

Education on Democracy and Human Rights Amidst the Exploitation of Religion for Political Interests

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Abstract

It is widely assumed that the Indonesian nation would again face a socially divided situation in the run-up to national political parties, particularly the 2024 Presidential Election. Hate speech, insults, ridicule, defamation, derision, and bullying will once again fill public spaces. Supporters of each presidential candidate in the 2024 presidential election will utilize the internet and social media to attack one other and express their social sarcasm and political enmity, just as they did in the previous election eras of 2014 and 2019. Law enforcement officers will again face severe issues and dilemmas amid this split social context. This research aims to define and map the challenges and complexities of law enforcement and human rights issues in a time of societal differences while also making a tentative suggestion from the standpoint of Islamic Shari'ah.

Keywords: Education, Democracy, Human Rights, Exploitation of Religion

INTRODUCTION

Towards the implementation of the democratic party, the 2024 Presidential Election, it is believed that the Indonesian people will again be divided (socially divided) at least into "two big camps." Some people will again ridicule and ridicule each other. Words or phrases may reappear representing expressions of hatred and hostility between each group. In the 2014 and 2019

Presidential Elections, the public spaces of the Indonesian nation were enlivened by names such as 'cebong', 'kampret', 'kadrun', 'rupiah buzzer', and others. Those phrases and words became a kind of expression to bully the opposing group. Through various social media platforms, the scornful phrase spread and then became a kind of 'identity' or marker attached to each of the supporters of the presidential candidate.

It must be admitted that the expressions of displeasure and 'animosity' among the supporters of each presidential candidate were not solely due to the momentum of the presidential election. Feelings of hatred and urges for mutual enmity (Böhmer, 3922) are latent and long-hidden conditions triggered by too much social, economic, and political pressure. The momentum of the presidential election is just a kind of lighter that ignites the fire in the husk. People who have been under the pressure of life for too long, social and economic injustice, limited access, and social jealousy (Sadjad, 2022) triggered by corrupt and arbitrary bureaucrats' behavior have long harbored feelings of disappointment and hatred. Through the presidential election, momentum, disappointment, and hatred were expressed through various media channels, especially the internet and social media.

Apart from the momentum of the presidential election, another factor that triggers social divisions is the exploitation of religion for political gain and power. The Indonesian nation, according to a Pew Research Institute survey (Poushter, Fetterolf, & Tamir, 2019), views religion as very important in everyday life, so religious issues are easily used to divide society. In the context of the Indonesian nation, religious teachings full of compassion and peace can turn into something very frightening. Religion can be used as an agent of hatred and enmity, and even religion can be manipulated in such a way as to shed blood and make war. Most of the results of research on social violence in Indonesia conclude that there is a factor of religious sentiment as a trigger for social violence.

When religious emotions are intertwined with ethnic and ethnic sentiments then exploited for power and political

interests, religion can really show its tough, rough, frightening, vicious, and scary face. Sudden religious leaders and opportunist political actors often form alliances to mobilize irrational masses to attack other groups with different aspirations. Religious issues such as blasphemy, deviation or heresy are often used as a weapon to terrorize other parties who do not agree.

The socio-political turmoil that befell the Indonesian nation, in particular, occurred since the 2014 presidential election stage (Fadillah, 2020), or some say since the reform era in 1998 (Himawan, 2022a, 2022b; Min, 2005), and since then, the Indonesian nation seems to have lost its characteristics as a nation that is peaceful, tolerant, peaceful and lives in harmony. Even though Indonesia is a nation consisting of various races, ethnicities, likes, and cultures often referred to as a multicultural nation, the Indonesian government can manage diversity in such a way that ethnic and race-based wars have rarely occurred before then political adventurers and opportunist public figures take advantage of this socio-cultural diversity for their political interests, power, and economic benefits. The behavior of these irresponsible figures later made the Indonesian nation almost lose its basic character, which loved peace, tolerance, and harmony. In fact, efforts to build a multicultural society like Indonesia need a harmonious social atmosphere. Through harmonious social conditions, the Indonesian nation will have social capital. In contrast to other types of capital, social capital is formed when people from all walks of life work hand in hand and can complement other capitals. Creating positive social movements and constructive social resistance by bringing people together in a harmonious atmosphere can solve many social problems.

