DEVIANT SECTS IN THE CONTEXT OF THE RIGHT TO PRACTICE RELIGION: A CRITICAL STUDY OF ITS POSITION IN THE CONSTITUTIONS OF INDONESIA AND MALAYSIA

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ABSTRACT

Aims: This research aims to find a solution to the settlement of deviant sect practices in the context of the right to practice religion in the Constitutions of Indonesia and Malaysia.

Method: This type of research is normative legal research and uses statutory, comparative, and conceptual approaches.

Theoretical Framework: The study is grounded in normative legal research, employing statutory, comparative, and conceptual approaches to analyze the constitutional frameworks of both countries in relation to the right to practice religion.

Research Implications: Freedom of religion is an issue that often becomes a debate when cases of deviant sects arise both in Indonesia and in Malaysia. The debate is caused by the ambiguity of the provisions on freedom of religion in a country’s constitution so that it can provide various interpretations of freedom of religion. The ambiguity can be seen when comparing the Indonesian Constitution and the Malaysian Constitution. The Indonesian Constitution does not explicitly state the right to practice religion, while the Malaysian Constitution clearly states the right to practice religion. These differences in provisions have had a significant impact on the exercise of the right to practice religion in the two countries.

Result and Conclusion: The results of the research show that the absence of provisions on freedom of religion in the Indonesian constitution is the difficulty in resolving the problem of deviant sects as sects that destroy the faith of Muslims. The clarity of the provisions on freedom of religion in the constitution is the ease of resolving the problem of heretical sects as practices that contradict Islamic teachings.

Keywords: deviant sects, islam, constitution.

SEITAS DESVIANTES NO CONTEXTO DO DIREITO DE PRATICAR A RELIGIÃO: UM ESTUDO CRÍTICO DE SUA POSIÇÃO NAS CONSTITUIÇÕES DA INDONÉSIA E DA MALÁSIA

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RESUMO

Objetivos: Esta pesquisa visa encontrar uma solução para o estabelecimento de práticas de seitas desviantes no contexto do direito de praticar religião nas Constituições da Indonésia e da Malásia.

Método: Este tipo de pesquisa é pesquisa legal normativa e usa abordagens estatutárias, comparativas e conceituais.

Estrutura Teórica: O estudo baseia-se na pesquisa jurídica normativa, empregando abordagens estatuárias, comparativas e conceituais para analisar os quadros constitucionais de ambos os países em relação ao direito de praticar religião.

Implicações da pesquisa: A liberdade de religião é uma questão que muitas vezes se torna um debate quando casos de seitas desviantes surgem tanto na Indonésia quanto na Malásia. O debate é causado pela ambiguidade das disposições sobre liberdade de religião contidas na Constituição de um país, de modo a poder fornecer várias interpretações da liberdade de religião. A ambiguidade pode ser vista ao comparar a Constituição Indo-Siana e a Constituição Maláia. A Constituição da Indonésia não declara explicitamente o direito de praticar religião, enquanto a Constituição da Malásia afirma claramente o direito de praticar religião. Estas diferenças nas disposições tiveram um impacto significativo no exercício do direito de praticar a religião nos dois países.

Resultado e Conclusão: Os resultados da pesquisa mostram que a ausência de disposições sobre liberdade de religião na Constituição Indonésia é a dificuldade de resolver o problema das seitas desviantes como seitas que destoem a fé dos muçulmanos. A clareza das disposições sobre a liberdade religiosa na Constituição é a facilidade de resolver o problema das seitas heréticas como práticas que contradizem os ensinamentos islânicos.

Palavras-chave: seitas desviantes, islamismo, constituição.

1 INTRODUCTION

Freedom of religion is an issue that is often debated when the issue of deviant sects arises both in Indonesia and in Malaysia. In Indonesia, even though the Islamic religious council has condemned Ahmadiyya as a deviant sect and the government has issued regulations prohibiting Ahmadiyah from practicing their teachings (Menteri Agama, 2008), but this Ahmadiyya still continues to practice deviant sects in Indonesia. This is because human rights activists support Ahmadiyah. Human rights activist, Syafi’i Anwar believes that the existence of Ahmadiyya is a manifestation of the right to freedom of religion guaranteed by the Indonesian constitution (Syafi’i Anwar, 2010). A democratic country that is open to channels of aspirations makes changes in the relationship between the government and the people. The concept of human rights began to enter into religious issues (Erwin Pardede, 2010). They questioned the fatwa of the Indonesian Ulema Council (Abdullah, 2017) regarding the prohibition of deviant sects for violating human rights. Muslim leader Hasyim Muzadi disagreed with the human
rights activist's statement. According to Hasyim Muzadi, the phenomenon of deviant sects is not a matter of freedom of religion. Human rights are not value-free, but these rights must be based on norms, ethics and religion (Hasyim, 2007). Hasyim Muzadi is concerned about the emergence of various deviant sects in Indonesia and proposes that a law be made against deviant sects because they have damaged the faith of the people. (Hasyim Muzadi, 2010)

In Malaysia, the government has banned the Ahmadiyya Congregation due to teachings that deviate from Islam and are prohibited from practicing it. The Ahmadiyyah Congregation was not only accused by the Islamic religious assembly as a deviant sect, but even as non-Muslims and called on them to repent (M. F. Musa, 2022). Malaysia's constitution provides freedom to adhere to any belief, ideology, and religion. However, it is not permissible to spread beliefs that are not in line with Islam among Muslims. This means, any propagation of religions other than Islam Ahl Sunnah against Muslims is prohibited. This limitation includes schools and teachings that are contrary to the Ahl Sunnah.(Jamsari et al., 2011)

In Indonesia, the debate over the issue of deviant sects occurs due to differences in interpretation of the provisions on the right to freedom of religion. Human rights activists argue that they confuse the right to freedom of religion with the right to practice religion. They concluded that every citizen has the right to freedom of religion and the right to practice religion which is guaranteed by the Indonesian Constitution. Muslim leaders argue that deviant sects are against the law because they insult Islamic religious beliefs. Freedom of religion is guaranteed by the Indonesian Constitution, but the right to freedom of religion is limited because it is limited by the Indonesian Constitution.

