



## Protection of Freedom of Religion in Islamic Law in Secular Turkey and Its Relevance for Indonesia

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Article Info:	Abstract
<b>Keywords:</b> Freedom of religion; Indonesia; Islamic law; Secular state; Turkey.	This study aims to explore further the protection of religious freedom in the context of secular countries such as Turkey and to analyse the relevance of this experience for Indonesia, which has its own religious and cultural complexities. This qualitative study uses a descriptive-analytical approach that focuses on document analysis and literature review involving hermeneutic interpretation that describes the content of regulations and policies and examines the socio-political context behind them to obtain a comprehensive understanding of the dynamics of religious freedom protection. The findings indicate that Turkey's experience in protecting religious freedom under Islamic law in a secular state demonstrates that genuine protection of religious rights is not sufficient through formal guarantees or state neutrality on paper alone, but must be realised through the courage of legal institutions to open spaces for dialogue, recognition of diverse interpretations, and tangible protection for minorities and vulnerable groups from pressure by the majority or political interests. The relevance for Indonesia is the need to avoid the trap of extreme secularism that restricts religious expression or identity politics, which in turn threatens pluralism. This can be achieved by strengthening the state's role as a protector of substantive justice, not merely as a formal arbiter or servant of the majority.
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## Introduction

Protecting religious freedom is a global challenge that is becoming increasingly relevant in today's ever-changing world, where the interaction between religion and the state is growing more complex. Turkey stands out as a unique example in this discussion, a country that has historically adhered to the principle of secularism or 'laïcité' in a clear-cut manner, yet where the majority of the population is Muslim.<sup>1</sup> This concept was first implemented by Mustafa Kemal Atatürk, who aimed to transform Turkey into a modern nation by clearly separating religion from government affairs. The principle of laïcité places faith in the private sphere and challenges its implementation, particularly regarding the expression of religious identity in public spaces. The controversy surrounding the ban on headscarves in educational and government institutions is a clear example of how strict secularism can conflict with the freedom of religion inherently recognised by Islamic law.<sup>2</sup>

Historically and politically, Turkey has undergone an essential transition from strict secularism to more flexible policies regarding religious expression, particularly during the administration of Recep Tayyip Erdoğan and the Justice and Development Party (AKP).<sup>3</sup> The Erdoğan administration has provided greater space for religion in public life without completely abandoning the fundamental principles of laïcité, which are integral to Turkey's national identity.<sup>4</sup> Turkey's experience is an essential reference for Indonesia, a country with extensive and complex religious and cultural diversity. Although not explicitly secular, Indonesia adheres to the principles of Pancasila, which implicitly provide space for religion as an essential aspect of national and state life. However, significant challenges in implementing religious freedom in Indonesia often arise through religious-based conflicts, intolerance, and policy ambiguities.

This reality underscores the need for Indonesia to adopt a more transparent and inclusive approach. Turkey's experience can be an essential inspiration in developing more effective policies to protect religious freedom.<sup>5</sup> Indonesia must critically evaluate Turkey's expertise to formulate more inclusive and effective policies to protect religious freedom.<sup>6</sup> The balance between freedom to express religion and social-political stability, which is prone to conflict, must be maintained. Turkey's experience shows that protecting religious freedom is not only about separating religion from the state but also about how the state can accommodate individual rights in religious expression fairly and proportionally. By learning from Turkey's successes and failures, Indonesia is expected to create a more harmonious and tolerant social environment, strengthen the foundations of a pluralistic state, and respect the fundamental principles of universal human rights.

Several previous studies have revealed that the implementation of secularism in Turkey has played a significant role in creating tension between the state and

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<sup>1</sup> Beata Polok and Mariana Dussin, "Navigating the Intersection Between Islam, European Values, and the Integration of Muslims in Europe," in *Balkan Yearbook of European and International Law* 2023 (Springer, 2024), 25–50, [https://doi.org/10.1007/978-3-031-69670-1\\_2](https://doi.org/10.1007/978-3-031-69670-1_2).

<sup>2</sup> Husnul Fatarib et al., "Sultan's Law and Islamic Sharia in The Ottoman Empire Court: An Analysis of The Existence of Secular Law," *Al-Istinbath: Jurnal Hukum Islam* 8, no. 1 May (2023): 117–34, <https://doi.org/10.29240/jhi.v8i1.4908>.

<sup>3</sup> Pinar Kandemir, "The Anatomy of the JDP and the Emergence of Post-Kemalist Secularism," in *The JDP and Making the Post-Kemalist Secularism in Turkey* (Springer, 2022), 59–109, [https://doi.org/10.1007/978-3-031-07605-3\\_3](https://doi.org/10.1007/978-3-031-07605-3_3).

<sup>4</sup> Adnan Türegün, "The Political Ideology of Turkey's Islamist Swing under Erdoğan," *Journal of Political Ideologies* 30, no. 2 (2025): 540–62, <https://doi.org/10.1080/13569317.2023.2296395>.

<sup>5</sup> Turan Kayaoglu, "Getting Turkey Back on Track to Democracy, Human Rights, and Religious Freedom," *The Review of Faith & International Affairs* 14, no. 2 (2016): 14–22, <https://doi.org/10.1080/15570274.2016.1184447>.

