

## PREVENTING MAJORITARIAN VETO IN HOUSE OF WORSHIP LICENSING: A HUMAN RIGHTS-BASED DUE PROCESS MODEL

**Adhe Ismail Ananda**

Universitas Nusa Cendana, Kupang, Indonesia  
adhe.ananda@staf.undana.ac.id

**La Ode Dedihasriadi**

Universitas Sembilanbelas November Kolaka, Indonesia  
ld.dedihasriadi@gmail.com

**Pery Rehendra Sucipta**

Raja Ali Haji Maritime University, Indonesia  
peryrehsucipta@umrah.ac.id

**Yeni Haerani**

Universitas Sembilanbelas November Kolaka, Indonesia  
yenihaerani99@gmail.com

**Arie Ekawie Baskhoro**

Asian Institute of Technology, Pathum Thani, Thailand  
st123144@ait.asia

### Abstract

This article examines majoritarian veto in house-of-worship licensing in Indonesia, defined as a condition in which majority pressure or preferences de facto replace administrative legal standards in permit decisions. The problem arises from the gap between constitutional guarantees of religious freedom and worship, technical licensing rules under the 2006 Joint Ministerial Regulation, and local discretion, which is not always subject to measurable procedural safeguards. This study aims to formulate a human rights-based due process model that prevents licensing mechanisms from becoming instruments of exclusion against religious minorities. It employs normative legal research with statutory, conceptual, and case approaches, drawing on constitutional provisions, PBM 2006, academic literature, and contextual case materials, including a 2026 licensing dispute in Kupang City. Legal materials and academic literature were collected through document study and analyzed through normative harmonization, human rights testing, and procedural due process assessment. The findings identify three main vulnerabilities: community support requirements and religious harmony forum recommendations that may function as social vetoes; fragmented local procedures that may produce delay-as-denial; and public order arguments used without objective indicators. The article contributes to religious freedom and diversity governance scholarship by conceptualizing majoritarian veto as a form of procedural discrimination and proposing national minimum procedural standards, public consultation as impact mapping, documented step-by-step procedures, mandatory reason-giving, and time-bound



administrative remedies. Local discretion is legitimate only when used for evidence-based technical assessment, while religious harmony must be built through procedural justice, accountability, and equal protection of constitutional rights.

**Keywords:** Majoritarian Veto; House of Worship Licensing; Administrative Due Process; Religious Minorities; Religious Harmony.

### *Abstrak*

*Artikel ini mengkaji veto mayoritas dalam perizinan rumah ibadah di Indonesia, yang didefinisikan sebagai kondisi ketika tekanan atau preferensi mayoritas secara de facto menggantikan standar hukum administratif dalam pengambilan keputusan perizinan. Masalah ini muncul dari kesenjangan antara jaminan konstitusional atas kebebasan beragama dan beribadah, aturan perizinan teknis berdasarkan Peraturan Menteri Bersama 2006, dan diskresi lokal, yang tidak selalu tunduk pada perlindungan prosedural yang terukur. Studi ini bertujuan untuk merumuskan model proses hukum berbasis hak asasi manusia yang mencegah agar mekanisme perizinan tidak menjadi instrumen eksklusif terhadap minoritas agama. Studi ini menggunakan penelitian hukum normatif dengan pendekatan hukum, konseptual, dan kasus, yang mengacu pada ketentuan konstitusional, PBM 2006, literatur akademis, dan materi kasus kontekstual, termasuk sengketa perizinan tahun 2026 di Kota Kupang. Materi hukum dan literatur akademis dikumpulkan melalui studi dokumen dan dianalisis melalui harmonisasi normatif, pengujian hak asasi manusia, serta penilaian terhadap proses hukum secara prosedural. Temuan mengidentifikasi tiga kerentanan utama: persyaratan dukungan masyarakat dan rekomendasi forum harmoni beragama yang dapat berfungsi sebagai veto sosial; Prosedur lokal yang terfragmentasi dapat menghasilkan penundaan sebagai penolakan; dan argumen ketertiban umum yang digunakan tanpa indikator objektif. Artikel ini berkontribusi pada kajian kebebasan beragama dan tata kelola keragaman dengan mengonseptualisasikan veto mayoritas sebagai bentuk diskriminasi prosedural serta mengusulkan standar prosedural minimum nasional, konsultasi publik untuk memetakan dampaknya, prosedur langkah demi langkah yang terdokumentasi, pemberian alasan yang wajib, dan upaya hukum administratif yang terikat waktu. Diskresi lokal hanya sah bila digunakan untuk penilaian teknis berbasis bukti, sementara harmoni beragama harus dibangun melalui keadilan prosedural, akuntabilitas, dan perlindungan yang sama terhadap hak-hak konstitusional.*

**Kata kunci:** Veto Mayoritas; Perizinan Rumah Ibadah; Proses Hukum Administratif; Minoritas Agama; Harmoni Beragama.

## INTRODUCTION

House-of-worship licensing is one of the most sensitive issues in the governance of religious diversity in Indonesia. It lies at the intersection of constitutional guarantees of religious freedom, governmental administrative authority, and majority-minority relations at the local level. These constitutional guarantees are explicitly affirmed in Articles 28E and 29 of the 1945 Constitution, which require houses of worship to be understood not merely as physical buildings, but as social and institutional prerequisites for the exercise of the rights to worship, assemble, and express religious belief collectively (Suryawati & Syaputri, 2022). Licensing procedures should not be framed as a mechanism by which the state grants privileges, but as a public service to be administered in accordance with legality, legal certainty, non-discrimination, accountability, and the protection of rights. The problem becomes more complex when licensing procedures create space for majority social pressure to determine whether an application is accepted or rejected. In this article, “majoritarian veto” refers to a condition in which majority pressure or

preferences de facto replace administrative legal standards in determining house-of-worship permit decisions. At this point, religious harmony cannot be built through the dominance of the majority voice, but must be understood as the outcome of fair governance, transparent procedures, and administrative decisions that are legally reviewable (Tajmila et al., 2025).

The technical regulatory framework derived from these constitutional guarantees is reflected in the Joint Regulation of the Minister of Religious Affairs and the Minister of Home Affairs No. 9 and No. 8 of 2006, hereinafter referred to as PBM 2006. This regulation requires that the establishment of a house of worship meet specific administrative requirements. These include a list of names and identity cards of at least 90 prospective users, support from at least 60 members of the local community, and written recommendations from the head of the district or municipal office of the Ministry of Religious Affairs and the district or municipal Religious Harmony Forum (Forum Kerukunan Umat Beragama, FKUB) (PBM 2006, Article 14). The regulation also requires the relevant authority to issue a decision within 90 days of the submission of a complete application (PBM 2006, Article 16). These requirements may be administratively legitimate only when they serve to verify factual need, assess technical feasibility, and map social impact; they become legally problematic when they are transformed into mechanisms for securing majority social approval of the exercise of the right to worship. Within the framework of administrative governance, the exercise of such authority must comply with the principles of legality, legal certainty, carefulness, openness, prohibition of abuse of authority, and good public service. These principles form part of the General Principles of Good Governance as mandated by Law No. 30 of 2014 on Government Administration (Prawiranegara, 2021). This technical framework designates local governments, the Ministry of Religious Affairs, and FKUB as administrative actors responsible for ensuring that licensing requirements do not become instruments of exclusion against particular religious groups.

The problem arises when technical norms on house-of-worship licensing operate within a social space shaped by majority-minority relations, community pressure, and local political interests. In a case that emerged in Kupang City in 2026, the establishment of a house of worship generated opposition from some residents, polarized public debate, and a local government response that placed the licensing process under strong social and administrative pressure (Rindrasari, 2026). The case involved the interaction of several actors, including the applicant community, residents who expressed resistance, local government authorities, and religious harmony institutions expected to manage social tension. The resistance was not only relevant as a form of public objection but also as a factor that could influence the pace, direction, and certainty of administrative decision-making. The local government's response illustrates how a licensing issue may shift from technical verification to a broader negotiation over social acceptability. This case is therefore relevant not as a single empirical proof, but as a contextual illustration of how majoritarian veto may emerge when community opposition enters the administrative process and affects the certainty of permit issuance. Community support, FKUB recommendations, and

considerations of social conduciveness may shift from mitigation instruments into determining factors in permit issuance. Such a shift increases the risk of open-ended delays, changing evidentiary standards, and unequal treatment of applicants. Similar patterns can also be observed in other house-of-worship disputes across regions, including rejection based on neighborhood support, majority-minority tensions, and the use of public order justifications without objective indicators (Debataraja, 2022).

