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Religion and Cosmopolitan Society: Religious Conflict Settlement Based on Legal Culture

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Abstract

Conflicts occur when people believe that they are different from others and conflict in religion is no different. Religious conflicts in Poso and conflicts between Sunnis and Shiites in East Java have the effects of conflict, including protracted social friction, which prevents the development of a cohesive community. This research uses a socio-legal approach, where the study of law combines the approach of legal and social sciences. Establishing a way to settle religious conflicts is done by drawing up a legal basis for a settlement that accommodates human rights and democracy, emphasizing horizontal relations between religious communities. The existence of a legal culture becomes a meeting point for religious views, namely, prioritizing human rights. So, in the future, resolving conflicts based on legal culture in a cosmopolitan society is recommended.

Keywords

Religious Conflict; Cosmopolitanism; Settlement; Legal Culture

Introduction

Conflicts between religious communities could be as old as religion itself; realistically, the phenomenon of conflicts between religious communities can be traced through various existing historical records (Yunus 2014). Differences in concepts in religion that are embraced and even differences in concepts in religion are the source or origin of the emergence of religious conflicts. For instance, religious people have a propensity to attempt to justify their respective religious teachings, even though some do not comprehend the admirable qualities included in the religion they defend. On the other hand, the fierce spirit has occasionally humbled other individuals who disagree with him even though they are members of the same religious tradition. Therefore, there is the potential for disagreements to arise between adherents of one religion and those of another (Okeke, Ibenwa, & Okeke 2017), as history has shown us. One of the best remembered in the west may be the conflict between Muslims and Christians in Europe known as the Crusades (1095-1291 AD) (Gada 2017). Other conflicts recorded in history between 623-1090 AD between Muslims and Byzantium, Persia, Egypt, Yemen, Syria, Turkey, and others, were also religious conflicts, as much as territorial or political conflicts. Aside from variations in religious beliefs, additional variables that might lead to conflict include disparities between individuals, variances in culture, divergences in interests, and the fast pace at which society is changing.

Conflict arises when we believe that our beliefs are superior to others and that, by implication, we have the right to suppress the beliefs of others and we cannot find common ground. However, it does not stop there; the belief in these differences is equipped with a feeling that what they believe is the absolute truth and must be fought for, sometimes even at the risk of life (Koenig 2012). The religion they believe in teaches the truth, but each religious believer feels that their truth is superior too other truths (King 2010).

Departing from individuals or groups who consider their beliefs or religious ways to be the most correct and superior to others, then it causes division in religion. At first glance, the main problem in this discourse is the absolute truth of one belief, but individuals and groups' differences or innate characteristics could be the real issues. The characteristics in question can be physical, knowledge, customs, beliefs, and so on. (McKay & Whitehouse 2015). The unavoidable interactions of individuals and groups, plus differences in characteristics, eventually lead to frictions of interest, both individual and group. It should be understood that conflict cannot be avoided and is common in social interactions, but it is not common for conflicts to lead to acts of violence, especially those that violate other human rights (Kakar 1996).

Coleman (1994) argues that divisions between groups are, in many ways, only the opposite of consensus within groups. When someone experiences a strengthening of identity in a group, whether ethnic, religious, or national, they tend to separate themselves from groups not identifying in the same group as themselves. Separating in this context also means distinguishing, which incidentally has two meanings; choosing and judging, following what is considered good and refusing to follow what is considered harmful, and distinguishing also has the meaning of excluding, preventing and establishing boundaries with other groups.

The differences between religious groups eventually lead to stereotyping of people of other religions (Jackson & Hunsberger 1999). Stereotyping triggers negative views of other religious groups, resulting in repressive efforts against other groups, such as invasions of houses of worship and prohibition of religious rituals. Examples include the destruction of churches in Aceh, and the attack on the Ahmadi mosque in Kalimantan.

Stereotyping and conflicts of religious communities will not seem to meet in the form of equilibrium, namely peace, as shown in prolonged conflicts in several parts of the world, namely Myanmar (the Rohingya Muslim group), Islamic State of Iraq and Syria (ISIS), and the Philippines (the Moro conflict), and many others. As a country with diverse cultures and beliefs, Indonesia is inhabited by at least 1,340 ethnic groups. Indonesian society, in general, adheres to six significant religions including Islam, Protestant, Catholicism,

Hinduism, Buddhism, and Confucianism ([Seo 2012](#)), but among the diversity of ethnic groups, other beliefs are held, including Kejawen, Kaharingan, Malim, Sunda Wiwitan, Marapu, and others.

