STATE RESPONSIBILITY IN RELIGIOUS CONFLICT SETLLEMENT (A CASE STUDY IN CENTRAL JAVA)

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Abstract

The freedom right to believe certain religion or belief is guaranteed by the state (Article 28 E paragraph (2) of 1945 Constitution). Nonetheless, it tends to be a myth since the state involves in religion freedom violation towards the minorities in settling their conflict in several places, particularly in Central Java. Accordingly, this research investigates the state responsibility towards the conflict by applying normative and empirical law approach as problem-solving methods. The result of this research shows several things. First, there is no state neutrality in religious conflict settlement; second, there is a certain religious believers involvement (supported by the state) in religious conflict and other violations against the freedom of religion; third, the state responsibilty upon their acts is still unclear; and fourth, there is no way for the victims to claim their rights. To solve the problem, it is necessary to formulate how state is responsible for settling religious conflict either normatively or politically. It serves as either mediator or perpetrator of discrimination or religious freedom violation. Besides, a solution for accommodating victims to defend their rights and their freedom should be provided.

Keywords: religious freedom, conflict, discrimination, state responsibility.

Abstrak

Negara menjamin kebebasan bagi warga negaranya untuk meyakini agama dan kepercayaannya (Pasal 28E ayat (2) UUD 1945). Meski demikian, jaminan ini hanya menjadi mitos karena adanya keterlibatan negara dalam berbagai pelanggaran kebebasan beragama/berkeyakinan terhadap kelompok minoritas di berbagai tempat, terutama di Jawa Tengah. Penelitian ini membahas tanggung jawab negara terhadap permasalahan tersebut. Pendekatan hukum normatif dan empiris digunakan sebagai metode untuk mencari pemecahan masalah tersebut. Hasil penelitian menunjukkan beberapa hal. *Pertama*, ada ketidaknetralan negala dalam penyelesaian konflik antar umat beragama; *kedua*, ada keterlibatan penganut agama tertentu (yang didukung oleh aparat negara) dalam konflik antar umat beragama maupun pelanggaran kebebasan beragama/berkeyakinan lainnya; *ketiga*, belum jelas bentuk tanggung jawab negara terhadap perilakunya itu; dan *keempat*, belum adanya saluran bagi korban atas perlakuan negara untuk memperjuangkan haknya. Untuk memecahkan masalah tesebut, maka perlu dirumuskan pertanggungjawaan negara dalam penyelesaian konflik antar umat beragama baik secaa normatif maupun politik maupun dalam hal sebagai aktor atau pelaku perlakuan diskriminatif atau pelanggar kebebasan beragama/berkeyakinan. Di samping itu juga perlu dibentuk saluran bagi korban untuk mempertahankan hak dan kebebasannya itu.

Kata kunci: kebebasan beragama, diskriminasi, tanggung jawab negara.

Introduction

Sociologically, Indonesia consists of multicultural society to respect, uphold, and maintain.[1] This is how Indonesia was established.[2]

Ω This is a research result of Hibah Strategis Nasional scheme which was conducted based on Surat Perjanjian Penugasan Pelaksanaan Hibah Penelitian Strategis Nasional Bagi Dosen Perguruan Tinggi UNNES Tahun Anggaran 2016 with Number: 675/UN37.3.1/LT/2016 date 21 April 2016

1 Various references can be used for understanding Indonesian People, such as Parsudi Suparlan, "Menuju Masyarakat Indonesia yang Multikultural", *Jurnal Antropologi Indonesia*, Vol. 69, 2002, Jakarta: Department of Anthropology, Faculty of Social and Political Science UI and Indonesia Obor Foundation.

2 Ismaili Hasani and Bonar Tigor Naipospos, 2010, Negara Menyangkal: Kondisi Kebebasan Beragama/Berkeyakinan di Indonesia 2010, Jakarta: Setara Institute, page. 1;

Respect and appreciation are reflected through a guarantee of religious freedom through the 1945 Constitution (UUD 1945) Article 28 E of paragraph (1) and paragraph (2); Article 28 I paragraph (2); and article 28 I paragraph (4). However, it turns out that freedom is not absolute, since Article 28J paragraph (2) gives a restriction that every citizen is subject to the law.

