

**INTRODUCING THE TRANSCENDENCE CONFLICT RESOLUTION APPROACH  
FOR BUILDING MUTUAL RESPECT AMONG RELIGIONS:  
Critiques of the conflict settlement management approach of  
*Shia vs Sunni* in Sampang, Indonesia<sup>1</sup>**

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Abstract

The Government of Indonesia has made a particular effort to stop conflict among religions and stabilised the situation through a legal and conflict settlement management approach. The Government believes that the punishment of blasphemous and the relocation policy of *Shiites* have succeeded in stopping the conflict between *Shia vs Sunni*. Nevertheless, the question arises when the victims of such conflicts, *Shiites*, continue to suffer until today, while similar religious conflicts have happened repeatedly. This paper refers to a theory of social conflict to examine *Shia vs Sunni's* to criticise the dialogue approach of conflict settlement management by the Government of Indonesia. This approach leads the Government of Indonesia to consider the conflict as a national problem. Rather than solving the core of conflict and ensuring that a similar conflict will never happen again, this approach merely aimed to settle the conflict down. The fundamental rights of the Shiites were ignored. Therefore, this paper introduces the transcendence approach offered by Johan Galtung (2007) and the conflict resolution approach introduced by Austin and Fischer (2004). Galtung's transcendence approach uses the mediation mechanism to search new realities to accommodate conflict transformation, while the conflict Austin and Fischer's resolution approach fosters tolerance and respect for others.

**Keywords:** Shia, Sunni, transcendence conflict resolution approach, mutual respect, the interreligious conflict, the mediation mechanism, Indonesia's blasphemy law.

**I. Introduction**

Indonesia is known as a country with religious diversity (Azra, 2019: 2, Howell, 2005: 474). However, conflicts between religions still occur frequently. One of the leading causes is the continuing enforcement of the blasphemy law. Indonesia's Blasphemy Law (from now on, the IBL) is often used as a justification by religious groups to justify themselves that other people's religions are false.<sup>2</sup> The IBL is a vague law and encourages inter-religious conflict because it aims to protect the main recognised religions: Islam (*Sunni*), Christian Protestant, Catholic, Hinduism, Buddhism, and Confucianism. Practising religious teaching differs from teaching the sixth main recognised religions considered deviant (Menchik, 2016; 2011; Crouch, 2012, Pratiwi, 2020). For instance, according to Marshall (2004), various inter-religious conflicts in Indonesia targeted unrecognised religions, such as Shia, Ahmadiyya, and Gafatar, considered deviant religions (p.89-91). Because, until today, the Government did not

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<sup>2</sup> Shia, Ahmadiyya, Gafatar are some examples of minority groups of religions that exist in Indonesia.

recognise them as a religion. Nevertheless, they believe that they have the right to choose, embrace and practise their religion and belief freely. Therefore, their followers are often facing a threat of violence from the vigilante groups of religions. This gap of understanding caused a horizontal conflict between the majority and the minority religions that could destroy tolerance.

The Government of Indonesia has made particular efforts to stop the conflict and stabilised the situation through both a legal approach and a conflict settlement management approach. However, both approaches seem to be problematic and questionable. Because the victims of such conflicts continue to suffer, or a similar conflict is happening again.

Considering Coser's definition of social conflict, this paper uses secondary resources to examine *Shia vs Sunni's* conflict settlement management approach on Sampang in 2011 by the Government of Indonesia. This approach makes the Government consider this conflict as a national problem. Instead of giving equal human rights protection for both conflicted parties or ensuring non-repetition, this approach merely aimed to settle the conflict down (Austin and Fischer: 2004, p.264). However, conflict and violence among religions within the society are like a slow-burning wick toward gunpowder waiting for an explosion to happen. Therefore, this paper addresses the conflict using the transcendence approach offered by Johan Galtung (2007) and the conflict resolution approach introduced by Austin and Fischer (2004). Galtung's transcendence approach focuses on a mediation mechanism through searching new realities that accommodate conflict transformation (p.25), while Austin and Fischer's conflict resolution approach fosters tolerance among and respect for others.