<sup>6</sup> Kikue Hamayotsu, "The Limits of Civil Society in Democratic Indonesia: Media Freedom and Religious Intolerance," *Journal of Contemporary Asia* 43, no. 4 (2013): 658–77, <https://doi.org/10.1080/00472336.2013.780471>.

conservative religious groups.<sup>7</sup> Research conducted by Rahbari et al. found that the policy of banning the hijab has triggered widespread social resistance and given rise to more expressive religious movements in the public sphere.<sup>8</sup> According to Yilmaz and Shukri, Turkey's experience is highly relevant for Muslim-majority countries facing similar challenges in regulating the relationship between religion and the state.<sup>9</sup> Therefore, the primary objective of this study is to explore in greater depth the protection of religious freedom in the context of a secular state like Turkey, and to analyse the relevance of this experience for Indonesia, which has its own unique spiritual and cultural complexities. The essence lies in providing critical insights into how the state can effectively balance the principles of secularism with respect for religious freedom, thereby creating inclusive and harmonious policies for all citizens.

## Methods

The research method used in this study is qualitative with a descriptive-analytical approach that focuses on document analysis and literature review. This approach was chosen to gain an in-depth understanding of the legal framework governing religious freedom in the context of secular Turkey and its relationship with Islamic legal principles. The data were derived from legislation, the Turkish constitution, court rulings, reports from international organisations, and relevant academic publications from national and international journals. All documents were critically analysed using content analysis techniques to identify patterns, principles, and policy implications related to freedom of religion, which were then compared with principles found in Islamic law and the normative framework in Indonesia based on Pancasila.

The interconnections between data are also analysed using a comparative approach to understand the relevance of Turkey's experience to conditions in Indonesia. This process involves hermeneutic interpretation that describes the content of regulations and policies and examines the socio-political context behind them, thereby providing a comprehensive understanding of the dynamics of religious freedom protection. By utilising comprehensive secondary sources, this study avoids bias that may arise from personal perceptions and instead emphasises objectivity based on documentary evidence and previous academic studies. This integrative approach ensures that the study results are theoretically relevant and applicable in formulating policies that support religious freedom in Indonesia, considering the cultural and religious diversity that characterises this nation.

## Result and Discussion

### Religious Freedom in Turkey and Indonesia

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<sup>7</sup> Ahmet T Kuru, "Rethinking Secularism and State Policies Toward Religion: The United States, France, and Turkey," in *Secularism in Comparative Perspective: Religions Across Political Contexts* (Springer, 2023), 155–70, [https://doi.org/10.1007/978-3-031-13310-7\\_9](https://doi.org/10.1007/978-3-031-13310-7_9); Dilek Latif, "Beyond Secular? AKP's Religious Policies and Societal Polarization in North Cyprus," *Turkish Studies* 22, no. 5 (2021): 801–23, <https://doi.org/10.1080/14683849.2020.1858813>; Murat Akan, "A Confiscated Trajectory of Secularism: Revisiting the Critical Case of Turkey," *Politics, Religion & Ideology* 24, no. 2 (2023): 242–66, <https://doi.org/10.1080/21567689.2023.2222073>.

<sup>8</sup> Ladan Rahbari et al., "Transnational Solidarity with Which Muslim Women? The Case of the My Stealthy Freedom and World Hijab Day Campaigns," *Politics & Gender* 17, no. 1 (2021): 112–35, <https://doi.org/10.1017/S1743923X19000552>.

<sup>9</sup> Ihsan Yilmaz and Syaza Shukri, "Islam and Politics in Democratic Muslim-Majority Countries," in *Islamist Parties and Power in Democratic Nation-States: A Comparative Analysis of Six Muslim-Majority Countries* (Springer, 2024), 15–48, [https://doi.org/10.1007/978-981-97-4343-8\\_2](https://doi.org/10.1007/978-981-97-4343-8_2).

State protection of religious freedom in Turkey is not entirely neutral, but somewhat biased towards an interpretation of secularism that is often repressive.<sup>10</sup> The state dictates how religion may be expressed in public spaces, even determining the valid interpretations of what constitutes "true" and "safe" Islam for the state. A paradox emerges when the state, in its efforts to protect freedom from religious domination, instead intervenes to restrict individuals' freedom to express their religious beliefs through their personal choices. The ban on the hijab has become one of the most visible symbols of how the state, under the guise of secularism, restricts the rights of Muslim women to practise their religion in public spaces. This policy has been criticised domestically and internationally for decades as contrary to universal human rights principles on freedom of religion. Many Turkish women have been forced to abandon their academic dreams or professional careers because they chose to continue wearing the *hijab*.<sup>11</sup> Although the ban has been gradually lifted since the 2010s, the historical trauma of Turkey's political struggle between religious identity and secularism remains deeply ingrained in the collective memory of society.

At a more structural level, the Turkish state, through the Diyanet, actively controls religious narratives and practices. The state seeks to standardise Islam as compatible with national values and modernity. This has sparked new controversies regarding the unequal treatment of religious minorities. The Alevi community, for example, which has different rituals and places of worship from the Sunni Muslim majority, often feels discriminated against because they do not receive formal recognition and equal funding from the state. The state defines the legitimate form of worship according to Sunni interpretations, leaving religious minorities, including Christians, Jews, and other Islamic sects, feeling marginalised.

