



Religious Moderation from a Legal Perspective in Indonesia to Prevent the Infiltration of Radicalism and Extremism in Higher Education Institutions

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Abstract: *To build a strong character within Indonesian society, particularly in the higher education environment, through the implementation of religious moderation today, it requires the involvement and collective commitment of the entire academic community, including lecturers, students, and educational staff. The implementation of religious moderation has a strong legal foundation, as it aims to prevent the spread of radicalism and extremism ideologies that are contrary to Indonesian laws and regulations, such as Law Number 12 of 2022 concerning Criminal Acts of Terrorism, as well as other legal provisions that prohibit actions threatening national security and the integrity of the Unitary State of the Republic of Indonesia (NKRI). This effort is carried out through the strengthening of national commitment based on the four national pillars: Pancasila, the 1945 Constitution, the Unitary State of the Republic of Indonesia (NKRI), and Bhinneka Tunggal Ika, all of which possess legal legitimacy as the foundation of national and state life. Secondly, the strengthening of attitudes of tolerance and respect for differences is pursued in accordance with the principles of human rights law guaranteed by the constitution, particularly Articles 28E and 28I of the 1945 Constitution. Thirdly, fostering a way of religious practice that respects the traditions and local cultures of Indonesia's diverse society also reflects the protection of cultural rights within the framework of national law. The method used in this research is a qualitative method with a literature study approach, which enables the exploration of various legal instruments and government policies related to religious moderation in the higher education environment.*

Keywords : *Religious Moderation, Radicalism and Extremism, Higher Education Institutions*

Introduction

In order to build and advance a better Indonesia, the cultivation of tolerance must first be developed through educational efforts within the community. This effort

aligns with the objectives of national law, which not only regulates Citizen' behavior but also aims to establish a peaceful, just, and harmonious social life. This, in turn, can influence the nation's daily lifestyle in building Indonesia based on the principles of a state governed by law (*rechtstaat*). Furthermore, considering Indonesia's pluralistic and multicultural nature, it is essential to foster a tolerant attitude in social life through education.¹ Developing strong character in practicing tolerance and respecting differences is part of building public legal awareness, especially since Indonesia consists of people with diverse ethnic, linguistic, cultural, and religious backgrounds.² When a member of society practices religion in an excessive way that deviates from legal norms such as committing acts of violence and destruction under the pretext of upholding religious teachings such acts constitute a violation of positive law and can be categorized as criminal offenses. Such behavior also represents forms of radicalism and extremism that disrupt public order and endanger national integration, which is protected by the Constitution.

To prevent such occurrences, the Indonesian government implements legal policies through a socio-cultural approach by introducing the concept of Religious Moderation. This policy is outlined in Presidential Regulation Number 18 of 2020 concerning the National Medium Term Development Plan (RPJMN) 2020–2024, and Minister of Religious Affairs Decree Number 328 of 2020 concerning the Working Group for Strengthening the Religious Moderation Program.³ This policy is a tangible form of national legal politics aimed at preventing unlawful radicalism and extremism, while also maintaining interfaith harmony as part of the protection of citizens constitutional rights. According to the Religious Moderation Handbook published by the Research and Development and Training Agency of the Ministry of Religious Affairs (2019), Religious Moderation is the process of understanding and practicing religious teachings in a fair and balanced manner, thus avoiding extreme behaviors

¹ Muawanah, "The Importance of Education to Instill Tolerance in Society," *Vijjacariya Journal*, Volume 5 Number 1, (2019).

² Uksan Arifuddin, "National Character Education and National Defense," CV Jejak, a member of IKAPI, Sukabumi, (2022).

