

THE DECENTRALIZATION AND RELIGIOUS MANAGEMENT POLICY IN RADICAL-DEMOCRATIC DISCOURSE

(A Study Of Religious Administration For Local Community Beliefs)

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Abstract: This article discusses the authority to carry out autonomous management of religious administrative policies that are denied by the central government of Indonesia where the regional government has no right to give recognition of a religion or belief embraced by the local community. The government only recognizes six administratively registered religions based on the population records. Those are Islam, Catholicism, Christianity, Buddhism, Hinduism, and Confucianism. The method used in this paper is normative juridical legal research. Whereas in the anthropological tradition of the local communities' spiritual beliefs, Indonesia has 187 local beliefs with its unofficial number of trustees of 20 million people. Therefore, the religious beliefs embraced by the residents are ignored in public services and bureaucratic practices. Hence, the logical consequences that have implications for the adherents of local religious beliefs are the exclusion of basic rights as citizens, inequality before the law and government, discrimination in public services, restrictions on freedom of worship and tradition, being the recipients of racism, and forms of intolerance in society. This article will focus on conducting empirical-theoretical analysis of decentralization, religious administration policies, and relation to pluralist democratic discourse.

Keywords: Decentralization, Religion, Democracy, Laclau-

Mouffe.

1. Introduction

Indonesian society is a plural society consisting of various religions. Plurality characterized by religious diversity has a strong tendency towards their respective religious identities and potentially conflicts. Therefore, to realize the harmony of life between true religious communities, a concept of state life must be created that binds all members of social groups of different religions to avoid conflicts between social groups that occur. In such a transitional life situation it is not uncommon to cause social problems. Local supporters do not fully provide a viable social role in which they live. Urban life also encourages them to start practicing with a new lifestyle, which is a life based on money. The transition period makes most of them lose their grip plus the absence of institutions or individual figures as social control, who are able to accompany them and give instructions in carrying out the change period (Hasrianti,2016).

Along with the development of thought, especially the issue of religious theology (theology of religions) became the subject of attention among Muslim or non-Muslim intellectuals, the claim of truth that became the basis of the growth of exclusive religious attitudes that have been framing the ummah in the barriers of belief and faith again disturbed, all religious adherents are required to do a reflection and construction of self-understanding in the condition of religious pluralism that is getting stronger and

at the same time become a movement. Dynamic and progressive religion (Rahman, 2014).

Decentrization is a way that is able to reflect democratic values in a country, because some of the authority of the central government has been handed over to the local government, so that it can respond to matters that are closely related to the lives of the people in the region (Alfauzi,2022).

Decentralization is a gift produced in the reformation era after the civil society's long fight against centralism, mainly in political economy, under the New Order regime which established its 32 years of rulership based on an authoritarian system. The New Order regime was exploitative of all-natural resources owned by the local regions just like other typical centralized political-economic institutions. Not only it was exploitative, but the regime also tended to express its extractive form of power; monopolizing the natural resources of the local regions without any redistribution of wealth to the regions. Therefore, there are economic and environmental development disparities between the central and local regions. Due to the development injustice and the absence of wealth distribution for the social welfare of local regions, the community supports the local regions in carrying out its administration and management to be autonomous without any intervention from the central government. In the process of establishing the decentralization, deconcentration, and

autonomous system (Law of the Republic of Indonesia No. 22 of 1999) by the central government given to the local governments, there are several things that have not been yet decentralized, namely the authority in foreign policy, defense, security, institutions, monetary and fiscal, and religion (Law of the Republic of Indonesia No. 32 of 2004).

The first thing that has not been decentralized is issuing any foreign policy. Any cooperation with other countries can only be done by the central government. The second is local regions' defense sector. The local governments can not establish or create their own armed forces and declare peace or war with other countries. Third, they are also not allowed to establish any security agency such as a decentralized police department or army to maintain order and security in the local regions. Fourth, in establishing state institutions, the local governments have no right to establish an institution or interfere state constitution such as enacting laws or appointing judges and prosecutors. The fifth, for the national monetary and its fiscal policies, the local governments have no right to create their own currency and economic policies or money circulation in their regions. The last sector is religion or belief. The local governments have no right to give recognition to religion or belief. Therefore, there is a distinction and ambivalence between Law No. 22 of 1999 which intends to hand the autonomous authority to the local regions, and Law No. 32 of 2004 which is more about re-centralization by the central government.

This is shown through the zigzag ambivalence within the formulation of decentralization and centralization which is used as a conceptual paradigm of regional autonomy (Wasistiono,2010). Although there are some things that later become very rational not to be decentralized due to internal contradictions in the form of a unitary state , considering that Indonesia is not a federal state (Utomo,1998) such as, in issuing any foreign policy or establishing a decentralized defense and security system.

On the contrary, it becomes a paradox in the development of democratization if the monetary, institutional, and religious sectors are not being decentralized to the regional autonomy (Hidayat,2010). Therefore, this article will focus on conducting an empirical-theoretical analysis on decentralization, religious administration policies, and their relationship to pluralist democratic discourse.

