



Supervision Effort on Beliefs and Religious Flows to Maintain Public Order in Society

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<http://dx.doi.org/10.18415/ijmmu.v9i4.3575>

Abstract

Supervision of religious beliefs and religious sects in society for the sake of public order and peace can be carried out by the community itself and also by the Prosecutor's Office of the Republic of Indonesia, which is the scope of duties, powers, and functions of the Prosecutor's Office in the field of Judicial Intelligence (law Intelligence) which leads to investigative activities. This study will discuss efforts to monitor religious beliefs and sects to maintain public order in society. Using the normative juridical research method, it is known that steps in the implementation of supervising the flow of beliefs and religious sects are carried out in a preventive manner, such as outreach to the community. However, obstacles are encountered when monitoring the spread of religions and religious sects in society, namely legal, cultural and institutional, or structural factors.

Keywords: *Order; Religion; Supervision; Trust*

Introduction

Indonesia is based on the law (*rechtsstaat*), not based on sheer power (*machtsstaat*), which is expressly stated in the 1945 Constitution. This mandates that Indonesia accepts law as an ideology to create order, security, justice, and prosperity for its citizens. The legal consequences bind every action taken by every citizen, including foreign nationals within the State of Indonesia (Ashidiqqie, 2002). Ideally, every legal state, including Indonesia, must have qualified law enforcement agencies/institutions/apparatuses (Effendy, 2004). One of Indonesia's existing law enforcement agencies is the Indonesian Attorney General's Office and other law enforcement agencies.

The belief system has experienced a safe and comfortable life in carrying out the beliefs believed and adhered to in Indonesia. All of that changed when the 1965 G30S incident occurred. After the tragedy, the religion (mysticism) was often juxtaposed with the Indonesian Communist Party (PKI). As a result of stigmatization and its connection with the 1965 tragedy, there was a massive exodus of followers of the belief system (mysticism) to other official religions (Niels, 1984). In the case of JAI, it is often reported about the Ahmadiyya Jama'at as a community. Still, it rarely talks about the history and theological comparisons of JAI with other Islamic groups such as the Shi'ites (Beck, 2005). This encourages exclusive views and treats 'difference' outside the mainstream as a deviation. The JAI case is

often reported about the Ahmadiyya Jama'at as a community. Still, it rarely talks about the history and theological comparisons of JAI with other Islamic groups such as the Shi'ites (Beck, 2005).

This collaboration with government agencies/officials is incorporated in a community such as PAKEM, which consists of the State Attorney, Regional Government, Kodim, Polres, Ministry of Religion, Ministry of Education and Culture. FKUB (Forum for Religious Harmony) consists of the deputy regent/deputy mayor, the head of the ministry of religion, the head of the National and Political Unity Agency, and the heads of related agencies. For each agency/official to be used as a guide and guide in handling similar cases (Afandi, 2009). The Prosecutor's Office and the Police are public institutions of law enforcement, which are the initial source of a judicial process (Manan, 1999). To implement laws and regulations, ideally, every legal state, including Indonesia, must have professional qualified, integrity and disciplined law enforcement institutions/institutions/apparatuses supported by legal facilities and infrastructure as well as community legal behavior (Effendy, 2004).

Based on the above background, the problem in this research can be formulated, namely, how are the efforts in supervising the flow of beliefs and religious sects to maintain public order in society?

Research Methods

The research method used in this paper is by conducting a search on the law regarding the Prosecutor's Office, reviewing the 1945 Constitution, and the minutes of setting up the position of the Prosecutor's Office so that it can provide a systematic description of the legal regulations and facts as the implementation of the legislation. Particularly regarding the position of the Prosecutor's Office of the Republic of Indonesia regarding the supervision of mysticism, belief, and religious sects in maintaining peace and public order. At the same time, the research method used in this research is normative juridical.

Based on the scope and identification of the problem described above, normative juridical research will be explored comprehensively to examine the subject matter. Normative juridical means that analysis is carried out on the laws and regulations governing the problems studied.