This paper is divided into four sections. The first section describes the religious violence conflicts between *Shia vs Sunni* at Sampang of Madura Province in 2012 as the impact of the IBL. The second section critiques the weakness of the settlement conflict mechanism that has been applied by the Government of Indonesia to solve the conflict. The third section introduces the combination of Galtung's transcendence approach focuses on a mediation mechanism through searching new realities that accommodate conflict transformation, and Austin and Fischer's conflict resolution approach fosters tolerance among and respect for others. The last section addresses the short conclusion and recommendation.

## **II. Indonesia's Blasphemy Law Cause Religious Violence Conflict: A Case of *Shia vs Sunni***

This section examines the IBL that became the primary source of conflict between *Shia vs Sunni* at Sampang in 2012. There are at least two reasons. First, the IBL has been used by *Sunnis* to accuse *Shia* of the heresy of Islam. Blasphemy has no single definitions. Its concept varies from countries to countries (Fiss and Kestenbaum, 2017). According to Law Number 1/PNPS/1965, any person prohibited to criticise or expressing hatred in speech or written form toward any "recognised religions" or persuading any religious believer to convert into another religion and to make them abandoned their religions. As an outdated legal concept, this law is maintained and strengthened by forming various regulations in a country.<sup>3</sup> Either at the national or local level.<sup>4</sup> In order to facilitate its application, the Government of Indonesia released

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<sup>3</sup> According to Merriam Webster Dictionary, an Act is a statute, a formal product made by a legislative body. At the same time, a constitution is "the basic principles and laws of a nation, state, or social group that determine the powers and duties of the government and guarantee certain rights to the people in it" (See <https://www.merriam-webster.com/dictionary/constitution>).

<sup>4</sup> See the Blasphemy Law of Indonesia regulates under Law Number 1/PNPS/ 1965, and Art. 156 and Art. 157 of Indonesia Penal Code and Information of Electronic Transaction (IET) Law Year 2008, particularly in Art. 27 and 28. In Malaysia, the blasphemy laws can be found in Art. Two hundred ninety-eight of the Act of Anti Sedition 1948 and Amended in 2015 (Section 3 and 4) and Art. 2333 of Deed of Communication and Multimedia 1998. In the Philippines, the blasphemy law can be found in Art. 132 and 133 of the Philippine Revised Penal Code; In Singapore, the BI regulates under Art. 298 Chapter XV of the Singapore Penal Code (Cap 224).

several executive policies such as a letter of Joint Decision of Ministers,<sup>5</sup> The decision of the council of a religious leader,<sup>6</sup> or the local bishop decision.<sup>7</sup> For instance, the East Java Ulama Assembly of Indonesia issued a fatwa that *Shia's* teachings were heretical. This fatwa is following Decree No. 01/SKF-MUI/JTM/I/ 2012 concerning the prohibition of Shia teachings, issued on January 21st, 2012. To strengthen the MUI fatwa in East Java, the Governor of East Java also issued Decree Number 55 of 2012 concerning the Oversight of Religious Activities in East Java. This law is often used as a basis for accusing *Shiites* minority religious leaders.

Second, the IBL protects the religious system, religious artefacts, religious symbols, or religious teachings rather than protecting individuals' rights (Nash and Bakalis, 2007). Unfortunately, the Government translates the word "religion" into "certain recognised religions". Since the Government does not recognise the new religious movements such as Shia or Ahmadiyya, they become a target of such laws. Thus, the conceptual problematics and discriminatory laws cause structural violence (Galtung, 2016). The IBL gives privilege protection only for majority religion such as Islamic *Sunni* and ignores the right of minority religion such as Shia.

Then, whether the IBL is related to the conflict of *Shia vs Sunni* in Sampang, this section refers to Coser's theory of social conflict. According to Coser (1976), social conflict defines as

"[...] a struggle over values or claims to status, power, and scarce resources, in which the aims of the conflict groups are not only to gain the desired values, but also to neutralise, injure, or eliminate rivals. "Social conflict encompasses a broad range of social phenomena: class, racial, religious, and communal conflicts; riots, rebellions, revolutions; strikes and civil disorders; marches, demonstrations, protest gatherings, and the like" (p. 232).

