

# THE RESOLUTION OF SOCIAL CONFLICT IN THE NATIONAL CONSTITUTION AND ISLAMIC PERSPECTIVES:

## Integrating Formal and Non-Formal Approaches

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**Abstract:** *Social conflict resolution is often viewed as a complex matter. Thus, a non-formal approach is needed to complement the formal approach of Law No.7 of 2012 that was legalized by The House of Representatives of the Republic of Indonesia several years ago. It is not uncommon for non-formal conflict resolution to be more effective since it has a broader acceptance in society. A non-formal approach does not mean to undermine the existing laws; it can even complement it and become an alternative solution when the formal approach does not work. This study aims to describe the model of social conflict resolution based on Law No.7 of 2012 and the Quran as a comprehensive combination in resolving social conflict through a formal and non-formal approach. This study discusses that the Quran has a unique formula in resolving social conflicts by emphasizing the principal of kindness to prevent conflicts and implementing justice as a resolution to conflicts.*

**Keywords:** social conflict, Law No.7 of 2012, kindness, justice, al-Qur'an resolution.

**الملخص:** معالجة النزاع الاجتماعي كثيرا ما يكون أمرا صعباً تدورُ حوله أبعادٌ معقّدة، وهناك حاجةٌ ماسّةٌ لمعالجته من النهج غير الرسمي بجانب النهج الرسمي الذي قرّره مجلسُ النواب الشعبي بواسطة القانون رقم ٧ سنة ٢١٠٢ عدة سنوات ماضية، إذ قد يكون النهج غير الرسمي أكثرَ فعاليةً وقبولاً لدى المجتمع في معالجة النزاع الاجتماعي. وهذا النوع من النهج لا يعني إلغاء القانون الوطني الرسمي، بل يسدُّه ويكملُهُ —خصوصاً إذا كان هناك عوائقٌ تعوقُ دون نجاح. تستهدفُ هذه المقالةُ إلى وصف النماذج في معالجة النزاع الاجتماعي من وجهة نظر القانون رقم ٧ سنة ٢١٠٢ ووجهة نظر الإسلام، رجاءً الحصول على النموذج المثالي المتكامل لهذه القضية. تصف هذه المقالة أن للقرآن صيغة خاصة متميزة في معالجة النزاع الاجتماعي، وهو تأييد «اللطيف لمنع النزاع» وتطبيق «العدل كحل للصراع»

**Abstrak:** Penanganan konflik sosial seringkali berdimensi kompleks. Oleh karena itu, perlu diupayakan penyelesaian konflik dengan pendekatan non-formal, di samping pendekatan formal melalui Undang-Undang Nomor 7 Tahun 2012 yang disahkan oleh Dewan Perwakilan Rakyat (DPR) Republik Indonesia beberapa waktu silam. Tidak jarang, penanganan konflik secara non-formal justru lebih efektif karena mempunyai level keberterimaan yang lebih luas dan tinggi di tengah masyarakat. Pendekatan non-formal ini tidak dimaksudkan untuk mengesampingkan undang-undang yang telah diberlakukan itu, tetapi justru melengkapinya sekaligus menjadi alternatif solusi jika pendekatan formal mengalami kebuntuan. Kajian ini bertujuan untuk mendeskripsikan model penanganan konflik sosial menurut UU Nomor 7 Tahun 2012 dan al-Qur'an, sebagai kombinasi penanganan konflik sosial yang komprehensif, baik melalui jalur formal maupun non-formal. Tulisan ini akan memaparkan bahwa al-Qur'an memiliki formula penanganan konflik sosial yang unik dan khas, yakni penekanan prinsip kebaikan sebagai prevensi konflik, dan penerapan prinsip keadilan sebagai resolusi konflik.

## INTRODUCTION

Indonesia has a population of more than 225 million people and consists of diverse ethnic groups, religion, race and culture. On one hand this can be viewed as a national asset that directly or non-directly, gives a positive contribution to the welfare of its people. But

on the other hand, it is also vulnerable to conflict, especially if there are inequalities in development, injustice, social and economic gaps, and uncontrolled political dynamics.<sup>1</sup>

Based on sources on the conflicts<sup>2</sup> of 2015, 2016 and also 2017 (mid January quarter until April), the recapitulation of social conflicts that was based on ideology, politics, economics, social issues and culture was the most dominant with a total of 71 cases; with also 8 cases of ethnic, religious, racial and intergroup conflicts; and 13 cases of conflicts based on natural resources and land. In 2016, there were 68 cases of conflicts based on ideology, politics, economics, social issues and culture; 1 case of ethnic, religious, racial and intergroup conflicts; and 14 cases of conflicts based on natural resources. Lastly, in the mid first quarter of 2017, there were 20 cases of social conflicts based on ideology, politics, economics, social issues and culture; zero cases of ethnic, religious, racial and intergroup conflicts; and 6 cases of conflicts based on natural resources.<sup>3</sup>

The history of communal conflicts in developing countries' context has put Indonesia in the list particularly after the 1998 political and economic crisis. Not only because ethnicity and religious issues, but also there are a lot of historical, political and economic factors that are lying at the root of these communal conflicts.<sup>4</sup>

Unfortunately, the conflict handling system that has been developed has been more focused on a formal, militaristic and repressive approach. In addition, the laws and legislation that are related to conflict management are still viewed as partial and sectoral through policy that is viewed spontaneous and reactive by the

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<sup>1</sup> Taufik Yahya, "Resolusi Konflik dalam Pengelolaan Sumber Daya Alam: Studi di Kabupaten Batanghari," *Jurnal Ilmu Hukum*, 2013, 144.

