

The Silent Discrimination of Administrative Law: How Local Regulations Produce Unequal Citizenship for Religious Minorities in Indonesia

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Abstract

Discrimination against religious minorities does not always emerge through explicitly discriminatory legislation. It may instead operate through local administrative regulations that appear neutral but generate disproportionate burdens for minority communities. This article investigates how local regulations and administrative practices can produce unequal citizenship for religious minorities in Indonesia. The study employs a normative juridical and comparative approach by examining constitutional principles, national legislation, selected regional regulations, administrative practices, and judicial decisions involving religious freedom and minority protection. The analysis uses equality, non-discrimination, proportionality, and administrative justice as analytical frameworks. The article demonstrates that regulatory language emphasizing public order, social harmony, or community approval may provide broad discretion to local authorities while enabling majoritarian preferences to influence administrative decisions. Consequently, formal equality can coexist with substantive inequality. The study argues that administrative law should not be assessed solely according to procedural legality but also according to its distributive and rights-based consequences. It proposes stronger constitutional review of local regulations, clearer limits on administrative discretion, and effective remedies for minorities affected by discriminatory implementation. The article concludes that minority justice requires the transformation of administrative law from a system primarily concerned with governmental authority into a framework capable of actively preventing structural exclusion. This perspective broadens minority-rights analysis beyond explicit discrimination toward the less visible mechanisms embedded within ordinary governance.

[Diskriminasi terhadap minoritas agama tidak selalu muncul melalui undang-undang yang secara eksplisit diskriminatif. Sebaliknya, diskriminasi dapat beroperasi melalui peraturan administrasi lokal yang tampak netral tetapi menimbulkan beban yang tidak proporsional bagi komunitas minoritas. Artikel ini menyelidiki bagaimana peraturan dan praktik administrasi lokal

dapat menghasilkan kewarganegaraan yang tidak setara bagi minoritas agama di Indonesia. Studi ini menggunakan pendekatan yuridis normatif dan komparatif dengan memeriksa prinsip-prinsip konstitusional, undang-undang nasional, peraturan daerah terpilih, praktik administrasi, dan keputusan pengadilan yang melibatkan kebebasan beragama dan perlindungan minoritas. Analisis menggunakan kesetaraan, non-diskriminasi, proporsionalitas, dan keadilan administratif sebagai kerangka analitis. Artikel ini menunjukkan bahwa bahasa peraturan yang menekankan ketertiban umum, harmoni sosial, atau persetujuan masyarakat dapat memberikan keleluasaan yang luas kepada pemerintah daerah sekaligus memungkinkan preferensi mayoritas untuk memengaruhi keputusan administratif. Akibatnya, kesetaraan formal dapat berd coexistence dengan ketidaksetaraan substantif. Studi ini berpendapat bahwa hukum administrasi tidak boleh dinilai hanya berdasarkan legalitas prosedural tetapi juga berdasarkan konsekuensi distributif dan berbasis haknya. Studi ini mengusulkan peninjauan konstitusional yang lebih kuat terhadap peraturan lokal, batasan yang lebih jelas pada keleluasaan administratif, dan solusi yang efektif bagi minoritas yang terkena dampak implementasi yang diskriminatif. Artikel ini menyimpulkan bahwa keadilan bagi minoritas membutuhkan transformasi hukum administrasi dari sistem yang terutama berkaitan dengan otoritas pemerintah menjadi kerangka kerja yang mampu secara aktif mencegah pengucilan struktural. Perspektif ini memperluas analisis hak-hak minoritas melampaui diskriminasi eksplisit menuju mekanisme yang kurang terlihat yang tertanam dalam tata kelola pemerintahan biasa.]