Referring to Coser's definition above, the conflict of *Shia vs Sunni* can be defined as social conflict or religious conflicts. One party has struggled to gain specific values or claimed the status of "religion", while the other party demanded state neutrality to protect their beliefs. For instance, *Sunni* has tried to obtain appropriate values by injuring or eliminating rivals, while Shia has tried to defend themselves and continue their beliefs. Moreover, Webel and Galtung (2007) argue that conflict means "discord", while religious violence caused by the different beliefs, schools, and understanding among religions that leads to violence. Jackman (2001) defines violence as "actions that inflict, threaten, or cause injury or may be "corporal", written, or verbal, and may be corporal, psychological, material, or social" (p.443).

Referring to Coser (1976) and Webel and Galtung (2007), the social conflict happened when the *Sunnis* mob attacked *Shiites*.<sup>8</sup> Because *Sunnis* opposed *Shiites'* religious teachings

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<sup>5</sup> See the Joint Decree of the Minister of Religion Affairs, the Minister/ Attorney General and the Minister for Home Affairs Number Kep-043/A/JA/02/2016 and No. 223-865 the Year 2016 that bans the activity of Gerakan Fajar Nusantara (*Gafatar*) after the *Gafatar* is considered as deviant from Islam. See also the Joint Decree of the Minister of Religion Affairs, the Minister/ Attorney General and the Minister for Home Affairs No. 3 the Year 2008; No. Kep-033/A/JA/6/2008; No. 1999 the Year 2008 respectively concerning "Warnings and orders to followers, members, and/ or members of the conversion of Indonesia Ahmadiyya (JAI) and Public Citizens". This letter gives warnings and instructs community members not to hell, encourage or seek public support to make interpretations of religion held in Indonesia or conduct religious activities that resemble the religious activities of the religion that deviates from the main points of religious teachings.

<sup>6</sup> Ulama Assembly of Indonesia released a fatwa No. 05/Kep/Munas/ II/MUI/ 1980 date of June 1<sup>st</sup>, 1980 and strengthened by the National Conference on July 29th 2005, declared that Ahmadiyya is a deviant of Islam, misguided and misleading. See also the Ulama Assembly of Indonesia, Yogyakarta Branch No. B-154/MUI-DIY/IX/2007.

<sup>7</sup> In Melbourne, Bishop George banned religious defamation against Serrano P. Christ (See Elizabeth Burns Coleman and Kevin White (eds.), 2006. Negotiating the sacred in multicultural societies. ANU E Press The Australian National University, p. 4).

<sup>8</sup> Shia's teachings developed in Sampang in the 1980s by Ma'mun following his meeting with Iranian revolutionary leader Ayatollah Khomeini (Kazimi, 2006). Ma'mun's admiration for Shia was carried out by sending children to an Islamic boarding school called the Islamic Boarding School Foundation, a foundation owned by Shia. One of Ma'mun's children is called Tajul Muluk. Tajul Muluk eventually developed a boarding school called Misbahul Huda, which focused on discussing Shia rules.

and practices and claimed that their teachings and practices were the most correct. Since the Government remains indecisive towards the conflict, *Sunnis* mob grows angry and they attack *Shiites'* congregations in Karang Gayam and Blauran, East Java Province, on Thursday, December 29th, 2011. In order to settle the conflict down, *Shiites* were expelled from their home. The Government relocated them into a sports centre in the same village. Nevertheless, on August 26th, 2012, the violence happened again. This time caused one death, two were seriously injured, and 37 houses were burned. In addition, to avoid *Shia* as a part of their groups, the *Sunnis* expelled all *Shiites* from their home. Their houses were burned down by the mob and the boarding school (*Kontras Surabaya*, 2012). The Government decided to evacuate *Shiites* to Sidoarjo (Boediwardhana, 2014). This clash led to the expulsion of *Shiite* worshipers in these two different subdistrict villages. *Sunnis* mobilise supporters to launch collective action in the form of violence against *Shiites*, and their property is called the collective actions of adherents and *Sunni's* leaders. *Sunni's* truth claims are based on the essence of their religion is approved by the Government. It makes *Sunni* enjoys the structure domination of *Shia*. The *Shiites* are only around 200 peoples, while the total number of *Sunnis* in Madura is 3.6 million. Coser (1976) argues, "The structural sources of social conflict, in particular structures of domination that make struggles over values [...]" (p.232). *Sunnis* get support from the Government and Islamic organisations who declared *Shiites* to be a heretical religion.