<sup>2</sup> According to Law No.7 of 2012, the sources of conflict include: personal differences, differences in cultural background, differences in interests, and differences in values. Refer to *Law No.7 of 2012 concerning the Handling of Social Conflict* (Bandung: Penerbit Citra Umbara, 2012), 31–36.

<sup>3</sup> "Abstracted from data on the social conflicts of 2015, 2016 and 2017 issued by the Directorate General of Political Affairs and Public Administration" (Ministry of Home Affairs of the Republic of Indonesia, 2017).

<sup>4</sup> Sujarwoto, "Communal Conflict in Indonesia: Contagious or Latent Issues?," *Universitas Gadjah Mada, Jurnal Ilmu Sosial dan Ilmu Politik* 19, no. 2 (2015): 99–110.

government, such as: Presidential Instructions, Presidential Decrees, Presidential Regulations, and Laws.<sup>5</sup>

Talking the social conflict from historical side, Minah's case in 2009, which was sued by PT. Plantation, is a concrete example of the fact of conflict that is. Minah aka Ny. Sanrudi is 55 years old, a villager of Darma Kradenan RT 4 RW 5 Ajibarang Subdistrict, Regency Banyumas deals with law enforcement officials, because she take cocoa beans on the plantations of PT. Rumpun Sari Antan (RSA) in her village hoping to plant cocoa trees.<sup>6</sup> Apparently, from the wet cocoa beans that cost IDR. 2.100, she must execute the decision of the Purwokerto District Court on Thursday with a panel of judges led by Muslih Bambang Luqmono with a prison sentence of 1 month and 15 days with a trial period of 3 months. Minah is considered proven legally and convincingly violating Article 362 of the Criminal Code concerning theft that reads:

“Whoever takes things, all or part of someone else's, with the intention to be held against the law is threatened because theft, with a maximum imprisonment of five years or a fine of at most nine hundred rupiahs.”

These events are merely criminal incidents, but in essence is a social conflict involving the capitalists with workers who are non-physical.

From the case above, conflict resolution mechanisms should be compatible with the context and social setting of the conflict location. This means that there is no single approach than can be generalized to handle every type of conflict. Moreover, there is also another philosophy for conflict resolution that is often ignored, which is local wisdom. In a plural society such as the one found in Indonesia, many examples of local wisdom can potentially be utilized for conflict resolution as well as creating harmony, for example: *Dalihan Notulu* (Tapanuli), *Rumah Betang* (Central Kalimantan), *Menyama Braya* (Bali), *Saling Jot* and *Saling Pelarangan* (West Nusa Tenggara), *Basusun Sirih* (Melayu/Sumatra), *Peradilan Adat Clan Selupu Lebong* (Bengkulu), *Alon-alon*

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<sup>5</sup> Muhammad Yusuf, et al, *Konflik dan Pergerakan Sosial* (Yogyakarta: Graha Ilmu, 2002), 2.

<sup>6</sup> Ahmad Supriyadi, “Resolusi Konflik Kaum Kapitalis dan Buruh Melalui Produk Bay' Murabahah dan Mudharabah di Perbankan Syariah,” *IAIN Ponorogo, Al-Tahrir* 14, no. 2 (2014): 475–495.

*Asal Kelakon* (Central Java and Special District of Yogyakarta, and *Siro yo Ingsun, Insun yo Siro* (West Java).<sup>7</sup>

The synergy of the whole community is crucial in resolving the social conflicts described above. These conflicts happen not because there is a lack of constitutional basis that controls the behavior patterns between individuals and in society. Law No. 7 of the Republic of Indonesia 2012 concerning the Handling of Social Conflict declared the importance of the creation of a safe, tranquil, orderly, peaceful and prosperous environment so that each and every citizen can live together peacefully. However, Law No.7 of 2012 cannot be expected to contribute much if it is only a “single player” in resolving the many social disharmonies in Indonesia.

Furthermore, the handling of social conflict has often been a complex matter.<sup>8</sup> Therefore, we need to think and try to resolve conflict not only formally through Law No.7 of 2012, but also through non-formal means as well. Often the non-formal handling of conflicts proves to be more effective because it has a wider acceptance level in the community. This non-formal approach is not meant to undermine the laws that are already in place, but to complement and become an alternative solution when the formal approach has reached a deadlock.

In this context, this paper entitled “The Resolution of Social Conflict in the National Constitution and Islamic Perceptions: Integrating Formal and Non-Formal Approaches” has found its relevance. In this paper, the author will explain that the Quran has a unique and special formula in handling social conflict,<sup>9</sup> such as an emphasis on the principles of kindness as a conflict handling resolution. This paper is important in strengthening Law No.7 of 2012 in formally handling conflicts and complements it through non-formal means through prevention and resolution methods found in the Quran.

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<sup>7</sup> Alo Liliweri, *Prasangka dan Konflik, Komunikasi Lintas Budaya Masyarakat Multikultur* (Yogyakarta: LKiS, 2005).

<sup>8</sup> The complexity of the resolution of social conflict involves many dimensions: social, economic, political and religious. This complexity shows the need to integrally and simultaneously involve several scientific disciplines in approaching social conflict resolution. The handling of social conflict often uses a legal approach (hard approach) during implementation. Therefore, the author is aware of this complexity and through this study attempts to bridge a formal legal approach with a non-formal religious approach.

<sup>9</sup> Sukring, “Solusi Konflik Sosial dalam Perspektif Al-Qur’an,” *LAIN Salatiga, Millati: Journal of Islamic Studies and Humanities* 1, no. 1 (2016): 103.

