

## Dualism of the Pastoral and Social Existence of the Catholic Church in the Perspective of State Administrative Law: A Study of PMA Number 13 of 2025

**Suhartoyo**

Universitas Wisnuwardhana, Indonesia

Email: tytoyo@gmail.com

### **Abstract**

This study examines the *dualism* of the pastoral and social existence of the Catholic Church from the perspective of state administrative law, focusing on the Regulation of the Minister of Religion (PMA) Number 13 of 2025 [*Peraturan Menteri Agama Nomor 13 Tahun 2025*]. This PMA regulates the Catholic religious legal body, distinguishing between pastoral work of an internal-spiritual nature and social work of a public-administrative nature. Normative analysis was carried out to assess the consistency of the PMA with higher laws and regulations, such as the 1945 Constitution and the Government Administration Law. The results of the study show that PMA 13/2025 gives discretionary authority to the Minister of Religion and the Director General of Catholic Guidance, but it needs to be balanced with legal principles such as legality, justice, accountability, and transparency to prevent abuse of authority. This study recommends the proper implementation of these legal principles to improve the quality of government and the welfare of the community.

**Keywords:** Dualism, Religious Legal Entities, Pastoral Work, Social Work, Discretion, PMA 13/2025, State Administrative Law

### **INTRODUCTION**

The State of the Republic of Indonesia, as stipulated in the 1945 Constitution Article 29 paragraph (2), guarantees the freedom of every citizen to embrace his religion and worship according to his religion and belief (Manu, 2024). Indonesian society lives in a diversity of religions and beliefs, which are the basic guidelines of life. Religions and beliefs have diverse worship rituals, performed in the open and closed spaces. Churches, mosques, and temples that are side by side are a sight of enduring diversity. Maintaining peace, tranquility, and freedom of religion is the duty of the state (Ramadhan et al., 2023).

The state needs religion to support morality, while religion needs the state for protection. The relationship between religion and the state is still debated, focusing on the form of the state: integral, symbiotic, or secular. In the Indonesian context, the constitution guarantees freedom of religion and belief (Hamidi et al., 2022; Jufri et al., 2024; Safa'at, 2022; Siful et al., 2025; Sterkens & Hadiwitanto, 2016). Religion and beliefs shape the values and social order of society, so the state must maintain a balance between religious freedom and the public interest (Ramadhan et al., 2023; Bielefeldt et al., 2016). Therefore, an understanding of the principle of equality and the theoretical basis of property relations will be more effective in improving the protection of property interests in the civil law system, especially for the Roman Catholic Church in Indonesia (Oyuntungalag, 2022).

Freedom of religion in Indonesia is regulated in the 1945 Constitution and the Human Rights Law. This guarantee is not only passive, that is, protection from interference, but also active, in which the state through administrative legal instruments facilitates and regulates the existence of religious organizations, including the Catholic Church (Ramadhan et al., 2023). The existence of a church legal entity in Indonesia has historically been recognized through

Staatsblad 1927 Number 156, which gives legal status as a civil legal entity (Ministry of Religion of the Republic of Indonesia, 2025). Dębiński (2010) has also affirmed that the state has recognized the existence of the church as a legitimate legal entity. Therefore, the need to seek harmony between the new religion and the 'world', between the sacred and the profane, between the Church and the state, was actually very urgent from the beginning of Christianity, because the church has become part of society and has an important role in social life (Kirsch, 2016).

Erlina (2021) conveyed that the subject of law is everything that can have rights and obligations according to the law, namely human beings (persons) and legal entities (rechtspersoon). Human beings and legal entities have the authority to have rights and obligations, but there are certain things that limit the legal authority of a person or legal entity. For example, rights born from the law of persons and family law can only be held by the legal subject of the person, not by a legal entity (Erlina, 2021).

Regulation of the Minister of Religion (PMA) Number 13 of 2025 concerning Catholic Religious Legal Entities was issued to fill legal vacancies and improve administrative order and legal certainty. This PMA regulates the types of legal entities and limits the scope of its activities to "pastoral work of the church" and "social work of the church" (Article 3 paragraph 1), thus becoming crucial in the administration of government (Minister of Religious Affairs of the Republic of Indonesia, 2025).

The absence of specific guidelines governing the discretion of public officials opens up opportunities for inconsistent and subjective decisions, threatening legal certainty and human rights. The protection of the right to life, freedom of religion, and religious functions of the Roman Catholic Church in Indonesia (Article 28E paragraphs (1) and (2), Article 29 paragraph (2) of the 1945 Constitution) requires strict supervision, detailed rules, and effective accountability mechanisms to ensure a fair and transparent legal system (Putri, 2024).

