78] Similarly, religious moderation programmes remain operational as cultural strategies within the broader policy orientation of *beragama maslahat*.[79] Meanwhile, freedom of religion or belief (FoRB) continues to provide a normative benchmark against which the implementation of religious moderation and *beragama maslahat* can be critically evaluated.[80] From the perspective of *maqāṣid al-sharīʿah* (the higher objectives of

[78] Sofanudin, *Inovasi Dan Beragama Maslahat: Menuju Indonesia Emas 2045*, 9.

[79] Sofanudin, 4.

[80] Zainal Abidin Bagir and Husni Mubarok, "Religious Freedom, Harmony or Moderation? Government Attempts to Manage Diversity," Indonesia at Melbourne, 2021,

Islamic law), this coexistence of paradigms requires particular attention to the interdependence of *ḥifẓ al-dīn* (protection of religion and freedom of belief), *ḥifẓ al-nafs* (protection of life and personal safety), and *ḥifẓ al-māl* (protection of property and economic security). Although religious governance policies may claim to promote collective welfare and social harmony, their normative legitimacy also depends on whether they effectively protect vulnerable religious communities from intercommunal violence, intimidation, destruction of places of worship, property damage, and economic discrimination. In this context, *ḥifẓ al-nafs* requires the state to safeguard individuals against threats to their physical security, while *ḥifẓ al-māl* extends protection to their property, livelihoods, and material conditions necessary for the meaningful exercise of religious freedom. These objectives should reinforce, rather than override, *ḥifẓ al-dīn*, since the prevention of horizontal conflict cannot legitimately justify disproportionate restrictions on minority religious practices or the *forum internum* (the absolute freedom to hold or adopt a religion or belief). This interpretation is consistent with Kuru's comparative analysis, which suggests that transformations in state–religion relations do not necessarily entail a complete replacement of existing governance arrangements but may involve the persistence and reconfiguration of established institutional patterns.[81] Accordingly, the characterisation of *beragama maslahat* as a "synthesis" or "perfection" of earlier paradigms should be understood as an aspirational policy claim rather than an empirically established description of their relationships. Its integrative potential must instead be assessed through demonstrable safeguards for religious freedom, personal security, property rights, and equal citizenship, particularly among vulnerable religious minorities.

Religious Governance-Maqasid Framework (RGMF)

From this architecture, RGMF is built in two layers of analysis. The first layer is descriptive: legal basis, actors, religious categories, regulatory techniques, rights orientation, and definitions of public interest are mapped without *halal-haram* or *maslahat-mafsadat* labels. The second layer is normative: policies are tested through *maqasid* interconnectedness and the constitutional floor of FoRB, following Auda's systems approach.[82] Hurd's critique of religious freedom administration is used to examine who obtains authority to define religion and benefit.[83] RGMF then requires six safeguards: non-coercion of the *forum internum*, non-discrimination, legality-need-proportionality, transparent and contestable benefit, balance among *maqasid* objectives, and participation of affected groups.

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https://indonesiaatmelbourne.unimelb.edu.au/religious-freedom-harmony-or-moderation-government-attempts-to-manage-diversity/.

[81] Ahmet T. Kuru, *Secularism and State Policies toward Religion: The United States, France, and Turkey* (Cambridge: Cambridge University Press, 2009).

[82] Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach*, 193–245.

[83] Hurd, *Beyond Religious Freedom: The New Global Politics of Religion*, 37–64.

Within the Religious Governance–Maqāṣid Framework (RGMF), the *Constitutional Maṣlaḥah Test* refers to a structured normative assessment designed to determine whether state policies justified in the name of *maṣlaḥah* (public welfare or the common good) are consistent with constitutional guarantees, freedom of religion or belief (FoRB), and the higher objectives of Islamic law. The term "test" is used in an analytical rather than a strictly judicial sense. It denotes a sequence of evaluative criteria through which claims of public benefit are examined, rather than accepted as self-evident justifications for state intervention. The assessment proceeds through two interconnected layers: a descriptive analysis of religious governance and a normative evaluation based on *maqāṣid al-sharīʿah* (the higher objectives of Islamic law). The latter applies six safeguards to examine whether a policy respects fundamental religious freedoms, protects vulnerable communities, satisfies the requirements for lawful restrictions, and demonstrates public benefit through transparent and participatory processes. These safeguards operate cumulatively, with non-negotiable rights protections serving as constraints on claims of collective welfare. For practical use, an analyst should first identify a discrete administrative decision (for example, religious designation in identity documents or conditions for a house of worship), document the relevant authority and affected communities, and then apply each safeguard in sequence. A failure on coercion or discriminatory classification is not offset by a favourable aggregate harmony score; claims about proportionality and welfare require evidence specific to the contested measure.