In time, it is hoped that this paper will enrich the perspectives and widen the thinking horizons of the parties involved in the handling of on-going social conflicts. This is because choosing the right method to handle conflicts is not an easy matter. There is no “generic” solution to social conflicts, which means that a conflict resolution concept that is successful on one case does not necessarily mean that it will work on another.

### **LAW NO. 7 OF 2012 AND SOCIAL CONFLICT: A Formal Statehood Perspective**

The word conflict has a large spectrum of meaning, starting from small conflicts between individuals, to conflicts between families, up to conflicts between villages, even to mass conflicts involving large groups, which are based on territorial or primordial bonds.<sup>10</sup>

Basically conflicts can be categorized into two types, namely horizontal and vertical conflicts, where both are very influential in sustaining peace in the country. Here a horizontal conflict means a conflict between community groups that are caused by a number of factors, such as political ideologies, economic gaps, and primordialism. Meanwhile a vertical conflict is a conflict between the government/ ruling elite and the people.<sup>11</sup>

Social conflicts do not just happen suddenly, but are always preceded by a potential that lies within the society which then develops into a tension and will finally turn into a physical conflict due to triggering factors. Hence, in order to handle conflicts we must not only be aware of factors that may trigger conflict, but must also be aware of potential factors that may become a source of conflict.<sup>12</sup>

Several examples of serious conflicts, both vertical and horizontal, that have occurred recently, include: (1) Conflicts based on separatism, such as the conflicts in Aceh, Maluku and Papua; (2) Ethnic based conflicts, such as the conflicts in West Kalimantan, Central Kalimantan, and Ambon; (3) Ideologically based conflicts, such as communism and NII (Islamic State of Indonesia); (4) Politically based conflicts,

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<sup>10</sup> Frank Fischer and Gerald J. Miller, *Handbook of Public Policy Analysis Theory Politics and Methods* (New York: CRC Press, 2007).

<sup>11</sup> Kusnadi, *Masalah Kerja Sama, Konflik dan Kinerja* (Malang: Taroda, 2002), 33.

<sup>12</sup> George Holmes, “Protection, Politics and Protest: Understanding Resistance to Conservation,” *Conservation and Society* 5, no. 2 (2007): 184–201.

such as conflicts based on issues of local election fraud and territory expansion; (5) Conflicts based on economic conditions, such as the conflicts between groups of fisherman in the Madura Strait, between groups of thugs, and between public transport drivers; (6) Conflicts based on “wild solidarity”, such as brawls between regions, between soccer supporters; (7) Conflicts based on different religions or beliefs, such as the conflict in Poso, the rumors about Ahmadiyah, and rumors about Shias; (8) Conflicts based on government policy, such as fuel, the School Operational Assistance (BOS) program, and LPG.<sup>13</sup>

Conflicts are generally caused by several factors.<sup>14</sup> *First*, the individual differences such as the differences in opinions and feelings. Each person is a unique individual. This means that every person has different opinions and feelings to other people. The difference of opinions and feelings may become a source of conflict, because in establishing social relations a person might not always have the same opinions and thoughts with others.

*Second*, a difference in cultural backgrounds will form different individuals. To some extent, a person will be influenced by the thought patterns and opinions of their group. These different thoughts and opinions will ultimately lead to individual differences that may cause conflicts. *Third*, it includes the difference of interests among individuals or groups. Humans have different feelings, opinions and cultural backgrounds. That is why at any point in time each person or group will have different interests. Sometimes people will do the same things but for different purposes.

The fourth is a rapid and sudden change of values in society. Change is something that is common and normal. However, changes may trigger social conflict if the change occurs too rapidly or suddenly. For example, a rural community that undergoes a sudden process of industrialization will experience a conflict of values, because the old values of a traditional agrarian society will rapidly change into values of an industrial society. If these changes occur sporadically and suddenly, it will cause a stir in the social principles of the community

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<sup>13</sup> Abdul Wahid Situmorang, *Gerakan Sosial Studi Kasus Beberapa Perlawanan* (Yogyakarta: Pustaka Pelajar, 2007), 67.

<sup>14</sup> Elly M. Setiadi and Usman Kolip, *Pengantar Sosiologi Pemahaman Fakta dan Gejala Permasalahan Sosial: Teori, Aplikasi, dan Pemecahannya* (Jakarta: Kencana Prenada Media Group, 2011), 11.

and may even lead to a rejection to all forms of change because it is viewed as ruining the established way of life of the community.<sup>15</sup>

Formally, if we refer to the law we can find several commonly used forms of conflict resolution, such as: conciliation, mediation, arbitration, coercion, and *détente* when referring to a formal review.<sup>16</sup>

Table 1. Forms of social conflict resolution

No	Type of Conflict Resolution	Explanation
1.	Conciliation	A way to bring the conflicting parties together to reach a common agreement to make peace. In the process, the concerning parties may ask assistance from a third party. However, the third party does not have the duty to fully and completely assist them. They will only give their opinion in order for the two parties to end their dispute.
2.	Mediation	A way to resolve disputes by using a mediator. Here the mediator has almost the same function as the conciliator. A mediator does not have the authority to give a binding decision; their decisions are only consultative in nature. The disputing parties are the ones that have to make the decision to end their dispute.
3.	Arbitration	A way to resolve disputes by going to court, with a judge (arbiter) as the decision maker. Arbitration is different to conciliation and mediation. An arbiter will give a binding decision to the two disputing parties, which means that the judge's decision must be followed. If one of the parties does not accept the decision, they can appeal by going to a higher court all the way until the highest national judicial institution.
4.	Coercion	A way to resolve conflict through the use of physical or psychological force. If psychological force fails to succeed, then physical force will be used. The party that uses force is the stronger party, the party that is confident of winning.

