

Prevention and Enforcement of Violence in the Name of Religion to Optimize Indonesia's Demographic Bonus

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Keywords: Violence, Religion, Indonesia's Demographic Bonus.

Abstract: The purpose of this study is to determine the Prevention and / Enforcement of Violence in the Name of Religion to Optimize Indonesia's Demographic Bonus. This research is a type of normative research. The approach used in this study is a statutory and conceptual approach. The results showed that in the perspective of Islamic law, behavior that gives rise to extreme understanding by expressing it through violence in order to defend its ideology can be considered as al-baghy (rebellious). Article 43D paragraph (2) letter f of Law No. 5 of 2018 which explains that what is meant by "people or groups of people who have been exposed to radical terrorism" is a person or group of people who have radical ideas about terrorism and have the potential to commit acts of terrorism. There are four characteristics of extremists, including making it difficult to do good, being rude and rude, easy, and fanatical towards the madhhab and not wanting to follow other opinions. Extremist acts of violence in the name of religion are punishable under article 170 of the Criminal Code which contains such acts punishable under Indonesian law in Article 170 of the Criminal Code. MUI in its fatwa on terrorism views that committing acts or acts of terror is against the law, whether committed by individuals, groups, or the state. The criminal act of terrorism is regulated in Law No. 5 of 2018. The criminal threats to perpetrators of terrorism are: imprisonment between 3 to 20 years, life imprisonment or the death penalty.

1 INTRODUCTION

The Demographic Bonus is a golden period for Indonesia, but this bonus can turn into a major disaster if not properly prepared by this golden generation. The number of productive age population will peak in 2020-2035 when the figure reaches 70%. The current population of Indonesia in the productive age between 15-64 years is more than the unproductive age of children aged 0-14 years and the elderly aged 65 years and over. (Sutikno, 2020).

Many benefits can be obtained by the Indonesian nation from the demographic bonus situation it experiences. One of the main benefits as well as the biggest benefit of the demographic bonus for Indonesia is to change Indonesia's economic level from a developing country to a developed country. This statement is not an impossible thing to happen. Because with the demographic bonus in Indonesia, the number of productive populations in working age is greater than non-working age (Darmawan, 2018).

Indonesia is a country known for its diverse society, living with full of differences that can potentially cause horizontal conflicts. This means that

conflicts can occur between individuals or groups of people who have different socio-cultural and religious statuses (Yunus F. M., 2014).

The demographic bonus, which is expected to occur in 2020 – 2030, is both an opportunity and a challenge, if later human resources do not develop in line with the needs of the times. The human resources in question are not always seen only on the intellectual side but from a mentality and attitude of tolerance that can be a great assessment for human resources in the future. The tolerance in question will then be seen when faced with the existing plurality, especially Indonesia has a lot of ethnicities, religions, races and intergroups (SARA). To counteract intolerance, it is certainly necessary to have a basic understanding of the living habits of people who are accustomed to harmony and peace with each other. So is the understanding at the level of theological academics of the importance of an attitude of tolerance inherent after each side has explained the core teachings of the religion he adheres to. In eastern Indonesia, which is known to have areas that are prone to radicalization, pluralism and tolerance are the main capital to develop highly intellectual human

resources with a strong mentality. That way, the demographic bonus will find a very big opportunity in the future. (Siwi, 2021)

Dictatorships of religious majorities who discriminate against religious minorities or beliefs. Discrimination that is known to the extreme can be in the form of murder, violence, and also rape committed en masse or independently of a group as a consequence of intolerance due to existing differences. Discrimination also not only refers to the execution of such inhumane acts that will take human lives, but discrimination can also be in the form of discriminatory policies and laws. In this context, discriminatory laws can result from religious norms as unofficial laws. While the official law is a law based on religious norms adopted by the majority and subjects who are authorized to set laws. Discrimination can also be in the form of expressions of hatred, reproach, insults, which make a certain group feel degraded and considered unworthy to coexist with society adhering to the norm (Soedrajat, 2017).

The worst case of discrimination motivated by religious differences is the Muslim-Christian conflict in Maluku. The case of religious discrimination that occurred between Maluku and North Maluku caused more than 8,000 people to die and 700,000 people to be displaced. The duration of the conflict lasted from 1999 to 2002 (then in 2011 there was also a conflict) with the extent of the conflict reaching the scope of the province causing huge material losses. The range of material losses recorded around 29,000 houses burned, 7,046 houses damaged, more than 45 churches and mosques destroyed, 38 government buildings destroyed, even 4 banks were also destroyed (A., 2014).

The phenomenon of radicalism, extremism and terrorism re-emerged after the bomb explosion in MH. JI. Thamrin, Central Jakarta on Thursday, January 14, 2016. Indonesia again warned about the dangers of terrorism. Radicalism, extremism, and terrorism are like three things that go side by side, all three become a frightening scourge for most of humanity, especially in the Unitary State of the Republic of Indonesia (Ali, 2018).