Table 2. RGMF Structure and Constitutional *Maslahat* Test

Component	Question/criteria	Function
Layer 1: Governance description	What are the legal basis, actors, religious categories, regulatory techniques, rights orientation, and definition of public interest?	Prevents normative conclusions before policy structure is understood
Layer 2: *Maqasid*-rights evaluation	Does the policy protect religion/belief, life, intellect, family, property, dignity, and equality in an interconnected way?	Prevents one objective from being used to sacrifice another
Safeguards 1–3	Non-coercion of *forum internum*; non-discrimination and minority protection; legality-need-proportionality	Establishes FoRB as constitutional floor
Safeguards 4–6	Transparent and contestable benefit; *maqasid* balance; participation of affected groups	Converts *maslahat* from administrative declaration into a claim that must be proven

Source: author's synthesis based on Auda (2008), Hurd (2015), and FoRB standards in General Comment No. 22.

The six safeguards are applied as cumulative evaluative requirements rather than interchangeable policy preferences. Safeguards 1–3 establish the fundamental rights boundaries within which religious governance must operate, whereas Safeguards 4–6 assess the evidentiary, substantive, and participatory legitimacy of public welfare claims. A policy cannot be considered normatively justified merely because it produces measurable collective benefits if it simultaneously violates the *forum internum*, discriminates against religious minorities, or imposes unlawful restrictions on religious practices. Accordingly, the *Constitutional Maṣlaḥah Test* does not assign numerical scores or presume that all competing interests can be balanced against one another. Instead, it provides a structured basis for identifying rights violations, evaluating claims of public benefit, and determining whether religious governance is consistent with constitutional protections and the interconnected objectives of *maqāṣid al-sharīʿah*.

Layering Model and the Contribution of Legal Anthropology

The findings of this study suggest that the transformation of Indonesian religious governance is better understood through a *layering model* than through a *paradigm-replacement model*. Drawing on the theory of gradual institutional change, institutional layering refers to the introduction of new rules, policy objectives, and institutional arrangements alongside existing structures, without necessarily displacing their earlier functions.[84] Unlike a replacement model, which assumes that successive paradigms supersede one another, the layering model explains how different regulatory logics may coexist, interact, and generate institutional tensions. This approach is particularly relevant to Indonesian religious governance, where the emergence of freedom of religion or belief (FoRB), religious moderation, and *beragama maslahat* (common-good-oriented religiosity) has not necessarily eliminated earlier mechanisms of state regulation. Bagir et al. demonstrate the persistence of restrictions on religious minorities despite the development of stronger rights-based guarantees,[85] while Crouch identifies the continuing significance of licensing requirements and local political pressures in regulating places of worship.[86] These findings suggest that institutional change should not be understood solely as a chronological succession of policy paradigms.[87]

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[84] James Mahoney and Kathleen Thelen, "A Theory of Gradual Institutional Change," in *Explaining Institutional Change: Ambiguity, Agency, and Power*, ed. James Mahoney and Kathleen Thelen (Cambridge: Cambridge University Press, 2010), 15–18.

[85] Bagir et al., "Limitations to Freedom of Religion or Belief in Indonesia: Norms and Practices," 39–56.

[86] Crouch, "Implementing the Regulation on Places of Worship in Indonesia: New Problems, Local Politics and Court Action," 403–419.

[87] Kementerian Agama Republik Indonesia, *Moderasi Beragama* (Jakarta: Badan Litbang dan Diklat Kementerian Agama RI, 2019), 42–47.