The abundance of various religions and beliefs has led Indonesia to experience a lot of social friction. The stereotypical differences between religion and belief cause religious conflicts, for example, in Aceh, which applies Islamic sharia law strictly, conflicts between Muslim and Christian communities were triggered. This conflict spread to efforts to demolish the houses of worship of the Christian community in Aceh ([Marshall 2018](#)). Poso, in Central Sulawsi, is the site of a religious conflict that began in the 1990s. Originally, Poso was home to many Muslims; however, the dominance of Islam began to shift to Christianity with the influx of migrants from other places, causing social friction that triggered conflict between adherents of the two religions (Islam and Christianity). The Poso conflict has developed not only as a religious conflict but has been colored by economic, social, cultural and political motives ([Aragon 2001](#)).

Clashes between Muslim and Christian youth organizations marked the beginning of both the first and second phases of the conflict and riots that broke out in Poso. On the other hand, it is speculated that a great number of additional elements played a role at the beginning of the religious struggle that resulted in massacre, damage, and displacement of the population. Among these factors are the following:

- Economic competition between the indigenous population of Poso, which is predominantly Christian, and migrants from Bugis, Buton, Makassar, and transmigrants from Java, who are predominantly Muslim;
- Competition between government officials regarding positions in the bureaucracy—in terms of the division of power in the regions between Christian and Muslim elements; and
- Political and economic instability following the fall of Suharto's New Order regime.

Religious conflicts can occur between two religious groups and groups of different sects within one religion; this happens because of a lack of respect, appreciation, and tolerance in religion. An example is found in the Sampang conflict involving Ahlus Sunnah Wal Jamaah (Sunni) and Shia Islam followers. The Sampang conflict began in 2004 and was followed by burning of a house belonging to a Shia sect ([Hilmy 2015](#); [Ida & Dyson 2015](#)). (Sunni Muslims believe that an agreement can be reached about selecting the Prophet's successor. The fact that they adhere to the Prophet's example, known as the Sunnah, is the most vital component. The Shia school of Islam maintains that the position of caliph should be reserved exclusively for Muhammad's offspring.) The conflict resulted in the burning of 9 houses of Shia worshipers and their places of worship. The destruction was carried out by 500 residents who claimed to be members of the Ahlus Sunnah Wal Jamaah (Sunni). Based on this, it can be seen that conflicts of belief are not only experienced by different religions but also within the same religion. This further shows that the problems that arise are related to religion and the "ego" of individuals or groups of absolute beliefs that are also believed to trigger problems.

Indonesia's religious and cultural diversity can be a blessing or a curse ([Palmer 2005](#)). The blessings of this diversity will be realized if the community simultaneously has a sense of belonging and equality with each other so that the different feelings that create a gap between one group and another can be eliminated. Conflicts that lead to destruction of social cohesion, damage to property and livelihoods and even death are the curse of this diversity. Those conflicts especially between religious communities, stem from differing attitudes and views that are formed from the interpretation and misinterpretation of religious beliefs and practices, in addition to low cultural tolerance and excessive emphasis on individual or group 'ego'.

Moreover, they (followers of religion) identify themselves with their religion or belief and feel that the distinguishing factor between them and others is their religion, belief or sect and that it is important to control others, for example through practices of segregation. These different feelings lead to social

segregation that may in turn lead to conflict, such as happened at the State Vocational High School 2 Padang, which forced non-Muslim students to wear the hijab. Segregation is an expression of social inequality within the city area, which is indicated by the separation of people in certain residential areas due to policies, differences in socio-economic conditions, ethnicity, and race.

The handling of conflicts between religious communities, especially in Indonesia, needs to be carried out with a new approach that involves realizing a feeling of togetherness and equality, which is realized through the adhesive factor that unites various perceptions held by adherents of religions, beliefs and sects. Legal culture can be an alternative in building the resolution of religious conflicts because it talks about views, attitudes, and responses to the law, which can ultimately be a factor in increasing cohesion that can reduce and resolve conflicts between religious believers. This paper offers a conflict resolution approach which is expected to be a bridge for the very diverse Indonesian people to form a true cosmopolitan society.