The recent rise of bomb attacks and shootings in various countries is often labeled as a form of terrorism motivated by religious radicalism. Many have blamed the action on hardline Islamist-based groups, such as Al-Qaeda, ISIS or Daesh, Boko Haram, Abu Sayyaf, and affiliates of these groups in various countries. (Permatasari, 2020).

However, radical, extremist and terrorist acts are also carried out by groups with other religious

backgrounds. For example, bomb blasts occurred in Malegaon, Maharashtra, and in Modasa, Gujarat in India that killed and injured many people who are predominantly Muslim. According to local authorities, this action was carried out by hardliners in India with a Hindu background (Damayanti, 2021).

President	Jokowi	issued
Presidential	Regulation	(Perpres)

Number 7 of 2021 concerning the National Action Plan for Preventing and Combating Violent Extremism that Leads to Terrorism in 2020-2024. What is meant by this Presidential Regulation, extremism is a belief and / or action that uses violent means or threats of extreme violence, with the aim of supporting or committing acts of terrorism. From this, it can be emphasized, extremism is a very strong understanding or belief in something that exceeds reasonable limits, and can violate the law (Asrori, 2019).

Extremism is a political or religious doctrine that takes action to achieve its goals in various ways, such as anarchist and fanatical movements against something. A person with an extremist attitude toward religion will not hesitate to oblige others to do something that God does not require. (Ridwan, 2021) He is also often rude not to place and time, especially if what is being debated is faith.

Thus terrorism can develop, especially in an uncomfortable environment, due to poverty, political differences, high religious fanaticism, injustice in conflict resolution, and weak state in maintaining law and order and people's welfare. (Subagyo, 2021) Terrorism is not related to followers of a particular religion because it is carried out not based on religious teachings, because terrorism is an enemy of security and peace, an enemy of all mankind, the eradication of criminal acts of terrorism must be carried out comprehensively. (Aminah, 2020)

Based on the background described above, this paper will analyze the perspective of Prevention and / Enforcement of Violence in the name of religion to optimize Indonesia's demographic bonus. The goal is to be able to place the right paradigm in viewing acts of violence with religious nuances. From here, the author formulates the problem, How to Prevent and / Enforcement of Violence in the Name of Religion to Optimize Indonesia's Demographic Bonus?

2 METHODS

This study used a normative type of research. As stated by Soekant, (Mamudji, 2021), one type of normative legal research is legal research as a norm. Legal research is conducted to produce legal arguments, theories, or concepts, as a recipe to solve the problems faced and discussed, especially in this study the issue of Prevention and / Enforcement of Violence in the Name of Religion to Optimize Indonesia's Demographic Bonus. The approach used in this study is a statute and conceptual approach. (Mahmud, 2014). This approach will be carried out by in-depth study of laws and regulations and developing doctrines, especially those related to research topics.

3 RESULTS AND DISCUSSION

3.1 Prevention and/Enforcement of Violence in the Name of Religion to Optimize Indonesia's Demographic Bonus

The demographic bonus, which is expected to occur in 2020 – 2030, is both an opportunity and a challenge, if later human resources do not develop in line with the needs of the times. The human resources in question are not always seen only on the intellectual side but from a mentality and attitude of tolerance that can be a great assessment for human resources in the future. The tolerance in question will then be seen when faced with the existing plurality, especially Indonesia has a lot of ethnicities, religions, races and intergroups (SARA). To counteract intolerance, it is certainly necessary to have a basic understanding of the living habits of people who are accustomed to harmony and peace with each other. So is the understanding at the level of theological academics of the importance of an attitude of tolerance inherent after each side has explained the core teachings of the religion he adheres to.

In eastern Indonesia, which is known to have areas that are prone to radicalization, pluralism and tolerance are the main capital to develop highly intellectual human resources with a strong mentality. That way, the demographic bonus will find a very big opportunity in the future (Siwi, 2021).

Recent acts of violence in the name of religion continue to occur, while the perpetrators are free from legal bondage. This indicates the powerlessness or weakness of the National Law (Modern Law) in

overcoming violence in the name of the religion. In anticipating the spread of violence in the name of religion, it is necessary to initiate, study, and develop, laws that live and develop in Indonesian society.

Violence in the name of religion and fostering pluralism in Indonesia. It is the duty of the State to protect the fundamental rights of the Indonesian people, especially the right to worship based on religion and belief, a right that cannot be diminished under any circumstances. This has been guaranteed by the 1945 Constitution, namely Article 28I paragraph (1) of the 1945 Constitution, which reads: The State guarantee regarding freedom of religion is also guaranteed by Article 29 paragraph (2) of the 1945 Constitution. Furthermore, Article 4 of Law No. 39 of 1999 concerning Human Rights also states that Religious Rights are rights that cannot be reduced under any circumstances. Likewise in international regulations. This is why religious rights are fundamental rights (Muttaqien, 2014).

The definition of radicalism is contained in Law No. 5 of 2018 concerning Criminal Acts of Terrorism which states that radicalism is an unlawful act to change the system, not gradually but radically, by means of violence. Meanwhile, outside those that are not included in acts of radicalism related to acts of terrorism. Unlike Indonesia, the United States Agency for International Development (USAID) or the American International Development Assistance Agency does not use the term radical understanding of terrorism, but uses the term Violent Extremism (Asrori A., 2015).