<sup>15</sup> Paul Con, *Conflict and Decision Making: an Introduction to Political Science* (New York: Harper and Row Publisher, 1971), 75.

<sup>16</sup> Nasikun, *Sistem Sosial Indonesia* (Jakarta: PT. Raja Grafindo Persada, 2003), 41.



Several efforts have been done regarding the handling of conflict including the drafting of a new regulation namely Law No.7 of 2012. This law outlines three strategies.<sup>17</sup> *First*, a regulatory framework can prevent conflict such as policies and development strategies which are sensitive to the potential of conflicts. *Second*, it involves a regulatory framework for the handling of conflicts when they do occur, such as efforts to stop violence and prevent the loss of life or property. The third is a regulatory framework for post-conflict recovery, namely provisions to end disputes or carry out legal proceedings as well as efforts of recovery, reintegration and rehabilitation.<sup>18</sup>

Moreover, Law No.7 of 2012 is based on three basic arguments, which are the philosophical, sociological and judicial arguments.<sup>19</sup> The philosophical argument is related to: *first*, the guarantee of the existence of ideals of the formation of the unitary state of the Republic of Indonesia, to realize national unity without the threat of differences of opinion or conflicts between community groups. *Second*, the goal of the unitary state of the Republic of Indonesia is to protect its people that is made up of many ethnic groups, religions and cultures as well as protecting the country; this includes giving a guarantee of safety and freedom from fear in order to achieve general welfare as stated in the 1945 Constitution of Indonesia. *Third*, the state has the responsibility to provide the protection, advancement, enforcement and fulfilment of human rights to create a safe, peaceful, and prosperous atmosphere both physically and mentally; as well as the right of every person to their own safety, their family's safety, honour, dignity and property as well as the right to feel safe and protected from the threat of fear.<sup>20</sup>

The sociological argument for the drafting of Law No.7 2012 concerning the Handling of Social Conflict is as follows. *First*, Indonesia has a variety of ethnic groups, religions and cultures and is still plagued with inequalities in development, injustice, as well

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<sup>17</sup> Soetomo, *Masalah Sosial dan Pembangunan* (Jakarta: PT. Dunia Pustaka Jaya, 1995), 55.

<sup>18</sup> Hugh Miall, O Ramsbotham, and T Woodhouse, *Resolusi Damai Konflik Kontemporer: Menyelesaikan, Mencegah, Mengelola dan Mengubah Konflik Bersumber Politik, Sosial, Agama, dan Ras* (Jakarta: Raja Grafindo Persada, 2002), 43.

<sup>19</sup> Bernard Raho, *Teori Sosiologi Modern* (Jakarta: Prestasi Pustaka Publisher, 2007), 98.

<sup>20</sup> Lukman Soetrisno, *Konflik Sosial: Studi Kasus Indonesia* (Yogyakarta: Tajidu Press, 2003), 77.

as social, economic and political gaps which are potential in causing conflict in society. *Second*, Indonesia on one hand is going through a transition in democracy and government, giving opportunities for radicalism to arise; on the other hand we live in a world that is open to foreign influence; hence it is very vulnerable and has potential to create conflict. *Third*, abundant natural resources and a limited environmental carrying capacity can lead to conflict, such as matters of ownership and a weakness in the management system that overlooks the interests of the local community.<sup>21</sup> *Fourth*, conflict causes a loss of sense of security, fear, damage to the environment and social institutions, loss of lives, psychological trauma (revenge, hatred, and antipathy) and widens the segregation of the conflicting parties that can hinder the realization of general welfare. *Fifth*, conflict resolution can be carried out in ways that are comprehensive, integrative, effective, efficient, accountable and transparent as well as right on target through the use of a dialogue approach and carried out in a peaceful manner based on an adequate legal basis. *Sixth*, in resolving and handling conflicts, the Indonesian government must have a policy format that is comprehensive, integrative, effective, efficient, accountable and transparent, as well as on target based on the approaches of dialogue that is carried out through peaceful means.<sup>22</sup>

The judicial argumentation of the drafting of Law No. 7 of 2012 concerning the Handling of Social Conflicts was based on the concern that the handling of social conflicts in the past was still sectorial and reactive and did not conform to the development of state administration. Several laws that have a strong relevance and have even become the basis and reference for Law No.7 of 2012 concerning Conflict Handling are as follows:

1. Regulation in Lieu of Law No.23 of 1959 concerning the State of Emergency, which has since been amended twice, the last being Regulation in Lieu of Law No.52 of 1960;
2. Law No.27 of 1997 concerning Mobilization and Demobilization;
3. Law No. 56 of 1999 concerning the Training of Citizens;

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<sup>21</sup> M. Munandar Sulaeman, "Resolusi Konflik Pendekatan Ilmiah Modern dan Model Tradisional berbasis pengetahuan lokal," *FISIPOL UGM, Jurnal Sosiohumaniora* 17, no. 1 (2015): 41–48. M.

<sup>22</sup> Arief Budiman, *Teori Negara, Kekuasaan dan Ideologi* (Jakarta: PT Gramedia, 2002), 111.

