

Critiquing the Regulation of Houses of Worship: An Analysis Based on Quranic Moderation

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Abstract

This research aims to critically review the Joint Ministerial Regulation (PBM) No. 9 and 8 of 2006 (PBM) using the framework of religious moderation values from the Quran as the main analytical tool. Using a qualitative library research method, this study critically analyzes the text of the PBM and relevant Quranic verses. The analysis reveals that the principle of moderation in the Quran strongly emphasizes justice, tolerance, and dialogue. The study identifies four major issues in the regulation. First, the quantitative requirement of 90 worshippers and 60 local supporters often become a procedural barrier for minority communities. Second, the role of the Religious Harmony Forum (FKUB) remains limited due to institutional constraints and unclear authority. Third, temporary permits for the use of buildings create legal uncertainty and fail to provide long-term solutions. Fourth, the dispute resolution mechanism prioritizes procedural deliberation and litigation rather than reconciliation. This study concludes that although the PBM has a foundation aligned with the spirit of moderation, the implementation of its crucial articles often contradicts the essence of justice and tolerance taught by

the Quran. Therefore, regulatory improvements are needed to bridge the gap between theological ideals and the reality of public policy in Indonesia.

Keywords: *Religious Moderation, PBM 2006, House of Worship*

INTRODUCTION

A house of worship is one of the essential elements in religion. Besides its primary function as a place for religious services, a house of worship, in its development, has become a symbol of the existence of followers of a particular religion¹. Houses of worship also have different levels; for instance, in Islam, they are categorized by size into *langgar*, *musala*, a mosque, and a grand mosque. As a country that recognizes six different religions, Indonesia plays a crucial role in regulating houses of worship, even though it is not a religious state.

The establishment of houses of worship in Indonesia is regulated by the Joint Ministerial Regulation No. 9 and 8 of 2006, issued by the Minister of Religious Affairs and the Minister of Home Affairs (hereinafter abbreviated as "PBM"). This regulation was prompted by conflicts arising from the construction of houses of worship. Although intended to mediate these issues, the PBM has often become a source of conflict itself. There is a stark contrast between the ideal situation and reality. Ideally, the PBM is expected to manage permits and resolve problems related to the establishment of houses of worship. In reality, however, the construction of many houses of worship has faced persecution, discrimination, temporary halts, closures, and even demolition.

The Setara Institute, an organization focused on researching cases of discrimination and intolerance, recorded 42 cases of disturbances related to the operation and establishment of houses of worship in 2024. Although this number has decreased compared to the previous year, it still indicates an unresolved systemic problem². The PBM was even challenged in court for allegedly obstructing the establishment of houses of worship and lacking values of religious moderation. However, in 2023, the Supreme Court rejected

¹ Sapriillah Sapriillah, "RUMAH IBADAH SEBAGAI MEDAN KONTESTASI BERAGAMA," *Harmoni* 16, no. 2 (January 1, 2017): 357–73, <https://doi.org/10.32488/HARMONI.V16I2.13>.

² SETARA Institute, "SIARAN PERS KONDISI KEBEBASAN BERAGAMA/BERKEYAKINAN (KBB) 2024 | Setara Institute," May 2025, <https://setara-institute.org/siaran-pers-kondisi-kebebasan-beragamaberkeyakinan-kbb-2024/>.

a petition to repeal one of the requirements in the PBM, which was deemed to complicate the process and be inconsistent with religious freedom.

This fact presents a sharp paradox when linked to Indonesia's religious demography. As the country with the largest Muslim population in the world, the socio-religious dynamics in Indonesia are significantly influenced by the perspectives and behaviors of its Muslim majority. The conflicts over the establishment of houses of worship, which often involve actors who identify as Muslim, fundamentally contradict the essence of Islamic teachings. The Quran, as the holy book and primary guide for the majority of Indonesia's population, explicitly teaches the values of moderation (*wasathiyah*), justice (*al-'adl*), and tolerance (*tasamuh*). These principles are the main pillars that should guide inter-religious relations.

Therefore, this research is important. There is a clear disparity between: (1) the constitutional ideal of religious freedom; (2) the values of moderation, justice, and tolerance contained in the Quran as the guide for the majority; and (3) the problematic reality of the 2006 PBM regulation and its implementation. This study aims to conduct a critical review of the 2006 PBM, not only from a positive law perspective but specifically using the values of moderation in the Quran as the main benchmark. Thus, this research will uncover the extent to which state regulations have absorbed or, conversely, ignored the noble values contained in the religious teachings of its own majority population.

Previous studies on the establishment of houses of worship have been extensive and are divided into two topics. The first topic discusses case studies of the establishment of houses of worship in specific regions, covering the background of the conflict, contributing factors, and problem-solving. Studies in this category include research on the dynamics of establishing houses of worship in Central Java, with solutions involving the application of local wisdom³. A similar case occurred in Bekasi, arising from a new and diverse housing community system⁴. A case study outside of Java, for instance in Jambi, also concluded that religious and social issues are significant factors in conflicts over the establishment of houses of worship⁵. Meanwhile, in South

³ Rini Fidiyani, "DINAMIKA PEMBANGUNAN RUMAH IBADAH BAGI WARGA MINORITAS DI JAWA TENGAH," *Proceeding SENDI_U*, 2016.