The practice of religious freedom as part of relation construction between religion and the state has still many problems. Statistical data of The Wahid Institute that recorded violations of religion/belief freedom (KBB) throughout 2014 claimed 158 cases with 187 actions. Compared to 2013, KBB violation cases in 2014 decreased as much as 42%. By 2013, the number of violations are 245 cases. This number also decreased 12% compared to 2012.[3] SETARA Institute in 2015 recorded 196 cases of KBB violation manifested through 236 actions across Indonesia. Compared to the previous year, this figure shows a significant increase. By 2014, the number of violations "just" occurred in 134 cases, whereas there were "only" 177 actions. The increase of KBB violations should be seriously noted by stakeholders.[4] Meanwhile, National Commission of Human Rights recorded the number of KBB Right violation complaints in 2015 as much as 87 reports. This amount increases compared to 2014 which was only 74 complaints (average of 6 complaints/month).[5]

Based on the distribution of its territory, either Wahid Institute, SETARA Institute or Komnas HAM claim West Java as the highest KBB right violation followed by Jakarta, Aceh, East Java and Yogyakarta. Viewed from perpetrator, The Wahid Institute (2014) noted 80 (51%) cases involved 98 (52%) of state officers; while 78 (49%) of cases involved 89 (48%) non-state actors. SETARA Institute also recorded that from 236 religion/belief freedom violation, 98 cases involved state administration as actor, as opposed to the 138 actions committed by non-State actors. Compared to the previous year, the violations committed by state actors has significantly increased, from 39 to 98 cases by 2015. To sum up, this cases has not considerably shifted over year. Community has always been the highest ranked of violation's actor of the freedom of religion/belief violation.[6] In contrast, National Commission of Human Rights recorded almost 70% of the violations are perpetrated by the state.[7]

National Commission of Human Rights in 2015 considered Indonesia Ahmadiyah Congregation (JAI) as the highest victims while SETARA Institute pointed out Shia as the largest victim (31 cases). Five other victimized groups are a group of Christians in 29 cases, Muslims become victims in 24 cases. Next the adherents of the belief in the 14 cases, while JAI in 13 cases.[8]

Based on these data, the country is apparently absent in citizen protection, even in some cases become the perpetrators. This is the concern of this paper to question as well as propose recommendations to enable the state to perform its function and serve citizen properly.

Problems

There are two problems discussed in this article. First is an overview about the various religious cases in Central Java; and second, the state responsibility of conflict settlement in Central Java.

Research Method

This is a qualitative research by applying anthropology, ethnography and law approach. The anthropological method is fieldwork methodology by examining social phenomenon while ethnograpical methods applied new ethnogra-

Muhatadin with Mustafa, "Reorientasi Teologi Islam dalam Konteks Pluralisme Beragama", *Jurnal Hunafa*, Vol. 3 No. 2, June 2006, page 130.

3 The Wahid Institute, 2014, Laporan Tahunan Kebebasan Beragama/Berkeyakinan dan Intoleransi 2014 "Utang" Warisan Pemerintahan Baru, Jakarta: The Wahid Institute, page 22.

4 Halili, 2016, *Politik Harapan Minim Pembuktian, Laporan Kondisi Kebebasan Beragama/Berkeyakinan di Indonesia 2015*, Jakarta: Pustaka Masyarakat Setara, page 32.

5 National Commission of Human Rights, 2015, Laporan Akhir Tahun, Pelapor Khusus Kebebasan Beragama dan Berkeyakinan, Jakarta: National Commission of Human Rights, page 5-6.