Keywords: administrative law, religious minorities, local regulations, structural discrimination, equal citizenship

Introduction

The constitutional architecture of Indonesia formally places religious freedom within the category of fundamental rights, yet the practical enjoyment of those rights remains significantly dependent upon administrative institutions. Articles 28E, 28I, and 29 of the 1945 Constitution protect freedom of religion and belief, while Article 28D guarantees equality before the law and equal treatment under the legal system. These constitutional guarantees, however, operate within a decentralized state in which local governments possess substantial regulatory and administrative authority. The resulting institutional arrangement creates a paradox: the national constitutional framework may protect religious liberty while local administrative instruments determine whether individuals can practically establish houses of worship, conduct religious activities, obtain permits, or participate equally in public life. The central issue is therefore not merely whether discriminatory rules exist, but whether ordinary administrative decisions can reproduce inequality without

formally classifying citizens according to religion (Crouch 2009; Salim, Simbuka, and Luntajo 2022).

Administrative law is particularly important because discrimination can become less visible when it is embedded in procedures rather than explicit prohibitions. A local regulation may require “community harmony,” “public order,” “social acceptance,” or consultation with local institutions without explicitly identifying a religious minority as the target. Yet such requirements may generate unequal consequences when the minority community lacks sufficient political influence or when the local population is dominated by another religious group. The formal neutrality of the rule can therefore conceal its distributive effects. This phenomenon corresponds with the broader distinction between formal and substantive equality: a rule that applies identically to everyone may nevertheless be discriminatory if its institutional operation imposes disproportionate burdens upon particular groups (Fredman 2011; Hepple 2014).

Indonesia's post-1998 decentralization provides an important institutional context for examining this problem. Decentralization expanded opportunities for local political participation and allowed regional governments to formulate policies responsive to local preferences. However, decentralization also created opportunities for religious identity to become embedded in local governance. Muntoha (2009) documented the growth of religiously influenced regional regulations following the introduction of regional autonomy, while Crouch (2009) demonstrated that religious regulations could adversely affect vulnerable groups, including religious minorities. More recent political research similarly suggests that the distribution of religious legislation across Indonesian regions reflects uneven democratic conditions at the subnational level (Hasyim 2022). Decentralization therefore cannot be evaluated solely as a mechanism for bringing government closer to citizens; it must also be assessed according to whether local institutions preserve equal citizenship.

Previous scholarship has approached religious discrimination in Indonesia from several directions. Legal scholars have examined religious regulations, houses of worship, the blasphemy regime, and the constitutional limits of religious restrictions (Crouch 2007, 2015; Fanani 2011). Political scientists have examined the emergence and diffusion of discriminatory local regulations, demonstrating that local governments may imitate regulatory models from other jurisdictions rather than simply responding to immediate demands from religious majorities (Buehler 2023). Public-administration research has increasingly focused on the administrative burden embedded in house-of-worship regulations, showing how requirements may become institutionalized over time (Wijaya and Prasjojo 2023). These studies demonstrate that discrimination may operate through a combination of law, politics, bureaucracy, and institutional learning rather than through a single discriminatory statute.

Nevertheless, an important analytical gap remains. Much of the literature treats discriminatory regulation primarily as a problem of religious freedom or

constitutional rights, while the administrative-law dimension receives comparatively less attention. This article argues that the distinction is significant because administrative institutions possess forms of discretion that can produce exclusion even when the governing regulation appears facially neutral. The problem is therefore not simply “religious discrimination by local government,” but a deeper structural problem in which administrative law itself can distribute citizenship unequally. This perspective shifts attention from the identity of the protected group toward the institutional mechanisms through which unequal treatment is produced. It also makes it possible to connect religious-freedom scholarship with theories of administrative justice, regulatory governance, and substantive equality.

The article contributes to existing scholarship in three respects. First, it conceptualizes local religious regulation as an administrative-law problem rather than exclusively as a religious-freedom problem. Second, it develops the concept of administrative citizenship inequality, referring to situations in which formally equal citizens experience different practical capacities to access public institutions because administrative procedures systematically privilege majority interests. Third, it proposes a rights-based model of administrative discretion in which legality is assessed together with equality, proportionality, reason-giving, transparency, and effective remedy. The novelty therefore lies in connecting minority-rights theory with the everyday operation of administrative power. Rather than asking only whether a regulation explicitly discriminates, the analysis asks whether its design and implementation distribute administrative burdens unequally.