⁴ Adon Nasrullah Jamaludin, "KONFLIK DAN INTEGRASI PENDIRIAN RUMAH IBADAH DI KOTA BEKASI," *Socio Politica : Jurnal Ilmiah Jurusan Sosiologi* 8, no. 2 (December 9, 2018): 227–38, <https://doi.org/10.15575/SOCIO-POLITICA.V8I2.3703>.

⁵ Abdul Halim and Zaki Mubarak, "POLA KONFLIK AGAMA DI WILAYAH PLURAL: STUDI KASUS PENDIRIAN RUMAH IBADAH DI KOTA JAMBI," *TAJDID: Jurnal Ilmu Ushuluddin* 19, no. 1 (January 26, 2020): 85–109, <https://doi.org/10.30631/TJD.V19I1.128>.

Kalimantan, rejections and disturbances were caused by a lack of socialization of the PBM, leading to diverse and overlapping interpretations⁶.

The second topic examines and evaluates the PBM from various viewpoints. It begins with research suggesting that the provisions of the PBM should not prioritize quantitative aspects but rather qualitative ones, and should use universal values as a basis for refusing permits for houses of worship⁷. There is also research concluding that the formulation of the PBM did not involve all stakeholders, leading to the assessment that the PBM is an inadequate and discriminatory public policy⁸. Subsequent research traced the origins of the PBM, concluding that it is a positive update from previous regulations and viewing the PBM as an important aspect in regulating permits for the establishment of houses of worship⁹. From an interpretative perspective, a study was found that examines the establishment of houses of worship by comparing the interpretations of Buya Hamka and Firanda Andirja. The results showed that Buya Hamka advocated for respecting the rights of non-Muslims to establish their places of worship, whereas Firanda Andirja expressed a stance of non-participation in the welfare of non-Muslims and implicitly did not support their construction¹⁰.

Based on the explanation above, it is clear that studies on PBM No. 9 and 8 of 2006 have been widely conducted from various disciplines, such as sociology, law, and public policy. However, most of these studies tend to use the concept of "moderation" as a social or state-defined term, without delving deeper into its theological foundations. Conversely, some studies have discussed it from an interpretive perspective but have not yet made the regulation the object of their research. There is a literary gap that specifically uses the normative principles of the Quran as a critical tool to analyze state

⁶ Bayani Dahlan and Rabiatul Aslamiyah, "Problematika Pendirian Rumah Ibadat Umat Minoritas Di Kalimantan Selatan," *Alhadharah: Jurnal Ilmu Dakwah* 21, no. 1 (June 30, 2022): 61–74, <https://doi.org/10.18592/ALHADHARAH.V21I1.6246>.

⁷ Albert Steven, Aprilo Gerald Gumansalangi, and Yusiana Eka Prasetyawati, "Urgensi Pembaharuan Regulasi Pendirian Rumah Ibadah Di Indonesia," *SAPIENTIA ET VIRTUS* 2, no. 1 (March 31, 2015): 15–25, <https://doi.org/10.37477/SEV.V2I1.165>.

⁸ Binsar Antoni Hutabarat, "Evaluasi Terhadap Peraturan Bersama Menteri Tahun 2006 Tentang Pendirian Rumah Ibadah," *Societas Dei: Jurnal Agama Dan Masyarakat* 4, no. 1 (October 24, 2017): 8–8, <https://doi.org/10.33550/SD.V4I1.41>.

⁹ Nugroho Nugroho, "KEBIJAKAN DAN KONFLIK PENDIRIAN RUMAH IBADAH DI INDONESIA," *Jurnal Studi Agama* 4, no. 2 (December 29, 2020): 1–17, <https://doi.org/10.19109/JSA.V4I2.7341>.

¹⁰ Rangga Adi Pratama, Jaka Ghianovan, and Ida Kurnia Shofa, "Moderasi Beragama Dalam Pembangunan Tempat Ibadah Non-Muslim Di Indonesia: Studi Komparatif Tafsir Al-Azhar Dan Tafsir Juz 'Amma," *Substantia: Jurnal Ilmu-Ilmu Ushuluddin* 26, no. 2 (October 30, 2024): 142–54, <https://doi.org/10.22373/SUBSTANTIA.V26I2.23394>.

legal products. Therefore, the main contribution of this research lies in two fundamental aspects. First, this research does not merely adopt but actively constructs a framework of moderation drawn directly from the primary source, the Quran. This offers a more authentic and fundamental perspective on the meaning of religious moderation. Second, this research directly applies this theological framework as an analytical tool to evaluate the regulation on the establishment of houses of worship. Thus, this study significantly contributes to bridging the gap between the discourse of theological idealism in Islam and the reality of public policy practices in Indonesia, offering an evaluation based not only on social effectiveness but also on its ethical-spiritual coherence.