This type of research is descriptive research using a qualitative research approach. Descriptive research can be defined as a problem-solving procedure that is investigated by describing/describing the state of the research subject/object (a person, institution, community, etc.), at present based on the facts that appear or as they are (Nawawi, 2001). Descriptive research is research to know the state of data and how, how much, to what extent, and so on (Arikunto, 1991).

The research method used in this study uses a qualitative method approach. According to Bogdan and Taylor, this research will produce descriptive data in written and spoken words from people or observable behavior (Moelong, 2007). Qualitative approaches can also understand a phenomenon entirely unknown or little known (Suwandi, 2008).

According to Bogdan and Taylor, a qualitative approach is expected to produce an in-depth description of speech, writing, and or behavior observed from an individual, group, community, and or a particular organization in everyday life studied from a different point of view. Whole, comprehensive, and holistic (Suwandi, 2008). Descriptive research aims to create, describe, describe situations or events (Suryabrata, 1995). This research is a descriptive study because it describes or describes the supervision of mysticism, belief, and religious sects.

The data used in this research is secondary data (library study) (Soekanto, 1983), namely data obtained or collected by researchers from existing sources. Secondary data is obtained from library research in the form of legislation, books, and other literature related to strengthening the role of the

prosecutor's intelligence in supervising religious beliefs and sects in society for the sake of public order and peace, as primary legal material, material for secondary law and tertiary legal materials.

The data obtained through the literature study was conducted to find various conceptions, theories, principles, doctrines, and documents related to this research's problems.

The data collection method used to obtain this research is a literature study. In this literature study, the method used is by reading, studying, interpreting, and analyzing the laws and regulations, the analysis of certain documents, both legal documents published through print and electronic media, as well as the study of legal records in the form of literature books or other written materials, relating to the problems to be discussed then recording or quoting the data.

Data from the literature and data from the results of field research will be analyzed using qualitative juridical analysis. Namely, all data obtained are inventoried, classified, studied, and researched thoroughly, systematically, and integrated to achieve clarity of problems to be discussed. In this case, it is related to the antitrust law and unfair business competition, which are arranged systematically, linking each other related to the problem being studied by applying the provisions of the legislation and guaranteeing legal certainty, as well as the bill being researched whether it is by the reality that is being studied. It exists, then analyzed to conclude.

Discussion

Obstacles encountered in the Implementation of Supervision of Beliefs and Religious Sects in Maintaining and Public Order.

The role of the Prosecutor's Judicial Intelligence, which in this case is accommodated in the part of the Pakem Team, which oversees the development of beliefs and religions in Indonesia, has encountered many obstacles and obstacles in its aim to support law enforcement and justice policies, both preventive and repressive, implement and or participate in organizing public order and peace as well as safeguarding national development and its results based on the laws and regulations and policies determined by the Attorney General. As part of law enforcement agencies, prosecutors in carrying out their duties and authorities will not be separated from problems that may arise. The success or failure of a law enforcement effort is influenced by factors or elements that affect law enforcement itself. According to Soerjono Sukanto, there are five elements of law enforcement, namely (Soekanto, 1983):

a. Legal Factors

According to Jimly Ashiddiqie, an excellent legal norm to be enforced must be based on four considerations, namely philosophical, juridical, political, and sociological considerations (Ashiddiqie, 2006).

First philosophical applicability. A legal norm applies philosophically if the legal standard is indeed by the philosophical values. In the Republic of Indonesia, intellectual values are contained in Pancasila as a 'staatsfundamental norm.' The fifth formulation of Pancasila includes the value of religiosity in the One Godhead, just and civilized humanity, nationality in the ties of diversity and unity, popular sovereignty, and social justice for all people. The five philosophical values must not be ignored or opposed by legal norms compiled in the form of legislation.

Second, juridical applicability is the applicability of a legal norm with its binding power to the public as a dogma seen from a juridical technicality. Juridically, a legal norm is said to be valid if the legal norm is confirmed; (i) determined as a legal norm based on a higher legal norm; (ii) determined to be binding or valid because it shows a mandatory relationship between one condition and its

consequences; (iii) determined as a legal norm according to the applicable legal establishment procedure; (iv) determined as a legal norm by an institution that is authorized to do so. A legal norm can be legally valid if these four criteria are met.