The study addresses three questions. First, through what administrative mechanisms can local regulations produce unequal citizenship for religious minorities? Second, why do formally neutral concepts such as public order, harmony, community approval, and local values become capable of producing discriminatory outcomes? Third, what constitutional and administrative-law mechanisms are necessary to prevent local autonomy from becoming a vehicle for structural exclusion? The research employs a normative juridical and comparative approach. It analyzes the 1945 Constitution, laws governing human rights and regional government, regulations concerning religious harmony and houses of worship, selected regional regulations, relevant Constitutional Court and Supreme Court jurisprudence, and academic literature. The comparative dimension is conceptual rather than jurisdictionally exhaustive, using international standards of equality, non-discrimination, proportionality, and administrative fairness to evaluate Indonesian practice.

Results and Discussion

1. From Formal Equality to Administrative Citizenship Inequality

Citizenship is conventionally understood through nationality, legal status, political membership, and equal rights. Yet citizenship also has an administrative dimension: individuals experience the state through permits, registrations, licenses,

public services, inspections, policing, and bureaucratic decisions. This means that citizenship is not only a constitutional status but also a practical relationship between individuals and public institutions. When administrative systems impose greater burdens upon certain religious groups, formal citizenship remains intact while substantive citizenship becomes unequal. A religious minority may possess the same constitutional rights as the majority but face more demanding procedures to establish a house of worship, organize religious activities, or obtain recognition from local institutions. The inequality is therefore produced not necessarily by denying citizenship but by making the exercise of citizenship more difficult (Marshall 1950; Isin and Turner 2002).

The distinction between formal and substantive equality is essential in this context. Formal equality requires that similarly situated individuals be treated alike, whereas substantive equality asks whether institutional arrangements produce unequal consequences and whether differential treatment is necessary to correct or prevent disadvantage (Fredman 2011). A local government may therefore claim compliance with equality because the same licensing requirements apply to all religious communities. Yet if the requirements depend on obtaining approval from a local majority, the minority may face a substantially greater practical burden. The legal question should consequently move beyond whether the rule is facially neutral and examine how the rule distributes opportunities, costs, delays, and risks among different communities.

This approach is particularly relevant to the regulation of houses of worship. The Joint Regulation of the Minister of Religious Affairs and Minister of Home Affairs Nos. 9 and 8 of 2006 requires administrative and social conditions for establishing houses of worship, including requirements concerning users and local community support. The regulatory framework was designed partly to prevent conflict and maintain religious harmony. However, empirical and legal studies have identified problems associated with the implementation of these requirements. Harefa (2016) found that implementation was weakened by inadequate commitment, limited socialization, weak enforcement, and insufficient multicultural education. More recent administrative research similarly identifies the institutionalization of administrative burdens as a persistent feature of the regulatory framework (Wijaya and Prasajo 2023).

The problem therefore lies in the transformation of social consent into an administrative condition. When community approval becomes relevant to the legality of a minority's religious facility, the majority can acquire influence over the exercise of an individual or collective constitutional right. The administrative state effectively converts a political preference into a procedural requirement. This is problematic because constitutional rights are ordinarily designed to protect individuals precisely when they lack majority support. If the exercise of a right depends upon approval from the dominant community, the regulatory structure risks reversing the logic of rights protection: the group that should be protected becomes dependent upon the consent of those who possess greater social power.

2. Neutral Rules and the Hidden Production of Discrimination

Discrimination in administrative law frequently operates through apparently neutral standards. Terms such as “public order,” “social harmony,” “community values,” and “local wisdom” possess legitimate regulatory functions. Governments have a responsibility to prevent violence, protect public safety, and maintain peaceful coexistence. The difficulty arises when these concepts are formulated without sufficiently precise legal criteria. Broad standards can enlarge administrative discretion, allowing officials to determine which religious activities are considered harmonious or disruptive. Once discretion expands without adequate procedural safeguards, administrative decisions may be influenced by majoritarian assumptions while remaining formally defensible as neutral exercises of regulatory authority.

