

EFEKTIVITAS UNDANG-UNDANG NOMOR 1 TAHUN 1965 TENTANG PENCEGAHAN PENYALAHGUNAAN DAN/ATAU PENODAAN AGAMA TERHADAP KERUKUNAN BERAGAMA DI INDONESIA.

Elyzabeth Gabriella Bulan

Abstrak

Indonesia adalah negara hukum yang berarti segala tingkah laku warga negara mempunyai aturan atau norma yang mengatur termasuk dalam kehidupan beragama . Kehidupan beragama di Indonesia berpedoman pada Ketuhanan Yang Maha Esa dalam sila 1 Pancasila serta jaminan untuk bebas memilih agama dan kepercayaan masing-masing sesuai yang termaktub dalam Undang-Undang Dasar 1945. Selain itu terdapat pula aturan tentang Pencegahan Penyalahgunaan dan/atau Penodaan Agama yang diatur dalam UU No.1/PNPS/1965 serta Pasal 165a KUHP. Aturan penodaan agama ini kerap kali dipermasalahkan legalitasnya bahkan sampai diajukan *judicial review* beberapa kali ke Mahkamah Konstitusi Republik Indonesia. Oleh sebab itu Penulis ingin membahas efektivitas peraturan tersebut dan bagaimana upaya yang dapat pemerintah lakukan untuk menjaga kerukunan umat beragama. Metode penulisan yang digunakan adalah penulisan hukum normative dengan pendekatan perundang-undangan berdasarkan data kepustakaan. Dari riset yang dilakukan oleh penulis, maka disimpulkan bahwa UU No.1/PNPS/1965 serta Pasal 165a KUHP masih relevan dewasa ini terbukti saat Mahkamah Konstitusi memutuskan bahwa aturan ini masih Konstitusional. Upaya yang dapat dilakukan pemerintah adalah penghidupan kembali PAKEM sebagai manifestasi negara dalam menjaga kerukunan umat beragama.

Kata Kunci: Penodaan Agama, Kerukunan Umat Beragama, PAKEM.

**THE EFFECTIVENESS OF LAW NUMBER 1 OF 1965 CONCERNING
THE PREVENTION OF ABUSE AND/OR BLASPHEMY OF RELIGION
TOWARDS RELIGIOUS HARMONY IN INDONESIA**

Elyzabeth Gabriella Bulan

Abstract

Indonesia is a state of law which means that all citizens' behavior has rules or norms that are regulated, including in religious life. Religious life in Indonesia is guided by the One Godhead in Pancasila as well as a guarantee to freely choose each religion and belief according to the 1945 Constitution. In addition, there are also rules regarding Prevention of Religious Abuse And/Or Blasphemy as stipulated in Law No.1/PNPS/1965 and article 165 a of the Criminal Code. The rule of blasphemy is often questioned by its legality and even submitted a judicial review several times to the Constitutional Court of the Republic of Indonesia. Therefore the author wants to discuss the effectiveness of these regulations and how the efforts that the government can do to maintain religious harmony. The writing method used is the writing of normative law with a legal approach based on library data. From the research conducted by the author, it was concluded that Law No.1/PNPS/1965 and article 165a KUHP are still relevant today as evidenced when the Constitutional Court ruled that this rule was still constitutional. The effort that can be made by the government is the re-livelihood of PAKEM as a manifestation of the state in maintaining the harmony of religious people.

Key Notes: Blasphemy Of Religion, Harmony Of Religious People, PAKEM.