The third is the validity of politics. A norm is politically valid if fundamental political power factors support its implementation. Political applicability is related to the theory of power, which gives legitimacy to the ability to make decisions related to the interests of society.

b. Law Enforcement Factor

The Pakem Team carries out at least four problems related to Supervision.

- 1) Related to the supervisory function, whether it is preventive or repressive. Based on the provisions in the elucidation of Law Number 16 of 2004 concerning the Prosecutor's Office, the supervisory function is preventive and has an educational nuance. Field facts show that various recommendations issued by the Pakem Team were followed up with repressive measures.
- 2) Regarding the assessment indicators in conducting supervision of religion and belief. There is no clear and firm measure of the needles used by the Pakem Team in deciding to carry out maintenance. What is often an indicator is only the element of order. Apart from indicators for monitoring, the Pakem Team does not have a method for assessing religious teaching. The assessment is always submitted to the relevant department; if it is related to religion, it is submitted to the Ministry of Religion and the Ministry of Culture and Tourism related to the belief system. In evaluating a religious teaching, such as Islam, the Pakem Team uses MUI to reference the assessment.
- 3) The Pakem team does not have a Standard Operational Procedure (SOP). As a government function that has a vital role in religious life, the Pakem Team is not supported by a Standard Operational Procedure (SOP) which can be used as a guide for every element in the Pakem Team Internal in taking action. In the absence of this SOP, the policies related to the functioning of the Pakem Team are highly dependent on the actors in the Pakem Team (the Judicial Intelligence apparatus). So the potential for abuse and the emergence of arbitrariness is enormous.
- 4) The Pakem team is often a tool for the interests of the majority group. Due to the unclear monitoring indicators of the Pakem Team and the absence of operational standards in their work, in the end, the Pakem Team worked because of intense pressure from specific community groups. At the same time, the state should be obliged to serve the religious life of its citizens fairly, without discrimination.

c. Factors of Facilities

In the seminar presenting the results of research on increasing the authority of the prosecutor in supervising the flow of trust, it was formulated that the obstacles in the implementation of the supervision of the flow of belief, among others (RI, 2005):

- 1) Some members of the Pakem Team do not have complete data on the flow of trust and biodata of their supervisors, and even the data storage system is not sound, making it difficult to find/track them.
- 2) The ability of less professional personnel so that the supervisory movement is not fast in dealing with the act of the flow of trust.

- 3) lack of smooth communication between one official and another, or between officials and followers, so if there is a problem with the belief system, it cannot be immediately discussed together.
- 4) There are differing perceptions among the authorities regarding the meaning and scope of the belief system.

In addition, based on the author's interview with the Director of Social Politics (Dir. Sospol), JAM INTEL Fietra Sani, the activities of the Central Pakem Team were not supported with adequate funding. The operational budget of the Central Pakem Team is charged to the APBN. Still, it is not sufficient for the diligent work of the Pakem Team, which constantly monitors the activities of religious beliefs and religious activities in Jakarta. Fietra Sani was also reluctant to say how much the operational budget would be.

d. Social Factor

The emergence of religious-based movements is a global phenomenon that occurs separately from local and national circumstances. The emergence of religious-based movements can be seen from the side of "religious community egoism," which appears as egoism or selfishness at the community level (Khudori, 2009). The activists of this movement believe that their community is the only holder of the truth, that they have a sacred mandate to practice their beliefs around the world, and that the interests of their community are more important than personal interests. Two variants of this movement are "radicals" who choose radical paths to achieve their goals, including the way of violence and terror. Another variant is the "gradual change," which prefers a gradual approach to achieving their goals through social activities, education, and political parties. This movement is often referred to as "fundamentalism," a controversial term for clerics and religious followers.

e. Cultural Factors

It is a historical fact that the achievement of the independence of the Unitary State of the Republic of Indonesia is primarily determined by the "spirit" of the nation's struggle, which is high and never gives up, even willing to sacrifice body and soul and has become many martyrs as national heroes. The foundation of identity as an icon of the struggle for devotion and love for the homeland has become the essential capital for spiritual development, realizing nation and character building and building a complete human being now and in the future (Khudori, 2009). In Indonesia, one form of spiritual development has been the growth and development of groups of people who adhere to beliefs better known as mysticism, psychological and spiritual attitudes, whose appearance is more widely seen as a culture or a figure of spiritual life behavior.