³ Public Relations Secretariat of the Cabinet of the Republic of Indonesia, "Four Messages from President Jokowi to Enhance Religious Moderation," (2021). <https://setkab.go.id/empat-pesan-presiden-jokowi-untuk-tingkatkan-moderasi-beragama/>

that are contrary to legal norms and the principles of the Pancasila state. This moderation aims to foster legal awareness based on moderate religious values, as well as to build a tolerant, law-abiding, and nationally conscious society. National character refers to the character of Indonesian citizens as reflected in noble behavior in accordance with the values prevailing in society.⁴ In the legal context, this character is the result of both informal and formal legal education aimed at shaping law abiding citizens who are tolerant and socially responsible. Therefore, in higher education institutions, the internalization of Religious Moderation values must be implemented as part of non dogmatic legal education, which not only teaches norms but also shapes legal attitudes in facing diversity.

Therefore, lecturers, students, and educational staff must actively participate in preventing the entry of radical and extremist ideologies that contradict Indonesia's positive laws, including Law Number 12 of 1951, which amended the "Ordonnantie Tijdelijke Bijzondere Strafbepalingen" (Stbl. 1948 Number 17) and the former Republic of Indonesia Law Number 8 of 1948; as well as Law Number 5 of 2018 concerning the Eradication of Terrorism, and the Indonesian Penal Code (KUHP).⁵ This approach must be realized through the strengthening of national insight, respect for human rights, and the peaceful practice of religious teachings. Additionally, it is important not to allow ideologies or doctrines contrary to Pancasila and the 1945 Constitution to develop in higher education institutions. This is a constitutional responsibility of every citizen and part of upholding the rule of law. Each member of the academic community is also expected to produce works and activities that not only contribute scientifically but also advance legal awareness and a democratic life that upholds social justice and humanity.

Strengthening National Commitment within the Legal System in Indonesia

Strengthening National Commitment is Substantially Related to Indonesia's Legal System. It emphasizes the importance of affirming constitutional values,

⁴ Yuniar Eka Ade, et al, "Building a Strong National Character by Implementing Pancasila Values," Volume 1 Number 2, (2022).

⁵ Abdul Jalil Salam, Death Penalty in Indonesia: Revisiting the Debate Between the Retentionist and the Abolitionist Lentera Hukum, Volume 8 Issue 1 (2021), pp. 115-150, <https://doi.org/10.19184/ejlh.v8i1.20138>

adherence to the law, and protection of the state ideology. The main connections are as follows:

1. Pancasila and the 1945 Constitution as the Supreme Legal Foundation. The four pillars of nationality, namely Pancasila, the 1945 Constitution, the Unitary State of the Republic of Indonesia (NKRI), and Bhinneka Tunggal Ika, hold a fundamental position within Indonesia's legal system. Pancasila is the philosophical foundation of the state and serves as the source of all sources of law. The 1945 Constitution is the main reference for forming legislation and the national legal system.⁶ Therefore, strengthening commitment to these four pillars also means reinforcing adherence to the law and the Constitution, which are prerequisites for an orderly and democratic national life.
2. Religious Moderation as an Implementation of Human Rights Law. Commitment to religious moderation reflects the implementation of human rights principles, particularly those concerning freedom of religion as guaranteed in Article 28E paragraphs (1) and (2) of the 1945 Constitution, which ensures everyone's freedom to embrace and practice their religion, as well as Law Number 39 of 1999 on Human Rights.
3. Combating Radicalism and Extremism as an Effort to Uphold the Law. The threat of radicalism and extremism constitutes a violation of the law and poses a danger to national integrity. Preventing these ideologies aligns with Law Number 5 of 2018 on the Eradication of Criminal Acts of Terrorism, as well as national legal policies to uphold legal sovereignty and national security.
4. Compliance with Laws and Regulations. This encourages academic communities to comply with legal regulations, both national and institutional, emphasizing the importance of legal discipline (legal compliance). This reflects the principle of legality, namely that all actions of citizens must align with and not violate applicable laws.
5. The Responsibility of Higher Education Institutions in Upholding Legal and Ideological Integrity. Universities, as institutions of higher education, bear legal

⁶ Kastara.id, "Four Pillars Become National Commitments That Must Be Continuously Improved, (2020). <https://kastara.id/24/02/2020/empat-pilar-jadi-komitmen-kebangsaan-yang-harus-terus-ditingkatkan/>

responsibility for preventing the spread of ideologies contrary to Pancasila and the 1945 Constitution. This also relates to Ministry of Education, Culture, Research, and Technology Regulation (Permendikbudristek) Number 30 of 2021 on the Prevention and Handling of Sexual Violence in Higher Education, as well as the principles of the National Education System in accordance with Law Number 20 of 2003, which emphasizes the importance of character and ideological education.