Research Methods

The approach used in this study is the socio-legal approach. Socio-legal studies are studies of law using both legal and social science approaches (Creutzfeldt, Mason, & McConnachie, 2019). Seen as an alternate method to legal studies, it looks at the doctrinal study of law and how it will function in society. Socio-legal studies, then, explore how the law will work in society (empirical) (Boulanger 2020). The socio-legal approach is used to obtain data, both from the perspective of legal science and social science, in an interdisciplinary way, so that more in-depth and meaningful analysis can be carried out on the phenomena that the researchers put forward. This is done because the approach taken by textual analysis alone is not comprehensive enough, because the law is more than the written text. As a result, support from fields of study within the social sciences is required to analyze the law, particularly in the context of efforts to develop law for the future.

In this study, qualitative approaches are used to analyze the data. These approaches emphasize the use of deductive and inductive inference processes and the dynamics of the link between observed events and the application of scientific logic. Most qualitative data are presented in the form of narratives, stories, written and unwritten materials (pictures and photos), and other non-numerical formats. After conducting a qualitative analysis of the data, the next step will be to derive conclusions using deductive reasoning.

Results and Discussion

RELIGIOUS CONFLICTS IN INDONESIA: THE CURRENT SITUATION

The dynamics of human conflict, especially those with religious nuances, can never be separated from human life (Stenschke 2016). Conflicts in human life can occur in a short or long time with various background motives, both purely religious and political, social, and economic motives (Rifa'i 2010). The motives of conflict with religious nuances in Indonesia have developed in a reasonably complex direction, as happened in the religious conflict in Poso, the Sunni and Shia conflicts in East Java, or other conflicts with religious nuances in Indonesia. Although they are said to be religious, the conflicts mentioned above have other dimensions and aspects that need to be considered (Amal 2020).

Religious conflict in Poso is a conflict that was initially limited to conflicts between individuals, which eventually developed into conflicts at the religious level. If examined further, this conflict is motivated by cultural factors, including ethnicity as well as religion. The two elements collaborated to become a time bomb that never got the right solution. After the riots in the Poso area subsided, the National Police established an Operations Field Command and carried out several operations, one of which was Operation Sadar Maleo (2000) (Gogali 2008). In 2004 the joint forces of the Indonesian National Army and the

Indonesian National Police conducted Operation Sintuwo Maroso. The finding of the joint forces was that there was friction between the two religious groups that could not be suppressed. This then led to terrorist groups such as that formed by Abu Wardah, also known as Santoso. In 2015 this first operation was followed up with Operation Camar Maleo which lasted until January 2016. Through Operation Camar Maleo, at least 24 terrorists were arrested, and 7 members of the East Indonesia Mujahideen led by Abu Wardah alias Santoso were shot dead. Santoso was eventually killed, and Basri (the leader of the East Indonesia Mujahideen after Santoso) was apprehended through the Tinombala Task Force operation in 2016.

In addition, religious conflicts can also develop and impact economic issues such as food and fuel shortages, as experienced by the Poso people in the conflict. The impacts of conflict, protracted social friction and inappropriate resolutions can develop conflicts into acts of terrorism, as demonstrated by the East Indonesia Mujahidin group in Poso. The Poso conflict is just one of the instances of nuanced religious conflicts in Indonesia which do not even involve groups with different religions, such as the conflict between Sunni and Shia sects in East Java.

The conflict between Sunni (Ahlus Sunnah Wal-Jamaah) and Shia sects in East Java is another example. The province of East Java, where most of the Muslim community adheres to the Nadlatul Ulema tradition, is one of the bases for spreading Sunni Islam. Meanwhile, in the 1980s, the Shia da'wah movement began to appear in areas known as Tapal Kuda, or the Horseshoe, a tronghold of Madurese culture, which is also located in East Java Province (Pasuruan Regency, Probolinggo Regency, Probolinggo City, Lumajang Regency, Jember Regency, Situbondo Regency, Bondowoso Regency, and Banyuwangi Regency). These areas had previously been the base of the Sunni sect. Differences in historical background and beliefs between the two sects eventually led to conflicts between sects in the Tapal Kuda area, especially areas with a solid "nahdliyin" base such as the island of Madura.

The emergence of clashes between Shia and Sunni sects in Indonesia can be identified after the issuing of a fatwa from the Indonesian Council of Ulema, which states that Shia sects in Indonesia must be watched out for because the Shia ideology values are not the dominant ideology in Indonesia, which is Sunni. Shia sects began to attract public attention after the Shia-Sunni conflict in Sampangan, Madura, East Java, in 2012. Although early signs of conflict between Shia-Sunni in Sampang were apparent since 2003, with local leader, Tajul Muluk, actively spreading Shia ideology, it was still limited.

