



Legal policy against intolerance in order to mitigate conflict in Indonesia's diverse society

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Abstract

Identifying traces of intolerance will make it easier to see the potential for conflict in the midst of this diverse society. That diversity and difference are a necessity which if maintained and cared for and managed productively will give birth to great potential in building the nation. This study uses a qualitative research method with a literature approach and a statute approach. The results of the study state that religious and ethnic conflicts cannot be separated from other factors. Poverty factors, social inequality, scarcity of natural resources, and economic deficiencies are among the factors that have accompanied the occurrence of horizontal conflicts so far. The role of the state is decisive in managing diversity and potential conflicts. There needs to be a unity of understanding in the life of diversity, and a statement that the common enemy is not difference or diversity, but the common enemy is intolerance. Therefore, a good arrangement is needed in fostering harmony between religious communities. Not by issuing regional regulations based on religion. In fact, the religion-based regional regulation will give birth to an attitude of intolerance towards non-religious groups.

Keywords: intolerance, conflict, diversity, Indonesia

Introduction

Diversity is a necessity that cannot be denied. Indonesia is one ethnic group that is full of diversity or diversity. As a country, Indonesia is inhabited by a variety of religious life, ethnic and cultural diversity as well as ethnic, racial and linguistic life (mega cultural diversity) (Ismardi, 2014) ^[13].

In terms of ethnicity, for example, there are Malay, Javanese, Sundanese, Batak, Bugis and Melanesian tribes which then formed hundreds of major tribes and 1,072 large and small derivative tribes. In terms of language, there are hundreds of languages spoken throughout the archipelago. Meanwhile, from the livelihood pattern, there is a diversity of orientations to life, both those oriented to life on land and at sea and between rural and urban life. Meanwhile, in terms of belief, there are a number of major world religions and local beliefs scattered in various regions of the archipelago (Mudzhar, 2013) ^[18]. But on the other hand, this diversity makes Indonesia one of the countries that is vulnerable to various conflicts. Among the conflicts that often occur in Indonesia are conflicts between religious communities, in addition to ethnic conflicts and between races or groups. Conflicts between religious communities can occur both between different religions, as well as conflicts between certain sects within one religious understanding.

Among the main contributors to this diversity or diversity is religion and at the same time it is seen as a shared national wealth. The reality of this diversity should be accepted with an open and mature attitude in order to minimize conflict and as a tool to maintain the unity and integrity of Indonesia. To maintain harmony and religious diversity as a necessity for the nation and state, it is necessary to build awareness and harmony together in order to create peace (Mughtar; Muntafa (ed), 2015) ^[17].

In the portrait of the nation's history, the experience with the Indonesian people tells us that caring for religious diversity is not easy, there are ups and downs and often tensions and conflicts occur. And the most crucial issue and the cause of conflict is the issue of tolerance which is contrary to the display of intolerance between people of different religions. Among the conflicts between religious groups have become a sad dark history recorded in the frame of the nation's history. Such as the Poso conflict (1998), the religious conflict in North Maluku (1998), the Sunni and Shia conflict in East Java (2006), the Sampit conflict (1996), the case in Situbondo district (1996), the Roti Banquet riot (Hostia) in Kupang (2005), riots in Mataram in 2011. In general, the cases of riots and conflicts between religious communities were well resolved by the community and the authorities. However, it is undeniable that similar cases often occur in various regions in Indonesia, although on a small scale but have a broad and protracted impact, for example the case of the construction of the GKI Yasmin Bogor, since 2000. Constitutionally, the state of Indonesia has guaranteed and protected religious life. The form of state protection against religious life is contained in Article 29 paragraph (1) of the 1945 Constitution which explains "The state is based on the One Godhead", paragraph (2) "The state guarantees the independence of each resident to embrace their respective religions and to worship according to their religion and belief." Derived from this law the

government recognizes religion and life nationally, namely, Islam, Christianity, Catholicism, Buddhism, Hinduism, and Confucianism, as well as government protection of other local religions.