However, every country makes provisions to guarantee the human rights of its citizens. However, interpretations and responses regarding the meaning of human rights are different in Indonesia and Malaysia. Therefore, when examining the contents of the constitutions of countries in the world, the basic freedom section has different provisions. Provisions on basic freedoms cannot fully guarantee every individual citizen. In other words, it cannot be considered as the absolute right of every human being. (Borham, 2002)

In fact, the debate was caused by a misunderstanding of the provisions on freedom of religion in a constitution. Indeed, Indonesia and Malaysia have stipulated provisions on freedom of religion in their constitutions. However, there are differences in the
provisions on freedom of religion in the Constitutions of Indonesia and Malaysia. In Articles 28 and 29 of the Indonesian Constitution there are no explanations regarding the provisions on freedom of religion. Meanwhile, in Article 11 paragraphs (1) of the Malaysian Constitution there are detailed provisions regarding freedom of religion including the right to adhere to a religion, the right to practice religion, and the right to develop religion. Noradura Hamzah explained that these three aspects of rights are interrelated, but their meanings are different. According to Noradura Hamzah, in addition to the stated limitations, these rights are subject to the limitations contained in Article 11 paragraphs (5), Article 12 paragraphs (3) and Article 12 paragraphs (4) (Noradura Hamzah, 2006). The right to practice religion refers to an individual's right to be free to practice the sect he or she adheres to. The right to practice this religion is a real expression of one's religious beliefs. This can be seen in two different aspects, namely the right to practice a religion as recognized by that religion and secondly the right to practice a religion which is recognized by the provisions of the Malaysian Constitution (Noradura Hamzah, 2006). Although the Malaysian Constitution has detailed provisions on freedom of religion, there are still cases of deviant sects in Malaysia. For example, the case of Kamariah Ali (Kamariah Bte Ali et al., 2002), the case of Abdul Kahar Ahmad (Abdul Hamid Mohamad CJ, 2008), and others. However, the problem of practicing this deviant sects is not as severe as in Indonesia.

The debate about the practice of the deviant sects Abdul Kahar Ahmad case can still be resolved if one refers to a country's constitution. From the contents of a country's constitution, it can be seen the provisions on freedom of religion in that country, so that it can be justified that freedom of religion is absolute or limited. Differences in provisions on freedom of religion have had a significant impact on the exercise of the right to practice religion in Indonesia and Malaysia. Based on this, it can be said that a country that has a constitution that explains in detail the provisions on freedom of religion will find it easier to resolve cases of heretical sects in the context of the right to practice religion than a country that does not have a constitution that explains in detail the provisions on freedom of religion.

The existence of deviant sects in Indonesia and Malaysia and the responses of the leaders or followers of deviant sects regarding the rights granted by the constitution as absolute have brought about various problems. Leaders and followers of deviant sects believe that even though their practices clearly deviate from the true religious beliefs,
they cannot be limited or questioned because they consider their religious practices to be justified and protected by the constitution. Problems like this are even more complicated because of the unclear provisions on the right to practice religion in the constitution.

Actually the two countries have the same problem regarding deviant sects, but the two countries have different ways to deal with deviant sects. This research will analyze in depth about religion in the Indonesian Constitution and Malaysian Constitution, analyze in depth the position of deviant sects in the context of the right to practice religion based on the Indonesian Constitution and the Malaysian Constitution, and find a solution to solving the problem of deviant sects in the context of the right to practice religion in Indonesia and Malaysia.

2 METHODS

This research is classified as normative legal research. Normative legal research is carried out by examining various materials sourced from the literature (Soerjono Soekanto, 2015). Normative legal research is a process to find a rule of law, legal principles, and legal doctrines to answer the legal problems faced. Normative legal research is conducted to produce arguments, theories or new concepts as prescriptions in solving the problems at hand. (Peter Mahmud, 2005)

This study uses a statutory approach and a comparative approach, and a conceptual approach. The statutory approach is carried out by examining all laws and regulations related to the legal issue being studied (Muhaimin, 2020). Then, a comparative approach is carried out by comparing the legal system or laws of a country with laws from one or more other countries regarding the same matter, including court decisions. In legal comparisons, special comparisons or general comparisons can be made. Comparisons were made to find out the similarities and differences of each (Peter Mahmud, 2005). Meanwhile, a conceptual approach examines the doctrines that have developed in the science of law. This research approach aims to find answers to legal issues in a legal research. Therefore, the compatibility between approaches and legal issues is a major consideration in this study. (Muhaimin, 2020)
3 RESULTS AND DISCUSSION

3.1 RELIGION IN THE INDONESIAN CONSTITUTION

The Indonesian constitution (Indonesia, 1945) regulates the existence of various religions. The position of religion is regulated in Article 29 paragraphs (1) and (2) of the 1945 Constitution. Article 29 paragraph (1) states, "The state shall be based on the One and Only God ". Whereas Article 29 paragraph (2) states, "The state guarantees the freedom of every inhabitant to embrace his/her respective religion and to worship according to his/her religion and faith as such." The Indonesian government places religious beliefs and values in the life of the nation, as stated in the first principle of Pancasila and in the Preamble to the 1945 Constitution. Adherents of Islam and adherents of other religions do not feel there are any obstacles in practicing their religion (Nasaruddin Umar, 2020). The provisions contained in the 1945 Constitution are contrary to secularism (Hastings, n.d.). The 1945 Constitution stipulates that the state is based on Belief in the One and Only God, while Belief in God is the cornerstone of religion. Constitutionally, religion and belief are guaranteed by the state. (Sukardja, 1995)

Indonesia is not a religious country. Indonesia is also not a country that recognizes one of the state's official religions. Indonesia is a Pancasila State that treats all religions equally. There is no special religion that is more dominant than other religions. Separation of state affairs and religious affairs does not automatically make Indonesia a secular state. The Indonesian government plays an important role in dealing with religion, but does not make the Indonesian state a religious state (Sukardja, 1995). From the articles, points to the opening of the Indonesian Constitution, religion gets more attention than other aspects. This is one indication that the existence of religion greatly influences the life of the state, society and family. (Khotimah, 2014)

Indonesia does not recognize the existence of one religion as an official state. Indonesia is a Pancasila State that treats all religions and their respective adherents equally. There is no special religion that is more dominant than other religions. The absolute separation of state affairs and religious affairs does not automatically make Indonesia a Secular State. On the other hand, the Indonesian Government, which plays a role in managing religion, does not automatically make the country a religious state. Indonesia is not a religious country. Indonesia is also not a country that recognizes one of the state's official religions. Indonesia is a Pancasila State that treats all religions equally. There is no special religion that is more dominant than other religions. The
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The Indonesian Constitution does not separate religion from state affairs. In other words, the state is not associated with a particular religion, but the state does not release religion from state affairs. The state is responsible for the existence of religion, religious life, and religious harmony. The relationship between religion and the state in Indonesia can be seen from religious institutions, laws, and regulations related to religion or religious life, and other policy related to religious life. The link between religion and the state in practice seems to depend on the spirit of the state administrators. (Sukardja, 1995)