The way of life of spiritualism in the life of the Indonesian people is an old legacy that was once embraced as a belief. So that through religious schools of spiritual color, besides appearing as a statement of appreciation of inner culture, psychology, spirituality, it is also mentioned that self-confidence plays a role in many things that are unseen, mystical, and metaphysical, such as good or bad days, immunity, about kris and everything, which gives a spiritual impetus to their lives.

The existence of a sect of belief legally according to the practice of religion and trust which is stated in the 1945 Constitution Article 29 paragraph (2) that the words "belief" are meant are beliefs, mysticism, and beliefs of tribes, customs, or local religions which at the time of the proclamation independence and the Indonesian population still adheres to various ideas that are spread throughout Indonesia. In addition, there is a belief system that lives spiritually, psychologically, and spiritually and has led to a new religion. This has led to conflict and even unrest due to irregularities or recorded as heretical sects for adherents of beliefs that the government legally recognizes, such as Islam, Christianity, Catholicism, Hinduism, Buddhism, and Confucianism.

The conditions created by the deviant belief system are substantial and become a potential conflict for the emergence of unrest between belief groups. There are also frequent religious sects that practice shamanic practices, black magic, or misleading beliefs. In other respects, marriage, death, and spiritual practices also pose their problems. The negative impacts of cultural acculturation, which later develop into new religions that have occurred or will arise, will often lead to religious blasphemy and disturbance of public order or can cause divisions and threats to the unity and integrity of the nation.

From what the authors describe, these factors are obstacles to the performance of the Pakem Team in supervising the development of beliefs and religions in Indonesia to support law enforcement and justice policies, both preventive and repressive, implement and or participate in maintaining public order and peace and security. National development and its results are based on statutory regulations and policies determined by the Attorney General. Therefore, comprehensive efforts are needed from all components so that the supporting factors of law enforcement can run well.

Efforts to Supervision of Beliefs and Religious Sects in Maintaining Public Order

The task of supervising the flow of public belief by the Prosecutor's Office has 2 (two) dimensions, namely, the dimension of prevention and the size of law enforcement. The prevention dimension uses intelligence techniques, while the law enforcement uses legal techniques. It is basically in the legal system when using a two-dimensional theoretical approach. The "Legal System" is a theory put forward by Lawrence M. Friedman.

To see the strengthening of the Public Prosecution Service's intelligence in monitoring religious beliefs and sects in society for the sake of public order and peace, Friedman's theory uses 3 (three) approaches, namely: legal structure, legal substance, and legal culture. The legal system is a pattern that shows how the law is carried out according to its formal provisions. This structure shows how lawmakers, legal entities, and processes run and are carried out. In Indonesia, for example, when talking about the design of the Indonesian legal system, it includes the structure of law enforcement institutions such as the police, prosecutors, and courts.

The legal substance is the second aspect of the legal system, which reflects the applicable rules, norms, and behavior of the people in the system. Included in this concept is how people appreciate the formal rules that apply.

Legal culture is intended as people's behavior towards the legal system and the law they believe in or is a climate of social thought and social coercion that determines how the law is used, avoided, or misused. In other words, people's attitudes or appreciation of the law and the legal system into these components include belief in the law, values, ideas or ideas, and expectations. It is part of a general culture oriented towards the legal system.

About the obstacles in the implementation of monitoring the flow of beliefs and religious sects in society for the sake of public order and peace described in the previous sub-chapter, it is necessary to have countermeasures in the form of:

1. Strengthening in Terms of Legislation

The first step in strengthening a. Legislation is by compiling all internal and external regulations relating to the authority to supervise religious beliefs and religious sects in society for public order and peace by the Attorney General's Office. The rules that have been collected are inventoried and harmonized, following legal principles and the formation of laws and regulations. The regulations collected and harmonized can be considered a single unit of rules regarding the implementation of PAKEM by the Attorney General's Office.