2. Methodology

The research method used is a normative juridical law research method (Sihombing et al.,2010). Approach used with the approach of legislation, a search system used with the method of browsing literature (library research) (Marzuki,2011). The research approach in this paper uses a qualitative approach, with data collection as its techniques in the form of literature review. This paper seeks to develop a study of decentralization and public policy that correlates with the management of public administration and religious

beliefs. In addition, the concept of radical democracy which was amplified by the philosophers Laclau and Mouffe become the analytical tool to see the phenomena of discrimination, exclusion, and the absence of people with religious beliefs in aspects of public services.

3. Results and Discussion

Decentralization of regional autonomy can be defined as the rights, powers, and obligations that are granted to the local governments to regulate and manage independently the interests of local communities based on state law. In decentralization, the relationship between the state and society (state-society) has an essential point that must be interpreted as two-way communication between the two actors in an effort to provide better public services. It is in contrast to the New Order era where the central government tended to use a structural approach paradigm (level areas) which actually denied the voice of the community (Arthanaya, 2011). Meanwhile, the reformation era public presupposes the occurrence of local democratization, so that people's aspirations become the external factors in the administrative process and formulating of public policies. Therefore, the community has the right to put forward their interests as local citizens, not only for their economic-political interests but also for their social identity to be accommodated by the government.

In relation to the practice of law No. 32 of 2004 about the autonomous management on religious administration policies, the central government denies the

authority of the local government to carry out their own autonomous management on this sector. It means that the local governments have no right to give recognition to religion or belief to the local community. The central government, then, issues an apology that the law in Indonesia only protects religious freedom only for the six religions which are recognized administratively by the state, namely, Islam, Catholicism, Christianity, Buddhism, Hinduism, and Confucianism (Law of the Republic of Indonesia No. 23 of 2006). Whereas in the anthropological tradition of the local communities' spiritual beliefs, Indonesia has 187 local beliefs with its unofficial number of trustees of 20 million people (Paul,2018). Therefore, the religious beliefs held by local residents in many areas in Indonesia are biased in the compartments of legislation and bureaucratic practices. Hence, the logical consequences that have implications for the adherents of local religious beliefs are the exclusion of basic rights as citizens, inequality before the law and government, discrimination in public services, restrictions on freedom of worship and tradition, being the recipients of racism, and forms of intolerance in society.

Furthermore, the adherents of local religious beliefs are unregistered administratively because of their unrecognized religious identities by the central government. It makes it difficult for them to obtain registrations for marriages, births, and deaths. In addition, they find it difficult to access educational services, so they do not get religious teaching

services at schools or universities. Immediately in 2006, the adherents of the minority religion or belief received administrative precedent in the form of Identity Cards with its religion column not filled in. Even though they have ID cards, their access to something important remains difficult. In today's digital era, a fully computerized public service system cannot accommodate their interests because the religion column is mandatory to be filled in every format.

The guarantee for the freedom of basic rights of the citizens is actually affirmed in Law Number 39 of 1999 concerning human rights and Article 18 on rights convention on the Civil and Political which has been ratified into locally applicable law . In addition, the 1945 Constitution also stipulates on Article 28E (1) and (2) and Article 29 (2) regarding the freedom for everyone to embrace a religion or belief, and worship according to their respective religion or belief . Hence, there is a dichotomy between religious centralization and other laws. Also, if the decentralization paradigm grows bottom-up with the conception of a deliberative bureaucracy, then it should be able to provide responsibility and accountability to local residents as the objects of excellent service after bureaucratic reformation exist.

With or without the legal-administrative acknowledgment of the bureaucracy for those who are marginalized due to the "illegal" belief of local residents as religious minorities in Indonesia, a democratic country must still respect the dignity of their decisions related to their

choice of religion. In a pluralistic democracy, the state should be able to recognize all kinds of authentic experiences from citizens; economic-political perspective, sexual orientation, spiritual beliefs, etc. In that way, the government will not be discriminative, oppressive, racist, and can be fair to those who are different as citizens. Although they are not registered demographically due to their beliefs, democracy must register them as part of the legal citizens.

Pluralist-Democracy

In the pluralist-democratic theory, the philosophers and intellectuals of post-modernism named Laclau and Mouffe propose an interesting academic discourse which becomes an attractive alternative to get out of the narrowing space created by the liberal-democratic which in practice is transformed into an illiberal democracy; identity politics, eliminating citizen participation in socio-economic-political aspects, intolerance-discrimination, racism, structural injustice, poverty, political and business oligarchy, as well as the loss of the idea on solidarity and equality between humans. Laclau and Mouffe argue that democracy must be pluralist in the sense that the plurality of different identities is not transcendent and is not based on any positivist basis (Laclau, 2005). Pluralistic democracy can be interpreted, as stated by Laclau and Mouffe, as a fight to achieve maximum autonomy for spaces based on a common logic of equality (Mouffe, 2000).