To corroborate the claim, *Sunnis* use anti-defamation laws or the IBL to accuse the leader of the *Shiites*, namely Tajuk Muluk (TM), that he has deviated from the teachings of the recognised religion (Sunni). TM was accused of spreading *Shia's* teachings to the people of Karang Gayam. This misguided term is what Crouch (2011) later identified as a deviant religion of the six religious teachings approved by the State.

On August 27th, 2012, TM decided as desecrated Islamic (*Sunni*) teaching and was sentenced to two years in prison. TM is accused as a blasphemer because the Government considered *Shia's* teachings were distorting the Koran and the wrong interpretation of the arrival of Imam al-Mahdi (Messiah), and the wrong confession of the Islamic faith.<sup>9</sup> TM was charged based on Article 156a of Indonesia's Criminal Code of 1981 and considered defaming *Sunni's* teaching as a recognised religion. The law only focuses on protecting the main six recognised religions and orthodox teachings, including Islamic (*Sunni*). The enforcement of the IBL creates discrimination against minority groups of non-recognised religions such as *Shia*. Meanwhile, Article 29 (2), 28E, 28I of the Constitution of the Republic of Indonesia 1945 guarantee the right to freedom of religion (Butt, 2010: p.280). Everyone has the right to choose their religion or belief freely or worship under their religion or belief. The right to embrace the religion or belief is non-derogative rights means that it could not be limited. Indonesia also a member of the ICCPR, in which the right to freedom of religion is protected under Article 18.

The IBL creates a gap of perception between Islam majority (*Sunni*) and *Shia*, leading to horizontal conflicts. The enforcement of blasphemy law increases the number of conflicts among religions. As Galtung explains, structural violence is an indirect form of violence, while personal violence directly affects. It means that the perpetrator of structural violence does not

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TM received land support from invited students. TM then joined actively as a member of the Indonesian Ahlul Bait Shia Association (IJABI / Association of Indonesian Ahlul bait Congregations). Therefore, Shinhaji finally resolved the conflict.

<sup>9</sup> *Shiites'* beliefs are (i) acknowledged Imam Ali ibn Abi Talib, (ii) Saying "infidels" (infidels) to the Prophet Muhammad, his companions, in-laws and wives, (iii) declaring taqiyya, Sunni Muslims, and (iv) believing in the pillars of Islam and the religion that different from what is believed to be a majority of Muslims (Sunnis). The pillars of faith in Sunni Islam are 5 (five), namely: (i) Tauhidullah / ma'rifatullah (the only Supreme God), (ii) Al-nubuwwah (prophethood), (iii) Al-priesthood (leadership), (iv) Al-'adl (God's justice), and (v) Al-majid (judgment day). TM's teachings to his students and residents who visit his boarding schools say that if they do not follow *Shia*, they will be called apostasy and considered traitors and demons.

always directly acting or present on the event of violence (1969, p.170). Indeed, the application of BL does not make the Government a perpetrator of violence, but the application of such law encourages other groups to attack certain people or groups of peoples that are considered blasphemous. The IBL that positioned a minority group of religion lower than the majority group of recognised religions creates inequality before the law. Moreover, Blasphemy's law can be categorised as structural violence, as indicated by Farmer (2007) since the law damages the fundamental rights of someone who embraces a new religion like *Shia* because they are seen as humans who have lower dignity than those who embrace established religions (Pratiwi and Sunaryo, 2021).

### **III. Critique of Religious Conflict Settlement Management: The failure to establish sustainable peace**

This section criticises the conflict resolution applied by the Government of Indonesia in *Shia vs Sunni* conflicts that failed to sustain peace. The first indication is the recurring conflict between them. The second indication is the failure of the Government to fulfil the wishes of *Shiites* to return to live in their home regions. The Government believes the relocation policy of *Shiites* has succeeded in stopping the conflict. The Government policy of *Shiite's relocation* delivered by the Ministry of Public Housing, Gamawan Fauzi, is considered as the best solution.

Nevertheless, Fauzi was hesitant to send *Shiites* back to their home. Fauzi said, "Actually, we have no problem if they insist on returning to their villages. But the government will get blamed if another attack happened". This concern proves that the principles of dialogue are not carried out properly because of some reasons.