Regulations on monitoring the flow of beliefs and b. Religious sects in society for the sake of public order and peace by the prosecutor's intelligence should provide a complete and comprehensive picture of PAKEM, both in terms of understanding, scope, work procedures, and others. So that in carrying out the duties and functions of supervising the flow of beliefs and religious sects in society for the sake of public order and peace, the Attorney General's Office has legal standing.

It is necessary to immediately make legal regulations in the form of a Presidential Decree/Kepres c. relating to the duties and functions of supervising the flow of beliefs and religious sects in society for the sake of public order and peace by the Prosecutor's Office and the position of the Prosecutor's Office as the Chair of the Pakem Coordination Team. This is important as a legal basis and strengthening the supervision of beliefs and religious sects in society for public order and peace by the Prosecutor's Intelligence. There is a need for a Standard Operating Procedure (SOP) to implement supervision of beliefs and religious sects in society for the sake of public order and peace by the Pakem Coordination Team.

I am considering the change in Organizational Structure, e. The Attorney General's Office through the Regulation of the Attorney General of the Republic of Indonesia Number PER-006/A/JA/07/2017 dated July 20, 2017, concerning the Organization and Work Procedure of the Attorney General of the Republic of Indonesia, it is necessary to immediately revise the Regulation of the Attorney General of the Republic of Indonesia Number: PER-037/A/ JA/09/2011 concerning Standard Operating Procedures for Intelligence of the Prosecutor's Office of the Republic of Indonesia and Regulation of the Attorney General of the Republic of Indonesia Number: PER 024/A/JA/2014 concerning Intelligence Administration of the Prosecutor's Office of the Republic of Indonesia.

2. Strengthening Human Resources Intelligence

- a. To improve the quality of human resources in the intelligence sector of the Attorney General's Office, education and training related to intelligence are needed in an integrated, regular, and intensive/intensive manner. This means that every intelligence personnel of the Prosecutor's Office, whether in the prosecutor's office, other functions, or administration, receives intelligence education and training from the basic to the strategic intelligence level. In addition, the number of hours for practical subjects is expected to be much higher than the number of hours for theoretical issues. For this to be realized, there needs to be a collaboration between the Deputy Attorney General for Intelligence and the Training Agency for the Attorney General's Office or other intelligence agencies to develop a comprehensive concept of education and training in the field of intelligence.
- b. In addition to special intelligence education and training, human intelligence resources in the Public Prosecution Service also need to be provided with knowledge and understanding in monitoring religious beliefs and sects in society. This can be done by adding particular subjects regarding the supervision of this belief system in education and training for prosecutors (PPJ) so that each prosecutor understands the handling of cases and understands the function of the prosecutor's intelligence. In addition, the procurement of subjects on PAKEM can also strengthen the quality of the prosecutor's intelligence resources.
- c. Against Prosecutors who have attended education c. and training (training) in the field of intelligence should be placed in the area of intelligence first and not placed outside the field of intelligence. This will facilitate the implementation of tasks in the field. It will be easier for prosecutors who have received education and training in intelligence to carry out their professional duties as intelligence officers reliably and capably. After all, it will be easier for them to understand the tasks and problems faced by the intelligence sector.

- d. Considering that the field of supervision of religious beliefs and sects in society is a particular area of intelligence, the Specialization of the Prosecutor is deemed necessary. Understanding the world of espionage and having intelligence cannot be done half-heartedly. It is essential to determine personnel, education, and careers that have been designed from the start. This is important considering that the implementation of PAKEM is an authority coordinated with other agencies. The quality of the intellectual resources of each agency is an assessment of existence in the performance of PAKEM. For this reason, the existence of the Prosecutor's Office as the Chair of the Pakem Team must be accompanied by capable personnel in the field of intelligence.
- e. Organize management at the time of handing over the Head of Section/Kasi Intel at the District Attorney level and Assistant Intelligence/Asintel at the High Prosecutor's Office regarding the performance achievements of previous officials or reviewing the work of the last Head of Intel or Asintel. This is important so that the Head of Intel and Asintel, who replaces it, will understand the conditions and problems faced by the Intelligence Sector and are ready to continue monitoring the flow of beliefs and religious sects in society to maintain public order and peace. The implementation of PAKEM requires a continuous process to maintain preventive supervision of religions and religious denominations.
- f. Determination of the number of employee formations, both functional for prosecutors, other functions, and administration in the intelligence sector, must be carried out immediately. This is because the heavy workload of the intelligence sector, one of which is PAKEM, needs to be accompanied by the number of supporting personnel.

