Andi Luhur Prianto Universitas Muhammadiyah Makassar, Indonesia

email: luhur@unismuh.ac.id

Suud Sarim Karimullah

Gümüşhane University, Türkiye email: suudsarimkarimullah@gmail.com

ldri

Universitas Islam Negeri Sunan Ampel Surabaya, Indonesia

email: idri@uinsby.ac.id

Zumiyati Sanu Ibrahim Institut Agama Islam Negeri Sultan Amai Gorontalo, Indonesia

email: zumiyati@iaingorontalo.ac.id

Aat Ruchiat Nugraha Universitas Padjadjaran, Indonesia

email: ruchiat@unpad.ac.id

Yavuz Gönan Gümüşhane University, Türkiye

email: yavuzgonan@gumushane.edu.tr

Abstract

This study aims to reveal the failure of the state to use its authority to ensure the fulfilment of religious freedom for all its citizens maximally and adequately because, in practice, the state sometimes takes refuge behind the slogan of neutrality when it sees the majority group committing violent practices against minority groups. This study uses a discourse analysis method with a phenomenological approach to understanding the meaning of various events and human interactions. Meanwhile, the data was collected through literature study, media study, and observation using content analysis and discourse analysis methods in processing the data. Then this research results in the finding that opening the state accommodation gap to the demands of the majority religious group will provide space for them to take advantage of the similarities in their religious ideology with state actors and then attempt to dictate state policy. The inability of the state to be neutral in solving the problems of its people, at the same time, has given rise to the impression that a handful of certain social classes have controlled the state. Even this research results also show that tendencies of intolerance and discrimination arise in the community.

Keywords: Hijacking of State Power; Religious Freedom; Community Organizations

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^{*} Corresponding author, email: luhur@unismuh.ac.id

Abstrak

Penelitian ini bertujuan untuk mengungkap tentang kegagalan negara dalam memanfaatkan otoritas dan kewenangannya untuk menjamin terpenuhinya kebebasan beragama bagi seluruh warga negaranya dengan baik dan maksimal sebab dalam praktiknya, negara kadang berlindung di balik slogan netralitas saat melihat kelompok mayoritas melakukan praktik-praktik kekerasan terhadap kelompok minoritas. Penelitian ini menggunakan metode discourse analysis dengan pendekatan fenomenologi yang berusaha untuk mengerti makna dari berbagai peristiwa dan interaksi manusia. Sedangkan pengumpulan data dilakukan melalui literature study, studi media, dan observasi dengan menggunakan metode analisis isi dan analisis wacana dalam pengolahan datanya. Kemudian penelitian ini menghasilkan temuan bahwa terbukanya celah akomodasi negara terhadap tuntutan kelompok keagamaan mayoritas akan memberikan ruang bagi mereka untuk memanfaatkan kesamaan ideologi keagamaan yang mereka anut dengan aktor negara, untuk kemudian berupaya mendikte kebijakan negara. Ketidakmampuan negara bersikap netral dalam menyelesaikan persoalan rakyatnya, pada saat yang sama telah memunculkan kesan bahwa negara telah dikuasai oleh segelintir kelas sosial tertentu. Bahkan hasil penelitian ini juga memperlihatkan adanya kecenderungan intoleransi dan diskriminasi yang muncul di lingkungan masyarakat.

Kata Kunci: Pembajakan Kekuasaan Negara; Kebebasan Beragama; Organisasi Masyarakat

مستخلص

يهدف هذا البحث إلى الكشف عن فشل الدولة في استخدام سلطتها وصلاحياتها لضمان تحقيق الحرية الدينية لجميع مواطنيها بشكل صحيح وبأقصى درجة ممكنة. ذلك لأن الدولة في الممارسة العملية تحتمي أحيانًا وراء شعار الحياد عندما ترتكب الجماعة الأغلبية ممارسات عنيفة ضد الأقليات. يستخدم هذا البحث منهج تحليل الخطاب بأسلوب الظواهر، الذي يسعى إلى فهم معنى الأحداث والتفاعلات الإنسانية المختلفة. يتم جمع البيانات من خلال دراسة الأدب ووسائل الإعلام، والملاحظة باستخدام منهجي تحليل المضمون وتحليل الخطاب في معالجة البيانات. ويخلص هذا البحث إلى أن انفتاح الدولة على مطالب الجماعة الدينية ذات الأغلبية يتيح لها ا استفادة من تشابه الأيديولوجية الدينية التي تعتنقها مع الجهات الفاعلة في الدولة، لتسعى بعد ذلك إلى إملاء سياسة الدولة. وفي الوقت نفسه، فإن عدم قدرة الدولة على أن تكون محايدة في حل مشاكل شعبها، يخلق انطباعًا بأن الدولة تسيطر عليها حفنة من الطبقات ا اجتماعية المعينة. تظهر نتائج هذه الدراسة أيضًا نزعة التعصب والتمييز التي تتجلي في المجتمع.

.الكلمات الرئيسيّة: اختطاف سلطة الدولة ؛ الحرية الدينية؛ تنظيم المجتمع.