RESEARCH METHOD

This is a qualitative study employing a descriptive-exploratory analysis method. The qualitative approach was chosen because this research focuses on textual analysis, interpretation of meaning, and a deep understanding of socio-legal phenomena, rather than quantitative measurement. Additionally, this method is used to explore in-depth how the values of religious moderation are applied in the regulation of establishing houses of worship and to analyze the social, cultural, and political contexts that influence its implementation. This research is also a library research study, which involves identifying, inventorying, and conducting an in-depth analysis of all relevant primary and secondary data sources. The primary sources used are the Quran and the PBM as the main objects of analysis. The secondary sources include Quranic exegesis (*tafsir*) books, especially contemporary interpretations relevant to the Indonesian context, books, scientific journals, and relevant previous research.

These data are analyzed qualitatively through three operational steps: thematic interpretation (*al-tafsir al-maudhui*), content analysis, and critical analysis. The first step is to analyze the Quran to build a conceptual framework. Verses related to the theme of moderation (*wasathiyyah*) are collected, analyzed, and synthesized to formulate comprehensive normative principles. The second step is to conduct an in-depth content analysis of PBM No. 9 and 8 of 2006. The analysis focuses on the crucial articles related to the requirements for establishing a house of worship to identify the norms, actors, and procedures regulated. The third step is the peak of the analysis, which involves comparing or evaluating the results of the PBM content analysis against the framework of normative principles from the Quran. This analysis aims to identify disparities, contradictions, and the ideological implications of the regulation.

RESULT AND DISCUSSION

The Principles of Religious Moderation in the Quran

Etymologically, moderation is derived from the Latin word *moderatio*, meaning a state of balance (between more and less). According to the Great Dictionary of the Indonesian Language (KBBI), moderation has two meanings: minimizing violence and avoiding extremism. Terminologically, being moderate emphasizes a balanced approach to morals, character, and beliefs that occurs in the interaction patterns of individuals and state institutions¹¹. Another opinion states that religious moderation is a perspective, attitude, and action that always takes a middle position, behaves justly, and avoids extremism in religion¹². The middle position can be interpreted as not siding with any party. However, moderation is not an indecisive or unclear attitude. Shihab states that a moderate attitude is not merely about a middle location, not a passive stance, and not just a matter for individuals or groups, but an active, interactive attitude that leads individuals or groups not to take one side (to be fair) and to be a good example for all parties¹³. A moderate view and attitude in religion are very important for Indonesia's multicultural society so that diversity is not viewed negatively but can be managed wisely to achieve justice.

The concept of religious moderation is not only found in Islamic teachings. In Christianity, the concept of religious moderation is understood as a moderate approach to religion that is open to all people and can be applied in various contexts, without rejecting individuals who have differences. This concept can be traced to the Gospel regarding the greatest commandment, which is love, and the second law which states, "love your neighbor as yourself" in Matthew 22:39. In other words, moderation is a form of love that flows and reaches out unconditionally to anyone¹⁴. Buddhism emphasizes the importance of religious moderation in the Tripitaka scriptures. The teaching of

¹¹ Fauziah Nurdin, "Moderasi Beragama Menurut Al-Qur'an Dan Hadist," *Jurnal Ilmiah Al-Mu'ashirah: Media Kajian Al-Qur'an Dan Al-Hadits Multi Perspektif* 18, no. 1 (January 30, 2021): 59–70, <https://doi.org/10.22373/JIM.V18I1.10525>.

¹² Lukman Hakim Saifuddin, *Moderasi Beragama* (Jakarta: Kementerian Agama RI, 2016).

¹³ Sagnofa Nabila Ainiya Putri and Muhammad Endy Fadlullah, "WASATHIYAH (MODERASI BERAGAMA) DALAM PERSPEKTIF QURAIISH SHIHAB," *INCARE, International Journal of Educational Resources* 3, no. 1 (June 30, 2022): 066–080, <https://doi.org/10.59689/INCARE.V3I1.390>.

¹⁴ Efesus Suratman et al., "Moderasi Beragama Dalam Perspektif Hukum Kasih," *PROSIDING PELITA BANGSA* 1, no. 2 (February 4, 2021): 81–90, <https://doi.org/10.30995/PPB.V1I2.505>.

the Noble Eightfold Path (JMBD) teaches that every individual can follow this path regardless of religion, race, and culture. This concept aims to free people from extreme views and attitudes in religion, which are often the cause of suffering, greed, and hatred¹⁵. Meanwhile, Hinduism also recognizes the concept of moderation, which is spread across its slokas and mantras, for example, Atharvaveda XII.1.4.5 which means "Mother Earth who bears the burden, like a family, where each individual speaks in diverse languages and embraces different beliefs. May she grant us wealth and foster mutual respect among us"¹⁶.

The term religious moderation is not explicitly found in the Quran, but meanings that support religious moderation can be found. In al-Baqarah verse 143, it is outlined that Muslims are an *ummatan washatan* (a moderate community), but the conditions to achieve this differ among scholars. There are at least three important principles that must be fulfilled to create religious moderation in a pluralistic society, especially in the matter of establishing houses of worship.

1. Justice

Justice is derived from the Arabic word *'adl*, which is defined as a balanced attitude and behavior. Besides the word *al-'adl* (28 times), the Quran also uses the word *al-qisth* (27 times) and *al-mizan* (23 times) to represent a similar meaning¹⁷. Others argue that justice means placing people according to their rights and obligations. Justice is an essential element in life and can be applied everywhere, including in economic, social, legal, and other contexts. The Quran also emphasizes the importance of upholding the principle of justice when interacting with others, for example, in Surah al-Maidah verse 8. This verse explicitly places a just attitude first when a person makes a promise, performs a duty, and behaves within the community.