The State of Indonesia recognizes the independence for every citizen to adhere to one particular religion. The Indonesian government serves the needs of its citizens in the religious field. Serving this need is reflected in the form of a state organ called the Ministry of Religion. Formally, the structure of the Ministry of Religion is a place for religious development. For adherents of the Islamic religion, the Directorate General of Islamic Community Guidance and Hajj Affairs was formed. For adherents of Catholic and Protestant Christianity, the Directorate General of Guidance for Catholic and Protestant Christians was formed. For adherents of Hinduism and Buddhism, the Directorate General of Hindu and Buddhist Community Guidance was formed (Yamin, 1960). Structurally the Ministry of Religion is responsible for providing services to adherents of Islam, Catholic Christianity, Protestant Christianity, Hinduism, and Buddhism and Confucius. Religious adherents are guaranteed to practice their religion. One aspect of being religious is choosing religious teachings that is in accordance with the heart of each citizen. (Abadi, 2008)

Flashback to the time of independence in 1945, religion became a fierce debate among the nation's founders. On June 22, 1945, the first meeting of the Preparatory Committee for Indonesian Independence was held to discuss the basis of the Indonesian state in the future after independence. The discussion was carried out by a committee of nine consisting of Ir. Soekarno, Mohammad Hatta, A.A. Maramis, Abikoesno Tjokrosoejoso, Abdulkahar Muzakkar, H.A. Salim, Achmad Subarjo, Wahid Hasjim, and Mohammad Yamin. The committee of nine succeeded in formulating the foundations of the state which contained five points (five precepts) which were later called Pancasila, namely: Belief in God with the obligation to carry out Islamic law for its adherents, Just
and civilized humanity, Unity of Indonesia, Democracy led by wisdom in representative deliberations, and social justice for all Indonesian people.

After Indonesia's independence on August 17, 1945, the Preparatory Committee for Indonesian Independence again held a second session where one of them ratified the draft constitution that had been made previously to become the official state constitution. The thing that was very surprising at that time was the change in the contents of the first point of the state foundation which read "Godhead with the obligation to carry out Islamic law for its adherents" and was replaced with a point which read "Belief in the One and Only God". In historical records, this change was made by Mohammad Hatta who later became the First Vice President of Indonesia after hearing a suggestion from A.A. Maramis (the only Christian committee member of nine) after consulting with Teuku Muhammad Hassan, Kasman Singodimedjo and Ki Bagus Hadikusumo. (Panitia Sembilan, 2008)

The political background that is often stated in various writings for the change in the sound of the first point (Sila) is due to threats from A.A. Maramis who represents Indonesian people from the Eastern region and are Christians to separate themselves from Indonesia, if the first point which reads that Belief in God with the obligation to carry out Islamic law for its adherents is not abolished or replaced (isa, 2020). That is the background, why until now Indonesia does not have an official state religion. (Karsayuda, 2015)

3.2 RELIGION IN THE MALAYSIAN CONSTITUTION

The existence of the Malaysian (Fernando, 2006) Constitution cannot be separated from its history. The arrival of Islam to Malay Land has long existed. Meanwhile, during the drafting of the Constitution which was carried out by Suruhanjaya Reid, he also took attention of religion as one of the elements to form the Malaysian Constitution. The Constitution of Malaysia regulates the existence of various religions. The position of religion is regulated in Article 3 of the Malaysian Constitution. Article 3 paragraph (1) states that Islam is the religion of the Federation; but other religions may be practised in peace and harmony in any part of the Federation. The provisions of Article 3 paragraph (1) are taken to refer to the first written constitution drafted by the state of Johor on 14 April 1895 (Borham, 2002). The Engagement Party's proposal is to place Islam as the official religion of the state without limiting the freedom of other religions.
and without rejecting the concept of a secular state (Hashim bin Yeop Abdullah Sani, 1983), was accepted by Suruhanjaya Reid and enshrined in the Federal Constitution of Tanah Melayu on 16 September 1963. Religion was then included in the Federal Constitution after the formation of Malaysia in 1963 (Hashim bin Yeop Abdullah Sani, 1983). This provision initially received opposition from the Malay Kings because they continued the Constitutional Advisors to the Kings, they argued that with the Federal Chair, the position of the Malay Kings as the head of the Islamic religion would be affected. (Suffian et al., 1987)

This doubt was finally dispelled by the Alliance Party after an explanation that the purpose of making Islam the state religion was solely for ceremonial purposes. This means that the provision has no legal consequences, as emphasized by Abdul Hamid Mutawally that religion is a provision that does not force the state towards the implementation of the religious creed that is adhered to by the majority of the Malaysian population (Borham, 2002). Sheridan and Groves supported this opinion by saying that Islam is a religion for the Federals as contained in Article 3 paragraph (1) has no legal consequences. It is intended to incur responsibility for Federal celebrations to be observed according to Islamic rites (Sheridan & Groves, 1967). Hashim Yeop A. Sani also believes that this is aimed at guaranteeing freedom of religion to everyone. Article 3 paragraph (1) places a special position on Islam compared to other religions in Malaysia (Hashim bin Yeop Abdullah Sani, 1983). According to Hamid Jusoh, to ensure that the human rights of non-Muslims are not jeopardized, Article 3 paragraph (4) stipulates that this article is equivalent to other provisions in the Constitution. (Jusoh, 1992)

Actually, the recognition of the Islamic religion is not limited to the Federal level because countries that have kings apply the same provisions in their respective constitutions. Even countries that do not have a king also have provisions in the state constitution that recognize Islam as the state religion as contained in the State Constitution of Melaka, the State Constitution of Pulau Pinang and the State Constitution of Sabah. (Mahamad Arifin et al, 2007)

Malaysia's constitution has the principle that all citizens are free to believe in a religion other than Islam and are free to practice their religious teachings. In this regard, there was no opposition from foreigners and non-Muslims when the proposal was made to include Article 3 paragraph (1) in the Federal Constitution. This clearly shows that the special position of the religion of Islam, the rights of the religion of Islam, and Muslims
as stated in the constitution are recognized by non-Muslims. In fact, non-Muslims feel safe and do not feel challenged by this recognition because history has proven that the government in Tanah Melayu guarantees the rights of foreigners and non-Muslims. What is contained in the constitution regarding the status of the religion of Islam is a continuation of the state before independence. (Mahamad Arifin et al, 2007)