A. Introduction

The end of Suharto's new order era brought significant changes in the democratization process in Indonesia. In the political field, power is no longer centralized, monolithic and closed but is now more decentralized, competitive and open. Along with this, civil and political liberties have also begun to gain space. However, unfortunately, civil rights, which

¹ Rahadi T Wiratama, "Ideologi, Negara, Dan Bangsa," Majalah Prisma 32, no. 04 (2013): 103–104.

are the foundation for the establishment of democracy in a democratic country,² are not felt by minority religious groups who have different views from the majority religious groups. Facts often show that religion can trigger acts of violence. Religious adherents make religious doctrine the main drive, primum mobile and push factor of their violence.

One of the reasons for this problem is the religious majority group who tries to use the state as an arena to embed religious ideology in their teachings. As a result, in several cases of violence against religious minority groups in Indonesia, the choice of state policy cannot be separated from the pressure of the religious majority group. So that the state, through its instruments, often fails and seems negligent in upholding civil rights, especially those related to religious minority groups. Unfortunately, the failure and stigma attached to talks with the state often involve the ideology of the majority group and give rise to the impression that certain majority groups only own the state.

The inclusion of religious freedom in the universal declaration of human rights and the declaration on the elimination of all forms of discrimination and hostility based on religion and belief not only signifies that the international community has a responsibility to safeguard this fundamental right but also represents an attempt to avert conflicts arising from differences in beliefs and religions, which can escalate into genocidal violence. The issue of religious violence is a persistent concern in Indonesian society, nation, and state. Numerous acts of violence resulting in intolerance continue to be committed by various groups.

In Indonesia, religiously motivated violence has been occurring for an extended period. However, religious violence in Indonesia witnessed a significant rise following the political reform 1998, coinciding with the growth of radical religious organizations.³ Some often translate violence in the name of religion as the legal doctrine that must be implemented. Violence in the name of faith can be translated as violence involving religion as a premium variant. Violence is a trait or condition that contains force, pressure and coercion.⁴ So sensitive is the issue of faith for the Indonesian people that social and political conflicts outside of religion are often drawn into the realm of religion to get more support from its adherents.⁵

Religion, as an awareness of the meaning and legitimacy of actions for its adherents in their social interactions, experiences conflicts of interpretation, so this is where a dispute

² R. William Liddle, "Demokrasi Dan Kebebasan Sipil," in *Membela Kebebasan: Percakapan Tentang Demokrasi Liberal*, ed. Hamid Basyaib (Jakarta: Pustaka Alvabet, 2006), 145.

³ Ahmad Zainul Hamdi, "Klaim Religious Authority Dalam Konflik Sunni-Syi'i Sampang Madura," *ISLAMICA: Jurnal Studi Keislaman* 6, no. 2 (January 23, 2014): 215–231, https://doi.org/10.15642/islamica.2012.6.2.215-231.

⁴ I Marsana Windu, Kekuatan Dan Kekerasan Menurut John Galtung (Yogyakarta: Kanisius, 1992), 62.

⁵ Slamet Effendy Yusuf, "Review 5 Tahun Kehidupan Umat Beragama Di Indonesia: Perspektif MUI," in *Kongres FKUB* (Jakarta, 2011), 5.

arises. Conflicts between religious adherents contain complex content and do not only touch the dimensions of belief of the religion they embrace. But also related to social, economic, political interests and so on. Conflicts between religious adherents are straightforward to be ridden by interest groups, so the conflicts that occur are conflicts of interest in the name of God and religion.⁶ Many issues concerning religious freedom have emerged, ranging from religion-based violence and the prohibition of certain teachings to criminalising those considered heretical in their religious activities.

The conflict was born because of the background of the increasingly widespread dogma of structural-functional theory, which, according to some views of social figures, is no longer in line with changes and developments in society. If so, then the construction of the theory will not help us to understand proportionally and apply an event (event). Therefore, conflicts that arise in one condition will be able to build new awareness for better and dynamic changes in religious freedom conditions in the community's social life. Based on a report published on the official website of the united states ministry of foreign affairs in 2020, there are various findings regarding violations of religious freedom in Indonesia, such as extrajudicial killings, one of which highlights the case of the shooting of six members of the Islamic defenders front (FPI) on the Jakarta-Cikampek toll road which took place in Jakarta carried out by members of the police, alleged violations based on the Blasphemy law which contained about 38 cases of blasphemy that occurred in Indonesia based on data from Indonesian legal aid agencies, the prohibition of worship felt by the minority group Shia Jafariah in the city of north maluku, difficulty in building permits or using places of worship, closing other religious sites, being forced to study religion in schools, using religious parameters for promotion, challenges in accessing government services, difficulties in carrying out interfaith marriages, and the application of sharia in Aceh.

Many houses of worship, homes, and even social facilities were damaged, burned or destroyed, resulting in no small number of casualties. These violent incidents often occur and are widely reported in both print and electronic media. The actors involved in these events do not seem to have realized that diversity or diversity is a gift from God that must be grateful for, so it needs to be appropriately managed. See also the case of refusal to build a church in an area where the majority of the people are Muslim, and vice versa against the rejection of

⁶ Suhermanto Ja'far, "Agama, Konflik, Integrasi Dan Masyarakat Komunikatif," in *Resolusi Konflik Islam Indonesia*, ed. Thoha Hamim, Khoirun Niam, and Akh. Muzakki (Yogyakarta: LKiS dan LSAS IAIN Sunan Ampel, 2007), 139.