Justice in the Quran has various meanings. First, just means to equalize or to treat with equality without any distinction. This meaning implies that all

¹⁵ Andika, Nurbaiti, and Lahmuddin, "KONSEP DAN PRAKTIK MODERASI BERAGAMA UMAT BUDDHA DI INDONESIA," *Sanak: Jurnal Studi Agama-Agama* 1, no. 1 (June 30, 2023): 34–44, <https://doi.org/10.32488/harmoni.v18i2.414>.

¹⁶ Sumarto Sumarto, "PENERAPAN NILAI – NILAI MODERASI BERAGAMA DI BALI STUDI KERJA SAMA RUMAH MODERASI BERAGAMA IAIN CURUP DI UNIVERSITAS HINDU NEGERI I GUSTI BAGUS SUGRIWA BALI," *Jurnal Literasiologi* 7, no. 3 (January 3, 2021), <https://doi.org/10.47783/LITERASIOLOGI.V7I3.320>.

¹⁷ Hilmi Ridho, "Membumikan Nilai-Nilai Keadilan Dalam Al-Qur'an Terhadap Sila Keadilan Sosial," *HUMANISTIKA: Jurnal Keislaman* 7, no. 2 (June 30, 2021): 151–89, <https://doi.org/10.55210/HUMANISTIKA.V7I2.596>.

human beings are equal without discriminating based on gender, race, and religion, for instance, a judge who decides a case fairly without bias. Second, just means balanced or proportional according to rights and obligations. This meaning implies that every human has strengths and weaknesses in opposite areas, so they cannot be treated equally across the board; for example, parents give different amounts of allowance to each child according to their needs. Some also provide other meanings of justice, such as individual rights justice and divine justice¹⁸.

2. Tolerance

Etymologically, tolerance is derived from the Latin word *tolerantia*, meaning gentleness of heart and leniency. In Arabic, the word for tolerance is equivalent to al-tasamuh, which is defined as a form of respecting and appreciating differences in religious practices with the aim of creating social harmony¹⁹. There is also an opinion that expands the meaning of tolerance to allowing something within certain limits. Everyone has freedom of religion, but this freedom is bound by other freedoms. In the context of *maqasid sharia* (the objectives of Islamic law), all things are permissible as long as they do not contradict fundamental matters (*dharuriyyat*), including creed and theology²⁰.

The principle of tolerance in the Quran can be found in Surah al-Baqarah verse 256, which discusses freedom of religion. Exegetes like al-Zamakhshari and Rashid Rida agree that this verse is clear evidence of tolerance because Islam was not spread through coercion and war. This aligns with the socio-historical context of the verse, which prohibits the use of violence in inviting someone to Islam, even one's own family²¹. The verse that is often used as a foundation for religious freedom has been interpreted in different ways. The first opinion argues that there is no religious freedom, claiming that this verse has been abrogated (*naskh*) by verses concerning warfare, as suggested by Sayyid Qutb. In contrast, the second opinion affirms

¹⁸ Afifa Rangkuti, "KONSEP KEADILAN DALAM PERSPEKTIF ISLAM," *Tazkiya: Jurnal Pendidikan Islam* 6, no. 1 (June 7, 2017), <https://doi.org/10.30829/TAZ.V6I1.141>.

¹⁹ Suja'i Sarifandi, Irwanda Irwanda, and Dasman Yahya Ma'ali, "DARI NASIONALISME HINGGA ANTI KEKERASAN Membaca Indikator Moderasi Beragama Melalui Hadits," *TOLERANSI: Media Ilmiah Komunikasi Umat Beragama* 15, no. 2 (December 18, 2023): 137–53, <https://doi.org/10.24014/TRS.V15I2.28363>.

²⁰ Althaf Husein Muzakky, "Potret Moderasi Dan Toleransi Beragama Dalam Tafsir Qs. Al-Kafirun Dan Relevansinya Dalam Konteks Keindonesiaan," *Al-Wasatiyah: Journal of Religious Moderation* 1, no. 1 (August 4, 2022): 16–35, <https://doi.org/10.30631/JRM.V1I1.4>.

²¹ Ahmad Yahya, "Dakwah Multi Iman: Studi Kritis Terkait Dakwah Inklusif Nurcholis Madjid," *JADID: Journal of Quranic Studies and Islamic Communication* 4, no. 01 (July 24, 2024): 98–120, <https://doi.org/10.33754/JADID.V4I01.1204>.

the existence of religious freedom, viewing it as a fundamental principle (*ushul*) of the religion, while warfare is considered a secondary or derivative matter (*furu'*). This second perspective is regarded as stronger and more inclusive in promoting social harmony.²²

The principle of tolerance was also exemplified by Prophet Muhammad through a concrete socio-political action: the Charter of Medina. The Charter of Medina was created as an effort to unite all groups regardless of religion and tribe. Although the city of Medina was inhabited by diverse groups, all were recognized as one community (*ummah*) by this charter, allowing them to live together and protect one another. All groups, including Muslims from various tribes and Jewish minority groups, were guaranteed their right to freedom despite having different beliefs. The charter also explicitly contains the principle of religious freedom²³.