When compared to the principle of religious freedom in Indonesia's Pancasila, a sharp contrast emerges, even though both countries have adopted a modern nation-state model that was once colonised and is striving to build a new national identity. Pancasila, with its first principle of 'Belief in One God,' places religious diversity as the ethical foundation of the nation, without designating a state religion or imposing religious homogeneity. The Indonesian state does not adopt absolute secularism. Still, it builds a compromise between religion and the state through official recognition of six religions, guarantees of religious freedom in the constitution, and tolerance for pluralistic beliefs. This model produces a system often referred to as "positive secularism," in which the state actively supports religious life, but ensures that religion is not misused for practical political purposes that threaten national unity. The Indonesian government regulates religious education in schools, funds the construction of places of worship, and even celebrates major religious holidays nationally. However, there are no restrictions on religious expression in public spaces, such as obligations or prohibitions on using certain religious symbols in government or educational institutions.

Nevertheless, the Pancasila model is not without challenges and criticism. The limited recognition of only six major religions is considered discriminatory towards followers of local beliefs and other minority religions. Some religious or belief groups, such as Ahmadiyah, Shia, and indigenous beliefs, experience discrimination in the form of legislation and social violence. However, the state tends to act as a facilitator of

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<sup>10</sup> Üzeyir Ok, "State-Religion Separation Among Muslims in Turkey: Theory and Empirical Findings," in *Human Rights and the Separation of State and Religion: International Case Studies* (Springer, 2023), 159-78, [https://doi.org/10.1007/978-3-031-33998-1\\_8](https://doi.org/10.1007/978-3-031-33998-1_8).

<sup>11</sup> Merve Küttük-Kuriş, "Moral Ambivalence, Religious Doubt and Non-Belief among Ex-Hijabi Women in Turkey," *Religions* 12, no. 1 (2021): 33, <https://doi.org/10.3390/rel12010033>.

dialogue and reconciliation, rather than as a single authority that monopolises religious interpretation. Indonesian society, despite being highly religious, is relatively capable of separating religious expression from exclusive identity politics.<sup>12</sup> Differences in religious interpretation are mostly resolved through social mechanisms and interfaith dialogue rather than through repressive state intervention. This system, though imperfect, has made Indonesia one of the countries with relatively well-preserved religious diversity in the context of the world's largest Muslim democracy.

On the one hand, the Turkish model offers political stability by minimising the possibility of religion being instrumentalised in practical politics, as seen in Turkey's bitter experience during the caliphate, when clerics were involved in government affairs. A completely neutral state in religious matters is expected to prevent sectarian conflicts, which are often the root cause of national divisions. However, Turkey's experience also shows that overly rigid secularism can lead to alienation from religious identity. The state's rejection of religious expression in public spaces has widened the gap between secular and religious groups, even triggering acute political polarisation, as seen in the contemporary political dynamics between supporters of the AKP (a moderate Islamic party) and the secular elite.

With its more fluid tradition of pluralism, Indonesia has historically integrated religious expression into national life without falling into a struggle between state and religion.<sup>13</sup> The strict enforcement of secularism Turkey risks sacrificing the social harmony nurtured through local wisdom, cooperation, and the principle of deliberation. Indonesian society is highly religious, and religious values are inseparable from cultural identity and daily life. The full implementation of secularism in Indonesia would not only spark widespread resistance from the public but could also lead to horizontal conflicts between secular and religious groups. Turkey's experience demonstrates that secularism without accommodation for diverse interpretations and expressions of religion opens the door to more extreme politicisation of religion.<sup>14</sup> The openness of public spaces for religious expression, as in Indonesia, although it carries the risk of friction, is a positive channel for articulating pluralistic identities and social aspirations.

From a policy perspective, state intervention in religious life, as practised by Turkey through the Diyanet, is challenging to implement in Indonesia, which adheres to the principle of autonomy for religious organisations. Islamic, Christian, Hindu, Buddhist, and Confucian organisations in Indonesia enjoy strong independence and are protected by law. The state acts only as a facilitator, not as the central controller. Efforts to centralise religious affairs could erode public trust in the state and weaken the civil society-based social order. The Turkish model of standardising state-sanctioned Islam is not only unsuitable but also risks limiting the rich diversity of Islamic traditions in Indonesia, ranging from Nahdlatul Ulama to Muhammadiyah, from pesantren to tarekat.

On the contrary, the principles of Pancasila provide greater space for adaptation to the ever-changing social, political, and cultural dynamics.<sup>15</sup> This flexibility enables more

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<sup>12</sup> David M Bouchier, "Two Decades of Ideological Contestation in Indonesia: From Democratic Cosmopolitanism to Religious Nationalism," *Journal of Contemporary Asia* 49, no. 5 (2019): 713–33, <https://doi.org/10.1080/00472336.2019.1590620>.