The special position of Islam in the constitution is not liked by non-Muslims because they are worried that it will influence non-Islamic religions. But Tun Mohd. Salleh Abas countered this concern by providing the supposition that the establishment of a modern state today is guided by European philosophy, which is based on the separation of state and religion. Although the principle of the modern state separates religion from politics, in most constitutions the king who rules must be a person of a certain religion. In the United Kingdom the king is Christian, then in Thailand the king is Buddhist. Therefore, religion still has something to do with politics, simply put, religious law cannot be used to govern the country and cannot be imposed on people who do not adhere to that religion. Tun Mohd. Salleh Abas explained that at the time of drafting the constitution, Judge Abdul Malek was of the opinion that a provision like this would not be detrimental if the provision contained protective measures. Several countries in the world have provisions like this, and if these provisions are not detrimental, then there is no obstacle if Islam is declared in the Constitution as the official religion. (Abas, 2003)

3.3 THE POSITION OF DEVIANT SECTS IN THE CONTEXT OF THE RIGHT TO PRACTICE RELIGION IN THE INDONESIAN CONSTITUTION

When examined in depth there is not a single word of the right to practice religion in the Indonesian Constitution. The provisions of Article 28 and Article 29 of the Indonesian Constitution only guarantee freedom of religion. The provisions of these articles do not explain the provisions on freedom of religion which specify the right to adhere to a religion, the right to practice religion, and the right to develop religion. The absence of provisions regarding freedom of religion allows anyone to interpret any meaning of the right to freedom of religion in the Indonesian Constitution, for example Ahmadiyah Congregation, Lia Aminuddin, Ahmad Moshadeq, and others. This is the reason for including the issue of deviant sects in the context of the right to practice religion based on the Indonesian constitution.
In dealing with the problem of deviant sects, human rights activists tend to defend the existence of deviant sects. They argue that the practice of deviant sects is part of freedom of religion guaranteed by the Indonesian constitution. Human rights activist, Siti Musdah Mulia emphasized that freedom of religion is absolute. The principle of multiple freedoms in Indonesia must refer to international human rights instruments, the constitution and various human rights regulations. Freedom of religion is a form of freedom to be which includes non-derogable rights. Meanwhile, the right to practice religion in public life is prohibited by the right to act. This right can be prolonged or limited. According to Siti Musdah Mulia, the state can accept new religious ideas and sects as long as they do not disturb public peace and do not violate the law. The state or religious authorities may not condemn a person as an infidel, apostate or a sinner. The state or religious authorities may not label a particular ideology, sect, or belief as heretical. Siti Musdah Mulia realizes that the right to freedom of religion is not an absolute right without restrictions, but is limited by one's obligations and responsibilities to respect and respect fellow human beings. Restrictions are necessary in religious life because they are in line with international conventions on civil and political rights. However, all forms of restrictions may only be carried out according to law to ensure the satisfaction of all parties. The restrictions are meant to protect public safety. (Mulia, 2007)

Other human rights activists, Fulthoni et al, support the opinion that there are restrictions. According to Fulthoni et al, the restriction is only for religious freedom which is in accordance with the provisions of Article 18 paragraph (3) of Law Number 12 of 2005 concerning Ratification of the International Covenant on Civil and Political Rights. Freedom of religion is intended as the exercise of spiritual belief in the religion one adheres to, for example the exercise of freedom of opinion, assembly and association. Meanwhile, freedom of religion with regard to absolute beliefs may not be restricted by the state for any reason or method whatsoever (Fulthoni, 2009). In fact, this opinion tends to generalize the provisions on freedom of religion, because freedom of religion is related to religious practices that deviate from Islamic teachings which the state must actually limit to avoid conflicts among Muslims.

Human rights activists do not agree applied of Law Number 1/PNPS/1965 concerning the Prevention of Religion Abuse and/or Humiliation to ensnare perpetrators of deviant sect practices. Therefore, Rumadi suggested the need for this law to be included in the Criminal Code (Rumadi, 2007). In fact, they have submitted a Judicial Review to
the Constitutional Court proposing the annulment of Law Number 1/PNPS/1965. However, the Constitutional Court rejected the cancellation of the law because it was still needed to maintain religious harmony and was also needed to guard public order. Therefore, the law is maintained and implemented. The Constitutional Court reasoned that if there were no restrictions regarding deviations from religious sects, then it was feared that horizontal conflicts could arise (Syafi’ie, 2011). However, the decision of the Constitutional Court is final and binding. This means that Law Number 1/PNPS/1965 is still needed to limit the right to freedom of religion and the way to resolve cases of heretical sects related to the right to practice religion.

The Indonesian Ulema Council and several Islamic religious organizations prohibit new religions and beliefs from developing and threatening religious teachings or beliefs that are deemed to deviate from the mainstream of certain religious sects. However, this issue is very problematic for human rights activists because it conflicts with freedom of religion (Al Khanif, 2010). According to Nasaruddin Umar, although religion is part of human rights, the practice of religion in various countries is limited by the constitution to prevent religious abuse and deviation. Law Number 1/PNPS/1965 does not regulate the creed or belief of citizens, but it can solve the problem in cases of religious blasphemy. Therefore, every citizen must be responsible for the life of religion, nation and state. All parties must avoid violence to resolve any problems, but on the other hand all parties must obey the laws in force in Indonesia, including the Indonesian Ahmadiyya Congregation. (Nasaruddin Umar, 2020)

In dealing with the problem of deviant sects, Muslim leaders tend to place deviant sects as not part of the freedom of religion guaranteed by the Indonesian constitution. According to Laica Marzuki, human rights activists do not understand the difference between Articles 28E and 28J. The provisions of Article 28E relate to guarantees of freedom of religion, especially worship, while the provisions of Article 28J relate to adherents of religions who practice religious beliefs in an incorrect manner. In other words, Article 28E explains that the right to religion is a human right that cannot be reduced under any circumstances. While Article 28J states that in using one's freedom is limited by law. If there is a violation in exercising freedom of religion, then the problem is not a fault of religion, but the individuals have practiced religion in an incorrect way. (Laica Marzuki, 2010) This opinion shows that Article 28J of the 1945 Constitution does
not exempt anyone from practicing religion that deviates from the true teachings of religion.