3. Inter-religious Dialogue

One of the important principles of religious moderation is dialogue among religious followers. This activity was exemplified by Prophet Muhammad when resolving conflicts with important figures of the Quraysh pagans, as immortalized in Surah al-Kafirun. The dialogue between the Prophet and the Quraysh pagans arose because the Quraysh pagans initiated a dialogue by making an offer related to worship, which Prophet Muhammad then answered with a refusal because the offer violated Islamic creed and teachings²⁴. Although the context of al-Kafirun speaks about responding to an offer from the Quraysh pagans that involved mixing religions, the principle of dialogue can be emulated to overcome tensions between religious communities. Without dialogue, the potential for conflict is very high, and the desired harmony remains far from reach.

Religious dialogue is a form of two-way communication aimed at mutual understanding of cross-religious thoughts. By communicating, followers of a particular religion can wisely address the differences with followers of other religions and steer clear of conflict. Another goal of dialogue

²² Abd Moqsih, "Pandangan Ulama Konservatif Dan Ulama Progresif Tentang Tafsir Ayat Lâ Ikrâh Fî Al-Dîn," *ISLAMICA: Jurnal Studi Keislaman* 8, no. 1 (August 25, 2014): 219, <https://doi.org/10.15642/islamica.2013.8.1.219-240>.

²³ Hidayah Hasanah, Arbi Arbi, and Nurmin Nurmin, "PIAGAM MADINAH DAN PERADABAN TOLERANSI," *TOLERANSI: Media Ilmiah Komunikasi Umat Beragama* 14, no. 2 (January 2, 2023): 125–35, <https://doi.org/10.24014/TRS.V14I2.20967>.

²⁴ Rahman Taufiq, "Dialog Inter-Religius Sebagai Refleksi Moderasi Beragama Perspektif Tafsir Kemenag RI," *Al-Wasatiyah: Journal of Religious Moderation* 1, no. 2 (December 25, 2022): 131–52, <https://doi.org/10.30631/JRM.V1I2.14>.

is to foster a sense of mutuality, thereby moving away from an attitude of being the most correct and instead working together to realize peace. Inter-religious dialogue is not a medium for imposing the truths of each respective religion. While there is a potential for danger to arise in inter-religious dialogue, this occurs if the topic of conversation relates to the theological realm²⁵. In contrast, dialogue on religious moderation is more concerned with universal moral values, not an invitation to convert to a particular religion.

The Quran also emphasizes inter-religious dialogue in many places. Through the lens of inclusive da'wah, the meaning of da'wah in Surah an-Nahl verse 125 is not intended merely as a command to invite people to Islam, but rather as an invitation towards universal values consisting of attitudes, actions, and inter-religious dialogue. This is affirmed by Nurcholish Madjid, who states that the phrase *kalimatun sawa'* refers to teachings that serve as a "common platform" or meeting point between religions²⁶. This meeting point will not occur without inter-religious dialogue. Prejudice between religious communities can be eroded through inter-religious dialogue based on openness and goodwill. This process works by building an understanding that prevents the conflation of identity issues (religious differences) with competition issues (economic gaps or political interests). By keeping these two domains separate, the potential for conflict can be avoided, and the foundation of a united society will be stronger²⁷.

Reviewing the Regulation

The regulation on the establishment of houses of worship (PBM), created by the government, is a form of concern for religious communities. The existence of rules does not mean restricting religious freedom but rather serves as an instrument for maintaining order. Without limits and rules, society would fall into uncertainty and an overlap between rights and obligations. Therefore, the PBM further aims to prevent social and religious conflicts²⁸.

²⁵ Muttaqin Muttaqin Muttaqin et al., "Menelaah Problem Teologis Dialog Antar-Agama," *Al-Adyan: Jurnal Studi Lintas Agama* 17, no. 2 (December 31, 2022): 269–300, <https://doi.org/10.24042/AL-ADYAN.V17I2.10879>.

²⁶ Yahya, "Dakwah Multi Iman: Studi Kritis Terkait Dakwah Inklusif Nurcholis Madjid."

²⁷ Dwi Wahyuni, Susilawati Susilawati, and Marta Liza, "Dialog Antaragama: Mereduksi Prasangka Dan Memperkuat Integrasi Sosial Masyarakat," *Wardah* 23, no. 1 (June 28, 2022): 53–65, <https://doi.org/10.19109/WARDAH.V23I1.12945>.

²⁸ Steven, Gumansalangi, and Prasetiyawati, "Urgensi Pembaharuan Regulasi Pendirian Rumah Ibadah Di Indonesia."

The PBM regulation is an update that accommodates input from religious leaders and figures, integrating values of religious moderation. Basyuni, the Minister of Religious Affairs at the time, assessed that many terms in the previous regulation were open to multiple interpretations²⁹. Besides replacing the Joint Ministerial Decree (SKB) of the Minister of Home Affairs and the Minister of Religious Affairs No. 1 of 1969, which was considered outdated and biased, the purpose of this rule was to respond to public complaints regarding the massive establishment of minority-owned places of worship in majority areas, as well as differing additional regulations concerning the establishment of places of worship in various regions after the implementation of special regional autonomy³⁰. Therefore, the government, through the PBM, seeks to regulate and maintain social stability. However, the PBM regulation, which has been in effect for nearly two decades, needs to be re-examined using the parameters of the Quran's values of moderation, especially on clauses considered controversial.