From the background of the explanation above, in this paper it is necessary to ask several questions, namely: What are the forms of traces of religious intolerance that have the potential for conflict? Where is the intersection of intolerance to conflict between religious communities? What are the community's efforts to reduce conflicts between religious communities within the framework of diversity in Indonesia?

Methods

In this paper, a qualitative approach is used. The selected qualitative approach can provide an overview or description specifically about the answers to research problems. The data generated with a qualitative approach will be explained in writing obtained from observations or interviews. Lexy J. Moleong explained that the qualitative approach was carried out on the basis of, first, adapting qualitative methods more easily when dealing with multiple realities. Second, qualitative methods present a direct relationship between research and informants. Third, qualitative methods are more sensitive and easier to adapt and focus more on the value patterns studied (Moleong, 2014). In addition, the qualitative method is also a research procedure that produces descriptive data in the form of written and spoken words from people and observed behavior. And qualitative will produce findings that cannot be obtained when using statistical or measurement procedures (Basrori; Sukidin, 2002) ^[4].

with a qualitative approach, researchers do not only study other humans, but also learn from other humans in order to understand the meaning of an event according to the habits and views of a society's life and of course the connection of this research is about reducing conflict as a result of intolerance in the frame of the Indonesian nation's diversity. So, with this qualitative approach, researchers will explore how conflict arises from the impact of intolerance as a form of denial of diversity.

Results and Discussion

1. Traces of Religious Conflict

There are three things that drown humans in the abyss of conflict and violence which are termed the "three dark triangles" (three vicious triangles). Namely religion-moral-human, political-economic-social, and ignorance-poverty-sickness. Politically, these three things produce an atmosphere of chaos that affects the stability of economic conditions and the political atmosphere. In an uncontrolled atmosphere, a cannibalistic political system will prevail, which is marked by prolonged social conflicts and multi-dimensional crises (Iroegbu, 1997) ^[12]. The background of the protracted social conflict is that the conflict represents a protracted struggle by a group that is often carried out with violence, both for basic needs such as security, recognition and acceptance, access to justice from the state and economic participation (Mial, 2000) ^[11].

In looking at the roots of conflict, there are several theories that can be put forward as to what causes conflict, including the First Theory of Public Relations. This theory explains that the emergence of conflict is motivated by the ongoing polarization, trust and hostility between different groups in society. Second, Conflict Negotiation Theory. That is to assume that conflict arises due to incompatible positions and differences in views of the conflicting parties. Third, Human Needs Theory. This theory assumes that conflict is caused by unfulfilled basic human needs (physical, psychological and social). Fourth, Identity Theory. This theory posits that conflict is caused by a threatened identity rooted in the loss of something or unresolved past suffering. Fifth, Theory of Intercultural Misunderstanding. Namely that conflict is caused by the incompatibility of the way of communication between different cultures or religions. Sixth Transformation Theory, that the emergence of conflict is motivated by inequality and injustice includes a sense of social and economic injustice or cultural inequality (Fisher, 2000) ^[7].

Conflict incidents are often motivated by differences. For example, differences in religion, ethnicity, race and others. However, this difference or diversity can also be a potential if it is understood and managed properly, wisely and constructively. Namely that religious differences and diversity are accepted as gifts and wealth based on an attitude of tolerance and responding to differences and changes not by means of intolerance that create violence and unrest (Wahab, 2014) ^[21].

The phenomenon of religious conflict cannot be seen separately as a mere religious conflict, but must be observed as a result of the interrelation of other factors. Such as poverty, social inequality, collusion, scarcity of natural resources, implementation of the economic model between domination and exploitation, to a repressive political system, where people who live in excess and people who lack the economy live side by side. And the impact gave birth to unstable conditions and disharmony (Windhu, 1992) ^[22].

Tracing traces of intolerance and some of them ended in conflict by asking questions why people want to be intolerant and even radical. As has been stated by many parties to respond to these two things, some of them are due to religious understanding factors, political and economic injustice factors, poor law enforcement factors, and education factors that emphasize violence or hatred towards parties who are not of the same religion (Qodir, 2016) ^[19].