4. Law No. 2 of 2002 concerning the State Police of the Republic of Indonesia;
5. Law No. 3 of 2002 concerning National Defense;
6. Law No.15 of 2003 concerning the Stipulation of Government Regulation in Lieu of Law No.1 of 2002 concerning the Eradication of the Criminal Acts of Terrorism to be Enacted as Law;
7. Law No. 25 of 2004 concerning the National Development Planning System;
8. Law No. 32 of 2004 concerning Regional Administration as last amended with Law No.12 of 2008 concerning the Second Amendment of Law No.32 of 2004 concerning Regional Administration;
9. Law No. 33 of 2004 concerning the Financial Balance Between the Central Government and the Regional Governments;
- 10.Law No.34 of 2004 concerning the Indonesian Armed Forces;
- 11.Law No. 24 of 2007 concerning Disaster Management;
- 12.Law No.11 of 2009 concerning Social Welfare.

The drafting of Law No. 7 of 2012 concerning the Handling of Social Conflict was carried out through an analysis of synchronization and harmonization with the related laws concerning social conflict resolution seen above. Law No. 7 of 2012 was the law that determined the objective of conflict resolution in the future, namely creating a safe, tranquil, peaceful, and prosperous way of life for the people; maintaining peace and harmony in community social relations; increasing tolerance in community life; maintaining the function of the government; protecting human life, property, as well as public facilities and infrastructure; providing protection and the rights of the victims; and restoring the physical and mental health of the community.<sup>23</sup>

Law No.7 of 2012 also determines the three stages of social conflict resolution, which are: conflict prevention, ceasing conflict, and post-conflict recovery. Conflict prevention is carried out through maintaining a peaceful atmosphere in society; developing peaceful dispute settlements; reducing the potential for conflicts; and building early warning systems. The handling of conflict when it occurs is carried out through efforts of ending physical violence; determining

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<sup>23</sup> Munir Mulkan, *Kekerasan dan Konflik: Tantangan bagi Demokrasi* (Yogyakarta: Forum LSM DIY, 2001), 18.

the status of the conflict; emergency rescue efforts and the protection of victims; and/or the use of military force. In the next stage of post-conflict recovery, the central and regional governments must carry out post-conflict recovery efforts that are planned, integrated, sustainable and well measured through efforts of reconciliation, rehabilitation, and reconstruction. Law No. 7 of 2012 also stipulates the participation of society and funding of conflict resolution.<sup>24</sup>

The scheme of social conflict resolution based on Law No.7 of 2012 can be viewed on the diagram below:

Scheme 1. Formal Approach to Social Conflict Resolution



### ISLAM AND SOCIAL CONFLICT: A Non-Formal Perspective

Theologically, Islam is religion that advocates kindness and peace to its followers, however socially or interpersonally it also states that there is nastiness and conflict that must also be recognized in our lives.<sup>25</sup> In several verses, the Quran narrates nastiness that is apparent and existing in the life of humans in a language that is subtle and polite, such as the conflicts between Habil and Qabil who are always fighting with each other, Prophet Ibrahim and King Abrahah, Prophet Musa with the Pharaoh, and also between the Muslims and the Qurays who were at war with each other during the early period of Islam. These stories describe that humans do not always live in good situations and that the bad also comes with it. In a polite manner, the Quran gives a signal that the creation of man is destined to be full of conflict:

“So when I have proportioned him and breathed into him of My

<sup>24</sup> Winardi, *Manajemen Konflik: Konflik Perubahan dan Pengembangan* (Bandung: Mandar Maju, 1994), 123.

<sup>25</sup> Further reading could be refers to article from Akhmad Rizqon Khamami, “Dialog Antar-Iman Sebagai Resolusi Konflik, Tawaran Mohammed Abu-Nimer,” *IAIN Ponorogo, Al-Tahrir* 14, no. 2 (2014): 249–271.

[created] soul, then fall down to him in prostration. So the angels prostrated – all of them entirely. Except Iblees; he was arrogant and became among the disbelievers.”<sup>26</sup>

Other than the above verse, a person’s potential of conflict can be found in the chapter of al-Baqarah: 30:

“And [mention, O Muhammad], when your lord said to the angels, “Indeed, I will make upon the earth a successive authority.” They said, “Will You place upon it one who causes corruption therein and sheds blood, while we declare Your praise and sanctify You?” Allah said, “Indeed, I know that which you do not know.”<sup>27</sup>

The verse above warns humans that a destructive culture and bloodshed that is described in the Quran is a reminder that humans are creatures full of conflict. Therefore, all facets of human life is full of conflict so humans need to dig deeper into what has been emphasized in the Quran and see what kind of resolutions or solutions are offered. This is beneficial in analysing and providing a positive contribution during the occurrence of conflict.

Islam (the Quran) has informed humans in a systematic way about the existence of conflicts or contention and that they will always be present in their lives. In the Quran, humans are often described as always fighting with each other, be it between individuals, with family or other members of the community.

From preliminary research the author has found that the resolution of social conflicts in the perspective of the Quran has similarities with the conflict handling found in Law No.7 of 2012. For example, the verse of al-Mumtahanah: 7-8 advocates prevention and resolution so that the same conflicts do not reoccur in the future. Allah said:

“Perhaps Allah will put, between you and those to whom you have been enemies among them, affection. And Allah is competent, and Allah is Forgiving and Merciful. Allah does not forbid you from those who do not fight you because of religion and do not expel you from your homes – from being righteous toward them and acting justly toward them. Indeed, Allah loves those who act justly.”<sup>28</sup>

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<sup>26</sup> “alquran Shaad: 72-74”.

<sup>27</sup> “alquran Al-Baqarah: 30”.

<sup>28</sup> QS. al-Mumtahanah: 7-8.