For this reason, this restriction gives rise to the dualism of existence: pastoral functions that are internal and spiritual, as well as social functions that are in direct contact with the public sphere and state administration. This arrangement is interesting to study from the perspective of state administrative law, especially regarding the extent to which the state can limit or define the internal functions of a religious entity.

Arifin and Ramdhani (2024) said that legal vacancies in discretionary arrangements allow public officials to act without rigorous evaluation, increasing the risk of abuse of authority and threatening legal certainty. For the Roman Catholic Church in Indonesia, clarity and legal certainty in discretionary arrangements are essential to ensure accountability and transparency, as well as protect their rights to exercise their religious functions freely and without interference (Arifin & Ramdhani, 2024).

There are also research and writings that discuss the administration of the legal entity of the Catholic Church. Puang (2012), in the article "Juridical Review of the Church as a Legal Entity Has Ownership of Land. Medan" published by Sofmedia PT. The Church in Indonesia, discusses the legal sources to regulate and determine the legal entity of the Church based on the Staatsblad 1927 No. 156. This paper states that the church or church association, as well as its independent parts, is a legal entity. This means that the church has the same rights and obligations as ordinary people, including owning property, conducting transactions, and being responsible for their actions (Puang, 2012).

There are also research and writings that discuss the administration of the legal entity of the Catholic Church. Puang (2012), in the article "Juridical Review of the Church as a Legal Entity Has Ownership of Land. Medan" published by Sofmedia PT. The Church in Indonesia, discusses the legal sources to regulate and determine the legal entity of the Church based on the Staatsblad 1927 No. 156. This paper states that the church or church association, as well as its independent parts, is a legal entity. This means that the church has the same rights and

obligations as ordinary people, including owning property, conducting transactions, and being responsible for their actions (Puang, 2012).

The study discusses the legal basis of the Church as a legal entity based on the Staatsblad 1927 No. 156 (Puang, 2012), and the administration of marriage (Elyasin & Masrokhin, 2025). However, PMA 13/2025 concerns religious bodies and religious works. The discretionary authority of the Director General of Catholic Guidance (PMA 13/2025 Article 3 paragraph (2)) must be in accordance with the Adpem Law and AUPB, with the principles of legal certainty, decency, and public interest, are not discussed. Juridical-normative analysis is needed to understand the regulations and implications of the discretionary authority of government officials in determining the field of work of the Catholic Church.

We need to ensure that discretionary authority is not abused and in accordance with the principles of administrative law, taking into account the Adpem Law and AUPB. Further studies are needed for effective and transparent implementation in the form of implementing regulations are essential to align bureaucratic procedures at the central level with the administrative needs of churches and religious institutions in the regions. The main focus should be directed to the creation of technical instructions (juknis) that describe in detail the procedures for document verification so that there are no double standards or unnecessary administrative obstacles in determining the status of legal entities.

## RESEARCH METHOD

This study employed a normative approach to analyze the consistency of the Regulation of the Minister of Religion (PMA) No. 13/2025 against higher laws and regulations. Two main approaches were utilized: the Statute Approach and the Conceptual Approach, with the latter examining the concepts of "Religious Legal Entity" and "Dualism of Work" (Pastoral vs Social) introduced in this PMA. Legal materials included primary sources, such as PMA Number 13 of 2025 and related Government Regulations, as well as secondary sources like law books, scientific journals, previous legal research, and academic manuscripts; tertiary sources, including legal dictionaries and official portals like the Ministry of Religion's JDIH, supported clarification of terms.

The analysis targeted two aspects: Dualism of Function and Limits of Discretion. Dualism of Function examined the synchronization of state administrative law with the church's "social work," now subject to government verification. Limits of Discretion assessed whether the Minister of Religion's discretionary authority aligned with the General Principles of Good Governance (AAUPB). Data collection relied on document and library research, while deductive analysis proceeded from general norms (Constitution/Law) to specific norms (PMA 13/2025) to evaluate effectiveness and transparency.

Discretion provided officials latitude to act beyond strict legal bounds. Public officials exercised it based on judgment and conscience, as noted in Black's Law Dictionary. Philippe Nonet and Philip Selznick advocated a responsive legal model for adaptability to social needs. Roscoe Pound described it as authority granted by law for action in specific situations guided by moral judgment. Thomas J. Aaron emphasized its moral over purely legal nature.

Mardjono R. S. (2019) highlighted discretion's role in addressing unregulated situations. Zainal Asikin (2020) viewed it as power for situational decisions, while H. M. Royani (2021) stressed its aim for justice and public interest. Effective use required principles like legality, justice, accountability, and transparency, though risks of abuse necessitated oversight (Budi Santoso, 2020; Andi Rahmat, 2021). Discretion in state administrative law demanded adherence to these principles.