The danger of indeterminate standards is particularly significant in plural societies. “Harmony” can mean equal coexistence, but it can also be interpreted as the absence of visible difference. If officials perceive minority religious activity as potentially disruptive merely because it is unfamiliar or contested, the objective of maintaining harmony can unintentionally become a justification for suppressing diversity. Salim, Simbuka, and Luntajo (2022) demonstrate that regional political philosophies can shape interpretations of religious freedom in different provinces. Their findings indicate that regulatory understandings of religious freedom are not institutionally uniform across Indonesia. The same constitutional right can therefore encounter substantially different administrative environments depending upon local political and cultural contexts.

The concept of regulatory neutrality must consequently be distinguished from neutrality of effect. A rule is not sufficiently neutral merely because it avoids religious labels. If a regulation systematically places a greater burden on minority communities because they are less able to satisfy community-approval requirements, the rule has unequal effects. This reasoning corresponds with contemporary equality theory, which recognizes that indirect discrimination may arise where apparently neutral criteria disproportionately disadvantage a protected group without adequate justification (Hepple 2014). Indonesian administrative law should therefore incorporate an effects-based inquiry when evaluating regulations affecting religious minorities.

The diffusion of anti-Ahmadiyah regulations provides particularly strong evidence that discriminatory administrative regulation cannot always be explained through direct majoritarian pressure. Buehler (2023), using a dataset of anti-Ahmadiyah regulations in Indonesia, demonstrates that local governments sometimes adopt discriminatory regulations through inter-jurisdictional diffusion. The significance of this finding is substantial. It indicates that discriminatory rules can become institutionalized through administrative imitation, even where immediate social pressure is not sufficient to explain their adoption. Administrative discrimination may therefore reproduce itself bureaucratically: one jurisdiction

creates a regulatory model, another adopts it, and the accumulated practice gradually normalizes unequal treatment.

3. Local Autonomy and the Fragmentation of Equal Citizenship

Decentralization was intended to improve democratic responsiveness and bring government closer to citizens. Under Law No. 23 of 2014 on Regional Government, local authorities exercise substantial powers over governmental affairs within the framework of national law. Yet local autonomy cannot constitutionally authorize local governments to create separate standards of citizenship based upon religious identity. The constitutional principle of equality requires that regional autonomy operate within national guarantees of fundamental rights. Regional diversity may justify different administrative arrangements, but it cannot justify differential protection of constitutional freedoms. The central problem is therefore how to reconcile legitimate local autonomy with the constitutional requirement that fundamental rights remain equally protected throughout the territory of the state.

The Indonesian experience illustrates the difficulty of this balance. Regional regulations may reflect local political preferences and social traditions, but such preferences do not automatically possess constitutional legitimacy. Muntoha (2009) showed how decentralization created opportunities for local governments to adopt regulations influenced by Islamic norms. Fanani (2011) subsequently identified negative implications of some sharia-oriented regulations for religious minorities. Garadian (2016) likewise noted that certain sharia-based regulations had implications for the establishment of houses of worship and the treatment of minority sects. These findings suggest that local autonomy can create a regulatory environment in which majority cultural preferences become embedded in administrative governance.

The problem is not that local governments should be prevented from responding to local social conditions. Rather, local policy-making must operate within a hierarchy of constitutional values. The principle of local responsiveness should be balanced against equality, human rights, and national legal supremacy. This requires a distinction between permissible local variation and impermissible rights fragmentation. Local governments may determine how public services are administered, but they should not be able to determine which citizens receive weaker protection for constitutionally guaranteed freedoms. Otherwise, citizenship becomes geographically contingent: the practical value of a constitutional right depends upon the district or municipality in which an individual resides.

Such fragmentation is especially problematic for religious minorities because their demographic status varies across regions. A religious community may be a majority nationally but a minority locally, or vice versa. If local administrative systems rely heavily upon numerical majority preferences, rights become vulnerable to demographic variation. The same citizen may therefore experience different administrative treatment after moving across a regional boundary. This is

inconsistent with the concept of equal citizenship because fundamental rights should attach to the person, not to the religious composition of the locality. Administrative decentralization must consequently be accompanied by stronger national standards for rights protection.