Previous studies on house-of-worship licensing and religious freedom can be mapped into four main strands, each with a distinct focus, a limitation, and a relationship to the position adopted in this article. Studies on religious freedom and human rights focus on constitutional guarantees, rights limitations, and minority protection; they explain the normative basis of religious freedom but have not developed procedural indicators for assessing whether house-of-worship licensing operates in a discriminatory manner, a gap this article addresses by formulating human rights-based due process parameters for assessing house-of-worship licensing. Studies on PBM 2006 and houses of worship focus on community support requirements, FKUB recommendations, and licensing practices; they criticize PBM 2006 normatively but have not sufficiently explained how its requirements may become a procedural channel for majority pressure, a gap this article addresses by developing the concept of majoritarian veto as a procedural risk in licensing. Conflict and religious harmony studies focus on majority-minority dynamics, mediation, and the role of harmony forums; they map conflict and mediation but have not sufficiently positioned administrative procedures as instruments of conflict prevention and trust-building. This article addresses this gap by connecting due process with trust-building, social cohesion, and religious harmony. Administrative law studies focus on discretion, general principles of good governance, reason-giving, and administrative remedies; they discuss administrative safeguards but have not linked them specifically to the governance of religious diversity and the protection of religious minorities, a gap this article addresses by proposing documented procedures, written reasons, and time-bound remedies to prevent majoritarian veto.

This article addresses three main questions. First, what constitutional and administrative limits should constrain local discretion in house-of-worship licensing? Second, how do PBM 2006 and local legal instruments create due process vulnerabilities in house-of-worship licensing practices? Third, how can a human rights-based due process policy design prevent majoritarian veto within the framework of regional autonomy? The analysis focuses on the relationship between constitutional norms, technical licensing rules, local discretionary practices, and the need to build religious harmony through fair procedures. This article positions religious harmony as the result of legality, transparency, accountability, structured participation, and administrative correction mechanisms. The discussion proceeds by identifying the main vulnerabilities of the majoritarian veto, deepening the analysis through procedural justice and administrative due process, and formulating a policy design comprising National Minimum Procedural Standards, the repositioning of public consultation as impact mapping, staged Standard Operating Procedures, reason-giving obligations, and time-bound administrative remedies.

## THEORETICAL AND CONCEPTUAL FRAMEWORK

This article employs three interrelated theoretical layers: procedural justice theory, administrative due process theory, and a human rights-based approach to governance of religious diversity. These frameworks are used because house-of-worship licensing is not merely a question of legal norms but also concerns how those norms are implemented by local governments within social settings shaped by majority-minority relations. From a constitutional law perspective, the right to profess a religion and to worship according to one's religion is guaranteed by Articles 28E and 29 of the 1945 Constitution of the Republic of Indonesia. From an administrative law perspective, such constitutional guarantees require governmental procedures that prevent discretion from becoming an instrument of exclusion. From the perspective of governance for religious harmony, fair procedures are a prerequisite for building social trust among religious communities. These three frameworks therefore allow this article to read house-of-worship licensing not only as a regulatory issue, but also as a site where rights protection, administrative accountability, and interfaith harmony intersect.

Procedural justice theory places the quality of procedures at the center of the legitimacy of public decision-making. Tyler explains that public acceptance of authoritative decisions is not determined solely by outcomes, but also by perceptions of neutrality, the opportunity to be heard, treatment that respects the dignity of affected parties, and confidence that authorities act honestly and can be trusted (Tyler, 2006). This theory is relevant to house-of-worship licensing because administrative decisions in this field often emerge in socially sensitive contexts. When procedures are perceived as biased, closed, or responsive to majority pressure, government decisions are more easily read as partial. When procedures are open, evidence-based, and supported by written reasons, parties with different views have a more rational basis for accepting the decision. In this context, religious harmony is not understood as the absence of social objection, but as the capacity of state institutions to manage objections through fair procedures (Dirwansyah & Utama, 2025).

Administrative due process theory explains the minimum standards that must be met when making governmental decisions. In administrative law, due process requires that public decisions be made through procedures that are clear, predictable, evidence-based, and open to correction. Its core elements include notification of requirements and stages, an opportunity for affected parties to submit relevant information, objective fact-finding, the obligation to provide written reasons, certainty of service timeframes, and the availability of objection or administrative appeal mechanisms (Galligan, 1996; Mashaw, 1985). At the same time, due process should not be reduced to empty proceduralism. Bagley's critique of "the procedure fetish" is useful as a caution that procedure can become counterproductive when it merely multiplies bureaucratic stages without improving rights protection, accountability, or substantive fairness (Bagley, 2019). For this reason, the due process model advanced in this article is not designed to prolong licensing bureaucracy, but to ensure that each stage has a rights-protective function: clarifying requirements, limiting discretion,

documenting reasons, preventing discriminatory delay, and providing effective remedies.

In the Indonesian context, administrative due process intersects with the principle of legality and the General Principles of Good Governance under Law No. 30 of 2014 on Government Administration. Local government discretion in house-of-worship licensing cannot be separated from the obligation to act carefully, avoid abuse of authority, maintain openness, observe proportionality, and ensure accountability. These principles are particularly important because licensing decisions may affect the enjoyment of constitutional rights. Discretion remains legitimate when it is used to assess technical and factual matters, such as spatial planning, building safety, traffic management, accessibility, and objectively verifiable social risks. It becomes problematic when discretion is used to delay, reject, or condition the enjoyment of the right to worship on majority social approval. Administrative due process, therefore, functions as a bridge between constitutional guarantees and local administrative practice.

A human rights-based governance approach to religious diversity emphasizes that the state cannot remain passive in guaranteeing religious freedom. The state has a positive obligation to ensure that all religious groups, including minorities, can enjoy their rights on an equal basis. Article 18 of the International Covenant on Civil and Political Rights recognizes freedom of thought, conscience, religion, and belief as a fundamental right. The UN Human Rights Committee, in General Comment No. 22, emphasizes that the freedom to manifest religion or belief may be limited only under strict conditions: the limitation must be prescribed by law, pursue a legitimate purpose, and be necessary to protect public safety, order, health, morals, or the fundamental rights and freedoms of others (UN Human Rights Committee, 1993). This principle has become part of Indonesia's national legal system through Law No. 12 of 2005. In the context of establishing houses of worship, restrictions based on public order cannot be invoked in a general and abstract manner. The government must demonstrate a legal basis, verified facts, a rational connection between the identified risk and the chosen measure, and reasons why less restrictive alternatives are insufficient. The principle of non-discrimination requires administrative requirements not to create barriers that disproportionately burden particular religious groups (Bagir et al., 2020; Marshall, 2018).

The concept of "majoritarian veto" in this article is used to analyze a condition in which majority preferences or social pressure operate as the *de facto* determinant of house-of-worship permit issuance. This concept differs from general intolerance because it focuses on administrative mechanisms that allow majority pressure to influence the decision-making process. Majoritarian veto does not necessarily appear as an explicit prohibition against a particular religion. It may operate through procedures that appear neutral, such as community support requirements, recommendations from religious harmony forums, repeated verification, open-ended mediation, or public order considerations without measurable indicators. Under such conditions, the standard of legality shifts into a standard of social acceptance. The

constitutionally guaranteed right to worship is transformed into a privilege dependent on the local social configuration.