6 Halili, *op.cit*, page 37-38.

7 Komnas HAM, *op.cit*, page 8.

8 Halili, *op.cit*, page 47-48

phy that considers event as a social and cultural construction in community's mind which is then explored to get out of their mind. Besides, legal approach is applied through law as law in action, namely, the study of non-empirical and doctrinal social sciences.

The use of non-doctrinal methods allows researchers to focus on the phenomenon or circumstance or the reality of religious conflicts and utilization of local wisdom in the conflict settlement in Central Java. The study also uses the approach of phenomenology to understand the meaning of various events and human interactions in a particular situation. The source of the data in this study is human and its behaviors, actions, documents, archives and other objects. However, the main sources of data in this study are words and actions, the rest is additional data such as documents and others. The data were collected by interactive and non-interactive method, which is then analyzed by using interactive analysis models.

Result and Discussion

A General Overview of Religious Life Violations in Central Java

Statistical data displayed by the National Commission of Human Rights as well as NGO focusing on religious life in Indonesia do not indeed put Central Java as the highest religious/ belief (KBB) violation region. Mainstream mass media also support to keep elements of KBB violations away from public. However, when we examined closer, it will reveal some cases categorized as violation.

Institute of Social and Religion Study (eLSA), an NGO focusing on the observation and research on KBB in Central Java recorded some events as KBB violations and in particular this article limit its discussion those dealing with conflict of the praying building construction. During a three-year observation, eLSA recorded several cases emerged. The following are the cases occuring within 3 (three) years. In 2012, eLSA recorded several cases, namely:[9] First, the termination of Evangelical Church establishment in Java (GITJ) located in Village Dermolo, Bunga, Jepara Regency which was caused by the complicated license process by Jepara local government despite its people's consent and construction license. It happened since the local government concluded that it was impossible to establish the building at that moment. Second, the establishment of Meitreya Monastery Temple at Jl. Seruni RT 04 RW 03. Sidorejo, Salatiga Lor. Salatiga Ministry of Religion could not issue a letter of recommendation based on the rejection of the establishment of the monastery by three residents. Besides, it is due to incomplete of administration, difference in administration and citizens attitudes. Third, the demolition of Ngesthi Kasampurnan sect (NK) in Sumowono, Semarang on 10 January. The demolition supervised by police officers and Army was based on community restlessness of this sect would persuade the society to follow their belief. The teachings is also considered violating the rule of religion. Fourth, the rejection of Darmo Sapto Sect Studio establishment in Blando, Plawangan, Kragan, Rembang Regency. Residents felt insecure with the sect and assume that the building would be used as homebase although Sutrisno Sapari (Chairman) argued that the building was used as a living place. Fifth, in January 2012, the local Government of Temanggung through National and Political Vigilance, and Kesbangpol Office dissolved Maulana Malik Ibrahim Sheh Abas Sect in Danurejo, Kedu District. This was done due to an activity and ideology allegedly led to the formation of the new religion or lost sect and uncommon ritual. Sixth, religious education that is not in accordance with the belief followers. This case was experienced by Sedulur Sikep community in Kudus regency for school year 2011/2012 admission which was rejected by the Committee registration of SMP N 2 Undaan, Kudus. Although they was later permitted to register, they were forced to follow Islam Religion. In national examination, they were obliged to choose lesson "official religion". Se-

[9] Lembaga Studi Sosial dan Agama (eLSA). 2012. *Laporan Tahunan Kebebasan Beragama dan Berkeyakinan di Jawa Tengah 2012*. Semarang: ELSA, page 43-50

venth, Al Kautsar Mosque of the Ahmadiyah Congregation in the Purworejo village, Ringinarum resident, Kendal regency was closed by Satpol PP and Purworejo government without any prior notice. The termination is due to a report of citizens who dislike Ahmadiyah, even the leader of JAI got intimidated.