First, the resettlement policy for *Shia vs Sunni* conflict is based on the top-down approach directed by the Government. It focuses only to stop the conflict. Austin and Fischer (2007) argue that the difference between the dialogue approach of conflict settlement management and conflict resolution (p.265-267) is that the former merely aim for decreasing conflict escalation. However, the latter is purposed to both stopping the conflict and ensuring no recurrent happened. In the case of *Shia vs Sunni*, the Governance puts *Shia* groups as a subordinate of *Sunni*. For example, political leaders or state officials used their power to limit the rights of *Shiites* and expelled them to other areas. The enforcement of IBL has been used to accuse the leader of *Shia* (Crouch, 2012, p. 11-13), but not to the leader of *Sunni* who advocated hatred against *Shiites*.

Second, the stop conflict-oriented approach forgets the potential of the conflict to re-emerge in the future. The policy to relocate *Shiites* to another city, namely Sidoarjo, was adequate to calm down the conflict immediately. Since the distance between Sampang to Sidoarjo is more than 100 km and the *Sunnis* mob were no longer chasing the *Shiites* group. However, this resolution conflict ignores *Shiite* groups' fundamental rights and does not guarantee to stop conflicts indefinitely. Minority groups lost their civil rights, the Government pushed them to leave their village and asked them to convert into the majority religion (Islam *Sunni*). Being the IDPs (Internal Displaced Persons), they are suffering because they lost their house, properties, their jobs and moved into a shelter.

According to Fisher (1993), an interactive conflict resolution must be made to resolve the problem through dialogue involving both parties and facilitated by social practitioners. Conflict resolution must also be directed towards empowerment through training, coordination, and safety support. However, this is very detrimental to the *Shiites* and their fundamental rights. The Government is not aware that this policy violated the rights of *Shiites* of freedom of religion, the right to protect their property, and the right to live in adequate condition. Therefore the government effort is lacking on an interactive approach to build a dialogue between *Sunnis* and *Shiites*. There was a reconciliation meeting arranged for both groups and security forces.

Government officials attended the meeting, but the discussion was one-sided, and the Shia's voice was not accommodated. An alternative solution offered during the meeting favours only *Sunnis'* side, but *Shiites* are encouraged to leave their beliefs and seek remorse to rejoin the *Sunnis* groups. These coercions show that the Government ignored the Shia group's fundamental rights, which guaranteed by the Constitution, especially the right to freedom of religion and practice their belief.

The Government does not offer any empowerment solution for the *Shia's* Internally Displaced Person (IDP), and it makes them struggle to find adequate income for their life, the temporary place for them is not suitable for everyday living. Parents lost their day-to-day jobs due to the great distance between the specified area and Sidoarjo, making it impossible for them to keep their previous jobs.<sup>10</sup> Woman of *Shia's* IDP struggling with the only available jobs for them as a freelance hand labourer at the coconut processing factory and receives about USD 50 / month, far below the minimum wage for this area which is USD 200 / month. These indicate that the District Government and the Central Government failed to provide fundamental rights for a standard living condition for Shia's refugees. Before being expelled into Sidoarjo Village in August 2012, a group of 500 *Shiites* were displaced from their burned home and lived at Sports Complex in Sampang, which very inadequate condition. Therefore, the Director Shia Rights Watch wrote the letter to Dinno Pati Djalal, an Ambassador of the Republic of Indonesia for the U.S, on January 22nd, 2013 reported about that.<sup>11</sup> In September 2012, the *Sunnis* group attacked them again and expelled them outside of Sampang. Then, the Government relocated them to Sidoarjo Village. The Government provides each family home with a minimum condition, for instance, one bed, a guest room without a chair. They also receive government funding of IDR 750,000 per month (or USD 50) for only the first two months. Shia's woman works at Agro Puspa market as a fish cleaner or coconut peeler and gets around IDR 350,000 per month.<sup>12</sup> They get a living allowance for only two months, limit access to clean water and medicine.<sup>13</sup> Although a Chairman of the House of Representatives, Marzuki Alie, confirmed that this policy only discussed temporarily. Nevertheless, the word 'temporarily' is so ambiguous. In fact, until today, they are still living under the minimum condition. At first glance, this policy seems fair enough. However, they lost their houses and properties in their hometown and have no chance to get adequate compensation.