**Table 1.**  
Indicators of Majoritarian Veto in House-of-Worship Licensing

| Indicator                      | Operational Meaning                                                                                                                   | Due Process Risk                                                                                       | Required Safeguard                                                                                                     |
|--------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| Community support as consent   | Community support is treated as majority approval for the existence of a house of worship                                             | The right to worship becomes dependent on social acceptance rather than legal standards                | Community support should be used only for factual verification and social impact mapping                               |
| Unreasoned FKUB recommendation | FKUB recommendation is issued without clear facts, verification methods, mapped objections, or written reasons                        | A non-judicial forum may become a gatekeeper of constitutional rights                                  | FKUB recommendations must be reasoned, documented, impartial, and reviewable                                           |
| Delay-as-denial                | The application is repeatedly postponed through additional consultation, mediation, verification, or waiting for social conduciveness | Prolonged delay produces the same effect as refusal without creating a decision that can be challenged | Each licensing stage must have a clear timeframe, a responsible official, and a written status notification            |
| Vague public order claims      | Public order or social conduciveness is invoked without objective indicators                                                          | Social pressure may be disguised as administrative caution                                             | Public order claims must be based on verified risks, proportionality analysis, and mitigation options                  |
| Absence of an effective remedy | Applicants have no clear mechanism to challenge rejection, delay, or negative recommendations                                         | Administrative discretion becomes difficult to correct                                                 | Time-bound administrative objections, Ombudsman oversight, and access to administrative court review must be available |

*Source: Author's Elaboration, 2026*

The conceptual framework of this article is built on the relationship among constitutional norms, technical licensing rules, local discretion, the risk of a

majoritarian veto, and a human rights-based due process design. Articles 28E and 29 of the 1945 Constitution provide the normative foundation for the right to religion and worship. PBM 2006 serves as the technical instrument that regulates the requirements for establishing houses of worship and the roles of local governments, the Ministry of Religious Affairs, and FKUB. In implementation, local discretion may move in two directions. First, discretion may function constitutionally when it is used to assess measurable technical aspects, such as spatial planning, building safety, accessibility, and social risk mitigation. Second, discretion may become distorted when it is used to delay, reject, or condition the enjoyment of rights upon majority social approval.



**Figure 1.** Conceptual Framework for Preventing Majoritarian Veto

*Source: Author's elaboration, 2026*

Based on this framework, the relationship between due process and religious harmony is substantive rather than peripheral. Due process functions as an instrument that converts potential conflict into an administrative process that can be managed rationally. Public consultation is not framed as an informal vote on whether a religious community may have a house of worship, but rather as a mechanism for impact mapping and risk mitigation. FKUB is not positioned as a gatekeeper of rights, but as a facilitator of social communication whose recommendations must be reasoned and reviewable. Local governments are not positioned as mediators of social pressure, but as administrative authorities required to issue written, measurable, and correctable decisions. Within this construction, religious harmony is positioned as the outcome of procedural justice and governmental accountability.

The three theoretical layers are used to read the findings in a structured manner. Procedural justice theory is used to assess whether applicants and affected

communities are given voice, neutrality, respect, and trustworthy decision-making. Administrative due process theory is used to examine whether licensing procedures provide clear requirements, objective verification, written reasons, timeframes, and remedies. The human rights-based governance approach is used to assess whether restrictions or delays satisfy the criteria of legality, legitimate aim, necessity, proportionality, and non-discrimination. Through this analytical structure, the findings on community support, FKUB recommendations, fragmented SOPs, delay-as-denial, and vague public order claims are not treated as isolated administrative problems. They are read as procedural pathways through which majority pressure may enter state decision-making and produce exclusion against religious minorities.

## METHODS

This study employs normative legal research with a qualitative-prescriptive design. This method is appropriate because the research problem concerns the relationship between constitutional norms, technical rules on house-of-worship licensing, local government discretion, and human rights-based administrative due process. Normative legal research is used to assess whether legal norms and administrative practices are consistent with legality, non-discrimination, proportionality, legal certainty, and governmental accountability. The prescriptive character of the study lies in its objective of formulating an operational procedural model to prevent a majoritarian veto in house-of-worship licensing. The study does not seek to measure public perceptions empirically, but to construct a legal argument and policy design grounded in normative analysis.

The research context is the Indonesian regulatory framework on house-of-worship licensing within regional autonomy. The document corpus consists of constitutional provisions, human rights instruments, statutes on human rights, government administration and regional government, PBM 2006, policy reports, academic literature, and contextual case materials concerning disputes over the establishment of houses of worship. The study focuses on the period after the enactment of PBM 2006 and also considers contemporary developments reflected in recent cases and policy debates. The Kupang City case in 2026 is used as a contextual illustration because it shows the intersection of an application to establish a house of worship, community resistance, local government involvement, and debates over public order or social conduciveness.

This study applies three approaches: statutory, conceptual, and case approaches. The statutory approach examines Articles 28E and 29 of the 1945 Constitution, Law No. 12 of 2005 on the Ratification of the International Covenant on Civil and Political Rights, Law No. 39 of 1999 on Human Rights, Law No. 30 of 2014 on Government Administration, Law No. 23 of 2014 on Regional Government, and PBM 2006. The conceptual approach constructs the operational meanings of majoritarian veto, administrative due process, procedural justice, non-discrimination, reason-giving, social conduciveness, and the governance of religious harmony. The case approach is used to read patterns of norm implementation in licensing events

involving social opposition, administrative delay, disputes over community support, or the use of public order as an administrative justification.

The units of analysis are legal norms, policy documents, academic texts, and documented administrative practices related to house-of-worship licensing. “Administrative practices” in this article are not derived from interviews or field observation but are reconstructed through policy reports, verified news reports, legal documents, official statements when available, and previous studies. Documents and cases were selected based on four criteria: direct relevance to house-of-worship licensing; the presence of majority-minority tension or community resistance; involvement of local government or religious harmony institutions in the licensing process; and relevance to human rights, administrative discretion, or due process concerns. Applying these criteria, the corpus comprises six primary legal instruments, more than forty peer-reviewed articles and books published mainly between 2017 and 2026, and five documented house-of-worship licensing disputes reported between 2020 and 2026. The Kupang case is presented as a contemporary illustration, while cases from other regions serve as normative comparisons to show that the risk of a majoritarian veto is not merely an isolated local event. Because the Kupang case is recent and reported through a single publicly accessible source, it is treated strictly as illustrative rather than representative, and the analysis relies more heavily on patterns observed across the other documented disputes to support its generalizable claims.

Legal and academic materials were collected through library research and document study. Primary legal materials were obtained from constitutional provisions, statutory regulations, human rights instruments, and technical regulations concerning the establishment of houses of worship. Secondary materials were drawn from journal articles, books, policy reports, and scholarly works on religious freedom, PBM 2006, FKUB, administrative law, religious minorities, procedural justice, and public policy. News sources were used only as contextual evidence to demonstrate the issue's contemporary relevance. Each news-based factual claim was treated cautiously and, where possible, compared with at least one additional source, such as another verified media report, policy report, official statement, or academic study.

The analysis was conducted in five stages. First, the study identified the legal norms governing religious freedom, local government authority, administrative governance, and house-of-worship licensing. Second, it harmonized constitutional norms, human rights instruments, sectoral statutes, PBM 2006, and local administrative practice. Third, it assessed vulnerability points of majoritarian veto using indicators such as community support as social consent, unreasoned FKUB recommendations, delay-as-denial, vague public order claims, and the absence of effective remedies. Fourth, it applied a human rights test consisting of legality, legitimate aim, necessity, proportionality, and non-discrimination. Fifth, it constructed a policy design consisting of National Minimum Procedural Standards, public consultation as impact mapping, staged SOPs, reason-giving obligations, and time-bound administrative remedies.

The rigor of the analysis was maintained through source triangulation, legal-systematic interpretation, and normative consistency. Source triangulation was

conducted by comparing primary legal materials, administrative law doctrine, human rights literature, religious freedom studies, policy reports, and contextual case materials. Normative consistency was tested by ensuring that each policy recommendation was grounded in applicable legal norms, human rights principles, and the General Principles of Good Governance. Because the study is based on public documents, published literature, and publicly accessible contextual materials, it did not involve human participants, the collection of personal data, or restricted field materials requiring formal ethical clearance. Its limitation lies in its normative and document-based character; it does not claim to measure the empirical effectiveness of all local government policies, but offers a legally grounded procedural model for further empirical testing. Because the study is prescriptive by design, it also carries a risk of confirmation bias in selecting illustrative cases and literature; this risk was mitigated through source triangulation, but not eliminated, and readers should treat the proposed model as a testable normative argument rather than a validated empirical finding.

## FINDINGS

This section presents three main findings concerning the vulnerable points of the majoritarian veto in house-of-worship licensing. The first finding concerns the shift in community support requirements and FKUB recommendations from administrative instruments to mechanisms of social consent. The second finding shows that fragmented local service procedures increase the risk of delay, shifting verification standards, and legal uncertainty. The third finding reveals the use of public order or social conduciveness arguments without objective indicators as grounds for delay or restriction. These findings demonstrate that the problem of house-of-worship licensing lies not solely in the text of PBM 2006, but also in how its technical norms are operationalized within majority-minority relations and local government discretion.