⁷ U.S. Embassy and Consulates in Indonesia, "2020 Report on International Religious Freedom," U.S. Embassy and Consulates in Indonesia, 2020.

the construction of a mosque in a place where the majority is non-Muslim. Or even refusal to perform christmas worship or even not being allowed to perform eid prayers. This is a small example of religious intolerance in Indonesia; there are many other discrimination cases.

Regarding the issue of religious freedom, there are many theoretical and empirical studies that many researchers have carried out. Among them are Lindholm and Durham, 8 who have written references on the principles and practices of freedom of religion or belief. Basuni and Budianto⁹ have also compiled several national and international legal regulations regarding legal guarantees and human rights regarding religious freedom, as well as examples of implementation cases. Abdullah¹⁰ examines religious freedom from the perspective of universal humanity, which involves three entities: humans as creatures with dignity and worth, humans as citizens, and humans as followers of specific religions. Darmawa¹¹ examines the implementation of Article 28, paragraphs 1 and 2, and Article 29 of the 1945 Constitution, manifested in several regulations and laws as well as obstacles to their implementation. Abidin ¹² studied the guarantee of religious freedom, which focused on the political policies of the Gus Dur and SBY eras. The political policies of the two presidents with different qualities did not reach freedom in the broadest sense, especially regarding the flow of belief. In addition, there are also other studies such as those conducted by Fenton. 13 Hilmy, ¹⁴ Marshall, ¹⁵ Soedirgo, ¹⁶ Ridge, ¹⁷ Arumbinang, ¹⁸ and Hefner. ¹⁹ All of the above studies focus on cases of religious freedom in various forms.

⁸ Kebebasan Beragama Atau Berkeyakinan Seberapa Jauh? Sebuah Referensi Tentang Prinsip Dan Praktek (Jakarta: Kanisius, 2010).

⁹ "Religious Freedom in the Perspective of Human Rights," in *ICLSSEE 2021: Proceedings of the 1st International Conference on Law, Social Science, Economics, and Education, ICLSSEE 2021, March 6th 2021, Jakarta, Indonesia* (European Alliance for Innovation, 2021), 445.

^{10 &}quot;Kebebasan Beragama Atau Berkeyakinan Dalam Perspektif Kemanusiaan Universal, Agama-Agama Dan Keindonesiaan," in *Expert Conference on Shariah and Human Right* (Malang: Pasca UMM and Oslo Coalition Norway, 2010).

¹¹ Implementasi Pasal 28 Ayat 1 Dan 2, Serta Pasal 29 UUD 1945 Tentang Kebebasan Beragama (Yogyakarta: Universitas Ahmad Dahlan, 2009).

¹² Konsep Kebebasan Beragama Dalam Perspektif Kebijakan Politik Gus Dur Dan SBY (Yogyakarta: Fakultas Syariah UIN Suka, 2010).

¹³ "FAITH, INTOLERANCE, VIOLENCE AND BIGOTRY: Legal and Constitutional Issues of Freedom of Religion in Indonesia," *Journal of Indonesian Islam* 10, no. 2 (December 2016): 181–211, https://doi.org/10.15642/JIIS.2016.10.2.181-212.

¹⁴ "Treating Religious Minority (Un)Justly: Problems and Challenges of Regulating Freedom of Religion in Indonesia," in *Proceedings of 1st International Conference of Law and Justice - Good Governance and Human Rights in Muslim Countries: Experiences and Challenges (ICLJ 2017)* (Paris, France: Atlantis Press, 2017), 183–87, https://doi.org/10.2991/iclj-17.2018.38.

^{15 &}quot;The Ambiguities of Religious Freedom in Indonesia," *The Review of Faith & International Affairs* 16, no. 1 (January 2018): 85–96, https://doi.org/10.1080/15570274.2018.1433588.

¹⁶ "Informal Networks and Religious Intolerance: How Clientelism Incentivizes the Discrimination of the Ahmadiyah in Indonesia," *Citizenship Studies* 22, no. 2 (February 2018): 191–207, https://doi.org/10.1080/13621025.2018.1445490.

Religion, in the end, is not only a psychological need but also builds a dividing wall and results in conflicting worldly interests between members and different religious communities, resulting in conflict. This spiritual conflict caused many casualties, material damage, and deep psychological trauma. Conflict events with religious nuances that occurred amid social life became the dark history of the Indonesian nation's journey. Therefore, valuable historical experience in the past must be used as an essential lesson to find an ideal formulation in the life of the government and state in a country with the Pancasila ideology that upholds the principles of democracy, such as Indonesia.

This study uses the method of discourse analysis with a phenomenological approach. Research with a phenomenological approach seeks to understand the meaning of various events and human interactions. Data was collected through literature study, media study, and observation. Document studies are conducted on data from books, journals, publication reports, and monographs relevant to the object of study. Meanwhile, the data from media studies are in the form of reporting on cases of attacks in the name of religion and belief from local, national and international mass media. Meanwhile, observations are carried out to track various views of objects and research arenas, both those produced by institutions and individuals. This research uses content and discourse analysis methods to process the data.