In this regard, the legal relevance is very strong, as it touches on constitutional aspects, the protection of human rights, compliance with national law, and the role of educational institutions in upholding the values of law and state ideology.⁷ Strengthening national commitment is not only an expression of patriotism but also a concrete manifestation of law enforcement and the implementation of fundamental norms of state life in Indonesia.

Strengthening the Attitude of Tolerance and Respect for Differences within the Legal Regulations in Indonesia

The attitude of tolerance and respect for differences, as described above, has a strong foundation within the Indonesian legal system. These values are not merely part of social or cultural ethics but are also guaranteed and regulated under the national legal framework. The following are several legal aspects related to this matter:

1. The Constitution of the Republic of Indonesia (1945 Constitution). Article 28E paragraphs (1) and (2) of the 1945 Constitution guarantee every person's freedom to embrace religion, to worship according to their religion, and to express their opinions, including practicing their beliefs. This affirms that the state provides legal protection for religious freedom and freedom of expression, which are fundamental to the practice of tolerance and respect for differences.
2. Article 29 Paragraph (2) of the 1945 Constitution. This article states that "The state guarantees the freedom of each citizen to embrace their own religion and to worship according to their religion and belief." This forms the legal basis for rejecting all forms of intolerance, radicalism, and extremism, as every citizen has equal rights to practice their religion.

⁷ Ministry of Religious Affairs, "Pocket Book on Frequently Asked Questions about Religious Moderation," (2019).

3. Law No. 39 of 1999 on Human Rights. This regulation strengthens the principles of tolerance and protection of individual rights within diversity. For example, Article 22 paragraph (1) states that every person is free to embrace their religion and to worship according to their religion and belief. Therefore, acts of intolerance and discrimination based on religion or ethnicity are considered legal violations of human rights.
4. Law No. 12 of 2012 on Higher Education. In the context of higher education, the articles in this law emphasize the importance of character development, national values, and harmonious living in diversity. Higher education institutions are obligated to foster pluralistic attitudes and uphold the value of tolerance, as well as prevent the infiltration of ideologies that contradict Pancasila and the Unitary State of the Republic of Indonesia, such as radicalism and extremism.
5. The Indonesian Penal Code (KUHP) and Related Regulations on Radicalism/Extremism Crimes. Doctrines or actions that incite violence based on differences in belief may be subject to criminal law, including under Law No. 5 of 2018 on Terrorism Crimes. Radical ideologies that lead to violence are considered threats to national security and unity, and therefore become the object of legal regulation and enforcement.

Therefore, the call to strengthen tolerance and respect for differences in society and in higher education environments, as described above, is not only a moral or social imperative but also a mandate and protection under Indonesia's positive law. Every citizen, including lecturers, students, and academic staff, has a legal and constitutional obligation to uphold tolerance and diversity in order to preserve the unity and sovereignty of the Unitary State of the Republic of Indonesia.

Shaping a Tradition-Friendly Religion within the Legal System in Indonesia

The Principle of Developing a Tradition Friendly Religion. In this context, the principle of forming a religion that is friendly toward tradition in Indonesia is not only social and cultural in nature but also has a strong foundation and connection with the national legal system. This aligns with the legal principles in national life, particularly:

1. The Principle of the Rule of Law (Rechtsstaat). Indonesia, as a state based on law (Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia), guarantees the protection of human rights, including freedom of religion in Article

28E paragraphs (1) and (2), and the recognition of local cultural diversity in Article 32 paragraph (1). Therefore, religious practices that respect tradition are in accordance with Indonesia's positive laws because they support the protection of religious freedom and cultural expression.