The heating up of Shia-Sunni relations in Sampangan, Madura, led to the physical violence that Tajul Muluk suffered when celebrating the Prophet's Birthday in 2011. On the one hand, Tajul Muluk was considered to have violated the agreement made in 2008 regarding the cessation of the group's da'wah activities; on the other hand, Tajul Muluk felt that he disagreed with the ulema's insistence on stopping their da'wah activities. The argument used by Tajul Muluk is that da'wah activities are only aimed at the followers of the group and are aimed at strengthening their own Shia group internally.

The actions taken by Sunni against the Tajik Muluk group were unconstitutional and did not comply with Law no. 39 of 1999 concerning Human Rights. Article 24 of the Human Rights Law stipulates that everyone has the right to assemble, and associate for peaceful purposes. Moreover, every citizen or community group has the right to establish non-governmental organizations or other organizations to participate in the course of government and state administration in line with the demands for the protection, enforcement, and promotion of human rights by the provisions of laws and regulations.

Tensions continued to escalate until, at the end of 2011, groups acting in the name of the Sunni sect carried out attacks and arson against the Islamic boarding school belonging to the Shia Karang Gayam. Furthermore, the Sampang clerics with the local government held a closed meeting with the Tajul Muluk group, which ended with the decision that the Tajul Muluk group had to stop all activities and return to the teachings of Sunni Islam; the group was required to leave the Sampang area without compensation for the

land/assets they own, and if these two conditions were not fulfilled then all followers of Shia Sampang must die.

From this, it can be seen that Sunni actions against Shias not only violate the right to assemble and establish organizations but also violate the constitutional right, namely the right to life, which is regulated in Article 9 of Law 39 of 1999 concerning Human Rights which states that everyone has the right to live, sustain life and improve their standard of living. In addition, everyone has the right to be peaceful, safe, happy, physically and mentally prosperous. Further, they engaged in violence and damage to property which was clearly against the law, as well as proposing remedies that were themselves illegal.

The conflict continued until 2012, marked by the continued violence against Shia in Karang Gayam. In mid-2012, a group of Sunni Muslims carried out attacks, vandalism and burning of the homes of Shia followers. The impact of the attack and destruction resulted in nine houses being burned and two residents dead (Manan & Paran 2020). The Sunni-Shia conflict that occurred in Sampang finally forced the expulsion of the Shia group, known as Tajul Muluk, from Karang Gayam. The expulsion of the Shia group was driven by intimidation, hate speech and terror against the Shia group.

The issue of the attack on the Shia group finally became a national concern until finally the Governor of East Java asked the Police to make persuasive efforts to resolve the conflict using an understanding of the religious issues. The Governor of East Java rejected the Ulema's insistence on banning Shia preaching in East Java because the central Indonesian Ulema Council did not prohibit the existence of Shias. The efforts made by the Governor of East Java are appropriate because they carry out constitutional rights as regulated in Article 12 Paragraph 2 of Law Number 39 of 1999 concerning Human Rights, which states that the state guarantees freedom of religion, the independence of everyone to embrace his religion and belief.

The resolution of the Shia-Sunni conflict in Sampang by expulsion cannot be separated from the question of the legitimacy of giving Tajul Muluk a heretical status, in a declaration issued by local mainstream religious figures (Ramadhan 2022). Religious figures used the fatwa issued by the East Java Indonesian Ulema Council to deceive Shia Tajul Muluk; the claim of heretical status was also issued by the NU Sampang Branch Manager and one of the Chairpersons of the East Java Nahdlatul Ulema Regional Board. Although the statements issued by the regional administrators contradicted the statements of the central management, the legitimacy given by local mainstream religious leaders encouraged intimidation and persecution of the Tajul Muluk Shia.

In addition to the two conflicts outlined above, other conflicts have attracted public attention, such as the religious conflict in Aceh; the conflict between Muslims and Buddhists in Tanjung Balai as a result of protests by Buddhists of Chinese descent against the volume of mosque loudspeakers, where the protest led to the actions of the public who vandalized eleven monasteries and two Buddhist religious foundations on July 20, 2016; the cutting of the cross tombstone at the public cemetery in the Purbayan area of Kota Gede, Yogyakarta; conflicts between religious communities in Papua in the form of demands for the demolition of the Al-Aqsa Sentani Mosque Tower by the Fellowship of Churches in Jayapura Regency; and so forth.