<sup>13</sup> Chang-Yau Hoon, "Putting Religion into Multiculturalism: Conceptualising Religious Multiculturalism in Indonesia," *Asian Studies Review* 41, no. 3 (2017): 476–93, <https://doi.org/10.1080/10357823.2017.1334761>.

<sup>14</sup> Ozan Aşık, "Ideology, Polarization, and News Culture: The Secular-Islamist Tension in Turkish Journalism," *The International Journal of Press/Politics* 29, no. 2 (2024): 530–47, <https://doi.org/10.1177/19401612221132716>.

<sup>15</sup> Sugeng Sugeng and Fristian Hadinata, "The Ideas of Journalistic Ethics Based on Pancasila for Multicultural Society," *International Review of Humanities Studies* 9, no. 1 (2024): 3, <https://doi.org/10.7454/irhs.v9i1.1270>.

productive dialogue and compromise among religious communities. The state does not impose radical secularism, nor does it roll out the red carpet for exclusive religious identity politics. Regulations on blasphemy and the protection of minorities, though often controversial, remain a dynamic and open arena for public debate. Religious freedom and freedom of belief in Indonesia are more influenced by the dynamics of civil society, the media, and education than by top-down instructions from the state, as is the case in Turkey. However, it cannot be denied that the challenge for Indonesia in the future is how to balance religious freedom and the protection of minorities amid rising religious conservatism.

Debates about blasphemy, restrictions on places of worship for minorities, and identity politics in regional and presidential elections are indicators that Indonesia's public sphere remains vulnerable to religious polarisation. Turkey's experience serves as a warning that secularism imposed without accommodation for society's social and cultural uniqueness will only deepen social fragmentation. Instead, Indonesia needs to continue developing a model of religious freedom based on Pancasila by strengthening interfaith dialogue, tolerance education, and protection of individual rights without discrimination. The state must ensure that religious policies protect all, not just the majority, and can accommodate increasingly complex social dynamics.

In the context of globalisation and the rise of transnational ideologies, both radical secularism and religious fundamentalism, Indonesia and Turkey face similar challenges in maintaining national cohesion without sacrificing individual freedoms. Turkey's laiklik model, which was initially hoped to be a moderate solution for a pluralistic society, has revealed its limitations in managing diversity and the expression of identity. On the other hand, the principles of Pancasila in Indonesia, though far from perfect, are more adaptive to social realities and provide space for articulating local values within a national framework. A comparison between the two models underscores no one-size-fits-all formula for managing the relationship between religion and the state, as each nation has unique historical experiences, traditions, and social dynamics.

### **Tension between Islamic Legal Interpretation and Human Rights in a Secular System**

Normatively, the Turkish constitution guarantees freedom of religion and belief without discrimination, which aligns with universal human rights principles and international conventions ratified by the country.<sup>16</sup> The state does not apply Islamic criminal law regarding apostasy, as is the case in some Middle Eastern countries, so there is no official criminal penalty for individuals who choose to convert to another religion or abandon their former beliefs. However, in social and administrative practice, apostasy remains a sensitive issue. Social stigma and community pressure remain strong against individuals who choose to leave the majority religion, especially Islam, even though the state cannot directly punish them under the law. The main challenge lies in how the state balances the protection of individual rights with the sensitivities of the majority of society. The state often adopts an 'active' neutrality position – it does not provide special protection for converts or those who change religion, but does not criminalise them. This is different from several Muslim countries where apostasy can be punished severely. Still, it also differs from the liberal Western model, which provides social, legal, and even counselling support for individuals who face community pressure due to their decision to change religion.

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<sup>16</sup> Turan Kayaoglu and Devran Gülel, "National Human Rights Institutions and the Appropriation of Human Rights: The Case of the Human Rights and Equality Institution of Turkey," *Australian Journal of Human Rights* 29, no. 2 (2023): 354–74, <https://doi.org/10.1080/1323238X.2023.2295821>.

This context shows that Turkish secularism on the issue of apostasy tends to rely more on universal constitutional norms than traditional Islamic law, but has not yet fully freed society from the remnants of conservatism and religiously based social pressure. On the one hand, the state seeks to maintain an image of secularism that values individual freedom. Still, on the other hand, it is unable—or perhaps unwilling—to provide more progressive protection, especially when faced with pressure from religious groups. Another issue that is no less controversial and has even become an icon of the long debate about the relationship between religion and the state in Turkey is the expression of religious symbols, particularly the headscarf or *hijab*.<sup>17</sup>

During the early years of the Turkish Republic, Atatürk country's founders were very strict in limiting religious symbols in public spaces as part of the modernisation and secularisation agenda.<sup>18</sup> The ban on headscarves in universities, government institutions, and even parliament was strictly enforced for decades. The state argued that this ban was essential to maintain the neutrality of state institutions and prevent the infiltration of religious identity politics into the bureaucracy. This policy did indeed distinguish Turkey from the majority of Muslim-majority countries, which tend to support, or at least tolerate, the free display of religious symbols in public spaces. However, with the political changes of the post-1990s era and the rise of moderate Islamist parties like the AKP, the headscarf ban has gradually been lifted. Women are now permitted to wear headscarves in universities and government offices and even serve as parliament members without abandoning their religious identity.