1. Quantitative Requirements

One of the debated requirements is the 90/60 quantitative format. This regulation stipulates that the establishment of a house of worship must be justified by the presence of a congregation of 90 people and the support of at least 60 local community members who live near the proposed location. This provision encourages religious communities to respect and collaborate with each other in the process of establishing a house of worship. The party intending to build a house of worship must not only involve their own community but also consider the views and interests of other religious groups in the vicinity. However, this quantity rule is considered an obstacle due to differing interpretations regarding the requirement for the support of 60 local residents, for instance, in the case of the rejection of the Bethel Indonesia Church in Banjarmasin. This incident occurred because the head of Neighborhood Unit (RT) 31, the location of the proposed construction, protested that the 60 signatures collected did not belong to his residents. In contrast, the establishment committee argued that the location is directly

²⁹ Nugroho, "KEBIJAKAN DAN KONFLIK PENDIRIAN RUMAH IBADAH DI INDONESIA."

³⁰ M. Agus Noorbani, "PENDIRIAN RUMAH IBADAT DI KOTA CIREBON PASCA PEMBERLAKUAN PERATURAN BERSAMA MENTERI AGAMA DAN MENTERI DALAM NEGERI NOMOR 9 DAN 8 TAHUN 2006," *Harmoni* 14, no. 3 (December 30, 2015): 9–22, [//jurnalharmoni.kemenag.go.id/index.php/harmoni/article/view/96](http://jurnalharmoni.kemenag.go.id/index.php/harmoni/article/view/96).

adjacent to several other RTs, so it was reasonable for the signatures not to come from just one RT location³¹. This difference in interpretation, initially a small problem, escalated as it was compounded by political and social issues, making the establishment of the house of worship difficult to realize.

This quantity issue has also occurred in various other places. In Bandung, the establishment of a church was rejected because of its proximity to an Islamic boarding school (Pondok Pesantren). This rejection was supported by students (santri) and their networks, numbering more than 1,000 people³². In Samarinda, there were also problems related to the support of 60 local residents³³. In other words, differences in interpretation of the quantity requirement can relate to the geographical location between residents' homes and the house of worship, or the number of local residents who are members of the house of worship's congregation. Furthermore, the rule regarding the number of supporters is vulnerable to misuse and has led to the commercialization of the permit process. There are groups that monetize residents' support by offering guaranteed approval if a certain amount of money is paid, and conversely, will obstruct the construction if their financial demands are not met. This indicates that the regulation's focus on quantitative requirements creates a loophole for abuse. The process only prioritizes the fulfillment of procedural aspects while sidelining more substantive aspects, namely the qualitative views of the surrounding residents and an analysis of the potential impact of the establishment of the house of worship³⁴.

From an Islamic perspective, quantitative requirements are not part of the core teachings, except for acts of worship where the numbers are already fixed and must be fulfilled. In matters of community and social life, however, Islam does not specify numbers, for example, regarding the minimum number of congregants for Friday prayers. The opinions of scholars vary; even the Muhammadiyah Tarjih Council states that there is no minimum number limitation. This argument arises because no *sharih* (explicit) hadith mentioning a specific number has been found. As long as Friday prayer is performed in a congregation with a large number of people according to local custom, the

³¹ Dahlan and Aslamiyah, "Problematika Pendirian Rumah Ibadat Umat Minoritas Di Kalimantan Selatan."

³² Azka Fatina Bakti, "RESOLUSI KONFLIK DALAM PENDIRIAN RUMAH IBADAH GEREKA BETHEL INDONESIA DI KELURAHAN KEBONLEGA KECAMATAN BOJONGLOA KIDUL KOTA BANDUNG," *Caraka Prabu: Jurnal Ilmu Pemerintahan* 2, no. 2 (December 1, 2018): 120–41, <https://doi.org/10.36859/JCP.V2I2.384>.

³³ Sapriillah, "RUMAH IBADAH SEBAGAI MEDAN KONTESTASI BERAGAMA."

³⁴ Steven, Gumansalangi, and Prasetiyawati, "Urgensi Pembaharuan Regulasi Pendirian Rumah Ibadah Di Indonesia."

prayer is valid. This quantitative rule clearly complicates the process for minority groups to establish a house of worship. However, the stipulation of requiring 90 users and 60 supporters is an *ijtihad* (juristic interpretation) and a compromise by the government, considered the most rational to be applied on a national scale. On the other hand, because it is generally applicable throughout Indonesia, the PBM does not always align with unique local contexts. For example, in several villages in West Kutai Regency, Muslim communities face difficulties in building mosques because their numbers do not reach the 90 people required by the PBM. Although there is an option to expand the geographical scope to the sub-district level, this solution remains ineffective because the distance between one village and another is very far³⁵.