The Government failed to provide safety support for *Shia's* members and unable to guarantee that the violence toward them will not re-emerge. The Government also failed to repatriate the member to their original home and clean up their name from false accusation and stigma as a deviating group. This stigma will remain with them wherever they move. Instead of inviting angry citizens, the local Government seemed to assist this arbitrary act by involving *Shia* residents in the sports stadium. Not long after they lived there, the Government finally expelled and placed them in low-cost housing in Sidoarjo. On Wednesday night, hundreds of *Sunnis* took over the local sports stadium and occupied it for mass prayer. The Government did not apply adequate measures to prevent a violent mob from attacking *Shia* refugees or apprehending the perpetrators. The official did not promote dialogue between the two parties for building understanding and empathy among them. The short-term measure to stop the violent conflict was evacuating the *Shia* group member to a new safe place at Sidoarjo. However, without building a better understanding between *Shia* and *Sunni*, wherever the *Shia* group moved, they will be facing the same prejudice from their new neighbour. Separating the opposing groups or building a barrier between them to stop the clash is not an interactive

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<sup>10</sup> See <https://www.thejakartapost.com/news/2013/06/21/sampang-shiites-evicted-madura.html>

<sup>11</sup> See [http://shiarightswatch.org/download/4898/reports/10780/shia\\_ethnic\\_cleansing\\_in\\_indonesia.pdf](http://shiarightswatch.org/download/4898/reports/10780/shia_ethnic_cleansing_in_indonesia.pdf)

<sup>12</sup> See Sunni-Shiite conflict and its leadership towards intra-religious communication in communities in Sampang-Madura. Available at: [https://www.researchgate.net/publication/307612281\\_Konflik\\_Sunni-Syiah\\_dan\\_dampak\\_terhadap\\_communication\\_intra-religius\\_on\\_komunitas\\_di\\_Sampang-Madura](https://www.researchgate.net/publication/307612281_Konflik_Sunni-Syiah_dan_dampak_terhadap_communication_intra-religius_on_komunitas_di_Sampang-Madura) [accessed Mar 16 2020].

<sup>13</sup> See <http://shiitenews.org/shiitenews/articles/item/7152-indonesia-displaced-sampang-shia-muslims-feel-abandoned/>

conflict resolution based on the peaceful dialogue to reach a sustainable peace, according to Fisher (1993). This conflict resolution matches with a description of Austin and Fischer (2007) that is slowing down the conflict escalation by evacuating the *Shiites* away from their home. Considering one side requirement while ignoring the other side voice will not reaching a sustainable peace for both sides. The fundamental rights of *Shiites* are still unfulfilled, and they receive discrimination from their new neighbourhood. It will only keep the hatred burning inside their heart and could potentially re-emerge someday.

#### **IV. Conflict Resolution Approach Combined with Transcendence Approach for Building Mutual Respect Among Religions.**

According to Austin and Fischer (2007), conflict is a catalyst of social change. The conflict between the majority religions and the minority religions may change their attitude from less tolerant towards tolerant community and respect the difference regardless of their status, beliefs, or schools. The measurement of conflict resolution success is indicated by increasing communication and interaction among religious groups in which they need to start open each other, respecting different identities (p. 264).

A conflict resolution approach is not enough to resolve the problem. It needs to be combined with Galtung's transcendence approach to building peace. The combination approach may balance equal treatment among the conflict groups. Moreover, the Government must eliminate the gap by reevaluating the national laws that legalise discrimination against minority groups, such as the IBL. Once the IBL ended, all discriminative local regulations that caused horizontal inequalities (Stewart et al., 2008) will be automatically null and void. Galtung (2007) also reminds us that if the Government fails to provide structural peace, then the weak group would be oppressed, leading to genocide (p.28). According to McDoom (2005), a Hutu's mindset of long-term objections against Tutsi was a critical pre-condition of genocide to happen. *Shia's* residents moved to the Puspo Agro apartment complex in Sidoarjo of East Java to prevent conflict from continuing.