The significant conflicts presented above all started from minor conflicts, namely between individuals as members of a religion, showing that conflicts between religious communities cannot only be defined as large-scale or long-term conflicts. The examples of conflict with religious nuances shown above ironically cannot be said to describe the conflict between religious communities in Indonesia. Referring to the Index of Religious Harmony in Indonesia in 2021, based on survey data, shows a high level of harmony (72.39/100), but on the other hand, intolerant acts and religious conflicts still occur in Indonesia. There are similarities in the factors that cause conflicts between religions in Indonesia, namely the tendency to blame or justify one belief against another in religion.

The tendency to justify these beliefs encourages an attitude of demeaning and excluding religion or other beliefs that can cause friction between the two religious communities or even conflict. In addition, religious

belief will be used as a form of power to force the acceptance of religious concepts on other, often minority, people who are not of the same belief. According to Armahedi Mazhar (Garaudy 1993), people who have excessive belief in a sect or religion have the potential to demonstrate the characteristics of absolutism, exclusivism, fanaticism, extremism, and aggressiveness. These traits are manifested in intellectual arrogance, social arrogance, emotional arrogance, exaggerated and transgressive responses to physical responses.

Conflicts between religions stem from the tendency of religious people to try to justify their beliefs about the religion they believe in. Adherents of each religion or sect insist that the religion or belief they profess is the most correct and reasonable. There are still those who do not have a strong understanding of the values of their beliefs. Claims that have the potential to create or thicken the boundaries of human interaction create or widen the gap between religious communities, all of which contribute to the creation of different views on people or followers of other religions, which are sometimes followed by forms of coercion. The widespread action taken by members of the Islamic Defenders Front against the usage of Christmas elements in numerous shopping center sites in Indonesia is one illustration of the assertion made above.

Attitudes of imposing belief on other parties can be traced from religious doctrines, which contain calls to go to the path of salvation and encourage or invite other parties to participate in that goal. There is nothing wrong with salvation and an invitation to salvation. However, if these attitudes are accompanied by the justification that their belief or religion is the most correct, then this becomes a dangerous mix and actions that trigger conflicts between religious communities will emerge, especially if these frictions are used for specific purposes.

The diversity of religions and beliefs in Indonesia certainly conflicts with religious nuances. In Indonesia, conflicts between religious communities are resolved through non-litigation channels that prioritize deliberation and consensus, while acts classified as criminal acts will be tried as the law applies in Indonesia. However, of course, this approach is still not practical, as shown by the protracted conflicts between religious communities in Indonesia, such as the Poso conflict seen as lasting from 1992 to 2001, but which, until now, it is continuing with the emergence of the East Indonesia Mujahideen; the Shia-Sunni conflict that lasted for nine years with the resultant expulsion of the Shia sect from their village in East Java; or minor conflicts that occurred in Aceh and several other areas in Indonesia.

Although these non-litigation steps reflect the values of the Indonesian people, which prioritize deliberation and consensus, even so, there are things that must be taken into account, in establishing this approach. First, there are differences in perceptions between parties in conflict concerning the law (both their religious law and national law), especially those relating to conflict resolution; second, the conflict resolution process in its most minor parts, namely the stages of how the settlement is formulated and executed above, still does not reflect respect for human rights, especially freedom of religion, but not forgetting the other rights possessed by humans.

RELIGIOUS CONFLICTS IN THE VIEW OF A COSMOPOLITAN SOCIETY

Religion in modern human life is transformed into an individual and collective identity (Dobratz 2001). However, religion can also develop towards a cosmopolitan orientation, especially since globalization is a destructive variable in religious concepts. These developments can be carried out in a cosmopolitan society through tolerance between one another, while in the era of globalization, it can be done through meetings between countries to create a public space that will protect the cosmopolitan rights of each actor. It must be admitted that there has been a "rigid" relationship between religion, its laws and teachings and its adherents; this relationship tends to be patriarchal and promotes intolerance (Adeney-Risakotta 2014). For example, all women are required to wear the hijab to enter certain schools, so that the regulation applies to non-Muslims. Many women feel safer wearing the hijab, but investigations show that the hijab does not prevent women from being harassed or even raped. This is because the hijab is not the only way to prevent

or prevent someone from being sexually harassed. Prevention of conflict must arise collectively with respect and respect for others (Sulaiman & Raifu 2020), going beyond the adoption of standards of dress.