Based on the Qur'anic values of moderation, quantitative requirements serve as evidence of a genuine need for establishing a house of worship. However, the determination of specific numerical thresholds should be reexamined, as their negative impacts tend to outweigh the benefits when implemented. Therefore, despite their shortcomings, quantitative requirements should not be entirely abolished (*mansukh*); rather, they should be refined and improved so that they can function as reliable references and standards to facilitate the establishment of houses of worship.

2. The role of the FKUB

The PBM regulation implies a central role for the FKUB in creating harmony in a multicultural society, yet cases in several regions show that the FKUB's role and existence have not been optimal and face significant obstacles. The first limitation concerns the restricted scope of authority granted to the Forum for Religious Harmony (FKUB). As stipulated in the relevant provision, FKUB functions merely as a recommending body with a consultative role. This institutional design prevents FKUB from directly engaging in guiding the public on the importance of interreligious harmony. Consequently, FKUB tends to adopt a passive stance, primarily waiting for community members to seek recommendations, particularly in relation to the establishment of houses of worship. This passivity contributes to the persistence of potential conflicts, especially during interactions among followers of different religions. Such conflicts are often triggered by

³⁵ Sapriillah, "RUMAH IBADAH SEBAGAI MEDAN KONTESTASI BERAGAMA."

misunderstandings, multiple interpretations, and manifestations of intolerance.³⁶

The FKUB's functions on the ground have often not been carried out optimally. A study in Surabaya showed that the dialogue role it organized was still very limited in its target and scope. Similarly, its socialization and empowerment functions were also deemed not to be maximal. Functional weaknesses are also visible in its role as a conflict mediator. Research in Denpasar provides a concrete example where the FKUB's role as a communication forum in handling internal religious conflicts was not apparent. In the case of a legal dispute over the management of waqf land at the Darussalam Ubung Mosque and the Al-Hikmah Mosque, the conflict was resolved internally by the Muslim community without FKUB mediation. A similar situation occurred in the theological conflict between Traditional Balinese Hinduism and Hare Krishna; the FKUB handed over the resolution entirely to the Parisada Hindu Dharma Indonesia (PHDI) of Bali Province and other related parties³⁷. This principle of not intervening in internal religious conflicts shows a real limitation in the FKUB's mediation capacity, even though such conflicts have the potential to affect broader social harmony.

Beyond internal issues, the FKUB also faces significant external constraints, especially from the public³⁸. One of the main challenges, as identified in Denpasar, is the public's lack of understanding of the rules and requirements for establishing a house of worship as stipulated in the Joint Ministerial Regulation (PBM) No. 9 and 8 of 2006. This lack of understanding often triggers disputes and conflicts related to the construction of houses of worship, as seen in the cases of a prayer room and a church in Denpasar³⁹. This places the FKUB in a reactive position to solve problems rooted in the insufficient socialization of regulations at the community level.

³⁶ Giralda Martje Lawalata, I Gusti Putu Suka Arjawa, and Gede Kamajaya, "Peran Forum Kerukunan Umat Beragama (FKUB) Dalam Menjaga Solidaritas Sosial Antar Pemeluk Agama Di Kota Denpasar | JURNAL ILMIAH SOSIOLOGI: SOROT," *JURNAL ILMIAH SOSIOLOGI: SOROT* 1, no. 2 (2022), <https://ojs.unud.ac.id/index.php/sorot/article/view/85270/>.

³⁷ Lawalata, Arjawa, and Kamajaya.

³⁸ Aldana Kristanti and Agus Satmoko Adi, "PERAN FORUM KERUKUNAN UMAT BERAGAMA (FKUB) DALAM MENJAGA KERUKUNAN ANTARUMAT BERAGAMA DI KABUPATEN SIDOARJO," *Kajian Moral Dan Kewarganegaraan* 7, no. 2 (July 22, 2019), <https://doi.org/10.26740/KMKN.V7N2.P>.

³⁹ Lawalata, Arjawa, and Kamajaya, "Peran Forum Kerukunan Umat Beragama (FKUB) Dalam Menjaga Solidaritas Sosial Antar Pemeluk Agama Di Kota Denpasar | JURNAL ILMIAH SOSIOLOGI: SOROT."

The initial objective of establishing the Forum for Religious Harmony (FKUB) was to provide a communicative platform for local religious leaders, who are expected to serve as role models and offer guidance to their respective communities. This objective aligns with the principles of Qur'anic moderation, which emphasize deliberation and dialogue (*shūrā*). Furthermore, FKUB is envisioned as a frontline institution in maintaining social harmony. However, the Joint Ministerial Decree (PBM) does not concretely regulate this function and instead assigns similar responsibilities to other actors, such as the government and the Ministry of Religious Affairs. As a result, the role of FKUB becomes increasingly obscured and less visible in practice.

3. Temporary Permits for the Use of Buildings

The utilization of buildings refers to the use of structures that were not originally intended as houses of worship for religious purposes within a limited period. This mechanism serves as a short-term solution for religious communities to conduct worship activities before a permanent house of worship becomes available, particularly given the absence of specific quantitative requirements. However, when examined through the lens of bureaucratic efficiency and social stability, this provision tends to generate a counterproductive cycle of uncertainty.