### **Community Support and FKUB Recommendations as Risks of Majoritarian Veto**

The first finding indicates that community support requirements under PBM 2006 may amount to a majoritarian veto when understood as determinative consent to the enjoyment of the right to worship. PBM 2006 requires a list of at least 90 prospective users of the house of worship and support from at least 60 members of the local community as part of the special requirements for establishing a house of worship (PBM 2006, Article 14). Administratively, these requirements may be read as instruments for verifying factual need and mapping social impact. Community support may therefore remain legitimate when used to identify affected residents, anticipate possible impacts, and design mitigation measures. It becomes legally problematic when it is transformed into a majority vote on whether a religious community may exercise its constitutional right to worship. In practice, community support often shifts into a mechanism of social authorization that places the surrounding community in a determining position over whether a religious group may establish a house of worship (Alamin & Pratama, 2024). Community support

requirements may create particular difficulties for religious minorities because of demographic position and unequal social relations. Similar dynamics have been documented in other cases of house-of-worship establishment in Indonesia, reflecting a broader tension between guarantees of religious freedom and social requirements that create room for majority domination. (Tamba, 2024).

The shift of community support into a majoritarian veto can be seen from the changing function of such support. Community support is no longer treated merely as administrative data to verify need and identify potential risks, but as a form of social approval that determines the final outcome. For religious minority communities, obtaining community support may be influenced by power relations, social pressure, local political anxieties, or identity-based resistance. Support that should be administratively verified may become a form of social negotiation that is not always free from intimidation, stigma, or mobilized opposition. At this point, the right to worship guaranteed under Articles 28E and 29 of the 1945 Constitution of the Republic of Indonesia risks being reduced to a privilege contingent on the acceptance of dominant groups. Suryawati and Syaputri (2022) position intolerance in the construction of houses of worship as a matter of citizens' constitutional rights, particularly when the state fails to ensure equal treatment for different religious communities. The legal implication is that administrative requirements must be interpreted as verification tools rather than instruments of social approval, while the harmony implication is that participation should be directed toward risk mapping rather than majority domination.

FKUB recommendations also constitute a vulnerable point when they are positioned as substantive filters rather than instruments for facilitating religious harmony. PBM 2006 assigns FKUB the role of issuing written recommendations for applications to establish houses of worship. In its normative design, such recommendations are intended to assist local governments in understanding social conditions, facilitating dialogue, and preventing conflict. FKUB should therefore not be viewed as inherently problematic. Its role remains important in maintaining communication among religious communities, especially when local tensions require mediation and clarification. The problem arises when FKUB recommendations are not transparent, measurable, properly documented, or open to review. In such situations, FKUB recommendations may become an institutional bottleneck when they are not accompanied by clear parameters, reason-giving obligations, and standards of impartiality (Setiabudi et al., 2022). Relations of tolerance and intolerance in religious life may be shaped by social configurations that are not always balanced. When the composition or working practices of a religious harmony forum more strongly reflect the preferences of the majority group, its recommendations may lose their mediating character and become social consent that determines the continuation of rights. The legal implication is that FKUB recommendations must be reasoned, documented, impartial, and reviewable; the harmony implication is that FKUB should operate as a facilitator of dialogue, not as a gatekeeper of constitutional rights.

### **Fragmented SOPs and Administrative Delay in House-of-Worship Licensing**

The second finding shows that fragmented SOPs and local service standards increase uncertainty in house-of-worship licensing. PBM 2006 provides that the regional head must issue a decision no later than 90 days after a complete application has been submitted (PBM 2006, Article 16). The effectiveness of this timeframe depends on clarity regarding when an application is deemed complete, who verifies it, which documents must be examined, how verification results are recorded, and when applicants receive notification of their application status. If these elements are not operationally regulated, the 90-day timeframe may lose its function as an instrument of legal certainty. Government involvement in the establishment of houses of worship requires clear procedures so that the licensing authority does not become a source of uncertainty in public service delivery (Hasiholan et al., 2021).

Procedural fragmentation can be observed in the possibility of different standards among regions in assessing document completeness, the validity of community support, consultation results, FKUB recommendations, and public order considerations. Local variation may be justified when it concerns measurable technical aspects, such as spatial planning, building safety, accessibility, or environmental risk mitigation. It becomes legally problematic when it imposes unclear additional burdens, shifts evidentiary standards, or creates informal stages without time limits. Discretion in administrative law must be strictly constructed so that it does not become a space for abuse of authority, and supervision is required to ensure that public services remain within legal limits (Asyikin, 2020). In house-of-worship licensing, procedural fragmentation may weaken the applicant's position by making the licensing process unpredictable and difficult to challenge.

Administrative delay is one of the most visible manifestations of weak due process. Delay does not always appear as a written rejection, but may take the form of repeated processes that leave applicants dependent on additional consultations, repeated mediation, further verification, or waiting until social conditions are declared conducive. A concrete illustration of this pattern can be seen when an applicant is asked to repeat community consultation after the required documents have been submitted, to provide additional evidence not clearly listed in the initial requirements, or to wait for an undefined declaration of social conduciveness before the application is processed further. This pattern may be described as delay-as-denial because prolonged delay produces effects similar to rejection. Applicants do not obtain legal certainty, do not receive a written decision that can be reviewed, and cannot effectively use objection mechanisms. Administrative remedies are important instruments in state administrative disputes because they provide a means to correct government decisions. They also serve as mechanisms for increasing efficiency and legal certainty in administrative disputes (Baried & Ridwan, 2024). When a decision is never issued or is not accompanied by clear reasons, remedial avenues become weak. The legal implication is that every stage of licensing must have a clear timeframe, a responsible official, a written record, and a reviewable status; the harmony implication is that unresolved delays may intensify mistrust and prolong social tension rather than prevent conflict.

**Social Conduciveness and Public Order Arguments Without Objective Indicators**

The third finding shows that public order or social conduciveness often becomes a grey area in restrictions on the establishment of houses of worship. Under human rights principles, restrictions on the manifestation of religion may be justified only when they have a legal basis, pursue a legitimate aim, respond to a genuine necessity, and meet the requirement of proportionality. Problems arise when public order is invoked in general and abstract terms without objective indicators. Norms restricting the worship rights of religious minorities must be strictly assessed to avoid discrimination and must be situated within the framework of constitutionality and the rule of law (Fanggi & Anugerahayu, 2025). In the context of houses of worship, social conduciveness can be accepted as a relevant consideration only if the government demonstrates verified facts, the level of risk, the affected parties, mitigation options, and the reasons why a restriction is the most proportionate measure. Objective indicators may include verified risks of violence, traffic disruption, excessive noise, building capacity concerns, safety threats, access limitations, and the availability or failure of mitigation measures. Without such indicators, public order becomes too elastic and may conceal majority pressure behind administrative caution.

The use of social conduciveness without objective indicators reflects a shift in the state's role from protector of rights to manager of social pressure. Local governments may be tempted to delay or reject permits in order to avoid conflict escalation, particularly when community opposition attracts public attention (Firdaus et al., 2023). In the case that emerged in Kupang City in 2026, opposition from some residents to the establishment of a house of worship illustrates how an administrative process may be subject to strong social pressure. Similar cases in various regions show that house-of-worship issues often generate tension among the needs of religious communities, residents' objections, and local governments' caution. Opposition to the establishment of houses of worship may be influenced by local political communication strategies, social tensions, and complex conflict governance (Arasid, 2025). These case variations indicate that house-of-worship licensing has a national dimension in the governance of religious diversity.

Taken together, these three findings reveal a close relationship between procedural design, minority protection, and the quality of religious harmony. Community support requirements and FKUB recommendations become vulnerable points when they are understood as determinative consent. Fragmented SOPs and uncertain timeframes create delays that are difficult to correct. Public order or social conduciveness arguments, without objective indicators, increase the risk of procedural discrimination. This pattern forms a majoritarian veto because administrative decisions are no longer determined by legal and technical standards, but by the applicant's ability to withstand majority social pressure. Within this framework, human rights-based due process becomes necessary to restore house-of-worship licensing as a measurable, documented, and reviewable public service. The broader implication is that religious harmony cannot be sustained by suppressing conflict through administrative uncertainty; it must be built through procedures that

transform social objections into verifiable issues, mitigation options, written reasons, and effective remedies.