The layering model is adopted because it provides a more accurate explanation of three interrelated features of Indonesian religious governance: institutional continuity, normative coexistence, and the accumulation of regulatory objectives. This interpretation can be demonstrated through the documentary corpus examined in this study. Presidential Regulation No. 58 of 2023 on Strengthening Religious Moderation incorporates religious harmony, the improvement of religious services, and the development of community economic resources within the institutional framework of religious moderation.[88] Rather than abandoning the earlier harmony paradigm, the regulation integrates its objectives into a broader governance agenda. A similar pattern appears in Law No. 59 of 2024 on the National Long-Term Development Plan 2025–2045, which introduces *beragama maslahat* while simultaneously emphasising religious moderation, inclusive and harmonious religious life, religious philanthropy, improved religious services, and the protection of freedom of religion or belief.[89] The continued use of the *Indeks Kerukunan Umat Beragama* (IKUB, Religious Harmony Index) as a development indicator provides further documentary evidence of this institutional continuity. These overlapping provisions demonstrate that the emergence of new policy orientations does not necessarily entail the removal of established governance objectives. Instead, newer paradigms incorporate, reinterpret, and coexist with earlier normative and administrative arrangements.

This interpretation also clarifies the contribution of legal anthropology to the present documentary analysis. Legal anthropology is employed not to make unsupported claims about citizens' lived experiences, but to examine how state documents construct religious categories, distribute institutional authority, and accommodate overlapping normative orders. Oraby and Sullivan emphasise that religious normativity cannot be reduced to state law alone,[90] while Ropi demonstrates the complex relationship between state regulation and religious authority in Indonesia.[91] Sofanudin's discussion of different innovation models associated with Muhammadiyah, Nahdlatul Ulama (NU, Revival of the Ulama), and Salafi communities further illustrates the diversity of religious organisational orientations through which policy objectives may be interpreted.[92] This diversity can be examined through Sally Falk Moore's concept of *semi-autonomous social fields* (social arenas capable of generating and enforcing their own norms while

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[88]Republic of Indonesia, Presidential Regulation No. 58 of 2023 concerning the Strengthening of Religious Moderation, Article 3.

[89] Republic of Indonesia, Law No. 59 of 2024 concerning the National Long-Term Development Plan 2025–2045, annex, section 4.5.1, "Beragama Maslahat dan Berkebudayaan Maju."

[90] Oraby and Sullivan, "Law and Religion: Reimagining the Entanglement of Two Universals," 257–276.

[91] Ropi, *Religion and Regulation in Indonesia*, 127–181.

[92] Sofanudin, *Inovasi Dan Beragama Maslahat: Menuju Indonesia Emas 2045*, 137–138.

remaining subject to external legal and political influences).[93] The concept is analytically useful because religious organisations and communities possess their own normative orientations, institutional interests, and mechanisms of authority, which may mediate the interpretation of state policies.

To substantiate this legal-anthropological interpretation within the scope of documentary research, the study compares the normative categories and institutional objectives articulated in the principal policy documents. The comparison reveals three observable patterns. First, religious harmony remains an explicit governance objective within the subsequent religious moderation framework. Second, the *beragama maslahat* paradigm incorporates religious moderation and welfare-oriented religious services without expressly displacing freedom of religion or belief. Third, the continued presence of harmony-based indicators alongside rights-based commitments demonstrates the simultaneous operation of different normative rationales within national policy. These findings provide documentary support for institutional layering at the level of policy design, although they do not establish how these arrangements are experienced or negotiated in everyday religious life. Consequently, the claim that *beragama maslahat* constitutes a "synthesis" or "perfection" of previous paradigms should be understood as an aspirational policy interpretation rather than an empirically established outcome. The contribution of the layering model is therefore to explain the coexistence and interaction of successive religious governance paradigms, while the Religious Governance–Maqāṣid Framework (RGMF) evaluates whether their combined operation can be justified in terms of constitutional rights, equal citizenship, and *maqāṣid al-sharīʿah* (the higher objectives of Islamic law). The decisive empirical distinction is between coexistence in the wording of policy instruments, which this corpus establishes, and coordinated implementation across agencies, which it does not independently verify. RGMF is therefore offered as a structured diagnostic protocol for case-based testing, rather than evidence that coordination has already succeeded.