M. Atho Mudzhar explained that Article 28J of the Indonesian Constitution is in line with various international instruments that have been adapted and signed by the United Nations. In this case, if human rights activists are of the opinion that the existence of Law Number 1/PNPS/1965 is one of the limitations imposed by law, then the case is actually not against the Indonesian Constitution. This is because there is an opportunity provided by Article 28J of the Indonesian Constitution which must be read as an inseparable part of other cases (Mudzhar, 2010). According to Adi Sulistiyono, Article 28J paragraph 2 of the 1945 Constitution applies as a law, creating relief for all parties, becoming a safety net and a solid legal fortress for those in authority to carry out their duties, especially against those who violate the restrictions. (Sulistiyono, 2008) Meanwhile, according to Rohidin, it is ironic that in a country where the people are religious, there are no legal instruments that guarantee and protect religion from acts of deviation and defamation of religion. However, deviant sects can pose a danger to national unity and serenity in religious practice (Rohidin, 2011). This argument is logical because the Indonesian Constitution and various international instruments state that freedom of religion can be limited by law and freedom of religion is not absolute.

According to Moh Mahfud MD, the state's duty is to provide protection for freedom of religion and practice of worship and belief for all Indonesian people. Indonesia recognizes the important position of religion, so that the protection of religious freedom is integrated with the protection of the purity of religious teachings. This means that religious freedom is guaranteed, but deviant religious freedom cannot be justified. The responsibility of the state towards religion is not only limited to protecting freedom of religion for adherents of religion, but also protecting the purity of religious teachings. Therefore, there is a need for legal provisions regarding freedom of religion to overcome the larger impact. If there are no legal provisions regarding freedom of religion, it will result in continuous commotion. Therefore, the state may make restrictions on freedom to act, but may not make restrictions on freedom to be. (Mahfud, 2009)

Protection of the purity of the flow of faith as carried out by the Indonesian Ulema Council is actually not a new thing. Judaism and Christianity also do the same thing if there is a sect that is considered to deviate from the actual sect. In matters of guarding against actual religious sects, the Vatican has a fairly strict procedure. Several Catholic
theologians have been fired by the Vatican for having opinions that differ from the official Vatican opinion. A well-known case occurred with Jacques Dupuis SJ., scholar of the Gregorian University of Rome, who was sanctioned following the publication in 1997 of his book Toward a Christian Theology of Religious Pluralism. (Rohidin, 2011)

3.4 THE POSITION OF DEVIANT SECTS IN THE CONTEXT OF THE RIGHT TO PRACTICE RELIGION IN THE MALAYSIAN CONSTITUTION

The provision for the right to practice religion is contained in Article 11 of the Malaysian Constitution (Sheikh Othman bin Sheikh Salim, 1993). Article 11 paragraph (1) of the Malaysian Constitution. Article 11 paragraph (1) states that everyone has the right to adhere to and practice their religion, and subject to paragraph (4), develop it. The words have the right to practice religion means the right to freedom to practice religion. However, the provision of the right to freedom of practicing religion is limited, because it is subject to Articles 11 paragraph (4) and 11 paragraph (5) of the Malaysian Constitution. Article 11 paragraph (4) states that State law and in respect of the Federal Territories of Kuala Lumpur, Labuan and Putrajaya, federal law may control or restrict the propagation of any religious doctrine or belief among persons professing the religion of Islam. Whereas Article 11 paragraph (5) states that this Article does not authorize any act contrary to any general law relating to public order, public health or morality. (Legal Research Board, 2008)

In Malaysia, the issue of freedom of religion has attracted much public interest in discussing it. The approach used in this matter is from the perspective of human rights in Article 11 of the Malaysian Constitution. The issue that always arises in freedom of religion is whether the freedom of religion for a Muslim person to practice his religion is permissible under these provisions and is the interpretation of religion according to the law? Narizan Abdul Rahman et al explained that religion under any secular legal system is not free to be interpreted according to the true meaning of religion itself. Religious interpretation is subject to the constitution and legislation of a country. The dichotomy between religion per se as generally understood by Islamic society and religion according to the constitutional and statutory views continues to exist. (Buang, 2008)

Yusramizza Mid. Isa and Yahanif Yusof argued that the right to freedom of religion contained in Article 11 paragraph (1) of the Malaysian Constitution is not absolute. The right to freedom of religion is still subject to several articles including
public order, public health and morals. Therefore, Article 11 paragraph (1) should not be interpreted literally without regard to the other provisions of the Malaysian Constitution (P. I. P. Musa & Ismail, 2015). Meanwhile, Hamid Jusoh argued that Article 11 regulates the protection of the Islamic religion from various influences of other religions or other doctrines. Local Government Regulations have regulated provisions regarding the position of the Islamic religion and limited the dissemination of any religious doctrine or belief by any individual other than Islamic religious doctrine and belief to a person who adheres to a religion within the State of Malaysia. (Jusoh, 1992)

According to Ahmad Azam Hj. Mohd. Shariff, Article 11 paragraph (5) of the Malaysian Constitution explains that an individual's right to practice their religion is not absolute, but conditional because every individual's practice of religion may not conflict with public order, public health or morals (Ahmad Azam Hj. Mohd Shariff, 2000). Salleh Buang also believes that the freedom of religion contained in Article 11 paragraph (5) does not allow a person to take any action that is contrary to the law regarding public order, public health and morals (Salleh Buang, 2007). Suwaid bin Tapah also commented that the freedom to embrace and practice religion is guaranteed in the Constitution. However, it is not justified that any act or religious sect is contrary to the law regarding public order, public health or morals. The existence of rules and laws aims to guard and maintain the harmony of a pluralistic society in this eternal country. (Tapah, 1996)

Mohd. Salleh bin Abbas explained that the interest of Article 11 paragraph (4) is a follow-up to the provision of Islam as a religion for Malaysia in addition to maintaining the Sunni school of thought which has become the guideline of the Islamic community in Malaysia from any doctrine or belief that is contrary to Islamic teachings and its spread among the people. Muslims or non-Muslims. In fact, freedom of religion and practice of one's own religion may not be used as a truth to do anything that is contrary to the laws or regulations in the country or to do something that could threaten the safety of the country (Tapah, 1996). Abdul Aziz Bari added that freedom of religion in the Malaysian Constitution is not a license to do as one pleases. In practice, the exercise of this right must be seen in the context of other provisions. Therefore, deviant sects have been included as a crime in Malaysian law, namely the State Regional Regulation. (Bari, 2008)