2. Human Rights Law. Law Number 39 of 1999 concerning Human Rights affirms that every person has the right to religious and cultural freedom. Thus, the practice of religious moderation that is respectful of culture reflects the implementation of the constitutional rights of the people and does not contradict the law.
3. National Education Law. Law Number 12 of 2012 concerning Higher Education states that higher education aims to develop individuals with noble character who respect pluralism (Articles 5 and 6). Therefore, the measures described in the text, such as strengthening moderate character in universities, represent the implementation of the prevailing educational legal norms.
4. Criminal Law and Radicalism Prevention. Efforts to promote tolerance and reject both physical and verbal violence are in line with the Criminal Code (KUHP) and regulations related to the prevention of criminal acts, including Law Number 5 of 2018 on the Eradication of Criminal Acts of Terrorism. An inclusive and tolerant religious approach serves as a preventive measure against acts of radicalism and intolerance.
5. Customary Law and Cultural Protection. Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia stipulates that the state recognizes and respects traditional communities and their customary rights. Therefore, developing a religion that is friendly toward tradition is a form of adherence to the principle of recognizing customary law and culture within the national legal system.⁸

The idea of establishing a religion that is respectful of tradition is part of implementing the rule of law, which guarantees freedom of religion, cultural protection, and the development of an orderly, tolerant, and moral society. This strengthens

⁸ CNN Indonesia, "Menag: Religion Cannot Destroy Local Culture and Traditions," (2018). <https://www.cnnindonesia.com/nasional/20181103204125-20-343786/menag-agama-tak-bisa-menghancurkan-budaya-dan-tradisi-lokal>

national law in fostering social harmony and avoiding conflict between religious and cultural values.

Conclusion

The implementation of religious moderation in higher education institutions represents a concrete application of the principle of the rule of law, as stipulated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that "The State of Indonesia is a state based on law." In this context, the cultivation of national values, tolerance, and respect for diversity forms part of the state's preventive efforts to protect the Pancasila ideology and prevent legal violations in the form of the spread of radical and extremist ideologies that contradict the constitution and statutory regulations.

The instillation of national commitment among lecturers, students, and educational staff constitutes a substantive form of legal education, whereby every citizen is encouraged to submit to and obey the highest legal norms (the constitution) as well as the state ideology. The firm stance of universities in not tolerating ideologies that conflict with Pancasila and the 1945 Constitution is a form of law enforcement in the education sector, which serves as a legal safeguard for the state ideology and the integrity of the Unitary State of the Republic of Indonesia (NKRI).

The active participation of the academic community in national activities and scientific work reflects the exercise of citizens' constitutional rights and obligations in supporting the nation's progress, as regulated in Article 28C paragraph (1) and Article 31 of the 1945 Constitution. Discipline and compliance with statutory regulations illustrate the implementation of the principle of equality before the law, in which all parties within the higher education environment are subject to national law and legitimate internal campus regulations.

The enforcement of the value of *Bhinneka Tunggal Ika* (Unity in Diversity) as a legal principle in national life strengthens the legal protection of citizens' fundamental rights, particularly the rights to freedom of religion and expression as guaranteed in Article 28E and Article 29 of the 1945 Constitution. It emphasizes the importance of tolerance, nonviolence, inclusivity, and value- and culture-based education as part of The legal development rooted in Pancasila values and human rights. This reflects a

progressive legal approach that positions higher education as a space for shaping the legal character of future society.

Ultimately, the practice of religious life nurtured on campus is not only aimed at fostering faith-based obedience but also serves as a form of legal education to instill legal awareness within the social life of the academic community, contributing to national legal stability.

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1945 Constitution of the Republic of Indonesia.