In a cosmopolitan view, intolerance is present as a manifestation from the perspective of religious adherents who make religion their primary identity as human beings (Bennett 1986); with this view, there is a tendency to separate or secularize religion in modern development and globalization. This view assumes that the modern state must separate itself from religion, because religion is a personal matter for each person or group that cannot be regulated equally in a modern state. From this ideal view, religion is valued as a separate, distinct and unique entity from modern society, which refers to a collection of personal values and activities. In the context of modernity, it is customary to distinguish religion as a social system and faith as one's initial response to divinity. In the past, religion gave standard meaning to humans when looking at nature and life. Religion answered the problem of death, suffering, and disaster, albeit with deceptive explanation. In the last few centuries, the position of religion has been sidelined by science. What was once answered by religion is now answered by science. Religion lost its authority, first in explaining nature and finally in giving life instructions. Natural science has replaced religion in understanding the world, and psychology has replaced subjective human experience.

Conflicts with religious nuances arise due to the failure of the internalization process of religion. For example, the failure of religious education is because Islamic Religious Education concentrates more on cognitive theoretical problems and lacks attention on how to change cognitive knowledge into "values" that need to be internalized in students through various means, including the media, as well as forums. The discussions have always revolved around religious issues that are ritual-formal in nature and aqidah/ theology that seem exclusive. More substantial religious issues are not exposed critically, for example, piety in a social context. As a result, religious messages that are eternal are buried behind exclusive religiosity. The texts are read every day, but their true meaning is neglected. So far, our national education system is believed to be more focused on knowing the religious text, while the understanding of the meanings and the ability to apply the principles from the affective and psychomotor aspects have been neglected. This will lead to internal conflict in students; they know the texts, but their attitudes and behavior are not socially appropriate. They do not reflect the achievement of the value of Islamic Religious Education.

Cosmopolitanism describes a broad term in which aspects of moral and sociopolitical philosophy are defined in various ways but generally emphasizes the concept that all of humanity can or should even be part of one community (Dallmayr 2003; Binnie et al. 2009; Etinson 2010). This means that cosmopolitanism recognizes that all human beings must be subject to the same moral standards regardless of their identity. The boundaries that distinguish nations, countries, cultures, or socio-societies are morally irrelevant. In this case, there is no known concept of nation, religion, race, community, or culture that is dominant over other cultures

However, how this community can be formed and realized is still debated, with a focus on whether secularism is endorsed or not. Being one community carries the meaning that the community is homogenous; in this context, they share a common humanity, but humans in particular and social forms are endowed with differences from birth. Social interaction and the formation of values or norms, including morals, occur through these differences; cosmopolitanism is present and offers a concept to go beyond social interactions that can be an obstacle to the unification of the community. In the case of inter-religious conflicts, the known obstacle is intolerance (Regus 2020).

Conflicts that are correctly processed to have a good resolution will give birth to a constructive consensus; it could be that conflicts between religious communities can be a bridge to a cosmopolis society. The concept of a strong identity in the perspective of cosmopolitanism is a sign that these community groups still have a long way to go to become a cosmopolitan society. A strong sense of identity is more likely to create or encourage destructive conflict (Haynes 2009), as happened in Poso and Sampang. It should be understood

that although the use of the notation "identity" is strongly related to the individual, identity can also be used to represent the collective concept of a group, community, or state with various relationships formed in it, both ethnic, religious, and cultural entities. Identity is also often used as a marker of the value of a person or group in conflict, so it can be ascertained that there is friction or collision of values with one another, likewise in the concept of religious conflict, which can be explained as the friction of believed identities, values, and religious norms.

When explored more deeply, intolerance in religion is rooted in the perspective or understanding of the law or religious teachings that tend to be rigid. The rigidity of these perspectives or views increases tension between religious communities or, in other words, tensions between individuals or groups who have different perspectives or understandings. These tensions eventually widen the gap that exists as a result of differences. This is different from cosmopolitanism, which seeks to unite humanity into one unified community called "world society" (McMurran 2013).

Uniting all human beings also means eliminating boundaries between individuals and groups because these boundaries are the inhibiting factors for achieving a single community, a "world society" (Mayall 1990). A single community is formed or established based on humanitarian principles. Imagine the individual as a circle so that a group formed from individuals consists of small circles united by "one" the same factor, either values, understanding or other factors. In the perspective of cosmopolitanism, the individual circle should have no shape or form but a universal circle formed by human beings in the world (Parekh 2003).