Based on these opinions, it is clear that the provisions of Article 11 paragraph (4) of the Malaysian Constitution limit the right to practice one's religion and the right to develop one's religion. This means that Article 11 paragraph (4) of the Malaysian
Constitution Malaysia does not only apply to the right to develop a religion, but also applies to the right to practice religion. This is because the verses stating the State Law and relating to the Malaysian Territories of Kuala Lumpur, Labuan and Putrajaya, Malaysian laws may control or limit the development of any doctrine or religious belief among people who adhere to the Islamic religion implies that the Law and The State Law does not only control or limit the development of non-Islamic religions among adherents of the Islamic religion, but the State Law also controls or limits the development of any wrong doctrines or practices that are contrary to Islamic religious beliefs, including heretical sects. (Tapah, 1996)

According to Suwaid b. Tapah, the Regional Government is also given the power to control any religious activities of Muslims under the Syarak Law Administrative Enactment or the Sharia Penal Misconduct Enactment. This includes the power of the State Religious Council to be the sole trustee for mosques in their respective countries and to control all their activities, and the authority to issue identification letters to teach Islamic teachings among Muslims except for families, in addition to ensuring that the sects are spread does not conflict with Islamic beliefs by specifying certain punishments. (Tapah, 1996)

In Malaysia, everyone is free to adhere to and practice any religion, even though Islam is the Malaysian religion as stated in Article 3 of the Malaysian Constitution. Based on this provision, it appears that everyone is free to choose whatever school, interpretation, sect and ideology in Islam. There is no legal provision that prevents a person from doing so, except if the sect or teachings has been categorized as a deviant sect. There is a difference between religious minority groups who are categorized as deviant sects and religious groups who are still Muslims but do not adhere to Ahl Sunnah. (Jamsari et al., 2011)

In dealing with the problem of deviant sects, Schedule 9, List II, Item 1 of the Maayaia Constitution authorizes the State Invitation Council to punish Muslims for mistakes against the pillars of Islam. According to Shad Saleem Faruqi, this authority is often used to punish various behaviors that are contrary to Islam such as seclusion, adultery, gambling, drinking, beauty contests and other deviant activities. (Faruqi, 2001)

It is clear that the provisions of Article 11 only provide freedom to adhere to any belief, ideology or religion. However, it is not permissible to propagate any schools of thought that are not in line with Islam among Muslims. This means that any propagation
of religions other than Islam Ahl Sunnah against Muslims is declared prohibited. This restriction includes schools and streams that are contrary to the Ahl al-Sunnah. Constitutional provisions are general in nature, in fact it is natural to be interpreted as general, encompassing all types of religions, sects or sects within a religion. This general interpretation has become A. Harding's argument that the provisions of Article 11(4) involve any Muslim individual or not, religion other than Islam or groups within Islam. Therefore, the provisions of Article 11(5) emphasize that any religion, belief, sect and intention that can threaten public safety, health and morals may not be practiced in Malaysia and may be considered as an error and a cause for legal action. (Harding, 1996)

Based on this description, it seems clear that there is a provision for the right to practice religion under the Malaysian Constitution of Malaysia. This provision has a significant impact on the exercise of the right to practice religion in Malaysia. In addition, this provision provides a way of resolution regarding the right to practice religion in the Malaysian Constitution. In addition, the provisions on the right to practice religion in the Malaysian Constitution have a strong basis for prohibiting and eradicating deviant sects. The provisions contained in the law facilitate the resolution of various cases of deviant sects, because they can be directly referred to the Malaysian Constitution and the State Enactments. The provisions on the right to practice religion in the Malaysian Constitution are an advantage, because as the highest law not many countries have drafted rather detailed provisions on freedom of religion, including the Indonesian Constitution.

3.5 SOLVING THE PROBLEM OF DEVIANT SECTS IN THE CONTEXT OF THE RIGHT TO PRACTICE RELIGION IN INDONESIA

In Indonesia, when deviant sects emerge, the regulations used to resolve the problem are subject to Law Number 1/PNPS/1965 concerning Prevention of Religious Abuse and/or Blasphemy. Article 156a of the Criminal Code (Supanto, 2007). According to Yulkarnain Harahab and Supriyadi applied of Law Number 1/PNPS/1965 cannot be separated from Law Number 8 of 1981 concerning the Criminal Procedure Code. This is because Law Number 1/PNPS/1965 stipulates criminal penalties and the mechanisms for applying them to misguided practitioners that lead to criminal acts of abuse and/or blasphemy against religion. (Harahab & Supriyadi, 2008)

With regard to these regulations, Oemar Seno Adji explained that the inclusion of religious offenses in the Criminal Code was in accordance with the precepts of Belief in
One Almighty God as the primary cause of the state based on Pancasila. Article 29 of the Indonesian Constitution states that the state is based on Belief in the One and Only God. No one who insults or obscenely worships God goes unpunished. Therefore, Belief in the One and Only God as the central point of state life, Godslastering offenses as blasphemy are a priority in religious offenses. (Adji, 1981)

Application of the Article 156a of the Criminal Code actually has to go through a certain mechanism. First, the accused must be given a warning to stop what he is doing. Second, if the act is committed by an institution or belief system, the President can dissolve that institution and declare that institution or sect prohibited. The decision to dissolve and ban the institution or sect is issued by the President after receiving consideration from the Minister of Religion, the Attorney General and the Minister of Home Affairs. Third, if a warning has been issued from the Minister of Religion, the Attorney General, and the Minister of Home Affairs in the form of dissolving and banning the institution or sect, it turns out that they are still violating these provisions, then the person, adherent, member or administrator of the institution or sect can be subject to Article 156a of the Book of Criminal Law Act. These three processes are usually preceded by a fatwa from the Indonesian Ulema Council which states that the sect in question is categorized as a deviant sect and is followed up by the issuance of a Joint Ministerial Decree. However, the applied of Article 156a of the Criminal Code does not have to be preceded by the issuance of the Indonesian Ulema Council fatwa, but can also be based on public reports. (Harahab & Supriyadi, 2008)

Indeed, to control deviant sects, the institution that has the authority to determine that a group or sect is deviant is the Indonesian Ulema Council. The Indonesian Ulema Council has the authority to issue deviant sects l fatwas against a group of deviant sect. In its development, the Indonesian Ulema Council only announced the number of a cult group. The Indonesian Ulama Council does not officially list the institutions or groups of deviant sects. However, the Indonesian Ulema Council has determined 10 criteria for deviant sects, namely: Following one of the pillars of faith and pillars of Islam or following a creed that is not in accordance with syar'i propositions, namely the Koran and the Sunnah; believe in revelation after the Qur'an; deny the authenticity or truth of the contents of the Qur'anic flow; carry out interpretations of the Koran that are not based on interpretation principles; denying the position of the hadith of the prophet as a source of Islamic teachings; insult, disturb, or belittle the prophets and apostles; denying the
prophet muhammad saw as the last prophet and messenger; change, add, or reduce the points of worship that have been determined by the Shari'a, such as performing the pilgrimage not to Mecca but other places; fardhu prayer less than five times; and disbelieving fellow Muslims without any shar'i reasons, such as disbelieving Muslims just because they are not from their group.