**Table 1. Discretionary Use**

No	Principle	Discretionary Use
1	Principle of Legality	Discretionary decisions must remain within the framework of applicable law and must not violate the law
2	The Principle of Justice	Discretion must be applied fairly and reflect social justice values.
3	Principles of Accountability	Officials must be accountable for the decisions taken, supported by transparency
4	Transparency Principle	The decision-making process must be clear and accessible to the public to maintain trust.

Dadi, A. F. P., Jiwantara, F. A., Putra, I., Lubis, A. F., & Budianto, H. (2024) emphasized that the principles of discretion included legality, justice, accountability, and transparency. In practice, discretion proved effective when used to achieve positive goals, such as increasing government efficiency and improving public welfare, but it became detrimental if applied for personal gain or discrimination. Thus, public officials ensured its transparent and accountable use within established principles to enhance government quality and community welfare.

Discretion offered advantages like greater flexibility and effectiveness in government administration, provided decisions stayed within legal and moral bounds. However, it carried risks of authority abuse, which could harm society if misused.

Government actions as a legal subject encompassed real actions (feitelijkhandelingen), which lacked legal consequences, and legal actions (rechtshandelingen), which created rights and obligations. Discretion, as authority for officials to decide based on legal and moral considerations under Law Number 30 of 2014 on Government Administration, required adherence to its purposes, requirements, procedures, and categories to avoid invalidation for overreach, confusion, or arbitrariness. Officials balanced it with ethical frameworks to ensure fairness and accountability.

## RESULTS AND DISCUSSION

### Regulation of the Minister of Religion of the Republic of Indonesia Number 13 of 2025 concerning Catholic Religious Legal Entities

Regulation of the Minister of Religion (PMA) Number 13 of 2025 concerning Catholic Religious Legal Entities was ratified on September 2, 2025 by the Minister of Religion of the Republic of Indonesia, Mr. Nasaruddin Umar. This regulation was made to improve administrative order and legal certainty regarding the existence of churches or church associations, including its independent parts in the Catholic environment.

Regulation of the Minister of Religion (PMA) Number 13 of 2025 concerning Catholic Religious Legal Entities regulates the definition, scope, and types of Catholic religious legal entities, as well as the authority to determine and the requirements that must be met. A Catholic Religious Legal Entity is a church or association of churches, including its stand-alone parts, established by the Pope, Bishop, or Head of Orders/Congregations. The types of recognized Catholic religious legal entities include the Indonesian Bishops' Conference (KWI), Archdioceses, Dioceses, Prefectures, Parishes, Stasis, Orders/Congregations, Kerk en Arm Bestuur, Seminaries, and other Catholic Religious Bodies.

The authority to determine Catholic religious legal entities is divided into two, namely the Minister of Religion who establishes the status of legal entities for KWI, Archdioceses, and Dioceses, and the Director General of Catholic Guidance who establishes the status of legal entities for Prefectures, Parishes, Stations, Orders, Kerk en Arm Bestuur, and Seminaries. The main requirements for the establishment of a Catholic religious legal entity include the Decree of Establishment of the Papacy for the KWI, the Archdiocese, and the Diocese, as well as the decree of the Bishop and the statement of the local Catholic Community Counsellor for the

Parish and the Stasi. Orders/Congregations and Seminaries require a Decree/Decision of establishment as well as a recommendation from the local Bishop.

The process of filing a Catholic religious legal entity requires specific documents to guarantee ecclesiastical validity. According to PMA Number 13 of 2025, the KWI/Diocese requires a Decree of Establishment from the Papacy (Vatican), while the Parish/Stasi requires an establishment decree from the Bishop and a statement from the local Catholic Community Advisor. Meanwhile, the Order/Seminary requires a Decree of Establishment and a recommendation from the local Bishop. The documents are required to ensure that the Catholic religious organization applying is qualified and has the necessary legitimacy to operate (PMA Number 13 of 2025). Pastoral Work (Internal-Spiritual Realm) is a form of freedom of worship guaranteed by Article 29 paragraph (2) of the 1945 Constitution, where state intervention is minimalist (negative) and only facilitates the recognition of church law subjects to carry out civil law acts, such as land ownership or permits for the construction of houses of worship, without interfering in dogmatic matters. Social Work (Public-Administrative Realm) is a church activity in public service, such as education, health, or social assistance, which is subject to positive administrative law and requires verification and validation of documents by the state in accordance with Article 13 PMA 13/2025.

The procedure for submitting an application for the determination of a Catholic religious legal entity is submitted hierarchically through the Directorate General of Catholic Community Guidance for verification and validation. If the documents are complete and valid, then the determination decision will be issued. Catholic Religious Legal Entities that have been established before this Ministerial Regulation is promulgated, recognized and declared valid.