The resolution of religious conflicts in the eyes of cosmopolitanism is said to prioritize human rights through a democratic process. So, has the resolution of religious conflicts in Indonesia reflected the intended solution? The resolution of the conflict in Poso has gone in the intended direction, even though the results obtained do not seem to be able to reflect the priority of human rights and democracy. This is shown by the military operation that still had to be carried out after the negotiations for peace between the conflicting parties were carried out in 2001, which is a strong indication that one party was still not satisfied with the results of the negotiations. This is where democracy should play a role, as stated by Emanuel Kant who proposed that democracy is a bridge to peace. The same thing was shown in settlement of the Shia-Sunni conflict in Sampang, which ended with the expulsion of the Shia group from the area. The resolution of this conflict contradicted the protection of human rights and led to a loss of democracy. The democratic process is essential in conflict resolution that prioritizes respect for human rights, especially in diverse cultural, ethnic, and religious societies.

Accepting the cosmopolitan concept does not mean denying the existence of diversity; although diversity can be a barrier to the achievement of a single community, this diversity can also be a source of change (Green 1999; Norris & Inglehart 2009). Diversity and conflict can be factors to move a community, form a new consensus, to build a new set of values and morals to reflect this diversity. One concept that can be used to describe diversity is the American metaphor of a salad bowl (Leslie et al. 2020). This metaphor was chosen to describe the different sets of democratic values and multicultural ideologies full of tolerance. Unlike the melting pot metaphor, the salad bowl metaphor does not see differences as barriers. This metaphor echoes equality and justice based on the law, which sees that every individual has equal rights and obligations even though they have a cultural background or, in this context, a different religion, sect, or belief. From this perspective, the differences do not exist. The necessary shared perspective is that everyone has equal rights and obligations.

Conflicts, especially in religious communities, often occur due to the increasing tension between followers (Syarif 2019). Resolving conflicts means also elaborating on the existing tensions; in the view of cosmopolitanism, unravelling these tensions begins with realizing that, in the end, we are human beings who have equal rights and obligations. It is this that seems impossible to realize, and for this a balance between

the perspectives must be achieved (Zürn & de Wilde 2016). The balance in question is a perspective that respects other perspectives about social interaction as a basis and social conflict as a continuation (Lincoln 2000).

Different perspectives on religious law and teachings, leading to conflicts between religious communities, must be united by one binding agent (Wibisono, Louis, & Jetten, 2019). Differences in religions exist, it is true. This argument is not formed to reject these differences but is made to form a more flexible approach to the perspectives of other individuals or groups. The binding agent in religion referred to here is the teaching of love and compassion that prioritizes compassion, peace, and mutual respect over the calls for violence and intolerance. The important aspect is the development of the balance between tolerance and intolerance, especially through scholarship on the topic.

BUILDING A LEGAL CULTURE OF CONFLICT RESOLUTION BETWEEN RELIGIOUS PEOPLE

Through the arguments made, it is understood that differences and rigidities in the perspectives of adherents of religions, sects and beliefs are a source of conflict between religious communities and a perspective that tends to be more flexible in disentangling the rigidity of these perspectives is needed (Davies & Thate 2017). Moreover, conflicts with religious nuances are becoming more intensive because they tend to deviate from the direction of settlement or even deviate from constructive goals and potential for socialization. Indonesia is devoting significant resources investigating these conflicts and mediating differences of opinion, even among officials, thus directing energies away from the development of a nation based on shared social values. This tendency arises because of the superposition of emotions, facts, and different perspectives. Conflict resolution with religious nuances often does not produce results because it focuses only on the goal or result rather than the process that is carried out and must be carried out. This is where a legally based conflict resolution process must be given priority.

As described in the examples of conflicts between religious communities in Indonesia, a single formula cannot be found to resolve the conflict. Repressive efforts are no longer relevant in conflicts with religious nuances, especially in the concept of cosmopolitanism, because in their implementation, there is often a neglect of the rights of the conflicting parties (Haynes 2020). A restorative conflict resolution approach is considered more relevant because it has an approach that prioritizes the equality of the rights of the conflicting parties, which is in line with the concept of cosmopolitanism which encourages equality of rights (Woodhouse & Ramsbotham 2005).

Conflict resolution between religious communities through a restorative justice approach emphasizes conflict resolution efforts by forming a collective agreement with a neutral mediator who does not make decisions or conclusions for the parties but supports the facilitator for the implementation of inter-party dialogue with an atmosphere of openness, honesty, and exchange of opinions. In other words, the problem-solving negotiation process is a process in which impartial and neutral outside parties work with the disputing parties to help them reach a consensus that prioritizes the equal rights of the parties to the conflict. Conflict resolution is by the principles of restorative justice, where restoration or repair is an alternative way to bridge the perpetrators of the violations, victims and the community (Sukardi 2014).