Yogaswara and Maulana Ahmad Jalidu list deviant sects originating from the fatwas of the Indonesian Ulema Council, namely Al-Qiyadah Al-Islamiyah, Holy Qur'an, Al-Wahidiyah, Lia Eden/Salamullah, Ahmadiyah Cenggregation, Mahesa Kurung, NII KW IX Ma' had al-Zaitun, Indonesian Islamic Da'wah Institute, Darul Arqam, Pondok Itikaf Jamaah Ngaji Lelaku, True Islamic School, Ingkar Sunnah, Isa Bugis, Madi Group, Baha'i, Life Behind Life, and Sumardi Casesafe Sect. (Yogaswara & Jalid, 2012)

Regarding the way the courts handle issues related to the right to freedom of practicing religion in Indonesia, one can observe the case of religious blasphemy committed by Lia Aminuddin and Ahmad Moshadeq. Lia Aminuddin, the leader of the deviant sects, Salamullah, has claimed to be the Archangel Gabriel (Aan, 2006). As a result of his actions, the Panel of Judges at the Central Jakarta District Court sentenced him to 2 years and 6 months in prison for insulting Islam based on Article 156a and Article 55 paragraph (1) 1 of the Criminal Code. While Ahmad Moshaddeq leads Qiyadah Al Islamiyah, he has claimed to be a prophet after the Prophet Muhammad. As a result of his actions, the Panel of Judges at the South Jakarta District Court sentenced him to 4 years in prison based on Article 156 a letter a of the Criminal Code. Ahmad Moshaddeq's act of declaring himself a prophet after Prophet Muhammad and spreading his teachings to the Al Qiyadah Al Islamiyah community is an act of blasphemy against Islam (Yuli Sulistyawan, 2008). Practicing deviant sects, Lia Aminuddin and Ahmad Moshadeq deliberately practice deviant sects because they consider that the practice of deviant sects is a right to freedom of religion guaranteed by the Indonesian Constitution. With this assumption they think they will be free to practice their religion and free from imprisonment. However, the court stated that the practice of Lia Aminuddin and Ahmad Moshadeq was the practice of a deviant sects which was subject to Article 156a of the Criminal Code.

Based on this description, there is a certain mechanism that must be followed if a deviant sect appears. The government did not immediately take action, but was waiting for a fatwa from the Indonesian Ulema Council regarding deviant sects. The Indonesian
government will only act if there is a demonstration or pressure from all elements of society, such as the example of Salamullah, Al-Qiyadah Al-Islamiyah, and others. In an effort to eradicate deviant sect groups, there are still deviant groups or sects that have not been subject to any action by the government, for example the Ahmadiyyah congregation. This attitude of the government has caused conflict between several Islamic Mass Organizations and the leaders of the Ahmadiyya Congregation. Until now the conflict continues and the direction of resolution is still unclear. So far, the Government is taking action against deviant sects based on the law, not based on the Constitution. Various problems of deviant sects would be better resolved based on the provisions on the right to practice religion in the Indonesian Constitution referring to the Malaysian Constitution.

3.6 SOLVING THE PROBLEM OF DEVIANT SECTS IN THE CONTEXT OF THE RIGHT TO PRACTICE RELIGION IN MALAYSIA

In Malaysia, when the issue of deviant sects arises, the regulations used to resolve the problem refer to the Local Government Regulations of each State Government. The Federal Constitution permits the Law of the Land to control and restrict the development of any religious doctrine or belief among persons professing the Islamic faith. This includes developing Islamic doctrine so that with this the Law of the State has the right to determine regulations for Islamic preachers (Awang, 2001). Mohd. Salleh Abas emphasized that the State Invitation Council for each country in Tanah Melayu has the right to make regulations to limit the development of religion to Muslims. This regulation can be imposed on Muslims and non-Muslims who extend their religion to Muslims. But it can be said that all Islamic Law Administration Enactments in each country in Tanah Melayu made this ban only for Muslims. If there are groups who believe that their religion forces them to kill people and commit some heinous acts, then the Constitution of Malaysia will definitely not allow this kind of religion to be practiced because it will undermine public safety. (Abas, 2003)

Legal restrictions aimed at controlling religious doctrines that deviate from Islamic teachings are designed for each country's rating. This situation causes the envoys who control heretical sects to be not uniform. This can be seen as follows: The State of Selangor restricted deviant sects under the 1995 Sharia Criminal Crimes Enactment (Selangor), Error of False Doctrine (Section 7); Federal Territory restricts cults under the Federal Territory Sharia Offenses Act 1997, Error of False Doctrine (Section 4); The State
of Pulau Pinang restricted deviant sects under the 1996 Act of Criminal Criminal Sharia (Degeri Pulau Pinang) 1996, Errors of False Doctrine (Section 4); The State of Johor restricted deviant sects under the 1997 Sharia Mistakes Enactment, Error of False Doctrine (Section 4); The State of Terengganu restricts deviant sects under the 2001 Terengganu Sharia Law Enforcement Canon (Takzir), Errors of False Doctrine (Section 4); The State of Serawak restricts deviant sects under the Sharia Crimes Ordinance (2001), Errors of False Doctrine (Section 4); The State of Sabah restricted deviant sects under the 1995 Sharia Criminal Crimes Act, Wrongful Religion (Section 52); The State of Pahang restricted deviant sects under the Islamic Religious Administration and Customs Resam Pahang Malay 1982, Errors of False Sects (Section 162); Negeri Sembilan restricts deviant sects under the 2004 Negeri Sembilan Sharia Law Enactment (Modification), Misconduct or False Sects (Shect. 52); State of Melaka restricted heretical sects under the Shariah Error Act (Melaka State) 1991, False sect Act (Section 60); Negeri Perak restricted deviant sects under the Penal Enactment (Sharia) 1992, False sects or practices (Section 9); The State of Perlis restricted deviant sects under the 1991 Sharia Law Enactment, Misconduct in teaching, practicing something contrary to Islamic Law (Section 34); and the State of Kedah restricted deviant sects under the 1988 Sharia Law Enactment, Erroneous Takfir (Section 24).