B. Discussion

1. Domination of Community Organizations on Religious Freedom in Indonesia

The government, as a party with formal authority to regulate social relations, including relations between religious communities, becomes an actor with a strategic role in supporting the creation of conducive tolerance. Imagining the existence of a state government that firmly appears neutral in guaranteeing religious freedom and the human rights of every citizen in Indonesia does not seem an easy matter. This can not be separated from the experience of our country so far, which is very unfriendly to the existence of religious minority groups. The case of Slamet's family who was refused to live in Bantul because they are not Muslim (08/16/2019), the case of an attack on a traditional ceremony that occurred in Solo with the assumption that Shia is not Muslim (08/08/2020), and the case of burning a church in Central

¹⁷ "State Regulation of Religion: The Effect of Religious Freedom on Muslims' Religiosity," *Religion, State and Society* 48, no. 4 (August 2020): 256–75, https://doi.org/10.1080/09637494.2020.1804781.

¹⁸ "Rethinking Religious Freedom to Assure Harmonisation of Inter-Religious Life in Indonesia," *Varia Justicia* 17, no. 2 (2021): 216–29, https://doi.org/https://doi.org/10.31603/variajusticia.v17i2.5689.

¹⁹ "Islam and Institutional Religious Freedom in Indonesia," *Religions* 12, no. 6 (June 2021): 415, https://doi.org/10.3390/rel12060415.

Sulawesi (28/11/2020), shows how the state is often giddy when faced with a constitutional obligation to guarantee citizens to practice their religious beliefs by the provisions contained in Article 29 of the 1945 Constitution.

In today's context, the central pillar of the modern legal system is safeguarding human rights within its constitution. In nearly all countries, the constitution encompasses substantive provisions, including regulations concerning human rights, which hold a position of paramount importance in the legal hierarchy and carry direct legal implications. Both the rule of law and legal norms prioritize protecting human rights. The limitation of power, achieved through the separation and distribution of power, is an effort to safeguard the rights of all individuals. Given that human rights are a vital objective in a constitutional state, their implementation is primarily governed by the fundamental legislation, namely the constitution.

Undeniably, the Indonesian 1945 constitution constitutionally guarantees freedom of religion as an integral part of human rights, which is acknowledged, assured, and protected by the state through several articles. However, the effective functioning of religious freedom necessitates the presence of religious tolerance. This aspect should be prioritized, especially in Indonesia, a nation characterized by its diverse religious landscape. Without religious tolerance, there is a high risk of violating an individual's human rights. The government has established two distinct categories: the assurance of freedom of religion and the assurance of the freedom to practice one's religion. Furthermore, it is the government's responsibility to regulate the right of every individual to express their beliefs, ensuring the absence of clashes and conflicts at the community level. The right to religious beliefs cannot be detached from the right to practice one's religion.²⁰

In the first category, several articles serve as legal foundations and support, which are as follows: Firstly, article 28E, paragraphs (1) and (2) of the 1945 constitution, in conjunction with article 22, paragraph (1) of the human rights law, establish the freedom to adopt a religion or belief. Secondly, article 28I, paragraph (1) of the 1945 constitution, along with article 4 of the human rights law, guarantees the right to religion as an inviolable human right. Thirdly, article 29, paragraph (2) of the 1945 constitution, and article 22, paragraph (2) of the human rights law stipulate that the state ensures the independence of every individual to embrace their religion and worship accordingly.

²⁰ Suhadi Cholil, "Resonansi Dialog Agama Dan Budaya: Dari Kebebasan Beragama," in *Pendidikan Multikultural, Sampai RUU Anti Pornografi* (Yogyakarta: Center for Religious & Cross-Cultural Studies, Sekolah Pascasarjana, Universitas Gadjah Mada, 2008)79.

Furthermore, in the second category, the right to practice worship based on one's beliefs or religion is also protected by the constitution and the human rights law. Various articles within the legal provisions about this matter, specifically article 28D, paragraph (1); article 28E, paragraph (1); article 28G, paragraphs (1) and (2); article 28I, paragraph (2); and article 28J, paragraph (1) of the 1945 constitution. Additionally, article 3, paragraphs (2) and (3); article 5, paragraph (1); and Article 22, paragraph (2) of the human rights law. These articles show that the state is primarily responsible for guaranteeing the freedom of belief and its resulting aspects, such as recognizing civil rights without discrimination. Based on these regulations, the state has constitutionally established the legal framework of religious freedom as an essential part of human rights that must be guaranteed, respected, and protected by both the community and the government. The state must ensure its realization. Despite the strong constitutional guarantee of freedom of religion and belief, its implementation remains precarious. The fulfilment of religious freedom is still unsatisfactory, as evidenced by numerous violations of the right to religious freedom and conflicts between religious communities. There persists an impression, paradigm, and perspective within the government that views religion and its diversity as constant threats rather than valuable assets. The authoritarian characteristics of state control over societal aspects, especially beliefs, have not completely disappeared.