Conceptually, disharmony, conflict, and violence in society usually stem from two sources: identity-based prejudice (Bilven, 2022; Manstead, 2018) and political competition (Brathwaite, 2023; Edwards, 2022). The Indonesian nation has a community of people from different ethnicities, nationalities, races, religions, castes, and languages. These differences are the

basis of a pluralistic society. Identity-based diversity within a society is a reality. Facing such a reality, the Indonesian people need to develop social attitudes to combat prejudice. The development of this attitude can be achieved by various interventions, including creating various programs to promote social harmony. It also requires concrete and effective steps to include those excluded in social, economic, and political processes. Guaranteeing justice for the oppressed is another effective way to promote social harmony because peace is not the absence of violence but the presence of justice.

In addition to social prejudice, conflict and violence often stem from extreme political competition (Brathwaite, 2023; Edwards, 2022). In a society where those in power can loot and plunder without having to confront law enforcement officials, an out-of-the-box competition is often fought between political parties for power. Competition to seize power in any way often leads to violence (Mitra, 2022). Thus, fostering and maintaining social harmony requires avoiding unnecessary conflicts between political rivals. But unfortunately, Indonesian politics is still often colored by thug and mafia-style politics (Effendy, 2013). In such a political context, the link between politics, power, and identity-based violence becomes easily visible (Kafid, 2016). Politicians and powerful rulers often exploit identity-based differences between people for their selfish ends. Sometimes, politically powerful groups promote religious and ethnic conflict and violence to deprive the vulnerable and weak of their rights.

Political interests, religious exploitation, and economic greed are three important factors that often trigger social friction. Social friction facilitated by the internet and social media triggers what, in this study, is a socially divided society. The divided society referred to here is a society that recognizes, is aware of, and practices the use of the term "us" versus "them" (Iuzefovich, 2019) in various communication activities and social interactions. Some members of society identify "them" with words or phrases of ridicule, which, unfortunately, the satire or ridicule is not just a joke, but is deeply lodged in each other's hearts (Hanxleden,

2022). Each group has an identity for its own group, and each of them attaches a "bad" identity to the other group.

Because each group has a huge number, the use of hate speech between the two large entities is difficult to process through the courts. Massively using insulting or hurtful vocabulary on various social media channels makes it difficult to prosecute, even when many people feel uncomfortable, offended, embarrassed, anxious or even feel threatened when someone calls them or labels them with that sarcastic vocabulary. This study seeks to understand and explain the problems and dilemmas in the fields of law, human rights, and Islamic law in a divided society in overcoming the spread of hate speech on the one hand, and respect for human rights on the other.

METHOD

This study reflects social and political phenomena in the past few years. Because this study is reflective in nature, the perspective on truth is different from a strict positivistic perspective (rigor), nomothetic, convergent, and generalizing in nature. The way the researcher reflects is based on real and authentic knowledge and daily life experiences, which are then constructed into reflective and meaningful knowledge. Construction between knowledge, opinion, and subjective experience is expected to produce truths that are recognized not only by researchers, but also by people who have the same experience.

Like other types of critical research, this study also departs from the researchers' anxieties, concerns, and worries about the phenomena that develop in a society that is almost powerless when dealing with the spread of hate speech, ridicule, insults, and insults which then trigger social division.