3. Strengthening in terms of Budget

To overcome budget constraints in the Intelligence Sector, efforts can be made by considering the Intelligence sector budget to the Budget Implementation List (DIPA) through the Planning Bureau. The addition of the budget is a must because it is impossible to optimally monitor the flow of beliefs and religious sects in society without budget support. In addition, the limited facilities and infrastructure (as described in the previous sub-chapter) can also be overcome by increasing the budget for activities, especially PAKEM.

4. Intelligence Data Bank Activation

To strengthen the role of the Public Prosecutor's Intelligence in carrying out supervision of religious beliefs and sects in society for the sake of public order and peace, it is necessary to provide an intelligence database/data bank through the use of information technology regarding data on beliefs and religious sects. One of the strengths of the intelligence sector is the data owned by the intelligence sector. The data is expected to be stored and become an intelligence data bank even though these religious beliefs and sects no longer exist.

5. Coordination Improvement

Supervising the flow of beliefs and religious sects in society for public order and peace is an authority in coordination carried out together with agencies with the same power. On the other hand, the position of the Prosecutor's Office as the Chair of the Pakem Coordination Team is expected to be the driving force for monitoring activities of beliefs and religious sects in society for the sake of public order and peace in the regions to minimize the emergence of frictions related to religions and religious denominations. For this reason, good coordination is the key to the success of PAKEM activities in the area.

Equality of perception regarding the implementation of supervision of beliefs and religious sects in society for the sake of public order and peace must be carried out. The transfer of information between

intelligence is essential for monitoring the flow of beliefs and religious sects in society for public order and peace. For this reason, it is hoped that there will be no sectoral ego in each member of the Pakem Team.

Conclusion

From the discussion in the previous chapters, the following conclusions can be drawn:

1. Efforts to supervise the Stream of Beliefs and Religious Streams in maintaining peace and public order by carrying out preventive measures (prevention) such as providing counseling to the public on the importance of growing legal awareness, increasing awareness, and providing information and socialization to the community.
2. The obstacles faced in optimizing the implementation of the supervision of Beliefs and Religious Streams in maintaining peace and public order are preventing crime against this forbidden religious sect due to the authority factor itself, which is considered not to have the authority to take action. The community lacks the legal awareness that they should have reported. It is difficult for the Prosecutor's Office to monitor, take action and disperse religious sects and public beliefs considered misleading. The obstacles faced by the Prosecutor's Office in supervising the flow of ideas and preventing the abuse and/or blasphemy of religion are influenced by factors or elements that affect it, namely, among others, Legal Factors, Law Enforcement Factors, Facilities or Facilities Factors, Community Factors, and Factors culture.

Recommendation

The suggestions in this study are as follows:

1. For the Prosecutor's Office to pay more attention and be strengthened again in the form of statutory regulations, starting from the legal umbrella factor, they have to add funds for facilities and infrastructure such as transportation and field supervision budgets in overcoming the problem of illegal religious sect crimes, which are played by the Judicial Intelligence of the Prosecutor's Office, in addition to that The Prosecutor in the field of Intelligence itself must have intelligence education and be able to mingle and obtain data in the area, provide legal guidance and understanding as well as increase public awareness to minimize the development of these new misleading sects.
2. It is necessary to immediately issue regulations (Laws or Presidential Decrees or Presidential Decrees) so that the legal standing of the Prosecutor's Office as chairman of the Pakem Team, including its scope, duties, functions, and authorities. In addition, there must be a clear understanding of beliefs and religious sects that can harm the community and the state, including mass organizations that within their organizations carry out activities of deviant beliefs and religious sects, considering that such organizations have the potential to harm the nation and state.

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