4. Administrative Discretion and the Majoritarianization of Procedure

Administrative discretion is unavoidable in modern governance. Regulations cannot anticipate every factual circumstance, and officials need flexibility to respond to changing conditions. The problem emerges when discretion lacks objective criteria, transparency, and meaningful review. In religious-freedom disputes, discretion becomes particularly sensitive because local officials may be required to evaluate concepts such as “community acceptance” or “public harmony.” These are not purely technical questions. They involve social judgments about which forms of religious expression are legitimate or acceptable. Without safeguards, discretionary authority can therefore become a channel through which majoritarian preferences enter formally neutral administrative processes.

A rights-based conception of administrative discretion requires that officials distinguish between legitimate public interests and majoritarian preferences. Public order may justify restrictions when there is a concrete and demonstrable threat to safety. It should not, however, be interpreted as a generalized authorization to prevent unpopular religious practices. The proportionality principle is useful here because it requires government to demonstrate that a restriction pursues a legitimate aim, is suitable to achieve that aim, is necessary because less restrictive alternatives are unavailable, and maintains a reasonable balance between public interests and rights (Alexy 2002; Barak 2012). Proportionality therefore converts abstract administrative discretion into a structured form of constitutional reasoning.

The Indonesian constitutional framework supports such an approach. Article 28J permits restrictions upon rights only through laws and only for purposes recognized by the Constitution, including respect for the rights of others, morality, religious values, security, and public order in a democratic society. The provision should not be interpreted as granting unlimited administrative authority. Rather, it establishes a constitutional discipline for restrictions. Local regulations and administrative decisions affecting religious freedom should therefore be evaluated according to legality, legitimate purpose, necessity, proportionality, and non-discrimination. Administrative convenience or local political pressure should not independently constitute sufficient justification.

The need for procedural discipline becomes clearer when administrative burdens are considered. Herd and Moynihan (2018) conceptualize administrative burdens through learning costs, compliance costs, and psychological costs. These categories are useful for religious regulation. Minority communities may need to learn complex requirements, obtain multiple documents, collect signatures, negotiate with local actors, and repeatedly defend their legitimacy. Even where the formal requirements are identical, the compliance cost may be significantly higher

for minorities because they possess weaker political and social networks. Administrative burden thus becomes an indirect mechanism of exclusion. The state may never formally deny the right, but it can make the right sufficiently difficult to exercise that the practical outcome approaches denial.

5. Administrative Burden as Structural Discrimination

The concept of administrative burden provides an important bridge between administrative law and minority-rights scholarship. Traditional legal analysis tends to focus on whether government action is authorized by law. Administrative-burden analysis asks what citizens must actually do to obtain a public benefit or exercise a legal entitlement. This distinction matters because the burden of accessing rights is itself capable of producing inequality. In the Indonesian context, the requirements surrounding houses of worship demonstrate how administrative procedures can become institutionalized obstacles. Wijaya and Prasajo (2023) identify the long-term institutionalization of burdens in the regulation of places of worship, showing that procedural requirements can persist despite repeated debates over their consequences.

The burden is not distributed equally because communities possess different capacities to comply. A religious majority may have extensive institutional networks, access to influential local actors, and sufficient demographic concentration to satisfy numerical or community-support requirements. A small minority community may lack these resources. A formally equal requirement can therefore operate as a structural filter. The regulation does not say “minorities cannot build houses of worship”; instead, it establishes conditions that minorities are systematically less capable of fulfilling. This is precisely why substantive equality is necessary. The legal system must evaluate not only the text of the requirement but also the institutional capacities required to satisfy it.

The same phenomenon can occur in licensing, public-event permits, educational administration, and other forms of local governance. Religious minorities may encounter additional scrutiny when organizing public activities or seeking access to public spaces. Officials may justify these practices through security or conflict-prevention considerations. Yet when such scrutiny is triggered primarily by the identity of the applicant rather than by objective evidence of risk, administrative neutrality becomes questionable. The state effectively imposes a higher “cost of legality” on certain citizens. Such unequal administrative costs can create what this article terms **procedural stratification of citizenship**.