## DISCUSSION

The findings indicate that house-of-worship licensing should be understood as a problem of governance of religious diversity rather than merely a technical matter of building regulation. The three vulnerability points identified in the findings, namely community support as social consent, fragmented procedures that enable delay-as-denial, and public order claims without objective indicators, show how administrative procedures may become channels through which majority pressure enters state decision-making. The analytical issue is therefore not only whether PBM 2006 contains restrictive requirements, but also whether the implementation of those requirements remains subject to constitutional rights, administrative due process, and human rights standards. In a rule-of-law framework, licensing decisions should be based on legal authority, verified facts, technical feasibility, and written reasons (Matteucci, 2021). In a majoritarian veto framework, however, the outcome of licensing depends on the degree of majority acceptance. This distinction is central to the article's contribution because it moves the debate from a general critique of intolerance toward a more precise analysis of procedural discrimination in administrative governance.

### Majoritarian Veto as a Constitutional Anomaly in Local Democracy

The first finding reveals a fundamental tension between local democracy and the protection of minority rights. Regional autonomy enables local participation and allows governments to respond to local social contexts. However, participation in local governance cannot be interpreted as a mandate to subordinate constitutional rights to numerical preferences. Articles 28E and 29 of the 1945 Constitution of the Republic of Indonesia place religious freedom and the right to worship as rights that must be guaranteed by the state (Heryansyah & Sahid Hadi, 2024). In this sense, community participation under PBM 2006 should not operate as a local plebiscite on whether a religious community may worship collectively. Debataraja (2022) shows that community support requirements may create barriers for religious minorities, especially when demographic imbalance and social resistance shape the licensing process. When social support is given determinative legal effect, the state effectively transfers the burden of rights protection to minority groups and requires them to secure majority acceptance before enjoying constitutional guarantees (Wahab et al., 2024).

This condition is anomalous within constitutional democracy. Constitutional democracy is not identical to unlimited majority rule; it is a system in which democratic decision-making is constrained by rights, legality, and institutional accountability. The protection of fundamental rights functions as a limit on majoritarian preferences, including preferences expressed by local majorities. In the context of houses of worship, majority groups may legitimately raise objections concerning factual impacts, such as noise, traffic, building safety, spatial planning,

accessibility, or other verifiable disturbances. These objections must be treated as administrative inputs for mitigation, not as normative grounds for rejecting the presence of a religious community. Minority rights theory positions the protection of vulnerable groups as a corrective to structural imbalance within democratic systems (Patten, 2020). The logic is close to the broader constitutional idea that rights protect individuals and minorities from being overruled merely because they are socially or politically weaker. Limitations on freedom of religion in Indonesia must therefore be examined carefully because they often intersect with social practices and public policies that disproportionately burden minorities (Aulia Sodikin et al., 2026).

The same logic applies to FKUB recommendations. FKUB is institutionally important because it provides a forum for dialogue, mediation, and facilitation of religious harmony. The problem does not lie in the existence of FKUB as such, but in the possibility that its recommendations may become a substantive filter without sufficient procedural safeguards. From the perspective of administrative due process, any recommendation that affects the issuance of a permit should identify the issues examined, the facts verified, the method of verification, the views of relevant parties, and the reasons connecting those facts to the recommendation. Without these standards, FKUB recommendations may be perceived as social judgments rather than accountable administrative inputs. Setiabudi et al. (2022) show that intolerance may exist within a broader discourse of tolerance when social relations are not supported by fair institutional mechanisms. FKUB should therefore be positioned as a facilitator of communication and risk mapping, while the final licensing decision remains with legally accountable government officials.

### **Due Process as a Safeguard for Human Rights and Administrative Accountability**

The second finding shows that fragmented SOPs create a weak bridge between PBM 2006 and local administrative practice. Although PBM 2006 provides a 90-day timeframe from the submission of a complete application, this guarantee becomes fragile if local governments do not clearly define when an application is complete, who verifies it, how verification is documented, how public consultation is conducted, and what legal consequences follow when officials fail to decide. In administrative due process theory, certainty of time is not a merely managerial issue, but a component of rights protection (Vitunskaitė et al., 2019). An application that remains unresolved for months may deprive the applicant of legal certainty in the same way as a refusal, while also preventing the applicant from challenging a decision because no written decision exists. Safitri and Sa'adah (2021) emphasize the importance of administrative remedies as mechanisms for legal protection in disputes involving government decisions. Such remedies cannot function effectively without a clear administrative status, written decision, or reviewable act.

Indonesian administrative law provides a normative basis for controlling this risk. Law No. 30 of 2014 on Government Administration requires governmental authority to be exercised in accordance with legality and the General Principles of Good Governance. Article 10 of the Law recognizes principles such as legal certainty, accuracy, impartiality, openness, prohibition of abuse of authority, public interest, and

good service. Article 24 further requires that discretion be exercised in accordance with its purpose, not contrary to statutory regulations, on objective grounds, in good faith, and without abuse of authority. These principles are directly relevant to house-of-worship licensing because the decision affects constitutional rights. A licensing decision that relies on vague notions of social conduciveness, repeated informal mediation, or shifting evidentiary standards is difficult to reconcile with legal certainty, accuracy, openness, and the prohibition on the abuse of authority. Due process therefore gives administrative law a rights-protective function: it limits discretion, requires documentation, and creates a basis for review (Greve, 2020).

Reason-giving is the central instrument for connecting legality, accountability, and the protection of rights. A written decision should contain the relevant facts, applicable norms, considerations, and a logical relationship between them. A decision that merely states “maintaining social conduciveness” or “preventing conflict” does not satisfy due process because it does not explain the type of risk, the source of information, the mitigation options considered, the reasons for choosing restriction, or the legal basis relied upon. Asyikin (2020) shows that discretionary governmental actions remain subject to legal scrutiny. In house-of-worship licensing, reason-giving enables applicants, communities, oversight bodies, and courts to assess whether a decision is lawful, proportionate, and non-discriminatory. It also prevents public order from becoming an elastic justification for accommodating majority pressure (Masykur et al., 2025).

Fragmented SOPs also create the risk of indirect discrimination. Discrimination does not always take the form of an explicit prohibition against a particular religion. It may also arise through procedures that appear neutral but impose a disproportionate burden on religious minorities. Unwritten additional requirements, shifting verification standards, repeated mediation, or delays pending a declaration of social conduciveness may affect minority communities more severely because their demographic and political positions are weaker. Suryawati and Syaputri (2022) connect intolerance in the construction of houses of worship with citizens’ constitutional rights, while Tamba (2024) shows that the dynamics of house-of-worship establishment often reflect tension between guarantees of rights and restrictive practices. Within the governance of diversity, inconsistent procedures may produce unequal access to rights: socially dominant communities obtain support more easily, while minorities must bear a heavier burden of social proof (Artis et al., 2025).

### **Religious Harmony as an Outcome of Procedural Justice**

The third finding shows that public order and social conduciveness arguments are often used in ways that weaken proportionality analysis. Public order is a legitimate aim in limiting manifestations of religion, but a legitimate aim does not automatically justify restriction (Koppelman, 2022). The government must demonstrate a real and verified risk, a rational connection between the risk and the chosen measure, the absence of less restrictive alternatives, and a proper balance between public order objectives and the impact on rights. Fanggi and Anugerahayu (2025) emphasize that restrictions on the worship rights of religious minorities must

be assessed through constitutional and rule-of-law principles. Without objective indicators, social conduciveness may blur the line between conflict prevention and acquiescence to majority pressure. The government may appear to maintain order while, in substance, allowing opposing groups to determine the limits on the enjoyment of rights.

Procedural justice theory explains why fair procedures matter for religious harmony. Tyler (2006) argues that the legitimacy of public authority is shaped not only by outcomes, but by citizens' perceptions of neutrality, respect, honesty, and the opportunity to be heard. In house-of-worship licensing, closed procedures that respond to social pressure weaken applicants' trust in the state. At the same time, opposing communities are not guided to express objections in a rational and measurable format. Public consultation designed as informal voting may deepen polarization because it encourages groups to count supporters rather than verify impacts. Public consultation designed as impact mapping has a different effect: it translates social objections into issues that can be examined, mitigated, and documented. This distinction is crucial for religious harmony because it separates participation from domination (Gest, 2021).