Regulation of the Minister of Religion (PMA) Number 13 of 2025 concerning Catholic Religious Legal Entities has been promulgated and is effective from September 2, 2025. This regulation aims to improve administrative order and legal certainty related to the existence of churches or church associations, including its independent parts in the Catholic environment. Regulation of the Minister of Religion (PMA) Number 13 of 2025 concerning Catholic Religious Legal Entities has become the official guideline for Catholic religious legal entities in Indonesia, and is expected to improve the quality of religious services and activities in Indonesia.

## **The Dualism of Catholic Religious Legal Entities: A Balance between Pastoral and Social Work in PMA Number 13 of 2025**

Regulation of the Minister of Religion (PMA) Number 13 of 2025 concerning Catholic Religious Legal Entities regulates the determination and authority of Catholic religious legal entities. The determination of Catholic religious legal entities is divided into two, namely the Minister of Religion who determines the status of legal entities for the Indonesian Bishops' Conference (KWI), Archdioceses, and Dioceses, and the Director General of Catholic Guidance who determines the status of legal entities for Prefectures, Parishes, Stasis, Orders, *Kerk en Arm Bestuur*, and Seminaries.

The process of determining a Catholic religious legal entity begins with the submission of an application by the church or church association to the Minister of Religion or the Director General of Catholic Guidance. The application must be completed with the necessary documents, such as the Decree of Establishment from the Papacy for the KWI, the Archdiocese, and the Diocese, as well as the decision of the Bishop and the statement from the local Catholic Community Counselor for the Parish and the Station. Orders/Congregations and Seminaries require a Decree/Decision of establishment as well as a recommendation from the local Bishop.

After the documents are received, the Minister of Religion or the Director General of Catholic Guidance will verify and validate to ensure that the documents are complete and valid. If the documents are complete and valid, then the determination decision will be issued.

Catholic Religious Legal Entities that have been established before this Ministerial Regulation is promulgated, recognized and declared valid.

PMA Number 13 of 2025 also regulates pastoral work and social work of Catholic religious legal entities. Pastoral work is a form of freedom of worship guaranteed by Article 29 paragraph (2) of the 1945 Constitution, where state intervention is minimalist (negative) and only facilitates the recognition of the subject of church law to carry out civil law acts, such as land ownership or permits for the construction of houses of worship, without interfering in dogmatic matters.

**Table 2. Characteristics of PMA 13 in 2025**

FEATURES	PASTORAL WORK	SOCIAL WORK
<b>Definition</b>	Freedom of Worship (Sacraments, Attracting Priests)	Public Services (Education, Health, Social Assistance).
<b>Legal Basis</b>	Article 29 Paragraph (2) of the 1945 Constitution.	Positive Administrative Law.
<b>State Intervention</b>	Minimalist (only recognition of civil law subjects).	Active (Strictly verify and validate documents).
<b>Process</b>	Without verification of dogma documents by the state.	Must submit an application for determination to the Minister of Religion/Director General.

The characteristics of PMA 13 of 2025 explain contextually, this PMA makes a fundamental distinction between two domains of ecclesiastical activity: Pastoral work is categorized as a fundamental scope of religious freedom (forum internum). In this realm, the state applies the minimalist-non-interventionist principle, i.e., the presence of the state facilitates the recognition of legal subjects to meet civil needs (such as the legality of land rights) without interfering in dogmatic affairs or the internal autonomy of the church.

Article 12 on Pastoral Work affirms the existence of freedom of worship. This is a form of freedom of worship guaranteed by the constitution. State intervention in this realm is minimalist and does not interfere with dogmatic affairs. This is done based on Article 29 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which guarantees freedom of worship for every citizen, thus saying, "Pastoral work as referred to in Article 11 paragraph (1) is a form of freedom of worship as guaranteed in Article 29 paragraph (2) of the Constitution of the Republic of Indonesia in 1945."

Social Work is categorized as a public service activity that enters the realm of the external forum, which is a domain based on spiritual beliefs that are manifested in the form of real actions in the public space. Because it concerns the interests of the wider community such as education and health, these activities follow the provisions of positive administrative law. The state actively participates through verification to ensure compliance with applicable public service standards and sectoral regulations.

Article 13 on Social Work and Positive Administrative Law stipulates that Social Work is subject to state administrative law and is mandatory through the process of verification and validation of documents by the government. This is in accordance with Article 29 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which guarantees freedom of religion and worship, but also requires that religious activities of a social nature must follow the applicable laws and regulations.

Social Work includes aspects of public services that are crucial for the interests of many people, such as education, health, and social assistance, so it is mandatory to follow the provisions of laws and regulations (positive administrative law) and requires verification and validation of documents by the Minister or Director General, as stipulated in Article 13 of the Regulation of the Minister of Religion (PMA) Number 13 of 2025 concerning Catholic Religious Legal Entities. "Social work as referred to in Article 11 paragraph (2) follows the

provisions of laws and regulations (positive administrative law) and requires verification and validation of documents by the Minister or Director General." (Article 13, Law on Catholic Religion).