RESULTS AND DISCUSSION

First of all, it is necessary to clarify what is meant by the era of social division or divided society (socially divided) (Davidson, 2011). In sociology, the more popular terminology is

the concept of social division (Carling, 1991). But the concept of social divided is different from social division because the second term contains meanings that tend to be more positive. In contrast, the first term (social divided) has a negative meaning and destroys social order. Social division or 'social division' refers to an orderly pattern of division in society that is associated with membership of a particular social group, generally in terms of advantages and disadvantages, inequalities and differences (McCarthy & Edwards, 2011a). Social division is an important concept, not only for society but also for individuals. This concept is important for individuals as life experiences and opportunities in contexts where social characteristics provide the basis for differential treatment, unequal access to resources, and judgment to determine things. The notion of the nature of social division is used as a resource in the self-definition process known as subjectification (Athanasiadou, Cornillie, & Canakis, 2011). One of the essential elements of the concept of social division is how individuals, as agents in the social structure, try to define themselves concerning various dominant and powerful discourses. However, this concept of subjectivity is not solely about self-definition because subjectification is only possible in relation to social divisions. For subjectification to occur successfully, it is necessary to create the category of Other (Other), a process that has come to be known as alterity (Zahavi, 1999). The social construction of alterity is directly related to social order and division. The word 'alteritas' comes from the German word 'alter' which means 'difference', in the sense of a systematic narrative for constructing categories or social divisions rather than differences between individuals and others based on individual differences. In this process, a person institutionalizes cultural assumptions or prejudices that determine who he is into laws and customs. In other words, how does 'someone' come to define myself as part of 'society' and at the same time how does this 'subjectification' process allow one to see the "Other" not as part of 'their society' but as part of a group of other people? (Best, 2005, p. 1).

Social division is also associated with 'social stratification,' namely inequality and hierarchical arrangement between categories or groups of people. These divisions arise both through institutional processes and daily routine social interactions (Anthias, 2005). The boundaries found between categories and groups of people generally depend at least on what are seen as biological characteristics of individuals and embedded in social processes. They can also be experienced as individual 'externals', imposed as a result of social structure or 'internal', and involved in people's identities and self-perceptions (McCarthy & Edwards, 2011b).

In addition to the concept of social stratification, social division is also often associated with social class. Social science experts have long criticized social class itself. Most of these criticisms focus on the Marxist approach, which sees class as the motor of world history and as a basis for building collective consciousness and emancipation. Still, disillusionment has also spread to non-Marxist conceptualizations of class based on job groupings stemming from gender-based work patterns. (Morris, 1995). The validity of such groupings has arguably been undermined by changes in the structure of the world economy, work arrangements, and the gender composition of the workforce, in addition to high levels of unemployment, all of which pose challenges to conventional understandings and representations of social structures. Indications of this challenge can be found in the accumulating literature around debates about job flexibility, gender and social class, the household, and the lower social classes.

Although the concepts of social class, social stratification and social division are often viewed as problematic and often receive criticism from social science scholars, using these concepts in social analysis is still useful for understanding and explaining social structure. This starkly contrasts the concept of a divided society (social divided), which closely resembles the concept of social segregation, an official practice of separating people of different sexes, races, or religions (Uslaner, 2012). In world history, for example the United States, segregation is the

act of dividing or isolating groups of people or individuals from one another in a discriminatory manner. This disparity or alienation is often based on characteristics people cannot control, such as race, gender, and sexuality. Sometimes, the people create segregation, but sometimes it is imposed by the government (Jackson, 2001). Segregation reflects the cultural context of a society. There are different types of segregation, and they affect groups in different ways. Experiences and perceptions about segregation also evolve.

However, society is divided in contrast to social segregation. A divided society is a condition created by society itself which is nurtured and exploited by politicians to maintain the status quo, spread hatred, or even divide. Meanwhile, social segregation is a choice made by the state or government (Le Goix, 2005). Some people may be of the view that hate speech, ridicule, insults, and insults that are intertwined with religious issues and have sparked social divisions are part of human rights, especially concerning freedom of speech. Indeed, freedom of expression is one of the human rights guaranteed by the constitution and laws. Freedom of expression is inherent in every individual regardless of race, ethnicity, religion, gender, education level, social status, and political affiliation. Every citizen has the right to express or convey views, opinions, opinions, stances, assessments, and responses through various communication and information channels, oral, written, video-audio, and online social media. We cannot deny that freedom of expression is one of the human rights protected by the constitution and laws. We cannot say that freedom of expression as part of Western values is inconsistent with Indonesian society's social and cultural norms. Freedom of expression must be universal and not limited by space and time. Freedom of expression is not the monopoly of a particular culture or community because it is inherent in every individual from birth.