This transformation marks a fundamental shift in the secularist paradigm, moving from a model of absolute separation toward a more inclusive accommodation of individual religious expression. Nevertheless, this process of change has not been without resistance. Radical secularists view the relaxation of hijab policies as a threat to secular values and the potential for the return of religious dominance in the country's political life. Conversely, religious groups view these changes as a victory over discrimination and evidence that the state increasingly respects human rights, particularly religious freedom. The state ultimately chose a path of compromise: granting individuals the freedom to express their religious beliefs without sacrificing the fundamental principles of secularism, such as continuing to ban certain religious symbols for military and judicial personnel to maintain institutional neutrality.

The issue of protecting religious minorities adds to the Turketo model of managing religious freedom. The constitution guarantees the rights of all citizens without religious discrimination, and minorities such as Christians, Jews, and Alevi are formally recognised and given space to practise their religion and manage their religious educational institutions. However, in practice, minorities often face administrative barriers, bureaucracy, and even subtle discrimination in various sectors of life. Churches and synagogues encounter difficulties obtaining permits for the construction or renovation of places of worship, minority religious education frequently faces legalistic obstacles, and Alevi groups demand formal recognition of *cemevis* as places of worship. This demand has yet to be fully met by the state. The state does not engage in overt discrimination. Still, existing regulations favour the majority group and do not provide positive affirmation for minorities.

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<sup>17</sup> Emelie A Olson, "Muslim Identity and Secularism in Contemporary Turkey: 'The Headscarf Dispute,'" in *Across The Boundaries Of Belief* (Routledge, 2018), 291–302, <https://doi.org/10.4324/9780429502569-20>.

<sup>18</sup> Doni Azhari, "From Secularism to Islamism: A Portrait of Minority Dynamics in Turkey's Changing Political Landscape," *Potret Pemikiran* 28, no. 1 (2024): 23–41, <https://doi.org/10.30984/pp.v28i1.2906>.

On the other hand, Turkey still maintains the Diyanet institution, which serves explicitly Sunni Muslims, and does not provide the same services to minority groups. This situation has led to criticism that even a secular state can still be biased towards certain religious groups that are considered minorities.<sup>19</sup> The Indonesian model is fascinating in this context. Indonesia, through its official recognition of six religions and its 'system of positive secularism' based on Pancasila, seeks to build harmony between national law, partial sharia law, and religious pluralism.<sup>20</sup> The state actively funds and regulates religious life, yet it still allows space for religious expression, even in bureaucracy, schools, and government institutions. On the one hand, this approach appears more accommodating towards religious expression and more flexible in accommodating public beliefs. However, problems of discrimination against minorities also emerge in other forms: limited recognition of official religions, social pressure on adherents of local beliefs, and even religiously motivated violence in various Indonesia's national law partially adopts principles of sharia, particularly in family law and religious courts, which sometimes conflict with universal principles of human rights, especially for women and religious minorities.

While Turkey limits the role of Islamic law to the moral and cultural spheres, Indonesia still allows sharia to influence positive law, although it is not universally applicable.<sup>21</sup> Regarding inclusive and accommodating protection of religious freedom, the Turkish model offers advantages regarding the consistency of formal secularism, which limits the possibility of the normative application of Islamic law in public law.

The state has never adopted Islamic criminal law, does not recognise Sharia rules in the positive legal system, and prioritises Western civil law principles. However, this advantage is overshadowed by weaknesses in ensuring substantive justice for minorities and vulnerable groups, as the state is not sufficiently responsive to the affirmative needs of these groups. The state's position, which, in the context of unequal social relations, often results in the domination of majority groups and the marginalisation of minorities. In this context, Indonesia is more flexible in granting formal legal recognition to minority religions, although substantial protection often lags due to social and political pressures related to identity.

The implications of implementing moderate Islamic law in Turkey for respecting human rights are also interesting to explore further. The secular state of Turkey has not officially adopted Islamic law in its legal system. However, the influence of Islamic values is still evident in social life, public ethics, and legislation based on the cultural consensus of the majority.<sup>22</sup> The state seeks to strike a balance between respecting the religious identity of its people and not allowing religion to be a binding source of positive law for all citizens. In practice, respect for human rights in Turkey in religious freedom is better than in countries that officially apply sharia as a source of law.

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<sup>19</sup> Ahmet Erdi Öztürk and Bahar Baser, "The Transnational Politics of Religion: Turkey's Diyanet, Islamic Communities and Beyond," in *Theoretical Approaches to Turkish Foreign Policy* (Routledge, 2023), 57-77, <https://doi.org/10.4324/9781003357643-4>.

<sup>20</sup> Benyamin F Intan, "Religious Pluralism, Public Religion, and Principled Pluralism in Indonesia," *Transformation* 40, no. 4 (2023): 334-49, <https://doi.org/10.1177/02653788231206020>.