In contrast to houses of worship that possess a permanent building permit (IMB), which confers clear legal status and continuity, temporary permits are inherently fragile. The uncertainty surrounding whether such permits will be extended after a two-year period may create anxiety among congregants and increase the likelihood of tension with local residents, who may perceive the building as lacking a clear identity as a legitimate place of worship. Emphasizing permanent establishment, on the other hand, enhances transparency, as it must be grounded from the outset in demonstrable need and a clearly defined demographic composition.⁴⁰

The PBM 2006 in fact mandates that if the requirement for community support has not yet been fulfilled, but the requirement concerning the number of users has been met, local governments are obliged to facilitate the provision of a suitable location for construction.⁴¹ By eliminating the option of temporary permits, local governments would be encouraged to take this facilitative

⁴⁰ Dahlan and Aslamiyah, "Problematika Pendirian Rumah Ibadat Umat Minoritas Di Kalimantan Selatan."

⁴¹ Nugroho, "KEBIJAKAN DAN KONFLIK PENDIRIAN RUMAH IBADAH DI INDONESIA."

responsibility more seriously, rather than relying on short-term measures that merely extend the problem.

Maintaining the provision for temporary permits merely prolongs existing problems without offering a comprehensive solution. Such a provision may also be seen as inconsistent with the principle of religious freedom as guaranteed in the Qur'an. It is therefore essential to revise this regulation if it is still considered necessary, particularly for communities facing obstacles in the construction process. Otherwise, abolishing the provision and strengthening the procedures for permanent establishment constitutes a concrete measure to ensure that all citizens are able to practice their religious practices in a harmonious, orderly, and uninterrupted manner, in accordance with the primary objectives of this regulation.

4. Dispute resolution mechanism

An analysis of Article 21 of the PBM 2006 reveals procedural gaps that may be considered inconsistent with Qur'anic principles of moderation, particularly justice (*'adl*) and reconciliation (*iṣlāḥ*). First, deliberations (*musyawarah*) conducted at the local community level should involve intervention or facilitation by religious leaders or the Forum for Religious Harmony (FKUB). This is necessary to ensure that such deliberations are conducted fairly and do not become instruments through which majority groups exert pressure on minorities. In practice, community-level deliberations are often characterized by unequal power relations (power imbalance).⁴² Therefore, this indicates the need for clearer procedural parameters to ensure fairness so that deliberation does not merely function as a formality to legitimize unilateral rejection.

Second, dispute resolution through judicial mechanisms tends to produce *win-lose* outcomes, which may further widen divisions among religious communities. Legal proceedings in court are often time-consuming, costly, and capable of leaving deep social wounds. In this regard, the concept of reconciliation (*iṣlāḥ*) should be prioritized over litigation. Here, FKUB plays a crucial role in organizing and mediating community relations, while the government also bears responsibility for maintaining social order.⁴³

⁴² Bakti, "RESOLUSI KONFLIK DALAM PENDIRIAN RUMAH IBADAH GEREKA BETHEL INDONESIA DI KELURAHAN KEBONLEGA KECAMATAN BOJONGLOA KIDUL KOTA BANDUNG."

⁴³ Noorbani, "PENDIRIAN RUMAH IBADAT DI KOTA CIREBON PASCA PEMBERLAKUAN PERATURAN BERSAMA MENTERI AGAMA DAN MENTERI DALAM NEGERI NOMOR 9 DAN 8 TAHUN 2006."

Accordingly, the reliance on judicial pathways should be reconsidered. If such mechanisms are to be retained, they should function strictly as a last resort, to be pursued only when no other viable solutions remain.

CONCLUSION

This research confirms that the Quran serves as the primary normative source providing a comprehensive ethical framework for religious moderation through three fundamental pillars: justice (*'adl*), tolerance (*tasāmuḥ*), and interreligious dialogue. The integration of these principles establishes a rigorous analytical lens to evaluate state regulations and their capacity to ensure social harmony within a pluralistic society. The analysis reveals that while the Joint Ministerial Regulation (PBM) No. 9 and 8 of 2006 was intended to maintain order, several provisions remain inconsistent with Quranic moderation.

The findings identify four critical areas of tension. First, the quantitative requirement of 90 users and 60 local supporters often function as a procedural barrier that disproportionately impacts minority communities, transforming a mechanism meant for social acceptance into a source of dispute and manipulation. Second, the institutional role of the Religious Harmony Forum (FKUB) is severely constrained by its limited consultative authority and insufficient operational mandate, diminishing its effectiveness as a proactive mediator. Third, the reliance on temporary building permits generates legal uncertainty and fails to offer sustainable solutions for religious congregants. Finally, existing dispute resolution mechanisms prioritize rigid procedural deliberation and judicial litigation over reconciliation-based approaches, such as *iṣlāḥ*, which better align with Quranic values.

Consequently, this study argues for a substantive revision of the PBM to authentically reflect the ethical framework of Quranic moderation. Regulatory improvements must focus on reducing rigid quantitative thresholds, empowering the FKUB's institutional capacity, and prioritizing permanent, transparent solutions for houses of worship. By aligning public policy with the normative values of justice, tolerance, and dialogue, the state can effectively bridge the gap between theological ideals and the practical realities of religious coexistence in Indonesia.

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