

ABSTRACT

Religious conflict is a social phenomenon that continues to occur in various countries, including Indonesia, and has resulted not only in material losses but also in social wounds in the form of decreased trust, collective trauma, and disruption of community harmony. The penal approach currently used is considered incapable of fully addressing the root causes of conflict because it focuses more on punishment than on restoring social relations. Therefore, a non-penal approach is needed that prioritizes prevention, reconciliation, and the involvement of religious leaders as part of a legitimate social institution in society. This research was conducted to address the issue of the appropriate non-penal concept in the religious conflict resolution system based on the involvement of religious leaders through a comparative study of Indonesia, Nigeria, India, and Thailand.

This research uses a normative or doctrinal legal research method that focuses on the examination of legal regulations and legal materials relevant to the research issue. The approaches used include statutory regulations, contextual approaches, and comparative approaches. The legal sources consist of primary, secondary, and tertiary legal materials. The legal materials were collected through inventory, categorization, and a note card system, then systematically analyzed to produce legal arguments and prescriptions.

The research results indicate that the role of religious leaders in resolving religious conflicts through non-penal measures in Indonesia is normatively regulated in Law Number 7 of 2012 and Government Regulation Number 2 of 2015. However, there remains a lack of clarity regarding the mechanisms for involving religious leaders. Based on comparisons with Nigeria, India, and Thailand, an appropriate non-penal concept is obtained in the form of interfaith dialogue, which positions religious leaders as mediators, facilitators, and drivers of social reconciliation.

Keywords: Religious conflict - non-penal policy - religious leaders - interfaith dialogue - social reconciliation.

ABSTRAK

Konflik agama merupakan fenomena sosial yang masih terus terjadi di berbagai negara, termasuk Indonesia, dan menimbulkan dampak tidak hanya berupa kerugian material tetapi juga luka sosial berupa menurunnya kepercayaan, trauma kolektif, serta terganggunya kerukunan masyarakat. Pendekatan penal yang selama ini digunakan dinilai belum sepenuhnya mampu menyelesaikan akar permasalahan konflik karena lebih berorientasi pada penghukuman dibanding pemulihan hubungan sosial. Oleh karena itu, diperlukan pendekatan non penal yang mengedepankan pencegahan, rekonsiliasi, dan pelibatan tokoh agama sebagai bagian dari pranata sosial yang memiliki legitimasi di masyarakat. Penelitian ini dilakukan untuk menjawab rumusan masalah mengenai konsep non penal yang tepat dalam sistem penyelesaian konflik agama berbasis pelibatan peran tokoh agama melalui studi perbandingan antara Indonesia, Nigeria, India, dan Thailand.

Penelitian ini menggunakan metode penelitian hukum normatif atau doktrinal yang berfokus pada pengkajian aturan hukum dan bahan hukum yang relevan dengan isu penelitian. Pendekatan yang digunakan meliputi pendekatan perundang-undangan, pendekatan konseptual, dan pendekatan perbandingan. Sumber bahan hukum terdiri atas bahan hukum primer, sekunder, dan tersier. Pengumpulan bahan hukum dilakukan melalui inventarisasi, kategorisasi, dan sistem kartu catatan, kemudian dianalisis secara sistematis untuk menghasilkan argumentasi dan preskripsi hukum.

Hasil penelitian menunjukkan bahwa peran tokoh agama dalam penyelesaian konflik agama melalui upaya non penal di Indonesia secara normatif telah diatur dalam Undang-Undang Nomor 7 Tahun 2012 dan Peraturan Pemerintah Nomor 2 Tahun 2015, namun masih terdapat kekaburan norma karena belum adanya pengaturan yang jelas mengenai mekanisme pelibatan tokoh agama. Berdasarkan perbandingan dengan Nigeria, India, dan Thailand, diperoleh konsep non penal yang tepat berupa dialog antaragama yang menempatkan tokoh agama sebagai mediator, fasilitator, sekaligus penggerak rekonsiliasi sosial.

Kata Kunci: Konflik agama, kebijakan non penal, tokoh agama, dialog antaragama, rekonsiliasi sosial.