Integrative Potential of *Beragama Maslahat*

Findings in the previous section show that the tension between FoRB and religious moderation is rooted in different rights orientations: FoRB emphasises individual rights and the *forum internum*, while religious moderation emphasises collective attitudes and social cohesion. The concept of *beragama maslahat* potentially bridges this tension not because it miraculously unites both, but because its argumentative structure allows both to be read as means toward the same goal, namely shared benefit. If religious moderation focuses on "the

[93] Sally Falk Moore, "Law and Social Change: The Semi-Autonomous Social Field as an Appropriate Subject of Study," *Law & Society Review* 7, no. 4 (1973): 719–746, https://doi.org/10.2307/3052967.

right way to be religious" (not extreme) and FoRB focuses on "the right to determine one's own way of being religious," then *beragama maslahat* shifts the question to "the outcome of that way of being religious for the common interest."[94]

This shift is theoretically compatible with Auda's expansion of *hifẓ al-din*,[95] which emphasises that protection of religion must not sacrifice other fundamental principles, so that the shared interest intended by *beragama maslahat* should also include protection of the *forum internum* as part of *hifẓ al-din*, not replace it. Lathifah et al. show that protection of religion in Indonesian law can be reconstructed as protection of religious freedom,[96] not merely maintenance of religious institutions. Maulana et al. also affirm the convergence of humanitarian principles in Islamic law and human rights standards, although their theological bases differ.[97] Thus, an expanded *hifẓ al-din* functions as a conceptual bridge connecting rights discourse and public benefit discourse without placing *maslahat* above rights.

The integrative definition proposed by this article formulates *beragama maslahat* as: "*praktik beragama yang berorientasi pada pencapaian kebaikan universal (maslahat 'ammah) dan pencegahan kerusakan bagi seluruh umat manusia dan lingkungan, yang diwujudkan melalui cara pandang, sikap, dan tindakan yang menghormati martabat manusia, menjamin kebebasan berkeyakinan, mempromosikan keadilan sosial, mendorong kohesi sosial, serta berkontribusi pada pembangunan berkelanjutan, selaras dengan konstitusi negara dan prinsip-prinsip hak asasi manusia universal.*" (a practice of religiosity oriented toward achieving universal good (*maslahat 'ammah*) and preventing harm for all humanity and the environment, realised through perspectives, attitudes, and actions that respect human dignity, guarantee freedom of belief, promote social justice, encourage social cohesion, and contribute to sustainable development, in harmony with the state constitution and universal human rights principles).

This definition attempts to be a bridge by accommodating internal and external dimensions. Mentioning "perspectives, attitudes, and actions" simultaneously respects the *forum internum* (the domain of individual belief) as emphasised by FoRB, while encouraging its manifestation in positive attitudes and actions in the public sphere, in accordance with the spirit of religious moderation. The phrase universal good "*maslahat 'ammah*" provides strong theological legitimacy for Indonesian Muslims, while the inclusion of "all humanity and the environment" and reference to "universal human rights

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[94] Sofanudin, *Inovasi Dan Beragama Maslahat: Menuju Indonesia Emas 2045*, 99–100.

[95] Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach*, 193–245.

[96] Lathifah et al., "The Construction of Religious Freedom in Indonesian Legislation: A Perspective of Maqāsid Ḥifẓ Al-Dīn," 374–384.

[97] Maulana et al., "Freedom of Religion in Islam and Human Rights (a Perspective on Humanitarian Principles in Islamic Law)," 175–189.

principles" ensures inclusivity for non-Muslims. Elements such as "respecting human dignity," "guaranteeing freedom of belief," "promoting social justice," "encouraging social cohesion," and "contributing to sustainable development" are objectives aligned with the ideals of religious moderation and FoRB, as well as with *maqāṣid al-sharīʿah*. Research on the construction of religious freedom from the perspective of *maqāṣid ḥifẓ al-dīn* shows that inclusive and comprehensive definitions are crucial to ensuring that religious policy protects the rights of all citizens without discrimination.[98] From a legal-anthropological perspective, this definition provides a framework for understanding how religious policy can be evaluated based on actual social outcomes rather than merely religious or secular labels.

Four Counterarguments That Must Be Addressed

Although the integrative potential above is conceptually convincing, academic honesty requires this article to confront directly four of the most serious counterarguments against *beragama maslahat* as a policy framework, rather than presenting only supporting arguments.