Resolving conflicts between religious believers can be achieved by building awareness of a sense of brotherhood towards various cultures, religious teachings, and existing sects. By prioritizing this, we can minimize the tension that exists between religious communities (Harpviken & Røislien 2005). This goes beyond accepting that the law should treat all faiths equally, to a deeper social understanding. However, it is fundamental that processes for resolving conflicts between religious communities need to have a solid juridical basis.

Legal culture is the key to resolving conflicts between religious communities; according to Friedman (1975). For him, legal culture is related to prioritizing individual rights, which in this case can focus on

human rights. If resolved properly by prioritizing human rights through a democratic process, religious conflicts can become a vital bridge in the realization of a cosmopolitan society. For this reason, a new approach to conflict resolution is needed, especially one that can increase horizontal bonds in society. For Black (1976), legal culture is a symbolic aspect of people's social life, including accommodating definitions of what is good and evil and what is right and wrong, in a similar way to the way that religion regulates what is right and good or wrong. These two opinions can be the basis for developing religious conflict resolution, namely that legal culture can be a meeting point for various perspectives and values held by the community. Against which law? Namely, on the law that regulates conflict resolution that prioritizes human rights and regulates a democratic settlement, the law does not depart from localization values or norms but, in a modern nuance, prioritizes human and democratic rights.

Legal culture refers to perspectives, attitudes, to behavior toward legal instruments or rules, which in this case are not only limited to religious laws and teachings but are presented in a world that is easier to imagine by the public that encourages rational thinking and commitment to realizing equality and justice—desired society. The legal culture here is not limited to what develops in the general public but also to law enforcers; in Friedman's theory, what is meant is external and internal legal culture is meant because it is understood that law enforcement in the context of conflict resolution between religious communities is one of the critical agents in unravelling the conflict.

Developing a legal culture that embraces restorative justice according to this argument is a priority because it is directly related to the perspective that is considered the starting point for the emergence of conflicts between religious communities. The convergence of religious views can be brought together through such a legal culture. It was reaffirmed that a restorative justice approach is flexible, that is, flexible in dealing with different perspectives in religion. This perspective is one that can suppress irrationality, exclusivity, intolerance, discrimination, and focus on the understanding that all human beings have equal rights. The legal culture in question would be able to soften the arrogance of adherents of all religions who start from the point where respect for human rights becomes a shared priority. Such a legal culture would become the meeting point of commitment for all elements of religious communities.

Conclusion

One thing that leads to conflict is when people of one religion make assumptions about people of other religions. All over the world, people of different religions have tried to attack each other, kill each other, and burn each other's houses of worship and other important places. In the last few decades, many people of other religions have said that Muslims are radical, intolerant, terrorists, fundamentalists, and have a very biased view of the truth of other religions. Equally, Christians are often seen as aggressive, ambitious and powerful in a community. Religious conflicts in Poso, in Aceh and in East Java have shown the damaging effects of conflict on local communities. Everyone can or should even be part of one community in a cosmopolitan society. This sense of being one community contains within it the understanding there will inevitably be differences in social forms and interactions.

To overcome the potential for escalating conflicts, and establish a basis for settlement of religious conflicts, a restorative justice approach is proposed. In setting up this approach, human rights must be prioritized in a legal culture that has a solid juridical basis. This means that anyone who escalates a conflict, even if they do not use religious symbols, must be punished firmly and fairly within the law. As a first step, law enforcement, in this case, the Police, must respond right away to all religious conflicts by investigating each one quickly, firmly, impartially, and thoroughly; this is essential, so that the problems do not spread and become more complex. Second, the people involved should be able to protect themselves, but at the same time not exacerbate the problem. Indonesia was built on the idea of *Bhineka Tunggal Ika*, which says that a country should be made up of people from different races, religions, and ethnic groups. The process

of restorative justice should reinforce the idea that, under this principle, as citizens, it is our responsibility to look out for each other, control ourselves, and learn to respect and tolerate those different from us. Third, the Draft Law on Religious Harmony needs to be ratified quickly to be used as a legal framework for regulating relations between very different religious communities and resolving religious conflicts from a legal perspective.

There is scope to be optimistic that in the future, there will not only be a society where everyone has the right to follow their religion and worship as they see fit but also a society where everyone respects each other and has a high level of tolerance so that Indonesia can remain united and whole. Religious harmony is made up of relationships between different religions based on tolerance, mutual understanding, and respect for equality in how they follow their religious teachings and work together for the good of society, nation, and state. A legal culture, including processes of restorative justice, to support this ideal will be essential.

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