The concept also reveals why discrimination may persist even after discriminatory language has been removed from regulations. A government may revise the formal text while maintaining the same procedural structure. For example, an explicit prohibition can be replaced with a consultation requirement, or a religiously specific restriction can be reframed as a public-order condition. The appearance of neutrality improves, but the underlying burden remains. Effective reform therefore requires examination of the entire administrative process: who

decides, what evidence is required, who bears the burden of proof, how long the process takes, what reasons must be given, and what remedies are available. Equality must be evaluated throughout the regulatory chain rather than solely at the legislative drafting stage.

6. Judicial Review and the Problem of Regulatory Accountability

Judicial review is a central mechanism for preventing local regulations from undermining constitutional rights. Indonesia's constitutional structure divides review authority between the Constitutional Court and the Supreme Court. The Constitutional Court reviews laws against the Constitution, while the Supreme Court reviews regulations below statutes against higher legislation. This dual structure creates a complex relationship between constitutional supremacy and statutory review. Research on sharia-based local regulations has identified tensions within this arrangement, particularly concerning the capacity of judicial review to provide coherent protection for constitutional rights when the challenged norm is a local regulation (Putri et al. 2023).

The principal difficulty is that local regulations may be invalid not only because they conflict with a statute but because their implementation violates constitutional rights in ways that are not immediately apparent from textual comparison. A regulation may be formally consistent with a ministerial regulation while producing discriminatory consequences under Articles 28D, 28E, and 29 of the Constitution. Judicial review must therefore incorporate constitutional principles rather than operate exclusively as a technical hierarchy test. The Supreme Court's review of regional regulations should take account of equality, proportionality, freedom of religion, and non-discrimination whenever local rules affect fundamental rights.

Administrative decisions also require effective judicial scrutiny. A facially valid regulation does not immunize every administrative decision made under it. Officials must exercise discretion lawfully and reasonably. Administrative courts should therefore be able to examine whether decisions relied upon relevant considerations, provided adequate reasons, respected equal treatment, and avoided arbitrary or discriminatory standards. The duty to give reasons is particularly important because it forces administrative authorities to reveal the factual and legal basis for restricting minority rights. Reason-giving converts discretionary authority into an accountable form of public power.

Effective judicial review additionally requires accessible remedies. Minority communities may lack financial resources and legal expertise, while administrative disputes can become prolonged. If a court issues a decision only after a project has been cancelled, a house of worship demolished, or a community forced to relocate, the remedy may arrive too late. Interim measures, expedited proceedings, standing rules accommodating collective interests, and effective restoration should therefore be considered as components of administrative justice. Judicial review should not merely identify illegality; it should be capable of preventing irreversible violations.

7. Toward a Rights-Based Model of Local Administrative Law

A rights-based model of local administrative law should begin with a clear hierarchy: local regulatory autonomy is legitimate only insofar as it operates consistently with constitutional rights. This requires national minimum standards for religious freedom that local governments cannot dilute. Such standards should specify that administrative decisions affecting religious activities must be based on objective criteria, legitimate public interests, and individualized evidence rather than demographic majorities or religious preferences. Community consultation may remain valuable for conflict prevention, but it should not function as a veto over the exercise of constitutional rights. Consultation should inform government decision-making rather than transfer constitutional authority from the state to private majorities.

Second, administrative regulations should contain clearer limits on discretion. Terms such as “harmony,” “public order,” and “local values” should be accompanied by statutory definitions, evidentiary thresholds, and procedural safeguards. Officials should be required to demonstrate a concrete connection between a proposed restriction and a legitimate public objective. General claims that an activity might provoke social resistance should not automatically justify restrictions. Otherwise, the government effectively rewards intolerance by allowing opposition to become evidence against the minority. This creates a perverse incentive in which those who threaten disruption gain greater regulatory influence than those seeking to exercise peaceful constitutional rights.