Not only in the Indonesian constitution, the principles of freedom and religious tolerance are also rooted in religious traditions and beliefs. In the Islamic tradition, which is the religion of the majority of Indonesian people, these principles are affirmed in the Qur'an and Sunnah, including in fiqh books, interpretations, and evidence of Islamic history. In the Qur'an, these principles are contained in the QS. Al-Baqarâh, 2: 256, QS. Yunûs 99, QS. Ali Imrān, 64, and QS. al-Mumtahanâh, 8-9. Then, in the fiqh tradition, these principles have been contained in the concept of "maqashid al-syariah", namely freedom to live (*hifz al-nafs*); freedom of opinion and opinion (*hifz al-'aql*); maintain survival (*hifz al-nasl*); freedom to own property (*hifz al-nasl*); freedom of religion (*hifz al-din*).²¹

The responsibility of the state to ensure freedom of religion entails utilizing its authority to guarantee the realization of these rights. However, there are instances when the state hides behind the guise of neutrality while engaging in violent practices against minority groups. Moreover, the concept of hegemonic practices, as articulated by Gramsci, covertly finds legal validation through policies and legislative measures aimed at enforcing the ideology of the dominant majority. According to Gramsci's line of thinking, hegemony

²¹ Siti Musdah Mulia, "Potret Kebebasan Beragama Dan Berkeyakinan Di Era Reformasi," *Jurnal Hak Asasi Manusia* 6, no. 6 (2010): 32–66.

represents a specific social power relationship where dominant groups consolidate their privileges primarily through consensus-building methods. In other words, this dominant group seeks to gain the consent of the majority by articulating a political vision or ideology that purports to speak on behalf of all in pursuit of a common objective within a political system.²²

On the other hand, Gramsci also positioned the state as a complex set of practical and theoretical activities in which the ruling group justified and maintained domination and systematically engineered it to win active coercion against forces outside it. Through manipulation and coercion that seems to take the form of a consensus, political actors from the dominant class dominate the periphery. In this context, Gramsci developed Marx's idea that the state is an instrument of the bourgeois class. According to him, although the state is an extension of the dominant group, the dominant group does not use repressive means to control the marginal groups but by building a consensus as if what the state wants to do is a representation of the universal interests of society.²³

The example above provides a clear understanding to the public that the majority social group can freely suppress, threaten, and even deprive the religious minority of the freedom to carry out religious teachings and practices according to the treatise or teachings they believe in. Ironically, this majority group involved the state in its banning action. It can be concluded that the relationship between religions in this country is still not fully capable of being tolerant of the teachings of different religions. The tolerance attitude leads to an open attitude and less willingness to acknowledge the existence of differences in terms of ethnicity, skin colour, language, customs, culture, language, and religion. All of this is sunnatullah that has become God's decree. The basis for this thought is the word of Allah in the Qur'an Surah Al-Hujurat, verse 13. In this case, religious tolerance is necessary to ensure social stability from ideological coercion or even physical societal clashes. Social and religious life should not be separated and should be integrated.

Tolerance in religion does not imply unrestricted adherence to the worship and rituals of all religions without any binding regulations. Instead, religious tolerance should be perceived as an acknowledgement of the presence of other religions. Hence, active tolerance from religious followers is crucial in fostering social harmony. The efforts to cultivate harmony among religious adherents should not solely view differences as divisive elements of society but should actively engage with and participate in them. This involves each religious

²³ Nezar Patria and Andi Arief, *Antonio Gramsci: Negara Dan Hegemoni* (Yogyakarta: Pustaka Pelajar, 2003), 146.

²² Jenny Edkins and Nick Vaughan-Williams, *Teori-Teori Kritis: Menantang Pandangan Utama Studi Politik Internasional* (Yogyakarta: Penerbit Baca, 2010), 236.

follower not only recognizing the existence and rights of other religions but also actively seeking to understand the differences and similarities through extensive social interaction, aiming to achieve the desired harmony amidst diversity. Furthermore, there exists the freedom to practice one's religious beliefs in two dimensions: internal and external. The internal dimension refers to the freedom specific religious community grants to other communities within that religion. The dimension of religious freedom externally means giving adherents of these religions freedom to carry out religious obligations, choose or embrace religion and convert to other religions they believe to be accurate, including religious conversion based on free conscience choices.

In addition, the dominance of the majority group in the context of the state is also interesting from the theoretical perspective of Louis Althusser. Althusser²⁴ agrees that the state is vulnerable to being the power base of the dominant majority group to dominate other groups. In addition to domination using coercion, the hegemonic practice also takes place through ideological instruments. According to Althusser, the ruling class will always have an ideology that it will carry out through state power, either by using the state apparatus of repression or the ideological apparatus of the state. Furthermore, Althusser stated that no ruling class or group would be able to exercise state power for a long time without simultaneously practising hegemony over and within the state's ideological apparatus. Although the dominant majority group emphasizes ideology from the point of view of the class struggle, in the regime of the ruling class, the ideological apparatus is always realized as the ideology of the ruling class or group. At least, this can be seen in the regimes of liberal democracies, where dominant groups control the state through official institutions so that the practice of domination continues to be well established.

Then, the opening of the state accommodation gap to the demands of the majority religious group will provide space for them to take advantage of the similarities in their religious ideology with state actors and then try to dictate state policy. Therefore, imagining that the state will always be able to remain neutral in every policy taken is a utopia as long as the dominant majority group is still free to dictate state policies through hegemonic practices, both repressively and ideologically. This cannot be separated from the character of the dominant majority group, who will always seek a domination space for their ideology and interests.

²⁴ On the Reproduction of Capitalism: Ideology and Ideological State Apparatuses (London: Verso Books, 2014).

In this context, Clarke introduces the mainstream concept to refer to the existence of established and powerful forces, institutionalized, identical to the practice of hegemony which is the result of collaboration with political forces to control the space of religious life in society, as well as impose a system of beliefs and religious practices that they believe in. embrace. Meanwhile, Bruinessen²⁵puts the mainstream concept in the sociological space as an understanding or belief held by the dominant majority group. Referring to the political history of Islam, he said that the ruling regime has always supported mainstream ideology or orthodoxy. At the same time, groups outside the mainstream will be considered splinters. Even though, in reality, splinter groups also feel that they have the correct beliefs from mainstream group understanding.