In the two verses above it is implicitly mentioned that developing a vertical relationship with God that is followed by a forgiving and caring attitude towards other people is one of the keys of social conflict resolution. Horizontally, being kind and just is an authentic way in handling aggression and is more assertive and effective.

### **KINDNESS AS PREVENTION FOR SOCIAL CONFLICT**

According to the personal research of the author, there is no definitive formula on kindness in the Quran. However, an indefinite explanation of kindness can be found in the chapter of Fushshilat: 34, which states:

“And not equal are the good deed and the bad. Repel [evil] by that [deed] which is better; and thereupon the one from whom between you and him is enmity [will become] as though he was a devoted friend.”<sup>29</sup>

From the above verse we can see that the essence of kindness is the conformity between the soul and behavior of a person that is capable of creating a comfortable atmosphere that is full of solidarity.<sup>30</sup>

In the verse of al-Baqarah: 177, it is described that a person that is only symbolically busy in vertical worship with God cannot be categorized as a kind person. Because a holistic faith in Allah, judgment day, the angels, the holy books, the prophets and His destiny is the basic motive for a person in his action and behavior. The chapter of al-Baqarah: 177 describes in detail how kindness is a form of social worship that will surely increase the comfort and solidarity between individuals, and even between groups that were previously full of animosity. These feelings of comfort and solidarity will improve the quality of mutual interaction so that social conflict can be avoided. This is because they understand the doctrine of strong unity, where an individual will not be able to achieve their life goals without the existence and contribution of other individuals or groups.

Giving and sharing with others as taught in the chapter of al-Baqarah: 177 is an essential form of kindness, such as giving part of our wealth to our relatives, orphans, the poor, travellers (who need assistance) and beggars. By increasing this sense of sharing, the

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<sup>29</sup> QS. Fushshilat: 34.

<sup>30</sup> Nasrullah Nasir, *Teori-teori Sosiologi* (Bandung: Widya Padjadjaran, 2009), 81.

obligatory *salah* and *zakat* will have greater meaning because those who follow will be safe and secure from the dangers of social conflict.

Keeping promises and having patience during difficult times are also concrete measures that can prevent social conflicts. The abundant rallies and demonstrations and also the chaos that occurs are mainly caused by the broken promises of the ruling elite, company management or other leaders in power. Having patience and discretion is a necessity, but being patient during tough times calls for determination, hence Allah will replace their difficulty with blissfulness.<sup>31</sup>

Kind people such as the ones described above are people with true faith and piety. They strive to show the essence and beauty of faith to themselves, family and environment. In the Quran, people who continue to do goodness are called *muhsinin*. What is unique is that every time the topic of *muhsinin* appears in the Quran it always describes how Allah loves and is proud of them. The topic of *muhsinin* in the chapter al-Hajj: 37 is described below:

“Their meat will not reach Allah, nor will their blood, but what reaches Him is piety from you. Thus have we subjected them to you that you may glorify Allah for that [to] which He has guided you; and give good tidings to the doers of good.”<sup>32</sup>

Therefore the title of *muhsinin* that is stated in Islam should be accompanied by a love for others around them and all of this boils down to the process of reconciliation and forgiveness with each other.

## JUSTICE AS A SOCIAL CONFLICT RESOLUTION

In essence, justice is a symmetrical condition to see, understand and decide. John Rawls and his theory of social justice emphasizes that justice enforcement programs with a populist dimension must place importance on two principles of justice. *First*, provide the same rights and opportunity to each person. *Second*, reorganize the social-economic gap that occurs to give reciprocal benefits to everyone, may they be from privileged or unprivileged backgrounds.<sup>33</sup>

<sup>31</sup> QS. al-Isra': 82.

<sup>32</sup> QS. al-Hajj: 37.

<sup>33</sup> Joseph P. De Marcu, “Rawls mil dan Marx,” in *Theory of Social Justice*, ed. oleh John Rawls (Ohio University, 2010). See also John Rawls, *A. Theory of Justice* (London: Oxford University, 1973), 33.

Based on these two principles, justice can be classified as follows:<sup>34</sup> *First*, Commutative Justice: the treatment of someone without considering their previous merits. *Second*, Distributive Justice: the treatment of someone based on the merits they have given. *Third*, Natural Justice: treating someone the way they have treated us. *Fourth*, Conventional Justice: justice that is given to a citizen that has abided by all rules and regulations. *fifth*, Restorative Justice: the justice given if someone tries to restore the tainted reputation of another.

From the above typology, the next question is: how does the Quran view justice? The answer to this can be found in the chapter of al-Maidah: 8:

“O you who have believed, be persistently standing firm for Allah, witnesses in justice and do not let the hatred of a people prevent you from being just. Be just; that is nearer to righteousness. And fear Allah; indeed, Allah is Acquainted with what you do.”<sup>35</sup>

These verses clearly say to not let our hatred towards other people cause us to be unjust. Acting justly in handling social conflicts is to admit that the natural objects around us have the same rights in getting what we deserve. If we dig deeper, justice in the Quran is a type of justice that leans towards commutative justice, where justice is the fundamental foundation in judging a person without taking account the amount of justice he has received. According to researchers, commutative justice is a form of justice that is humane and promotes the spirit of equality.

The two parties involved in a conflict might not be able to sort out their differences for one reason or another, hence the need for outside intervention. The presence of a third party is necessary in resolving conflicts so that it can be managed and may prevent violence and other acts. The urgency of inviting a third party is emphasized in the Quran in the chapter of al-Nisa: 35:

“And if you fear dissension between the two, send an arbitrator from his people and an arbitrator from her people. If they both desire reconciliation, Allah will cause it between them. Allah is ever Knowing and Acquainted [with all things].”<sup>36</sup>

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<sup>34</sup> Rawls, A. *Theory of Justice*.