These kind of conflicts persisted continues in 2013, although some conflicts were not new. The several 2013 cases noted by eLSA, are;[10] *First,* at Siandong Village, Larangan subdistrict, Brebes district, the adherents of Sapto Darmo experienced discrimination because of the rejection by the village's government officials which did not allow the corpse of that belief's adherent to be buried in the village's cemetery claimed as Muslim's property, although the local head of the village could not prove its ownership. *Second,* discriminatory treatment towards the adherent of Sedulur Sikep (Samin) was still found in Kudus during 2013-2014 in terms of education (the coercion to follow a particular religion lesson), marriage that could not be listed, religion identity on identity card, birth certificate that did not mention biological father and considered illegitimate child and difficulty in proposing credit to bank due to the status. *Third,* the closure of Al-Qur'an Commentary Assembly building in Grobogan by municipal police of Grobogan local government due to the absence of Building Construction License. *Fourth,* the discontinued construction of Ahmadiyah mosque in Kragilan village, Mojosongo district, Boyolali. This construction was suspended by the head of Mojosongo district through his Decree number 450/251/41/2013 about Ahmadiyah's Activity Report which is linked to Mutual Decree 3 Minister 2008 on Ahmadiyah. *Fifth,* the discontinued construction of Romo Gregorius Utomo's house planned to be used as church at Rejoros, Jogonalan, Klaten after being protested by various Islam community organizations, like FPI, FUI, MMI, KOKAM Muhammadiyah, JAT, MTA, and FKAM. The construction of house declared illegal by Klaten local government and sealed by municipal police due to the absence of Building Construction License and violating provision Chapter VII article 56 section (1) jo Chapter X article 60 section (1) and (2) Regional Regulation of Klaten Regency number 15 year 2011 on Building. *Sixth,* the demolition and closure of Santri Luwung Islamic boarding school at Bedowo, Jetak Village, Sidoarjo, Sragen which allegedly taught and did activity violating Islam's principle. The demolition was testified by Muspida Sragen after agreement was not met between the owner of Islamic boarding school and community mediated by Muspida. *Seventh,* the closing of Bible Church in Java (GITJ) Dermolo, Kembang, Jepara. The church used for Sunday worship twice (1 and 8 December) was prohibited by Jepara local government.

Issues on GITJ are likely to be persisting; from 2012 to 2014 remains unclear solution. eLSA considered it as unresolved issue and supposed to be national concern. In 2014, eLSA noted several cases that become this Central Java Government concern to create harmony within religious life. The cases occurred in 2014 compiled by eLSA are explained as follows:[11] *first,* in Jepara, construction problem of Injili Church in Javanese Land (GITJ) is neglected since long time due to the license constrained by government officials, which led to the failure of the Christmas celebration. *Second,* discriminatory treatment towards the adherent of Mardhi Santosaning Budhi (MSB) belief in Kuncen, RT 01/03, Temanggung during 2013-2014 in form of rejection of burial in common cemetery, marriage registration, religion inclusion on identity card, and disruptions in ritual. This treatment has been hereditary. *Third,* a temple of Hamlet Giriloka, Girimargo, Miri, Sragen was destroyed by the unknown person. *Fourth,* congregation Kristen Jawa Church (KJC) Mejasem, Tegal experienced problems in the construction of their worship house because the permission applica-

[10] The Study Institute of Social and Religion (eLSA). 2013. *Laporan Tahunan Kebebasan Beragama dan Berkeyakinan di Jawa Tengah 2013*. Semarang: ELSA, page 46-66.

[11] The Study Institute of Social and Religion (eLSA).2014. *Laporan Tahunan Kebebasan Beragama dan Berkeyakinan di Jawa Tengah 2014*. Semarang: ELSA, page 39-59.

tion submitted since 1991 until now was not approved although all the requirements were fulfilled. *Fifth,* in Purbalingga in 2015, a case about the disapproval by group of people towards a person's funeral who had different belief. The mediation done and mediated by Village's officials failed to meet the agreement; and *Sixth,* the rejection from citizen of Karangklesem in Purwokerto during 2012-2014 when HKBP Church was about to build. After several times of moving, and 18 times mediations between citizen and the committee of church construction mediated by FKUB Banyumas, finally they found the location where citizen no longer resist.