Therefore, Regulation of the Minister of Religion (PMA) Number 13 of 2025 concerning Catholic Religious Legal Entities regulates the determination and authority of Catholic religious legal entities, as well as their pastoral and social works. This PMA distinguishes between pastoral work which is an internal forum and social work which is an external forum. Pastoral work is guaranteed by the constitution with minimal state intervention (Article 29 paragraph (2) of the 1945 Constitution), while social work is subject to positive administrative law and requires verification and validation of documents by the government (Article 13 PMA Number 13 of 2025). Thus, this PMA aims to ensure that Catholic religious legal entities can carry out their activities in accordance with applicable laws and regulations. It affirms that the principle of justice means that the Minister of Religious Affairs and the Director General of Catholic Guidance must ensure that their decisions are fair and non-discriminatory against Catholic religious organizations.

### **Analysis of the Use of Discretionary Principles in PMA Number 13 of 2025 concerning Catholic Religious Legal Entities**

Discretion is the authority given to public officials to make decisions based on considerations and beliefs in the legal and moral corridor. The use of discretion can increase the effectiveness and flexibility in the administration of government, but it also has the risk of abuse of authority.

In the context of PMA Number 13 of 2025, the Minister of Religious Affairs and the Director General of Catholic Guidance must ensure that their decisions are fair and non-discriminatory against Catholic religious organizations. This is related to the discretion given to the Minister of Religion and the Director General of Catholic Guidance in determining the status of a Catholic religious legal entity.

PMA Number 13 of 2025 also regulates pastoral work and social work of Catholic religious legal entities. Pastoral work is a form of freedom of worship guaranteed by Article 29 paragraph (2) of the 1945 Constitution, where state intervention is minimalist (negative) and only facilitates the recognition of the subject of church law to carry out civil law acts, such as land ownership or permits for the construction of houses of worship, without interfering in dogmatic matters.

Social work is categorized as a public service activity that enters the realm of an external forum, which is a domain based on spiritual beliefs that are manifested in the form of real actions in the public space. Because it concerns the interests of the wider community such as education and health, these activities follow the provisions of positive administrative law.

The exercise of discretion must take into account several important principles, namely: Principle of Legality: Discretionary decisions must remain within the framework of applicable law and must not violate the law. Principle of Justice: Discretion must be applied fairly and reflect social justice values. Principle of Accountability: Officials should be accountable for the decisions taken, supported by transparency. Principle of Transparency: The decision-making process must be clear and publicly accessible to maintain trust.

In the context of PMA Number 13 of 2025, the principles of the use of discretion are very important to ensure that the decisions of the Minister of Religion and the Director General of Catholic Guidance are fair and non-discriminatory against Catholic religious organizations. There are also the following expressed.

**Table 2. The Principle of Discretion in PMA Number 13 of 2025**

Principle	Operational Definition	Implementation of PMA
<b>Legality</b>	The decision must be within the legal framework and not violate the applicable regulations.	Rejecting decisions that are not in accordance with the regulations, including Article 29 paragraph (2) of the 1945 Constitution concerning freedom of worship.
<b>Justice</b>	Discretion must reflect the value of social justice and be applied proportionately.	Ensure that decisions are fair and non-discriminatory against Catholic religious organizations in pastoral and social work.
<b>Accountability</b>	Officials are obliged to take responsibility for every decision taken.	Fully responsible for the decisions made and able to account for them to the community.
<b>Transparency</b>	The decision-making process is known to be open, clear, and accessible to the public.	Submitting the entire decision-making process is carried out openly and accessible to the public to maintain public trust.

The Principle of Discretion in PMA Number 13 of 2025 explains that the Principle of Legality is a discretionary decision that must remain within the applicable legal framework and must not violate the law. In PMA Number 13 of 2025, the principle of legality means that the Minister of Religion and the Director General of Catholic Guidance must ensure that their decisions are in accordance with applicable laws and regulations, such as Article 29 paragraph (2) of the 1945 Constitution which guarantees freedom of worship. The principle of justice is discretion that must be applied fairly and reflects the values of social justice. In PMA Number 13 of 2025, the principle of justice means that the Minister of Religion and the Director General of Catholic Guidance must ensure that their decisions are fair and non-discriminatory against Catholic religious organizations, especially in pastoral and social work.

The Principle of Accountability is carried out by Officials who must be responsible for the decisions taken, supported by transparency. In PMA Number 13 of 2025, the principle of accountability means that the Minister of Religion and the Director General of Catholic Guidance must be responsible for their decisions and can be accountable to the public. The principle of transparency is that the decision-making process must be clear and accessible to the public to maintain trust. In PMA Number 13 of 2025, the principle of transparency means that the Minister of Religion and the Director General of Catholic Guidance must ensure that the decision-making process is transparent and accessible to the public.