The regional Government creates a reconciliation team chaired by Abdul A'la, a Rector of the Sunan Ampel Institute of Islamic Studies in Surabaya. The purpose is to establish a dialogue between *Shia* residents to meet and dialogue with *Sunni* residents in Sampang. However, the current plans to return them home back to Sampang will create a severe and endless problem if the mindset of the *Sunni* communities is not changed. The *Sunnis'* leaders would agree to peace with *Shiites* only if *Shiites* are willing to convert into *Sunni*. This option is unfair for *Shiites* if they have to leave their beliefs as a condition of reconciliation. Freedom of religion and belief are fundamental rights protected by the Constitution of Indonesia. Everyone has the right to choose, embrace, leave their religion without coercion (*See* Art. 29, 28E, 28I of the Constitution).

The transcendence reconciliation conflict approach is not only to prevent the recurring violence but also to promote dialogue among conflicted parties. According to Galtung (2007), peacebuilding aims to eliminate thoughts that considers themselves as the most righteous and others as evil. Everyone should be treated inhumanely. Therefore, it is crucial to train people to interact and collaborate with others who are different. They can erode their righteous feelings and respect others who are considered different. This approach trains people to empathise with people who have been viewed as evil (p.29). Therefore, the conflict settlement approach to *Shia* groups by expelling them from their home villages and placing them far from their environment has widened the gap between them. At the same time, this approach closes opportunity for the community to communicate with each other, cooperate and empathise with each other.

Finally, the transcendence reconciliation may create sustainable peace. Thus, when the structural peace and cultural peace are well developed, it will create "virtuosa cycles," which

negates violence, creates negative peace, and creates equal treatment for all peoples or positive peace. Both the absence of peace and human rights protection can prevent the repetition of the same violence in the future., the actions of the Government, which still impose the IBL and isolate religious minority groups such as Shia, are counterproductive towards the goal of building sustainable peace. Therefore, as a multicultural country that upholds human dignity and diversity, the Government needs to consider the transcendence reconciliation approach when dealing with a religious conflict, for now and in the future.

## V. Conclusion

The enforcement of the IBL triggered the religious conflict between *Sunnis* and *Shiites* in Sampang. The conflict settlement management approach applied by the Government of Indonesia to overcome the conflicts seems to be sufficiently successful in stopping the conflict but failing to prevent non-recurring conflicts. This approach also ignores the fundamental rights of *Shiites* as a religious minority group because they are considered a second class of citizens. They must follow the Government's orders, both forcibly changing their religions and stopping their religious activities and convert into Sunni's beliefs. This approach violates citizens' right to live peacefully and choose religion according to their beliefs. Therefore, the Government needs to re-thinking applying Austin and Fischer's conflict resolution approach that encourages people to respect differences combined with Galtung's transcendence reconciliation conflict approach. So, they can coexist both now and in the future. Both parties may establish empathy, respect others, and prevent the recurrence of conflict in the future. Since the IBL becomes the root cause of the conflict, in order to build the peace structure (Galtung, 2007: p.28), the Government of Indonesia should end the enforcement of the law so that all subsequent local regulations that cause discrimination against minority groups of religions would be null and void. The adherents of the minority groups should be seen as citizens that have the equal right to be protected as other citizens. In the mediation process, bring consciousness culture from the Islamic teachings such as what mentioned in Al-Qur'an QS. Al-Maidah (32): "[...] *Whoever kills a person [...], is as if he has killed the whole of humankind and whoever saves the life of a person is as if he has saved the life of the whole of humankind [...].*"

## List of References

- Austin, A. and Fischer, M. *Transforming Ethnopolitical Conflict*. The Berghof Handbook. VS. Verlag For Sozial Wissens Chaften. (2004). 256-269.
- Azra, A., *Pluralism, Cultural Pluralism in Indonesia: Continuous Reinventing of Indonesia Islam in Local, National, and Global Contexts*. Asia-Pacific Journal; on Religion and Society. (2019).
- Butt, S.. Islam, the State and the Constitutional Court in Indonesia. *Pac. Rim L. & Poly J.*, 19 (2010). 279.
- Crouch, M.A. *Law and religion in Indonesia: The constitutional court and the blasphemy law*. *Asian Journal of Comparative Law*, 7, (2011). 1-46.
- Crouch, M.A., 2012. *The Indonesia blasphemy case: Affirming the legality of the Blasphemy*. *Oxford Journal of Law and Religion*. 1(2). 514-518.
- Farmer, P., et al. *An anthropology of structural violence*. *Current Anthropology*, 45(3), (2004). 305-325.
- Fisher. *Developing the Field of Interactive Conflict Resolution: Issues in Training, Funding and Institutionalisation in Political Psychology*. International Society of Political Psychology Stable. 14 (1). (1993).123-138 available at <https://www.jstor.org/stable/3791396>