The first factor is the existence of a religious understanding which some of its adherents understand that the holy text teaches about jihad which is interpreted as a form of intolerance and understanding of terrorism.

The second factor is motivated by political, economic and legal injustice carried out by the state. And because of that, the state is considered unfair to a group of people. The third factor is motivated by poor law enforcement so

that it gives birth to a sense of injustice to the community. Law enforcement that does not work well causes public irritation. As a result, the target group for the angry community was the law enforcement officers themselves, such as the police. By looking at several cases of violence such as in Solo, Poso, and in Jakarta. Among these three factors, the one that is considered the most dominant in giving birth to intolerance and even radicalism is the issue of legal injustice.

The fourth factor is related to the issue of education. Education that emphasizes the teaching aspects of violence and intolerance from religion and does not provide space for discussion and discussion about community problems will give birth to religious ignorance (not wanting to hear suggestions from parties outside the group). This model of education will encourage followers to use religion as the basis and justification for their intolerance experience.

2. Roots of Radicalism and Religious Intolerance

Several survey reports say that the number of intolerance in Indonesia is increasing. The survey conducted by the Indonesian Survey Institute (LSI) in 2018 explained that more than 50% of Indonesians are intolerant of other religions. In October of the same year (in 2018) a survey by the Center for the Study of Islam and Society (PPIM) at UIN Jakarta reported that the majority of Muslim teachers, i.e. 63% in schools in Indonesia, hold intolerant views of different beliefs and religions.

In response to this intolerance, it will not grow if there is no land to support it. Conservatism is fertile ground where attitudes of radicalism, intolerance and terrorism thrive (Assyaukanie, 2018) ^[2]. Religious conservatism (religious attitudes that emphasize the importance of tradition of religious values) is generally opposed to movements for renewal of religious teachings. In Indonesia, the notion of conservatism has emerged for a long time, even long before Indonesia underwent a democratic transition at the end of the 1990s. However, their numbers were not as numerous and expressive as they are now. In fact, they have existed since before the independence of Indonesia. Their gait in the public sphere massively only occurred in the era of democracy (Bruinessen, 2013) ^[5]. In particular, finding its momentum after the fall of Suharto in 1998, previously, this regime was very repressive. Conservatism can be found in religious organizations such as NU and Muhammadiyah or other religious organizations, such as FPI and others, and also among the urban middle class who are new to Islam. In addition, they also formed religious organizations and joined political parties that carried the aspirations of the conservatives through sharia regulations.

The existence of a sharia-based regional regulation carried out by the Regional Government (Pemda) encourages the emergence of intolerance and antipathy from various groups, especially minorities. Anti-immorality arrangements such as prostitution, gambling and alcohol, should be carried out by the public order and become a general concern for all religions and their people, community organizations and the government (Azra, 2018) ^[3]. However, the local government took over by issuing sharia-based policies. So that the cities and regencies that apply the sharia regulations are labeled as intolerant cities. As the Setara Institute report in 2018 said that seven out of ten cities in West Java were labeled as intolerant cities. Even the city of Bogor and the city of Bekasi are considered as two cities with a high level of intolerance. Apart from cities in West Java, other regions also issue sharia regulations. In the middle of 2013 there were 422 "sharia regulations". The sharia-based regional regulations generally regulate anti-immorality, gambling, alcohol and also Muslim attire in state-owned institutions.

Another area in Indonesia that specifically gets a legal umbrella (umbrella act) is the province of Nanggroe Aceh Darussalam as stipulated in Law Number 18 of 2001 concerning Special Autonomy for the Province of NAD. In October 2002 the Regional Government of NAD issued a regional regulation (qanun) on the Islamic Sharia Court and a regional regulation that regulates the implementation of Islamic Sharia in the fields of Aqidah, Worship, and Islamic Syiar. In addition to the special autonomous region of NAD, the Provincial Government of West Sumatra was also inspired to issue a sharia regulation on the prevention of immoral acts and prostitution. This regional regulation is the first sharia regional regulation in Indonesia that uses the special autonomy basis, and was later followed by other regions in Indonesia (Arfiansyah, 2015) ^[1].