A new radical idea emerged in Law No. 5 of 2018 which is contained in the prevention of criminal acts of terrorism. The term appears in the implementation of the prevention of criminal acts of terrorism carried out through national preparedness, countering radicalization and deradicalization. Article 43C paragraph (1) states that countering radicalization is a planned, integrated, systematic, and continuous process carried out against people or groups vulnerable to exposure to radical terrorism intended to stop its spread. The content of the article states that understanding radical terrorism is the main goal of implementing counterradicalization.

In some cases carried out by Islamic organizations in Indonesia regarding violent extremism in the name of religion, perhaps their behavior or actions are not entirely wrong, because they must have good intentions, only the process of realization that uses excessive means, such as violence, persecution, etc. and anarchist actions. An example is the destruction of the Coto Makassar stall on Jalan A.P. Pertarani, Makassar, South Sulawesi by one of the Islamic

organizations on the grounds that the store is still open during the day in Ramadan, as well as the attack and destruction of the Playboy magazine office by one of the Islamic organizations on the grounds of rejecting the pornographic magazine.

This act is punishable in accordance with Indonesian law in Article 170 of the Criminal Code which states, "*Anyone who openly and with collective force uses violence against people or property, is threatened with a maximum prison sentence of 5 years and 6 months*".

During the dynamics of socio-cultural changes in the lives of Indonesian people, in general the law (especially law enforcement) is felt to be far from ideal. Law enforcement for violence in the name of religion is inseparable from the failure of the legal positivism paradigm applied in Indonesia. In the midst of the socio-cultural dynamics of Indonesian society today, the implementation of the doctrine of positivism which says that the law is objective, the law is certain, and the law is neutral needs to be questioned. Because in practice, the law is in fact not objective, not certain, and not at all neutral (Hadriani, 2020).

The formulation of terrorism in positive criminal law, as formulated in Law No. 5 of 2018 states that "Terrorism is any act that meets the elements of a criminal act in accordance with the provisions of this law" (Article 1 paragraph 1 of Law No. 5 of 2018).

Terrorism in Article 1 paragraph (2) of Law Number 5 of 2018 concerning the Eradication of Criminal Acts of Terrorism above is an act that uses violence or in the form of threats that create an atmosphere of terror or fear and causes massive and widespread casualties. Something can be said to be a criminal act of terrorism if the object of attack is vital and strategic places, neighborhoods, public facilities. In this law, it is stated that elements of violence can only be said to be a criminal act of terrorism if carried out for ideological, political, or security reasons.

Criminal provisions for terrorism perpetrators as contained in Article 6 of Law No. 5 of 2018 affirm that criminal threats for terrorism perpetrators are imprisonment from 5 to 20 years, life imprisonment, to the death penalty. Meanwhile, Article 10A regulates in more detail the crimes related to acts of terrorism, such as punishment for people who carry, store, transport, trade weapons to be used to commit acts of terrorism. The sentences vary, ranging from 2 years, 3 years, 7 years, to the death penalty. Everything depends on the degree of involvement of the person in the criminal act of terrorism.

Law enforcement against violence in the name of religion is an important step to create a safe, stable,

and supportive environment for optimal demographic growth in Indonesia. Strategies that can be taken to strengthen law enforcement against religious-based violence in order to optimize Indonesia's demographic bonus by strengthening the Law, reviewing and if necessary revising existing laws to ensure that acts of violence in the name of religion are punished firmly and fairly then establishing firm and supportive punishments that can have a deterrent effect on perpetrators of violence and become an example for others.

4 CONCLUSION

Prevention and/Enforcement of Violence in the Name of Religion to create a safe, stable, and supportive environment for optimal demographic growth in Indonesia. Strategies that can be taken to strengthen law enforcement against religious-based violence in order to optimize Indonesia's demographic bonus by strengthening the Law, reviewing and if necessary revising existing laws to ensure that acts of violence in the name of religion are punished firmly and fairly then establishing firm and supportive punishments that can have a deterrent effect on perpetrators of violence and become an example for others.

The term appears in the implementation of the prevention of criminal acts of terrorism carried out through national preparedness, countering radicalization and deradicalization. Article 43D paragraph (2) letter f which explains that what is meant by "*people or groups of people who have been exposed to radical terrorism*" is a person or group of people who have a radical understanding of terrorism and have the potential to commit acts of terrorism. There are four characteristics of extremists, including making it difficult for oneself to do good, being rude and rude, easy, and fanatical towards the madhab and unwilling to follow other opinions.

Extremist acts of violence in the name of religion are punishable under article 170 of the Criminal Code which contains such acts punishable under Indonesian law in Article 170 of the Criminal Code. In jinayah fiqh, cases like the above can be punished as criminal, because they fulfill 3 elements of crime, namely formal elements, material elements and moral elements. As a formal element there are governing laws. So that law enforcers are more courageous in responding to something as firmness in upholding the truth for the creation of an obedient, halal, peaceful, and prosperous society within the territory of the Republic of Indonesia.

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