Based on researcher's note, almost all regions in Central Java experienced similar cases but the escalation of the conflict inficted is not really large. As a result, it did not attract public or media concern. Nevertheless, the violation done by citizen or the state need to be resolved seriously. A serious and thorough measure is required to realize state role as constitutional mandate.

The state protects every citizen: Myth or Reality?

Commonly, a state especially that has been determined as the state law, public expectation was included in its state constitution.[12] Indonesia puts those sweet promises – also called sacred promise – in Constitution of Republic Indonesia. It is reasonable if this paper begins with such a skeptical tone, this happens because of the state's promises to its citizen sometimes are more just mere nonsense, either because the inability of the state or the negligence of its officials in order to fulfill their obligation. If it is so, then those neat row promises as articles in constitution are not more than just mere myth.

The best example is the state's promise stipulated in Article 29 section (2) Constitution of Republic Indonesia (first phrase) to give guarantee of freedom to every citizen to follow religion. This promise was then reaffirmed with provision in Article 28E section (1) and section (2) Constitution of Republic Indonesia jo Article 22 section (1) UU Number 39 Year 1999 on Human Rights. This promise was not promise to give freedom, because it contains limitation towards certain religion which is determined by the state to its citizen to choose one of the determined religions. This promise is eventually became the first myth.

One notable thing from the state's constitution in the issue of freedom of religion is the inconsistency between one article and the other article. The referred article is Article 28I section (1) jo Article 4 UU HAM, which determines that religious right is one of the rights that can not be reduced under any circumstances. Phrase "can not be reduced under any circumstances" shows that the guarantee from the state on the implementation of this right has high position. However, this matter was then limited by the regulation in Article 28J section (1) and section (2) which determines about the obligation of each individual to respect other individual's human rights and limitation decided by the provision. There are two paradoxes regarding this matter, First, phrase "can not be reduced under any circumstances"; Second, if constitution gives freedom and the provision limits that freedom, does it this matter not violate the legal principle of *lex superiori derogate legi inferiori*. This is the second myth that makes the state's promise became serious issue within the implementation of religious lives.

The third myth related to various cases within community related to Article 28I ection (2), where the state gives the guarantee to all individuals (as right) free from any discriminatory treatment under any circumstances and have the rights to get protection against any discriminatory treatment. This article is in accordance with Article 29 section (2) second phrase, which is the freedom to worship accor-

[12] Description on constitution state can be read in B. Arief Sidharta, "Kajian Kefilsafatan tentang Negara Hukum", *Jurnal Hukum "JENTERA"*, 3th Edition Year II, November 2004; and Marjanne Termorshuizen, "The Concept Rule of Law", *Jurnal Hukum "JENTERA"*, 3th Edition Year II, November 2004.

ding to the religion and beliefs embraced by the citizen. The regulation is said to be a myth because until now, in many cases, the state fails to give the protection to its citizen in performing their religious lives.

It is the third myth is that will be the topic of discussion in this paper, by taking cases in Central Java. The selection of Central Java is done by taking account that the region has bitter experiences dealing with religion-related violences. Generally, the condition of religious lives in Central Java is relatively safe, although that does not mean stable. The fluctuation is still there, but with the escalation level that is not so high. Besides, Central Java which is mostly inhabited by Javanese actually has culture value or local wisdom that can be relied in building harmonious life. The problem is where those values are when conflict arises among religious communities.

Based on obtained data about the handling of completion conflict between religious communities in Central Java, the state do not play their role even involved in the KBB violation. The form of violation can be categorized in several things. *First,* it related to license as occurred in the discontinued construction of Injili Church in Javanese Land (ICJL) Jepara. In this case, a Building Construction License and the community's agreement had been fulfilled but the local government did not release the permission which causes the abondment of the worship house construction until now. Logically, if all the requirements have been fulfilled, there is no reason to government to refuse to give permission, but – and this has not been revealed to public – there are particular reason which make the logal government do not give the permission. The same thing happened in congregation of Kristen Jawa Majasem Church, Tegal, which until now the construction permission of its worship house has been suspended.