In the context of PMA Number 13 of 2025, the principles of the use of discretion are very important to ensure that the decisions of the Minister of Religion and the Director General of Catholic Guidance are fair and non-discriminatory against Catholic religious organizations. By applying the principles of legality, justice, accountability, and transparency, the Minister of Religion and the Director General of Catholic Guidance can ensure that their decisions are in accordance with applicable laws and regulations, fair, and accountable to the public. This will increase public trust and ensure that Catholic religious organizations can carry out their activities properly and in accordance with applicable regulations.

Therefore, in the context of PMA Number 13 of 2025, the principle of justice means that the Minister of Religion and the Director General of Catholic Guidance must ensure that their decisions are fair and non-discriminatory against Catholic religious organizations. This can be achieved by ensuring that the decision-making process is transparent and accessible to the public, and considers the needs and interests of Catholic religious organizations. The principles of discretionary use that must be applied are the principles of legality, fairness, accountability, and transparency. The principle of legality means that discretionary decisions

must be in accordance with applicable law, the principle of fairness means that discretion must be fair and reflect social justice, the principle of accountability means that officials must be accountable for the decisions taken, and the principle of transparency means that the decision-making process must be clear and accessible to the public. By applying these principles, the Minister of Religious Affairs and the Director General of Catholic Guidance can ensure a fair and regulatory decision.

### **Discretionary Analysis in PMA Number 13 of 2025 concerning Catholic Religious Legal Entities: Authority of the Minister of Religion and the Director General of Catholic Guidance in the Determination of Catholic Religious Legal Entities and Pastoral and Social Work**

PMA Number 13 of 2025 concerning Catholic Religious Legal Entities gives authority to the Minister of Religion and the Director General of Catholic Guidance to make decisions related to the determination of Catholic religious legal entities and their pastoral and social work. In this context, discretion can be applied in several aspects, such as the establishment of Catholic religious legal entities, verification and validation of documents, pastoral and social work, and supervision and evaluation.

The Minister of Religious Affairs and the Director General of Catholic Guidance have the discretion to determine the status of a Catholic religious legal entity based on an application submitted by a church or church association. This discretion is used to ensure that the established Catholic religious legal entity is in accordance with the applicable laws and regulations. In addition, they also have the discretion to verify and validate documents submitted by churches or church societies, to ensure that the documents submitted are complete and valid.

PMA Number 13 of 2025 distinguishes between pastoral work that is an internal forum and social work that is an external forum. The Minister of Religious Affairs and the Director General of Catholic Guidance have the discretion to determine whether an activity falls under the category of pastoral work or social work. They also have the discretion to supervise and evaluate established Catholic religious legal entities, to ensure that the Catholic religious legal entity carries out its activities in accordance with applicable laws and regulations.

In exercising discretion, the Minister of Religion and the Director General of Catholic Guidance must meet the conditions stipulated in the AP Law, namely: 1) In accordance with the purpose of discretion: Discretion must be used to achieve the goals set out in PMA Number 13 of 2025, such as the establishment of Catholic religious legal entities and their pastoral and social work. 2) Does not conflict with the provisions of laws and regulations: Discretion must not conflict with the provisions of PMA Number 13 of 2025 and other applicable laws and regulations. 3) In accordance with the AUPB: Discretion must be in accordance with the General Principles of Good Governance (AUPB), such as the principle of legal certainty, the principle of justice, and the principle of accountability. 4) Based on objective reasons: Discretion must be based on objective and non-discriminatory reasons, such as the needs of society and the public interest. 5) Does not create a conflict of interest: Discretion must not create a conflict of interest between the office and other parties, such as churches or church associations. 6) Done in good faith: Discretion must be done in good faith and not for personal interests.

The procedure for implementing discretion has also been regulated in the AP Law, namely: 1) Officials who exercise discretion are required to outline the purpose, purpose, substance, and administrative and financial impact of the discretion. 2) Submit a written request for approval to the superior. 3) The official's superiors establish approvals, correction instructions, or rejections within 5 working days after receiving the approval request.

In the context of PMA 13 of 2025 concerning Catholic Religious Legal Entities, the discretion of the Minister of Religion and the Director General of Catholic Guidance in exercising their authority related to the pastoral and social work of Catholic religious bodies must meet the conditions stipulated in the AP Law.

The pastoral and social work of Catholic religious bodies has different characteristics, namely: 1) Pastoral work: is a form of freedom of worship guaranteed by Article 29 paragraph (2) of the 1945 Constitution, with minimal state intervention. 2) Social work: is a public service that follows the provisions of positive administrative law and requires verification and validation of documents by the government.