As a result of the West Sumatra regional government's sharia policy, such as the obligation to wear the hijab in government circles, including schools, especially for Muslim female civil servants, the regional regulation does not require non-Muslim women to wear the hijab. Non-Muslim women object to the Shari'a regional policy requiring Muslim women to wear the headscarf in schools because they frequently face discrimination from school administration and government officials due to dress-related issues.

While in other areas, to be precise in Papua, there are regional regulations with religious nuances based on the Bible which are practiced in Manokwari Regency, West Papua. Among the articles of the Perda which are considered controversial are that it stipulates that "the government can install religious symbols in public places and offices" and prohibits "the construction of houses of worship for other religions if there is already a church". Also, the prohibition of wearing the hijab and calling the call to prayer aloud. The impact of the issuance of this religion-based regional regulation can be seen from the conflict in Tolikara, Papua in 2015 and the subsequent religious conflict in Aceh Singkil in the same year.

The same thing is also experienced by minority groups in the Buleleng Regency, Bali. The construction of a mosque that has received a permit from the local village and the establishment of a children's educational institution (TPA) has been challenged by the majority community group on the grounds that there is no strong permit because the place where the mosque is built is part of the traditional village area (pakraman) which has

great authority in the traditions of the Hindu community, and they have the right to demolish the house of worship (Kartini, 2011) ^[14].

Back to discussing sharia regulations or religious-based regulations. The birth of religion-based regional regulations, particularly sharia regulations, reflects the government's failure to implement laws in Indonesia. The issuance of sharia regulations is considered to be an alternative way of legal incompetence in overcoming problems in society. Robert W. Hefner once said that the proliferation of sharia regulations was caused by public disappointment with the government in the past, resulting in provinces and districts or cities wanting to implement Islamic sharia for reasons of revitalizing community culture.

The desire for the sharia regulation is reinforced by the assessment that the government has failed to improve social, economic and political life (Hefner, 2011) ^[9].

3. Recognizing Differences and Tolerance Policy

Diversity or diversity in people's lives in Indonesia is a necessity that cannot be changed or eliminated. This means that diversity or diversity must be equally recognized and interpreted as a potential strength in building a tolerant people to build dialogue, as well as increasing inter-religious cooperation activities in order to advance a civilized Indonesia. This is because the enemies in front of us are not religious differences, ethnic differences or races as in horizontal conflicts so far which are generally religious and ethnic. However, the current common enemies are intolerance, war, acute panic and such. As the message of the humanitarian document resulted from the meeting of Shekh Al Azhar, Sheikh Ahmad el-Tayyeb with Pope Francis on 5 February 2019 in Abu Dhabi. The results of the meeting of the two world leaders produced a document of human fraternity (human fraternity document). The meeting's core messages stressed who and what humanity's common enemy is today: acute extremism (fanatic extremism), the desire to harm one another (distuction), conflict (war), intolerance (intolerance), and hatred (hatefull attitudes) among fellow believers (Habeahan, 2021) ^[8].

By realizing the five messages of human brotherhood from the two world leaders and observing the occurrence of horizontal conflicts so far, there are at least three points, if not all points that trigger ethnic and inter-religious conflicts in Indonesia. Namely, acute panatism, intolerance, and hatred towards others who are not of the same belief or understanding group.

Recognizing that intolerance is a common enemy that can result in religious conflict and jeopardize the order of diversity or diversity in Indonesia, it is necessary to garner support from all groups in order for them to maintain an attitude of tolerance in opposition to intolerance, specifically through the development of innovative and innovative steps that promote togetherness and peace. To begin, foster tolerance through effective law enforcement. Second, foster a climate of tolerance through fostering the potential of indigenous populations. Thirdly, tolerance must be fostered through conversation.