First, the risk of state paternalism. Because "benefit" in *beragama maslahat* ultimately needs to be operationalised through state indicators and institutions, the state remains the sole interpreter of what counts as "*maslahat*" and what counts as "*mafsadat*."[99] Hurd shows that the management of religion always carries a tendency to determine the forms of religion legible to bureaucracy. Mahmood shows that state protection of minorities can paradoxically reinforce the majority-minority categorisation it seeks to overcome.[100] Therefore, the most important limit of RGMF is the *forum internum*: the state must not force citizens to choose, change, or interpret their beliefs on grounds of benefit. Sofanudin's statement that *beragama maslahat* works on social impact, not faith choice, provides a strong internal basis for this restriction.[101] A comparative precedent from Shia theocracy in Iran shows how a similar concept, when fully controlled by state authority without independent appeal mechanisms, can be used to justify suspending certain rights in the name of "state interest" without transparent process.[102] Although the context of Shia theocracy in Iran differs significantly from Indonesia's Pancasila-based state, the relevant structural similarity is that both base policy legitimacy on an elastic

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[98] Lathifah et al., "The Construction of Religious Freedom in Indonesian Legislation: A Perspective of Maqāsid Ḥifẓ Al-Dīn," 374–384.

[99] Hurd, *Beyond Religious Freedom: The New Global Politics of Religion*, 37–64.

[100] Saba Mahmood, *Religious Difference in a Secular Age: A Minority Report* (Princeton, NJ: Princeton University Press, 2016), 149–179.

[101] Sofanudin, *Inovasi Dan Beragama Maslahat: Menuju Indonesia Emas 2045*, 107.

[102] Bahman Khodadadi, "Public Interest (Maslahat) in Shi'i Theocracy: Implications for Legal and Political Decision-Making," *Iranian Studies* 58, no. 3 (2025): 490–525, https://doi.org/10.1017/irn.2025.22.

concept of public interest ultimately interpreted unilaterally by the ruling authority; it is this structural similarity, not similarity of political regime, that makes the precedent worthy of methodological caution.

Second, majoritarian bias. When common interest is operationalised through indicators such as the Religious Harmony Index, there is a risk that the indicator implicitly reflects the majority group's preferences about what "good harmony" looks like, so that religious minorities and *penghayat kepercayaan* remain in a position of having to adjust to standards formulated without their equal participation. Menchik shows that Indonesian religious nationalism can produce tolerance productive for certain groups while restricting groups considered deviant.[103] Sumaktoyo shows the relationship between religious legislation and discrimination in post-Soeharto democracy.[104] Case studies of the Baha'i community in Indonesia show a similar pattern: formally neutral policies can still produce socio-political pressure on minority groups when majority interests become the implicit benchmark of policy.[105] Here the PPKI compromise gains normative relevance: the removal of the religious requirement and exclusive phrase was done precisely so that the constitution could be accepted by non-Muslim regions.[106] RGMF therefore requires non-discrimination as a self-standing test, not assuming that aggregate benefit is sufficient to justify policy.

Third, instrumentalisation of the concept of *maslahat*. Because *maslahat* is doctrinally a flexible concept without rigid textual limits, it is vulnerable to instrumental use to justify policies actually driven by short-term political interests rather than genuine *maqasid* considerations. This risk is not merely theoretical; studies of the application of *maslahat* in other theocratic contexts show that the flexibility of the concept allows contradictory outcomes—in one case expanding minority rights (for example, equalisation of *diat*/blood money), but in another case entrenching discrimination not openly acknowledged (for example, restrictions on the political rights of certain groups)—depending entirely on the power configuration interpreting it at a given moment.[107] The same flexibility that makes *maslahat* potentially integrative is also the source of

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[103] Jeremy Menchik, "Productive Intolerance: Godly Nationalism in Indonesia," *Comparative Studies in Society and History* 56, no. 3 (2014): 591–621, https://doi.org/10.1017/S0010417514000267.

[104] Nathanael Gratias Sumaktoyo, "A Price for Democracy? Religious Legislation and Religious Discrimination in Post-Soeharto Indonesia," *Bulletin of Indonesian Economic Studies* 56, no. 1 (2020): 23–42, https://doi.org/10.1080/00074918.2019.1661354.