**Tabel 4. Comparison Table of Pastoral and Social Work**

Comparative Aspects	Pastoral Work	Social Work
<b>Definition/Existence</b>	The realization of freedom of worship of the ummah.	A form of public service to the wider community.
<b>Legal Basis</b>	Article 29 paragraph (2) of the 1945 Constitution.	Positive administrative law that applies.
<b>The Role of the State</b>	Minimalist intervention (the state only guarantees freedom of worship).	Active supervision (requires verification and validation of documents).
<b>Setting Properties</b>	Autonomy for religious institutions.	Comply with government administrative procedure standards.

Pastoral work usually refers to internal religious activities that are directly related to the practice of worship, the teaching of dogma, and spiritual service to the people. This activity is generally considered to be part of protected religious freedom. On the other hand, social work by religious organizations includes public services or humanitarian activities aimed at the wider community, regardless of religious affiliation. Examples include the administration of schools, hospitals, orphanages, or social assistance programs. This kind of social work is often subject to government regulations and oversight that apply to all public service providers to ensure accountability and service standards are met.

Discretion in PMA Number 13 of 2025 can be an effective tool in the administration of government, but it needs to be balanced with a clear ethical framework and a structured discretionary paradigm to ensure fairness and accountability. The Minister of Religious Affairs and the Director General of Catholic Guidance must meet the requirements set out in the AP Law and the procedures for exercising discretion to ensure that their decisions are fair and non-discriminatory against Catholic religious organizations.

#### **Implementation of Public Officials' Discretion in PMA Number 13 of 2025 concerning Catholic Religious Legal Entities: Perspectives of Law Number 30 of 2014 concerning Government Administration**

The implementation of PMA Number 13 of 2025 concerning Catholic Religious Legal Entities requires the use of discretion by public officials to facilitate the recognition of legal subjects and ensure that Catholic legal operational bodies are in line with regulations. Discretion is the authority given to public officials to make decisions based on logistical and moral considerations within the legal corridor (Pound & Aaron in Arbani, 2019).

**Table 5. Implementation of the Discretionary Principle by the Minister of Religion and the Director General of Catholic Guidance**

Principle	Implementation Statement	Explanation
Principle of Legality	The Minister of Religious Affairs and the Director General of Catholic Guidance must ensure that their decisions are in accordance with applicable regulations.	Ensure that the official's decision is within the legal corridor.
The Principle of Justice	The Minister of Religious Affairs and the Director General of Catholic Guidance must ensure that their decisions are fair and non-discriminatory against Catholic religious organizations.	Ensure equal and proportionate treatment.
Principles of Accountability & Transparency	The Minister of Religion and the Director General of Catholic Guidance must be responsible for the decisions taken and accessible to the public to maintain trust.	Demand accountability and openness of the community process

Table 5 The implementation of the Discretionary Principle by the Minister of Religion and the Director General of Catholic Guidance are relevant principles in the context of PMA Number 13 of 2025. The Minister of Religion and the Director General of Catholic Guidance have important responsibilities in making decisions related to Catholic Religious Legal Entities. They must ensure that their decisions are in accordance with applicable laws and regulations, fair and non-discriminatory against Catholic religious organizations, and are responsible for decisions taken and are publicly accessible to maintain the faith. Thus, they can carry out their duties effectively and maintain public trust.

The decision-making process must be clear and publicly accessible to maintain trust and prevent abuse of authority. The use of discretion in the context of PMA Number 13 of 2025 must apply the following principles: Principles of Legality, Principles of Justice, Principles of Accountability, and Principles of Transparency. The principle of legality means that the Minister of Religion and the Director General of Catholic Guidance must ensure that decisions remain within the framework of the 1945 Constitution and the Government Administration Law, without exceeding the authority regulated by PMA Number 13 of 2025. The Principle of Justice means that decision-making must be impartial, non-discriminatory, and reflect the values of social justice for all Catholic religious organizations. The Principle of Accountability means that officials are obliged to account for every decision taken, are supported by transparency, and provide clear and accurate information about the decision-making process. The Transparency Principle means that the decision-making process must be open and accessible to the public, maintain public trust, and prevent abuse of authority.

In the context of PMA Number 13 of 2025, the relevant principles are: The Minister of Religious Affairs and the Director General of Catholic Guidance must ensure that their decisions are in accordance with applicable laws and regulations, fair and non-discriminatory against Catholic religious organizations, responsible for decisions taken and accessible to the public to maintain trust, and the decision-making process must be clear and accessible to the public to maintain trust and prevent Abuse of Authority. By applying these principles, discretion can be an effective tool to improve the quality of government and improve the welfare of the community. However, discretion also has a disadvantage, namely the risk of abuse of authority and even harm society if it is used for personal gain or discrimination.