The concept of pseudo-harmony is useful in explaining the danger of treating social calm as the main measure of success. Pseudo-harmony refers to a condition in which open conflict is avoided, but only because minority rights are delayed, restricted, or made dependent on majority approval. Such harmony may appear stable on the surface, yet it preserves inequality and produces mistrust because the weaker group bears the greater burden of adjustment. The model that overemphasizes social stability without procedural protection may reproduce unequal social relations. A due process model offers a different path: objections are heard but must be translated into verifiable issues; mediation is conducted but within clear time limits; FKUB remains involved but must provide reasoned recommendations; and final decisions remain reviewable. Religious harmony is therefore not the absence of disagreement, but the institutional capacity to manage disagreement fairly.

### **Policy Design for Preventing Majoritarian Veto**

The findings form a chain of majoritarian veto that operates through four channels. The first is the social channel, in which community support requirements and neighborhood resistance may become determinative consent. The second is the institutional channel, in which FKUB recommendations and the Ministry of Religious Affairs' considerations may influence outcomes without sufficient standards for reason-giving. The third is the administrative channel, in which local government discretion may delay, reject, or condition permits on immeasurable social circumstances. The fourth is the remedial channel, in which applicants lack effective mechanisms to challenge refusal, delay, or negative recommendations. Majoritarian veto emerges when these channels reinforce one another. The applicant does not merely face social objection; the applicant faces an administrative process that fails to protect rights from its effects.

**Table 2.**  
Policy design for preventing majoritarian veto in house-of-worship licensing

| Component                             | Problem addressed                                                      | Policy instrument                                                       | Main actor                                                  | Expected output                                                       |
|---------------------------------------|------------------------------------------------------------------------|-------------------------------------------------------------------------|-------------------------------------------------------------|-----------------------------------------------------------------------|
| National Minimum Procedural Standards | Unequal local procedures and shifting requirements                     | National technical guideline on licensing stages and minimum safeguards | Ministry of Religious Affairs and Ministry of Home Affairs  | Published national guideline and standardized licensing checklist     |
| Public consultation as impact mapping | Community support treated as majority consent                          | Structured consultation format based on verifiable issues               | Local government and FKUB                                   | Minutes of consultation, list of issues, and mitigation plan          |
| Reasoned FKUB recommendation          | Recommendation used as opaque institutional veto                       | Standard recommendation format with facts, evidence, and reasons        | FKUB and Ministry of Religious Affairs                      | Reasoned, documented, and reviewable recommendation                   |
| Seven-stage SOP                       | Delay-as-denial and unclear processing status                          | Time-bound administrative service procedure                             | Local government                                            | Maximum processing time and written status notification               |
| Effective remedies                    | No correction mechanism for refusal, delay, or negative recommendation | Administrative objection, Ombudsman oversight, and court review         | Local government, Ombudsman, and State Administrative Court | Complaint mechanism and resolved objections within defined timeframes |

*Source: Author's elaboration, 2026*

The first component is the establishment of National Minimum Procedural Standards binding on all local governments. These standards do not require the abolition of PBM 2006, but provide operational parameters to prevent discriminatory implementation. Minimum standards should include the publication of requirements and stages; a definition of complete application files; time limits for each stage; formats for verification minutes and public consultation; standards for FKUB recommendations; written decision obligations; and administrative remedy channels. Consequently, these national benchmarks effectively differentiate legitimate technical variations from impermissible, discriminatory deviations. This underscores why a more directed policy design is paramount in managing regional diversity and mitigating systemic intolerance. (Rohman, 2023).

The second component is the repositioning of community support and public consultation. Community support should not be treated as approval determining whether the right to worship is valid. Its more appropriate function is to identify social impact and mitigation needs. Under this design, residents may raise objections, but they must be translated into verifiable issues such as road access, parking, noise, safety, building capacity, or the schedules of religious activities. Objections targeting religious identity cannot serve as legitimate grounds for restriction. Public consultation should include a written agenda, a list of participants, meeting minutes, a list of issues, mitigation recommendations, and time limits. This model respects public participation while preventing it from becoming informal voting on constitutional rights. It is consistent with procedural justice because all parties are heard within a neutral and measurable framework (Chaerudin et al., 2025).

The third component is the restructuring of FKUB and the Ministry of Religious Affairs' roles. FKUB should remain a facilitator of religious harmony, but its recommendations must be reasoned, documented, impartial, and reviewable. A standardized recommendation format should include the application's identity, the social issues raised, the communication measures undertaken, the evidence examined, the mitigation alternatives, and the reasons for the recommendation. The Ministry of Religious Affairs can act as a guarantor of substantive religious freedom standards and ensure that mediation does not shift into identity-based rejection. This model preserves the role of religious harmony institutions without weakening legal accountability (Karo & Ginting, 2021).

The fourth component is a seven-stage SOP designed to prevent hidden delay. The first stage is receipt of application files with a checklist and receipt, completed within one working day. The second stage is document-based administrative verification, completed within seven working days. The third stage is factual verification of location and technical needs, completed within fourteen working days. The fourth stage is public consultation, completed within fourteen working days, as part of impact mapping. The fifth stage is limited mediation to formulate mitigation options when verifiable objections arise, completed within fourteen working days. The sixth stage is the issuance of a written decision that includes legal and factual reasons, ensuring that the entire process does not exceed the 90-day limit under PBM 2006. The seventh stage is administrative remedy and supervision, which must be available immediately after a refusal, a delay beyond the prescribed timeframe, or the issuance of a negative recommendation. Without a responsible official, an SOP becomes a merely formal document. Without time limits, an SOP may become a space for delay (Sihotang et al., 2017).

The fifth component is the strengthening of remedial mechanisms. Administrative remedies must be available in three circumstances: rejection of a permit, delay beyond the prescribed timeframe, and negative recommendations not accompanied by adequate reasons. Objections should be examined by a higher administrative level or by a unit institutionally separated from the initial processing official. The objection mechanism must include a short timeframe, re-examination obligations, a requirement for a written decision, and consequences for officials who

fail to respond. Ombudsman oversight may address maladministration, including prolonged delay, procedural deviation, and improper treatment. The State Administrative Court remains available when decisions or governmental actions meet the elements of an administrative dispute (Padol & Satoto, 2022). Such a remedial structure provides a legal avenue for correction and reduces the tendency to resolve licensing disputes through mass pressure.

### Implementation Roadmap and Implications for the Governance of Diversity

The feasibility of this model within the Indonesian legal framework is relatively strong because it does not require a radical change to the core structure of PBM 2006. The model operates by strengthening implementation standards rather than abolishing the licensing regime. Its constitutional basis lies in Articles 28E and 29 of the 1945 Constitution. Its human rights basis lies in Law No. 39 of 1999 on Human Rights and Law No. 12 of 2005 on the Ratification of the International Covenant on Civil and Political Rights. Its administrative basis lies in Law No. 30 of 2014 on Government Administration. Its basis for regional autonomy lies in Law No. 23 of 2014 on Regional Government. The model is also compatible with the agenda of maintaining religious harmony because it does not eliminate public consultation or FKUB involvement, but transforms them into documented, impartial, and reviewable procedures.