[105] Muzammil, "The Baha'i Religion: Maqasid Syariah of Social Religious Frictions in Indonesia," 337–350.

[106] Sekretariat Negara Republik Indonesia, *Himpunan Risalah Sidang-Sidang Dari BPUPKI (29 Mei-16 Juli 1945) Dan PPKI (18-19 Agustus 1945) Yang Berhubungan Dengan Penyusunan Undang-Undang Dasar 1945*, 335–336.

[107] Khodadadi, "Public Interest (Maslahat) in Shi'i Theocracy: Implications for Legal and Political Decision-Making," 490–525.

its vulnerability to instrumentalisation. Sofanudin indeed shows the expansion of issues from harmony to services, economy, philanthropy, and development, but benefit must not be measured only by the number of programmes.[108] Opwis shows that *maslahat* theory demands argumentative discipline regarding sources and limits of benefit,[109] while Auda demands interconnectedness of objectives. Therefore, the success of *haji*, *zakat*, *wakaf*, or halal services must also be tested against equal access, transparency, distributive impact, and the rights of those who are not within the majority.[110] *Maslahat* becomes scientific only when its indicators can be examined and its results are open to public correction.

Fourth, tension between universal rights and administratively defined benefit. Kuru shows that religious governance regimes, whatever their normative label, are ultimately measured not by stated intentions but by the extent to which citizens of any religion or belief have equal access to legal protection.[111] Bielfeldt and Wiener assert that FoRB is not a privilege of particular religions, but protection of freedom of conscience across identities.[112] Lathifah et al. show that *hifẓ al-dīn* can be read in harmony with such freedom, so *maqasid* need not stand opposed to universal rights.[113] On the other hand, Maulana et al. show the convergence of humanitarian values in Islamic law and human rights without erasing epistemological differences.[114] If *beragama maslahat* is measured through indicators formulated administratively by the Ministry of Religious Affairs without equal involvement of minority groups and *penghayat kepercayaan* in formulating those indicators, it risks becoming an administratively defined benefit that differs significantly from the benefit directly experienced by affected groups. Studies of the bureaucratisation of religion in Southeast Asia confirm that this type of tension is structural, not incidental, when the state becomes the sole determiner of religious legitimacy.[115] RGMF bridges the two by requiring every *maslahat* claim to pass a rights test first; public benefit cannot be used to negate rights that are precisely the condition of policy legitimacy.

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[108] Sofanudin, *Inovasi Dan Beragama Maslahat: Menuju Indonesia Emas 2045*, 119–121.

[109] Opwis, "Maslaha in Contemporary Islamic Legal Theory," 182–223.

[110] Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach*, 193–245.

[111] Kuru, *Secularism and State Policies toward Religion: The United States, France, and Turkey*.

[112] Heiner Bielfeldt and Michael Wiener, *Menelisik Kebebasan Beragama: Prinsip-Prinsip Dan Kontroversinya* (Bandung-Yogyakarta: PT Mizan Pustaka dan CRCS UGM, 2021), 13–38.

[113] Lathifah et al., "The Construction of Religious Freedom in Indonesian Legislation: A Perspective of Maqāsid Ḥifẓ Al-Dīn," 374–384.

[114] Maulana et al., "Freedom of Religion in Islam and Human Rights (a Perspective on Humanitarian Principles in Islamic Law)," 175–189.

[115] Mirjam Künkler, "The Bureaucratization of Religion in Southeast Asia: Expanding or Restricting Religious Freedom?," *Journal of Law and Religion* 33, no. 2 (2018): 192–196, https://doi.org/10.1017/jlr.2018.38.

Conditions for the Legitimacy of *Beragama Maslahat* as a Bridge

Building on the four counterarguments, this article argues that *beragama maslahat* (common-good-oriented religiosity) can serve as a legitimate integrative framework only under three cumulative conditions. First, the interpretation of *maṣlaḥah* must involve inclusive institutional participation rather than depend exclusively on state authorities. This requirement does not challenge the Ministry of Religious Affairs' statutory mandate but addresses the risk that centralised interpretations of public benefit may privilege dominant religious interests. Implementation requires representative mechanisms involving religious minorities, *penghayat kepercayaan*, independent human rights institutions, and relevant government agencies. Such mechanisms should ensure transparent deliberation, formal responses to recommendations, and legally authorised oversight rather than merely symbolic consultation.