<sup>21</sup> Arif Sugitanata, Suud Sarim Karimullah, and Rizal Al Hamid, "Hukum Positif Dan Hukum Islam: Analisis Tata Cara Menemukan Hukum Dalam Kacamata Hukum Positif Dan Hukum Islam," *JURISY: Jurnal Ilmiah Syariah* 3, no. 1 (2023): 1-22, <https://doi.org/10.37348/jurisy.v3i1.242>; Rizal Al Hamid, Arif Sugitanata, and Suud Sarim Karimullah, "Sinkronisasi Pendekatan Sosiologis Dengan Penemuan Hukum Islam Sui Generis Kum Empiris," *Bertuah Jurnal Syariah Dan Ekonomi Islam* 4, no. 1 (2023): 48-60, <https://doi.org/https://doi.org/10.56633/jsie.v4i1.553>.

<sup>22</sup> Suud Sarim Karimullah, "The Implications Of Islamic Law On The Rights Of Religious Minorities In Muslim-Majority Countries," *MILRev: Metro Islamic Law Review* 2, no. 2 (2023): 90-114, <https://doi.org/10.32332/milrev.v2i2.7847>.



There is no criminalisation of apostasy, no punishment for those who choose to leave Islam, and the state has never restricted access to education, healthcare, or employment solely based on religious differences. However, real challenges remain when the state is not sufficiently progressive in addressing societal deep-rooted conservative pressures. The rights of religious minorities are not yet fully protected on an equal footing, administrative discrimination still occurs frequently, and tensions between secular and religious groups sometimes reach critical levels. Regarding freedom of opinion and expression, international institutions often criticise Turkey's media restrictions and the silencing of critical voices. However, this is more related to political issues than purely religious ones. However, overall, the moderate Islamic legal model, which is not fully integrated into the positivist legal system, is relatively more effective in balancing respect for individual rights and protection from the dominance of the majority religion, though it is far from perfect.

### **The Role of Islamic Politics and Democracy in Guaranteeing Freedom of Religion**

The political revival of Islam in Turkey, particularly through the victory of the Justice and Development Party (AKP) under the leadership of Recep Tayyip Erdoğan since the beginning of the 21st century, has sparked a long and intense debate regarding the direction of state policy in protecting, strengthening, or even weakening freedom of religion. Turkey's transformation from Atatürk's radical secularism to the post-2002 era of 'political Islam' highlights new dynamics in the paradoxical relationship between religion and the state, challenging the old narrative of absolute secularism as the only path to modernity and democracy in the Muslim world. The rise of the AKP, which initially promoted an inclusive and pluralistic 'Muslim democrat' narrative, gradually revealed a different face as Erdoğan consolidated his power, raising questions: does the phenomenon of political Islam in Turkey ultimately strengthen or weaken the protection of religious freedom, and what does this mean for Indonesia, which is grappling with equally dynamic political Islam?

When the AKP came to power, there was widespread enthusiasm, especially among those who felt discriminated against during the era of authoritarian secularism because of their religious identity.<sup>23</sup> The AKP's narrative of reform and inclusivity, including lifting the ban on headscarves in universities and government offices, opened up new spaces for religious expression in public life. For many, this was seen as a serious improvement over the repressive policies of the military regime, which often suppressed individual freedoms, particularly those of Muslim women who chose to wear religious symbols.<sup>24</sup> This social transformation was initially viewed as a form of historical reconciliation between Islam and the modern Turkish nation-state, freeing society from the binary mindset of secularism versus religiosity that had long dominated the national discourse.

In the early stages of the AKP government, religious freedom appeared to be strengthened, not only symbolically but also in real policy: religious expression was facilitated, religious identity narratives were given a place of honour in public spaces, and non-Muslim religious minorities were given several incentives, at least formally, to manage their religious institutions. However, the AKP's transformation from a 'Muslim democratic' party that was friendly to pluralism into a more conservative and hegemonic

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<sup>23</sup> Jeffrey Haynes, "Politics, Identity and Religious Nationalism in Turkey: From Atatürk to the AKP," *Australian Journal of International Affairs* 64, no. 3 (2010): 312-27, <https://doi.org/10.1080/10357711003736477>.

<sup>24</sup> Nur Insani et al., "Empowering Muslim Women: Bridging Islamic Law and Human Rights with Islamic Economics," *De Jure: Jurnal Hukum Dan Syar'iah* 16, no. 1 (2024): 88-117, <https://doi.org/10.18860/j-fsh.v16i1.26159>.

political force occurred alongside Erdoğan's consolidation of power after 2010.<sup>25</sup> Under internal and external political pressure, the AKP increasingly adopted religious identity narratives as a tool for legitimising power, especially in the face of secular opposition and recurring political crises.

While Turkey's rigid secularism previously restricted religion from the public sphere, the AKP government has tended to mobilise religious identity as a tool for mass mobilisation and political consolidation. This transformation has profound implications for the protection of religious freedom in a broader sense: the state has not only stopped opening up space for the expression of the majority religion, but it has also begun to narrow the space for difference by suppressing minorities and opposition groups deemed to be contrary to the state's political Islam agenda.

One of the clearest indicators of this phenomenon is how the state, in the name of moderate Islam or 'national values,' has begun to show discriminatory tendencies towards religious and belief minorities, including Alevis, Christians, Jews, and non-conventional Islamic sects. Although the Turkish constitution continues to affirm secularism and non-discrimination, in practice, the bureaucracy and legal system under the influence of the AKP tend to give preferential treatment to mainstream Sunni Islam that is close to the regime.