However, this is where the problem lies, minority groups outside the belief of the dominant majority group often become the ideological victims of the dominant religious majority. They use state power as a tool to coerce their interests. In this context, dominance becomes the keyword to understand how this mainstream logic works. The truth claim becomes the entrance to launch the practice of hegemony of one group over another group. Therefore, the direction of institutionalization of the state format is undoubtedly easily dictated by the dominant majority group.

2. Discussion Reject Pancasila and Diversity: Community Organization's Effort to Build Legal Legitimacy

Discourse against Pancasila and the diversity that exists in Indonesia is usually often found as an intra-religious problem where the majority group accuses of rejecting Pancasila and rejecting religion to other groups with different religions, although some are still in the same religion or share some religious traditions with it. For example, what was experienced by *Ustadz* Firanda, *Ustadz* Abdul Somad, *Ustadz* Khalid Basalamah, *Ustadz* Hanan Attaki, Gus Nur, Felix Siauw who were refused to fill in religious studies because they were accused of being radicals who rejected Pancasila and rejected diversity. Pancasila is an ideal concept to create active harmony where community members can live in harmony on the principle of understanding of thought. Promoting religious harmony aims to ensure the realization of the rights of individuals practising their respective religions. This involves enabling their development, facilitating interactions, and encouraging active participation while upholding their inherent human dignity and safeguarding them from violence and discrimination. These

²⁵ Rakyat Kecil, Islam Dan Politik (Yogyakarta: Yayasan Bentang Budaya, 1998).

measures are essential for achieving a harmonious religious environment of quality and noble attributes.

It is undeniable that Pancasila serves as a shared foundation that unifies the diverse ethnic, racial, cultural, and religious aspects of the Indonesian population. The guarantee of freedom of religion, as enshrined in the 1945 constitution, affirms this principle for all citizens, allowing them to worship according to their religion and beliefs. Pancasila draws inspiration from various sources, including religious values, customs, culture, and moral principles prevalent in society and the contemporary global ideological landscape. Pancasila must serve as a paradigm in legal development, shaping all reform efforts. Regrettably, the legal instruments in Indonesia appear to exhibit a bias towards the actions of the majority group. This partiality is exemplified, for instance, in law no. 2 of 2002 concerning the Indonesian national police. article 15, paragraph 1, letter d of this law explicitly grants the police the authority to monitor sects that may cause divisions or threaten national unity and integrity.

This condition, of course, threatens the existence of religious, religious sects, or even beliefs that have few adherents. The government does not play more and more substantive roles in regulating the life of religious people, fulfilling the guarantee of religious rights, and creating a conducive situation of tolerance, such as strengthening the forum for religious harmony and multicultural education. So that it can be found that several incidents of religion-based violence that occur in Indonesia often place religious minority groups as guilty groups and must be suppressed; these groups are powerless to face the pressure of the religious majority groups, who are sometimes unwilling to accept the existence of other sects which have different views with them. It becomes even worse when the government, which is supposed to be the mediator, turns out always to defend and justify all actions taken by the religious majority.

Society undergoes dynamic changes with the times. In simple or primitive societies, individuals share similar cultural, religious, and social characteristics. Religion, as perceived by these individuals, revolves around symbolic elements that play a dominant role in their religious practices. Most of these individuals have limited education or fall within the category of common people. They tend to harbour negative sentiments towards religions other than their own. The tolerance that exists within this society is often fragile and easily disrupted. They become sensitive and defensive when the teachings of their faith or religion

are seemingly insulted by followers of other religions, prompting immediate reactions to protect their spiritual convictions.

Freedom of religion is the principle that grants every individual the liberty to choose and believe in their religion and fully engage in that religion's teachings engage in its teachings. It serves as the foundation for fostering tolerance between religious communities. Without freedom of religion, the possibility of tolerance between religious communities diminishes. Freedom of religion is an inherent right of every human being. The realization of this right encompasses the concepts of "forum internum" and "forum externum," which form integral aspects of its manifestation. In the context of freedom of religion, the "forum internum" refers to the realm of individual thought, conscience, and decision-making regarding religion and belief, which is an absolute right. This internal realm should not be subject to intervention by external entities or individuals, as it constitutes the essence of individual freedom to choose and adhere to their religion or belief in the private sphere. Within this internal aspect lies the right to change religion if an individual feels the need to do so at any given time.

According to article 4 of law number 12 of 2005 concerning civil and political rights, even in situations of emergency and war, these rights cannot be diminished. Simultaneously, the external forum encompasses the freedom to express and manifest religious beliefs openly. However, similar to the external forum, implementing these freedoms in the public sphere can be subject to limitations. These limitations, however, must align with the guidelines outlined in the covenant on civil and political rights. Religious individuals are responsible for fostering a harmonious religious life that upholds tolerance and rejects discrimination, ensuring that each resident can embrace their religion and worship according to their beliefs.