With regard to the Sharia Law Encumbrances passed by Countries, Abdul Halim El-Muhammady is of the opinion that in general there are some minor differences in them, one of which is the title of the enactment itself. The State of Melaka uses the title "Enactment of the Criminal Case in Sharia", Negeri Perak puts the words of the criminal in confinement, and the State of Perlis also has the title "Enactment of the Criminal Case in Syara". Meanwhile, Negeri Kelantan, Kedah, Negeri Sembilan each use the name of Anaknaj Jenayah Negeri Syariah (El-Muhammady, 2005). Zulkifli Hasan explained that in general the criminal offenses determined in the enactments were too few and very limited, including the terms of punishment. The punishment that is determined only includes takzir, namely imprisonment, fines or separator.(Hasan, 2008)

The institution authorized to designate a group or sect is the Department of Islamic Development Malaysia. The Islamic Development Department of Malaysia has released the definition of heresy. The Islamic Development Department of Malaysia explained that heretical trends are any trends or practices brought by Muslims or non-Muslims who claim that the trends and practices are based on Islamic trends, while the trends and
practices that are brought are contrary to the creed and Sharia Islamic, contrary to the authoritative madhhab and contrary to Ahli Sunnah Wal Jamaah. In addition to Malaysia, this definition was also agreed upon by the Ulama Council of Brunei Darussalam, the Republic of Indonesia and the Republic of Singapore. In other words, the perversion or wrongness of a movement is referred to its practice pattern that is contrary to Islamic creed and shariah in terms of content, form of thought and the characteristics of its practice. This includes all ideologies or understandings that are followed and held by people today and allow all forms of evil or activities that are contrary to Islamic law (such as gambling, alcohol, adultery, revealing private parts, mixing men and women and so on) on this earth both overtly and covertly. (Yusof et al., 2008)

Ahmad Hidayat Buang explained that if a trend is considered misguided through a fatwa, relevant government agencies, especially the Department of Islamic Religion, will take steps to enforce the fatwa through prosecution of individuals involved in misguided trends. Prosecution in this category of offense is quite difficult to impose considering the difficulties in the problem of proof and procedure. Regarding this challenge, there is a need for a proposal to make a regulation prohibiting religious activities in private. All religious activities must be done openly and anyone can participate in the activities. This is because most of the activities of the heretical movement are difficult. This regulation makes it easier for the community and the authorities to monitor the activities of deviant trends. (Buang, 2011)

With regard to the way in which appeals deal with issues related to the right to practice religion in Malaysia, it is important to look at the case of Kamariah Ali who is a follower of Ayah Pin's heresy and the case of Abdul Kahar Ahmad who announced himself as the Messenger. Kamariah Ali who is a follower of Ayah Pin was sentenced to 2 years in prison after being found guilty of apostasy by the Kuala Terengganu Syariah High Court today. While Abdul Kahar Ahmad was today sentenced to 10 years in prison, a fine of RM16,500 and six lashes by the Syariah High Court in Shah Alam after pleading guilty to five amended charges according to the Selangor State Syariah Criminal Enactment 1995. (Bernama, 2009)

Kamariah Ali and Abdul Kahar bin Ahmad deliberately announced their apostasy to avoid accusations of heretical practices. Thus, they thought they would be free from prison for the reason of the right to freedom of religion (Wan Mojd Azam Mohd Amin, 2009). In terms of the court's decision, it can be said that the punishment for the convicted
is not the same. However, in terms of the category of legal provisions, the court is of the same opinion that practicing heresy is subject to Article 11(4) of the Federal Constitution and State Enactment.

In dealing with issues related to the right to practice religion, the cases of Kamariah Ali and Abdul Kahar Ahmad are in accordance with the Federal Statute and Constitution. This can be seen from the court verdict which states that Kamariah Ali and Abdul Kahar Ahmad were found guilty of having practiced heretical practices based on state enactments. Although Islam has become the official religion, all religious freedom rights are not disturbed or limited, but only about the expansion of religion to Muslims. In this regard, the Legislature for each state in Malaysia has the right to make laws to limit the expansion of religion to Muslims. (Abas, 2003)

Although the provision of the right to freedom of religion in the Malaysian Constitution has limited deviant sects trends, it does not mean that the provision of the right to practice religion can eradicate deviant sects trends. Various approaches have been made to overcome the development of misguided trends (Yusof et al., 2008). Because of that, it is clear how the Malaysian government deals with deviant groups. Although there are still groups of deviant sects, the Malaysian Government can act decisively against deviant sects based on the provisions of the right to practice religion enshrined in the Malaysian Constitution and State Enactments.

4 CONCLUSION

Freedom of religion is an issue that is often debated when cases of deviant sects arise both in Indonesia and in Malaysia. The debate is caused by the ambiguity of the provisions on freedom of religion in a country's constitution, so that it can provide various interpretations of freedom of religion. The ambiguity can be seen when comparing the Indonesian Constitution and the Malaysian Constitution. In the Indonesian constitution there are no provisions on freedom of religion including the right to practice religion. Meanwhile, the Malaysian Constitution contains provisions on freedom of religion including the right to adhere to, practice and develop religion. This difference in provisions has had a significant impact on the exercise of the right to practice religion in the two countries. Deviant sect groups will continue to emerge due to the interpretation of the provisions on freedom of religion as an absolute right. They consider that their actions are not against the law because the right to practice religion is guaranteed by the
constituent. On the other hand, the Muslim community considers the practice of deviant
groups to be against the law because they have insulted the teachings of Islam. This
conflict regarding religious freedom will continue, but the conflict can still be resolved if
the constitution of a country clearly details the provisions on freedom of religion.
Settlement of cases of deviant sects in Malaysia is more effective than in Indonesia. The
absence of provisions on freedom of religion in a constitution is the difficulty of placing
and resolving the problem of deviant sects as sects that damage the beliefs of Muslims
and interfere with the rights of others, while the clarity of provisions on freedom of
religion in a constitution is the ease of placing and resolving the problem of deviant sects
as practices that are contrary to Islamic teachings. Therefore, to resolve cases of deviant
sects, it is necessary to amend the Indonesian Constitution regarding detailed provisions
on freedom of religion which include the right to adhere to, practice and develop religion.
By amending the Indonesian constitution, various problems of heretical sects can be
resolved in the context of the right to practice religion based on the Indonesian
Constitution.
REFERENCES