<sup>35</sup> QS. al-MAidah: 8.

<sup>36</sup> QS. al-Nisa': 35..



According to the author’s judgment, the role of the third party as a peace keeper with the task of making peace and communicate reconciliation between the two conflicting parties has a very important urgency. The above verse of al-Nisa: 35 above has a background of settling a family conflict, however besides family conflicts the Quran also emphasizes the use of a third party in resolving social conflicts, as described in the chapter of al-Hujurat: 9-10:

“And if two factions among the believers should fight, then make settlement between the two. But if one of them oppresses the other, then fight against the one that oppresses until it returns to the ordinance of Allah. And if it returns, then make settlement between them in justice and act justly. Indeed, Allah loves those who act justly.”<sup>37</sup>

The scheme of social conflict resolution according to the perspective of the Quran can be viewed in the diagram below:

Scheme 2. Non-Formal Approach to Social Conflict Resolution



### FORMAL AND NON-FORMAL PERSPECTIVES OF SOCIAL CONFLICT RESOLUTION: A Meeting Point

From the above explanation, the authors would like to underline several models of social conflict resolutions based on the formal perspective of using Law No.7 of 2012 and the non-formal perspective of the Quran and its interpretations. The Quran has emphasized a concept in creating bonds of solidarity amongst people, namely the concept of *ta'aruf*. The concept of *ta'aruf* can be found in the chapter of al-Hujurat: 13:

“O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one other.

<sup>37</sup> QS. al-Hujurat: 9-10.

Indeed, the most noble of you in the sight of Allah is the most righteous of you. Indeed, Allah is Knowing and Acquainted.”<sup>38</sup>

Through this verse we can see that the Quran recognizes the heterogeneity of humans characterized by the existence of different tribes or groups; but it also tries to create a meeting point between the followers of different religions during social interaction. Nonetheless, if we cannot find similarities between the religions, it is best to still recognize the existence of others and do not put blame on each other. To strengthen the acknowledgement of the concept of *ta'aruf* in the Quran, Prophet Muhammad taught his followers to acknowledge the existence of adherents of other religions by introducing the term “*kalimah al-sawa*” (meeting point) in carrying out social communication.<sup>39</sup> The concept of *kalimah as sawa*’ can be found in the chapter of Ali Imran: 64:

‘Say, “O People of the Scripture” come to a word that is equitable between us and you – that we will not worship except Allah and not associate anything with Him and not take one another as lords instead of Allah.” But if they turn away, then say, “Bear witness that we are Muslims [submitting to Him].”’<sup>40</sup>

The process of *ta'aruf* and the acceptance of people who come from different groups is not a simple process. This is because the process requires the acknowledgement of the existence of others and the willingness to open ourselves up for dialogue. It needs to be understood that mediation in conflict resolution requires change not only from the inside but from the outside as well. A change that is forced is not a resolution but is only adapting to the greater pressure of outside forces.<sup>41</sup> A forced change can open up opportunities for reflective encounters that are necessary in a resolution, but without these kinds of encounters a coercion of will only lead to polarization and disunity without resulting in any genuine change. As soon as the coercion stops then everything will return to their original state, which can be more destructive. This is because the nature of conflict is

<sup>38</sup> QS. al-Hujurat: 13..

<sup>39</sup> Sukring, “Solusi Konflik Sosial dalam Perspektif Al-Qur’an.”

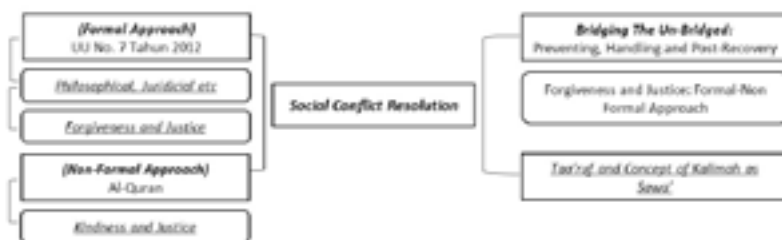
<sup>40</sup> QS. Ali Imran: 64.

<sup>41</sup> Imam Taufiq, “Membangun Damai Melalui Mediasi: Studi Terhadap Pemikiran Hamka dalam Tafsir Al-Azhar,” *IAIN Ponorogo, Al-Tahrir* 14, no. 2 (2014): 297–320.

*sunnatullah* (the law of Allah), hence there needs to be a non-forceful approach in conflict resolution through mediation.

To sum up this session, the authors draw the scheme concept of melting point between formal and non-formal legal instrument on the resolution of social conflict.

Scheme 3. Melting Point Between Formal and Non-Formal Approaches



## CONCLUSION

Social conflict and its resolution methods are social actions with various dimensions, such as the dimensions of law, politics, economy, religion and social affairs itself. Social conflict resolution models require an integration of these dimensions so the policy formed and implemented can bring a positive contribution to the conflicting parties.

Ideally, social conflict resolutions will combine formal and non-formal approaches. A formal approach is often represented as an approach that utilizes regulatory instruments and tends to be top-down in nature. While a non-formal approach is described as an approach that uses social tools, culture and religion in its implementation. A non-formal approach is often unsystematic, but has flexibility and cohesiveness that is often welcomed in the culture of the community or conflicting parties.

A formal approach to social conflict resolution in Indonesia can be found in Law No.7 of 2012. In this law, the author discovers that the basic implementation of the handling of social conflict is through prevention and conflict resolution.