Therefore, the implementation of PMA Number 13 of 2025 requires the discretion of public officials in accordance with the principles of legality, justice, accountability, and transparency. The Minister of Religion and the Director General of Catholic Guidance must ensure that the decision is fair and in accordance with regulations. Discretion is effective if used with a clear ethical framework, but there is a risk of abuse of authority if not supervised. With a clear principle, discretion improves the quality of government and the welfare of the community.

## Conclusion

PMA Number 13 of 2025 regulates Catholic religious legal entities (*Badan Hukum Keagamaan Katolik*), their establishment, authority, and the dualism between pastoral work—protected as worship freedom under Article 29(2) of the 1945 Constitution with minimal state intervention—and social work, which falls under public administrative law requiring government verification. The Minister of Religion and Director General of Catholic Community Guidance (*Dirjen Bimas Katolik*) exercise discretion in implementation, guided by principles of legality (law compliance), justice (fairness), accountability (responsibility), and transparency (open processes) to ensure flexibility without discrimination. Proper adherence enhances government quality, public welfare, and trust in Catholic organizations. Future research could empirically analyze PMA 13/2025's implementation across Indonesian regions to evaluate real-world compliance with these principles and identify gaps in pastoral-social dualism management.

## REFERENCES

Arbani, T. S. (2019). Use and limitations of discretion in regional financial management in Indonesia. *Law Studies*, 1(2), 178–179.

Arifin, F., & Ramdhani, H. T. (2024). Reconstitutionalization of discretionary perspective of state administration law: A critical analysis of the implementation of the Government Administration Law. *APHTN-HAN Proceedings*, 2(1), 115–148.

Bielefeldt, H., Ghanea, N., & Wiener, M. (2016). *Freedom of religion or belief: An international law commentary*. Oxford University Press.

Elyasin, M. Z., & Masrokhin, M. (2025). The opinion of the Head of KUA in Jombang Regency and the head priest of Santa Maria Parish Jombang regarding the registration of all religions at the Office of Religious Affairs. *Journal of Science Student Research*, 3(5), 241–251.

Erlina, B. (2021). *Indonesian civil law*. University of Bandar Lampung (UBL) Press.

Hamidi, A., Asasriwarni, & Matondang, I. (2022). The relationship between religion and the state in Indonesia, and its relation to Islamic law. *Negrei: Academic Journal of Law and Governance*.

Jufri, M., Jackson-Ortiz, R. D., Perdana, P., Saifulloh, A., Garunja, E., & Barus, S. I. (2024). State power limitations on religion for the fulfillment of the constitutional rights of indigenous religion believers in Indonesia. *Journal of Indonesian Constitutional Law*.

Kirsch, K. (2016). *To change the world: The irony, tragedy, and possibility of Christianity in the late modern world*. Oxford University Press.

Manu, K. V. D. (2024). Juridical study on freedom of religion and belief in Indonesia based on Article 29 of the 1945 Constitution. *Lex Privatum*, 14(2), 9.

Ministry of Religious Affairs of the Republic of Indonesia. (2025). *Regulation of the Minister of Religion of the Republic of Indonesia Number 13 of 2025 concerning Catholic religious legal entities*. Ministry of Religious Affairs of the Republic of Indonesia.

Oyuntungalag, J. (2022). Trust law concept challenging civil law system: Mongolian example. *Beijing Law Review*, 13, 1051–1082.

Puang, V. M. H. R. (2012). *The juridical view of the church as a legal entity has ownership of land*. PT Sofmedia.

Putra, E. A. M., Wibowo, G. D. H., & Minollah, M. (2024). Legal vacuum in Indonesian administrative law: Urgency of policy regulation. *Indonesian Journal of Law and Economics Review*, 19(1). <https://doi.org/10.21070/ijler.v19i1.991>

Putri, Y. F. (2024). Analysis of the influence of arrest authority without a detention warrant according to the Criminal Code reviewed from the theory of discretionary authority. *Media Hukum Indonesia*, 2(4), 71–73.

Safa'at, M. A. (2022). The roles of the Indonesian Constitutional Court in determining state–religion relations. *Constitutional Review*.

Santoso, B. (2020). Discretionary policy in state administrative law. *Journal of Law and Justice*, 8(2).

Santoso, S. (2020). Judge's discretion in law enforcement. *Journal of Law*, 2(1), 11–20.

Siful, H., & Iqbal, M. (2025). State, religion, and modernity: A critical analysis of the relationship between political Islam and the state in the context of reform. *Jurnal Mediasas: Media Ilmu Syariah dan Ahwal Al-Syakhsiyah*.

Sterkens, C., & Hadiwitanto, H. (2016). Empirical models of the relationship between religion and state in Indonesia: How religious beliefs define the relation between religion and state. In *Religion, law and society in Southeast Asia*. Brill.