If pluralistic democracy is defined as a plurality of different identities, then the mainstream of an administratively legitimate identity must be able to accommodate and flexibly carry out administrative reforms to institutionalize identity diversity as part of radical democratic growth. Pluralistic democracy is the most adaptive form of democracy for the experiences of citizens. In other words, those with religious minority beliefs can live in it without any legal, administrative, and bureaucratic discrimination. In Laclau's perspective it is articulated as;

“Where pluralism is within democracy, and the fight for freedom and equality have been achieved, those are must be accentuated and extended towards all areas of the people’s life” (Laclau, 1996).

In one of the most popular books and a reference for democratic reform around the world, *Hegemony Strategy Socialist* (Laclau and Mouffe, 2001), gives the basic principle about a method that is needed to produce a chain of equivalence for minority groups to break all kinds of subordination. The fight to expunge the injustice against those who are marginalized, such as adherents of local religious beliefs in Indonesia, requires physical and moral support to start campaigning for their political-religious project to gain administrative recognition by both the local government and the central government. The collective struggle should be carried out with two hopes; redistribution and recognition to produce a pluralistic democracy.

For Žižek, a democratic society consists of abstract citizens. Democracy does not recognize concrete individuals who are historical, bloody, and fleshly. Therefore, in the face of a democratic system of government, everyone is equal. However, in reality, the concept becomes useless because the single-reference view is getting more and more entrenched (Žizek, 1989). The affirmation of equality and freedom in political identities is a different sign compared to the Liberal conception which reduces equality only to the issue of individual rights. The agonistic discourse becomes an explanation of an individualistic position in which equality is not reduced only to rights that are personal property, but places equality as the basis for solidarity between groups or plural collective identities (Mouffe, 1992).

Analysis

1. The law on the centralization of religion contradicts several other laws. Not only it is against the freedom to determine one's own beliefs, but also it is against human rights and the 1945 Constitution. In addition, the centralization of religion makes the normativity of regional autonomy experience its internal contradictions. Therefore, it must be possible for an act of fundamental evaluation based on the causality of not giving autonomous rights for the local governments to regulate the local religions in their regions.
2. The effect of not decentralizing religion to the regions where they are originally from is a form of violence that

creates long-term suffering for the local residents who embrace religious minority beliefs. The local residents and their religious beliefs are excluded from the formal regulatory compartment of the bureaucracy. It is indeed the most concrete form of state injustice against those who are different.

3. The discrimination against those who are “stateless” just because they are not registered in the state administration results in the deterioration of Indonesia's democratic system. Eventually, it will also affect economic growth. The deterioration of democracy due to violence and racism against minor citizens will also lead the international community to give a red indicator to the country. Therefore, it will affect international investment since the multinational investors will expect the potential riots to occur at any time due to social identity tensions.
4. The collective fight organized by those whose rights are violated must be intensified as a proponent of the class struggle for the sake of organizing a new institution that is able to accommodate their interests with minority religions. Moreover, it is shown as means of gaining redistribution and recognition.
5. The pluralist democracy must be the only parameter to produce policies and become the standard in the interaction between citizens who are equal before the law and public services. In that way, the citizens and the government bureaucracy will be able to appreciate

the differences and the authentic experiences of each local citizen's interests.

The policies for managing the local religions by their own local governments must be politically accommodated by the central government. Ethnocentrism and premodialism of local residents who adhere to animistic and communal beliefs, where they are not connected to each other, can result in social unrest from the accumulated sense of injustice they suffer from discrimination against their right to freedom of spiritual worship and free expression of their religious traditions to the wider community. If the crystallization divides and the sense of injustice escalate into anger, it will actually become dangerous and will endanger national unity and integrity. Hence, Jakarta should be more sensitive to the authentic experiences of local people's beliefs and begin to practice a pluralist form of democracy.

Eventually, the local residents who embrace local religious beliefs get their basic rights as citizens. They are also kept away from any act of discrimination in services by bureaucratic institutions, freed from racism based on ethnic minorities, becoming citizens as equal as other citizens, and able to be recovered from their suffering that has so far been badly blended with their social activities as the excluded citizens. In other words, we will together live a calm and harmonious life. No violence or humiliation. It is all only solidarity and equality towards fellow citizens.

4. Conclusion

The central government must decentralize the autonomy of religious policy regulation to local governments. Just like the 6 official religions that receive legal and administrative recognition, 187 religious beliefs spread throughout Indonesia must also receive legal and administrative recognition. The local religious beliefs with its 20 million adherents are the same subject as citizens who are naturally regulated in the social contract and the formulation of the state constitution. Therefore, if the central government finds it difficult to carry out redemographization and/or difficulties in carrying out administrative formalization of these religious beliefs, it would be ideal if regional government autonomy was given the authority to manage it. This is because only local governments have premodialistic emotional closeness through inclusive political and economic institutions to accommodate their interests. In addition, the local governments must develop based on their local wisdom innovation from distinctive local citizens.

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