Islam is a religion that has high acceptability in society. It has a system of social conflict resolution that further strengthens its position and urgency as a religion that places great importance on the peace

and unity of its followers. Furthermore, Islam and the state that is represented through the law have common ground in the handling of social conflicts. Islam offers a concept of social conflict resolution by emphasizing kindness and justice as its basis. These two approaches present a new light in presenting a social conflict resolution model in society.

What is important to understand about this approach is to acknowledge the important role of the mediator in building communication between the conflicting parties. The mediator plays an urgent role, especially how they are capable of bridging the two conflicting parties in a social framework and are always giving great importance to the unity and integration of the country by either using a formal or non-formal approach or by integrating the two.

This research provides an alternative reading of conflict resolution by involving a formal and non-formal approach. The contact of both dimensions is expected to contribute in the handling of social conflicts so that mediation or other processes can be better accepted by society.

## REFERENCES

- Budiman, Arief. *Teori Negara, Kekuasaan dan Ideologi*. Jakarta: PT Gramedia, 2002.
- Con, Paul. *Conflict and Decision Making: an Introduction to Political Science*. New York: Harper and Row Publisher, 1971.
- Fiscer, Frank, and Gerald J. Miller. *Handbook of Public Policy Analysis Theory Politics and Methods*. New York: CRC Press, 2007.
- Holmes, George. "Protection, Politics and Protest: Understanding Resistance to Conservation." *Conservation and Society* 5, no. 2 (2007).
- Khamami, Akhmad Rizqon. "Dialog Antar-Iman Sebagai Resolusi Konflik, Tawaran Mohammed Abu-Nimer." *IAIN Ponorogo, Al-Tahrir* 14, no. 2 (2014).
- Kusnadi. *Masalah Kerja Sama, Konflik dan Kinerja*. Malang: Taroda, 2002.

- Law No.7 of 2012 concerning the Handling of Social Conflict.* Bandung: Penerbit Citra Umbara, 2012.
- Liliweri, Alo. *Prasangka and Konflik, Komunikasi Lintas Budaya Masyarakat Multikultur.* Yogyakarta: LKiS, 2005.
- Miall, Hugh, O Ramsbotham, and T Woodhouse. *Resolusi Damai Konflik Kontemporer: Menyelesaikan, Mencegah, Mengelola dan Mengubah Konflik Bersumber Politik, Sosial, Agama, dan Ras.* Jakarta: Raja Grafindo Persada, 2002.
- Mulkan, Munir. *Kekerasan and Konflik: Tantangan bagi Demokrasi.* Yogyakarta: Forum LSM DIY, 2001.
- Nasikun. *Sistem Sosial Indonesia.* Jakarta: PT. Raja Grafindo Persada, 2003.
- Nasir, Nasrullah. *Teori-teori Sosiologi.* Bandung: Widya Padjadjaran, 2009.
- Raho, Bernard. *Teori Sosiologi Modern.* Jakarta: Prestasi Pustaka Publisher, 2007.
- Rawls, John. *A. Theory of Justice.* London: Oxford University, 1973.
- Marcu, Joseph P.De. "Rawls mil and Marx." Dalam *Theory of Social Justice*, disunting oleh John Rawls. Ohio University, 2010.
- Setiadi, Elly M., and Usman Kolip. *Pengantar Sosiologi Pemahaman Fakta dan Gejala Permasalahan Sosial: Teori, Aplikasi, dan Pemecahannya.* Jakarta: Kencana Prenada Media Group, 2011.
- Situmorang, Abdul Wahid. *Gerakan Sosial Studi Kasus Beberapa Perlawanan.* Yogyakarta: Pustaka Pelajar, 2007.
- Soetomo. *Masalah Sosial and Pembangunan.* Jakarta: PT. Dunia Pustaka Jaya, 1995.
- Soetrisno, Lukman. *Konflik Sosial: Studi Kasus Indonesia.* Yogyakarta: Tajidu Press, 2003.
- Sujarwoto. "Communal Conflict in Indonesia: Contagious or Latent Issues?" *Universitas Gadjah Mada, Jurnal Ilmu Sosial dan Ilmu Politik* 19, no. 2 (2015).

- Sukring. "Solusi Konflik Sosial dalam Perspektif al-Qur'an." *IAIN Salatiga, Millati: Journal of Islamic Studies and Humanities* 1, no. 1 (2016).
- Sulaeman, M. Munandar. "Resolusi Konflik Pendekatan Ilmiah Modern dan Model Tradisional berbasis pengetahuan lokal." *FISIPOL UGM, Jurnal Sosiohumaniora* 17, no. 1 (2015).
- Supriyadi, Ahmad. "Resolusi Konflik Kaum Kapitalis dan Buruh Melalui Produk Bay' Murabahah dan Mudharabah di Perbankan Syariah." *IAIN Ponorogo, al-Tahrir* 14, no. 2 (2014).
- Taufiq, Imam. "Membangun Damai Melalui Mediasi: Studi Terhadap Pemikiran Hamka Dalam Tafsir al-Azhar." *IAIN Ponorogo, Al-Tahrir* 14, no. 2 (2014).
- Winardi. *Manajemen Konflik: Konflik Perubahan dan Pengembangan*. Bandung: Mandar Maju, 1994.
- Yahya, Taufik. "Resolusi Konflik dalam Pengelolaan Sumber Daya Alam: Studi di Kabupaten Batanghari." *Jurnal Ilmu Hukum*, 2013.
- Yusuf, Muhammad, and et al. *Konflik dan Pergerakan Sosial*. Yogyakarta: Graha Ilmu, 2002.