Third, the regulatory process should incorporate an equality impact assessment for regulations affecting religious life. Before a local regulation is enacted, lawmakers and administrative authorities should examine which communities are likely to bear its costs, whether the burden is proportionate, and whether less restrictive alternatives exist. This approach would extend regulatory impact assessment from economic efficiency toward constitutional equality. It would also make indirect discrimination more visible before the rule becomes entrenched. International equality frameworks support this preventive approach because substantive equality requires attention to structural disadvantage rather than merely formal classification (Fredman 2011; Hepple 2014).

Fourth, national institutions should strengthen oversight without eliminating legitimate local autonomy. Central supervision should focus particularly on regulations affecting fundamental rights. Mechanisms for executive review, legislative harmonization, ombudsman oversight, and judicial review should operate in complementary ways. The objective should not be centralization for its own sake but the preservation of a national constitutional floor. Regional governments should remain capable of innovating in public policy, but they should not become laboratories for unequal citizenship. Policy experimentation is legitimate when it concerns administrative efficiency; it becomes constitutionally problematic when it experiments with the level of protection afforded to minorities.

Finally, administrative law should recognize minorities as rights-holders rather than administrative applicants. The applicant model assumes that government possesses authority and citizens request permission. A rights-based model begins from the opposite premise: citizens possess constitutional rights, and administrative authorities must justify restrictions upon those rights. This conceptual shift is particularly important for religious minorities. It transforms licensing from a discretionary privilege into a regulated administrative process subject to equality and proportionality. Such transformation would not eliminate the government's responsibility to maintain public order. Instead, it would ensure that public order is pursued through constitutionally legitimate means rather than through the accommodation of majoritarian demands.

Conclusion

This article has argued that the unequal citizenship experienced by religious minorities in Indonesia can be produced through administrative law even when regulations do not explicitly discriminate on religious grounds. Local requirements concerning public order, social harmony, community support, consultation, and licensing may appear neutral while imposing substantially greater burdens upon minority communities. The problem is intensified by decentralization because local political institutions operate within different demographic and religious environments. As a consequence, the practical value of constitutional rights can become geographically uneven. The analysis demonstrates that formal legality is therefore insufficient to evaluate administrative regulation. A local rule may be legally enacted and procedurally valid while remaining substantively discriminatory in its effects. Administrative citizenship must consequently be understood as an essential dimension of equality before the law.

The article further demonstrates that administrative discretion is the central institutional mechanism through which this hidden discrimination can occur. Broad regulatory concepts may permit officials to transform social opposition into administrative justification, while community-approval requirements can effectively transfer public authority to local majorities. Administrative burden compounds this problem because minorities may face higher learning, compliance, and psychological costs in exercising rights that are formally available to everyone. The appropriate response is not to eliminate local autonomy or administrative discretion altogether, but to constitutionalize their exercise through legality, reason-giving, proportionality, transparency, non-discrimination, and effective judicial remedies. Local government should be empowered to regulate public affairs, but not to determine which citizens are entitled to weaker protection of fundamental rights.

Future research should develop empirical measurements of administrative inequality across Indonesian regions. Comparative studies could examine processing times, documentary requirements, approval rates, community-consultation practices, and judicial outcomes for majority and minority religious

organizations. Such research would make it possible to identify whether formally identical administrative rules produce systematically different outcomes. Future scholarship should also investigate the role of bureaucratic culture, policy diffusion, local political competition, and digital administrative systems in reproducing or reducing religious discrimination. The broader research agenda should move toward an empirical theory of administrative citizenship, capable of explaining how citizens encounter constitutional rights through everyday bureaucratic institutions. Ultimately, the legitimacy of decentralized governance should be measured not merely by the amount of authority transferred to local governments, but by whether that authority is exercised in a manner consistent with equal citizenship.

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- Yogyakarta Special Region, and various Indonesian local governments. Selected regional regulations concerning religious harmony, public order, and religious activities, analyzed comparatively in the present study.

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