We must reject the view that freedom of expression does not follow Islamic teachings. Islamic teachings provide a place and guarantee for everyone to convey opinions, thoughts, stances and attitudes. Every country is obligated to guarantee its

citizens' freedom to express opinions. The state is not only obliged to protect and ensure the security and peace of its people, but also to provide full guarantees for any differences of opinion among its citizens. Every citizen should understand and be aware of differences of opinion as part of the democratic process and the dynamics of society towards the coveted social order. As administrator of state administration, the government should not monopolize and dominate opinion and ignore public voice. The government must act as a facilitator and dynamicator for any differences that arise in society. The government must also always be ready to face differences of opinion with other elements of the nation, including being open to receiving suggestions, suggestions, suggestions and criticism from members of the public.

In Islamic law, the concept of freedom of opinion is related to the concept of *hurriyyah al-ra'y* (Muslihuddin, 1992). This concept etymologically means freedom of opinion or freedom of speech. *Ra'yu* terminology in Islamic intellectual treasures is divided into three types: *praiseworthy ra'yu*, *disgraceful ra'yu*, and *doubtful ra'yu*. The types of praiseworthy *ra'yu* are *ra'yu* contained in the Qur'an, valid Sunnah, the words of friends, *ra'yu* the result of *ijtihad*, and *ra'yu* the result of deliberations. Disgraceful *ra'yu* (*al-ra'y al-mazmumah*) is divided into three types, heresy or *ra'yu*, which is destructive and misleading, *hawâ* or bad intentions, and *baghy* or violation of law. In the perspective of *ushul al-fiqh*, *ra'yu* is interpreted as an opinion about a matter that is not regulated in the valid Qur'an and Sunnah of the Prophet. *Ra'yu* is a statement that is carefully considered, obtained as a result of an in-depth study and carried out in earnest. *Hurriyyah al-ra'y* requires serious, severe and in-depth studies and research. Everyone is allowed to express opinions as long as they do not violate the law, do not contain blasphemy and slander, and are based on logical, factual, and responsible reasoning (Al-Bashri, 1983).

In the context of a modern state, freedom of expression is one of the important instruments in a democratic state. Freedom of expression is the spirit of democracy itself. Freedom of

expression is one of the instruments to realize the principle of checks and balances in a democratic society. Only by guaranteeing freedom of expression can a nation create a balance between various socio-political forces through healthy opposition.

As one of the basic human rights, freedom of expression for citizens can be implemented for all types of expression, ranging from opinions, views, opinions, impressions, stances, judgments, feelings, attitudes, interpretations, thoughts, responses, insights, estimates, and so on. others and includes all objects and themes of expression, including personal issues, friendships, social issues, economics, politics, religion, culture, international relations, etc. However, there are a number of issues that are inappropriate, inappropriate, wagu, inappropriate, unethical, impolite, inappropriate, and inappropriate to be expressed or discussed freely through social media. Sensitive issues that shouldn't be expressed freely on social media are about mental and physical disorders; physical, cognitive, mental and emotional disabilities or limitations; a person's religion or belief; ethnicity, race, ethnicity, skin color; lesbian, gay, bisexual and transgender/transsexual (LGBT) issues. Statements on social media that contain elements of sensitive issues such as "he is a Christian", "his parents are Hindus", "he comes from a Shia family", "Ahmadiyah is not part of Islam", "his eyes are narrow", "he's an honest man, but unfortunately is ethnic Chinese", "funny", "sissy", "handsome but gay", are expressions that are unethical, not elegant, impolite, and out of place. However, the expression of these sensitive issues is more ethical. On sensitive issues it is more appropriate to use imperative phrases of moral and ethical guidance; not a ban, restriction, shackling or prohibition with a legal connotation. These phrases are more suggestive, suggestive, and solicitation in social media rather than prohibiting, restricting, or even forbidding. Therefore, freedom of expression, including freedom of expression on social media, is very basic and important, so that even sensitive issues should not be discussed on social media.