First, freedom of religion and practice is based on the First Precepts of the Pancasila "To God Almighty" and then animates Article 28E paragraph (1) and paragraph (2) of Article 29 of the 1945 Constitution. This means that there is no separation between religion and the state because Pancasila is state philosophy. In other words, religion or divinity in the One and Only God is the basis in organizing the life of the nation and state. And every citizen is obliged to respect the religion and beliefs of others. because the state guarantees the freedom to practice religion and belief in Indonesia. And the state is at the same time obliged to maintain harmony and regulate activities between religious communities in order to avoid social conflicts in the name of religion. Because the state is an organization that has the highest legal power and is obeyed by its people. And the state has a coercive and monopolistic attitude by bringing order to various organizations and groups under it.

As mentioned above, that with the ethnic and religious diversity that lives within the unitary territory of the Indonesian state, and that diversity is often disturbed by various frictions and conflicts in society, especially the issue of building houses of worship, the state needs to regulate religious life as the foothold of all parties to maintain peace and be tolerant. Among the state policies in regulating religious harmony are the issuance of Joint Regulations of the Minister of Religion and the Minister of Home Affairs (PBM) Number 9 and Number 8 of 2006 concerning Guidelines for the Implementation of Duties of Regional Heads/Deputy Regional Heads in Maintaining Religious Harmony, Empowerment of Religious Harmony Forums, and Establishment of Houses of Worship. In the ministerial regulation, Article 13 regulates the establishment of places of worship. Apart from the joint ministerial decision, the government also needs to regulate, evaluate, and revise various regional regulations with religious nuances implemented by the provincial, district and city governments, especially those that can cause divisions. In other words, the Central Government must enforce strict and just laws and control a policy issued by the regional government that legalizes intolerance.

Second, build an attitude of tolerance by encouraging the potential of local communities. The notion of tolerance is not only related to religious tolerance, namely allowing people other than their religion to worship according to their beliefs. However, the notion of tolerance is related to society, namely with a cultural acculturation approach such as using symbols of local culture as has been done by the guardians of Islam spreaders in Java, namely using wayang and gamelan instruments as their propaganda media. The position of culture has an important role in the process of acculturating religious values. In culture, there are values of tolerance that respect differences. And culture is likened to a place of equality and growth of tolerance. In the culture of society, both Javanese culture and the culture of other local communities, highly respect harmony and tolerance with the principles of harmony and respect which are the main characteristics of community culture. In Javanese society, for example, especially in the city of Semarang, Central Java, it can be seen from the diversity of the

three dominant cultures, namely Java, Islam and China. There stood mosques, churches, pagodas, monasteries, and temples in the city living side by side and thick with tolerance. And no less important, the leadership in Semarang is committed to maintaining the wisdom of diversity through the role of the Mayor and his staff in collaboration with religious community leaders and ethnic leaders. Another marker of the tolerance life in Semarang is reflected in traditional cultural rituals such as Dugderan which is held to welcome the beginning of fasting and involves other cultural arts traditions such as the lion dance. The Dugderan tradition is not only for Muslims, but is a celebration for all Semarang residents to welcome fasting.

Third, build tolerance through dialogue. In encouraging religious tolerance and diversity, dialogue is needed. Through dialogue one will give and receive. Meanwhile, to be able to carry out dialogue requires maturity, patience, experience, confidence and personal maturity. A productive dialogue will not be realized if each group is not willing to open up, willing to give and take each other voluntarily and enthusiastically.

Conclusion

To support the harmonious life of diversity in Indonesia, both religious and ethnic diversity, serious efforts are needed from all parties, especially maintaining and maintaining an attitude of tolerance. It is equally realized that religious and ethnic diversity and differences have the potential to give rise to conflict. On the other hand, if religious and ethnic diversity is cared for, it is not impossible to have extraordinary potential in elevating the nation's civilization. Therefore, the presence of the state in law enforcement is very necessary because the state has great authority to bring order and can detect the potential for religious or ethnic riots early. State control (central government) can regulate regional policies, revise or revoke religious-based regulations. Where the regional regulation is seen to be able to cause division and intolerance towards minority groups. Mutual commitment needs to be carried out in the form of productive dialogue in order to receive and give each other based on experience and maturity. And in respecting differences, it needs to be realized in mutual respect and maintaining religious harmony by encouraging the potential contained in the culture of the local community in which there are values of tolerance.

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