Second, assessments of *beragama maslahat* must incorporate disaggregated indicators measuring minority experiences alongside national outcomes. Improvements in the *Indeks Kerukunan Umat Beragama* (IKUB, Religious Harmony Index) and IPUBKB cannot independently establish substantive equality when aggregate measurements obscure unequal access to religious services, worship facilities, or legal protection.[116] Implementation therefore requires independent monitoring, confidential reporting, and indicators covering discrimination, physical security, property protection, and access to remedies.

Third, the *forum internum* must remain an inviolable constitutional safeguard rather than an interest balanced against collective welfare. Its protection requires preventing coercion in religious identification, belief adoption, and access to public services. Restrictions on external religious manifestations must instead satisfy applicable legal requirements of necessity, proportionality, and non-discrimination. Studies of religious freedom restrictions in Indonesia demonstrate the risks of administrative practices that subordinate minority protections to public-order considerations.[117]

The practical relevance of these safeguards is illustrated by Constitutional Court Decision No. 97/PUU-XIV/2016, which challenged discriminatory administrative treatment of *penghayat kepercayaan*. The ruling demonstrates that religious classifications must comply with constitutional equality guarantees. Within the proposed framework, it supports reviewing discriminatory registration procedures, ensuring accessible administrative remedies, and protecting individuals against compelled religious identification. Implementation nevertheless faces bureaucratic fragmentation, majoritarian pressure, unequal representation, and limited reliable data. These obstacles require coordinated

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[116] Sofanudin, *Inovasi Dan Beragama Maslahat: Menuju Indonesia Emas 2045*, 60–61.

[117] Bagir et al., "Limitations to Freedom of Religion or Belief in Indonesia: Norms and Practices," 50–52.

institutional responsibilities, independent rights-impact assessments, accessible complaint mechanisms, and enforceable administrative or judicial remedies. As studies of post-*Reformasi* (post-1998 democratic reform) religious freedom indicate, formal guarantees must be assessed alongside local implementation and effective access to justice.[118] Applied to the identity-document dispute, the descriptive layer identifies the administrative classification of *penghayat kepercayaan* and the public authority responsible for it; the normative layer then asks whether differential registration burdens impair equal citizenship or pressure individuals to misstate belief. The judicial outcome provides a concrete illustration of the non-discrimination and forum internum safeguards, while the subsequent implementation of remedies requires separate empirical investigation. Accordingly, the Religious Governance–Maqāṣid Framework (RGMF) combines welfare-oriented indicators with non-negotiable rights safeguards. Its effectiveness requires empirical evaluation during implementation of the *Rencana Pembangunan Jangka Panjang Nasional* (RPJPN, National Long-Term Development Plan) 2025–2045, ensuring that collective welfare advances without compromising minority rights and equal citizenship.

Conclusion

The study concludes that Indonesia's religious-governance paradigms are best understood as overlapping institutional and normative layers, not as a linear progression from harmony to maṣlaḥah. The constitutional acceptability of beragama maslahat depends on three linked requirements: inclusive participation in defining public benefit, indicators capable of revealing unequal minority experiences, and inviolable protection for freedom to hold or adopt a religion or belief. These are evaluative requirements rather than findings that current institutions already satisfy them.

The article's principal contribution is the Religious Governance–Maqāṣid Framework (RGMF), which separates documentary identification of regulatory actors and techniques from a rights-constrained maqāṣid assessment. Its added value lies in making public-benefit assertions contestable at the level of identifiable policies and affected populations. The framework is analytically specified but has not yet been validated as a measure of implementation effectiveness. Future research should apply the RGMF to concrete regulatory disputes, including religious identification and the establishment of places of worship, through case-file analysis, interviews with affected communities, and comparison of administrative remedies. Such research could test whether the six

[118] Hurriyah, "Dynamics of Shrinking Religious Freedom in Post-Reformasi Indonesia," 335–356.

safeguards reliably detect disparities concealed by aggregate welfare or harmony indicators.

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