**Table 3.**  
Institutional Roadmap for Human Rights-Based Due Process in House-of-Worship Licensing

| Actor                         | Responsibility                                                | Policy instrument                                                                   | Measurable output                                                                     |
|-------------------------------|---------------------------------------------------------------|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| Ministry of Religious Affairs | Ensuring standards of religious freedom and religious harmony | National minimum procedural guideline and standard FKUB recommendation format       | Published guideline, standardized recommendation template, and training materials     |
| Ministry of Home Affairs      | Guiding and supervising local governments                     | Circular letters, regional head guidance, and evaluation of local legal instruments | Harmonized local SOPs and periodic evaluation reports                                 |
| Local governments             | Processing applications and issuing decisions                 | Seven-stage SOP, service timeframes, written decisions, and digital documentation   | Maximum 90-day processing time, written status notification, and reviewable decisions |
| FKUB                          | Facilitating communication and risk mapping                   | Structured consultation, minutes of meeting, and reasoned recommendations           | Documented consultation records and recommendations based on verified issues          |

|                            |                                               |                                                                              |                                                                            |
|----------------------------|-----------------------------------------------|------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| Ombudsman                  | Supervising maladministration                 | Complaint examination on delay, procedural deviation, and improper treatment | Complaint mechanism and corrective recommendations for delay-as-denial     |
| State Administrative Court | Reviewing administrative decisions or actions | Lawsuits against governmental decisions or administrative actions            | Judicial control over abuse of discretion and rights-violating decisions   |
| Community                  | Submitting objections in a structured manner  | Issue-based and evidence-based consultation forum                            | Participation based on verifiable concerns rather than majority domination |

*Source: Author's Elaboration, 2026*

The matrix shows that due process is not merely a matter between applicants and local governments, but involves a broader institutional ecosystem. The Ministry of Religious Affairs and the Ministry of Home Affairs should serve as the main actors for national guidelines and harmonization of local procedures. Local governments should translate these standards into operational SOPs, service timeframes, written decisions, and digital documentation. FKUB should facilitate structured consultation and produce reasoned recommendations. The Ombudsman should address maladministration, particularly prolonged delay and improper treatment. The State Administrative Court provides judicial review when licensing decisions or governmental actions violate legality, due process, or the protection of rights. Communities retain the right to participate, but participation must take the form of evidence-based administrative deliberation rather than majority domination.

The theoretical implication of this discussion is an expanded understanding of religious harmony. Harmony should not be understood merely as social calm or the absence of open conflict. In plural societies, harmony requires procedures that make every group feel equally protected by the state. Procedural justice theory explains that trust in authority grows when citizens see procedures operating neutrally. Administrative due process theory explains the legal instruments needed to institutionalize neutrality through requirements, timeframes, documentation, reasons, and remedies. A human rights approach reminds us that minorities should not bear a heavier burden simply because they are socially weaker. The combination of these frameworks strengthens the article's argument that preventing majoritarian veto is simultaneously a constitutional, administrative, and social concern.

The practical implication is the need to implement reforms in stages. In the short term, the Ministry of Religious Affairs and the Ministry of Home Affairs should issue technical guidelines on complete application files, formats for providing reasons, public consultation procedures, and FKUB recommendation standards. In the medium term, local governments should align their SOPs with national minimum standards, train licensing officials, and develop a digital documentation system for

each licensing stage. FKUB should be trained to conduct issue-based consultation rather than identity-based mediation. In the long term, the evaluation of PBM 2006 should be directed toward strengthening non-discrimination guarantees, limiting the scope for social veto, and integrating mechanisms for oversight of maladministration. This roadmap preserves the religious harmony objective of PBM 2006 while placing it within a human rights and administrative accountability framework.

This discussion shows that human rights-based due process serves as a bridge between the protection of rights and the governance of religious harmony. The state may regulate the technical aspects of houses of worship, maintain public order, and facilitate social dialogue. Such authority, however, must be exercised through standards that prevent majority pressure from becoming the basis of decision-making. Local discretion remains necessary to understand local contexts, but it must be constrained by legality, evidence, written reasons, timeframes, and correction mechanisms. Within this framework, preventing majoritarian veto is not intended to weaken religious harmony. It ensures that harmony is built through fair procedures, equal protection, and accountable governance rather than by sacrificing the rights of socially weaker groups.

## CONCLUSION

This study demonstrates that the central problem in house-of-worship licensing lies not in the existence of administrative requirements under PBM 2006, but in how those requirements are operationalized within local discretionary practices shaped by majority-minority relations. Licensing should function as a technical instrument for assessing feasibility and verifiable social risk, not as a measure of a religious community's social acceptance. Majoritarian veto may emerge through three procedural vulnerabilities: community support and FKUB recommendations that shift into determinative social consent; fragmented SOPs that produce delay-as-denial; and public order arguments invoked without objective indicators. Local discretion remains legitimate only when exercised in accordance with legality, evidence, written reasons, time limits, and reviewable decisions.

The scholarly contribution of this article lies in conceptualizing majoritarian veto as a form of procedural discrimination in administrative law and the governance of religious diversity, since exclusion does not always appear as an explicit prohibition against a religious group, but may operate through formally neutral procedures, such as community support requirements, unreasoned forum recommendations, administrative delay, and vague public order claims. The article advances a due process model consisting of National Minimum Procedural Standards, public consultation as impact mapping, reasoned and reviewable FKUB recommendations, staged and documented SOPs, and time-bound administrative remedies. Sustainable religious harmony, in this view, requires legality, accountability, and institutional mechanisms that convert social objections into verifiable issues, rather than merely the absence of open conflict.

The limitation of this study lies in its normative and document-based design. It has not empirically measured the effectiveness of the proposed due process model

across different local contexts or directly captured the experiences of religious minority communities in licensing processes. Future research may examine implementation quality, the implementation of FKUB recommendations, the effectiveness of administrative remedies, and the role of oversight of maladministration in preventing delay-as-denial. As policy priorities, the Ministry of Religious Affairs and the Ministry of Home Affairs should formulate national minimum procedural guidelines in the short term; local governments should harmonize their SOPs and strengthen written documentation in the medium term; and the central government should evaluate PBM 2006 in the long term to reinforce non-discrimination and limit the space for social veto. These measures are necessary to ensure that religious harmony is built through fair, transparent, and accountable governance rather than by sacrificing the rights of socially weaker groups.

## AI DISCLOSURE

The authors acknowledge the use of ChatGPT and Gemini AI for limited language editing, grammar improvement, and readability enhancement. These tools were not used to generate the data analysis, research findings, interpretation, citations, or conclusions of the manuscript. The authors carefully reviewed, verified, and edited all AI-assisted outputs and take full responsibility for the accuracy, originality, integrity, and content of this publication.

## REFERENCES

- Alamin, T., & Pratama, G. W. (2024). Relasi kuasa dan pengetahuan tokoh agama dalam pendirian rumah ibadah di Kota Kediri. *Realita: Jurnal Penelitian dan Kebudayaan Islam*, 22(2), 223–244. <https://doi.org/10.30762/realita.v22i2.470>
- Arasid, M. I. (2025). Analisis faktor kendala hak pendirian rumah ibadah: Strategi komunikasi politik masyarakat Cilegon dalam menolak hak pendirian rumah ibadah. *PANDITA: Interdisciplinary Journal of Public Affairs*, 8(2), 1057–1070. <https://doi.org/10.61332/ijpa.v8i2.414>
- Artis, A., Ottaviani, F., & Ribeiro, L. (2025). Informal governance and day-to-day management: Mechanisms for inclusion and diversity in nonprofit organizations. *Journal of Management and Governance*. Advance online publication. <https://doi.org/10.1007/s10997-025-09769-5>
- Asyikin, N. (2020). Freies Ermessen sebagai tindakan atau keputusan pemerintah ditinjau dari pengujiannya. *DIVERSI: Jurnal Hukum*, 5(2), 184. <https://doi.org/10.32503/diversi.v5i2.555>
- Aulia Sodikin, R., Safrina Fadilla, D., Sholihat, T. D. I., Farida Solihati, F., Fajrussalam, H., Tisna Nugraha, M., Iskandar, S., Nurbayan, Y., & Ruswandi, U. (2026). Hijab and social stigma: Discrimination against Muslim women in minority Muslim countries. *Australian Feminist Studies*, 41(127), 42–60. <https://doi.org/10.1080/08164649.2025.2595333>
- Bagir, Z. A., Asfinawati, Suhadi, & Arianingtyas, R. (2020). Limitations to freedom of religion or belief in Indonesia: Norms and practices. *Religion & Human Rights*, 15(1–2), 39–56. <https://doi.org/10.1163/18710328-BJA10003>