The Diyanet, which should be a neutral state institution, has transformed into a more aggressive ideological instrument in regulating religious life and restricting the space for the expression of groups that do not align with the state agenda. Minorities such as the Alevis continue to fight for formal recognition of their places of worship and civil rights, but face systemic and administrative resistance reinforced by the state's narrative of religious majoritarianism.

Restrictions imposed to protect public morality or national interests have also eroded academic and civil freedoms, narrowing the space for critical debate on religious pluralism. This trend towards consolidation of power is also evident in the treatment of groups accused of "defaming religion" or deviating from the state's official interpretation of Islam.

Although the application of law and legislation is not as harsh as in theocratic states, it adopts a conservative tone that often conflicts with universal principles of human rights,<sup>26</sup> particularly those related to the rights of religious minorities and atheist or agnostic groups. Under the pretext of maintaining social order, the state sometimes uses criminal law to silence expressions or activities threatening the 'moral order,' even if they are part of the right to freedom of belief or non-belief.

In the political context, the AKP and its allies frequently use religious issues to stigmatise political opponents, reduce the space for opposition, and justify exclusionary policies. The transformation that initially appeared as religious emancipation has evolved into a new form of authoritarianism with a religious façade, challenging the fundamental principles of religious freedom, which should be universal and non-sectarian. This situation demonstrates that the rise of political Islam in Turkey is not necessarily synonymous with the strengthening of religious liberty. Instead, after an initial phase of liberalisation, there has been a reversal towards religious majoritarianism that tends to limit pluralism and suppress differences. In this context, Turkey's experience offers an important warning for countries with a history of pluralism and

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<sup>25</sup> Ziya Öniş, "Monopolising the Centre: The AKP and the Uncertain Path of Turkish Democracy," *The International Spectator* 50, no. 2 (2015): 22–41, <https://doi.org/10.1080/03932729.2015.1015335>.

<sup>26</sup> Suud Sarim Karimullah, "Humanity and Justice: Exploring Human Rights in the Context of Islamic Law," *TAJ DID* | 30, no. 2 (2023): 166–87, <https://doi.org/10.36667/tajdid.v30i1.1497>.

secularism, such as Indonesia: a wave of Islamic politics that is not guided by a strong commitment to the principles of justice, equality, and respect for human rights can quickly turn into a tool for homogenising identity, undermining the foundations of civil liberties.<sup>27</sup>

When compared to the situation in Indonesia, the relationship between Islamist politics and the protection of religious freedom presents an equally complex dynamic. Indonesia, as the world's most populous Muslim-majority country with a democratic system and Pancasila as its ideological foundation, has a long history of Islamic political parties participating in the national political arena.<sup>28</sup> Unlike Turkey, which adheres to a model of radical secularism, Indonesia has taken a middle path since its inception: religion is recognised as a vital element of national life, but the state is not a theocracy. Aheocracy, a compromise between Islamic principles and pluralistic democratic values, characterises the public spheres. Islamic parties in Indonesia, from the Masyumi Party in the early days of independence to the United Development Party (PPP), the Prosperous Justice Party (PKS), and the National Mandate Party (PAN) in the Reform era, have played a significant role both as advocates for the interests of Muslims and as guardians of public morality.

An interesting phenomenon in Indonesian Islamic politics is its success in internalising the electoral democratic system, limiting the ambition to formalise Sharia law nationally, and accepting inclusive principles of nationality.<sup>29</sup> Although there has been pressure from some Islamic groups to implement sharia fully, the majority of Islamic parties tend to be pragmatic, choosing coalition and moderation strategies, and have never been able or dared to push for an Islamic state agenda openly. Political compromise, historical pressures, and the reality of religious and ethnic pluralism in Indonesia have prevented the aspiration for an 'Islamic state' from gaining significant momentum, and Islamic parties have more often advocated ethical-moral policies rather than theological-normative ones. However, in recent decades, there has been a growing trend of religious identity politics, which sometimes poses a threat to minority rights and religious pluralism, especially at the local level. Issues such as church closures, violence against Ahmadis and Shias, and discrimination against followers of local beliefs have become critical issues in Indonesia's democratic journey.<sup>30</sup>

The role of Islamic political parties in Indonesia in advocating for or restricting the rights of minorities is highly dependent on the political constellation and public pressure.<sup>31</sup> On the one hand, some parties vocally defend the rights of Muslims who are considered marginalised or victims of intolerance. On the other hand, there is also a tendency towards a new conservatism that promotes regulations or policies that restrict the freedom of religious and belief minorities. This dynamic is evident, for example, in the debate over the Blasphemy Law, the establishment of sharia-inspired local regulations in several regions, and moral campaigns that sometimes result in human

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<sup>27</sup> Zumiya Sanu Ibrahim et al., "Islamic Law and Human Rights: Convergence or Conflict?," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 24, no. 2 (2024): 431–48, <https://doi.org/10.19109/nurani.v24i2.19595>.

<sup>28</sup> A J Nolte, "The Indonesian Difference: Nationalism, Islam, and Pancasila Pluralism from State Formation to the Present," in *The Palgrave Handbook of Religion and State Volume II: Global Perspectives* (Springer, 2023), 323–46, [https://doi.org/10.1007/978-3-031-35609-4\\_15](https://doi.org/10.1007/978-3-031-35609-4_15).