Second, the state lose or has no power against the pressure of community organizations/religious or several citizen from the majority religion. This case can be seen in the construction of the worship houses, Vihara Imam Meitreya Salatiga; demolition of a building belonging to the religious sect of Ngesti Kasampurnan in Sumowono - Semarang; rejection towards the construction of Sanggar Aliran Sapto Darmo in Rembang; closing of AL-Kautsar Mosque of Jamaah Ahmadiyah in Kendal; termination of construction of Greogorius Utomo's worship house in Klaten; and demolition and closing of Santri Luwung Islamic boarding school in Sragen; and the state (village government/ local) have the pressure from the people who refused the burial of the religious sect adherent in the public cemetery, like in Brebes, Purbalingga.

Third, the state is proven neglecting even supporting those activities of citizens who committed the destruction or shifting of the construction of houses of worship belonging to other religions. This case happened in construction of small house worship belonging to religious sect of Ngesti Kasampurnan in Sumowono, Semarang; the ban of construction of small house worship belonging to Sapto Darmo in Rembang; AL-Kautsar Mosque of JamaahAhmadiyah in Kendal; and demolition of Santri Luwung Islamic Boarding School in Sragen; destruction of hindus temple in Sragen.

Fourth, not only (passively) negligence, government also participated and involved (actively) in the conflict by supporting certain party. Apart from those cases, there is some cases of involvement of the government, like: the closing of Al-Kautsar Mosque of Jemaat Ahmadiyah in Kendal by local Municipal Police; closing of the Koran assembly building in Grobogan by local Municipal Police; declaration of law violation by Klaten local government towards house reconstruction belonging to Romo gregoros Utama, which followed with sealing by Municipal Police; witness of destruction and closing of Santri Luwung Islamic Boarding School by Local Leadership assembly (Muspida) in Sragen; restriction of Christmas celebration by Gospel Church of the land of Java by Jepara local government; dismissal of religious sect of Abah sheh Maulana Malik Ibrahim in Danurejo village by the political head and National Awareness, office of Kesbangpol in Temanggung; rejection (school) to realize right of education for

residents in Sedulur Sikep of Kudus and forced to follow the test subjects "official religion" that does not comply with the "religion" that is embraced by students of Sedulur Sikep.

The state as an actor or subject of KBB violation should be responsible for its own attitude. However until now we still cannot find any of it. The state believe that they superior while citizens are inferior. This is understandable if we keep it in mind that the state has the complete instrument of violence so any citizen who demands responsibility from the state would confront a great power, which is impossible to face it singly. Even the state could make poor "stigma" towards the people that againts them. This is where the protection is necessary for victims of religious conflicts, especially assistances for victims to fight for his fate as it is his right guaranteed by the constitution.

The above-mentioned explanations show us that the state manage conflict poorly. They even become conflict creator. This also indicates that the myths on the superiority of the state had a grain of truth. The irresponsibility of the state in the protection of their citizens caused mass confusion to struggle their complaint and suffering. Eventually they only express themselves through prayer and social media so God and especially government want to change their decisions. However this is hard to do as long as the state did not want to change their mindset in how to manage the country, especially on how to manage conflict between religion follower.

The traits of Indonesian which is so plural from many aspects, needs to have a government that not just able to guide and protect the people, but also that can resolve the conflict between religion adherents in prompt and responsive method. Theres many valuable lesson from many kinds of conflict between ethnic that can applied to resolve the conflict between religions,[13] from the use of local wisdom[14] to using the state law. Nevertheless, returning the state to the neutral position in current political situation is rather difficult with the interests of the ruling political party. The way to ask the state responsibility when the conflict happen is not easy and the channel could only be opened if the ruler (and his political party) changed. This indeed looks like resolution to create political vendetta, however under a regime which is not neutral, what citizens can do as the oppressed.