However, freedom of expression in its implementation must not interfere with other people's human rights. That the exercise of freedom of expression may not disturb, reduce, negate, or eliminate the human rights of others. There is a difference between freedom of expression and freedom of thought. The implementation of freedom of expression will always have implications for and intersect with other people, because this freedom relates to opinions, views, opinions, impressions, stances, judgments, feelings, attitudes, interpretations, responses, and insights that are expressed or conveyed to others through various media channels, including social media. Meanwhile, freedom of thought does not always have to be conveyed or expressed to others. People can freely think without other people knowing what they think.

Freedom of thought has no restrictions and should not be restricted, except that a Muslim may not think about the nature and existence of Allah. However, it will be different if these thoughts are conveyed and expressed to the public through social media. The state does not need to place restrictions on freedom of thought, even Islam itself encourages people to think and think about various phenomena in this universe. Islam actually makes freedom of thought as one of its theological foundations. Freedom of thought and freedom of expression are two different things (Ssenyonjo, 2011). The implementation of freedom of thought as a human right generally does not interfere with the human rights of others. Thus, there should be no restrictions on freedom of thought. However, about freedom of expression, restrictions can be made so that freedom of expression does not disturb, disturb, hurt, frighten, intimidate, or become a threat to other people or groups. Freedom of expression may not be misused to spread hatred, hostility, intimidation, frighten, threaten and terrorize other people or groups.

For the Indonesian people currently struggling with social divisions due to various hate speeches on social media, rules and law enforcement are very important in limiting freedom of expression. The rule of law is needed in limiting freedom of

expression so that restrictions on this freedom are not carried out arbitrarily, haphazardly and haphazardly. The rule of law is the most effective instrument when it comes to restrictions on freedom of expression. Freedom of opinion cannot be exercised freely because the freedom of other people limits one person's freedom, so there should be mutual respect between one another, especially towards those who have different views, so that disagreements that occur do not sacrifice harmony.

In general, freedom can be seen from two perspectives, positive freedom and negative freedom. Positive freedom allows a person to grow and actualize himself optimally. In this perspective of positive freedom, a person can overcome the lower dimension of himself in the form of personal desires which are physiological in nature, and can also overcome the second dimension, namely matters related to self-esteem and self-respect that encourage someone to make hate speech. A person can actualize freedom positively if the negative impulses within him are subdued by the third dimension within him, namely rationality and big and noble ideas. Meanwhile, negative freedom occurs when humans can free themselves from whatever shackles them, especially the shackles of religious doctrine, tradition, ideology.

Restrictions on freedom of expression are permissible because they comply with a number of rules regarding freedom of expression, both at the international and national levels. Article 19 of The Universal Declaration of Human Rights (UDHR) states that the application of restrictions on freedom of expression is solely to guarantee respect for the rights and freedoms of others, as well as to fulfill fair requirements and following moral values, order and general welfare in a democratic society (Rossi, 2020; Steiner, Alston, & Goodman, 2012). This article also emphasizes that these restrictions can be made provided that they must be regulated in law, must be in accordance with one of the objectives stated expressly in the text, and these restrictions must indeed be necessary. The International Covenant on Civil and Political Rights (ICCPR) adds conditions that allow for restrictions on this freedom,

namely to protect the rights or reputation of others, health and public decency.

In Indonesia itself, this restriction on freedom of expression is regulated in the state constitution, where in Article 28J paragraph (1) it is stated that everyone is obliged to respect the human rights of others in the orderly life of society, nation and state. Then Article 28J paragraph (2) states that in exercising his rights and freedoms, everyone is obliged to submit to the restrictions determined by law with the sole purpose of guaranteeing recognition and respect for the rights and freedoms of others and to fulfill fair demands according to with considerations of morals, religious values, security, and public order in a democratic society. Restrictions on freedom of expression are also set forth in Law Number 39 of 1999 concerning Human Rights. In Article 70 it is emphasized that in carrying out rights and obligations, everyone is obliged to comply with the restrictions determined by law with the aim of guaranteeing recognition and respect for the rights and freedoms of others and to fulfill fair demands in accordance with moral, security and ethical considerations. public order in a democratic society. Then in Article 73 it is stated that the rights and freedoms regulated in this law can only be limited by and based on law, solely to guarantee the recognition and respect for human rights and the basic freedoms of others, decency, public order, and the nation's interests.