Islamic teachings grant every human being the freedom to embrace their respective religions willingly and prohibit the imposition of beliefs on others. Religious freedom encompasses various aspects, including the freedom to convert to another religion or belief and openly practice religious rituals. These principles apply to individuals of all ages, genders, and social classes. Protecting and upholding the diverse expressions of religious freedom should extend beyond places of worship and their activities. The national police and the ministry of religion carry out important state functions. Indonesia fundamentally places the right to freedom of religion at the forefront of Pancasila's principles, particularly in the belief in One God, which is the foundation of the country's philosophy. Consequently, it is unjustifiable for other parties to interfere with this fundamental right, whether through complete denial or reduction, as the aim is to foster mutual harmony.

Living in harmony is an essential and shared necessity that cannot be disregarded despite differences. These differences should not hinder individuals from coexisting harmoniously, united by the principles of brotherhood and unity. The awareness of religious harmony needs to be dynamic, humanistic, and democratic, allowing it to permeate all levels of society, not just limited to the upper class or the affluent. The establishment of harmony among religious communities cannot be achieved through blind fanaticism or indifference towards the rights and sentiments of others. However, this does not imply that religious harmony is based on syncretism or an attempt to reconcile conflicting religious doctrines, as such an approach would disrupt and undermine the values inherent in each religion. Religion cannot be assimilated like a culture.

Disorder within religious communities arises from a lack of religious awareness, leading to numerous conflicts between religious groups. Instances of violence committed in the name of religion or justified by religious doctrines (holy books) persist. Conflicts between followers of one religion and those of another can arise due to misperceptions or negative views towards other religions and their adherents. These perceptions are often formed after observing and assessing other religious groups, deeming them detrimental to their religion or group. Some individuals may even resort to creating chaos and destruction, disregarding the well-being of minority groups. This ethnocentric attitude manifests as believing their religion is superior while viewing other religions as incorrect. Topics related to religion and belief will always remain sensitive subjects that require careful examination.

Suppose every religion is harsh and selfish to each other, that they view their religion as the most correct and other religions wrong. In that case, this will lead to chaos and, even worse, trigger conflicts between religious communities. This ethnocentric attitude is not justified. Because it will be straightforward to ignite problems with fire under the guise of religion. Because to ensure that religion is the most correct is not naive because knowing which religion is pure is very difficult and even impossible to know, considering that religion is present in the reality of life that develops, in other terms, evolves according to human development.

3. The Role of the State in Giving Religious Freedom to all its Citizens

The ideal state is a state that must be able to act pretty for all elements of its citizens and cannot restrain the thoughts of its citizens in interpreting the central teachings of a religion. Still, the state has a great responsibility to maintain order in a democratic country; it

is not visible in Indonesia's cases of religious minorities. Even based on the Setara Institute report showing that freedom of religion and belief in 2021, it is known that there are three issues of violations of freedom of religion and belief that are dominantly carried out by state actors, such as discrimination (25 cases), discriminatory policies (18 cases), allegations of blasphemy (8 cases). Meanwhile, the six issues of violations of freedom of religion and belief that non-state actors dominantly commit are intolerance (62 cases), hate speech (27 cases), rejection of the establishment of places of worship (20 cases), reporting of blasphemy (15 cases), rejection of religious activities. (13 cases), assault (12 cases), and destruction of places of worship (10 cases). In other words, the inability of the state to be autonomous in solving the problems of its people has given rise to the impression that a handful of certain social classes have controlled the state. Even some research results also show that there are tendencies of intolerance and discrimination that arise in the community, which the Government directly or indirectly knows.²⁷

One of the essential sources of the unclear implementation and guarantee of these rights is the unclear authority of government institutions and even the existing law regarding this matter, as various cases demonstrate this. If during the new order era, almost everything, including conflicts between religions and beliefs, could be resolved by the military and the bureaucracy; due to their repressive nature, now it is unclear who has the authority and authority for that. The central and regional Indonesian ulema councils (MUI), local governments and even groups that like to promote violence, for example, intervene very far in many cases regarding the fate of religious minorities and beliefs. The coordinating body for supervision of beliefs (Bakor Pakem), the prosecutor's office and even the police often make surprising statements that to deal with such matters, they wait for the fatwa of the Indonesian ulema council (MUI) or indirectly wait for violent groups to attack them. They should have the authority to enforce the law. This is troubling because it makes the governance of the state and citizens turn upside down, and the government has the responsibility for the chaotic governance of this government.

The government has a role and responsibility in realizing and fostering religious harmony. The government is also expected to be more firm, consistent, and fair towards all religious adherents in disseminating regulations related to licensing for the construction of houses of worship and applying these regulations. This shows that the quality of religious

²⁷ Victorio H Situmorang, "Kebebasan Beragama Sebagai Bagian Dari Hak Asasi Manusia," *Jurnal Penelitian HAM* 10, no. 1 (2019): 57–68, https://doi.org/http://dx.doi.org/10.30641/ham.2019.10.57-67.

²⁶ Iman Herdiana, "Jawa Barat Terus Bergelut Dengan Masalah Kebebasan Beragama Dan Berkeyakinan," BandungBergerak.id, 2022.

people in Indonesia has not functioned as it should, taught by their respective religions. So there is the possibility of conflict between religious communities. Therefore, in this case, the government as a servant, mediator or facilitator is one element that can determine the quality or problems of the religious community. The proper and correct fulfilment of roles and responsibilities in promoting the right to religious freedom and achieving religious harmony is not merely an obligation. Still, it embodies the essence that underlines the importance of these responsibilities, encompassing both procedural and substantive aspects.