<sup>29</sup> Suud Sarim Karimullah, "Pursuing Legal Harmony: Indonesianization of Islamic Law Concept and Its Impact on National Law," *Mazahib* 21, no. 2 (December 27, 2022): 213–44, <https://doi.org/10.21093/mj.v21i2.4800>.

<sup>30</sup> Andi Luhur Prianto et al., "Hijacking of State Power on Religious Freedom by Community Organizations in Indonesia," *Jurnal Ilmiah Islam Futura* 24, no. 2 (2024): 348–67, <https://doi.org/10.22373/jiif.v24i2.17916>.

<sup>31</sup> Suud Sarim Karimullah, "Religion and State in the Islamic Political Paradigm in Indonesia Perspective of Prof. Kamsi," *Analisis: Jurnal Studi Keislaman* 22, no. 1 (2022): 53–74, <https://doi.org/https://doi.org/10.24042/ajsk.v22i1.12648>.

rights violations. Islamic politics in Indonesia has never reached the level of religious authoritarianism seen in some Middle Eastern countries or the conservative transformation in Turkey. Still, symptoms of exclusivism, religious populism, and identity politics remain serious challenges for the future of pluralism and religious freedom.

A comparison between Turkey and Indonesia in the context of the rise of Islamic politics offers valuable lessons about the importance of distinguishing between opening up space for religious expression as a civil right and the practice of mobilising religion as a tool of political power. In Turkey, the AKP initially succeeded in correcting historical inequalities caused by repressive secularism, but fell into the trap of religious majoritarianism when power became too concentrated and the opposition was weakened.<sup>32</sup> This model serves as a warning to Indonesia that democracy does not automatically guarantee the protection of religious freedom if Islam is pursued through a hegemonic approach, allowing majority sentiments to drown out the rights of minorities. Conversely, with all its shortcomings, Indonesia demonstrates the relative flexibility of Islamic politics in compromising with nationalist principles. Yet, it must remain vigilant against the threats of exclusivism and identity politics that could narrow the space for pluralism.

The phenomenon of Islamic politics in secular countries like Turkey also highlights the thin line between liberation and restriction, between emancipation and control, between expression and repression. The transformation of the AKP from an icon of reform to an instrument of power shows that Islamic politics without a strong foundation in the values of democracy, justice, and respect for differences will easily fall into a new form of authoritarianism based on false religiosity. In Indonesia, an extended dialogue between religion, the state, and civil society has shaped relatively resilient social and political mechanisms to counter waves of conservatism.<sup>33</sup> However, challenges remain: if democracy fails to build an inclusive consensus, Islamic politics could also become a real threat to minorities, women, and other vulnerable groups.

The protection of religious freedom cannot be left to the rhetoric of pluralism or policies that open space for symbolic religious expression. The commitment of the state and political actors to universal human rights principles, substantive equality, and strong checks and balances is essential to prevent the rise of political Islam from becoming a new machine of oppression against diversity. The phenomenon of Islamic politics in Turkey should serve as a warning for Indonesia: democracy that is too permissive of religious mobilisation without strong institutional oversight and a tolerant political culture opens the door to exclusion and discrimination. Conversely, Indonesia's experience can also be a positive lesson for Turkey and other countries: pluralism is not merely about passive tolerance. Still, it demands institutional courage to uphold justice for all, including vulnerable and often forgotten minorities.

## Conclusion

The Turkish experience shows that secularism imposed without room for dialogue will only give rise to new social wounds and political revenge based on identity. In contrast, the political rise of Islam without a commitment to pluralism creates

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<sup>32</sup> Murat Somer, "Understanding Turkey's Democratic Breakdown: Old vs. New and Indigenous vs. Global Authoritarianism," in *Exit from Democracy* (Routledge, 2018), 13–36, <https://doi.org/10.4324/9781315145716-2>.

<sup>33</sup> Ken M P Setiawan and Dirk Tomsa, "Defending a Vulnerable yet Resilient Democracy: Civil Society Activism in Jokowi's Indonesia," *Journal of Current Southeast Asian Affairs* 42, no. 3 (2023): 350–71, <https://doi.org/10.1177/18681034231209058>.

a new hegemony that silences differences. Religious freedom will never become a reality as long as the state – whether in the name of secular law or religion – continues to feel entitled to dictate, restrict, or monopolise the interpretation of its citizens' faith. Religious rights must be protected based on the state's courage to exercise restraint, allow space for diverse interpretations and expressions, and build a legal system that protects the weak, not merely secures the majority. For Indonesia, the most important lesson is not simply choosing between Turkish-style secularism or formal Pancasila pluralism, but daring to uphold the tradition of legal innovation, interfaith dialogue, and commitment to substantive justice, even when it challenges the status quo. A strong state does not dictate religious interpretations, but one that safeguards the space for differing beliefs so they are not exploited as political tools by anyone. It is precisely here that civilisation is tested: whether the state can grow into a protector of freedom, or merely become a partisan referee in the ever-changing arena of identity.

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