From the perspective of human rights, freedom of expression can be limited or often referred to as derogable rights, not absolute rights that cannot be limited or non-derogable (Kretzmer, 2021). Human rights are classified into derogable and non-derogable rights based on the International Covenant on Civil and Political Rights (Richards, 2012). Non-derogable rights are absolute rights that may not be reduced by state parties, even in an emergency. The rights included in the non-derogable category are the right to life, the right to be free from torture, the right to be free from slavery, the right to be free from detention for failing to fulfill an agreement (debt and credit), the right to be free from a retroactive conviction, the right to be a legal subject,

and the right to freedom of thought, conscience and religion (Kretzmer, 2021).

Meanwhile, derogable rights are rights whose fulfillment may be reduced or limited by the state. Rights and freedoms included in the derogable category include freedom of peaceful assembly, freedom of association, including forming and becoming members of trade unions, freedom of opinion or expression, including freedom to seek, receive and impart information and all kinds of ideas without regard to frontiers (either through orally or in writing). If freedom of expression is unrestricted and absolute, then the exercise of this right can disrupt or even threaten the human rights of other persons or parties. Thus, restrictions can be placed on freedom of expression as one of the basic human rights, but restrictions are only permitted by using laws that aim to guarantee recognition and respect for the rights and freedoms of others and to fulfill just demands in accordance with moral, security considerations, , and public order in a democratic society.

Freedom of expression and utterances of hatred on social media, which have fueled social divisions, is a dilemma. On the one hand, freedom of expression provides an open space for every citizen to express opinions, opinions, stances, attitudes, judgments and responses in the public sphere, but on the other hand freedom of expression is very likely to be seen as disturbing the human rights of other people or parties. . This dilemma can be overcome by establishing and enforcing laws and regulations that are clear and do not contain multiple interpretations. The Indonesian government itself actually has several laws that regulate freedom of expression and hate speech, namely, among others, the Criminal Code (KUHP); Law Number 12 of 2005 concerning Ratification of the International Covenant on Civil and Political Rights; Law Number 39 of 1999 concerning Human Rights; Law Number 40 of 1999 concerning the Press; Law Number 32 of 2002 concerning Broadcasting; Law Number 11 of 2008 concerning Information and Electronic Transactions; Law Number 33 of 2009 concerning Film; Law Number 19 of 2016 concerning Amendments to Law

Number 11 of 2008 concerning Information and Electronic Transactions; and Circular of the Chief of Police Number SE/06/X/2015 concerning Handling of Hate Speech. From the regulatory aspect, the freedom of expression and the spread of hate speech on social media is clear and complete. However, there are problems related to the enforcement of these laws and regulations. The rule of law that is not upheld in an open, transparent, honest and fair manner will only make citizens lose confidence in the law and its enforcement apparatus. This condition will further make hate speech spread. Unfortunately this condition is felt by the people of Indonesia.

Syari'ah Islam does not yet have empirical experience, at least during the modern era, to overcome the problem of social divisions triggered by hate speech, ridicule, insults, and insults, especially through social media. Even normatively, the concept of shari'ah regarding this problem still needs to be formulated systematically, then outlined and allocated into statutory regulations that are determined transparent, participatory and fair.

In dealing with the problem of social divisions, Islamic Shari'ah may place more emphasis on moral and ethical appeals. The vision of Islamic ethics is seen as more relevant to dealing with the problem of social rifts in a divided society. Instead of offering Islamic Shari'ah rules that pay less attention to public participation, Islam's ethical and moral vision is seen as more relevant and flexible to accommodate the interests of more people and groups. In addition, the characteristics of 'Islamic Shari'ah' in the modern era (with the example of fatwas) are still elitist, where the right to determine them is only in the hands of people with certain qualifications, while the voice and aspirations of the public are barely accommodated.