- Bagley, N. (2019). The procedure fetish. *Michigan Law Review*, 118(3), 345–401.
- Baried, R. R., & Ridwan. (2024). Kedudukan upaya administratif dalam dismissal process dan konstruksi ideal pemeriksaan syarat formal gugatan. *Media Iuris*, 7(2), 343–370. <https://doi.org/10.20473/mi.v7i2.43207>
- Chaerudin, M. A. Y. C., Maskur, A., & Adila, A. H. (2025). Prinsip keadilan prosedural sebagai landasan pertimbangan hakim dalam kasus pencurian ayam. *Jurnal USM Law Review*, 8(1), 509–529. <https://doi.org/10.26623/julr.v8i1.11770>
- Debataraja, L. (2022). Penentuan persyaratan dukungan masyarakat di lingkungan pendirian rumah ibadah berdasarkan Peraturan Bersama Menteri Agama dan Menteri Dalam Negeri Nomor 9 dan 8 Tahun 2006. *Eksekusi*, 4(2), 161. <https://doi.org/10.24014/je.v4i2.14174>
- Dirwansyah, D., & Utama, C. (2025). Ensuring human rights compliance in administrative decision making: Lessons from Indonesian constitutional practice. *Multidisciplinary Research Studies in Social Sciences*, 1(2), 49–58. <https://doi.org/10.71312/mrscholar.v1i2.555>
- Fanggi, P. A. L., & Anugerahayu, A. A. (2025). Analisis hukum norma pembatasan hak beribadah kelompok minoritas agama di Indonesia. *Journal Kompilasi Hukum*, 10(2), 607–620. <https://doi.org/10.29303/jkh.v10i2.312>
- Firdaus, R., Nurbaiti, N., Halim, A., & Mubarak, Z. (2023). Penyelesaian konflik pendirian rumah ibadah: Studi kasus konflik Gereja Methodist Kota Jambi. *Jurnal Ilmiah Ilmu Ushuluddin*, 22(1), 17–30. <https://doi.org/10.18592/jiiu.v22i1.9416>
- Galligan, D. J. (1996). *Due process and fair procedures: A study of administrative procedures*. Clarendon Press.
- Gest, J. (2021). Majority minority: A comparative historical analysis of political responses to demographic transformation. *Journal of Ethnic and Migration Studies*, 47(16), 3701–3728. <https://doi.org/10.1080/1369183X.2020.1774113>
- Greve, M. (2020). Why we need federal administrative courts. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.3561135>
- Hasiholan, T. A., Subowo, A., & Afrizal, T. (2021). Peran stakeholders dalam implementasi peraturan tata cara pemberian izin rumah ibadat di Kota Bekasi. *Journal of Management and Public Policy*, 10(3), 39–60.
- Heryansyah, D., & Hadi, S. (2024). Anomali perlindungan kebebasan beragama dan berkeyakinan di Mahkamah Agung. *Jurnal Hukum Ius Quia Iustum*, 31(2), 434–460. <https://doi.org/10.20885/iustum.vol31.iss2.art9>
- Karo, R. P. P. K., & Ginting, I. S. br. (2021). Upaya menjaga kerukunan umat beragama di Indonesia pada media sosial. *Jurnal Lemhannas RI*, 9(3), 138–155. <https://doi.org/10.55960/jlri.v9i3.410>
- Koppelman, A. M. (2022). The increasingly dangerous variants of the "most-favored-nation" theory of religious liberty. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.4049209>
- Marshall, P. (2018). The ambiguities of religious freedom in Indonesia. *The Review of Faith & International Affairs*, 16(1), 85–96. <https://doi.org/10.1080/15570274.2018.1433588>

- Mashaw, J. L. (1985). *Due process in the administrative state*. Yale University Press.
- Masykur, M. H., Lailam, T., & Mulyono, F. I. (2025). Taking perspective between Indonesia and Germany: The establishment of quo vadis house of worship. *Legality: Jurnal Ilmiah Hukum*, 33(1), 132–147. <https://doi.org/10.22219/ljih.v33i1.36688>
- Matteucci, S. C. (2021). Public administration algorithm decision-making and the rule of law. *European Public Law*, 27(1), 103–130. <https://doi.org/10.54648/EURO2021005>
- Maula, B. S. (2020). Perlindungan hukum atas hak-hak kelompok agama minoritas di Indonesia. *Mahkamah: Jurnal Kajian Hukum Islam*, 5(2), 248. <https://doi.org/10.24235/mahkamah.v5i2.7141>
- Padol, M., & Satoto, S. (2022). Pengaturan penyelesaian tindakan maladministrasi dalam perspektif peraturan perundang-undangan. *Mendapo: Journal of Administrative Law*, 3(2), 138–156. <https://doi.org/10.22437/mendapo.v3i2.18547>
- Patten, A. (2020). Populist multiculturalism: Are there majority cultural rights? *Philosophy & Social Criticism*, 46(5), 539–552. <https://doi.org/10.1177/0191453720903486>
- Prawiranegara, K. (2021). Implementasi asas-asas umum pemerintahan yang baik pada pemerintahan Kabupaten Dompu. *Jurnal Lex Renaissance*, 6(3). <https://doi.org/10.20885/JLR.vol6.iss3.art11>
- Rindrasari. (2026, January). Polemik rumah ibadah di Kupang: Antara hoaks, regulasi, dan tanggung jawab negara. *YKP Indonesia*. <https://ykpindonesia.org>
- Rohman, M. S. (2023). Pengelolaan keragaman dan penanganan (in)toleransi. *Peradaban Journal of Religion and Society*, 2(1), 59–84. <https://doi.org/10.59001/pjrs.v2i1.54>
- Safitri, E. D., & Sa'adah, N. (2021). Penerapan upaya administratif dalam sengketa tata usaha negara. *Jurnal Pembangunan Hukum Indonesia*, 3(1), 34–45. <https://doi.org/10.14710/jphi.v3i1.34-45>
- Saputra, Z. H., & Atsari, Z. H. (2026). Rekonseptualisasi kewenangan FKUB dalam pendirian rumah ibadah: Perspektif konstitusionalisme dan minority rights theory. *Journal of Law and Administrative Science*, 4(1), 113–132. <https://doi.org/10.33478/jlas.v4i1.57>
- Setiabudi, W., Paskarina, C., & Wibowo, H. (2022). Intoleransi di tengah toleransi kehidupan beragama generasi muda Indonesia. *SOSIOGLOBAL: Jurnal Pemikiran dan Penelitian Sosiologi*, 7(1), 51–64.
- Sihotang, G. A., Pujiyono, & Sa'adah, N. (2017). Diskresi dan tanggung jawab pejabat publik pada pelaksanaan tugas dalam situasi darurat. *Law Reform*, 13(1), 60. <https://doi.org/10.14710/lr.v13i1.15951>
- Suryawati, N., & Syaputri, M. D. (2022). Intoleransi dalam pembangunan rumah ibadah berdasarkan hak konstitusional warga negara. *Jurnal Pembangunan Hukum Indonesia*, 4(3), 433–446. <https://doi.org/10.14710/jphi.v4i3.433-446>
- Tajmila, T., Syahwan, A., Aditya, M. D. S., Rafi, P. A., Rahman, M., & Muzakir, Y. (2025). Peran dan tanggung jawab pemerintah daerah dalam perizinan rumah

- ibadah berdasarkan hak konstitusional kebebasan beragama. *Wathan: Jurnal Ilmu Sosial dan Humaniora*, 2(2), 260–279. <https://doi.org/10.71153/wathan.v2i2.263>
- Tamba, W. P. (2024). Dinamika kebebasan beragama dan pendirian rumah ibadah di Indonesia: Suatu tinjauan kritis terhadap Peraturan Bersama Menteri. *Journal of Religious Policy*, 3(2), 189–217. <https://doi.org/10.31330/repo.v3i2.89>
- Tyler, T. R. (2006). *Why people obey the law* (2nd ed.). Princeton University Press.
- Vitunskaite, M., He, Y., Brandstetter, T., & Janicke, H. (2019). Smart cities and cyber security: Are we there yet? A comparative study on the role of standards, third-party risk management, and security ownership. *Computers & Security*, 83, 313–331. <https://doi.org/10.1016/j.cose.2019.02.009>
- Wahab, A. J., Mustolehudin, Ahmad, A. K., Arafah, S., Haryanto, J. T., Oetomo, S. B., Kustini, & M., F. (2024). A theological approach to the construction of houses of worship in Indonesia. *Cogent Social Sciences*, 10(1). <https://doi.org/10.1080/23311886.2024.2356914>
- Yunazwardi, M. I., & Nabila, A. (2021). Implementasi norma internasional mengenai kebebasan beragama dan berkeyakinan di Indonesia. *Indonesian Perspective*, 6(1), 1–21. <https://doi.org/10.14710/ip.v6i1.37510>