Conclusion

According the description above, the conclusions are drawn as follows. *First*, conflict among religion adherents in Central Java shows the distinction of religious life which compete to reach God and to increase their followers; *second*, there is an involvement of the state in the form of violations of freedom of religion/

[13] See and read about this on Parsudi Suparlan, "Konflik Sosial dan Alternatif Pemecahannya", *Jurnal Antropologi Indonesia,* Year XXII No. 59, 1999, Jakarta: Department of Anthropology Faculty of Political Science UI with Obor Indonesia Foundation; Syarif I lgadrie, "Konflik Etnis di Ambon dan Sambas: Suatu Tinjauan Sosiologis". *Jurnal Antropologi Indonesia,* Year XXXI.No. 58 2002. Jakarta: Department of Anthropology Faculty of Political Science UI with Obor Indonesia Foundation; Usman Pelly, "Akar Kerusuhan Etnik di Indonesia: Suatu Kajian Awal Konflik dan Disintegrasi Nasional di Era Reformasi", *Jurnal Antropologi Indonesia*,Year XXI No. 58, 1999. Jakarta: Department of Anthropology, Faculty of Political Science UI with Foundation Obor Indonesia; dan Kathryn Robinson, "Ketegangan Antar Etnis, Orang Bugis dan Masalah 'Penjelasan'", *Jurnal Antropologi Indonesia*, Year XXIV No. 63, September-December 2000. Jakarta: Department of Anthropology Faculty of Political Science UI with Foundation Obor Indonesia; andLeo Suryadinata, "Kebijakan Negara Indonesia terhadap Etnik Tionghoa: Dari Asimilasi ke Multikulturalisme?". *Jurnal Antropologi Indonesia,* Vol. 71, 2003. Jakarta: Department of Anthropology Faculty of Political Science UI with Foundation Obor Indonesia

[14] See the description about this at Rini Fidiyani and Baidhowi, "Legal Development Based on Local Wisdom as the Basis of a Setting for Religious Life in Central Java", *Jurnal Dinamika Hukum*, Vol. 15 No. 3, September 2015, page 278-286; Rini Fidiyani, "Kerukunan Umat Beragama di Indonesia (Belajar Keharmonisan dan Toleransi Umat Beragama di Desa Cikakak, Kec. Wangon, Kab. Banyumas)", *Jurnal Dinamika Hukum*, Vol. 13 No. 3, September 2013, page 468-482; Zulkifli B. Lubis, "Potensi Budaya dan Kearifan Lokal sebagai Modal Dasar Membangun Jati Diri Bangsa". *Jurnall lmu-ilmu Sosial (d/h MADANI),* Vol. 9 No. 3, October 2008; Mustolehudin, Pendekatan Sosial Budaya dalam Penyelesaian Potensi Konflik Pendirian Rumah Ibadah: Pendirian Vihara dan Masjid di Banyumas, *Jurnal Al-Qalam*, Vol. 21 No. 1, 2015; Rahmawati, Rita. et.al. "Pengetahuan Lokal Masyarakat Adat Kasepuhan: Adaptasi, Konflik dan Dinamika Sosio-Ekologis". *Sodality: Jurnal Transdisiplin Sosiologi, Komunikasi, dan Ekologi Manusia*, August 2008.

belief, especially in resolving religious conflicts which are not seen neutral; *third*, there is an involvement of a particular religion (which is supported by the state) in the conflict among relgion followers and the violation of freedom of religion/belief; *fourth*, there is unclear form of the state responsibility towards its own action.

Recommendation

Recommendations are proposed as follows. First, a normative and political way shall be formed on how the state is responsible for resolving religious conflicts and the state's responsibility as an perpetrator or as a subject of discriminatory act of freedom of religion/belief; and second, the state necessarily manage conflict in favourable way in order to turn any kind of potential disintegration into a national unity; and the third, it is necessary to establish a way for the victim to defend the rights and their freedoms.

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