Considering the study of T. Jeremy Gunn and Omar Sabil (2023), whose study results concluded that the meaning of the term "shariah" has changed significantly over time. Although the connotations of sharia have shifted, there has been a tendency, even by scholars, to refer to the term anachronistically. According to Gunn and Sabil, the shift in the meaning of sharia

has contributed in no small way to an increasingly politicized and rhetorically provocative debate, both within and outside the Muslim world, especially regarding its position in the context of the modern state, positive law, political Islam, human rights, and Islamic religious values. Sharia (as a noun meaning "way") appears only once in the Quran, where the Prophet Muhammad was commanded to follow God's way. The word occurs only a dozen times in the hadiths of the Prophet, and is always used to denote a path, and especially a path leading to water (Gunn & Sabil, 2023). Still according to both, the original meaning of "syari'a" is analogous to "tao" in Taoism. However, within 200 years of the Prophet's death, the metaphor of the road was transformed into God's perfect law, though knowable only to God. Human attempts that fail to understand God's perfect law are known as "*fiqh*". Humans struggle with *fiqh*, because only God knows sharia. This distinction between God's sharia and human jurisprudence began to crumble in the 19th century largely due to the intervention of Europeans who brought their notions of written and codified positive state law to Muslim lands (Gunn & Sabil, 2023).

Observing the relationship between the sharia law enforcement system and the topic of this study, it seems interesting to examine the results of a study conducted by Danil Putra Arisandy, Asmuni Asmuni, Muhammad Syukri Albani Nasution (2022) who tried to criticize the Fatwa of the Indonesian Ulema Council (MUI) Number 24 of 2017 concerning Law and Guidelines for Muamalah through Social Media, where in the decision the legal provisions of the fatwa have provided many limitations which are then understood as an effort to close the space for freedom of expression and opinion on social media. The emergence of various criticisms of the fatwa is because the fatwa is elitist because the right to issue it is only in the hands of people with certain qualifications within the circle of the MUI Fatwa Commission, while the voices and aspirations of the public are barely accommodated. This pattern of fatwa determination has received much criticism from contemporary Islamic scholars. For example, Jasser Auda, who views the

renewal of Islamic law should not be limited only to the fatwa of the clergy (Auda, 2014). For Auda, thinking and updating Islamic law must include methodology, logic, and the framework of Islamic law.

However, the MUI fatwa on Law and Guidelines for Muamalah Through Social Media can be useful for limiting the spread of hate speech, ridicule, insults, even slander, and indeed the existence of this fatwa is very important because it provides guidance regarding the right to freedom of expression for social media users from the perspective of Islam (Arisandy, Asmuni, & Albani Nasution, 2022). However, a fatwa that does not accommodate public voices can make social media users feel afraid and constrained to express themselves.

CONCLUSION

Respect for freedom of expression is part of basic human rights. And that is a noble character as well as one of the main indicators of democracy. However, freedom of expression is often used by people who are not responsible for making fun of, insulting, slandering, threatening, intimidating and other forms of hate speech. When hate speech is intertwined with religious and ethnic issues and then exploited by opportunist figures and corrupt politicians, mass hate speech can trigger social divisions, "us" versus "them," cebong versus kampret, kadrun versus buzzerRp, and so on. The massive spread of hate speech on social media can indeed be overcome with rules and law enforcement that fulfill the principles of justice and equality. Given that too many individuals are involved in spreading hate speech, it seems that using legal instruments is not the only solution. Suppose shari'ah wants to contribute to preventing and overcoming the spread of hate speech. In that case, the process of establishing shari'ah legal rules needs to consider the voices and aspirations of the public and not just become the monopoly of religious elites. In addition, the process of establishing a legal fatwa, for example, must be accompanied by updates and changes to the methodology, logic and framework of Islamic law to make it more transparent, participatory and fair.

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