The legislation clearly states that the government has a constitutional obligation to protect, promote, enforce, and fulfil human rights. Consequently, a joint decree is not a viable solution for implementing freedom of religion and worship in Indonesia, as mandated by the constitution. The issue with the current legislation lies in the lack of detailed laws and regulations that guarantee religious rights, leading to misinterpretations that can undermine the guarantee of human rights and challenge the objectives of the rule of law. This situation creates a crisis regarding the government's responsibility to participate in the law's realisation actively.

The Government has a very significant role, namely guaranteeing and regulating. Philosophically, this guarantee is the Government's outstanding commitment and promise to its citizens, whose concrete form is the preparation of various organic regulations and the willingness of the state apparatus to implement these regulations. On the other hand, the Government also faces challenges from existing and developing community organizations in social life that use religion as a political goal, which is very vulnerable to social violence. Intolerance cases in the form of inter-religious conflicts related to this cannot be erased. Therefore, the government must recognize and guarantee the right of everyone to believe in and embrace any religion or belief, even though the government's recognition is not an absolute requirement for the existence of the right of everyone to choose their belief because this right has been inherent in every individual since he was born into the world.

In providing guarantees for the right to belief by the state, it is essential to ensure that these rights can be fully realized. Meanwhile, in the crisis issue, the role demands awareness, both government awareness and public awareness. The government should realize that its objective role is so important to overcome the problem of religious freedom in this country, not to become a new force to shackle this freedom. In addition, the state's responsibility to community organizations that carry out riots is to provide legal firmness to all rioters and masterminds behind the riots, as well as to impose strict sanctions on government officials who allow riots to violate human rights and local governments and institutions. Regional

religious institutions that issue discriminatory and provocative decisions. On the other hand, society should also be more aware that freedom of religion is a fundamental and individual problem. We cannot judge other people's beliefs, just as it is impossible for others to judge beliefs; this is what we must realize.

The imposition of certain religions by certain parties on the community will disrupt political stability. Forcing religion on the people would lead to civil, political and religious uprisings. Therefore, the state must position itself as a party that plays a vital role in creating this universal harmony by supporting tolerance and guaranteeing the rights of citizens to express opinions and express freely and responsibly.²⁸ If the state does not take this strategic role, it will be very vulnerable. Moreover, security stability, politics and even legal uncertainty impact the emergence of unruly behaviour in society due to the factor of dead institutions.

The freedom of religion is an inherent human right that must not be diminished in any circumstances. Every individual has the freedom to choose their religion and practice their beliefs. The state ensures that every resident is free to embrace their religion and worship according to their faith. The government is responsible for safeguarding the rights of religious communities as long as their practices adhere to the laws and regulations, respect the sanctity of religion, and maintain peace and public order. The government must provide guidance and services to facilitate religious teachings' smooth and orderly practice. Regarding national development, the government's policies aim to enhance the quality of religious services, promote understanding of religion and religious life, and foster internal and inter-religious harmony.

Preserving diversity is crucial for fostering harmonious, united, and peaceful coexistence. However, there should also be shared values that all members of Indonesian society uphold. For instance, maintaining religious harmony requires collaborative efforts between religious communities and the government regarding service provision, regulation, and community empowerment. Moreover, strengthening unity values must be a continuous endeavour to perpetuate harmony. Similarly, the foundations of the democratic system in Indonesia need to be reinforced to accommodate the full participation of all segments of society.

C. Conclusion

The openness of the state's accommodation to the demands of the majority religious group provides space for them to utilise the similarity of religious ideology with state actors,

²⁸ Michael Haas, *International Human Rights: A Comprehensive Introduction* (London and New York: Routledge, 2008).

which is then used to dictate state policy. Therefore, imagining that the state will always be able to be neutral in every policy is a utopia as long as the majority group is still free to dictate state policy through hegemonic practices, both repressively and ideologically. Various cases of violations of freedom of religion and belief committed by majority religious groups include intolerance, hate speech, refusal to establish places of worship, blasphemy reporting, denial of activities, attacks, and destruction of places of worship. Meanwhile, violations of freedom of religion that state actors themselves dominantly commit include discriminatory policies and blasphemy accusations. The inability of the state to be neutral in solving the problems of its people raises the impression that a handful of certain social classes have controlled the state.

There is a tendency for intolerance and discrimination to appear in the community, which the government directly or indirectly knows. The government has a role and responsibility in realising and maintaining religious harmony. The government should be an effective servant, mediator, and facilitator in determining the quality or solving the problems of religious communities. To overcome this problem, the government must commit to its responsibilities to create an inclusive and fair environment for all levels of society. The implementation of roles and responsibilities towards fulfilling the right to freedom of religion and the realisation of inter-religious harmony is undoubtedly not just a matter of fulfilling obligations. Still, it must be carried out correctly and adequately both ins of procedure and substance. The government must also ensure transparency and accountability in every policy related to religious freedom and provide a platform for all religious groups to submit complaints. Education programmes and awareness campaigns are essential to reduce prejudice and discrimination. Fair enforcement of laws against religious freedom violations must also be improved. In addition, constructive interfaith dialogue should be encouraged, and independent oversight institutions should be established to monitor violations. Regular training for state officials on religious freedom is also essential so that the government can more effectively maintain religious harmony and create an inclusive and just environment.

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