- Galtung, J. *Violence, peace, and peace research*. Journal of peace research, 6(3), (1969).167-191.
- Galtung, J. *Peace by peaceful conflict transformation-The TRANSCEND approach*. In Webel and Galtung, Handbook of Peace and Conflict Studies. London and New York: Routledge. (2007). 14-32.
- Howell, J.D. *Muslims, the new age and marginal religions in Indonesia: Changing meanings of religious pluralism*. Social Compass, 52(4), (2005). pp.473-493.
- Ida, R. and Dyson, L. *Konflik Sunni-Syiah dan dampaknya terhadap komunikasi intra-religius pada komunitas di Sampang-Madura*. (2015). Available from: [https://www.researchgate.net/publication/307612281\\_Konflik\\_Sunni-Syiah\\_dan\\_dampaknya\\_terhadap\\_komunikasi\\_intra-religius\\_pada\\_komunitas\\_di\\_Sampang-Madura](https://www.researchgate.net/publication/307612281_Konflik_Sunni-Syiah_dan_dampaknya_terhadap_komunikasi_intra-religius_pada_komunitas_di_Sampang-Madura) [accessed Mar 29 2020].
- Jackman, B. *License to kill: violence and legitimacy in expropriative social relations*. (2001). 437-467 in John T., J., and Major, B. eds. *The Psychology of Legitimacy: Emerging Perspective on Ideology, Justice, and Intergroup Relations*. New York: Cambridge University Press.
- Marshall, P. The ambiguities of religious freedom in Indonesia. *The Review of Faith & International Affairs*, 16(1), (2018). 85-96.
- McDoom, O. *Rwanda's Ordinary Killers: Interpreting Popular Participation in the Rwandan Genocide*, Working Paper, no. 77, (2005). London: Crisis States Research Centre. London School of Economics and Political Science.
- Parlina, I. and Boediwardhana, W. *Sampang Shiites evicted from Madura*. The Jakarta Post. June 21st, (2013) available at <https://www.thejakartapost.com/news/2013/06/21/sampang-shiites-evicted-madura.html>
- Pratiwi, C. S. and Sunaryo, S. *Blasphemy as Structural Violence: A Challenge to Maintain Sustainable Peace*. (2021). De Gruiter. Available at <https://doi.org/10.1515/mwjhr-2020-0019>
- Pratiwi, C. S. *Bridging the Gap Between Cultural Relativism and Universality of Human Rights: Indonesia Attitudes*. *JILS* (2020). 5. 449-478.
- Stewart F., et al. *Major Findings and Conclusions on the Relationship Between Horizontal Inequalities and Conflict*. In Stewart., F. (ed). *Horizontal inequalities and Conflict: Understanding Group Violence in Multiethnic Societies*. (2008). Palgrave Macmillan.
- Shiites News, *Indonesia: Displaced Sampang Shia Muslims Feel Abandoned*. (2012). Available at <http://shiitenews.org/shiitenews/articles/item/7152-indonesia-displaced-sampang-shia-muslims-feel-abandoned/>
- Shia Right Watch. *Shia Ethnic Cleansing in Indonesia*. Washington DC. 2012-2013. Available at [file:///Users/jasmineprasojo/Downloads/Shia\\_Ethnic\\_Cleansing\\_in\\_Indonesia%20\(1\).pdf](file:///Users/jasmineprasojo/Downloads/Shia_Ethnic_Cleansing_in_Indonesia%20(1).pdf)
- Tempo. *Anak-anak Syiah Tidak Bisa Sekolah Di Sidorajo*. Tempo.co. July 3th, 2013. Available at <https://nasional.tempo.co/read/493320/anak-anak-syiah-tidak-bisa-sekolah-di-sidoarjo>